

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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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.
JENNISSON, 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.
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.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
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, May 31, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

PETITIONS

Child Welfare Services

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

These are the reasons for this petition:

The Premier (Mr. Doer) and the Minister of Family Services (Ms. Melnick) have the responsibility to provide safety, care and protection to children in care in Manitoba.

Thirty-one children have died since 2001 while in care of the Province or shortly after being released from care. Last year nine children died, the highest number recorded.

Little Phoenix Sinclair died in June of 2005, but her death went unnoticed for nine months even though she had extensive involvement with Child and Family Services beginning at birth.

Manitobans want to know how the system could fail little Phoenix Sinclair and the other 31 children.

Manitobans want assurances that no other children will fall through the cracks of the child welfare system.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider calling a public inquiry into all aspects of the delivery of child welfare services throughout Manitoba.

This is signed by Frank Hornby, Dave Taylor, Karen Lough and many others.

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

Grandparents' Access to Grandchildren

Mr. Jack Reimer (Southdale): Mr. Speaker, I wish to present the following petition to the House.

These are the reasons for this petition:

It is important to recognize and respect the special relationship that exists between grandparents and grandchildren.

Maintaining an existing, healthy relationship between a grandparent and a grandchild is in the best interest of the child. Grandparents play a critical role in the social and emotional development of their grandchildren. This relationship is vital to promote the intergenerational exchange of culture and heritage, fostering a well-rounded self-identity for the child.

In the event of divorce, death of a parent or other life-changing incident, a relationship can be severed without consent of the grandparent or the grandchild. It should be a priority of the provincial government to provide grandparents with the means to obtain reasonable access to their grandchildren.

We petition the Manitoba Legislative Assembly as follows:

To urge the Minister of Family Services and Housing (Ms. Melnick) and the Premier (Mr. Doer) to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren.

Signed by Elaine Wood, R. McDougall, Rose Froese and many, many others.

* (13:35)

**Removal of Agriculture Positions
from Minnedosa**

Mr. Larry Maguire (Arthur-Virden): I wish to present the following petition.

These are the reasons for this petition:

Nine positions with the Manitoba Agriculture, Food and Rural Initiatives Crown Lands Branch are being moved out of Minnedosa.

Removal of these positions will severely impact the local economy.

Removal of these positions will be detrimental to the revitalizing of this rural agriculture community.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology in order to maintain these positions in their existing location.

This petition is signed by Ken Jenkins, Donna Brown, Frances Trott, Joyce Bruce and many, many others.

OlyWest Hog Processing Plant

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

The background for this petition is as follows:

The Manitoba government, along with the OlyWest consortium, promoted the development of a mega hog factory within the city of Winnipeg without proper consideration of rural alternatives for the site.

Concerns arising from the hog factory include noxious odours, traffic and road impact, water supply, waste water treatment, decline in property values, cost to taxpayers and proximity to the city's clean drinking water aqueduct.

Many Manitobans believe this decision represents poor judgment on behalf of the provincial government.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to immediately cancel its plans to support the construction of the OlyWest hog plant and rendering factory near any urban residential area.

Signed by Thiphany Siyavong, Maricel Manabat, Iona Saenoravong and many, many others.

Crocus Investment Fund

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

The background to this petition is as follows:

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

The provincial auditor's report, the Manitoba Securities Commission investigation, the RCMP investigation and the involvement of our courts,

collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

Manitobans need to know why the government ignored the many warnings that could have saved the Crocus Investment Fund.

We petition the Legislative Assembly of Manitoba as follows:

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

It is signed by D. Mollard, J. Mollard, L. Fussey and many, many other fine Manitobans.

Mr. Speaker: Committee reports. Tabling of reports. Ministerial statements.

Hon. Steve Ashton (Minister of Water Stewardship): I was wondering if I could return to tabling of reports, Supplementary Estimates.

Mr. Speaker: Is there leave of the House to revert to tabling of reports? *[Agreed]*

TABLING OF REPORTS

Hon. Steve Ashton (Minister of Water Stewardship): I would like to table the Supplementary Information for Estimates for the Department of Water Stewardship.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of honourable members to the public gallery where we have with us today members of the Village Canadien Housing Co-op. These visitors are the guests of the honourable Minister for Family Services and Housing (Ms. Melnick).

Also in the public gallery we have from Maple Leaf School 48 Grade 5 students under the direction of Mr. Frank Reeves and Mrs. Sally Metcalfe. This school is located in the constituency of the honourable Member for River East (Mrs. Mitchelson).

Also in the public gallery we have from Balmoral Hall 31 Grade 4 students under the direction of Ms. Sharla Chochinov. This school is located in the constituency of the honourable Member for Wolseley (Mr. Altemeyer).

Also in the public gallery we have from Christ the King School 44 Grades 4 and 5 students under the direction of Mrs. Shirley Genderon and Mrs. Susan Enns. This school is located in the constituency of the honourable Minister of Labour and Immigration (Ms. Allan).

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

* (13:40)

ORAL QUESTIONS

Red River Floodway Flood Protection Levels

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, on several occasions the Premier (Mr. Doer) and the Minister of Water Stewardship have represented publicly and in this House that the current design of the floodway project will bring protection up to a 1-in-700-year flood protection.

Can the minister indicate whether within the current specifications for the floodway project diking within the city of Winnipeg to bring it up to 1-in-700-year level protection is included within the project?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, the Leader of the Opposition should be aware that we have targeted 1-in-700-year flood protection. That is higher than the original proposed protection levels. The original KGS reports of the IJC have indeed been upgraded from 1-in-500 years to 1-in-700 years. I want to make it very clear to the Leader of the Opposition, who has been suggesting that there has been any change from that, that our target remains 1-in-700-year flood protection.

In fact, Mr. Speaker, as of this spring, we were already at 1-in-140-year protection. By next year it will be at 1-in-300-year protection, and that is on top of the work that has been done over the last number of years throughout the Red River Valley and Winnipeg to protect Manitobans.

Federal Funding Agreement

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I see that the commitment to 1-in-700-year protection has now been downgraded to a target for 1-in-700-year protection, and I expect that by the time next week rolls around, we are hoping for the best, that maybe

we will have a floodway that will provide some level of improved protection for the residents of Manitoba.

My question to the same minister is: Would the minister table, for the House, any agreement that he has in place right now with the federal government with respect to financing for the second phase of the floodway project?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, the Leader of the Opposition can play games with words, but it is the NDP government that has undertaken the task of expanding flood protection. We are already at 140 years. We are going to be at 300 years next year. We will be at 1-in-700-year protection. That is the clear goal of the expansion of the floodway. When it comes to the federal government, we are more than willing to table the chronology, the letters, the agreements with the former Liberal government.

I would hope, Mr. Speaker, that the Leader of the Opposition would join with us to ensure that we send a united message to the new federal government that we anticipate, we expect, that the new federal government will live up to the commitment made by the previous government for the second phase of the project. We need a united front for a change.

Mr. McFadyen: There is no agreement yet that the government has admitted to. We have talked about chronologies. The minister talks about news releases and chronologies. We are more than happy to put our position on the record, which we have many times before, of support for this project. We are prepared to indicate to the federal government our support for this project. But I note the Premier (Mr. Doer) indicating just the other day that he was not going to raise the issue with the Prime Minister when they met today, so I can assure the minister that even though the Premier is not prepared to fight for Manitoba on this issue, we certainly are, Mr. Speaker.

Mr. Speaker, I note that all that we have in terms of a funding agreement with the federal government is a flimsy three-page news release from September of 2005. I contrast that with a 171-page sweetheart deal with friends of the NDP in order to line their pockets, 171 pages that they found the time to put pen to paper, 171 pages to reward their friends, and a piece of paper that is worth nothing more than numbers written on a napkin when it comes to commitments from the federal government.

Is the fact that they have not arrived at an agreement with the federal government because they were putting all of their time and effort into this 171-page sweetheart agreement with friends of the governing party?

Mr. Ashton: Mr. Speaker, it has taken about two years, but I think this is the first time on the record that the Conservatives have ever said that they are concerned about the floodway expansion. Two sessions ago they asked more questions on the project management agreement than on health care, and they are continuing this. They have no interest on floodway issues other than trying to beat the same tired, old drum, and the fact is as follows: We had a commitment from the previous federal government. We have every indication from the current federal government that they will follow through and we are going to take a united front of Manitobans to the federal government because, clearly, it is a major project. We do not need the member opposite, again, getting into the ideology. We need flood protection, and that is what we are doing as of today for Manitobans.

* (13:45)

Red River Floodway Federal Funding Agreement

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, in a news release on March 10, 2004, this Minister of Water Stewardship indicated the floodway expansion would cost \$658 million. The release went on to say the federal and provincial governments signed an agreement for funding of \$240 million for phase 1. By my calculations, that leaves over \$400 million outstanding.

I ask the minister again: Was there a written agreement in place for who would fund the outstanding amount?

Hon. Steve Ashton (Minister of Water Stewardship): You know, Mr. Speaker, I would suggest that the member opposite look at the fact that construction started last year on phase 1. We are still dealing with the construction phase that is phase 1. In fact, there was a very clear commitment made by the previous federal government that we expect to be lived up to.

I would suggest that the member look at the fact that we are still within phase 1 and the fact that we are constructing as we speak. We started last fall and we have just sent a very clear message to the federal government. We realize they are a new federal

government, but we do not see any circumstance under which they will not fund phase 2 because that was a commitment made by the Government of Canada. We fully expect the new government, who seem to have a little bit more interest than their Tory cousins provincially—

Mr. Speaker: Order.

Mr. Cullen: Mr. Speaker, we have found this government does business by press release, so I will refer the minister back to the March 14, 2004, release that went on to say: Further agreements are expected for the completion of the project.

Why would this government enter into a project of this magnitude based on expectations?

Mr. Ashton: Mr. Speaker, if the members of the opposition had spent any time over the last couple of years asking any questions on the floodway expansion, they would not be asking such questions based on a false premise.

First of all, phase 1 improves flood protection for Manitoba with or without phase 2. We are already at 140-year flood protection. By next spring, we will be at 1-in-300-year flood protection.

Mr. Speaker, I maybe suggest we arrange a briefing for members opposite because what happens is each year we do the excavation. Each year we do work as we have already done on the notches and the other aspects of the floodway, improving the gates. We have improved flood protection. Maybe they would not have proceeded with the floodway expansion last year and in 2004, but we are NDPers. We build, and we are building the floodway expansion.

Mr. Cullen: The Premier (Mr. Doer) of the province stated on December 8, again in the press release, this is December 8, 2003, that the floodway expansion has been Manitoba's top infrastructure priority. Now under this NDP government, the entire project seems to be in jeopardy. However, it would now appear that the top priority for this government was to develop a scheme to funnel tax dollars back to his union boss friends.

Why would this government spend more effort in developing a labour agreement than on solidifying a funding agreement?

Hon. Dave Chomiak (Minister of Energy, Science and Technology): Mr. Speaker, I would like to remind the member opposite, if he left the confines of this building he would go out and see construction

on a floodway expansion. If he read Duff Roblin's book about the original floodway, he would see that it was negotiated over a protracted period of time.

You do not wait to help and protect people's lives and property. You do not wait and play political games as members opposite do. You build and that is what this government is doing. We are building the expansion.

Premiers' Conference Equalization Discussion

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, yesterday at the Western Premiers' Conference, several of the premiers were interviewed coming out of the morning session on the topic of what was discussed there. We had Premier Campbell indicating to David Gray of CBC Newsworld that equalization had been discussed. We have since had reports from the remaining premiers who were part of the meeting yesterday morning indicating that equalization was discussed. But, when our Premier, Premier Doer, was asked the question three times in that interview—

Mr. Speaker: Order.

* (13:50)

Mr. McFadyen: Mr. Speaker, I think I know what you are going to say.

When our Premier was asked the question by Mr. Gray in the interview, was equalization discussed, three times in that interview the Premier said it was not.

I wonder if the Minister of Finance can indicate: Has he been in contact with the Premier since yesterday? Has he been debriefed on the discussion? Was our Premier at the same meeting as the other western premiers yesterday morning?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Dave Chomiak (Minister of Energy, Science and Technology): I was at Gimli yesterday. *[interjection]* The Premier indicated on many occasions that there were a variety of topics and he outlined what was on the agenda. In fact, I sat at a table with the Premier of British Columbia and with

the Governor from the State of South Dakota. You know what, Mr. Speaker? They talked about equalization at my table.

Mr. Speaker, there are discussions to go on, on a regular basis. We have made our position clear which is the same position as adopted by the previous Filmon government with respect to equalization. There is a meeting of western premiers, there is a meeting of international leaders today. Equalization was not on the agenda. The Premier indicated that, as chair, if premiers wanted to talk about equalization, as we have, everyone is welcome to do it. In fact, McGuinty is flying in, I think, to talk about something like—

Mr. Speaker: Order.

Mr. McFadyen: Mr. Speaker, the interviewer in the CBC Newsworld interview yesterday after the interview with our Premier said, and I quote: very interesting, referring to the Premier's comments, saying that, no, they were not talking about equalization. In fact, he did not even want to answer any questions about equalization which is, well, kind of interesting. Twenty minutes ago we spoke to Premier Gordon Campbell from British Columbia who had said they talked about equalization. In fact, it was a topic of conversation. This is from the interviewer on CBC Newsworld.

I wonder if the Minister of Finance could indicate: Is the Premier avoiding public disclosure on the issue of equalization because he is embarrassed of the fact that Manitoba is the only remaining have-not province in western Canada?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, as we have often seen from this member, he is just inaccurate. Three western Prairie Provinces have received equalization and, as a matter of fact, our equalization contribution has gone down since the members opposite vacated office and let a political party enter office that actually governs for all Manitobans, not just for the brokers of the province.

As we go forward you will find, as we have seen every day in the newspapers, positive economic news about the growth in this province in the energy sector, in the housing sector, in the manufacturing sector. All sectors of this province are operating on full speed right now to grow this province and, yes, we will prosper in the future as long as we are able to keep a good government in office.

Mr. McFadyen: Members opposite from the government seem to be indicating that equalization has been a topic of discussion in these meetings. The national media is indicating that equalization has been a topic of discussion. Premiers Klein, Calvert, Campbell and the remaining premiers at the meeting have indicated that equalization was a topic of discussion. Our Premier says three times that it was not. In fact, he says, if anything comes up, if he reads anything about equalization, I skip the page.

I wonder if the Minister of Finance can indicate who Manitobans are supposed to believe about debates on this very important topic: the Premier, the minister, the Minister of Energy, the national media, the remaining premiers in western Canada or our Premier.

Hon. Dave Chomiak (Minister of Energy, Science and Technology): Well, Mr. Speaker, to start off, I do not think Manitobans ought to believe what is heard from members opposite because if one listened to what members opposite said: there is no floodway expansion going on, Manitoba is the only province in Canada getting equalization, we are going to lose \$200 million because a statement of defence has—They have been so wrong, I am surprised the member even has the courage to stand up and ask a question.

Mr. Speaker, in federal-provincial meetings there is an agenda. On the agenda, premiers get together and discuss items on the agenda. They are not restricted from going out and talking about anything they want. It may not be the Tory party where they have to make deals in the back room. We have to negotiate on behalf of the provinces and the entire country. He might be used to back rooms. This is a public discussion.

