

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 13, 2005

The House met at 1:30 p.m.

Ambulance Service

PRAYERS

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

ROUTINE PROCEEDINGS

These are the reasons for this petition:

PETITIONS

Minimum Sitting Days for Manitoba Legislature

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

In May 2004, 46-year-old Peter Krahn suffered a heart attack while exercising in East St. Paul and was pronounced dead just under an hour later after being transported to the Concordia Hospital in Winnipeg. Reports show that it took nearly 18 minutes for an ambulance to arrive for Mr. Krahn.

The background to this petition is as follows:

The Interlake Regional Health Authority claims that 21 minutes is an acceptable emergency response time, whereas the City of Winnipeg uses a benchmark of 4 minutes.

The Manitoba Legislature sat for only 35 days in 2003. In 2004, there were 55 sitting days.

Ambulance coverage for East St. Paul is provided from Selkirk, which is almost 25 kilometres away.

The number of sitting days has a direct impact on the issue of public accountability.

The municipalities of East St. Paul and West St. Paul combined have over 12 000 residents.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

We petition the Legislative Assembly of Manitoba as follows:

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

To request the provincial government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider improving the way that ambulance service is supplied to all Manitobans by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Centre (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time.

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Ariel Coronado, Dan Cawaling, Martina Polvorosa.

To request the provincial government to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services.

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

Signed by Robert Behnke, Judith Behnke, Paul Behnke and many others.

* (13:35)

Pembina Trails School Division—New High School

Mr. John Loewen (Fort Whyte): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Overcrowded schools throughout Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West subdivisions are forcing Pembina Trails School Division to bus students outside of these areas to attend classes in the public school system.

Elementary schools in Pembina Trails School Division have run out of space to accommodate the growing population of students in the aforementioned areas.

Five-year projections for enrolment in the elementary schools in these areas indicate significant continued growth.

Existing high schools that receive students from Whyte Ridge, Lindenwoods and Linden Ridge are at capacity and cannot accommodate the growing number of students that will continue to branch out of these subdivisions.

Bussing to outlying areas is not a viable long-term solution to meeting the student population growth in the southwest portion of Winnipeg.

The development of Waverley West will increase the need for a high school in the southwest sector of Winnipeg.

The government is demonstrating a lack of respect for the students and the families of Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West by refusing to provide adequate access to education within the community.

The Fort Whyte constituency is the only constituency in the province that does not have a public high school.

NDP constituencies in Winnipeg continue to receive capital funding for various school projects while critical overcrowding exists in schools in Lindenwoods, Whyte Ridge and Richmond West.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to recognize the need for a public high school in the southwest region of Winnipeg.

To request the provincial government, in conjunction with the Public Schools Finance Board, to consider adequate funding to establish a high school in the southwest sector of Winnipeg.

Signed by John Vandal, Dale Ollinik, Colleen Ferries and others.

Coverage of Insulin Pumps

Mr. Kelvin Goertzen (Steinbach): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Insulin pumps cost over \$6,500.

The cost of diabetes to the Manitoba government in 2005 will be \$214.4 million. Each day 16 Manitobans are diagnosed with the disease compared to the national average of 11 new cases daily.

Good blood sugar control reduces or eliminates kidney failure by 50 percent, blindness by 76 percent, nerve damage by 60 percent, cardiac disease by 35 percent and even amputations.

Diabetes is an epidemic in our province and will become an unprecedented drain on our struggling health care system if we do not take action now.

The benefit of having an insulin pump is it allows the person living with this life-altering disease to obtain good control of their blood sugar and become much healthier, complication-free individuals.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba to consider covering the cost of insulin pumps that are prescribed by an endocrinologist or medical doctor under the Manitoba Health Insurance Plan.

Signed by Carol Magel, Marge Koop, Ange Funk and many others.

Closure of Victoria General Hospital Maternity Ward

Hon. Jon Gerrard (River Heights): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

It has been decided that the birthing ward at the Victoria General Hospital in Winnipeg, Manitoba, will be closed.

Some say the birthing ward is being closed due to safety issues. It has been proven time and time again that outcomes for normal pregnancies in normal women are better in a community hospital like the Victoria General Hospital than in a tertiary care centre like the Health Sciences Centre and with a general practitioner or midwife rather than an obstetrician. Not a single study has ever shown the contrary.

Obstetrics services at community hospitals can work if the political will is there to make them work.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Mr. Sale) to allow women options when they give birth and to consider stopping the planned closure of the Victoria General Hospital maternity ward.

Mr. Speaker: The honourable Member for River Heights to read three of the signatures.

Mr. Gerrard: This is signed by Terry Douglas, Andrea McCluskey and Jessi Grey.

* (13:40)

INTRODUCTION OF BILLS

Bill 26—The Margarine Repeal Act

Hon. Stan Struthers (Minister of Conservation): Mr. Speaker, on behalf of the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk), I move, seconded by the Minister of Intergovernmental Affairs and Trade (Mr. Smith), that Bill 26, The Margarine Repeal Act; Loi abrogeant la Loi sur la margarine, be now read a first time.

Mr. Speaker: It has been moved by the honourable Minister of Conservation, seconded by the honourable Minister of Intergovernmental Affairs and Trade, that Bill 26, The Margarine Repeal Act, be now read a first time.

Mr. Struthers: Mr. Speaker, this proposal is to repeal Manitoba's Margarine Act, an act that was initially developed to protect consumers from misconception or fraud due to similarities of dairy products. However, because this consumption of margarine is not a consumer safety and health issue, there is no longer any requirement for this legislation.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from Sisler High 17 Grade 9 students under the direction of Mrs. Carole Grier. This school is located in the constituency of the honourable Member for Burrows (Mr. Martindale).

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

ORAL QUESTIONS

Manitoba Securities Commission Public Hearing—Crocus Fund

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, before I put my first question, I would like to just say on behalf of all members on this side of the House we do want to send our condolences to the member from The Pas. I

understand there is a loss in his family, and we would like to extend condolences to that member.

Mr. Speaker, the day that the Securities Commission released the statement of allegations, Crocus made it very, very clear that their goal was to reach a settlement. So, if that settlement happens, then the May 6 meeting which would allow all of those individuals named, the allegations put forward, it would ensure that they do not have the opportunity to have the truth be told. That is why it is critical that there be full public disclosure. It is critical that everyone involved has the opportunity to address the allegations in a public forum under oath.

Mr. Speaker, my question to the Premier is this: What action will he take in the event that there is a settlement that is reached and that the hearing is cancelled? What action will this Premier take if that happens?

Hon. Gary Doer (Premier): Mr. Speaker, the government will act in this case before the Securities Commission exactly in the same way as we have acted on cases in the past. I would point out to members opposite that there were allegations of illegal trading of shares to a club, one Cubby Barrett from Wellington West company, back in the late nineties that eventually got dealt with by the Securities Commission.

Mr. Speaker, the government and the Minister of Finance (Mr. Selinger), responsible for the Securities Commission, acted in a manner that is very consistent with the traditions of this House and the law in this House where quasi-judicial bodies act and deal with matters before it in an independent way.

Mr. Murray: Mr. Speaker, I think it is important to understand that everything around this Crocus scandal, that it is very important that anything less than public disclosure would be unacceptable. It is unacceptable to us and it should be unacceptable to the Premier. The president of Crocus, Mr. Alfred Black, has made it perfectly clear that his goal is a settlement. The cover-up settlement then would put an end to the May 6 hearing. Anything less than a complete uncovering of the truth is not in the best interests of the Crocus stakeholders, it is not in the best interests of the Manitoba taxpayers, and it certainly is not in the best interests of venture capital here in Manitoba.

What action will the Premier take to ensure that everyone involved, including his political appointee, has the opportunity to address the allegations in a public forum under oath, or, Mr. Speaker, is he going to press his political appointee to ensure that there is a settlement and some kind of cover-up?

Mr. Doer: Mr. Speaker, the member opposite uses very, very inaccurate words, and I would point out that he still has not corrected the record that the \$2 million that was approved by members of the Treasury Board in '92-93 was written off by the government of the day and was stated as such in the prospectus in 1999, before we were elected.

They have not clarified that. They have gone on and on and on about that. It is not the intent of this government to tell a quasi-judicial body how to deal with allegations that they have made with individuals who are alleged to have been involved in those activities, whether it is some of the original members of the board such as Mr. Curtis. I think the two original members of the board were Mr. Curtis and Mr. Bessey, and then there were subsequent appointments to the board made by the government, Mr. Speaker, some of whom were politically active in political parties and some were civil servants that were not involved in political activity. I would suggest to members opposite that we certainly are very, very clear on that point.

The point is, Mr. Speaker, we did not interfere with Wellington West, and we will not interfere with this procedure.

*(13:45)

Mr. Murray: Mr. Speaker, this NDP government has been avoiding the truth and misleading shareholders and the taxpayers of Manitoba since day one.

The member from Brandon West was the Minister of Industry during the critical period last September when this government's political appointee learned about the portfolio needing to be written down by about \$15 million and that the board did nothing.

Mr. Speaker, surely members opposite do not expect the public to believe that this government's representative did not share this crucial information with the minister. The member from Brandon West knew, the Premier of the province knew, and they

did nothing. The Premier cannot let this cover-up settlement get in the way of full public disclosure.

So I ask the Premier again what action is he prepared to take in the event that those people, everyone involved and named by the Manitoba Securities Commission, should have the ability to come forward and do the right thing. I want to ensure in the event that there is a settlement, what is this Premier prepared to do to make sure that Manitobans get to the truth of this Crocus scandal.

Mr. Doer: Mr. Speaker, to follow the member's logic, if there is any logic, is that we would order the Securities Commission not to settle with Wellington West when they were dealing illegally with the trading of shares on the Manitoba Telephone System. Would we have liked to have that in an open process? Absolutely. But the principle here is and maybe the members do not understand this—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: The principle here, Mr. Speaker, is that the Manitoba Securities Commission is able and qualified and legally provided for with mandates, the ability, capacity to deal with issues such as Wellington West in the past or whether it is the Crocus Fund today. That is the legal authority, and to suggest today that we should politically interfere with that process is fundamentally flawed.

Crocus Fund Government Awareness of Devaluation

Mr. John Loewen (Fort Whyte): Mr. Speaker, the 43 000 unit holders have been left to twist in the wind while they have been fleeced by the Crocus Fund.

Mr. Speaker, we are now seeing and we have seen for a number of months that this government refuses to stand up for the unit holders just as it refuses to stand up for the taxpayers. This government gives somewhere between \$4 million to \$5 million a year in tax credits to this fund and yet it refuses to do its job and monitor it and govern it accordingly. For the Premier's information, he should read page 16 of the prospectus which clearly states that this government owns two million shares in the Crocus Fund. I would ask him to look at that.

But the real issue—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would like to remind all honourable members that we need to be able to hear the questions and the answers. If there is a breach of a rule, I need to be able to hear. You can point fingers any way you want; I am talking to all members.

I need to be able to hear all the words that are spoken in case there is a breach of a rule, and rightfully you would expect me to make a ruling. I need to be able to hear the words that are spoken, and I ask the co-operation of all honourable members.

* (13:50)

Mr. Loewen: Thank you, Mr. Speaker. Just to clarify, we are asking the government to give proper instructions to the board member that it appoints to this board.

I would ask the Minister of Industry and Trade if he can stand up and tell this House and the people of Manitoba with a clear conscience that when on September 23 his board member found out that the fund was going to have to have a write-down of \$15 million and that there was significant other risk involved in their portfolio, is this minister telling the people of Manitoba that that board member did not come back and pass this information on to the previous minister, the member from Brandon West or to anyone in the department, to Eugene Kostyra or to anyone in the Premier's office. Is he saying that the board member never supplied the government with this very, very important information, the devaluation of over \$15 million of the fund?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, I would like to again quote for the member opposite the rules and responsibilities of a board member. I would like to comment that Bernard Wilson, chairman of the Institute of Corporate Directors, says, "board members have an obligation of confidentiality to the board. Second, their allegiance is to the company and its shareholders." It would have been inappropriate; in fact, it is totally inappropriate for a board member to report back what happened at the board to government or to the MFL or to any of

those other people who have appointments. The board member's fiduciary responsibility is to the shareholders. It is not to the person who appointed them.

Mr. Loewen: Mr. Speaker, this government carries a responsibility of monitoring this fund. In fact, the minister, yesterday in this House, and I quote, "What we do is manage appropriately under the act." Well, the act in section 15 specifies very clearly how the valuations are to be done. This government is responsible for monitoring the actions of the fund, monitoring those valuations and seeing that the people of Manitoba, the taxpayers, the people who decide to purchase the units get the truth.

Is he telling this government that after he found out on September 23 when it was published that the fund was devalued by \$15 million that he did not even ask anybody at the fund, he did not ask his own appointed board member what was going on, why Manitobans were being fleeced when he was supposed to be monitoring and when this NDP government was supposed to be overseeing this fund?

Mr. Rondeau: Once again, Mr. Speaker, I would inform the member opposite the board member's responsibility is to the board. It is to the shareholders. The MFL, if they appoint a board member, their responsibility is to the board and their shareholders. Our job is not to run the fund, our job is not to state the investment. Our job is to set the parameters and rules. Our job is to allow the Securities Commission to do the job. Our job is to allow the Auditor General to do his job. That is the responsible course of action, that is the proper course of action, and that is what we did.

Mr. Loewen: Once again, Mr. Speaker, the arrogance of this minister is unbelievable. He stands up and recites the same lines regardless of the question. The point is his government, the NDP government, admitted they had a responsibility to monitor the fund. Section 15 of the fund deals with valuations. In fact, they gave themselves the power to send in any person that they identified as someone who could look after it to go in and become an authorized person to look at any information in the fund. We saw they did that on February 9, not until February 9, when they gave the Auditor General that authority.

I would ask this minister this. Why, on September 23 when he found out the fund was going down \$15 million; why, on November 18 when he knew the fund was facing another at least \$23.5 million devaluation, why did he not use the powers he granted himself and appoint somebody to go in there and see what was going on? Why did he not monitor the fund?

Mr. Rondeau: Mr. Speaker, I would hope the member opposite would begin to be a little accurate in his comments and also do a little research, firstly, on the statement of allegation that the commission wrote, which you are alleging, and it said the prospectus disclosure is consistent with the requirements in The Crocus Investment Act. That is the first point.

Second, whether or not that prospectus disclosure was followed or not is up to the MSC, an independent quasi-judicial board to find out, not up to government. Second, we did not know beforehand the actual deliberations of the board because it would have been improper for the board member to tell us that. What we did was exactly what the members opposite said when they set up the fund. It is independent from government and we do not interfere.

*(13:55)

Potential Suicide Case Minister's Involvement

Mrs. Mavis Taillieu (Morris): Mr. Speaker, Jackie, a vulnerable person living under the care of Family Services, has attempted to take her life on several occasions. In desperation, her family has contacted us. Yesterday, I wrote a letter to the minister, hand-delivered it to her office, asking for immediate attention to this very urgent situation.

I would ask the minister this: Has she acted on the issues raised in my letter? Has her department been in contact with Jackie's family?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, I thank the member for the question. Again, I will not be able to speak in specifics, but certainly, when an issue such as this is raised to myself, we deal with it quickly. I can confirm that when an issue like this is raised, there is immediate discussion with the department.

The department is directed to look into situations such as this very quickly.

I can assure you that I thank the member for raising the issue and if there are other issues that come up such as this that any member would like to speak with me about, or consult with me about, I would be very eager to hear what the concerns are.

Mrs. Taillieu: Mr. Speaker, at 1:30 today, when I last had contact with the family, they had not heard from anyone in the Department of Family Services. They have raised this issue for the last two months in reports that are directed to the Department of Family Services. For two months, Jackie's family and the house manager where Jackie lives have been asking for help. They have requested a behavioural therapist to help Jackie because the person who cares for Jackie says she is not trained to deal with this most delicate situation. Jackie has left suicide notes and she has taken pills. This has all been reported to the department in incident reports, and yet they still do not have the help they need.

