

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

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
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.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Elmwood	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, September 29, 2008

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

PETITIONS

**Hard Surfacing Unpaved Portion—
Provincial Road 340**

Mrs. Leanne Rowat (Minnedosa): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

All Manitobans deserve access to well-maintained rural highways as this is critical to both motorist safety and to commerce.

Provincial Road 340 is a well-utilized road.

Heavy vehicles from potato and livestock operations, agricultural-related businesses, Hutterite colonies and the Maple Leaf plant in Brandon use this road.

Vehicles from Canadian Forces Base Shilo also travel this busy road.

Commuter traffic from Wawanesa, Stockton, Nesbitt and surrounding farms to Shilo and Brandon is common on this road.

Provincial Road 340 is an alternate route for many motorists travelling to Brandon coming off Provincial Trunk Highway 2 east and to Winnipeg via the Trans-Canada Highway No. 1. An upgrade to this road would ease the traffic congestion on Highway 10.

Access to the Criddle-Vane Homestead Provincial Park would be greatly enhanced if this road were improved.

The hard surfacing of the unpaved portion of PR 340 south of Canadian Forces Base Shilo towards Wawanesa would address the last few neglected kilometres of this road and increase the safety of motorists who travel on it.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation (Mr. Lemieux) to consider hard

surfacing of the unpaved portion of Provincial Road 340 south of Canadian Forces Base Shilo towards Wawanesa.

This petition signed by Ina Cullen, Anita Friesen, Craig Bell and many, many others, Mr. Speaker.

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

Pharmacare Deductibles

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 NDP government has increased Pharmacare deductibles by 5 percent each year for the past seven years, with the curious exception of the 2007 election year.

As a result of the cumulative 34 percent hike in Pharmacare deductibles by the NDP government, some Manitobans are forced to choose between milk and medicine.

Seniors, fixed and low-income-earning Manitobans are the most negatively affected by these increases.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier (Mr. Doer) of Manitoba to consider reversing his decision to increase Pharmacare deductibles by 5 percent in budget 2008.

To request the Premier of Manitoba to consider reducing health-care bureaucracy, as previously promised, and to consider directing those savings into sustaining Pharmacare and improving patient care.

This is signed by Margaret Porornik, James Johnson, Terry Turner and many others, Mr. Speaker.

Long-Term Care Facility—Morden

Mr. Peter Dyck (Pembina): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background for this petition is as follows:

Tabor Home Incorporated is a time-expired personal care home in Morden with safety, environmental and space deficiencies.

The seniors of Manitoba are valuable members of the community with increasing health-care needs requiring long-term care.

The community of Morden and the surrounding area are experiencing substantial population growth.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to strongly consider giving priority for funding to develop and staff a new 100-bed long-term care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute-care patients instead of waiting placement clients.

This is signed by John Hamm, Mike Walske, Lynne Cawley and many, many other.

Hard Surfacing Unpaved Portion— Provincial Road 340

Mr. Cliff Cullen (Turtle Mountain): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

All Manitobans deserve access to well-maintained rural highways as this is critical to both motorist safety and to commerce.

Provincial Road 340 is a well-utilized road.

Heavy vehicles from potato and livestock operations, agricultural-related businesses, Hutterite colonies and the Maple Leaf plant in Brandon use this road.

Vehicles from Canadian Forces Base Shilo also travel this busy road.

Commuter traffic from Wawanesa, Stockton, Nesbitt and surrounding farms to Shilo and Brandon is common on this road.

PR 340 is an alternate route for many motorists travelling to Brandon coming off PTH 2 east and to Winnipeg via the Trans-Canada Highway No. 1. An upgrade to this road would ease the traffic congestion on Provincial Trunk Highway No. 10.

Access to the Criddle-Vane Homestead Provincial Park would be greatly enhanced if this road were improved.

The hard surfacing of the unpaved portion of PR 340 south of Canadian Forces Base Shilo towards Wawanesa would address the last few neglected kilometres of this road and increase the safety of motorists who travel on it.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation (Mr. Lemieux) to consider hard surfacing of the unpaved portion of Provincial Road 340 south of the Canadian Forces Base Shilo towards Wawanesa.

This petition is signed by Michael Fisher, Lucy Cory, Norma Kilmury and many, many others.