* (13:55)

Manitoba Hydro Building Construction Cost Overruns

Mrs. Bonnie Mitchelson (River East): The original cost estimates of the Manitoba Hydro building downtown was \$75 million. The latest estimate that we have had was \$188 million. That is okay, Mr. Speaker, because that has been made public. Rampant cost overruns, though, threaten to push that number significantly higher.

Mr. Speaker, will the Minister responsible for Manitoba Hydro tell us what the final realistic price tag will be for this project? Is the project on budget and on time?

Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act): Mr. Speaker, the \$75 million originally quoted by the member was for a smaller, different scale project.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Thank you, Mr. Speaker. We can add this building to the list of actions the opposition opposes. They oppose dam development. They oppose First Nation development. They oppose the expansion of the floodway. They do not want equalization.

They get the facts wrong on this, and we spent five hours in committee with the president of Hydro. The figures that the president of Hydro gave to the member in committee, where we spent five hours discussing issues, are the same as they were at that time.

Mrs. Mitchelson: Well, Mr. Speaker, we have learned that \$13 million of the \$31-million contingency budget for Hydro has already been spent on only four contracts. The project is still nothing more than a hole in the ground on Portage Avenue and already costs are rapidly escalating.

Mr. Speaker, I would like to ask the minister what he is doing to ensure that Hydro's ratepayers are not having to dig deeper into their pockets to pay for a project that is spiralling completely out of control.

Mr. Chomiak: Mr. Speaker, when we spent five hours in Estimates the member asked a lot of questions about the Hydro building, and she asked the president about the contingency funds that are built into the project for overruns on specific contracts, that are built into the overall costs. Hydro is within those costs, continues to be within those costs.

If the member would care to look and walk down to the site, she would see that extensive geothermal heating is coming into the building. It will be the most power-saving and energy-efficient building in the world, will take 2,000 people to downtown Winnipeg that was abandoned by the member when they were in government and will help revitalize, together with the MTS Centre which they were opposed to, together with the Princess Avenue campus which they did not build. The list goes on and on.

Mrs. Mitchelson: Mr. Speaker, the minister did confirm that in committee we were told that \$180 million was all that the building was going to cost, period. Now we know that it will be much, much higher.

Mr. Speaker, how much will hydro rates have to increase as a result of this government's gross mismanagement of this project? The final numbers are coming in at twice what the tenders came in at. This is gross mismanagement and Manitoba Hydro ratepayers will have to pay. How much more?

Mr. Chomiak: The member conveniently forgets, and I will send her copies of the Hansard, the base building was 188, the overall cost was 258. The member knows that and she is deliberately not stating that. She knows that, and it is in Hansard and she cannot deny it.

Secondly, Mr. Speaker, hydro rates are the lowest in North America. We have kept them the lowest in North America.

Contrast that with this, the anniversary week of the sale of our other Crown corporation, Manitoba Telephone System, where rates have gone up 60 percent to 70 percent since they allowed the private sector to steal that corporation from the people of Manitoba to enrich brokers, to enrich their friends, Mr. Speaker. I would take the lowest hydro rates in North America with Manitoba Hydro than allow that group to have anything to do with the corporation which they would only sell. Make no mistake about it, that is their goal.

*(14:00)

Bill 34 Civil Servant Protection

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, we like the name of Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act, however, given the content of the bill we believe that it now should be called the NDP gag law. The NDP government has given little, if any, protection to whistle-blowers under Bill 34 because it is afraid of what whistle-blowers might say.

So I ask the Minister of Finance: Why does he refuse to bring in real protection for whistle-blowers? Why is he gagging them?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, if the member has a specific recommendation to improve the bill, he should put it on the record right now and we can discuss it. The bill gives direct access to an employee in the public service at the provincial level to the Ombudsman, an independent officer of the legislation, if they feel gross misconduct has occurred in the public sector or gross misspending. It secondly gives them protection from reprisals. If they feel that they have been mistreated as a result of disclosing the gross misconduct of government they have access to the Labour Board, which is a quasi-judicial body. This is the first province to bring in this kind of legislation that covers the broader public sector. The bill is a major step forward for public servants and for whistle-blowers in Manitoba.

Mr. Hawranik: If the Minister of Finance wants my recommendation it is to start all over again. Bill 34 states that the purpose in this legislation is to help whistle-blowers come forward with allegations. Bill 34 does little to nothing to promote allegations to come forward. When allegations are made by whistle-blowers related to mismanagement in government, corruption in government or even political interference, as we see in the Crocus scandal, there is no protection afforded to the whistle-blower.

So I ask the Minister of Finance: Why will he not protect civil servants who make allegations of mismanagement, corruption and political interference? What is he afraid of?

Mr. Selinger: Actually, Mr. Speaker, we will be protecting those people. Now the member in his very specific recommendation is to start over again. On April 8, the member said he was going to bring in whistle-blower protection. We would like him to just start and put a bill in front of the Legislature. You have done nothing for two years, completely incompetent.

Mr. Hawranik: We would all like to bring forward legislation that protects whistle-blowers, and we will after the next election.

Mr. Speaker, Bill 34 also states that the purpose of this legislation is to protect persons who blow the whistle on the government. There was little or no protection afforded to whistle-blowers in this bill. Civil servants who blow the whistle on this NDP government to the minister or any MLA are not protected by this legislation. They are protected only

if the allegation is made to the supervisor or the designated officer or to the Ombudsman.

So I ask the Minister of Finance: Why would he not protect the jobs of civil servants who come forward with allegations of political interference by this NDP government to other MLAs?

Mr. Selinger: Mr. Speaker, the clearly important item in the agenda is to be able to take a complaint to an independent officer of the Legislature who does not report to the government, who does not report to the party in power. It is that impartial ability to have access to somebody that will review it that is critical.

Now I note in the member's press release he said, if the government is interested in becoming more open and accountable they will support our bill. Where is their bill? This was April 8, 2004. They do not even have the courage to put a bill in front of the Legislature. It is a complete joke just how incompetent the member is.

Some Honourable Members: Oh, oh.

Mr. Speaker: I remind members we have guests in the gallery, we have the viewing public, and I need to be able to hear the questions. Also, the clock is ticking. We are trying to get as many questions and answers in.

Agriculture Industry Beef Levy

Mr. Ralph Eichler (Lakeside): The \$2-per-head compulsory cattle levy is to be implemented June 1, which is tomorrow. Cattle producers, auction marts, cattle buyers are all opposed to the levy.

Will the minister indicate whether she will be imposing the levy beginning tomorrow, or will she do the right thing and listen to what producers have told her and scrap this ill-conceived program?

Hon. Stan Struthers (Acting Minister of Agriculture, Food and Rural Initiatives): Producers have told us very clearly that we need to expand our capacity in this province in terms of slaughter. We can no longer afford, in this province, to be shipping cattle to other jurisdictions where they get to add value and get to add jobs and get to make money off Manitoba cattle, i.e., off Manitoba ranchers.

So I think it is about time that, instead of not supporting ranchers in this province, the opposition should get on board. Support a very rational, very logical plan to build slaughter capacity in this

province, instead of just saying no again to yet another way to help Manitobans in this province.

Mr. Eichler: Ranchers Choice cannot even get off the ground in the member's own riding, Mr. Speaker.

Statistics Canada reports farm cash receipts for the first quarter are down 3.4 percent from last year. At \$7.5 billion, this is the lowest cash receipts in over a decade. In Manitoba, this Minister of Agriculture (Ms. Wowchuk) wants to take even more money out of the pockets of farmers with her ill-conceived \$1.2 million cash grab.

Mr. Speaker, why is this NDP government so determined to add misery to farm income by pursuing this taxation scheme?

Mr. Struthers: Members opposite have shown zero support for Ranchers Choice in this province. Members opposite have shown zero support for ranchers—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. We need to be able to hear the questions and the answers, please.

Mr. Struthers: Thank you, Mr. Speaker. Zero support for Ranchers Choice; zero support for helping ranchers gain equity in their cattle, especially the older cattle; and zero support when it came to excess moisture insurance; zero support when it came to making changes to taxes that would benefit farmers. That may be okay for Mr. Zero across the way, but that is not good enough for us.

Mr. Eichler: Mr. Speaker, this government's leadership is so bad it cannot even get bad ideas moving on time. Three years after the BSE crisis in Manitoba, the only initiative this minister has embarked on is a \$2-per-head levy on the cattle in this province. Shame on this minister. Shame on this Premier (Mr. Doer) for abandoning Manitoba's farm producers.

Mr. Speaker, will the minister commit to using this delay in implementing the \$2-per-head levy to reconsider her position and listen to farm families who oppose this levy?

Mr. Struthers: Mr. Speaker, I agree with Jim Downey who said more slaughter capacity is needed today. If we had had a vehicle in place, I do not mind saying in hindsight that we should have been doing the same thing. We would have a value-added investment tool and have been further ahead.

Maybe our friends across the way do not like to listen to ranchers when they say give us some equity in our cattle. Maybe they do not like to hear us when we talk about them supporting Alberta jobs with Manitoba cattle. But why the heck do they not listen to Jim Downey, a respected MLA in this House, when he says they would be doing the same thing?

OlyWest Hog Processing Plant Environmental Review

Hon. Jon Gerrard (River Heights): Mr. Speaker, when it comes to managing environmental reviews of major projects, this government has a very poor track record. One only has to look, for example, at the Wuskwatim Dam environmental review, the government's many contortions, wild swings in directions, altered review procedures halfway through, the shifted benchmarks. The result was a lot of confusion for quite a long time.

With that experience in mind, will the Minister of Conservation please table today the precise procedures to be followed during the environmental process, the environmental review of the OlyWest project, so that everyone can know exactly what will happen this time around?

* (14:10)

Hon. Stan Struthers (Minister of Conservation): Well, the Member for River Heights ought to get his facts straight for once because he sure has not got them right on this particular case. *[interjection]* I will tell the Member for Inkster (Mr. Lamoureux) the facts. I hope he listens.

The environmental licence and the process that was followed with Wuskwatim was open and it was transparent. It involved the Clean Environment Commission doing hearings, and hearing from Manitobans from every part of this province. It did a complete, thorough job. We have taken on the recommendations of the CEC in this particular case and have moved forward on that in a positive way. If the member is trying to do like he did with the Red River Floodway and play both sides of this issue, he is going to have an awfully hard time doing that, Mr. Speaker.

Mr. Gerrard: Mr. Speaker, the minister is trying to paper over the problems he created and his government created with the Wuskwatim review. I will take his answer as evidence that he really is confused. He does not have any answers as to the precise sequence of events that will apply to the OlyWest. The Premier (Mr. Doer) has indicated on

many occasions that the proponent has not even put forward a proposal, yet this minister has put on his Web site advice to OlyWest without there even being a proposal there. Under section 10.4 of The Environment Act, the first step is to put forward a proposal.

Can the minister even table the proposal or show it on his Web site so it is available to everybody, instead of trying to hide things and cover up what the real agenda is?

Mr. Struthers: Mr. Speaker, the Leader of the Liberal Party really does need a lesson in how to follow The Environment Act. I am open to sitting with him to make sure that he understands in detail exactly what the process is because as usual he is absolutely wrong.

The first thing that we did was we called for open, transparent, thorough, clean environment hearings so that people of Manitoba could come forward and have their views known. We made that commitment. That is going to happen. We also made the commitment to participant assistance, helping Manitobans to be able to put together submissions to the Clean Environment Commission at these hearings on—

Mr. Speaker: Order.

Mr. Gerrard: The minister's confused response and his lack of ability to table the precise sequence of events is creating problems for everyone. Let me give him an easy question. The OlyWest proposal is dependent on a sewage treatment plant which has federal funding under infrastructure. Will there be a federal review as well of the OlyWest and the waste water treatment plant, and will that review and the CEC review include as required under a federal review, looking at alternatives including alternative sites to the location in the St. Boniface Industrial Park?

Mr. Struthers: I would suggest that the Liberal Leader should do his homework. He asked about the advice document in one of his questions. The advice document was made available on the Web site. It is on the public registries for everybody to see. The advice document itself is part of the process, which in the process precedes the receiving of an application by this government. That is part of the process. I do not know if the Liberal Leader is asking me to short-circuit what is in The Environment Act and what the process is. Maybe that is what he is up

to. I do not know, but I am not going to short-circuit this process because it is too important.

We have an arrangement with the federal government on all of these Environment Act licence proposals that we work together to make sure that their review is part of what we do, as we did with Wuskwatim.

Knee Replacement Surgeries Wait List Status

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, last evening's news reported on the efficiency of the Canadian health care system as compared to the American health care system. A study undertaken by Harvard professors found that the Canadian system is much more cost-effective, with Canadians obtaining better care for half of what Americans spend. They also found that Canadians are healthier and have better access to health care than the U.S. residents.

Mr. Speaker, I have had the pleasure of representing St. Norbert for three years. In this time, I have been contacted several times by constituents requesting assistance with dealing with waiting times for knee surgery. Last year the government announced a target increase of 1,000 hip and knee surgeries over two years.

Can the Minister of Health please inform the House on any progress we have made on improving access for patients needing knee surgery?

Hon. Tim Sale (Minister of Health): Well, Mr. Speaker, I would like to table for the House three documents that I think offer tremendous opportunity for us to celebrate the success of our surgeons, our nurses, our physician assistants, our anesthesiologists and all who have worked to provide not 1,000 new surgeries over two years, but 1,060 more surgeries in one year.

With waiting lists down 17 percent in just three months, with long-waiters down over 200 in just three months, we are not just on track, we are ahead of track. I congratulate all of our medical people who have made this possible for Manitobans.

Walkinshaw Place Property Taxes

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, the Minister of Intergovernmental Affairs (Mr. Smith) directed his assessment branch to double the taxation of many country vacation units in Manitoba. The minister is forcing viable bed and

breakfasts out of business and jeopardizing Manitoba's rural development in the process.

Why is this NDP minister choosing to pursue another excessive tax grab from these rural initiatives?

Hon. Stan Struthers (Acting Minister of Intergovernmental Affairs and Trade): Well, as he was yesterday, the member is wrong. One of the things that is happening in rural Manitoba in terms of their re-assessment is that you see the increased value of property right across rural Manitoba. That does not happen if you say no to everything like our doom-and-gloomers across the way friends do.

That happens because you have a government in place that says yes to positive rural initiatives that do good things for our rural economies. Things are looking brighter, and we are a government that is committed to making sure that when we look at land values the decisions we make are having a positive impact in our little rural communities.

Mr. Maguire: Well, Mr. Speaker, when it comes to squelching rural initiatives, this government is exceptional at it. Walkinshaw Place near Boissevain, owned by Mr. Peter Albrecht, satisfies the regulations as a residential property under The Municipal Assessment Act, the minister's own act.

Why is the minister appealing the Morton Board of Revision's ruling and forcing a 100 percent tax increase on this property owner?