Will this minister take immediate action? Why is there no specialist with Jackie today?

Ms. Melnick: Well, again, Mr. Speaker, these are situations of a very serious nature. Certainly, I take them very seriously. Whenever an issue is brought to my attention, I deal with it in conjunction with the department to take immediate action to look into the situation and to provide what—*[interjection]*

I work with the department to assess the situation and determine what supports will be able to be provided. This is what we would do in this case or any other case.

Mrs. Taillieu: Mr. Speaker, the minister does not understand the gravity of the situation. The letter we delivered to the minister yesterday had a suicide note attached to it. What could be more urgent than that? Is this how this minister feels about vulnerable people?

Mr. Speaker, will this minister ensure that Jackie gets the urgent support and help she desperately needs today?

Ms. Melnick: Mr. Speaker, I can assure you that I am very concerned about this situation. I can assure you I am concerned about vulnerable people in the

province of Manitoba. In fact, we have seen in our last budget an increase of over 6 percent for the care of vulnerable people in this province that each and every member of members opposite voted against. Our record is to care for the vulnerable people in this province and we will certainly do our best.

* (14:00)

Hydra House Information Provided to Auditor General

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, after that last answer to that last question, I am almost speechless. The scandalous handling of the Hydra House affair by this government has been a result of misleading and, I believe, misrepresenting the facts around Hydra House, and this Minister of Family Services just yesterday compounded that problem by saying that her judgment was better than anyone else's about whether or not the letter of April 2000 should be forwarded to the Auditor. Will she reconsider that and agree today to send that letter to the Auditor?

Hon. Christine Melnick (Minister of Family Services and Housing): Again, Mr. Speaker, I said nothing of the kind yesterday. I can assure you that the Auditor General is well aware that the department will provide any information that he deems may be helpful in any of the work that he does. This is not a new arrangement. This is an arrangement that is in law and that has been honoured by the department and that will continue to be honoured.

Mr. Cummings: Well, the sad part about this is that where there is a whiff of scandal and the public wants to know what is really happening, you have a minister who stonewalls and provides the same answer. As my colleague said a moment ago, gives the same answer regardless of the question.

I can only ask, through you, Mr. Speaker, this: Why will this minister continue to impose her own judgment and not simply put the issue to bed and send the letter to the Auditor?

Ms. Melnick: Well, at the risk of sounding repetitious to the same question, Mr. Speaker, I, again, will confirm to the House that the Auditor General is very aware that any information that may be helpful to him will be provided. We proved this throughout his investigation on Hydra House where

an office was set up in the Family Services office. All files were made available to him. It is not new that any information that may be helpful to him will be provided. We have done that in the past, and we will continue to do that in the future.

Mr. Cummings: Mr. Speaker, I do not think I am a naïve person but either this minister is playing games with me and the people of this province, or she has something to hide. The Auditor is a confidential office. She could say today in the answer to this question that she will forward the letter that we believe is in her possession that indicates as early as April 2000 that they understood that there was accusations of mismanagement of money at Hydra House. At the risk of being repetitious, at the risk of getting the same answer back, I ask one more time why will she not just send the letter to the Auditor.

Ms. Melnick: Well, Mr. Speaker, it is not I who thinks that I know what should be done with the Auditor General. The Auditor General can request any information he would like. Perhaps it is the members opposite who feel that they can speak for other members in their insistence.

Again, the channels of communication are very open between the Department of Family Services and the Auditor General. This was proven through the Hydra House investigation. Any information that may be helpful to him is more than accessible to him.

Physician Resources (Brandon) Shortages

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, over the last few months we have raised concerns regarding the shortage of physicians in Brandon. Pregnant women have been shipped to Winnipeg to deliver their babies, and recently we have learned of a 15-year-old boy, Jordan Roper, who was forced to wait in pain with a broken leg for almost a week before he saw an orthopedic surgeon in Brandon. These are just two examples of how the doctor shortage is affecting the care of patients in Brandon.

We have recently learned that Doctor Baron, the person responsible for recruiting and retaining doctors in Brandon, himself, has been recruited elsewhere. If we cannot even retain our recruiters, how can we expect to retain our doctors in Brandon?

Hon. Tim Sale (Minister of Health): Mr. Speaker, I notice that the member opposite is two weeks late in reading the *Brandon Sun*. This article is not exactly new.

What I can tell the House is that today we have 160 more physicians in Manitoba practising in rural and urban Manitoba than we had when we formed government, 160. During the 1990s, we lost 116 doctors. Mr. Speaker, we continue to have the same challenge that every Canadian jurisdiction has, that is that there is a structural shortage of physicians in this country. It will not end overnight. It results from the closure of medical school positions during the 1990s. That is a fact. We are 160 better than we were in 1999.

Mrs. Stefanson: Mr. Speaker, Brandon has a shortage of orthopedic surgeons, pediatricians, internal medicine specialists, ophthalmologists, psychiatrists, dermatologists, anesthetists, rehab physicians. Two of the six ER doctors are leaving in the next few weeks, and now even the recruiter for these doctors has been recruited elsewhere.

How much longer does this Minister of Health plan to stand by while patients in Manitoba's second-largest city are forced to go elsewhere for much-needed health care services?

Mr. Sale: Mr. Speaker, Brandon has 40 family physicians, a better ratio than any other area in Manitoba. Brandon has a new hospital, \$58 million. Brandon has an MRI, the first one outside of Winnipeg. Interesting to know if members opposite oppose that MRI.

Mr. Speaker, Brandon has new CT equipment. Brandon has a new birthing unit with absolutely marvellous birthing facilities. Brandon is slated for a linear accelerator in 2008. They have up-to-date IT. They had none of those things during their time in government.

Mrs. Stefanson: Mr. Speaker, a new hospital is nice. A few doctors to work in that hospital would be even nicer. When will the Minister of Health realize the seriousness of this issue? Stop the rhetoric, stand up for the people in Brandon and develop a serious plan of action to recruit physicians in Brandon.

Mr. Sale: Mr. Speaker, we regret the shortage of pediatricians in Brandon, and we have been working

with Brandon as aggressively as we can. There is a shortage of pediatricians in Brandon. There is a shortage of pediatricians in Canada. That is why in the most recent residency matching, pediatricians were prioritized as an important group to improve the supply over the next number of years. We cannot change what is a result of governments in Canada cutting places in medical colleges in 1992 and '93. This is seven years later, in the 1999 time. Those cuts are going to be with us until the increases to medical schools, back up to 100, flows those new doctors into our system.

I regret the delay. I regret the shortage. We are working hard to deal with that. We cannot make good what they did in 1992 immediately. We are up to 97 places in our medical college within the next few months and we are proud of that achievement.

Prairie Production Centre Purchase Price

Mr. Jack Reimer (Southdale): The old blame game, Mr. Speaker. Last October, the money-losing Prairie Production Centre was offered to the Province for \$1 and the write-off of \$1.7 million in loans. Last week, this NDP government announced the purchase of this money-losing facility for 1.8 million. This week, we learn that the actual cost was more than \$3 million.

How can this NDP government justify a purchase of a business that is losing money and that the purchase price goes from \$1 to \$3 million?

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): We have been working on this issue since last fall when it first surfaced. The Prairie Production Centre is an important part of the film industry's infrastructure and the Prairie Production Centre, indeed, is a key part of the industry's overall strategy to remain competitive for today and the future's growth.

I have a lot of information here I am just dying to share with the member. I will get there, I am sure.

* (14:10)

Mr. Reimer: Mr. Speaker, in the purchase last week the minister was interviewed and the minister said, "Nobody but the Province was interested in buying the money-losing studio." Asked why the Province

could not have purchased the studio for less if there are no other buyers, the minister said, "That is a good question."

I will ask that question here in the House and for the people of Manitoba. Why did this Province buy this money-losing studio?

Mr. Robinson: Mr. Speaker, the private sector when it was approached about the production centre said that they would only purchase it if they could operate it at a profit. Of course, government will only run it on a break-even basis while reaping the overall economic benefits. That is not available to a private-sector owner.

What I would like to tell the member, Mr. Speaker, the \$3 million that was quoted in the article that the member from Southdale has raised includes the \$1.78-million purchase price plus \$1.26 million in loans forgiven. The \$1.26 million is made up of a MIOP loan of 807,000 and an Economic Development Partnership Agreement loan of \$450,000.

Now these are loans that the previous government negotiated in 1998, so, Mr. Speaker, our responsibility—

Some Honourable Members: Oh, oh.

Mr. Speaker: The honourable Member for Southdale.

Mr. Reimer: Mr. Speaker, the government has a habit of looking backwards and trying to point the finger. This government always has the opportunity to look backwards, they do not look forward. They have written off the loan on there. They have written off the loan on a business that private enterprise did not want. They could not see a profit. I heard the minister mention the word "profit." That seems like an odd comment from that side of the House when they are going into the glue to bail out this industry here, pardon me, this company.

I want to ask why they would do that if there was no purchasers, if there was no one else wanting it. It was losing money. Why would this government want to be into the film production business? Why would they want to do that business then? Three million dollars.

Mr. Robinson: In the last five years, production volumes from Manitoba's film industry have doubled

in volume, Mr. Speaker. Film production volumes for 2004-2005 alone total over \$96 million. Offshore productions shot from the summer of '03 to the summer of '04 had a total budget of an estimated \$108 million.

The purchase price of Prairie Production Centre: \$1.8 million of this was failed Tory unsecured loans that our government had to clean up, Mr. Speaker, \$1.3 million. Even if we had not purchased the sound stage, our government would have still had to provide for the unsecured loans that were negotiated by the previous government, and the sound stage would have been lost.

Mr. Speaker: Order. I want to take this opportunity to remind all honourable members that we have a rule that any electronic devices during Question Period are to be turned completely off. You can use them again after Question Period, but for Question Period all electronic devices have to be turned off.

Crocus Fund Québec Solidarity Fund Investment Return

Hon. Jon Gerrard (River Heights): Mr. Speaker, more than two years ago, at about the time the NDP government was receiving concerns about Crocus for other reasons, the Crocus Fund issued a special class of shares to the Québec Solidarity Fund in the amount of \$10 million. The Québec fund was to be repaid the entire amount of 10% interest per year. If the entire 10 million was not repaid by November 2004, the amount left owing was to be charged at 20% interest. You would get better rates from a loan shark.

My question to the Minister of Industry is this: How could this government not have realized that Crocus was in serious trouble and in desperate need of cash when it went begging for a bailout at terms that were hugely favourable to the lender? Could they not see that this was a huge red flag about trouble at Crocus?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, one of the things we have done is we have maintained how the government was supposed to have remained hands-off on the investment decision. That is No. 1.

The previous government set it up so that the fund could make arrangements for institutional

investors. In fact, when the previous government was responsible for the fund, they made numerous institutional investments to numerous organizations within the province. We continued to follow the process of hands-off, letting the fund look after its own day-to-day management and making sure that we followed the basic premise that the board made the investment decisions.

Mr. Gerrard: Mr. Speaker, Crocus was doing so badly two years ago that it needed a quick injection of \$10 million. The agreement with Québec Solidarity was clearly a loan with ridiculous pay-back rates. Surely in 2003 the government must have realized something was seriously wrong.

Why did this government not do anything at that time to find out what was going on? Now Manitobans are asking why the Québec Solidarity Fund is getting twice as much return on its investment while at the same time, 334 000 Manitobans with shares are only getting half as much value for the shares and the money they put into Crocus.

Mr. Rondeau: Mr. Speaker, the whole process of investment fund, whether it is ENSIS, whether it is Crocus, whether it is any fund in this province, the premise is that the board of directors, the management manages the fund.

Our role in government is to set up the parameters. Under the previous Tory government, they had allowed institutional investors. They allowed that type of class of shareholders. Under the previous government, institutional investors were a common practice. That did not change under this government. We do not control the investment decisions by either ENSIS or Crocus or any other capital fund. What we do is ensure that we allow the Securities Commission or the Auditor to go in and protect the shareholders of Manitoba.

Prairie Production Centre Purchase Price

Hon. Jon Gerrard (River Heights): Mr. Speaker, the government has put up \$3 million to bail out Prairie Production Centre. I ask the Minister of Industry to come clean. We understand that Crocus Investment Fund put \$515,000 into Prairie Production Centre.

I ask the Minister of Industry to admit that his bailout, his government's bailout of Prairie

Production Centre is actually a bailout of the Crocus Investment Fund. Why is this minister choosing this indirect way of bailing out Crocus? Is the minister's reference to an arm's-length approach, the fact that he is arm-in-arm with another minister within government in bailing out Crocus?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, I find it interesting that the member opposite is very selective in the investments he chooses to discuss. He does not discuss the investment on Isobord which, as Minister of Industry by the federal government, he crowed about how good that investment was.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (14:20)

Point of Order

Mr. Speaker: The honourable Member for River Heights, on a point of order?

Mr. Gerrard: Yes, on a point of order, Mr. Speaker.

While we ordinarily are not going after things where the government is being relevant or not relevant, but clearly the question here is about the investment of Prairie Production Centre, and if the minister is going to drift off into all other things, then, I mean, he is not answering the question, Mr. Speaker.

Mr. Speaker: The honourable Government House Leader, on the same point of order?

Hon. Gord Mackintosh (Government House Leader): On the same point of order, Mr. Speaker. It simply was an interruption. The member was being selective, and the minister was accordingly dealing with the fund and the broader issues that are of interest to Manitobans.

Mr. Speaker, it is unfortunate that he would interrupt the answers like that. I thought it was an answer he was seeking.

Mr. Speaker: On the point of order raised by the honourable Member for River Heights, he does not have a point of order. It is a dispute over the facts.

* * *

Mr. Speaker: The honourable minister has the floor.

Mr. Rondeau: So, Mr. Speaker, to continue, I do not believe that it was where we directed the Isobord investment. The Isobord investment was a failed investment. It was made by the board of directors, by the investment committee. It was not made by our government, and what we have to do is always realize that our job is to set the rules. Our job is to set up the parameter of the funds. That is what we did. We allowed the regulators to go in. We do not control the investments the fund made, not even the one in Isobord that you agreed with.

Music Month Concert Series

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, given the recent Juno Awards and this government's commitment to music in schools, could the Minister of Education and Youth explain what is taking place to celebrate Music Month?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Thank you very much for the question. Mr. Speaker, I am sure all of us will agree that in the Chamber we do not necessarily make very good music, but certainly on the steps of the grand staircase today there was a lot of wonderful music.

We are very pleased to have with us the U of M Brass 5, the Lac du Bonnet Senior School, as well as General Vanier School performing today in the second in a series of concerts. We have heard African drums, Aboriginal drums, jazz vocal and a variety of other talents displayed, with the students of Manitoba sharing the wonderful gift of music to celebrate music and the good work that the teachers in Manitoba do to instil in their students that love of music.

I am sure all members will agree that Music Month is a tremendous testament to the work that our teachers and the students do, and the hard work and dedication, in fact many of them going on their own time at lunch hour and in the mornings to practise in these bands. We are very pleased to promote music education in Manitoba, Mr. Speaker.

Point of Order

Mr. Speaker: The honourable Member for Radisson, up on a point of order?

Mr. Bidhu Jha (Radisson): No, no problem.

* * *

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Mrs. Lucci's Resource Centre

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, one of my constituents in Lac du Bonnet was particularly discouraged a few years ago. She was a single mother with children. She wished like so many others that she had the skills to obtain a job. She wished that she was not on social assistance, and she wished that she did not need to use the Lac du Bonnet food bank.

She cried out for help to break her dependency on social assistance and on the food bank. She feared for her children. She wanted to break this cycle of dependency on social assistance, and she did not want her children to be on social assistance. Fortunately for her, Mrs. Lucci's Resource Centre was there to help. They employed her in their clothing program and in the second-hand store. They taught her skills that are important for jobs in clothing stores and other retail businesses.