Crocus Investment Fund—Public Inquiry

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

The background to the petition is as follows:

The 2007 provincial election did not clear the NDP government of any negligence with regard to the Crocus Fund fiasco.

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's investigation, the RCMP investigation, the involvement of revenue Canada and our courts, collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

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.

Mr. Speaker, this is signed by C. Silva, L. Kerr, D. Duhamel and many other fine Manitobans.

Thank you, Mr. Speaker.

Education Funding

Mr. Rick Borotsik (Brandon West): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Historically, the Province of Manitoba has received funding for education by the assessment of property that generates taxes. This unfair tax is only applied to selected property owners in certain areas and confines.

Property-based school tax is becoming an ever-increasing burden without acknowledging the owner's income or owner's ability to pay.

The provincial sales tax was instituted for the purpose of funding education. However, monies generated by this tax are being placed in general revenue.

We therefore petition the Legislative Assembly of Manitoba as follows:

We request that the Minister of Education, Citizenship and Youth (Mr. Bjornson) remove education funding by school tax or education levies from all property in Manitoba within the next four years.

We request that the Minister of Education, Citizenship and Youth consider finding a more equitable method of funding education, such as general revenue, following the constitutional funding of education by the Province of Manitoba.

This petition, Mr. Speaker, is signed by Brent Darker, Michelle Asselin, Ruth Irvine and many, many more Manitobans.

* (13:40)

Physician Recruitment—Southwestern Manitoba

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

These are the reasons for this petition:

The Town of Virden has the last hospital in Manitoba on the busy Trans-Canada Highway travelling west.

For the safety of recreational travellers, long-haul truck drivers, oil and agricultural industry workers and its citizens, Virden, a town of nearly 4,000, requires emergency services at its hospital.

On June 30, 2008, the emergency room at the Virden Hospital was closed due to this government's failure to recruit and retain doctors for southwest Manitoba and its failure to plan for the departure of doctors whose contracts were expiring.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to consider creating a health-care environment in which doctors want to work and build their careers in Manitoba.

To request the Minister of Health to consider making it a priority to recruit doctors to southwestern Manitoba so emergency rooms do not have to be closed when they are needed most.

This petition is signed by Bill Kent Sr., Linda Harvey, Ruth Dunning, Marjorie Musgrove and many, many others.

COMMITTEE REPORTS

Standing Committee on Social and Economic Development Seventh Report

Ms. Erna Braun (Chairperson): Mr. Speaker, I wish to present the Seventh Report of the Standing Committee on Social and Economic Development.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Social and Economic Development presents the following as its Seventh Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on Social & Economic Development presents the following as its Seventh Report.

Meetings

Your Committee met on September 25 at 6:00 p.m. in room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 47) – The CentrePort Canada Act/Loi sur la Société CentrePort Canada**

Committee Membership

- Ms. BLADY
- Ms. BRAUN
- Mr. DEWAR
- Mr. EICHLER
- Ms. KORZENIOWSKI
- Hon. Mr. LEMIEUX
- Mr. MAGUIRE
- Mr. PEDERSEN
- Mr. SARAN
- Mrs. STEFANSON
- Hon. Mr. SWAN

Your Committee elected Ms. BRAUN as the Chairperson.

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

Bills Considered and Reported

Bill (No. 47) – The CentrePort Canada Act/Loi sur la Société CentrePort Canada

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

THAT Clause 10(1) of the Bill be amended by adding the following after clause (f):

(g) the Rural Municipality of Rosser.

Ms. Braun: Mr. Speaker, I move, seconded by the honourable Member for The Maples (Mr. Saran), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Eric Robinson (Minister of Culture, Heritage, Tourism and Sport): Mr. Speaker, I'd like to table the Annual Report of Travel Manitoba for 2007-2008.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us Devin Kemp from Deloraine who is the guest of the honourable Member for Minnedosa (Mrs. Rowat) and also the constituent of the honourable Member for Arthur-Virden (Mr. Maguire).

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

ORAL QUESTIONS

Emergency Room Patient Death Staff Communication Directive

Mr. Hugh McFadyen (Leader of the Official Opposition): Earlier today, Mr. Speaker, some seven days after becoming aware of the tragedy in Health Sciences Centre's emergency room, the government announced a program of greeters and green wristbands as a pilot project for the Health Sciences Centre emergency room.

The reality is that the recommendations with respect to reassessments were made more than four years ago in the report that followed several other tragic incidents in Manitoba emergency rooms.