Mr. Struthers: Again, Mr. Speaker, when the member tries to give the false impression that we are squashing a rural initiative, he is wrong. I see it day in and day out in rural Manitoba where so many initiatives with our government co-operating with municipal governments, co-operating with economic development corporations in rural Manitoba to make things better for our counterparts who live in rural Manitoba. Every day I can point to positive things that happen to make sure that we increase the wealth in rural Manitoba rather than just shuffling around like our doom-and-gloom friends across the way did for 11 years when they had their chance to make a difference in rural Manitoba.

Mr. Maguire: Well, I do not know where this minister comes from, but back home where I was farming a 100 percent tax increase is not the way to provide new incentives.

Mr. Speaker, the Board of Revision for the R.M. of Morton ruled in favour of Mr. Albrecht, stating he

should not have to face this tax increase. Yet, the minister is ruthlessly pursuing the case.

Why is the minister punishing people who have the courage to challenge this NDP government's bad decisions?

Mr. Struthers: I think my friend opposite has to start reading some of the small rural newspapers that talk about some of the positive things that are happening in rural Manitoba. I point him to his colleague in Minnedosa who could tell him all about the positive ethanol announcements that we have been making in that part of the province that will benefit all Manitobans living in rural Manitoba. Oil and gas in his backyard is something that is a positive, moving forward kind of thing that I hope he is on board for. But, I do not know, they say no to everything these days.

We have built the St. Leon wind farm, Mr. Speaker. Maybe members opposite will say no to that as well. We are working towards biodiesel, which I think has a huge potential in this province to create wealth in rural Manitoba so all Manitobans can benefit.

Mr. Speaker: Order. Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Barney Sneiderman

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I rise this afternoon to pay tribute to Barney Sneiderman, a law professor at the University of Manitoba who passed away this past weekend. I could use the limited time I have listing all of Mr. Sneiderman's academic accomplishments for there are many, but I think he would be disappointed by that. Instead, I believe Barney, and Barney is what he preferred students to call him, would like to be remembered by how he impacted individuals.

The first time that I met Barney I was struck by how much I liked him as an individual even though, as I would learn, we most often differed on ideas but Barney was one of those individuals who you could have a passionate disagreement about ideas and, in fact, he encouraged it and respected you more for it not less.

Another student who was impacted by Barney was Sherwood Armbruster who became good friends outside of law school with Barney. This morning in speaking with Sherwood about Barney he said this: I got to know Barney for his creative mind but

remember him for his heart. Right from the start he was Barney, not professor. This speaks to his humility and his abhorrence for title which tends to classify and separate. Barney had good friends at the top and good friends like me who swept the floor. I miss his simple appreciation for nature and people alike. Our friendship was founded on stark differences, but in the end, I found a heart, a like heart. I am thankful for some of the best conversations of my life with him. I miss my friend Barney.

Mr. Speaker, there are many of us who will miss Barney and that is a great tribute and the greatest tribute that anybody could hope for. Thank you very much.

Village Canadien Co-op

Mr. Doug Martindale (Burrows): Mr. Speaker, I want to congratulate Village Canadien Co-op on its 30th anniversary. Village Canadien Co-op is an enduring symbol of Winnipeg's housing diversity and of a vibrant co-op community that exists here in Manitoba.

Village Canadien Co-op's buildings include 150 units at its original location on River Road and an additional 70 units at a new location on Meadowood. Built in 1976, the housing co-op shares its roots with the Co-operative Housing Federation of Canada which is the nationwide umbrella organization for co-op housing and Canada's link with co-op housing around the world.

Village Canadien Co-op is an important and vibrant part of Winnipeg's housing community. Since even before its construction, the co-op has been raising awareness about the importance of multi-family construction in Manitoba. Village Canadien Co-op is a dedicated group, proud to supply co-op housing for people from around the world. Village is growing and currently includes two locations in the constituency of Riel. Village is now the largest housing co-op in Manitoba after the construction of its second building on Meadowood in 1989.

Part of what makes Village locations unique is the not-for-profit day cares that operate at both locations, centres that serve the community at large. The co-op provides affordable rent space for these day cares as its members recognize the importance of day cares for the greater community.

I am honoured to recognize the 30th anniversary of Village Canadien Co-op. I would like to congratulate the board of Village Canadien Co-op,

its hardworking staff and all the members, past and present, for their commitment to co-op housing in Manitoba. I wish the co-op continued success for the future.

World No Tobacco Day

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, today being World No Tobacco Day, I am pleased to add our voice to the many today reminding Manitobans of the very negative health effects of smoking and second-hand smoke. Health Canada estimates that tobacco use is responsible for more than 47,500 deaths in Canada a year. That is more than the total number of deaths from AIDS, car accidents, suicide, murder, fires and accidental poisonings combined.

Smokers are at a high risk for numerous diseases including chronic obstructive pulmonary disease, lung cancer, pancreatic cancer, breast cancer, cervical cancer, cancer of the mouth, lip, throat and voice box and heart disease, to name only a few. Exposure to second-hand smoke is also responsible for many of these diseases. Our caucus wholeheartedly supports the Canadian Cancer Society in its efforts to help Manitobans quit smoking by providing cessation support and assistance through the smokers' help line. Quitting is among the biggest challenges smokers face so we applaud the Canadian Cancer Society for the support and encouragement they offer.

The challenge we face here in Manitoba in terms of smoking is ensuring that all Manitobans have access to smoke-free workplaces. This NDP government has the ability to protect Manitobans who work in on-reserve casinos by designating them smoke free, but they continue to ignore these Manitoba workers. Perhaps observing World No Tobacco Day will encourage members opposite to re-evaluate their position on this serious public health issue.

Finally, Mr. Speaker, to combat the ill-effects of smoking, our caucus will be supporting The Tobacco Damages and Health Care Costs Recovery Act even though we feel it could be stronger. In our opinion, the bill should ensure that any damages collected are dedicated to smoking prevention, education, cessation and treatment programs. We hope the ministers responsible for Health and Healthy Living will seriously consider accepting the amendment we will be tabling on Bill 27.

Mr. Speaker, let me end by urging any Manitoban who needs help quitting to call the smokers' help line at 1-877-513-5333. Thank you.

Concordia Foundation Gala Dinner

Mr. Bidhu Jha (Radisson): Recently, I have had the pleasure to attend the 23rd annual Concordia Foundation Gala Dinner along with Premier Gary Doer and my colleagues Daryl Reid, Harry Schellenberg—

Mr. Speaker: Order. I remind the honourable member when addressing other members in the House, you address members by their constituency and ministers by their portfolios.

Mr. Jha: I will correct that, Mr. Speaker. Along with the Premier and my colleagues from Transcona and Rossmere, along with also members from River East, Springfield and Fort Whyte.

This gala fundraiser event was well attended and nicely organized. All proceeds from this event will go to support the emergency room expansion and renovations project at Concordia Hospital. Mr. Speaker, this was my third attendance at the gala event which does not only raise funds but also brings members of the community together and recognizes special personalities for their contributions made.

This year, the Martin Bergen Award of 2006 was presented to the Honourable Peter Liba. This award was established in 1984 to recognize notable individuals who have made long-standing contributions to society and to the community at large. I had the honour of sitting at the head table with distinguished guests where we discussed the challenges of the world on managing universal health care throughout for all people.

Mr. Speaker, I would like to commend the executive of the Concordia Foundation: David Olfert, president; Peter Enns, vice-president; Miriam Bergen, secretary and Henry Tessmann, treasurer, who is also the CEO of the foundation, for their commitment to health care. I would also like to recognize the board members of the Concordia Foundation for the work they do to promote health care in Manitoba.

Thanks must go to all the sponsors of the event and those who attended. Their support will assist Concordia Foundation and hospital in continuing to provide quality care to the people of Manitoba.

I am proud to represent my constituency and to be a part of this government which has been

continuing to improve our health care system towards a universal and sustainable system for our future. Thank you, Mr. Speaker.

Environment Act

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk for a moment about The Environment Act and environmental reviews. With environmental reviews of proposals, particularly controversial projects like the OlyWest hog processing and rendering plant, it is very important to follow the law precisely and to be very fair both to proponents and opponents.

Section 10(4) of The Environment Act says: "Upon receipt of a proposal for a Class 1 development under this section, the director shall within such time as may be specified by the regulations (a) subject to section 47, file a summary of the proposal in the central public registry and notify the public through advertisements in the local newspaper or radio that a proposal has been received, providing opportunity for comments and objections."

* (14:30)

Instead of waiting for a proposal, the Minister of Conservation (Mr. Struthers) has been out soliciting advice on this environmental review instead of tabling the proposal which, of course, has not been received as the government itself has admitted.

What has happened is that the process that has been followed by the government is quite flawed, flawed to the extent that comments coming in on the advice document are indicating that this government is not following the proper procedures under The Environment Act as detailed in Section 10(4), and therefore the whole review that is being conducted by this government will be subject to question and turmoil.

It is too bad that the government is proceeding in this way because when it comes to doing a competent environmental assessment that should be first and foremost an assessment which is fair to all.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call Bills 11, 32, 27, 31.

Mr. Speaker: Okay. We will be dealing with bills in this order: Bill 11, 32, 27 and 31.

DEBATE ON SECOND READINGS

Bill 11—The Winter Heating Cost Control Act

Mr. Speaker: Resume debate on second reading, Bill 11, The Winter Heating Cost Control Act, standing in the name of the honourable Member for Russell (Mr. Derkach). What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Russell?

An Honourable Member: No.

Mr. Speaker: No. It has been denied.

It is also standing in the name of the honourable Member for Morris, who has 22 minutes remaining.

Some Honourable Members: Stay.

Mrs. Mavis Taillieu (Morris): The Member for Selkirk (Mr. Dewar) says it is always a pleasure to listen to the Member for Morris, so thank you.

I am pleased today to say a few words on Bill 11 because this is a bill, of course, that we could not support. Under Bill 11, a clean, renewable energy source will be used to subsidize a non-renewable energy source, Mr. Speaker, and that is just dead wrong.

It was introduced last year, and it will prohibit any further increases in natural gas prices for customers of Centra Gas, was to do this for the 2005-2006 winter heating season, and allows the government to limit such price increases in 2006-2007. Natural gas rate increases would be subsidized through clean electricity exports, Mr. Speaker. While this bill is intended to promote conservation, artificially low natural gas prices will not encourage conservation or investments in energy efficiency.

Cross-subsidization is just poor public policy. Centra Gas was not purchased by Hydro so that it could be subsidized by Hydro or create an NDP slush fund. That is essentially what this bill does, is provide another NDP slush fund in Hydro. Even Ed Schreyer, and I know members opposite will be familiar with that person, calls the plan perverse, perverse, Mr. Speaker, and did so in the *Winnipeg Free Press* on November 18 of last year. He also called it, and I am quoting, "the most retrograde step the government could possibly take." That coming from a former NDP premier. He is arguing against the environmental implications of a non-renewable energy source subsidizing a renewable energy source.

Environmental groups, including Peter Miller, who is the professor at the University of Winnipeg, that is my alma mater, actually, consider the move to be a poor environmental strategy due to the subsidization of a non-renewable resource. MaryAnn Mihychuk—and I know members opposite will be quite familiar with the former minister as well—in 2003, Ms. Mihychuk, then-Industry Minister, refused to intervene to keep natural gas prices artificially low. Well, obviously, there has been a shift in thinking since she is no longer there.

Byron Williams called the plan absurd in a *Free Press* article on November 22. He also said it was a tremendous unfairness to users in rural areas who cannot get access to natural gas, Mr. Speaker.

This legislation is not required to promote energy efficiency. For those reasons, and those stated, we will not be supporting this bill. Thank you very much.

Mrs. Bonnie Mitchelson (River East): I want to put a few comments on the record regarding Bill 11. I know that by arrangement or agreement, this bill must be moved to committee at the end of the day today, which, I think, is extremely unfortunate, but those are the rules that we have to work under because those were the arrangements and the agreement that we did sign.

Mr. Speaker, we are not sending this bill to committee because we are supportive of it moving forward. As a matter of fact, we have had significant discussion around this legislation, and we even considered looking at amendments, but amendments will not do it. No matter what amendments the government brings in, this bill cannot be supported. It is ill thought out. It again speaks to the way this NDP government treats Crown corporations. They look with delight at any extra little bit of revenue that is available in Crown corporations and ask themselves: How can we get our hands on that money? How can we ensure that we can meet and sustain the spending addiction that we have, knowing full well that government revenues are unprecedented?

During the nineties when the federal government was cutting transfer payments to the provinces, there had to be a lot of belt tightening done, and we had to look and choose priorities very carefully. But we are seeing unprecedented growth in federal transfers; over one in every three dollars that this government spends comes from the federal government. I know that they are still looking to negotiate more. It seems

very often that we have a government that, even though they are getting more and spending more, go to Ottawa with hat in hand, saying: We are poor. We need more. This seems to be the pattern that this NDP government follows.

Mr. Speaker, we saw the last time this NDP government brought in legislation that impacted Manitoba Hydro. It was to take a significant raid from Manitoba Hydro coffers to the tune of \$203 million. They would have taken more had Hydro not gone into the severest drought, I think, in the history of this province. They would have taken some \$280 million from Manitoba Hydro. But they were only allowed to take \$203 million because the well ran dry and we went into a significant drought.

Again, there are some similarities to that legislation and this legislation. In 2002, the legislation was only for two years. It was a two-year drain or raid on Manitoba Hydro. What are we seeing today with Bill 11? We are seeing a two-year drain again on Manitoba Hydro revenues. It is interesting to look back at the time that the government implemented the last raid on Manitoba Hydro. We saw Manitoba Hydro go into a deficit situation as the result of a severe drought. It was a combination of the drought and the raid on Manitoba Hydro that caused our hydro rates to go up some 7.25 percent in a very short period of time, the biggest hike in hydro rates that we have seen in recent history.

*(14:40)

I know that at the time we went through the last piece of legislation—I am trying to remember the name of the bill and I cannot remember it. It was back in 2002. Nonetheless, that legislation saw a significant draw. You know, the minister of Hydro in 2004, after we were going through a very significant drought, we had the minister—and he is now the Minister of Health (Mr. Sale), but was formerly the Minister of Energy, Science and Technology—indicate, and I quote: That at this point in time there is no mechanism for us to take a draw, so, no, do not expect there to be any draw from Manitoba Hydro. That was in August of 2004. He said at that point in time that it was only a one-time payment over a three-year period.

He also said at that time, and I will quote again: That it is unlikely, to the point of absurdity, that we would do such a thing in the face of the current situation. We know we had a huge problem last year. We know we have rate increases. It would be pretty

imprudent of us in the short run to say, wow, we have a huge increase; let us take it. That would be silly in terms of policy and, obviously, fly in the face of the intention of the regulator. That is the end of the quote.

That was the former minister responsible for Hydro in August of 2004, that indicated that it would be silly in terms of policy and fly in the face of the intention of the Public Utilities Board to look at any removal of funding for Manitoba Hydro.

What do we see, less than two years later, we see a bill in front of us that does exactly the opposite of what the minister said. It is, Mr. Speaker, going to raid the coffers of Manitoba Hydro again. You know, when the minister explained the bill to us, he indicated there were three reasons to do it. One was to cross-subsidize natural gas rates with Hydro revenue. There was a major public outcry. The minister has backed away from that position, and indicates that he is going to bring in amendments that will not allow cross-subsidization to happen. So then the bill is not needed for that purpose.