*(14:25)

Today, she is gainfully employed and not dependent on social assistance or the food bank. I am proud that Mrs. Lucci's Resource Centre is having its grand opening today in Lac du Bonnet. Mrs. Lucci's Resource Centre has expanded to new premises at 76 3rd Street in Lac du Bonnet. It is a non-profit, charitable organization run by many volunteers in Lac du Bonnet. The success of this program has been truly outstanding. My thoughts are with Mrs. Lucci's Resource Centre today at their grand opening. I strongly support the centre as it fulfils a need for educational and social supports necessary to the residents of northeastern Manitoba.

The new resource centre facility is an asset to our area, and I wish it every success in the future. Congratulations to all the members of the board of directors, including Debbie Viel, Janice Enright, Rita Lansard, Jean Typa, Gil Godin, Terri Schwartz and Mel Mitchell, the chairperson.

I also extend very sincere congratulations to co-executive directors Karen Kost and Bob Draward and all of the volunteers at the centre. On behalf of all residents of the Lac du Bonnet constituency, congratulations on a job well done.

Windsor Park Bonding and Bridging Project

Mr. Bidhu Jha (Radisson): With great pride I rise today to bring the attention of the House to a creative and inspirational community project taking place in Windsor Park. This project, Bonding and Bridging, is a result of collaborative efforts by Frontenac School, Windsor Park Community Centre and the Renaissance Council Centre. The goal of this project is to bring parents, teachers, students and local businesses together to create a safe community environment. To the development of solutions to the local safety issues, Bonding and Bridging also provides local youth with the opportunity to play a positive role in the community and gain the respect of their neighbours.

Mr. Speaker, Windsor Park is a community full of caring and civic-minded individuals. In recent years, there has been some concern among residents that action needed to be taken to provide safety and prevent graffiti and vandalism. A Bonding and Bridging project will go a long way to combat these problems. Last fall project organizers held a safety walk to look for potential safety concerns and several useful recommendations were made. In April, there are two community forums taking place where the students from this school will showcase these safety videos, and they are working very hard on this project. These videos which deal with personal safety, arson and vandalism will be a valuable tool to promote community safety. They offer youth suggestions for activities to stay out of trouble, and parents discuss with their children the ways to solve these problems which may arise in the community.

Mr. Speaker, the community responsibility is inspired from within to the discussions of these groups of students. These are the best ways to bring about long-term sustainable changes in behaviour and values. I would like to commend Frontenac School, Windsor Park Community Centre and the Renaissance Council Centre, as well as all parents, students, teachers and businesses that have been involved in this particular project. Thank you.

Terry Fox

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, there are a few individuals in this world who can be described as extraordinary. Terry Fox is one of these individuals. Terry Fox lost his right leg to bone cancer in 1977, and 25 years ago, on April 12, 1980, he began his epic cross-country run that became known as the Marathon of Hope.

This man has provided hope and inspiration to countless Canadians. Terry Fox Run events are now organized across Canada and around the world successfully raising more than \$360 million to date in the fight against cancer.

Terry Fox was born in Winnipeg and as a community we were all saddened with his passing. Mr. Speaker, he left an incredible legacy for future generations. Now, individuals, families and groups gather together to raise money in Terry's name and work to see his dream a reality. He dreamed that one day there would be a cure for cancer.

Mr. Speaker, many individuals in this House have lost loved ones and friends to cancer. I myself lost my mother five years ago to ovarian cancer and thus recognize the importance of Terry Fox's efforts to find a cure for this debilitating and fatal disease. Like many other Manitobans and Canadians, I have participated in the Terry Fox Run and continue to be a supporter of this wonderful cause.

* (14:30)

I would like to thank all of the dedicated volunteers and donors who make the Terry Fox Run successful. I encourage my fellow members of the Manitoba Legislature and Manitobans to participate in or donate to the Terry Fox Run in this great man's memory. Mr. Speaker, Terry Fox was a hero and he is sadly missed and remembered by us all. Thank you.

Fort Garry Historical Society

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, I rise to honour an important group that promotes and preserves history in St. Norbert and Fort Garry. That group is the Fort Garry Historical Society.

The Fort Garry Historical Society is a non-profit organization formed in 1971. The society's key

objectives are the preservation, interpretation and education of Manitobans about the history of the former Rural Municipality of Fort Garry. The society undertakes many different projects which benefit in particular young Manitobans by teaching them the importance of history in our everyday lives.

One of the largest projects undertaken by the society was the restoration and refurbishing of Maison Bohémier and Maison Turenne. These homes are furnished with their original furniture and china. The society also saved Maison Delorme, an example of a Red River frame construction typical of the mid-1800s. These homes, donated to the province by the society, are the focal points of St. Norbert Provincial Heritage Park. The park had in excess of 4000 visitors to this important heritage landmark last summer.

Des projets actuels de la Société historique comprennent l'achèvement d'une vidéo éducationnelle sur le Parc du patrimoine et la maison Delorme. Un autre projet consiste à collectionner des vieilles photos de Fort Garry. La Société a récemment publié deux livres, *Fort Garry Remembered: Stories Collected in and about the R.M. of Fort Garry, Manitoba*, tomes un et deux.

Translation

Current projects of the Historical Society include completion of an educational video on the heritage park and the Delorme House. Another project consists of collecting old photographs of Fort Garry. The Society has recently published two books, Fort Garry Remembered: Stories Collected in and about the R.M. of Fort Garry, Manitoba, volumes one and two.

English

Mr. Speaker, I want to thank President Kathy Stokes of the Fort Garry Historical Society and volunteers Corinne Tellier and Leslie Roberts for their work at the heritage park and on the educational video and collection of historic photos. I want to thank all society volunteers and members for their commitment to preserving history in St. Norbert and Fort Garry. I encourage all Manitobans to visit St. Norbert Provincial Heritage Park this summer. Thank you, Mr. Speaker.

Eating Disorder Treatment Centre

Hon. Jon Gerrard (River Heights): Mr. Speaker, on August 27, 2002, at the age of 24, Alyssa

Stevenson, an outspoken advocate for those who suffer from eating disorders, passed away. Alyssa was very upset with the lack of eating-disorder services in our province, and she spoke out publicly to try to change this.

Today in the gallery there is a mother who lost her daughter to an eating disorder. She wants this government to do something to make sure another mother's daughter or son does not suffer the same fate.

Over the last two decades, eating disorders have grown to epidemic proportions in Canadian society. Eating disorders need to be taken seriously, and adequate treatment facilities in Manitoba are needed. Eating disorders have the highest mortality rate of any mental illness, with reported mortality rates as high as 20 percent. In fact, the annual death rate associated with anorexia is more than 12 times higher than the annual death rate due to all other causes combined for females between 15 and 24 years of age.

It has been estimated that 11 000 women at some point in their lifetime will suffer from an eating disorder. Men also suffer from eating disorders at a rate of about 20 percent of that of women as reported by Health Canada.

Mr. Speaker, these statistics from the WRHA and the National Eating Disorder Information Centre are frightening. Something must be done to help all Manitobans who suffer: children, adults, females, males, people from all walks of life, cultural and socioeconomic backgrounds.

Mr. Speaker, currently in our province, there is not a 24-hour eating-disorder residential treatment and recovery centre available for those who suffer from eating disorders. Those disorders are complex and require treatment that is specialized and individualized. The consequences of eating disorders can be tragic. Manitoba urgently needs a 24-hour residential eating-disorder treatment and recovery centre, similar to Bridgepoint in Mildred, Saskatchewan, which was set up in '97. Currently, there is no publicly funded facility in our province.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

DEBATE ON REPORT STAGE AMENDMENTS

Bill 22—The Water Protection Act

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please, just continuing from yesterday, the report stage amendments on Bill 22, The Water Protection Act. If we get through that, if you could call debate on report stage amendments on Bill 22.

Point of Order

Mr. Speaker: The Official Opposition House Leader, on a point of order?

Mr. Leonard Derkach (Official Opposition House Leader): Yes, Mr. Speaker. Yesterday, in attempting to be co-operative with the Premier, we suspended the Estimates debate to accommodate the government's wish to pass Bill 10.

Mr. Speaker, traditionally in this House, the business of this House is done in a co-operative fashion between House leaders. Generally speaking, as a rule, during Estimates debates we concentrate our efforts and our time on debating the Estimates of the departments because this is where we get the information for the people who are the taxpayers of this province who we have a responsibility to ensure that they have the answers from the departments with respect to the Estimates that are being proposed for passage in this Legislature.

We have, Mr. Speaker, reduced the number of hours in the debate on Estimates to 100. But, at the same time, it means that the most important business of this House is to concentrate our effort and our time on the debate of Estimates after the budget, as soon as the budget in this House has been presented and passed. Traditionally speaking, we dedicate, in a general sense, one day per week to debate on bills during a sitting when the Estimates debate is going on.

We have tried to accommodate the government to the best of our ability. The government asked that the Minister of Agriculture (Ms. Wowchuk) be allowed a pair to go to an international conference, even though she never brings anything back from those conferences, even though this Province never implements any programs in those provinces.

An Honourable Member: Oh, oh.

Mr. Derkach: Mr. Speaker, I understand why the government member is a little bit sensitive to this, but I ask him to be patient.

We tried to be co-operative in allowing her to go by granting her a pair. In doing that, we prepared our critics to be able to go in with another section for the debate on Estimates today. I have not been contacted by the Government House Leader (Mr. Mackintosh) to accommodate the debate on bills today. Our understanding was, in the order of the routine of business in this House, that we would be proceeding with Estimates debate today because we did bills yesterday.

Mr. Speaker, I know that the government is in disarray. I know that they cannot even manage their own affairs when it comes to not only tabling Estimates in the House, they call an Estimates session without having the Supplementary Estimates tabled in the House. After the Estimates have been going on for a day, they come into the House and table the Estimates supplementaries.

Mr. Speaker, it just shows that this government cannot manage. They have demonstrated mismanagement in many, many ways. This is just another example. It is the way that they mismanage the affairs of this Province.

But, Mr. Speaker, today is an example of how we cannot tolerate this kind of mismanagement anymore. We are prepared today to go into the three sections on Estimates debate. For whatever reason, because the government is not prepared to do this, they decide it is easier for them to call bills. You will notice, as soon as that is called, their members vacate this Chamber. They are not in this Chamber anymore. I am talking about that as a general rule.

That is irresponsible. That is not doing duty to the duties that you were assigned as ministers and as a government. In my view, we are here to do the

business of the people and the business of the people, the most important business for the people right now, is to have the Estimates debates so that the budget, that is so important to the people of this province, can then be made clear so that people can understand exactly where these monies are being spent.

So it is for that reason I object to the fact that the House Leader has called bills today. We dealt with bills yesterday. We are prepared to go into the Estimates debate today.

* (14:40)

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, I would like to point out to all honourable members, when rising on a point of order it is to point out to the Speaker a breach of a rule or procedure of the House and not to be used for debate. I would strongly, strongly, strongly encourage the House leaders to meet whenever they wish to and not to do any negotiations on the floor of the Chamber. I really do not feel that—[interjection]

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Members can point fingers back and forth. I am talking in general terms. I am not blaming anyone. I am not singling out anyone. I am encouraging the House leaders to meet and negotiate whatever businesses they have, and I would not encourage it to be done on the floor of the Manitoba Legislative Chamber because negotiations are done between House leaders either in the loges or their offices. That is all I am encouraging. I am not pointing fingers or blaming anyone here. I am just strongly encouraging the House leaders to do their negotiations either in the loge or on their floor.

On the point of order, the honourable Member for Inkster, were you going to respond to the point of order?

Mr. Kevin Lamoureux (Inkster): Yes, if I may.

Mr. Speaker: Very briefly, I hope.

Mr. Lamoureux: Mr. Speaker, just going through *Beauchesne's* and the Principles of Parliamentary Law, it indicates, in part, to secure the transaction of public business in an orderly fashion. That is in the very first paragraph, if you like, on page 3 in

Beauchesne's 6th Edition. It does raise the issue in terms of how things are managed inside this Chamber. I know, myself, I was looking at going into the Estimates of Justice, as an example, yesterday, and in order to accommodate Bill 10 we were prepared to put that aside.

I share the concern in terms of we have a finite amount of time during the Estimates to be able to ask questions, and, then, once those questions come to an end, we are right into concurrence, and then the time crunch is really put in.

I think that we need some sort of a ruling, possibly from you, Mr. Speaker. Otherwise, if the government chooses, it could introduce bills virtually all the way up till the second Tuesday in June, as an example. Then we are put into a position in which we have no choice, but to start passing and not afforded the opportunity to be able to ask questions, all because this government is unable to manage business appropriately inside this Chamber.

So it does concern us. I think that there is a valid point, especially if you make reference to *Beauchesne's* where there is a responsibility of the Government House Leader to ensure that there are proper procedures and traditions, if you like, being followed to ensure that there is an orderly fashion of business being done in this House.

Mr. Speaker: The honourable Government House Leader, same point of order?

Mr. Mackintosh: Mr. Speaker, this certainly, in our view, is no point of order. I think it is very unfortunate that matters of House business that have been the subject of discussions with the opposition yesterday and today would be raised on the floor of the Chamber.

Mr. Speaker, since they are on the floor of the Chamber, I can advise the House that there were discussions yesterday about calling The Water Protection Act yesterday. Unlike what the member opposite says, this is important business of the people. It is a priority piece of legislation for this government. It is legislation that the Member for Emerson (Mr. Penner) has said should be moved on expeditiously.

Aside from that, Mr. Speaker, it is important that this legislation from the last session be dealt with as

a priority. So when I advised the Opposition House Leader (Mr. Derkach) yesterday that today, Wednesday—traditionally, by the way, and a tradition is not a rule, the day for calling bills—we were calling The Water Protection Act, there was opposition to that and again today. So there were discussions, but we have to get on with the priorities. The government has the ability to call legislation that it sees as priorities, and that is what we are doing.

I will also add, Mr. Speaker, and I think it is unfortunate that this is on the floor of the House, but I was told yesterday by the opposition that the Minister of Agriculture would have to be here if Estimates were called today. She is representing the interests of producers of Manitoba, and, indeed, the producers of Canada in Sacramento, California. She is co-chairing, along with Mexico and the United States, as the Canadian chair at a very important meeting on trade.

Mr. Speaker, those are issues that worked into our decision to call what is our prerogative today, The Water Protection Act. Today is the day that bills can be called. Yesterday was an extraordinary day. I think it was a good day for business. I hope today will also be a good day for business. We can get the bills passed and get the business of the public done.

Mr. Speaker: Well, I have already heard from the Official Opposition House Leader (Mr. Derkach), but if he has new information, I will hear him again. I do not want this to turn into a debate.

Mr. Derkach: Mr. Speaker, on a further point. Unfortunately, the House Leader (Mr. Mackintosh) is asleep at the switch because if he would check his records with his whip, he would find out that we granted the Minister of Agriculture (Ms. Wowchuk) a pair. So, whether anybody says it or not, she did not have to be here today. She was granted a pair. He knew that. Why did he not call another section for the Estimates? It just shows his inability to be able to manage the affairs of his own government.

Mr. Speaker: The honourable Government House Leader, on the same point of order?

Mr. Mackintosh: Yes, the same point of order. These are matters that should not be on the floor of the House. Mr. Speaker, a pair was given on March 24 for the Minister of Agriculture. Yesterday I was advised that she had to be here today for Estimates

by the member opposite. They reneged on their written agreement.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order. I would say it is a dispute over the facts. I would strongly, strongly encourage the House Leaders to please meet and talk about whatever you want to talk about, but I would encourage you to have a little cup of coffee.

* * *

Mr. Speaker: The honourable Member for Inkster, on a new point of order?

MATTER OF PRIVILEGE

Mr. Kevin Lamoureux (Inkster): No, actually, Mr. Speaker, I would rise on a matter of privilege.

Mr. Speaker: Okay. The honourable Member for Inkster, on a matter of privilege.

Mr. Lamoureux: Yes, Mr. Speaker, according to *Beauchesne*, "to indicate that a question of privilege must be brought to the attention of the House at the first possible opportunity," I will argue that this is, indeed, the first opportunity based on your ruling that you just finished making on the point of order. Should question of privilege be based on published material, the article in question must be submitted and read. Oh, I am sorry, point 2 on 114, "A complaint of a breach of privilege must conclude with a motion providing the House with an opportunity to take some action." It is my intention to do that.

I rise because, on the point of order, I believe that your ruling is correct, Mr. Speaker. I think that what you did was most proper and most appropriate. Having said that, in reflecting on what the Government House Leader has said and the Official Opposition House Leader has said, I think that there is good reason to believe that the privileges of members inside this Chamber, in particular, in the opposition benches, but all members are, in fact, being infringed upon.

I would like to go to *Beauchesne's* and cite citation No. 3 toward the end where it states, Mr. Speaker, that what we are talking about is how this government manages the affairs of the Legislative

Chamber. You will find it on page 4, *Beauchesne's* 6th Edition, citation 3, toward the end, "More tentative are such traditional features as respect for the rights of the minority, which precludes a Government from using to excess the extensive powers that it has to limit debate or to proceed in what the public and the Opposition might interpret as unorthodox ways."

I would, also, then go to the citation, the first citation, and just repeat what I had indicated in the point of order and that is, "The principles of Canadian parliamentary law are: To protect a minority and restrain the improvidence or tyranny of a majority; to secure the transaction of public business in an orderly manner".

Mr. Speaker, we are all very much aware of the lazy attitude the government carries toward the sitting of this Legislature. Time and time again we have had ample opportunity to raise the number of sitting days. As the Opposition House Leader had pointed out, there are a very limited number of hours in concurrence.

*(14:50)

When I was first in opposition a number of years back, Mr. Speaker, we used to have 240 hours of opposition followed then by concurrence. We had many more days that we sat in any given calendar year. So what would happen is that not only did you find opposition members asking questions during the Estimates process, you even saw, if I can recall correctly, government members were also at the table at times, where they had asked the question during the Estimates process, and that is because of the 240 hours, and then you add the concurrence to it. There was a sense that we were going to be able to get all the questions that we needed asked.

It also addressed the issue in terms of bills, Mr. Speaker. There was ample opportunity for us to be able to debate bills, and not only government bills, but we also saw private members' bills and private members' resolutions being debated.

As such, I reflect on what is happening today, and I think that it really behooves us to look very seriously at what it is that the government has been up to in the last couple of days. In the last couple of days, we hear through a radio broadcast that the Premier (Mr. Doer) of this province blames the

opposition—oh, I am sorry. I withdraw that as you have taken that under advisement.

Mr. Speaker, there were concerns in regard to Bill 10 being debated yesterday, and the combined opposition parties agreed, through leave, in essence to do what we can for the passage of Bill 10. Now, had we not debated Bill 10 yesterday, what we would have done is we would have been in the Estimates process.

I was in discussion with the member from Steinbach the night before, and even just prior to Question Period, in terms of what we are going to be doing in the Justice Estimates. We were planning, and that seems to be somewhat foreign to the government. They, too, should have been planning. If Bill 10 was a priority, they should have brought it up with other members inside the Chamber, and we would not have run into the problem, but because of their management skills in terms of the operations of this Chamber, we, in essence, lost a day for questions and answers during the Estimates.

Well, I would suggest to you that it would not be as problematic if we did not have that finite number of hours during the Estimates, if we did not have that date in June when we have to adjourn, Mr. Speaker, but because of those limitations, those very, very few days that we are going to be sitting in order to be able to deal with the Estimates when the government chooses, and the government has the powers as we know, but *Beauchesne's* cautions us on that power, to stand up and say, "Well, today we are going to debate this bill; today we are going to debate this bill," ultimately putting off Estimates.

Well, Mr. Speaker, I think, the government needs to be sensitive that there are more than New Democrats who sit inside this Chamber, and there are all sorts of appointments and meetings and discussions that go into the Estimates process, even from a critic's perspective. So it is not appropriate to take members for granted, that there has got to be common courtesy that allows the government to work with the opposition members to ensure that there is a more natural flow of what is taking place inside this Chamber. If the government wanted to, it could, again, call for bills tomorrow and the next day.

What are the limitations, Mr. Speaker? Well, as the Government House Leader (Mr. Mackintosh)

knows quite well, he has got a lot of cards in his hands and, ultimately, come that second week in June, the clock is going to stop whether we have had five minutes of concurrence or five days of concurrence and all the questions are going to be put. So the Government House Leader could call bills today, bills tomorrow, try to defer any sort of real accountability in terms of questions and answers, whether it is Question Periods or whether it is the Estimates process. I think that we have to reflect on the tradition inside the Chamber from the past, where we have seen the Government House Leader work in co-operation, primarily through the Official Opposition House Leader, but also with all members of this Chamber. There I am referring to the members of the Liberal Party in ensuring there is a better flow and that people are comfortable with what is being done.

We are not going to endlessly bail out the government on the operations of this Chamber. We had made the assumption that we would likely be in Estimates today because of what happened yesterday. The Leader of the Liberal Party, the member from River Heights, has amendments to that very bill that the Government House Leader was bringing forward. We were not given any heads-up whatsoever. If the leader from the Manitoba Liberal Party had to be elsewhere or was planning on doing debate or questions and answers in the agricultural committee, how fair is that to individual members?

That is why it is critical. If the Government House Leader does not have the time, he has a very capable, competent staffperson that can meet with us and share with us what it is the government is hoping to be able to do. At this stage, Mr. Speaker, I do not know if the government has intentions of calling bills again tomorrow or Monday of next week. If that is the intent of the government, we have a serious problem with that because of the finite number of hours in Estimates.

We believe in the need for concurrence. We would like to see a minimum number of time spent in concurrence, especially when you only have 100 Estimates hours. We need concurrence. If it is up to this government, they would ensure there are maybe a few hours of concurrence and maybe the Liberals might get three or four hours. How does that ensure there is public accountability for the many billions of dollars that are being spent by this government?

It all comes down on the issue of accountability once again. If the government truly wants to live up to that middle word in the name of their party, being democratic, it had better start demonstrating that because I have not witnessed democracy in a true form within this Chamber in the last couple of years. Part of democracy is ensuring that there is accountability.

What I see happening is because of neglect of responsibilities, in particular a commitment to accountability inside this Chamber, the public is losing out. We are not being afforded the opportunity that we should be afforded in order to be able to question government as thoroughly as we believe is necessary.

For many years we did not have these types of limitations. I can respect that there were trade-offs, but those trade-offs, I think, were done in good intent. We expected, I believe, in February to be sitting. We could be sitting in September, late September or early October. You do not always have to bring it to the end of the wire in order to try to put more limitations on members' abilities to be able to hold government accountable.

That is what we are seeing with this government. They need to really seriously look at what it is they are doing inside this Chamber and what it is they are not doing. They need to start affording opposition members the opportunity to be able to hold government accountable.

* (15:00)

That is why I was pleased with the Official Opposition House Leader standing up on what I thought was a good point of order. But I respect your ruling, Mr. Speaker, and I agree with your ruling on the point of order. That is why I felt it was important that I stand up on a matter of privilege because you are just as much aware as anyone else in terms of the importance of this Chamber and the abilities of MLAs to be able to hold government accountable is best had between elections inside this Chamber where there is face-to-face interaction between government and opposition members, or better yet, between Cabinet and everyone else. This is where the best kind of accountability can occur and I am concerned in terms of the limitations that day after day it would appear that this government seems to have.

You know, when there seems to be more of an emphasis on just doing whatever the government

agenda is and limiting any sort of a sense of accountability about that agenda, well, Mr. Speaker, I do not need to talk at great length on this because there might be others that might want to talk, but I trust that members will be sensitive to the importance of accountability inside this Chamber, that the Government House Leader (Mr. Mackintosh) will sit down or have someone sit down with members of the Liberal Party and the Official Opposition House Leader (Mr. Derkach) and work these issues out so that we can get some sort of assurance that we are not going to be rushed through issues like concurrence, which is critically important.

You know, I stand here today suggesting to the Government House Leader that the representatives from the Liberal Party want concurrence and want a number of hours in concurrence, Mr. Speaker. Depending on how the Estimates go, you know, we would like to be able to have a dozen, 15, maybe even 20 hours in the concurrence motions. That is not unreasonable and if the government is prepared to give that kind of assurance to at least us, and other members are content with the way the government is dealing with the legislation, well, you know, at least we will be sympathetic to it and allow the government, as long as we get the assurance that we are being able to hold the government accountable because we take our responsibilities very seriously and we want the government to take its responsibilities very seriously.

So, having said that, I would move, seconded by the MLA for River Heights (Mr. Gerrard), that this matter of privilege, which concerns the unorthodox ways of governance, be referred to the Committee on Legislative Affairs. So that would be moved by myself, seconded by the member from River Heights.

Mr. Speaker: A matter of privilege is a serious concern, so I am going to take this matter under advisement to consult the authorities, and I will return to the House with a ruling.

DEBATE ON REPORT STAGE AMENDMENTS

(Continued)

Bill 22—The Water Protection Act

(Continued)

Mr. Speaker: Okay, now we will resume debate on report stage amendments on Bill 22, The Water Protection Act.

Report stage amendments, Bill 22, The Water Protection Act, and there are seven amendments by the honourable Member for Portage la Prairie.

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I move, seconded by the honourable Member for Emerson (Mr. Penner),

THAT Bill 22 be amended in Clause 7(5)(b) by striking out "a regulation made or".

Motion presented.

Mr. Faurshou: Mr. Speaker, this amendment, in my opinion and the opinion of those who made presentation back in September of 2004 at committee when Bill 22 was debated in committee and public presentation was received, emphasizes the importance of when a serious water shortage is, in fact, declared. By this amendment, it will remove the opportunity of government to issue a serious water shortage condition based through permission by regulation.

What we are actually doing through amendment is that when a water shortage is being declared, the Minister of Water Stewardship (Mr. Ashton) must, in fact, receive the permission, receive support from his Cabinet colleagues through an Order-in-Council, rather than just through regulation and effectively allowing for the minister to unilaterally, independently, without discussion or engaging support from his Cabinet colleagues.

So I believe the minister will, in fact, appreciate this amendment insofar as it would make certain that he or she, as exercised in the duty of the Water Stewardship ministry, would, in fact, have the opportunity to seek counsel and to seek support through Cabinet colleagues. I believe personally, and, certainly, if I have the opportunity to serve in Executive Council, I would want to have support from my Cabinet colleagues and not to be making an order or declaring a water shortage and being uncertain as to whether or not it had full support of Executive Council and the First Minister because he would want to effectively have the comfort of acknowledged support in issuing a serious water shortage order.

Mr. Speaker, when issuing a serious water shortage order which, in fact, allows for and provides for the minister to curtail the usage consumption of water by those that have licence and permission to consume water, in that regard we all want to acknowledge that priorities have to be given if water is indeed in short supply. But we do want to be assured that priority is given to those priorities that you and I and members of this Chamber would, in fact, deem as priorities such as human consumption and families that require water for sustaining life, that that would be the first need satisfied when curtailing the use of water.

* (15:10)

I know also, though, Mr. Speaker, that one has to acknowledge the importance of water in the lifecycle of not only humans and livestock or animals, but it is very, very important in the vegetative growth of crops which effectively sustain those of us engaged in agriculture production. It should be acknowledged that at peak season, when crops are developing, the absolute critical need for water. If, in fact, a water shortage is declared, it is pretty much a given that dry conditions would be the order of the day. Even more requirement for supplemental water would be the order of the day.

Mr. Speaker, in regard to the importance of the decision-making process regarding the decision as to when to declare a serious water shortage and to set aside the previously in place licences for water consumption, it is vitally important that complete discussion be initiated so that complete understanding of the need for the declaration of serious water shortage be in place, acknowledging, that currently we prioritize the use of water on all of our waterways here in the province of Manitoba.

I am most familiar with the Assiniboine River which I personally have licence to extract waters from for the production of potatoes. That is a river that is definitely affected by weather patterns, as are all prairie rivers because they are charged by their tributaries which effectively receive run off waters from agricultural lands. When rains do not occur, these rivers do fluctuate greatly in water flows.

Although I have on many occasions attempted to emphasize the importance of further water storage on

The Assiniboine River in this Legislative Assembly, Mr. Speaker, I have yet to see an acknowledgement of the project to which I refer, that being the Holland No. 3 Dam which, if constructed just upstream of the crossing known as Provincial Trunk Highway 34, the Assiniboine River could, in fact, as proposed by the former New Democratic Party through the South Hespeler report that Mr. Eugene Kostyra tabled in this House back in 1988 that recommended the construction of the Holland No. 3 Dam to hold back the outflow of waters of the Carberry aquifer which it is acknowledged, in most times of the year, exceeds 100 cubic feet per second which is substantive to the overall Assiniboine River flow.

This particular project would capture all of the pristine waters outflowing from the Carberry aquifer and hold the waters to regulate the flow of water in the Assiniboine. In fact, the water flowing in the Assiniboine would then be controlled to a point where the wetting and drying of the riverbanks would be minimized. When that is achieved then riverbank erosion does not take place. As we can all appreciate, when looking at the prairie rivers in our province, predominantly the Red and the Assiniboine rivers, they are very murky. They do have a high level of turbidity, primarily organic in nature, and the soil that is in suspension in the river would not be there if, in fact, the river flow was constant in the wetting and drying of the riverbanks.

I know the Intergovernmental Affairs Minister appreciates that the cities along the Assiniboine and Red rivers, which he represents, note that the riverbanks are increasingly unstable when the wetting and drying cycle continues, and the banks continue to erode and to slump further taking away available lands to the communities of Portage la Prairie, Brandon, Winnipeg. Right now, the City of Winnipeg is engaged in evaluation of the monumental task of bank stabilization along the Red and Assiniboine rivers. It is known that this particular engagement to restore and preserve the riverbanks is going to take many tens of millions of dollars.

Mr. Conrad Santos, Acting Speaker, in the Chair

I am certain that if we really looked long-term big picture at the value of sustained, controlled flows within our prairie rivers, i.e., the Assiniboine through the Holland No. 3 Dam, that over the long haul we

would be dollars ahead because, without question, the Holland No. 3 Dam is going to be costly. It was projected to be in the neighbourhood of about \$80 million back in 1988. But I believe now that it could be upward to, perhaps, a quarter billion dollars before things are said and done.

However, there are other important aspects to the Holland No. 3 Dam development insofar as it could generate electricity, enough, essentially, to provide power to Boissevain and Wawanessa, Killarney, areas within a near proximity, Carberry.

As well, the quality of water released from the Holland No. 3 Dam would be substantially better in quality because it would be released after being stored at approximately 90 feet in depth, where the sunlight is minimized and the temperature is not much different from that of the surrounding soil, which is considerably less than when at surface level and exposed to sunlight and hot summer temperatures.

This water does not, then, possess the ability, the energy, to see algae production. Without the blue-green algae, as is most predominant in today's rivers and noted by the Lake Winnipeg commission that studied the health of the water within Lake Winnipeg as a great concern.

So, if we are controlling the development of the algae blooms by holding the waters at depths where temperature and sunlight do not make for conducive development of the algae blooms, then, ultimately, less algae will be seen developing in Lake Winnipeg. So I believe that there are many merits to that of the Holland No. 3 Dam and I continue to emphasize the importance for study and development of the Holland No. 3 Dam.