Mr. Speaker, he talked about the fund that is going to be set up that would need to be legislated in order to do energy efficiency and conservation programs. Well, we do not need legislation. The minister, as late as yesterday, just confirmed that in Question Period. They are already doing energy efficiency programs, Power Smart programs. Hydro is paying for those. We do not need legislation. We do not need government to be setting around the Cabinet table hydro export revenue rates that will be removed from Hydro and provided to the government of Manitoba to use for their own personal slush fund. That is the only piece of the legislation that is left, the ability for Cabinet to make determination on how much they are going to skim off the top of Manitoba Hydro export revenue dollars.

Mr. Speaker, there is no amendment that we could bring in that would improve this bill or make it workable. Again, it is just another raid on Manitoba Hydro coffers. Who is going to be asked to pick up the tab? It is going to be the ratepayers. When we look at the cost escalating for Wuskwatim, we look at the policy that this government has in place that will not put a transmission line down the east side of the lake. They want to go down the west side, which is going to add another half-billion to the cost.

Mr. Speaker, we also see the escalating costs of the Manitoba Hydro building that are rising out of

control. So, as we see the debt of Manitoba Hydro increase, and the debt-to-equity ratio get worse not better, we are going to need more than ever those export revenues to try to just make ends meet. Hopefully, when export revenues are good, they will be used to pay down the debt, or to further construction so that we will have that renewable energy resource into the future. With a \$9-billion debt at Manitoba Hydro, and that debt ever-increasing, it is not the time for this government to look at taking revenues off the top of Manitoba Hydro export profits.

This is bad legislation. We understand that most of the presenters that are coming to present at committee—we will be listening carefully—but most of them are opposed to this legislation. We want to put on the record today that we are opposed. We will listen to what the minister has to say in the amendments, but, ultimately, this bill should be withdrawn. It should not be amended. It is poor policy. It is poor legislation and we will not be supporting it. Thank you, Mr. Speaker.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 11, The Winter Heating Cost Control Act.

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

Some Honourable Members: Agreed.

An Honourable Member: No.

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

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Speaker: No?

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Point of Order

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

Hon. Jon Gerrard (River Heights): Just on a point of order. It is related to the House business that we are undertaking because today is the last day that there would be an opportunity to speak at second reading on Bill 4. I would request leave to be able to speak on second reading on Bill 4 before we have the closure motion at 4:30.

Mr. Speaker: The calling of bills will be entirely up to the government. Orders of the Day, it is government business, so it is up to the government which bills they call, and that has not been called for this afternoon.

Order. On government business, it is entirely up to the government which bills they call. It is not up to the House to decide which bills are coming forward. It is entirely up to the government which bills they want to call. So you can ask for leave if you want, but it is entirely up to the government to call the business of the House under government business.

It can be done by leave. It could be negotiated off the floor privately between yourself and the Government House Leader. If the Government House Leader chooses to call it, it is government business.

Hon. Gord Mackintosh (Government House Leader): Perhaps just to reconcile it, we called four bills, but I would certainly be willing to have that bill added to the list, Mr. Speaker.

Mr. Speaker: After 31?

Mr. Mackintosh: Yes. I mean, the speeches may be short, but that would accommodate the member then today if we get to Bill 4, and we may well do that. But that, in large part, rests with the member as well.

Mr. Speaker: Okay, so there are quick negotiations.

* * *

Mr. Speaker: So the bills will now be called. Well, we have already dealt with Bill 11, so there will be 32, 27, 31 and 4. That is the order that the bills will be called.

We have dealt with 11, so now I will be calling second reading of Bill 32, The Real Property Amendment Act.

SECOND READINGS**Bill 32—The Real Property Amendment Act**

Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs): Mr. Speaker, I move, seconded by the Minister of Family Services and Housing (Ms. Melnick), that Bill 32, The Real Property Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

* (14:50)

Mr. Lathlin: I am pleased to introduce Bill 32, The Real Property Amendment Act, for second reading.

Mr. Speaker, this legislation will enable the Province to transfer land to the federal government more efficiently. Under the 1997 federal-provincial agreement on treaty land entitlement, a total of 21 First Nations in Manitoba are entitled to select more than one million acres of Crown land and purchase up to more than 170,000 acres of private land to be transferred to the federal government to be set aside as reserve.

As the members of the Legislature know, this land had been owed for upwards of 100 years to these Manitoba First Nations. Provincial treaty land entitlement stems from the period of 1871 to 1910 when seven treaties were signed between first Nations and Canada. Not all First Nations received their full land allocations, and Manitoba is constitutionally obligated under the 1930 Manitoba natural transfer agreement to set aside unoccupied Crown land so that Canada can fulfil its outstanding treaty land entitlement to First Nations.

Mr. Speaker, essentially what we have are some serious accounts which have been overdue for over 100 years. Progress in addressing these overdue accounts has been painfully slow. It is clear, though, that it is in everyone's interest that the existing TLE be fulfilled as efficiently and as effectively as possible. The Province has made fast-tracking of TLE a priority by increasing staff to deal directly with implementation, meeting regularly with federal and provincial officials involved in this area, along with First Nation representatives to identify causes of delay and to address those causes of delay.

Bill 32, The Real Property Amendment Act, will address the perceived shortcoming in current legislation as it relates to the protection of easements through the land transfer and reserve creation process. The easements are for such public purposes

as water storage, access, rights of way for public utilities, among others. The amendment is planned to make it easier for the federal Justice Department to accept such land under the federal real property act. This bill is a tool that officials with Justice Canada have indicated could assist TLE implementation. There have been many cases of land that has been approved by the Province, but stalled for long periods of time before Canada says it can process and accept the land for reserve purposes.

Implementation of TLE is important for the future economic development of Manitoba First Nations. The slow progress of TLE implementation in Manitoba has meant lost opportunities that have cost the Province millions of dollars. Businesses need land tenure issues resolved before they can make investments. Economic development of First Nations benefits all sectors of the provincial economy. Successful implementation of the TLE requires the sustained efforts of all the affected parties. It is our hope that this amendment will help get this process moving faster, and I, therefore, encourage all members to support this amendment. Thank you.

Mr. Gerald Hawranik (Lac du Bonnet): I welcome the opportunity to be able to put a few words on the record with respect to Bill 32. I might say at the outset that our caucus is in support of Bill 32, and I would hope that it goes to committee fairly quickly.

First of all, I would like to thank the minister for putting the bill forward. He has outlined some of the reasons, of course, why we would support the bill as well. Manitoba is in the process of transferring over 13,000 acres of provincial land to Canada under the treaty land entitlement process. Some of this land is subject to various easements and caveats, and some of this land will require easements to be created to protect existing public services. This legislation, we believe, will make it easier for government to discharge any existing easements if required under the treaty land entitlement process and easier to create new easements on the land to be transferred from Manitoba to Canada under the TLE process. So, for that reason, and I know the minister has elaborated greatly in that respect, but for that very reason, we are in support of this bill.

But there are other reasons as well that we would support this bill. The bill itself creates a new easement in Manitoba called the statutory easement. Up to this point, for the last 130 years in Manitoba,

we have created easements by way of agreements and caveats. Under that process, it needed what you call a dominant tenement and a servient tenement. Simply put, the dominant tenement is the piece of land that, in fact, benefits from the easement, and the servient tenement is the piece of land that is negatively affected by any type of agreement, whether is an easement for putting a sewer or waterline on the property or whether it is a caveat for Manitoba Hydro in terms of stringing lines across property or for Manitoba telephone system.

We have lived with that system for the last 130 years. One of the things with that process is that the registration at the Land Titles Office, under that process, needed to be registered against both tenements, both the dominant tenement and the servient tenement, and what this bill does is that it allows the registration of the easement itself to be only registered against the dominant tenement.

So what it really does in terms of benefits for Manitobans is, first of all, that it would likely decrease costs for Manitoba Hydro, for MTS and for municipalities or First Nations communities when they put an easement on a piece of land because what will happen is that the registration will go against the dominant, against the servient land, the land that is positively affected. So that, in itself, is a benefit for MTS, for utilities, for Manitoba Hydro and so on. So it simplifies a 130-year-old process that really requires updating.

I am concerned about decreased costs for clients under this bill, for Manitobans. That is what it will do. It will likely decrease the costs to Manitoba Hydro, MTS, municipalities and First Nations communities. The costs, by the way, Mr. Speaker, in terms of the costs for clients of legal firms, have skyrocketed over the last seven or eight years. In fact, in the 1990s, I recall providing bills to clients, to Manitobans, for registering easements and caveats on property, and I can tell you that, at that time, the bulk of the bill was, in fact, the fees that were applicable to the bill and not the disbursements. But what has happened in the last little while is that when you act on behalf of purchasers of real property, the bill for the Manitoban, for the purchaser, in fact, is about four times higher for disbursements than it is for fees. So that is the difference. Lawyers have really become tax collectors for this government.

Anything we can do to decrease costs for Manitobans is good. For that very reason, Mr. Speaker, we would support the bill. We would

support the bill in committee, and we would like to hear what representations are made, if any, with respect to Bill 32. We would support the bill in committee and also third reading. Thank you very much.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

Motion agreed to.

Bill 27—The Tobacco Damages and Health Care Costs Recovery Act

Hon. Tim Sale (Minister of Health): I move, seconded by the honourable Minister of Healthy Living (Ms. Oswald), that Bill 27, The Tobacco Damages and Health Care Costs Recovery Act; Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac, be now read a second time and referred to a committee of this House.

Motion presented.

* (15:00)

Mr. Sale: I am delighted to move this bill for second reading, and I sincerely hope that all parties in the House will be supportive of this legislation.

This bill marks a very important stage in a journey that began some six or seven ago with the province of British Columbia taking a lead to develop legislation that would be supported by the Supreme Court of Canada to establish the legal framework under which a province could successfully bring suit against tobacco manufacturers for the same kinds of behaviours that they have been sued for successfully in the United States.

There has been, Mr. Speaker, a tremendous amount of co-operation between provinces on this issue, and I have to commend the government of British Columbia that has essentially taken the lead on this matter and has made available to the provinces a great deal of information about the required processes. Our staff have been regularly meeting for a number of years now with staff from other provinces in Canada and with the province of British Columbia.

Mr. Speaker, in a number of cases which have been successfully concluded in the United States, the tobacco companies have been forced to acknowledge that, knowingly and wilfully, they have manufactured a product which they deliberately

engineered to be more addictive and more potentially harmful to health than the basic product is in the first place. There is a massive amount of electronic information available, interestingly held in a repository in Guildford, England. Members of the public, if they are interested, and members of the opposition, if they are interested, can enter that data room and actually read the memos and reports and plans of tobacco companies that essentially make very plain that this is not simply a product like other products, but rather is a product that has been both engineered and deliberately promoted to people in a way that, in the United States at least, has been found to be inappropriate under tort law.

Mr. Speaker, the proposed bill sets up a framework that is similar to legislation that has been brought forward in some other provinces and is deliberately closely modeled on the legislation produced by the British Columbia government and found constitutionally appropriate by the Supreme Court of Canada in a test which was concluded in the last year. Now that we know that the Supreme Court is comfortable with the approach that is being taken, a number of provinces are bringing forward this legislation, such as Newfoundland and Labrador and New Brunswick and Nova Scotia. We are encouraging all provinces in Canada to take a similar approach because we believe that, when big tobacco understands that we are both on sound constitutional ground and united in our fight to stop processes which are knowingly harmful to users, big tobacco will pay much closer attention to the concerns of our provinces.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Mr. Deputy Speaker, the specific thing that we are able to do under this legislation is to bring a direct and distinct action against a manufacturer of tobacco products to recover the cost of health care benefits, not only in the past, but projected using appropriate heuristic models projected into the future, so that we can bring forward on behalf of Manitobans the hundreds of millions of dollars that have been expended to care for people with esophageal and lung and tongue and throat cancers that have suffered from the effects of tobacco.

Mr. Deputy Speaker, many people will say that people smoke voluntarily, no one makes them smoke. That is only partially true in that we now also know that the tobacco companies have deliberately and very powerfully marketed their product to young people, specifically to young people. We know that

they have deliberately told people that so-called light cigarettes are safer than other cigarettes. We know that is not true now, and they themselves have been forced to acknowledge this.

So, while people do have a responsibility in terms of their own behaviour, we also know that quitting smoking is one of the most difficult things that anybody has ever done. I think anyone of us who has a friend who is seriously addicted to smoking and has tried to quit knows very well that this is an extremely difficult thing to do, with frequent relapses and a very powerful addicted urge to continue to smoke. So I think that we should never bring harsh judgment on those who have been persuaded by social pressure or peer pressure or any other pressure to begin to smoke tobacco, Mr. Deputy Speaker. We should never stand in judgment of them, but we should make every effort to provide them with support to stop smoking. That is why I and my colleagues have brought forward, not only legislation in terms of a smoking ban which all members of the House endorsed, but, also, we have taken steps through CancerCare Manitoba and through other public health measures to provide people with support so that they can undertake that difficult task of freeing themselves from tobacco.

Mr. Deputy Speaker, our government would be delighted if we did not collect another dollar of tax revenue from the sale of tobacco. We would be absolutely delighted if that were the case. So, yes, it, like every other product that is sold in Manitoba, with a few exceptions, is subject to tax. We would be more than happy to see the sales of that product disappear slowly to zero. We have been very pleased to see that the smoking rates since we brought in the ban, particularly among vulnerable teenagers, have been sharply reduced.

So I commend this legislation to the House. I thank all members for their support of the anti-smoking ban which was brought forward. We were the first province to do so in Canada, Mr. Deputy Speaker. I commend all members for that. I also commend members for the care and support of their friends who are trying hard to free themselves from this particular habit, and for recognizing that it is probably, with few exceptions, one of the hardest addictions to overcome. I say shame on those tobacco manufacturers who have been demonstrated to have developed a product that is not only addictive, but needlessly more addictive, and deliberately more addictive, because of the way the product has been formulated over a number of years.

I hope this bill will go to committee very quickly, so we can hear from the public, and that it will become law during this session, Mr. Deputy Speaker.

Mr. Cliff Cullen (Turtle Mountain): I thank you for the opportunity to allow me to put a few words on the record in regard to Bill 27, The Tobacco Damages and Health Care Costs Recovery Act. It is not often that I agree with the Minister of Health, but I do agree with him on a few points he has made today.

I guess, first of all, the bill does give the government the ability to take action against the manufacturers of tobacco products and to recover the costs of health care benefits for tobacco-related illnesses. As he did point out, it is not just for past expenses but it is also reasonably expected costs for down the road in terms of tobacco-related illnesses. The big part of this is that it provides the government the opportunity to file a lawsuit on behalf of the people of Manitoba for tobacco-related illnesses.

Just doing some research on this particular piece of legislation, I recognize that we are joining along with other provinces in the same regard, bringing forward the same type of legislation, recognizing that this particular legislation mirrors the legislation in British Columbia. Clearly, the province of British Columbia is a bit of a forerunner in terms of their legislation going forward. It has been proven that their legislation stood up in the court of law, so there is probably no reason that this particular legislation would not stand up as well, Mr. Deputy Speaker.

I know the intent of the legislation and the chances of this particular lawsuit coming forward from Manitoba may be fairly remote, because the intent of the bill is to get onside with other provinces such as British Columbia, Nova Scotia, New Brunswick and Newfoundland, get onside with those provinces. Once we implement the legislation, we think that will force the tobacco companies to the table. Once we get the tobacco companies to the table, then they will probably, hopefully, come up with some funding to cover the costs of health care as it relates to tobacco.

So that is why the intent of this legislation is being brought forward, although we probably will never get to the actual lawsuit here in Manitoba. *[interjection]* Well, time will tell if we actually get to the lawsuit stage. That will depend on the government of the day. We will see if they want to move this lawsuit forward.

* (15:10)

I think it is important to recognize that the tobacco companies have really developed their product over the years to make the product more addictive. Hence, that is a lot of the reasoning behind this particular legislation, that, clearly, the tobacco companies were at fault for bringing forward the product they were, and making it addictive in such a way as to force people to purchase more of their product. It is a very interesting situation, and I know there is a lot of information out there on this particular product.

Just to understand the results of smoking, it is almost unbelievable that anyone would imagine wanting to start smoking when you hear some of the results. Smoking kills more Canadians than car accidents, murders suicides and alcohol combined. In 2006, tobacco will kill about 2,000 Manitobans alone. Apparently, there are about 240,000 Manitobans that are currently smokers, and over 5 million Canadians use tobacco products.

Of course we know, Mr. Deputy Speaker, there are a number of different products on the market. Records indicate that about five million Canadians also use tobacco products, of which 82 percent of those are daily smokers. So some real interesting information on the record there.

The other thing that we are finding out is that smoking is the known or probable cause of death from different forms of cancer. Of course, mainly, we think about the oral ingestion of it, so that would involve the larynx, the lung and the esophagus, but, also, is a probable cause of death from bladder cancer, pancreas cancer, stomach and cervix cancer. Obviously, there are a lot of issues that are health-related. Also, we know that tobacco use can cause heart disease, stroke and also vascular disease, chronic obstructive lung disease and, of course, other respiratory diseases as well.

It is scary to find out that the health care related cost to Canada could be in excess of \$3 billion every year. I know I heard the figure this morning tossed around in Manitoba. The Manitoba figure being tossed around was about \$130 million of direct health care costs related to tobacco in Manitoba on an annual basis. So, Mr. Deputy Speaker, it is a very significant issue for us in Manitoba and all across Canada.

I do want to applaud the work of CancerCare and all the work they do throughout Manitoba for

helping people throughout Manitoba. Clearly, there is a lot we need to do in terms of educating our youth here in Manitoba to either not get involved in smoking or tobacco products or to help them stop smoking or using tobacco products of any nature.

So we do have a lot of work to do. Certainly, I hope the government will continue in its efforts to bring forward initiatives to reduce the amount of smoking that is taking place. It is certainly interesting that we are debating this particular bill on the national No Tobacco Day. I think that is a good way to make people aware of the very serious situation that tobacco does cause for many people throughout the country. So, hopefully, that word and that message will get spread around today.

I do want to take a minute to finally compliment the government on bringing forward the approval of some of the cancer care drugs. I know the opposition has been pushing forward for the last several months on some of these drugs that cancer patients require. Clearly, the society has been pushing for the approval of these drugs to deal with cancer, and we are certainly happy that the government has finally listened to the people who have asked for those particular products.

The other issue that should be addressed is that we still have a two-tier smoking issue here in Manitoba, and it is something that I believe the government of the day is really dropping the ball on. They have the authority to restrict smoking in some of the gaming facilities that are on First Nations reserves, and we think the onus should be on the government to protect those workers in those particular gaming facilities.

I want to commend the Member for Carman (Mr. Rocan), who brought forward this particular legislation to ban smoking throughout Manitoba. I think it is a tremendous initiative.

Now, I think the next phase here, and the final phase that we are missing is the smoking on First Nations' gaming facilities. So we hope that, when we keep bringing this issue forward to the government of the day, they will listen, both the Minister of Health (Mr. Sale) and the Minister of Healthy Living (Ms. Oswald), will listen to our request, take this idea seriously, move forward and try to protect those people working in those facilities that currently are not protected under this legislation.

So, Mr. Deputy Speaker, we think it is time that the two-tier smoking issue is resolved, and we move

forward. We certainly look forward to moving this particular bill on to committee. We are interested to see what Manitobans will say about this bill. We, as opposition, do see there could be a need here of potential to improve the bill. We will be providing our own amendment to the bill in the very near future. So we hope that the government will stay tuned to that particular amendment, and we certainly look forward having this bill move into committee to hear what the rest of Manitobans have to say. Thank you very much for your time.

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

Mr. Kelvin Goertzen (Official Opposition House Leader): Mr. Deputy Speaker, there are more speakers who want to speak to this bill, and I would be surprised if my friend from Inkster was trying to shut down debate.

Mr. Deputy Speaker: Is the honourable member going to speak on the bill?

Mr. Lamoureux: Mr. Deputy Speaker, I have already adjourned debate, but I am sure there would be will, as we have done on many occasions in the past, just to allow other members to speak on the bill.

Mr. Deputy Speaker: It has been moved by the honourable Member for Inkster that debate on Bill 27, The Tobacco Damages and Health Care Costs Recovery Act; Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac, be now adjourned.

Is that agreed?

Some Honourable Members: No.

Mr. Deputy Speaker: The honourable member has to speak.

Mr. Lamoureux: No, Mr. Deputy Speaker, I rise on a point of order.

Voice Vote

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

Some Honourable Members: Yea.

Mr. Deputy Speaker: Those who are opposed, say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: The opinion of the Chair is that the motion is lost.

Before I recognize the member, it has to be clarified. The rules are if the motion to adjourn is lost, the member has to speak or else he loses his right to speak.

Point of Order

Mr. Deputy Speaker: The honourable member, on a point of order.

Mr. Lamoureux: Mr. Deputy Speaker, on a point of order. There is an agreement that was signed by all three political parties that had clearly indicated that all bills that were introduced by May 18, I believe the date was—on three occasions, there would be an obligation on this Chamber to ultimately pass.

* (15:20)

Next to that, a part of the agreement said that there were going to be five other bills which the Conservative Party could hold back on passing, and those five bills were, in fact, identified. This is not one of those bills. That agreement supersedes our standing orders. It supersedes our *Beauchesne's*. It supersedes our tradition.

Having said that, tradition of this Chamber has been that, if a member adjourns debate on a bill, they are provided the courtesy to do so. So, if the government is not allowing for me to adjourn debate on this bill, they are in direct violation of the agreement which was signed by all three parties inside this Chamber. Mr. Deputy Speaker, I am looking to you to respect the agreement that was signed. Again, I would suggest to you that I am within my full rights to be able to adjourn debate on this bill. If other members would like to speak to this bill, as tradition has allowed inside the Chamber in the past, we are prepared to allow that to occur—

Mr. Deputy Speaker: Order, please. It is not the government that made the decision; it is the House. The House has decided already; the member's obligation is either to speak on the bill or give up that right. Any other opinion on the honourable member's point of order?

Mr. Lamoureux: Mr. Deputy Speaker, did you say I do or I do not have a point of order?

Mr. Deputy Speaker: You do not have a point of order. The honourable Member for Inkster has no point of order.

Point of Order

Mr. Lamoureux: Okay. On a new point of order, Mr. Deputy Speaker.

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

Mr. Lamoureux: Mr. Deputy Speaker, my question to the Chair is, is it not the Chair's responsibility to enforce the rules of this Chamber?

Mr. Deputy Speaker: The member should note it is the House that made the decision, not the Chair. Does the honourable member wish to debate the bill currently under consideration by the House?

Mr. Lamoureux: I rise on a matter of privilege then, Mr. Deputy Speaker.

MATTER OF PRIVILEGE

Mr. Deputy Speaker: The honourable member, on a matter of privilege.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Deputy Speaker, on a matter of privilege. I do believe that, when there is an agreement—and we are asked when we rise on a matter of privilege to rise at the first opportunity—based on what has just taken place in the last couple of minutes, this is, indeed, the first opportunity that I have to rise on this matter of privilege.

When rising on a matter of privilege, you are also then supposed to cite the rule in which you are rising on. I am going to ask you, as the Deputy Speaker, to look at a motion that was adopted by this Legislature on June 9, 2005. The rule that I am going to refer to is on item No. 4 where it states that: "All government bills introduced by April 13, 2006, must have the Second Reading Stage completed by May 18, 2006. However, the Opposition House Leader may designate up to five of those bills as bills for which the Second Reading Stage must be completed by May 31, 2006. At 4:30 p.m. on the applicable day, the Speaker must interrupt all proceedings and, without seeing the clock and without further debate or amendment, must put all questions necessary to complete the second reading stage on every bill that the Speaker has called the debate at least three times."

Mr. Deputy Speaker, this agreement, which was adopted by this House, was negotiated in good faith by three members of this Chamber representing the three political entities, and the intent of that was very clear. That was that, if the government wanted to

have its legislative agenda passed, it needed to and it required to have that legislative agenda in, in a timely fashion. Today, we got the Minister of Health (Mr. Sale) for the very first time introducing Bill 27, The Tobacco Damages and Health Care Costs Recovery Act. Today is the very first day in which this bill is being introduced for second reading. I believe it was brought to the Chamber only a few days ago. It is clearly outside of the agreement that would have seen the bill pass out of second reading into committee stage. That is very clear, and the Government House Leader (Mr. Mackintosh) knows full well that this is, indeed, the case.

Mr. Deputy Speaker, we bring things to this legislative Chamber. One of the things I like to think we bring to it is integrity. I do not like what it is that I am seeing that is taking place here, because I believe and our rules tell us that the members of this Chamber are to be honourable, and part of being honourable is to have integrity. I am calling on the Government House Leader, in particular, because the Government House Leader knows full well that he has the power and the authority to rectify the situation that I am speaking of right now.

Mr. Deputy Speaker, this government made a commitment. It signed a document which clearly indicated that I would have the right to adjourn debate on this particular bill, and the government would not, and I underline the word "not," try to force any member of this Chamber to have to pass this bill because this bill was introduced today. It might not necessarily fill this government's agenda in terms of wanting to be able to see this bill pass, but they should have thought of that weeks ago when there was a deadline that had to be respected.

This government has chosen to bring in this bill at this point in time. It is irresponsible for the government to bring in a bill at this time, which is outside of the agreement which guarantees its passage, and then expect that it has to pass, Mr. Deputy Speaker. I believe that the government is bordering on what is morally acceptable and not acceptable for parliamentary privileges inside this Legislature. The intent that I had was to adjourn debate, and this agreement which the Minister of Justice (Mr. Mackintosh) signed, which I signed, and the Member for Russell (Mr. Derkach) signed guarantees that I have the right to adjourn debate. There is absolutely no doubt about that.

So, when the question had arisen, when I stood in my place to adjourn debate, I believe I was doing

it in good faith, in compliance with the signed agreement that this House accepted, adopted and passed back in June of 2005. What we are asking for is that the Government House Leader respect that signature. So what happened today is that, when the minister spoke on the bill, and then a member of the official opposition spoke on the bill, I then stood in my place because I did not see anyone else standing who was prepared to speak on the bill, as I have done in the past, and adjourned debate on Bill 27.

Mr. Speaker in the Chair

* (15:30)

I do believe that I had adjourned debate for all the right reasons, and I was entitled to be able to adjourn debate. The Government House Leader knows I was entitled to adjourn debate. Mr. Speaker, it is the responsibility of you as the Speaker of this Chamber to enforce our rules, just like, at 4:30 today, you are going to stand in your place, and you are going to call the question. You are calling that question because of an agreement that was signed on June 9, 2005. That is what gives you, Mr. Speaker, the mandate to be able to call the question on the bills.

Mr. Speaker, what also gives me the mandate to be able to speak on these bills is, in fact, this agreement. I think you were wanting to say something.

Mr. Speaker: Well, on the matter of privilege raised by the honourable Member for Inkster (Mr. Lamoureux) I would like to inform the House that matters concerning methods by which the House proceeds in the conduct of business is a matter of order, not privilege, and Joseph Maingot, in the 2nd edition of *Parliamentary Privilege in Canada*, states, on page 14, that allegations of breach of privilege by a member in the House that amount to complaints about procedures and practices are by their very nature matters of order.

He also states on page 223 of the same edition: "A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege."

On this basis, I would rule that the honourable member does not have a matter of privilege. Also, it is up to the House to decide. It was put to the House, and it is not for the Speaker to overturn the instructions of the House. It was put to the House and it was the House that had decided that debate would not be adjourned. So we have to follow the

instructions of the House, and it was put to the House and that is how the House voted.

Point of Order

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

Mr. Kelvin Goertzen (Official Opposition House Leader): Thank you, and I seek some of your guidance here, Mr. Speaker. I, certainly, if the Member for Inkster (Mr. Lamoureux), if it is possible to withdraw his motion of adjournment I simply want to speak to the bill, and then, perhaps, he could move a motion of adjournment after there are no further speakers. That might be a compromise in this position to allow speakers to proceed on this important legislation, that he could move his motion of adjournment after there are no further speakers.

Mr. Lamoureux: Yes, Mr. Speaker. I appreciate the comments from the Member for Steinbach, and I would welcome that for resolving the issue.

Mr. Speaker: So it is clear on the record that the honourable Member for Inkster is withdrawing his motion to adjourn debate on Bill 27.

* * *

Mr. Speaker: The honourable Member for Steinbach, to speak to the bill?

Mr. Goertzen: Yes.

Mr. Speaker: The honourable Member for Steinbach, to speak to Bill 27.

Mr. Goertzen: Thank you very much, Mr. Speaker. It is a pleasure to have the chance to rise in the House and to speak to this important legislation. I know it became sort of the issue of contention, but I did want to speak on behalf of my constituents on this particular issue because I do think, in fact, that it is important.

It has already been stated by our critic, whom I commend for the work that he has done in preparation on this bill, the Member for Turtle Mountain (Mr. Cullen), it has already been stated by him that we will be supporting in substance this particular piece of legislation. We do have some issues that we might want to raise to improve the bill which is, I think, not only our right as legislators, but, certainly, our responsibility to try to improve any legislation that comes before the House here before you, Mr. Speaker.

In looking at this particular piece of legislation, there are a number of things that strike me. It was alluded to and touched on by the honourable Member for Turtle Mountain when he said that it is strange that this government seems to have a different standard as it applies to smoking. He raised the issue on First Nation reserves, and, in particular, I think of the debate that is topical regarding First Nations' casinos. We know that before this government there is an application for a casino that would be on a First Nation that would allow for smoking to take place in that establishment. We have said to Manitobans, and I think Manitobans have clearly indicated that they agree, that there should not be a double standard, that there should not be some individuals in Manitoba who should be protected from second-hand smoke and others who would not be protected from second-hand smoke.

We believe, Mr. Speaker, that, if this is a harmful product—and I think that it is generally recognized that it is—all individuals in Manitoba should have that same right to be protected from second-hand smoke in public indoor places, which is what the Member for Carman (Mr. Rocan) brought forward as legislation. Yet we have the government here in Manitoba trying to backtrack on that and saying, well, we perhaps do not value certain places or certain individuals as much as others, so we are not going to have those same restrictions.