I know the minister is understanding of where I am coming from in regard to the Holland No. 3 Dam, but I relate it back to the shortages of water. We would be able to store almost twice as much water as we currently store above the Shellmouth Dam, and with the Holland No. 3 Dam, this capacity would be significantly enhanced and we would see the flow of water and the potential water shortage concerns that this amendment addresses as minimized.

We that have licences drawing waters from the Assiniboine would take great comfort if we knew the storage of water behind the Holland No. 3 Dam was

there to sustain our needs and the needs of all communities along the Assiniboine River. Thank you very much, Mr. Deputy Speaker.

* (15:20)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk briefly on this amendment. What we are concerned about is the situation where there may be a serious drought, and what we are concerned about is having some assurance that a decision in terms of the allocation of water will be made at Cabinet rather than by a bureaucrat or by an individual minister. I think this is a wise amendment so I rise to support the Member for Portage la Prairie in suggesting that we have this amendment and make sure that decisions on the allocation of scarce amounts of water be made through a process which involves the Cabinet.

Droughts, when they come up and they are serious enough, are of such a nature that there should not be a problem in getting together a Cabinet meeting and to be able to discuss this in Cabinet. It should not be something that can be made just by a minister or by the minister designating to a bureaucrat because this will clearly affect the livelihood of perhaps a small number, perhaps a large number, of Manitobans, depending on the circumstances. I rise to speak on this amendment just to emphasize that this is a serious concern and to indicate, Mr. Speaker, my support for the amendment put forward by the Member for Portage la Prairie.

Hon. Steve Ashton (Minister of Water Stewardship): I appreciate the opportunity to speak on this amendment. I must admit, Mr. Deputy Speaker, I was wondering if I was in the U.S. Congress watching the way they deal with appropriations bills where members of Congress, senators, tack on appropriations for their favourite projects in a totally unrelated bill. When I heard the member talk about the Holland Dam I was looking at this amendment because I started to get a little bit suspicious that maybe this is really the Holland Dam amendment. What I notice is actually striking out four words. I suspect it is the Member for Portage taking the opportunity to, once again, mention the Holland Dam, and I think by the end of this session he will have the Holland Dam indexed probably around 30 or 40 times. If that is considered Legislative progress, Mr. Deputy Speaker, I certainly commend the member for it.

We all have a significant role to play, and I appreciate that the Speaker, in particular, is listening intently to these comments because our view in regard to this specific amendment is that the regulations and other tools affect necessary actions during a water shortage. Usually this would be used where there was more time to act. A regulation contains more detail than an order. Orders are directed to specific individuals and organizations, and there may be situations where it is not possible to specify every operation by name. Therefore, a regulation would be needed.

Mr. Speaker in the Chair

We do believe, Mr. Speaker, that the original wording is necessary. I certainly appreciate the points put forward by the Member for Portage, but we believe that it is important to maintain the original wording. Therefore, we would be opposed to the amendment.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House—

An Honourable Member: No, I would say whoa, whoa.

Mr. Jack Penner (Emerson): I move that debate be adjourned.

Mr. Speaker: Seconded by?

An Honourable Member: Me.

Mr. Penner: I move that debate be adjourned, seconded by the honourable Member for Russell (Mr. Derkach).

Motion agreed to.

Mr. Speaker: Now we will move on to the second amendment for the honourable Member for Portage la Prairie.

Mr. Faurschou: I move, seconded by the honourable Member for Emerson (Mr. Penner),

THAT Bill 22 be amended by replacing Clause 7(6) with the following:

Priority of *The Water Rights Act*

7(6) A permit or licence issued under *The Water Rights Act* prevails over a regulation made or order issued under this section.

Motion presented.

Mr. Faurshou: This amendment is one that was proposed with the idea of providing an appeal mechanism for those that would be adversely affected by changes to the licences as were issued under *The Water Rights Act*. We recognize that under water shortage situations the minister must act; however, in the act we feel that it was inadequate to provide for an appeal mechanism whereby the individuals that rely upon the water within the licence to which they have been granted are dependent upon.

For example, the individuals engaged in carrot production really rely upon the water, but they also recognize that if it came to sustaining human life versus a loss of the carrot crop, by all means, the water should be directed towards sustaining human life. However, without an appeal mechanism, one which would acknowledge that the production of carrots actually sustains the producer over the years through market value, this would be lost to the producer. So where, then, would the producer effectively garner his or her income to sustain his or herself or their family?

We feel it is vitally important that an amendment allow for a mechanism that would, indeed, grant an appeals process whereby the agricultural producer could be effectively compensated, fairly and equitably treated, regarding the water shortage situation. Thank you very much, Mr. Speaker.

Mr. Ashton: The main purpose of this entire section was to deal with the fact that water allocations made under *The Water Rights Act* may not have to be altered during times of serious water shortages. Therefore, there will be cases where regulations and others made under *The Water Protection Act* will temporarily override allocations under *The Water Rights Act*. *The Water Protection Act* ensures that this will happen in a fair and transparent way, and therefore, Mr. Speaker, we believe this amendment is not needed.

Mr. Gerrard: Just to speak briefly to this amendment, which concerns an appeal process, I think that there are some valid concerns here because of the seriousness of the potential impact, and that in some fashion or another there does need to be some ability to appeal decisions if they have a severe impact on a group of individuals, on an area, or it could be a whole region, and it is not to say that maybe things have to be implemented, but that some sort of appeal process that could work very quickly, would be a legitimate one.

Mr. Leonard Derkach (Russell): I move, seconded by the Member for Emerson (Mr. Penner), that debate be adjourned.

Motion agreed to.

Mr. Speaker: Now we will move on to amendment 3, proposed by the honourable Member for Portage la Prairie.

* (15:30)

Mr. Faurshou: Thank you very much, Mr. Speaker. I move, seconded by the honourable Member for Emerson,

THAT Bill 22 be amended in Clause 24(4)(b) by striking out "the fund or".

Mr. Speaker, I have been apprised by the Clerk's desk to proceed in the order to which the amendments fall as the bill is presented. So, therefore, I will not move forward with the one amendment just cited. Rather, I would like to move, seconded by the honourable Member for Emerson,

THAT Bill 22 be amended in Clause 23 by adding "and must refer to the water council the responsibility to monitor the development and implementation of watershed management plans" after "to the water council".

Motion presented.

Mr. Faurshou: Mr. Speaker, this particular amendment is one that I believe is vitally important to the overall good management structure of Bill 22. It was heard time and time again back on September 13, 2004, as presenter after presenter referred to the need for decisions to be made on science and that

complete understanding of nature be recognized before decisions are made.

We feel that the Water Council is, in fact, the body to which this scientific evidence or information, reference material, should be referred. It is a body that is created by this act. The Water Council is to consist of at least five members appointed by the Lieutenant-Governor-in-Council who, in the opinion of the Lieutenant-Governor-in-Council, are representative of regional diversity of Manitoba.

It is appreciated by members on this side of the House of the importance to appoint individuals to this council that are in fact diverse in personal understanding and acquired knowledge of water here in the province of Manitoba, as well as to have those life experiences that enable the functionality of knowledge and understanding by first-hand experience.

Persons do not always have to have that formal education to appreciate the importance and functionality of water in nature's abundance. We know that individuals that were raised along some of the waterways here in the province truly have an appreciation for that waterway and have that first-hand knowledge of the river and how it reacts to varying weather conditions, as well as an understanding and appreciation, and, yes, indeed, a respect for that waterway as life-giving to themselves and to all that surrounds them in their farming operations, as well as providing for recreational activities. I know that my mother grew up along the Assiniboine, in fact, experiencing the many challenges that came with living along the river before the Assiniboine River diversion was constructed in Portage la Prairie.

I might want to, just on that point, correct the First Minister (Mr. Doer). In his interview this morning on CJOB he referred to the Minister of Water Stewardship (Mr. Ashton), along with the Minister of Government Services (Mr. Lemieux) and of Conservation (Mr. Struthers) who were working diligently to repair a breach in the Assiniboine River diversion in Brandon. Well, I am afraid the diversion is not in Brandon; it is in Portage la Prairie.

It was noted that the First Minister was made aware and was concerned for those persons who were threatened by the breach of the dike. That is of note the government, through Government Services and members for Conservation and Water Steward-

ship, were working in co-operation and reacting extraordinarily quickly to fill the breach in the dike and to alleviate the threat to the residents north and west of Oakland, which was of great concern.

I want to extend my appreciation to all government personnel who have been working extraordinarily long hours during this flood season to address the issues that come to be known and to react to them with total disregard for other matters that may be almost as pressing. I suggest that family do have demands as to other endeavours that all of us are engaged in community service, but to see a government staff on site 24 hours, seven days a week, at this time of year, I really, truly want to commend them.

I also want to mention to the Minister of Water Stewardship that I was, last Friday evening, in the control centre for the Assiniboine River diversion and the personnel were on site. However, I took the past experience in hand and brought with me a dozen Robin's doughnuts because that is required for admission.

An Honourable Member: Not Tim Hortons?

Mr. Faurschou: Well, Tim Hortons was more conveniently located on my routing to the Assiniboine floodway, but I presented the staff on hand with the Robin's doughnuts which had been told to this honourable member years ago, that if one wanted to come and visit, one should not come in empty-handed and make acknowledgement to the long hours the individuals are putting in at this time of year. I say that in light, in jest, but it is in all seriousness.

I would like to acknowledge the hard work and dedication of Water Stewardship personnel, as well as Conservation personnel that have been making certain we are safe from flooding through the use of the flood control structures in the province today.

* (15:40)

Mr. Speaker, this particular amendment, as I had mentioned at the outset, is one we feel that is very, very, important. Truly, science should, in fact, be made as a premise for any decisions that the Water Council should be engaged in, and not just as the minister wants them to be engaged or directs, but to be engaged on the decision-making process on all

facets that pertain to this bill as it is implemented, because the Water Council has the ability through its diversity to look at matters at hand and to make certain that the decisions made are ones that are well studied, well thought out, and well researched.

As much respect as I do have for the current minister, we do know that ministers do change, and sometimes there is pressure placed upon ministers as to what he or she should or should not refer to the Water Council. This, I believe, is an amendment that alleviates the pressure that could be put upon the minister as to what items are referred to the Water Council and allows the minister to be disengaged from this particular decision-making process and allows for complete referral of items referred to in this act as to be studied by the Water Council.

I hope the current minister appreciates what the honourable Member for Portage la Prairie is attempting to do here with this particular amendment. I know that he is very understanding and does want to engage the Water Council and make certain that they study the issues at hand and to, indeed, explore all of the important issues with due consideration, and then also to recognize, as I mentioned previously, this alleviates the pressure that could be put upon the minister as to what or what not is referred to the council. That way, then, I believe the minister, both current and subsequent ministers, will be able to breathe easy that the decisions pertaining to the act are well thought out and researched by the council because that is, in essence, the reason that the Water Council is created through this act.

Now, I have made mention of the minister that this is important that the Water Council be engaged and also, too, if referred to, if the Water Council is active, they become more efficient, more up to date. I believe that if one is current and one is active, that breeds efficiency as well as competency in activities, because if the Water Council perhaps was only called to meet once or twice a year, one would not feel very engaged, very up to date, and thereby not able to truly do an effective and efficient job of study of the responsibility as referred to them by the bill.

So I believe if the council is one that is active, they will, in fact, be able to truly complement the initiative that Bill 22 puts forward. That, Mr. Speaker, is a very, very important one, because The Water Protection Act, it goes without saying that we

all support the need to ensure drinking water is kept clean, safe and reliable. That is why we support the intent of this bill, as we recognize the need to continue to improve our water quality here in the province of Manitoba.

In fact, it should be noted that the water quality within the Assiniboine and Red rivers currently is significantly better than it was at the turn of the century 105 years ago. The actual construction of the aqueduct supplying water from—

An Honourable Member: Shoal Lake.

Mr. Faurischou: The Winnipeg water supply from Shoal Lake to Winnipeg was deemed necessary when the water supply that they were receiving from the two rivers became so contaminated that the technology that existed in 1900, 1899 was not substantive enough to clear the water so that persons ended up with the fever that was not able to be treated, and it was extremely devastating to the then-population of Winnipeg. So the very, very quick decision was made that, seeing that they could not adequately treat and guarantee quality water for human consumption out of the two rivers intersecting in Winnipeg, another water source needed to be created. That is when the aqueduct construction began, and it is truly a marvel of engineering, even to today's standards.

Mr. Conrad Santos, Deputy Speaker, in the Chair.

It is just now, more than a hundred years later, that full capacity of that infrastructure is being recognized.

So, Mr. Deputy Speaker, I truly appreciate the opportunity to speak to this amendment, and I hope that the minister will look favourably upon support for the amendment. Thank you.

Mr. Gerrard: Mr. Speaker, I, too, want to comment briefly on this amendment. I would first note, as the Member for Portage la Prairie (Mr. Faurischou) has already done, that the Premier (Mr. Doer) has some problems with facts when he talks on CJOB, but that is not the main subject for the moment, and we will move on to talk a little about the water.

On this subject, I am less sure than the Member for Portage la Prairie that the minister himself is understanding. I hope that the minister will give us

some clear reasons where he stands on this amendment, whether he is for or against. I think there are also some particular issues of the role of the Water Council that I hope the minister will take some time to help those of us in the Chamber to know exactly what the role of the Water Council is going to be. Because that really is the heart of this amendment here: to give the Water Council some meaning and some structure, and I think that all of us would want clarity in terms of the function of the Water Council.

My concern in this regard dates back to what we have observed, for example, with other council and bodies that this government has been working with. I speak, for example, for the Manitoba Environmental Council, which had been operating for many years, but this government did not seem to get along with it, and so they got rid of the Manitoba Environmental Council. If we are really going to establish a Water Council under this act, as the indications are from the minister, and you can form a useful function, we would like to have that function clear at this juncture before the act is passed. I think that the Member for Portage la Prairie has been quite helpful in proposing an amendment which would clarify and give more substance to the role of the Water Council.

* (15:50)

Mr. Speaker, my comments in terms of the role of the Water Council do not take away from certain concerns I have with this act related to bureaucracy, that, if we are not careful, we may be building a large bureaucracy and spending money on it, rather than actually getting some of the important things done.

My concerns about the Water Council are not only related to this aspect, but I have a concern that if we are going to have a Water Council and it has a major role in these kinds of decisions, the appointees to the Water Council should be screened in some fashion before a legislative committee so they have the opportunity to ask questions about the member of the Water Council and to be assured that the membership of the Water Council constitutes a real, quality expertise, not just political appointees from the governing party. Unfortunately, in many of the other boards and commissions that they have set up, we have ended up with political appointees which are not as knowledgeable as they really need to be about some of the matters they are deliberating on.

I think we can have a Water Council which does a good job, but it depends on assuring we have a process that is going to ensure good, quality people, but it also means that we have to have a function. I would refer also, in comparison to the Manitoba Round Table on Sustainable Development, which the government has been involved with. Because there has not been a clear role for the round table under this government, they really have not been adequately using the expertise there, taking advantage of the opportunity. Part of the result has been that a lot of things which could have gone through the round table are now being dealt with in other ways.

What would make sense is to have much greater clarity of the function of the Water Council here, and to make sure that all of a sudden, we are not going to have a council for this and a council for that and a council for something else. If there really is a Water Council, then these matters should go through the Water Council in a reasonable way.

Part of the reason for speaking on this is I think the minister, in his response, in his debate, discussion, argument, agreement, whatever it is with this amendment, gives this Legislature a greater clarity not only on whether he accepts or rejects this amendment but on precisely how he sees the role of the Water Council and what matters will come before the Water Council and why this or that would not come before the Water Council.

I think the minister has an opportunity to ensure that this Water Council gets off to a good start so we look forward to some broader and more in-depth explanation at this juncture from the minister. With those comments, I will sit down. At that point, I think I have made my points clear on this amendment, and I look forward to the words of the minister.