I have heard my friend from Minto in the past talk about the constitutional rights to proceed on this basis, but we do know that the government has the right to withhold licences for VLTs in establishments that will not abide by rules that we have here in Manitoba regarding second-hand smoke, and yet the government does not want to apply that because, for some reason, they simply do not think that the harm that is caused by second-hand smoke in certain establishments means as much as in others. So one can try to hide behind phoney constitutional premises, Mr. Speaker, but I think that all Manitobans will clearly know that that is not fair, and that is not just and that is not what they are expecting.

So, on the one hand, we do give credit to this government for bringing forward this piece of legislation. It could be strengthened in certain areas. We certainly think that there are other issues that this government has to look at. Hypocrisy on this issue is not a stranger to the New Democrats. I have raised the point before. We have seen the Leader of the federal New Democrats, Mr. Jack Layton, who has

been campaigning for the outright legalization of the smoking of marijuana at different times within his political career and as Leader of the New Democratic Party. There are some members here of the provincial New Democrats who saw fit to go door-knocking in support of that, who went around and said, yes, we believe with Mr. Jack Layton that there should be the legalization of marijuana, not concerned about the harm that that causes.

So we have an inconsistency in positions with the New Democrats on a number of different issues. We do not think that there should be duplicity on this particular issue when it comes to the health and safety of individuals, that we need to speak with one accord, and need to speak with one voice of all Manitobans. We certainly are willing to lead the charge on this issue as we have in the past, Mr. Speaker, but I would encourage all members to ensure that their position is one that is consistent and one that will go forward to protect the lives of all Manitobans.

We have seen in recent days the loss of life of a very strong advocate on this particular issue, which has been recognized here in this Chamber in the last few days. I think that, for all of those who have lost their lives because of smoking or second-hand smoke, we would do them a service to ensure that we have a consistent application of legislation across the board.

We should also, I think, look regarding where revenues go on this particular issue, where it is that the proceeds of a lawsuit get distributed. We have seen in the past this government, on a number of different issues—we had a bill in the committee just a few days ago where there was an increase of a fine to a significant amount of \$50,000 for somebody who was not evacuating or was not leaving their premises in the course of an emergency. Even though the costs of evacuation are often borne by the municipalities, the municipal officials who instruct or give direction to that evacuation, the \$50,000 possible fine was going to be going to general revenue.

We heard via a written submission from an emergency co-ordinator who said, well, why would you not allow that fine to be applied to the municipality to offset some of the costs that they are going to be incurring? I asked the minister responsible, the Ministry for Intergovernmental Affairs, and his response was, well, the \$50,000, to the extent that that is going to be applied, will go to general revenues.

Here, again, we see that the government is sort of profiting off of these difficult situations that individuals find themselves in. In this particular legislation, when we contemplate a possible award that might come forward as a result of tobacco damages in any suit that might ensue, we wonder about where the revenue is going to be applied. We certainly feel that it would be best provided to health care services generally in the province of Manitoba, perhaps in prevention programs. There have been some improvements in terms of reduction of individuals who are smoking in society, but there is a lot more that can be done. There is a lot more that needs to be done in terms of prevention and education, educational programs, treatment programs to help people break this addiction.

* (15:40)

I have talked about addiction in this Chamber in a different context in the past. Certainly, I think that all of us agree that we should be supporting addiction treatments, whether it is for illicit drugs such as cocaine or LSD, or whether it is for these legal products which also are addictive. So I would encourage the government to look at that sort of a direction to allow for the funding to be dedicated to prevention, to be dedicated for treatment for those who are still addicted to nicotine and tobacco products and try to ensure that there is less and less addiction over time.

We believe that that would be a responsible way to dedicate these funds. You know, we have seen this government try to dedicate funds to issues in the past. You know, VLT revenues have been dedicated to police officers. We do not always see those police officers in real form, but the principle is there that funds can, in fact, be dedicated to certain issues. I do not always agree and have not always agreed in the past how this government directs and dedicates funds, but I do think that, if we would talk to Manitobans and each talk to our individual constituents, they might agree that a good place to dedicate any sort of awards that would come from a legal action of this nature, would be to education and to prevention, Mr. Speaker.

So I think that, as we look at this legislation and ways to improve it—and I know, or I am hopeful I suppose, that there will be presenters who will come forward to committee who will want to speak to this particular legislation—that they too will have advice for us, because we, certainly, do not believe that members on this side or in the NDP government or the independent members have an all-knowing

presence. Often, and most often, the best ideas that come forward to us as parliamentarians or people elected to the Legislature are those that come from individuals.

So we are certainly open-minded to this bill. While we approve of it and support it, it could be strengthened in different ways.

So, with that, Mr. Speaker, I am pleased that I was finally able to stand and be loosened to speak to this legislation. I know that my constituents would have been sadly disappointed had I been shut down arbitrarily by members of the Liberal Party and the muzzle on this particular legislation. But I am glad that I was able to speak and to put some words of encouragement, maybe not wisdom, but certainly words of encouragement of the legislation onto the record. With that, I look forward to either more speakers or a suspected adjournment.

Mr. Speaker: Any speakers?

Mr. Lamoureux: Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 31—The Animal Diseases Amendment Act

Mr. Speaker: Bill 31, The Animal Diseases Amendment Act, standing in the name of the honourable Member for Inkster.

An Honourable Member: Stand.

Mr. Speaker: Stand? Is there will of the House for the bill to remain standing in the name of the honourable Member for Inkster?

An Honourable Member: No.

Mr. Speaker: No? No, it has been denied. The honourable Member for Inkster, this is your opportunity to speak to the bill, or you will lose your opportunity.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I am going to choose to speak to the bill because it is a bill that I have a great deal of interest in.

I am surprised, I must say, as to why it is that I am being forced by the government to speak to this bill because, in the past, government has allowed for members to stand legislation. We are somewhat surprised, and I guess we will have to encourage some discussions amongst the appropriate members of the Chamber to make sure that there is not an

attempt to get outside of an agreement that was actually signed and I had thought was supported by all members of this Chamber.

Mr. Speaker, I want to take this time to talk about the BSE crisis, the cattle industry. I know the Member for Interlake (Mr. Nevakshonoff) has an interest in that area, even though his government has not demonstrated an interest in doing what it can to preserve the cattle industry in the province of Manitoba. It was quite a while ago when we had heard about what was taking place in regard to the cattle industry when BSE had an impact on that industry. *[interjection]* Well, the Member for Interlake is trying to bait me a little bit as I try to pull out some of the notes that I had on this particular bill.

I can tell you that I guess it would have been back in the last provincial election when this particular issue of BSE came about, and, virtually immediately, we saw the reaction from other governments, in particular the U.S., and when they shut the border, it had a huge impact. It is a brutal disease that has cost many thousands, if not millions, of dollars to the cattle industry. I have had the opportunity to talk to a number of cattle producers and farmers, have had the opportunity to watch many, many newscasts, and, Mr. Speaker, it is amazing the types of comments that they put on the record, that they want us to be able to raise with the government. I think that that is what I would like to be able to do, is raise some of those comments at this time, because The Animal Diseases Amendment Act, I think, is a bill that could have very easily dealt with an issue like the BSE crisis, and I think it is a good example to go to.

Mr. Speaker, I was provided by one Manitoban with just a pile of news articles, and these news articles come from rural Manitoba. You know, earlier one member had made reference to reading some newspapers out in rural Manitoba, and I appreciate those individuals who take the time to file and send in articles to me in regard to it. One of the interesting articles, as I am just trying to page through here, I guess it was the *Neepawa Banner* on November 7, the headline reads: NDP continues to fail agricultural producers.

An Honourable Member: Where was that?

Mr. Lamoureux: That was in the *Neepawa Banner*. As I say, there are just too many articles here to go through them all, but I had the opportunity to discuss it. I had the opportunity to discuss the issue with the

individual who had actually sent me these articles, and there is a lot that was actually said. The biggest concern was the fact of why it is that the government was not able to do more for the cattle industry.

Let me give you an example, Mr. Speaker. In normal economic conditions, there is a great deal of competition for the slaughtering of cattle, and, because of the way in which the market system is structured, it is difficult for a new slaughter facility to come in unless the climate is right for it. Well, the BSE crisis changed everything very quickly to the degree that what happened was that an opportunity was created that the government could have acted upon, and, had they acted upon it, I would ultimately argue that we would have a stronger cattle industry today.

But what happened, Mr. Speaker, is that the government chose not to act in a manner in which it could have made a difference. What we saw was still the hardships and the restructuring of that industry, in good part, to a certain degree, the downsizing of that industry and the loss of phenomenal sales as a result of the government not being sensitive to what the cattle producer had to endure, the economic downturn that the cattle producers had to endure because of that disease.

* (15:50)

I think that that speaks volumes as to why it is the government needs to go out to rural Manitoba a little bit more and try to get a better understanding of what it is that it should do. I for one always thought that a progressive type of government would have been more proactive at ensuring that there would have been a cattle slaughterhouse built in the province of Manitoba. Other jurisdictions have, but not here in Manitoba.

An Honourable Member: The Soviet Union.

Mr. Lamoureux: You know, the Member for the Interlake (Mr. Nevakshonoff) seems to have this fixation about Russia. I do not know why he wants to imply that we need to look at the way Russia handles things. Quite frankly, he might be a big advocate for Russia and how their economy works or does not work, depending on which way you want to look at it. I think that we do not need to look at Russia. What we should be focussing our attention on is the province of Manitoba.

If we look at Manitoba, there are some things that the government could and should be doing, Mr. Speaker, that would, in fact, make a big, big

difference. What we saw—I do not know if it was earlier today—as an example, when you have a disease as crippling as the BSE is coming into Canada, being reported, shutting down export markets, what we should be doing is we should be looking at what can we do for those cattle producers in the short term that is going to be of some assistance. You know, the government for the longest time just kind of sat back on the public purse strings and just kind of waved some money out and about: we will give some loans here; we will maybe give a little bit of cash here; we will talk about slaughter capacity. What I saw, time and time again, as this disease hit the province of Manitoba in a very real, tangible way, this government is playing with our farmers. If they were serious in terms of wanting to deal with it, I would pose the question, well, why do we not have any significant cattle processing plant in the province of Manitoba that has come out of the crisis that was created because of this particular disease?

To me, when we look at this particular bill, Mr. Speaker, Bill 31, which is The Animal Disease Amendment Act, we have to wonder why it is that the government has failed so miserably in that whole area. It has caused a great deal of grief. I have seen, as I am sure other members of this Chamber have seen, individuals in tears, farmers in tears. I have seen individuals that had talked about having to sell their, or I should not say sell, that could not get a price for the cows that they had on their farms. I believe there were even at some point, because of this disease, cattle that were being—and, again, I am not 100 percent on this particular point, but I believe it was somewhere in the Dauphin area where there were cattle that were being buried because there was just no place, no slaughter capacity, and it cost money in order to raise those cattle. You have to continue feeding them. You cannot just leave them without food and ultimately cause starvation.

So, you know, the government did have the opportunity. I believe that they missed it. They missed it by a long shot, Mr. Speaker. Now, after a great deal of hardship, our cattle industry is, indeed, coming back. But that is no thanks to this government and the way in which the government responded to the BSE crisis. They did the things that they had to do. They did not go anything beyond that. That is what is so disturbing. You know, it is much like when the Member for Emerson (Mr. Penner) talked about some of the issues in rural Manitoba in regard to water conservation and

greenery along the roads and the contributions that farmers have made, and how that particular bill that he was referring to was kind of a slap in the face. Well, I can appreciate why it is that the Member for Emerson and other farmers would get that opinion from this government, because they do seem to give lip service.

So that is why, when I approach The Animal Diseases Amendment Act, I am concerned in terms of the way in which government has approached the whole farming industry in the province of Manitoba as a whole. One has got to wonder if their intent is genuine to try to make a favourable change to the legislation, or is it just another, you know, here is what we are thinking, and we do not necessarily want to act on it, but this is what we are thinking, and try to build up expectations, because in the BSE incident there were a great deal of expectations that were built up and never met? The government never met those expectations.

Well, what about The Animal Diseases Amendment Act, Mr. Speaker? What is it that the government is actually attempting to do here? What we can do is we can take a look at the explanatory notes, and maybe I will just open it up to that. It indicates that it is to prevent animals from suffering. The director, under the act, is authorized to order healthy animals to be destroyed in certain circumstances, such as a disease outbreak or a border closure that interrupts the normal flow of livestock to the market.

Well, one of the things that is important, and that is the reason why I talked about the BSE crisis, is that the government has to be in a position to be able to do some things that even in some areas might be somewhat hurtful for some of the specific farmers or some industries. But one would like to think that there is a check in place to make sure that the damage is minimal, so it is important that we deal with legislation such as this that could go a way in preventing suffering and so forth of animals and ensuring that, where necessary, there is a proper destruction of the animal.

You know, it is to help control disease. Inspectors are permitted to stop the vehicle that is transporting animals and to collect information about the driver and the animals. Mr. Speaker, I can recall a newscast which literally surprised me to the degree in which they actually track farm animals. You would think it is, you know, here is the calf; the calf is born; you make a note of where it is born, and then

maybe some of its travelling if it goes interprovincial. But what this particular newscast showed was it goes far, far beyond that. You know, here is a herd that a cow has a calf at, and that calf is then brought over to another herd. It grows up; it might then have a calf, and then that calf is brought over to another herd and ultimately slaughtered there. Well, not only are we talking about just herds in the province of Manitoba, we are talking about interprovincial and even international. I think that that is something that is quite significant, and I thought it was quite satisfying to see that.

You know, when we look at that, the BSE, what was interesting is there was one report where, and it was Ralph Klein, Premier Ralph Klein made an interesting assessment where he said we would have been better off as a nation if they would have just shot the cow that had BSE and buried it and not let anyone know about it. I can understand why it is that he said that. I do not agree with what it is that he was advocating, but I understand why it is he said that. There are, I believe, other cases, I have seen reports on where there has been BSE in cattle in the United States and it seems to have been covered up, Mr. Speaker. You know, that is a fairly strong statement to make, but I do believe that that has happened. We should be very proud of the system that we have in terms of the tracking and reporting of things of this nature.

* (16:00)

We look forward to ensuring and protecting not only people that live in Canada, but we have markets that go far beyond Canada when we export our product. That is why we have to do what we can to protect the industry as a whole, not only the cattle industry, but whether it is the hog industry. I know some have a fairly active interest in, including the Liberal Party, that would love to see that industry grow under the right circumstances, and we suspect that it will. Hopefully, it will be in the right circumstances. I know some are very offended by, but, Mr. Speaker, they take me off topic. I am going back to the chickens and to the hogs and these diseases have to be maintained.

Look what is happening in Asia and the impact of the bird flu which is commonly known as the bird flu, and I think that is the wording that I would stick to because I know there is a scientific name to it, Mr. Speaker, but I do not think I will attempt to pronounce it. I do realize that it is a very serious disease. People in certain parts of the world are

dying as a result of the bird disease. I am very surprised in terms of just how much of an impact that is happening on the world media because of the bird disease. Once you start getting a better understanding of it, I think then you can start to better appreciate why it is so important and why it is that the world media is giving it so much attention.