Mr. Ashton: I appreciate the Member for River Heights' interest in my comments, and, certainly, I do want to indicate that we do see a very important role for the Water Council, but perhaps a different role than the Member for Portage has put forward.

We believe the Water Council should not be established as a new bureaucracy, but in fact its role is to be an advisory board, not an implementing agency. Given the Council's operational role, this could only impede its ability to provide advice to

government on critical issues if it was a body to be involved in specific decisions.

Also, as the members will know, this is specified as one of the functions of the Council, that the minister gives direction to or seeks advice from the board. That is covered by section 20 of the act. I think that is important because when we develop watershed management plans, I point to the fact that we have already indicated a very important role for conservation districts and where, of course, we do not have conservation districts, the establishment of equivalent frameworks.

We believe, Mr. Deputy Speaker, that these are building blocks of watershed-based management, and I am very proud of the fact that in the last five years, we have gone from nine to sixteen conservation districts in this province. We are very proud of our record, and our record as a province, because, as much as it has been an NDP government that has been able to move forward from nine to sixteen, let us be very up front. The real credit goes to the municipalities and local residents, the many stakeholders who are out there making the conservation district movement a real success. I know, I am sure the critic for Water Stewardship will be aware of this, certainly, from his travels.

I realize that there are areas of the province that are still considering the conservation district move, but I think anybody that has had any exposure to this, I know the Member for Portage (Mr. Faurichou) has a lot of history with conservation districts, and certainly in his own area, I think, the advantage of the conservation district approach is abundantly clear.

So, as much as I appreciate the intent of this motion, Mr. Speaker, we will not be supporting this amendment. We want to make sure the Water Council maintains its advisory role.

Mr. Penner: Mr. Speaker, I move, seconded by the honourable Member for Morris (Mrs. Taillieu), that debate now be adjourned.

Mr. Deputy Speaker: Okay. We will be moving to the next amendment.

An Honourable Member: Agreed?

Mr. Deputy Speaker: Agreed? Okay.

It has been moved by the honourable Member for Emerson, seconded by the honourable Member for Morris, that debate be adjourned. [*Agreed*]

Mr. Deputy Speaker: We will move to the next amendment.

Mr. Faurichou: I move, seconded by the honourable Member for Carman (Mr. Rocan),

THAT Bill 22 be amended in Clause 24(4)(b) by striking out "the fund or".

Motion presented.

Mr. Faurichou: I appreciate the opportunity to bring forward this amendment which I believe is very important. As we recognize in this Chamber that one does come across the power of government versus the feeling of unempowerment on the opposition benches, and times will change, and hopefully, in the very near future, we as Conservatives will be able to make the decisions necessary to see our province into prosperity in the future.

This situation that we are faced with in the creation of a fund which will collect resources that will be made available to projects related to water, and in fact, though, we have seen opportunities where the funds have been destined for infrastructure that have seen their way through to creation of statues and water fountains and ornamental development within parks. One would question as to whether or not that could be deemed infrastructure.

* (16:00)

Here in the act the Water Stewardship Fund is created, and we believe that this is a very, very worthwhile endeavour, so that funding, and I will say adequate funding, be provided for the very many worthwhile activities that this act calls for to be supported by the by the fund. But we do want to be cautious because we do understand the nature of politics. Whether one be in opposition and then in government, or in government and then in opposition, this fund could be used for promotional purposes of the governing party. We feel it very important that the resources within the fund be directed towards promoting not just the fund or the governing party, but we want the funds to go towards

projects, promotion of projects that the fund is, in fact, supporting. Not that it would not be of possibly good intent to promote the fund at some juncture in time, but we all know, given the opportunity and given the understanding of political life, we know that we should be cautious about providing for, not just for, say, this current minister or this current government. I do not believe that we should dangle the carrot in front of the animal, "the beast" that we sometimes are referred to as politicians, in front of us and allow for the use of the resources within this fund to promote the fund and the minister, the government, ultimately.

So, Mr. Deputy Speaker, I think it is very important that we take out those few short words and to make certain that the resources within the fund are dedicated to undertaking projects as deemed supportable within the context of the legislation, as well as to promote the projects whereby exposing the fund to the general public and ultimately garnering further support. There are many, many worthwhile organizations, many generous persons and foundations that will see the merit of putting resources into the fund by way of grant or gift, donation or bequest so that the undertakings as detailed in this legislation can be put into place that not only will benefit current Manitobans but many, many generations into the future. I believe that the fund, as established under this legislation is, indeed, most worthwhile.

Mr. Deputy Speaker, though, before I give way to other members to debate this particular amendment, I do want to take exception to some of the minister's comments in regards to the direction given and the mandate provided for what is deemed the Water Council within this legislation. We must absolutely and completely understand what the Water Council is going to be charged with as they exercise their responsibilities under this act because there is no backstop anymore.

Mr. Deputy Speaker, this act in the last page repeals The Water Commission Act. That act has been in place for more years than I have walked this Earth. That Water Commission did, indeed, safeguard all Manitobans' interest as it pertained to water. That commission had, within its make-up, a member of the Manitoba Legislative Assembly. It also, too, had the resources at its disposal should it have deemed necessary to carry out their

responsibility. The Water Commission was a very valued organization in this province.

Now, the Water Council does not have representation deemed within its mandate to include an MLA, an elected member of this Assembly. I do not know why they have excluded general membership from the council, but in any event, the legislation is before us and does not include membership from this Assembly, as did the Water Commission demand in its legislation.

So, Mr. Speaker, I also want to emphasize, the resources available to the Commission were substantive. They could call upon government and all personnel within government to provide them with the resources to answer any and all of their questions and to research any and all areas of the topic to which they were charged with making a decision.

Now, the Water Council does not have those resources. Yes, it can, but it needs those resources to effectively be provided for through the support of the minister. So the minister does not have to give the Water Council any resources at all. What can the Council do without professionally trained staff, without resources to consult and inquire and, in fact, to engage professional support? So it is vitally important that we understand what this legislation is all about and what, in fact, the Water Council is going to be charged with and what their responsibilities will be.

So that is why I take great exception to the minister saying that he will not support the previously proposed amendment. It leaves wide open the opportunity for the minister, present or any of those that may follow, to seriously curtail any and all activities of the Water Council by merely not authorizing, not providing for, not giving permission so that resources be provided to the council.

So, Mr. Deputy Speaker, I know I have gotten off topic with the current amendment, but I felt that the minister needed to be called to task in his comments as it referred to the last amendment.

Now, I am also, though, glad that the minister did mention that experience with conservation districts, that the Whitemud Watershed Conservation District was, in fact, the first conservation district recognized in the province of Manitoba. That conservation district encompasses virtually all of my

farm. I was, as was my father, one of the founding members of the Whitemud Watershed Conservation District and that conservation district, I do believe, has shown great leadership in showing the way of other conservation districts. They have also engaged resources to provide for an extremely comprehensive water management plan, and it is one of only two of the referred to sixteen conservation districts that have a water management plan in place today.

So, Mr. Deputy Speaker, we will be challenged to provide for water management planning here in the province of Manitoba. I will say that it was extraordinarily costly even in 1970s dollars to create a water management plan. At that time, the Sterling Lyon government recognized the importance of water management and the planning for the use and preservation and water quality within that plan and agreed to support the local municipal governments that were part of the conservation district on a matching-dollar basis. That commitment, shown by the Sterling Lyon government toward conservation here in the province of Manitoba more than two decades ago, I trust that the current administration will see the merit in making certain that equal support is shown today as was more than two decades ago.

*(16:10)

I realize that my time is growing short and I just want to leave with the minister the importance of adequate funding of the necessary activities as outlined within the bill and that the conservation districts are given the necessary resources to carry out the mandate which is going to be created in their thrust through this legislation.

I know the conservation districts are looking to the minister for his most generous support. Although it is acknowledged that the pathway is shown and the studies have been done and there may be a savings to looking to the Whitemud Watershed and the original planning documents, the reference material could perhaps be brought forward to present day planning strategies for other conservation districts so there may be a savings and a cost that will not have to be incurred. I truly believe what was good 25 or so years ago, as recognized as adequate support for this valuable work, should be recognized at the same level of support in today's dollars, thereby carrying out the mandate of Bill 22.

Thank you very much, Mr. Deputy Speaker. I look for support by the minister for my amendment.

Mr. Gerrard: Mr. Speaker, just to put a few words on the record with regard to this amendment. Before I do, I will comment on the minister's response to the last amendment.

What we heard was that the minister really wants an airy-fairy advisory council without any particular role or function. We do not even know whether this airy-fairy advisory council will provide any reports or anything written or maybe it will all just be in secret. Surely the Water Council deserves better than this. We would hope the minister can give us a better answer not only to the Water Council but to some of the other legitimate and important questions and issues being raised by the Member for Portage la Prairie.

With regard to this particular amendment, I think we only need to have watched the minister and his government over the last little while to know why it is so important that the dollars which are allocated be used in appropriate ways. To be honest, Mr. Speaker, a major reason for this is to keep the minister and his government from being a laughingstock of the people of Manitoba.

We saw recently all this promotion about the good things the budget was doing. I went out and talked with people and they were laughing at these ads because of course they do not have a lot of credibility. The minister himself has put up ads that suggest he has done wonderful things for the lakes of this province, but you know, when one does a reality check, this minister is becoming a laughingstock among the populace of this province.

They are laughing because the more he says he has cleaned up the lakes, the worse Lake Winnipeg seems to get. The more problems with algal blooms, the more problems with pollution and this is sort of an odd situation, but exactly the same as happened with, for example, Kississing Lake. You know, the more he says that he has cleaned up the lake, the redder Kississing Lake gets. I wonder if the minister is taking a boat out on Kississing Lake to see how red his boat gets and how red he is looking, to be embarrassed as a result of these ludicrous statements which have been appearing. Really, all we are trying to do is to save the minister from being embarrassed, save the minister from having to have a red face,

save the minister from being caught up in ludicrous advertising which people just laugh at.

What we would like is that the money here is spent on legitimate and reasonable objectives and purposes, and I think it is reasonable that the minister should pay some attention. Hopefully, the minister will give us a better answer as to why or why not he will not support this amendment.

Mr. Speaker, I will sit down at this point, and we will see what the minister is going to say.

Mr. Ashton: I certainly appreciate that the Member for River Heights (Mr. Gerrard) is quite excited. I realize he has had an interesting last few weeks as his party determines whether they want to be the party formerly known as the Liberal Party. I give him credit; it is not an easy time to be a Liberal. Maybe sometimes the best way to distract attention from what is a concern to you is to launch into a few tirades back and forth.

I must admit, Mr. Speaker, when I see white envelopes now, next time I go into a restaurant I will be looking for white envelopes stuffed full of cash for one Liberal to pass on to another.

Anyway, Mr. Speaker, I am sure the member had other reasons for taking this well-intended amendment that takes three words out of the bill and then launching into this tirade.

By the way, while he still has the opportunity to talk to his Liberal colleagues in Ottawa, he might also find out that, indeed, the Liberal government, the federal government is actually very pleased to be working with us on water issues. I just met with Stéphane Dion, Minister of the Environment. They see Manitoba as partners, as leaders in terms of watershed-based planning. His former colleague, Reg Alcock, I should tell you, Mr. Speaker, indicated a great deal of interest in the kind of work we are doing. So notwithstanding the comments of the member from River Heights, I can tell you that we are seen as being leaders.

Mr. Speaker, this amendment, which would attempt to strike out three words in the bill, we feel that, unlike the previous government, we do not need to establish some of the kind of elaborate infrastructure that was in place. What we need is a fund that has to have terms and conditions com-

municated and promoted to users. We believe the wording of the current bill does that, and the removal of the three words actually would not assist in terms of Bill 22, so we would respectfully oppose the amendment.

Mr. Penner: I move, seconded by the honourable Member for Pembina (Mr. Dyck), that debate now be adjourned.

Motion agreed to.

Mr. Deputy Speaker: We will move to the next amendment.

* (16:20)

Mr. Faurschou: I move, seconded by the honourable Member for Pembina,

THAT Bill 22 be amended by adding the following after Clause 32:

Appeals

32.1(1) A person who is affected by an order under this Act or under the regulations may appeal the order to the Municipal Board within 30 days after the order is made.

Stay of order

32.1(2) Unless the Municipal Board orders otherwise, the order appealed and any proceedings to enforce it are stayed from the filing of the appeal until the Municipal Board decides the appeal.

Exceptions when the order relates to pollution

32.1(3) Subsection (2) does not apply to an order that relates to or is issued to prevent or mitigate water pollution.

Mr. Deputy Speaker: It has been moved by the honourable Member for Portage la Prairie, seconded by the honourable Member for Pembina,

THAT Bill 22 be amended by adding the following after Clause 32:

Appeals

32.1(1) A person who is affected by an order under this Act or under the regulations may appeal the order to the Municipal Board within 30 days after the order is made.

Stay of order**32.1(2)–**

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense?

An Honourable Member: No.

Mr. Deputy Speaker: Okay, continue.

Stay of order

32.1(2) Unless the Municipal Board orders otherwise, the order appealed and any proceedings to enforce it are stayed from the filing of the appeal until the Municipal Board decides the appeal.

Exception when order relates to pollution

32.1(3) Subsection (2) does not apply to an order that relates to or is issued to prevent or mitigate water pollution.

Mr. Faurchou: Thank you very much, Mr. Deputy Speaker. This is an important amendment to this act, which does now, when it is not in its current form, provide for an appeal mechanism to orders under the act. It is felt that persons who derive their livelihood and rely upon a water source should have the assurance that if that water source is denied to them they are not, effectively, losing all of their income and could potentially see themselves into insolvency because they were not able to, perhaps, process an agricultural product like French fries or to, in fact, produce such products as carrots or potatoes, because we all know that these crops and the processing industry rely very heavily on their crop and their production, and if this is interrupted or removed from them, then severe financial difficulty can result.

Currently, there are no safeguards, as we see in the act at the present time, that allow for individuals or corporations to apply for a second sobering thought, if you may, Mr. Deputy Speaker, and there is no body identified within the act having the capabilities or resources assigned to them to take a look at a particular order and what might be the repercussions from that order.

So we feel it extraordinarily important that someone, or a protocol, be put in place to allow for an appeal of actions taken under this act by the minister. As identified, you are making use of the Municipal Board, which is an existing organization

with the resources assigned to it that provide for its ability to function and to carry out its responsibility by way of thoroughly investigating and does not rely upon the minister of the day for the resources to undertake a clear understanding of the appeal before them. The Municipal Board is one that we feel has existed and shown, through its own track record, as being a fair, understanding, well-researched organization. That is why we have identified the Municipal Board.

As well, I might say that the Municipal Board is very much attuned to activities in and about the province and does have a very fair recognition of the sometimes opposing viewpoints or the competing entities for a scant resource such as water and land and that the Municipal Board, with that understanding and comprehension, would be very responsible in acting as an appeal board to orders issued under this particular piece of legislation.

Now, Mr. Deputy Speaker, we also want to recognize that there needs to be a time element effected as individuals, when they appeal, the appeal process sometimes can last for some time and, without specifying a particular limitation within this amendment, it could go on and on and on. As you can recognize and appreciate, crops going without water even perhaps two days under very hot, dry conditions can be extraordinarily detrimental to a crop, or if one is processing potatoes and did not get the shipment out and the potatoes were degrading in storage, the losses that could be incurred.

So we feel that it is vitally important that the appeals process be not only well done, as far as research and understanding goes, but also to be done in an expeditious fashion. So we have made certain through noted that it be no more than 30 days as also, too, to recognize the immediate impact that any of the orders that curtail the use of water that would have a significant detrimental effect on operations would, in fact, be set aside and suspended for the time the Municipal Board would need to investigate and to clearly decide upon whether the order was one that was fair and did in fact address the concerns that the individual personnel that have responsibility under the act may have deemed a concern and the need to be addressed.

* (16:30)

So, Mr. Deputy Speaker, I hope the minister comprehends that orders to cease the draw of water

from a particular resource would have a very detrimental effect and should not be interrupted and that is why the third clause in the amendment refers to pollution. Now, we recognize that all of our sources of water are ones that we regard as precious and that they must be safeguarded from any pollutants as defined by the act, that orders of that nature are not set aside or suspended while the appeal goes forward to the Municipal Board. Although there are numerous examples that I could cite, I would be reluctant to state a particular example as there already exists many. I know there is current legislation that allows the Water Stewardship Minister to act in a very immediate fashion to put in place orders that would curtail that which we would consider of a polluting nature.

When we talk about pollution, it is something that we must provide the necessary resources to our municipalities as waste water treatment plants are very necessary and I know the City of Winnipeg in this regard has its challenges before it.

I do want to recognize this government and the former Minister of Intergovernmental Affairs, the Honourable Jean Friesen, who came to Portage la Prairie and put a spade in the ground and assisted with the development of the enhanced water treatment facilities in Portage la Prairie, both for potable water and for waste water. I will make note that it was the current Water Stewardship Minister that joined me at the ribbon-cutting ceremony of the project that the Honourable Jean Friesen started. It was the honourable Minister Ashton that had the privilege of snipping the ribbon after, might I note, a very lengthy drive all the way from Thompson.

It was a beautiful Manitoba morning. I might want to make note of that. It was one of the very few days that we had last fall that was conducive to harvest. I was present that day in my jeans and my jean jacket and ball cap which came directly from the combine. I was not as properly attired as the minister was in the ribbon-cutting ceremony, but it was a delight just to be present and to have that opportunity to commission a water treatment facility here in the province of Manitoba in my home community of Portage la Prairie that has the technology, that is at the forefront of any facility currently in operation here in Canada.

The Portage la Prairie water treatment facility has that distinction and is one that is looked upon in

the studies of those engaged in becoming engineers at the faculty of Manitoba. Field trips are constant and numerous from students from the Faculty of Engineering at the University of Manitoba to the newly commissioned water treatment facility in Portage la Prairie simply because it does engage all of the most current technology in water treatment.

The quality of the water coming from the water treatment facility in Portage la Prairie is virtually second to none. I understand there is some water source emanating from a melting glacier that has a little bit better quality than that coming out of the taps in Portage la Prairie, but we are a very close second as I have been led to believe, so that truly is a testament not only to technology, but also to the personnel that operate the water treatment facility in Portage la Prairie, taking the water from the Assiniboine and providing it for all the necessary purposes of those in the Portage la Prairie area.

I might note that it is an undertaking of the previous administration that went and saw the need to expand the water distribution network in southern Manitoba. I will speak specifically of Portage la Prairie and the Cartier regional water system that saw the development of a new water treatment facility at—Mr. Deputy Speaker, I am just at a loss right now at the moment of the community's name that is north of Elie and south of Marquette.

Some Honourable Members: St. Eustache.

Mr. Faurshou: St. Eustache, yes. St. Eustache is the community where the new water treatment plant that was built by the previous administration to provide for waters into the White Horse and Headingley regions, as well as Oakville and Elie and numerous farmsteads along the way. It is vital that we continue to regard the importance of water.

I close now in my comments toward the amendment. I truly believe that the minister can support this appeals mechanism, which charges the Municipal Board with the very important role of overseeing appeals to orders made under this act, Bill 22. Thank you.

Mr. Ashton: I want to thank the member opposite, particularly for reminding us all of the importance of geography and where St. Eustache was. Certainly, I do acknowledge we did have a very positive opening in the member's constituency, and I think, before I

get back to the details of the bill, I think it is important to note the foresight of people looking at such a regional system. I think that is very much the model of the future.

I was pleased to be there and, of course, I think the member is quite correct, Jean Friesen did play a role, I do not remember, and has certainly been very vocal in terms of supporting this kind of approach. I would certainly want to put on the record, it is a major improvement for the communities that will be served. It was also a very good opportunity to see what a state of the art facility it looks like, and it is a state of the art facility of which people can be really proud.

This section, in terms of the amendments that we are seeing here deals with an appeal process. I want to indicate that the amendments that I will be moving when we get to that portion of the bill, also bring in an appeal mechanism. I note that at the committee hearings stage, the concerns expressed, the need for an appeal process. We listened and the KAP brought forward its own specific concerns.

I subsequently met with KAP. I do want to acknowledge, by the way, that I certainly appreciate the fact that KAP did indicate, when we announced our amendments, that it was pleased that many of the issues that they raised were included in the amendment that we have got on the Order Paper. I think that is fairly critical. In fact, we did take the unusual step, in this case, of ensuring that we had quite a fair amount of time to listen to KAP. I know the Member for Emerson (Mr. Penner) will be aware that KAP has indicated that. I respect their view. I want to note for the record that they specifically indicated that they were pleased that there was recognition of the need for amendments, so I want to put that on the record.

What we have put forward, we believe, is a more appropriate forum for appeals. This would amend the act to include an appeal process. We have been looking at the process of some of The Environment Act. The amendment that we will be bringing in shortly will ensure an expeditious and transparent appeal process. While I certainly appreciate the suggestion from the member opposite, the Municipal Board be used, we do not believe it is the best court of appeal where highly technical and scientific issues may be at play.

It is important to note that we are putting in place clearly an appeal mechanism where there is an issue of science, and a technical issue. Also, by allowing an appeal to stay an order of harm could continue from the operation when the deal was being dealt with in addition to pollution identified in the opposition's amendment.

So, Mr. Speaker, as much as the principle of an appeal is something to be shared by all members of the House, we do not believe this is the best mechanism to proceed and would therefore indicate our opposition to this amendment.

* (16:40)

Mr. Penner: Mr. Speaker, I move, seconded by the honourable Member for Ste. Rose (Mr. Cummings), that debate now be adjourned.

Motion agreed to.

Mr. Deputy Speaker: We will move to the next amendment.

Mr. Faurichou: I move, seconded by the honourable Member for Ste. Rose,

THAT Bill 22 be amended in Clause 33(3) by striking out "Part 2 other than section 7, or under any of clauses 33(1)(a) to (d)" and substituting "any provision of this Act".

Motion presented.

Mr. Faurichou: This is perhaps very technical in its description but very important if one relates it to the bill. I understand that the minister's intent is that legislation be crafted in a fashion that provides for implementation through regulation, the intent of the bill. So what we refer to is an enabling legislation.

The minister does recognize the importance of public consultation and does refer much of the bill to public consultation for regulation implementation. However, Mr. Deputy Speaker, there are areas of the act that will not come before the public if this act is not amended. There could be regulations put forward by the minister that the public would not have opportunity to comment on. I believe that because of the complexity of the bill, the importance of the bill, it is vital that the public be given the opportunity and the forum in which to provide for their input

regarding regulations which implement this very, very important bill.

I will stress that this bill is one that takes precedence over many other important bills. I might say that Bill 22 takes precedence over The Planning Act. It takes precedence over The Environment Act. It takes precedence over The Water Resources Conservation and Protection Act. So you can see that this act by regulation is important to have public consultation.

We have had the public committee to study the bill as it is an enabling piece of legislation, but recognizing that the bill cannot come into play and into force and, in fact, carry out its mandate without accompanying regulation. That is why we are proposing this amendment that all the regulations attributable to Bill 22 come before the public for public comment. It is an important amendment and I hope the minister recognizes it as such.

We do also recognize that, in emergency situations, to consult the public may be advisable and something that all of us would like to see, but timing may be of the essence and reaction to a potential polluting situation must be taken in a very timely fashion. Thereby, we recognize that regulations pertaining to emergencies can, in fact, be put in place without such public consultation. I do believe our amending legislation I spoke to previously did recognize that the minister should not go it alone even in emergency situations and should have the support of Cabinet colleagues so there is not just one individual making the decisions that are more clearly and well thought out always through discussion. We are hoping to provide that within this legislation through amendment.

We also want to recognize that ultimate power does have that possibility of, well, it seems rather harsh to use the word corrupt, but when persons are given unrestrained power, unrestricted power, power that an individual does not need to be beholden to anyone, can potentially make use of those powers in ways that are not to the best interests of the general public and, perhaps, just to the benefit of the individual. We do want to make certain that the regulatory part of the bill, which actually is the meat and the potatoes of the bill, goes before the public, and they do have the opportunity to express their concerns and to participate.

I will say it also gives the government the opportunity of a lot of free advice. Some people make light of that. Free advice is probably worth about what you pay for it, but I take exception to that because I have through my Legislative tenure experienced a great deal of information coming forward through public consultation, through the committee portion of Legislative passage, and I have learned an immense amount. Very scholared individuals have come before committee and provided information to us as Legislators, and to Executive Council that would have cost tens of thousands, perhaps even hundreds of thousands of dollars, if one had to employ or engage those individuals to put together the reports which would have this information, guidance and recommendation. I say that our committee process does serve us very well, and I would like to see the public be given the opportunity to be engaged at any and all opportunities so we as Manitobans, through well-researched and prepared legislation, are the beneficiaries.

* (16:50)

Now, Mr. Deputy Speaker, I do also want to reiterate that this proposal does not pre-empt or preclude the minister from invoking any measures that may be deemed of an emergency nature and attributable to pollution of our natural waterways and bodies of water. So we do not want to encumber that ministerial power through this regulation. So I do want to make certain that that is provided for.

Now, I know the minister has spoken on a number of different occasions regarding my amendments. I do not believe at this point in time that he has stood and given the weight of his office in support of any of the amendments this time. I am, once again, wanting to ask the minister that he consider this very valuable amendment as one of consideration for support.

The act is, as I expressed at the beginning, one that we support on this side of the House. Its intent, as everyone, I believe, in this province, whether we, today or future generations, supports, is the protection of our most important natural resource, that being water. This act is one that lays out the intent to protect not only the water, but areas in and about our waterways, and to make certain that water is available to support the many ecosystems that rely upon it as well as for food production and sustained life here in the province of Manitoba.

We want to make certain that this act does put in place regulations that make certain that we are always able to access sufficient, safe, acceptable and affordable water for personal and domestic use at all times. That is why we need public input on the regulations to make certain that that, in fact, does take place.

We also support the government through the Bill 22 that recognizes the treaties, international treaties, which I am afraid, if I may start to deviate on this particular topic a little bit, Mr. Deputy Speaker, I feel that the current government has done all Manitobans a significant disservice in the way the government has approached its relationship with North Dakota.

Although, in principle, I agree with some of the nature of the disagreement, I bitterly, bitterly disagree with the government's approach to relationships with elected officials in North Dakota, to engage in legal action without so much as a phone call to Governor Hoeven or contact with the respective jurisdictions of water resources in North Dakota from department personnel. To find oneself being charged with actions through the court system with not even so much as a courtesy call I think is a very, very dismal way of trying to keep up good relations between immediate neighbours and then later on acknowledging that we need that neighbour's support and co-operation in order to provide prosperity to all Manitobans, not just today and tomorrow, but long into the future.

The United States is the single most important trading partner that we have and to effectively, well I have got some strong words I could use, Mr. Deputy Speaker, but I know they are not appropriate right now. We have significantly drawn the ire of our closest neighbour, the state of North Dakota. We have to transport our goods and our services to our trading partner in the United States through that territory. I know, personally, that since this action has taken place, my own operation has seen our transport trucks down into North Dakota, and, instead of receiving a wave and a cheerful smile, we have been receiving the raised index finger and frowns, and being pulled over to the side of the road for inspections that would not otherwise have taken place because of the current state of relations between Manitoba and North Dakota.

I give the example that there are different counties that have different regulations on the size of

lettering on the side of the truck which all of us must comply with through regulations to show our permit numbers. Our ability of license to carry the products must be displayed as well as the ownership of the truck on the side. To have a charge levied against my own commercial operations to the effect that our lettering was only two and a quarter inches in height and needed to be two and a half inches in height to go through this particular county. Although the charges were resolved by negotiation, that is a testament to the current state of affairs between Manitoba and North Dakota and that dismays me greatly. I say that I could express that in what we would term stronger language, but I feel language that would be inappropriate for this Chamber. It is vitally important that we treat others as we expect to be treated ourselves. Thank you very much, Mr. Deputy Speaker.

Mr. Ashton: I was reading the amendment that was brought forward, and we were in a reasonably accommodating mood when the member summed up the Holland Dam on an amendment that was going to strike three words out of the bill, but I must say that I do not know what amendment we are dealing with here. The amendment does not mention Devils Lake. It does not mention North Dakota. I do not know what the member was thinking of when he brought in this amendment, but I am actually very surprised that he would be critical of any efforts to stand up to the Province of Manitoba's interests.

Mr. Deputy Speaker, the member should be aware that the state of North Dakota is going to be opening an outlet as early as this June unless there is the referral of the IJC that we have supported, that the state of Missouri supported, the state of Minnesota supported, the Great Lakes Commission has supported, that represents eight states and two provinces. When we were in Washington recently, First Nations supported the efforts. North Dakota citizens support the efforts to have the referral of the IJC specifically of the state, the Sheyenne group and Peterson Coulee Association.

Mr. Speaker, I find it incredible that somehow the member would take him having his trucks inspected going across the border of North Dakota as being something that came about because of something we did but we should not have done. We should not have done what? We should not have gone to court on the Section 402 Appeal which questions the validity of the department of health in

North Dakota issuing a permit for the Devils Lake outlet? We should not have gone to court on the Section of 404 Federal Appeal that points to the fact that there was an inadequate environmental assessment? Perhaps we should not have gone to court on the NAWS' decision which was a major victory for Manitoba which ensures that there is going to be an environmental assessment for a project that will take water from the Missouri basin into the city of Minot, and then would result in the risk of the transfer of foreign biota, if there was a failure of that. By the way, a federal court in the U.S. ruled that there needed to be proper environmental assessments.

* (17:00)

So I do not know, Mr. Speaker. Members opposite, and I know the Member for Emerson (Mr. Penner) on Devils Lake has been a consistent advocate for the State of North Dakota's position on this, because I have heard this. He has questioned the strategy. I do not know what relevance—

Point of Order

Mr. Deputy Speaker: The Member for Emerson raising a point of order.

Mr. Penner: Thank you very much. It is very clear that the Minister of Water Stewardship for the province of Manitoba, although he has mounted court action against North Dakota on Devils Lake, does not even understand that there is no Garrison water coming into Devils Lake. Never has been and never will.

The issue of North Dakota piping water out of the Garrison into Minot, North Dakota, is an entirely different matter, and we have constantly said, Mr. Speaker, that we would ask the North Dakota State to ensure that the water is treated before any Garrison water ever hit the pipe. I think that is where the minister has made a huge mistake. If he would have taken the time, he and his Premier (Mr. Doer) to sit down with the Governor of North Dakota and discussed these matters, they might have gotten somewhere.

Instead, they drag their neighbours out to court constantly. So that is, Mr. Speaker, I think, where the problem lies and the minister should understand that—

Mr. Deputy Speaker: There is no point of order. It is a dispute over the facts.

* * *

Mr. Ashton: If the member had cared to listen, I was referring to the NAWS' decision, which takes water from the Missouri Basin and, Mr. Speaker, transfers it over, across basin. That is a fact.

Mr. Speaker, I am shocked that the spokesperson for the Conservative Party on Water Stewardship—I presume he speaks for the Conservative Party on Devils Lake—would not be aware that with Devils Lake there are still provisions in the Devils Lake situation for an inlet. In fact, that is part of the federal appropriation. It is part very much of that. The reason that Missouri opposes a Devils Lake outlet and the Devils Lake project is because this is the first step, as far as they are concerned, to an inlet that will indeed take water from the Missouri River into Devils Lake and then on into the Red River.