Imagine the impact that it would have on the province of Manitoba if we were to somehow import into our province a bird that had that particular disease. You know, it was the province of British Columbia, I believe, where there were chickens that were infected. I do not know if it was the same bird disease as they had in Asia, but what I do know it was the same type of the flu, but a different strain of the flu. What I do know is that the impact that that had was significant. Right away, you had farms that were being shut down. There were people wearing uniforms that ensured that they were not breathing any of that outside air around those facilities where the infected birds were. There were hundreds of thousands, if not well into the millions, of birds that were culled as a direct result of that disease of what would be a flu. That is here. That is in Canada. It is only a few provinces over.

So I think that it is important that we deal with this issue in a very serious way. I can recall when the story came out of British Columbia that there were people, and there was discussion in terms of what does that mean for chicken here in the province of Manitoba and what impact that that is going to have. There were concerns in terms of the possibility of shortage of chicken.

Fortunately, for us, because of the system that we have in place at the national level, and, quite often you get great co-operation between the provincial and national level, and I think that that ultimately saved the day. If it was not for a very strong, proactive provincial government in British Columbia and the federal government at the time in taking swift action, I believe that it nipped it in the bud, that it prevented what could have been a total and absolute disaster that would have had long-term ramifications on the production and the amount of chicken that was in Canada.

We have to be very sensitive to that, Mr. Speaker, because it does not take that much in order to see the market devastated because of a disease. We saw that first-hand with the BSE, and we got almost a sample of that, at least in British Columbia, there was a sample of that, Mr. Speaker, in regard to

the chicken industry. Had it not been for that proactive approach from those two levels of government back then, we would have had a lot more problems in the province of Manitoba. I should not just limit it to Manitoba, across the country because, as I say, I will go back to some of the comments that I was receiving back then.

Much like cattle, we love our chicken, Mr. Speaker, and those chicken burgers are great, chicken wings. I am personally a big fan of chicken; I enjoy it. Every opportunity I have to eat some chicken, I will have chicken. The impact on diets would have been very significant had that B.C. government and national government not acted as quickly as it did to shut down those chicken farms.

But that was a part of it, Mr. Speaker. The other part of it, of course, was to ensure that there was a very proactive approach, a positive spin, if I can use that word, so that the public would be given assurances that they would have nothing to worry about the consumption of chicken. Canadians as a whole, I believe, accepted that. They recognized that this virus, this particular flu virus, was well contained, that we have a system that protected the health and well-being of all Canadians, that we did not have to worry about that strain getting into the food chain. As a result, what we saw was, I believe, the chicken market was able to sustain itself, and by being able to sustain itself, we were able to minimize the damage.

That is why, when we have bills such as Bill 31 that deals with the diseases of animals, Mr. Speaker, and in part allows for more observations and interventions where it might be warranted or necessary, this can be a very positive thing. We should be looking at having a good healthy debate, I would argue, on Bill 31. It is important to have that healthy debate because Manitobans deserve nothing less. There should be support and comments. I would love to be able to see all pieces of legislation be able to go to the committee stage so that we can hear some feedback.

When the government tries to rush through legislation in the way in which they do quite often, Mr. Speaker, it would be nice to be able to say to our farmers and communities, in particular some of those community newspapers, that here is a bill that has a very profound impact on our rural communities, and, in fact, encourage some of these people to be able to come forward and make presentation at the committee. We are one of the few jurisdictions that

do have a decent process after it leaves second reading where a committee is called that we allow for public presentation. When we get to that public presentation, what I see is quite often we will get people that come from the public just to add their thoughts and their comments.

Well, imagine if you will, what people would have to say about a bill of this nature. How many people do you think would have an interest in this particular bill? Well, Mr. Speaker, I would argue that there would be a great number of Manitobans that would have an interest, and the reason for that is that they have, in many ways, a vested interest, that it is a hot topic for discussion, and, if you were to provide opportunity for Manitobans to provide input on this bill, we would get a lot of input on this bill.

*(16:10)

You know what, Mr. Speaker? I would ultimately argue that, if the Province did the right thing on this particular bill, what it should be doing is possibly even entertaining the possibility of going into one or two of these rural communities, in particular, in some of those where the cattle industry has been hit the hardest, because I suspect that we could learn a great deal about the impact of diseases from Manitoba cattle farmers who had to suffer the consequence of a brutal disease.

I suspect, Mr. Speaker, what we would probably do is we would probably get a number of those rural farmers coming forward if they were, in fact, afforded the opportunity to be able to actually add comment to the bill, and, possibly through those comments, we might be able to come up with some ways by which we could make this bill even better. I do not know in terms of when this bill will pass, but I would like to think that we would afford the opportunity for some of these individuals who have been hurt through the BSE crisis the opportunity to be able to come to committee and express their thoughts and the impact the disease, this particular disease, the BSE disease, has had on their family farm.

Mr. Speaker, I think that if we attempt to rush this thing through, I am going to be very disappointed because I just do not think it is the right way to be passing legislation. That is outside of the agreement. It is my intention to talk to the Government House Leader (Mr. Mackintosh) and find out just to what degree there is any integrity within the agreement that was signed because of the behaviour of this government. It is pushing and

forcing bills like Bill 31 to a premature, I believe, passing, and it is outside of that agreement that this minister signed.

Mr. Speaker, I do plan to continue to have some discussions in regard to that because The Animal Diseases Amendment Act is a bill that, ultimately, I suspect, there would be a lot of support for, as I am sure that there is a lot of support for a great deal of the legislation that is here. We want to be able to ensure that those individuals who want to be able to talk about this particular bill, whether it is in second reading or at the committee stage, are afforded the opportunity to be able to do so. Unfortunately, what I sense is a great deal of frustration from the government in terms of its legislative agenda.

Mr. Speaker, I am told that I have run out of time, and I anxiously await the next opportunity I will be provided to be able to address this bill.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is second reading, Bill 31, The Animal Diseases Amendment Act.

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

Bill 4—The Dangerous Goods Handling and Transportation Amendment Act

Mr. Speaker: So, now, as previously agreed, we will move on to resume debate, second reading, Bill 4, The Dangerous Goods Handling and Transportation Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

An Honourable Member: No.

Mr. Speaker: No? It has been denied? Okay.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to make a few comments on Bill 4, The Dangerous Goods Handling and Transportation Act. This is a bill which is designed to address issues around the handling and transportation of dangerous goods.

It provides, first of all, for closer similarity between Manitoba law and Canadian law to bring what is called interjurisdictional harmonization within Canada with respect to laws covering the

handling and storage of dangerous goods. It also provides for changes to the enforcement powers of inspectors and environment officers, and it has provisions for the polluter to pay where there are clean-up or accidents-response charges from persons who mishandle dangerous goods or contaminants.

We are in general agreement with respect to achieving increased consistency or harmonization across Canada. This is clearly a good thing in terms of handling dangerous goods, because it provides for more systematic addressing of dangerous goods issues which are similar from province to province. Therefore, people are less likely to make mistakes. We want to make sure that we do not create conditions where there would be problems for Manitoba, where people would dump dangerous goods here. Certainly, if it is fully harmonized, then we are not going to create conditions which would be a disadvantage to Manitoba. That is certainly something we need to watch out for.

It is interesting to note that the federal law, which we are now harmonizing with, or coming closer to harmonizing with, was passed in 1992, that some 14 years have passed since the federal law, and there was ample time since 1992 to move on this more quickly and to bring us more consistent with what was happening at the federal level. The current government has certainly been slow in terms of not bringing this forward before; it has been in office six and a half years. But it is here. In general, we think it is a good bill, but we have some measures which we certainly do not agree with, and I will come to some of those shortly.

The concept of polluter pay in general is a reasonable concept where the fault is the polluter, where the fault is in the way the dangerous goods are handled by the person who is handling the dangerous goods. But there are some areas here which are of concern, because they have the potential to make the government and the people who represent the government immune from causing problems under this act, and even potentially causing problems for businesses who are acting under this act.

The improved enforcement is a good thing, but, with this current NDP government, this has been a major problem. They talk about enforcement, but they usually do not provide the resources. They seem to think that enforcement comes from outer space rather than being something which is a practical, on-the-ground measure to implement. There need to be,

clearly, people who have adequate skills and adequate ability to do the enforcement properly.

Concerns with this bill: There are a number of areas which, clearly, could be significantly improved. Let me talk first of all about the nature of the goods and the amount. Some substances are toxic in very small quantities, and others are dangerous in very large quantities. Let us take as an example. Pesticides in certain amounts are clearly very dangerous chemicals, but a tiny amount of pesticides may be found very widely, indeed, as contaminants. It has been found, for example, that DDT used in countries around the equator can get up into the atmosphere and end up polluting sites in the Northwest Territories. Tiny amounts of DDT or other pesticides coming down from the atmosphere may be a dangerous chemical, but we do not necessarily treat it as dangerous goods. There needs, clearly, to be a measure of understanding in terms of where tiny amounts of chemicals would fall here, and a respect and understanding of what we are dealing with.

Let me give you another example which is perhaps even clearer. Chlorine, which is a gas, can be quite a toxic chemical and of very much concern if there is a rail accident and a car which releases chlorine. But, at the same time, chlorine we add to drinking water, and we certainly are not going to go around, under most circumstances, and talk about normal drinking water being a dangerous good because it has got a little bit of chlorine in it. So there need to be measures here which deal not only with the type of goods, but the quantity of goods, and make sure that things are handled in appropriate proportion.

*(16:20)

In the context of this section which deals with handling of dangerous goods, there is a phrasing here which deals with "stop, detain or cause to be detained a means of transport that contains or has contained, or that the inspector reasonably believes contains or has contained a dangerous good or contaminant or anything relating to a dangerous good or contaminant."

We do not want inspectors going around, you know, inspecting things which they suspect may have drinking water which has got a little chlorine in it. There needs to be a little bit of proportion here. So labelling something as a dangerous good or contaminant needs to be specified not only with

respect to the type of chemical, but the amount of the chemical and what it is contained in.

The Member for La Verendrye (Mr. Lemieux) is holding up his glass full of water with a little bit of chlorine, and, no, we do not believe that that is a dangerous good. In fact, we normally would consider it quite healthy to be drinking Manitoba water which comes from Shoal Lake, even though it may have a little bit of chlorine added.

I move on to another point here. There is an assumption in this bill that the government is always right, and that is clearly written from either an NDP or a Tory philosophy, but not from a Liberal philosophy. We know all too well the government and its representatives, particularly under the NDP, can suffer from a wide array of failings, and it is important to ensure that businesses and individuals are protected from the actions of government and its representatives. It is important to ensure that businesses and individuals will not have to pay for mistakes made by governments, its inspectors and its enforcers.

You know, there are clauses here, there are sections of this bill which provide for people or businesses having to pay for anything that a director causes to have done. The director could cause to have an individual or business to undertake a major expense, which may or may not be justified. There is no second choice here. Just because a director says it has to be done, you could be forced to pay for it, and that is not a good situation. We need to be sure that individual businesses are protected under such circumstances.

The principle of a polluter paying is one which we would agree with in general, but there need to be constraints, you know, on the power of government. There needs to be an effort to show that the government is responsible and that the government is, in fact, not responsible for causing actions to which the polluter must pay. There is not adequate responsibility and onus put on the government to demonstrate the validity of the claims and the decisions that are being made. In fact, one of the major concerns we have with this bill is this bill, in fact, really provides a large measure of immunity by the minister and her representatives in the carrying out of the acts under this bill, immunity from making mistakes or acts of negligence.

The principle of polluter pay is laid out as if all polluters were private sector businesses, and that clearly is not the case. The government, in its various

departments, handles dangerous goods. The department of highways, as an example, from time to time, handles dangerous goods in the carrying out of its normal duties. Public-sector hospitals, universities, colleges, municipalities, all may be involved in use or handling of chemicals in the normal course of their activities or businesses which may be labelled dangerous.

People, in fact, in the Legislature where there are cleaning staff, they may be handling dangerous goods, and so the issue here is, if you are going to apply this principle to businesses and individuals, that there is an onus, also, to apply this to government. This is where we need clarification in terms of how you make the government pay for mistakes that are made by the government. There needs to be some sort of approach here, some sort of a procedure. We have, in Manitoba, a situation where a rather high proportion of the economy is, in fact, the public-sector economy. So it is not a part of the economy that we can neglect when we are dealing with issues around dangerous goods.

There is quite a considerable concern that we, in the Liberal Party, would have with regard to sections of this bill, which would protect the minister, the government, and its representatives, from liability, in fact, give them immunity, unless the individual or the government minister was acting in bad faith. Well, we are concerned about situations where you may have a minister or a representative of the government acting with gross incompetence, a minister acting, or a representative acting in a way that was grossly negligent. We should not be protecting the minister under circumstances where the minister is grossly incompetent or grossly negligent.

Indeed, it is interesting that this is the same government that has brought in Bill 34. The interesting thing about Bill 34 is that Bill 34 provides what is called whistle-blower protection, which is protection where individuals in the public service or individuals outside of the public service provide information about wrong-doings, which are in, or related to, the public service. They are protected when they bring forward wrongdoings around gross mismanagement, including a public fund or a public asset. So here we have whistle-blowers able to bring forward circumstances where there is gross mismanagement, but the minister is protected from liability where there is gross mismanagement. If there is no liability, if there is immunity by people within government from gross mismanagement, then

it begs the question of what does it mean or what is going to happen if individuals bring forward concerns about gross mismanagement, gross incompetence, or gross negligence.

There are parts of Bill 34 which talk about people whistle-blowing on acts of omission done by, could be the minister, could be other members of the public service. Clearly, the issue as I would see it here is that, once again, you have whistle-blower legislation which says, well, please come forward and report about these problems. At the same time, when it comes to dangerous goods handling and the actions of the public service, the people in the public service and the minister now have immunity or protection from liability should whistle-blowers come forward and say there is a problem.

So whistle-blowers come forward under Bill 34 and say there is a problem. Then, under this act, there is nothing we can do about it because the minister and the representative of the government are protected. So I think that the government should get its act in order and be consistent here. Maybe they are expecting a lot of whistle-blowers to come forward with instances of gross mismanagement and gross incompetence, and they want to be sure that, before they pass Bill 34, they have protected all their ministers and all their government staff from the revelations which are going to come forward. They may be trying to protect themselves from the problems that they have caused for the people of Manitoba, but that is not, I would suggest, right. That, in fact, if ministers have been grossly incompetent or grossly negligent, those ministers, in fact, should be not immune.

Mr. Speaker: Order. The hour being 4:30 p.m., in accordance with a sessional order adopted on June 9, 2005, I am interrupting proceedings to put the question on the government bills that were introduced by April 13, 2006, and have been called for debate at least three times, and that were subsequently identified by letter from the Official Opposition House Leader (Mr. Goertzen) as requiring to have second reading completed by May 31, 2006.

* (16:30)

The bills that fall into this category are Bill 4, The Dangerous Goods Handling and Transportation Amendment Act; Bill 11, The Winter Heating Cost Control Act; Bill 14, The Water Rights Amendment

Act; Bill 22, The Elections Reform Act; and Bill 37, The Labour-Sponsored Investment Fund Act, 2006 (Various Acts Amended).