So I would suggest the member opposite get his facts straight, Mr. Speaker. Maybe, just for once, given his position as having a leadership role in terms of Water Stewardship in this province, actually stand up for the province of Manitoba because I think you can see when it comes to Devils Lake he does not even know that the inlet is very much a part of the whole Devils Lake process. I would suggest I will provide him the information if he is not aware of that. He could talk to anybody down there, maybe take the time to go to Devils Lake. I have been there.

But, you know, I found it interesting, too, Mr. Speaker, he was blaming BSE on Devils Lake. The Devils Lake outlet has been in the works for probably close to 15 years, and if you include the Garrison Diversion, probably decades. The state outlet has been on the books since the summer of 1999. You know what? The Premier (Mr. Doer) has talked to the Governor of North Dakota. You know what the reaction of the State of North Dakota is? They do not want it to go to the IJC. It is going to open in June unless we get that referral.

So I would suggest, Mr. Speaker, that members opposite, instead of supporting, in this case, or justifying the actions of the State of North Dakota, instead of getting up in the Legislature and creating some sense that there might be any disagreement, the bottom line is, I do not know any Manitoban outside

of maybe a few members on the opposite bench that has not said the proper thing to do with the Devils Lake outlet is to refer it to the IJC. We have had 53 referrals since 1909 to the IJC for trans-boundary disputes.

When we went to Washington last week, and when we were joined, by the way, by the Great Lakes Commission from the U.S., by Ontario, by Québec, by Grand Chief Phil Fontaine, you know I did not talk to one U.S. official that did not think that we had anything other than the legitimate right and the responsibility on behalf of the people of Manitoba to go and urge that the U.S., our friends in the U.S., support the referral. Because I want to put on the record this is not Canada versus the U.S. In this case, it is Manitoba backed up by the State of Minnesota, backed up by the State of Missouri, backed up by the Peter Coulee Association, backed up by the Save the Sheyenne organization, backed up by First Nations in Canada and the U.S., backed up by the Great Lakes Commission, which represents eight states, backed up by the National Wildlife Federation, backed up by numerous environmental groups in Canada and the U.S.

You know what? The only people that do not seem to get it, Mr. Speaker, are the Member for Emerson (Mr. Penner) and the Member for Portage (Mr. Fauschou). I sure hope they do not speak for their party, because I have always thought we had an all-party approach in this. I do not know anybody in the province of Manitoba who does not get the fact that opening an outlet from Devils Lake is not going to be good news for Manitoba.

Mr. Speaker, I still wonder what part of Bill 22 that relates to, what part of this amendment it relates to, but I could not let those statements go unchallenged. Maybe, if the member opposite wishes, he may want to put the issue before the Legislature for debate. I would love to hear what their real position is.

I would say 99 percent of Manitobans I have talked to have said, "You know what? You are doing the right thing because, in this case, we need to get it to the IJC." Indeed, we have tried direct contacts. The Premier talked to the Governor of North Dakota, who also happens to be the chair of the State Water Commission. North Dakota has made its position very clear. We either fight for the referral of the IJC,

Mr. Speaker, or become a doormat and we will see that open in June.

I would hope the members opposite would join the fight, support Manitoba's interests, instead of trying to undercut Manitoba's interests as we saw earlier today.

Mr. Speaker, again, with regret, on this amendment, I think the amendment itself, while certainly well-intentioned, I do believe—withstanding the member's comments on Devils Lake, the member has tried to bring forward a number of amendments that he feels would improve the bill. We believe that the existing clause 33(3) obligates the minister to have proper opportunity for public consultation. I am very proud of that. That is a major feature of this legislation. In fact, this amendment is not necessary. The bill already covers this.

So, again, Mr. Speaker, on this particular amendment, I believe, with regrets, that we would not support the amendment.

Mr. Glen Cummings (Ste. Rose): I spoke earlier on some amendments on this bill, and I have been listening to the current exchange between the minister and my colleagues. The minister is quick to jump to the defence of his position on Devils Lake and the relationship with our American friends. I am not going to divert into the specifics of that debate.

I have been on record for quite a few years, when our roles were reversed, of being opposed to anything that would degrade the quality of the waters coming into Canada, but I do not ever remember the state of relations between Canada and the United States, between Manitoba and North Dakota, ever being as bad as they are right now.

That is really the thing the minister is missing. He can characterize it how he likes, but it relates to a myriad of things, one of which is the water situation. Certainly, when the Rafferty-Alameda dams were being built and we were receiving water out of the states, there was concern about it being denatured. When the debate over Devils Lake first emerged 10 or more years ago, I was in the middle of it at that time, and the position was similar to what the government has, but the animosity, the lack of communications, the disrespect, the in-your-face, in-your-eye, up-yours attitude of the government is not improving the relations that we need to have with the

people that we do business with more than anybody else on the continent.

Some Honourable Members: Oh, oh.

* (17:10)

Mr. Cummings: We do business—I am getting a lot of help behind me, Mr. Deputy Speaker, and I apologize if I forgot myself and was talking like I was back on the farm.

Mr. Deputy Speaker, for the minister to say that there is no connection between BSE and other things that are going on between this province, the United States, between this country and the United States, sadly, there is no direct connection. Sadly, we are spoiling a relationship that was one of the most profitable, one of the most friendly. We had the greatest undefended border in the world. Both countries were proud of it, but our American friends are becoming less and less enamoured with the attitude of Canadians. That, I think, was personified by our previous Prime Minister, personified by members of the House of Commons like Carolyn Parrish—

An Honourable Member: You just go ahead and keep up the rhetoric.

Mr. Cummings: Mr. Speaker, I want to get back to Bill 22, but I cannot let it go unchallenged in this House that the approach that this government uses in dealing with our friends to the South is inappropriate. It is not that they should not be standing up for the quality of water in this province. That is what this bill is expected to do, but their attitude towards the Americans is connected to their attitude around this bill. Bill 22 is all about what we could do, but it does not tell us what we are going to do, which is what a bill should do.

I hear some chuckling on the other side. I hope it is on a different matter. Mr. Deputy Speaker, a bill should lay out in a way that we can understand, we being the public representing the public here in this Chamber. We should be able to understand what will be accomplished if we passed this bill.

Now my colleague from Portage la Prairie, my colleague also from Emerson have some amendments to this bill. The minister has proposed, I believe, 12 amendments and now he has got—and I

am going to be a little sarcastic, I suppose now he has got a subamendment to his amendment.

The last time that I was in government, I remembered getting bucketfuls of derision from this now-Minister responsible for Water (Mr. Ashton) about amendments the government brought into its own bill. I do not have the time, nor do I have the vitriol in my stomach to give him back what he handed out before when people amended their own bills to an insignificant amount.

An Honourable Member: Go ahead.

Mr. Cummings: The minister says, "Go ahead. Have at it."

I want the record to clearly show that this bill could be made into a good bill, that there are many things about the intent of the bill. There is no one in this Chamber who would object to the intent of this bill. There is certainly no one, Mr. Deputy Speaker, who expects to be painted in a corner as not being supportive of clean water. Of course, that is the cornerstone of human life on this planet, if you will. We need to all do whatever it is that we can in our own small way to make sure that we do maintain the cleanliness, if you will, or the quality of water that is available in this province.

We are the basin for what comes from the South, for what comes from the West. We do have to depend on some other jurisdictions, a lot of other jurisdictions, to not be putting pollutants in the water that passes through this province. Ultimately, the contaminants are collected in our biggest lake, which is one of our most valuable resources, by the way. I think I can say without fear or contradiction that everyone in this Chamber would agree with that statement.

Where I have a problem with this bill, and I will continue to rise to speak on these amendments—I think there was a genuine effort, and, look, on this side of the House, the same as on that side of the House, members have debates and discussions about how it is the best way to approach legislation. Ultimately, the minister is responsible. Ultimately, the critic is responsible, and we deal with what we are given in terms of legislation that is presented by the minister on behalf of his government. That is stating the obvious, I suppose, but the bottom line is that, as we go through the debate around this bill, I

think we started into this with some willingness on all sides to make this a good bill.

There were a lot of people who said that this bill had important attributes to it, but there is a little bit of history that I think Chamber needs to be considering. The debate that we are entering into now began about 10 years ago where people, administering regulations and acts that impacted and were responsible for the management of our water, realized that they had a handful of acts that probably should be modernized. They should be streamlined. They should be put into a modern context and, for administrative purposes, they could certainly be improved. For the protection of the water, there no doubt is an opportunity for improvement.

This act, I do not think, encompasses that original intent. I think this act is a showpiece and the amendments that we are dealing with when we cannot see in the government's plan a willingness to listen to amendments that opposition members and members of the interested public would like to see amended are not being given the opportunity to be debated on this floor. I think we are doing a disservice: (a) to the resource that we are trying to protect, and we are doing a disservice (b) to the people of this province who would expect us to do nothing less than the best job we can of putting this act into place.

I hope, Mr. Deputy Speaker, you will not rule me out of order, but I wanted to put on the record that there are a bundle of amendments that are not likely going to be dealt with according to the position that the government is currently holding. This bill is being dealt with in a very unusual way because of the broad concept of this bill. When delegations make presentations on the bill, it was easily understood that they were expecting the government to consider changes that would improve the bill, and would respect some of the concerns that were raised.

Almost to a group they said, "We are not opposed to the major concepts in the bill." The government has taken that feeling that was expressed at committee and has translated that into universal support for this act. The government that night decided not to wait on amendments, not to sit a second time in committee and wait on the opportunity for amendments to be properly presented

and debated, and an opportunity to provide potentially helpful amendments to the bill.

The government put the big boot down and they moved it forward that night knowing full well there were a lot of amendments that could and should be made. Now, what a fortunate turn of events. Now the government has 12, maybe 13 amendments that they are going to introduce in report stage. This minister and his Premier and the member responsible for planning, whatever department that falls under now, in doing away with Bill 40, they said, "Oh, we can handle all this under Bill 22." They got themselves in trouble on Bill 40, but they said, "Because we got Bill 22 in process, we can fix it."

* (17:20)

Logically, this bill should have gone back to a public committee for input on the changes that would be relevant in terms of planning because that is how they were going to fix their problem with planning. I am not sure that that was anything more than wind and rabbit tracks, Mr. Deputy Speaker, because now we have a situation where there are some amendments that could be interpreted as having impact on planning. The areas that might be restricted for development, that certainly has a lot to do with planning, but now I hear rumours that government is going to introduce some other kinds of legislative changes to deal with the planning of Bill 40, or the problems that they knew they had to deal with. Now that it has been pulled, they do not have a vehicle to deal with them.

We are dealing with Bill 22 which, by the government's own amendments in report stage, is going to be changed significantly, Mr. Deputy Speaker, a significant change to this bill by the minister's own hand. I see I have got two minutes left, and I will rise on another amendment to deal with this issue further, but this government, by its own hand, is changing the intent of this bill, is changing the very basis upon which this bill is put together, and it makes it bad legislation until it is amended.

Mr. Gerrard: Mr. Speaker, to speak very briefly to this legislation and to this amendment which looks at the process of public consultation and the issue of whether there should be public input and public consultation. We have already heard the minister decide that he would prefer not to have this clause in

here allowing for public consultation on the regulations. I think that is a little bit of a disappointment, but it makes clear where the minister stands. That is all I wanted to say. Thank you.

Mr. Peter Dyck (Pembina): I, too, would like to put a few comments on the record regarding the amendment that was put forward by the member from Portage. Certainly, as has been said by numerous people this afternoon, the fact that consultation needs to take place is absolutely a requirement, and I cannot fathom why the minister would not want to consider an amendment such as this.

The quandary on this whole thing, as the Member for Ste. Rose (Mr. Cummings) has indicated, that on Bill 22, there are huge numbers of amendments coming in by the minister himself. To me this would suggest that not proper consultation has taken place, that he was not aware of what he was doing when he first introduced the bill. Now, to come back with that number of amendments is somewhat astounding.

Mr. Speaker in the Chair

Mr. Speaker, in that area, I think it is a requirement for us to look at all amendments that are coming in. I know that the Member for Emerson (Mr. Penner), the now-critic for this area, is also wanting to introduce some amendments. I think that, collectively, when we look at it, we ought to be able to put something together to assist the government of the day to come forward with legislation and a bill that is something that at least is somewhat acceptable to the general public.

Now, the bill that I see in front of us that had been presented by the government, and not having seen the amendments because, I believe, they have not introduced them; however, the bill that we see coming forward and needs dramatic changes, as it stands, and having met with a number of groups, is not acceptable to the groups. They find it difficult to be able to understand why this kind of legislation is being introduced when, in fact, they are trying to what we would call the clean water bill.

I do not think there is a person in this Chamber who would oppose clean water. I would trust that no one and hope that no one would do that. However,

when you start looking at what is in the bill and also the fact that the regulations have not been put forward, that really presents questions for us in opposition. We do not know what these regulations are going to be. I would ask the minister whether, in fact, he will be introducing the regulations before we are going to be dealing with this bill. I think it is absolutely important that that does take place so that we know the essence of the bill.

Mr. Speaker, I want to just talk a little bit about—we got into the whole area of the international drug commission, the whole area of water, and so on, and so it would be remiss for me if I did not mention the fact that in our area, this is the Pembina constituency that I represent, the potable water is a big, big issue. I know that following the flood of '97 there was discussion with the International Joint Commission. There was good discussion regarding the advancement, and also the building of the dam on the Pembina River.

I think it is vitally important that we continue to pursue a dam on the Pembina River rather than sending the water as we do now just as quickly as we can down the Pembina into the U.S. It then goes into the Red River, and then we send it north to Lake Winnipeg. Gone. It is gone. We could be putting up a dam and keeping the water back in order that we would be able to use the water.

I know that the studies that are out there would have shown that, in the 1997 flood that took place, the water level at the north side along the Z-dike would have been approximately a foot lower had there been retention of water along the Pembina River. That is only one case. We continue, in my opinion, to take the wrong approach in the controlling of water within this province.

Coming back to the whole area of pure water, the area of retention of water, in order to be able to facilitate this in the long run I believe that we need to take a different approach. As I indicated before, I do not think there is a person in this chamber who would argue the fact of having clean water. Certainly, that is something that we want to do, and the onus is on us as legislators to continue to promote that, to do everything within our power in order to be able to provide this for our communities.

Again, the area that I represent is the fastest growing area in rural Manitoba. Growth is taking

place. Again, I think it is something that is great. However, we have a responsibility as legislators to put in the infrastructure which is going to meet the demand for these communities as they continue to grow. We have to be forward looking in this.

I know that the minister got up and spoke about Devils Lake and the issues that are out there. I tell you I have my own concerns, but I also agree with the position that we have taken on this side, and that is that you need to negotiate. The experiences that I have had had in my short lifetime of working out deals with whatever it is, businessmen, individuals, I have had better results when, in fact, I have gone and sat down and tried to negotiate a deal.

The minister indicated that for the last, I guess it was ten years or so, that they have been working at putting the water from Devils Lake and, of course, into the Sheyenne, I believe it is, then to Red River. It is like the Dead Sea. They have water coming in. What are they going to do? I know you have been out there as minister. I have been out there a number of times. It is an issue. They do have to in some way deal with the water that they have.

There were also assurances, though, between '97 and '99, according to the information that I have received, that they would, in fact, monitor the quality of water that would be put into the Red River. Those assurances were given. I think it would be foolhardy

for them to pollute their own water and to pollute their own system, but they do have a problem as well.

My point is that through negotiations very often you get better results than you do through lawsuits. As some of my colleagues have indicated, I think that this has tarnished our relationship with them. It is not only in that case where we are at loggerheads with our neighbours to the south. We need to sit down. We need to sit down in a way of negotiation to try and work out some of the issues that are present.

I would encourage the minister—I know that he has gone to the U.S. several times, and I hope he has sat down and had those kinds of discussions—to continue to have discussions in trying to work it out. I would say, in continuation of that, for him to consider also the fact that we need to look at putting up a structure. Again, look at when we are talking about clean water, having—

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

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 13, 2005

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