I should note that Bills 11 and 22 have already had second reading agreed to. Therefore, at this time, I will be putting the question on each of the remaining three bills.

I remind members that at this point there is to be no further debate or amendment regarding these bills. I will call a second reading motion for each bill separately.

SECOND READINGS

Bill 4—The Dangerous Goods Handling and Transportation Amendment Act

Mr. Speaker: Second reading of Bill 4, The Dangerous Goods Handling and Transportation Amendment Act.

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

Bill 14—The Water Rights Amendment Act

Mr. Speaker: Second reading of Bill 14, The Water Rights Amendment Act.

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

Bill 37—The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended)

Mr. Speaker: Second reading of Bill 37, The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended).

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I would like to announce that the Standing Committee on Legislative Affairs will meet on Thursday, June 1, at 6 p.m., to deal with Bills 4, Dangerous Goods, and 37, Labour-Sponsored.

Mr. Speaker: It has been announced that the Standing Committee on Legislative Affairs will meet on Thursday, June 1, at 6 p.m., to deal with the following bills: Bill 4, The Dangerous Goods Handling and Transportation Amendment Act; and

Bill 37, The Labour-Sponsored Investment Funds Act 2006.

Mr. Mackintosh: Mr. Speaker, given that we have some time, would you call adjourned debates on 24, Consumer Protection; 25, Consumer Protection; 29, Degree-granting; and 30, Fires Prevention.

DEBATE ON SECOND READINGS

Bill 24—The Consumer Protection Amendment Act (Government Cheque Cashing Fees)

Mr. Speaker: Resume debate. A second reading on Bill 24, The Consumer Protection Amendment Act (Government Cheque Cashing Fees), standing in the name of the honourable Member for Inkster (Mr. Lamoureux).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Inkster? *[Agreed]*

Any speakers? No, okay.

Bill 25—The Consumer Protection Amendment Act (Payday Loans)

Mr. Speaker: Bill 25, The Consumer Protection Amendment Act (Payday Loans), standing in the name of the honourable Member for Inkster.

What is the will of the House? Stand? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Inkster? *[Agreed]*

Bill 29—The Degree Granting Act

Mr. Speaker: Bill 29, The Degree Granting Act, standing in the name of the honourable Member for Inkster.

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Inkster? *[Agreed]*

Bill 30—The Fires Prevention and Emergency Response Act

Mr. Speaker: Bill 30, The Fires Prevention and Emergency Response Act, standing in the name of the honourable Member for Inkster.

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Inkster? *[Agreed]*

An Honourable Member: No.

Mr. Speaker: No? It has been denied. The honourable Member for Inkster, to now speak or lose your turn.

The honourable Member for Inkster, to speak?

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, this is on Bill 30, I believe?

Mr. Speaker: Bill 30, The Fires Prevention and Emergency Response Act.

Mr. Lamoureux: Thank you, Mr. Speaker. I just have to quickly gather some notes on the bill. I did not anticipate that I would be speaking to it today. But, given that it is my last opportunity, I do want to speak on the bill. [*interjection*] It has been suggested I use the other one that I just used a little while ago, and I suspect that could almost be as effective.

We recognize, Mr. Speaker, that this particular bill replaces The Fires Prevention and Emergency Response Act, and if we take a look at it, some of the notes in regard to this, in terms of explanatory notes, deal with the Office of the Fire Commissioner, which is continued. It is good to see that we recognize the importance of the Fire Commissioner. There are many different types of responsibilities that are out there, that our fire services, emergency services have to provide for us, and I think maybe what I will spend some time talking about is just how important it is to recognize our emergency response individuals.

We have seen, I believe, throughout North America, a great deal of attention given to emergency responses, Mr. Speaker, and it comes out of an incident in which we are all very familiar with, that being the 9/11 crisis. A number of years ago, where people will recall, and, you know, it is one of those times in which people know, in terms of they will remember what it is that they were actually doing when 9/11, September 11, occurred, and those two planes, or, actually, three planes that had crashed into American buildings and one into the ground. It left a lasting impression in the minds of people throughout the world. I know, myself, I can recall exactly what it was that I was doing at the time when that plane hit the tower, and there has been a lot that has happened since then. Jurisdictions at all levels, whether it is municipal, provincial, federal, some of the rural communities, and even to a certain degree, I suspect, if we look, you would even see our school boards—even beyond just government agencies, you will see that private companies, private individuals,

homes and so forth—have really seen the need to address the issue of emergency responses.

It was a horrific act, 9/11, and it was just last night, actually, I was watching a newscast from a worker that worked at ground zero, and that particular individual had witnessed, first-hand, this catastrophe to the degree in which he got involved. As a result of getting involved—and I cannot recall the exact number, but I believe it was somewhere around 4,000 people that were involved in the clean-up, and he was one of those individuals that was involved in the clean-up—he inhaled all sorts of chemicals. As a result, what we have seen is that this particular individual had a great deal of health conditions that were caused.

Mr. Speaker, it was actually very touching to see this individual's passion as to what it is or, I should say, his passion, believing that what he did was all for the right reasons. He talked about this horrific sight of one fireman that he had uncovered, or his crew had uncovered, and the head was somewhat trapped by some pipes, as he tried, no doubt, to get out of the situation that he was in.

Anyway, this particular individual, Mr. Speaker, was cutting up steel, taking away the mess that was left behind at 9/11, and, as a result of doing that, there were some health conditions that came. This is why I think that having an emergency responses act, and, hopefully, that it is all-encompassing, because when something takes place—you know, they call it an emergency because it happens and people are not aware of it—but when these emergencies take place, I think that we have to be in a position to respond as quickly as possible and make sure that there is an adequate system of protocols that is in place to not only make sure that the people, as many are rescued, lives are saved, and so forth, but we are also thinking about those individuals that are doing the lifesaving, that are going into these dangerous situations in order to save a life.

*(16:40)

I think that we have to be very diligent in making sure that legislation and regulations and the types of programs that we have—in this particular example from last night's newscast, it was an issue of workers compensation. You know, here is someone that did what he felt was right, along with thousands of others, in terms of the clear up. As a result, he has serious health conditions, and now he is looking to the government.

This is one of the reasons why it is that we want to set something up. There was an emergency. Again, the emergency can be of a large nature like 9/11, Mr. Speaker, or emergencies can be of a small nature. You will recall, again, in the news there was a story about an individual, and I cannot think of the name of the mine, but the individual was in a hut, and did not come out of the hut. So then they sent in another emergency response person into that hut, and that person did not come out. Then there was yet another emergency individual that went in. What we saw was the bravery of our emergency response people entering into a situation that they were not fully aware of, but they did it because they had a passion and the conviction to save lives, to rescue people. As a result of that conviction, they ultimately lost their own lives. Again, I believe it was not that long ago, a few days, in which some recognition was given to all three people. The worker, but in addition to that worker, those two emergency response people.

What we do need to recognize is, as I pointed out, the large and the small. We have people here in the province of Manitoba that put in a phenomenal effort to ensure that we are all, as much as possible, taken care of in emergency situations. We should talk about some of those emergencies. You know, there are our police and officers of the law, whether they are city of Winnipeg, Brandon, rural, RCMP. These are individuals that put their lives in danger every day in which they are on duty because they do not know what it is that they are walking into.

I have had opportunity to talk to RCMP officers and police officers, and it is interesting to hear some of the situations that they find themselves in, especially in some of those rural communities. There is an expectation that, if there is an emergency and you need a law enforcement officer, they are going to be there, and they are there to protect and serve, as the motto goes. Quite often, when they enter a situation, they are in a situation in which they do not know what it is that they are actually walking into. They might have a sense of it, but they do not really know what it is that they are walking into.

Today, it is even that much more dangerous, in the sense, if you take a look at the types of things that are happening in our rural communities in an illegal way. I am talking, specifically, in regard to grow operations, to crystal meth labs. Someone walking in and not having the proper training and the expertise could be badly hurt walking into a situation where there is a crystal meth lab that is in operation,

Mr. Speaker. This is why, when you think of those emergency responses—you know, you are a local RCMP officer and you get the call that someone, or there is something suspicious happening at X house, and maybe you heard a gun shot. Well, the first thing the RCMP officer is going to do is get out on to the scene. If they are afforded the opportunity, they will wait for some sort of a backup. There is protocol that is put into place so that they know that, if they are walking on and the condition is such that they can wait for a backup, they will wait for a backup.

So that is why it is important that, when we talk about emergency responses, whether they be fire, or whatever they might be, that you establish the criteria, the process, and the protocol that ultimately will, Mr. Speaker, protect the individual person that is actually responding. If they do not have the time for the backup, well, that is when it could become even that much more dangerous, and incidents of that nature have occurred in our country. We have seen RCMP officers die as a response to emergency situations where an immediate response was required because they are going into dangerous environments.

When you look at the many different types of plants that are out there, and the way in which we construct the widgets, Mr. Speaker, in most cases, or provide certain services, that there are all sorts of chemicals that are dangerous. If an emergency was to break out, the first call is 911. Then you get our fire trucks out on to the scene. If there is a fire, they are eager to get that fire out as quickly as possible. Quite often, once again, what you see is an individual who is dedicated, who has made a commitment to help others, put into a position in which they, themselves, could be in danger. That is, again, why it is so critically important that we do have an emergency response system that deals with issues of this nature.

Some things we are not going to be able to prevent, other things that we can prevent, Mr. Speaker. Look at the health lab. We are very fortunate in Winnipeg that we have a first-class health lab with all sorts of protocols in place to protect Winnipeggers, in particular, from accidents occurring. I have had opportunity to visit the health lab out on Arlington, and it is an impressive facility. I can recall, I do not know if it was Purolator, but the types of things, diseases, that are transported. There is a vehicle accident, and very quickly there is a process that needs to be followed in order to ensure that, not only is it the citizens around the scene, but

also those emergency response people are going to be safe.

This is where we, as legislators, and other municipalities, other forms of governing bodies, Mr. Speaker, have a responsibility to ensure that, in fact, we are drafting the type of legislation that is ultimately going to protect them. What we do not want to see is cases, like we saw last night or that I referred to last night, on the news where here is someone that is doing their best, and, as a result, now they are suffering all sorts of health illnesses, and the government has just kind of forgotten about them. So that is why it is very important that we do our job because we know and have confidence that the job is going to be done at that grass-roots level. We have just got to make sure that we do our job.

* (16:50)

Bill 30 protects from liability the Fire Commissioner, as a designate, or any other person acting under the authority of the act for anything done or not done for neglect unless the person was acting in bad faith, Mr. Speaker. Well, you will recall that I have had opportunity to speak on other pieces of legislation, and one of the issues that we have tried to bring to the government's attention is the issue of gross neglect, and how the government seems to be bringing in legislation. This is another piece of legislation that allows for gross neglect to occur. There is an escape from liability. So, if it is the minister who is ultimately responsible for this act, or it is the Fire Commissioner, the concern that we have is that at times there might be a situation that arises where there was gross neglect.

This particular government is great at giving examples of where it has been grossly negligent, Mr. Speaker, and they need to be held to account for it. They need to be held accountable for that. If you take a look at the Crocus file dealing with the gross neglect, you will see that the government is now being sued. It is being sued because 33,000-plus Manitobans believe that the government was negligent with that particular file. Legislation of this nature, continued to be extended in a direction that this government is moving, would prevent something like that from happening. Where there has been gross negligence, I believe that there should be a liability issue.

We had the example in Walkerton where there were issues in regard to neglect, and many assertions that it was gross neglect. Civil servants, Mr. Speaker,

were ultimately behind that. People lost their lives as a direct result. That is why there is concern on our part as to why it is the government continues to excuse itself and professionals. We have confidence in our civil service. We in the Liberal Party recognize the sense of professionalism that our civil servants, right from the Clerk to the deputy minister, offer to Manitobans as a whole, and we applaud them on the wonderful jobs that they do. On occasion, you will even find from within that civil service that there are accusations of gross neglect.

That is why you have to wonder: Well, why is it that this bill would foster that as being okay? That is, in essence, what this bill is saying, Mr. Speaker. We disagree. We disagree with that. As I indicated earlier, look at what the people—we passed the legislation, and councillors and others pass regulations and by-laws, and so forth. We expect our professionals and, in many ways, our volunteers—like, how many volunteer firemen do we have out in the province, especially in rural Manitoba? We expect them to perform at their best. That, in essence, is what is happening.

Mr. Speaker, I would suggest to you, in return, they have expectations for us. Those expectations for us are to do likewise, are to make sure that we are thorough, in terms of what it is that we are passing inside the Legislature, that we are thorough in terms of responsibility and accountability. When you have someone in a position of authority and they are delegating out a particular responsibility to someone else where they have to enter into a situation, they want to feel confident that the people that are in authority are, in fact, doing the right things.

I think it is a very simple question, and I have posed this question to other ministers who have brought in legislation of a similar nature that deal with the issue of liability. I would appreciate a response from the Minister of Labour (Ms. Allan) and other ministers that are bringing in like-minded legislation. Why would the government be comfortable with no legal action being taken against an individual that was grossly negligent in their responsibilities? I do not know what the answer to that is, and I think the government should be providing us an answer to that very specific question.

What I do know, Mr. Speaker, is that, when the government was in opposition, they would stand up day after day and they would talk about gross negligence and government accountability, and how important accountability was back then. That is why

I am surprised that the government would not want to deal with that issue in a more positive way, by learning from its days in opposition, recognizing that there is a possibility of gross negligence to occur and then to attempt to remedy it, not to condone it. In reading it, what I am reading is that the government is, in fact, prepared to condone the action. That is something in which I have some real concerns in regard to.

There are issues that are adopted by this Legislature that also go out to protect our firemen, our firewomen. Those dealing with the Manitoba Fire Code, for example. The fire code is something which is very detailed, and we have a responsibility of a relatively small number of individuals to make sure that the fire code is kept up, and is updated, kept to be valid. You know, it is interesting when you see the civil servants working with the politicians to develop regulations in order to ensure, as I say, that there is a system that is there to protect us all in whatever situations that we might find.

Mr. Speaker, what I am thinking of is that it is great to see that, but I am going to go back to the individuals who are actually doing the job. We have fire department personnel that virtually go through every building, every commercial building that is out there, in order to ensure that issues like the fire code are, in fact, or that companies or businesses or offices are being accountable to the fire code. It is that individual. It is that fire person who is out there

making sure that our buildings are, in fact, safe buildings. In fact, quite often, what we will see is we will see public forums. I suspect there might be even members of the Legislature here that have promoted some of those public forums where we will get emergency personnel who will come out to a public forum and talk about what it is that people in their homes can do to minimize emergencies from arising or disruptions from occurring.

You know, the fire department is a great ally to all of our citizens. In the sense, Mr. Speaker, because they are very much open to coming out and talking about the different things that you can do in your home that are going to make a difference, that are going to make your home a little bit more safer. I think that that is a very positive thing. So here we are today talking about The Fires Prevention And Emergency Response Act, and, at the same time, we recognize the importance of this legislation. It is also important that we recognize many of the efforts, and I made mention—I just do not want to limit it to the people who fight our fires and enforce our fire codes. There are all those emergency response people who, day in and day out—

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Inkster (Mr. Lamoureux) will have four minutes remaining.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 31, 2006

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