Mr. Speaker, the top priority of the government following the disclosure last week was a directive to doctors and nurses within the emergency room to not communicate either internally or externally with anybody with respect to what had happened in connection with Brian Sinclair's case. In fact, the directive was so specific that they were told not to use, in particular, e-mail communications either internally or externally with respect to what had happened with Mr. Sinclair.

I want to ask the Premier: Why is it that the top priority of government was the political damage control strategy and a week later they got around to thinking about patient safety with a greeter and wristband announcement this morning?

Some Honourable Members: Oh, oh.

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

Hon. Gary Doer (Premier): Mr. Speaker, the priority for any government and for the Winnipeg Regional Health Authority is to ensure accurate and factual information is made available to the Chief Medical Examiner, which happened immediately. The Chief Medical Examiner reported as we suspected last week that it was a preventable death. The priority of the government is to ensure that the resources are in place following the report on the emergency wards, the reassessment nurses that had been recommended and the other \$6-million investment that was recommended which was initially implemented. Beyond that, it's over \$7 million in operating costs and tens-of-millions of dollars in capital costs. So those priorities have been ongoing and being implemented.

I would point out that patient care is the priority of the Winnipeg Regional Health Authority. We did not expect the instant redeployment of staff from emergency wards. There were some issues of dealing with the waiting rooms over the weekend. There was 130 one of the days in question. There was 131 people that reported to the emergency ward on the day where there was some media coverage last week, 131 patients. I can break down the priorities of doctors and nurses in saving lives for the member opposite if he's interested.

Mr. McFadyen: We are well aware of the many announcements made by this government and the amount of media attention that they get. The fact is that the basic simple recommendations made over four years ago in the ER task force report were not implemented more than four years later. That may very well have contributed to the tragedy that occurred last weekend.

We now know that the first priority was a directive from the top to clamp down on any communications by staff who may have had information. The Premier says that, as he suspected, the Chief Medical Examiner said that it was a preventable death. I'm not sure how he could say that he suspected that when prior to the Chief Medical Examiner's comments last week, he was out spinning alternate misleading theories about what had taken place with respect to Mr. Sinclair.

Mr. Speaker, late in the day on Thursday, after the House had risen for the day, the government put out information about another emergency room death. This one that occurred back in June, on Tuesday, June 10, a woman, 82 years old, spent four hours in the emergency room, collapsed and died shortly before 4 p.m. that day. That was three-and-a-half months ago. It's been identified as a critical incident. When we go back and look at the minister's comments the following day, in this House when we were in session, she was asked a question about emergency rooms by the Member for Turtle Mountain (Mr. Cullen), she was asked questions by the Member for River Heights (Mr. Gerrard), and what she said in response to those questions was that they were doing, and I quote, excellent work and incredible work. This was the day after the last incident.

She went on to take pot shots at various surgeons and also questioned the honesty of the Member for River Heights for having the temerity to ask her questions about health care.

I want to ask the Premier now: In retrospect, knowing now that the minister must have known when she was making those statements about this other critical incident, who he thinks has more credibility, the Member for River Heights, who made references to poor political leadership and a badly run health-care system, or his Minister of Health, who said that they were doing incredible work in health care in Manitoba.

* (13:50)

Mr. Doer: The member opposite talks about the emergency room task force report. The reassessment nurse, 12 hours a day in the seven hospitals for the seven days, implemented; increasing geriatric programs, implemented; establishing protocols for nurse-initiated procedures, implemented; new capital programs for many of the hospitals, implemented; relieving pressure on the ERs, implemented; redeveloping the emergency rooms: HSC, \$24 million, Seven Oaks, \$14 million, Concordia Hospital, which will be open in November, \$3.3 million.

I want to go over these 46 recommendations: speeding up lab results, diagnostic services, implemented; the electronic patient tracking system, \$2.5 million spent, \$600,000 annually. It's in place in every hospital. It will come in place in the Concordia Hospital with the new—

Some Honourable Members: Oh, oh.

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

Mr. Doer: Thank you, Mr. Speaker. With \$600,000 in operating costs. So we go through the Emergency Care Task Force report and you can see progress in each one of those.

As I said, Mr. Speaker, as was stated in the media by Dr. Bruce Roe, the chief medical officer at St. Boniface, that the issue that was raised and questioned by a media source was classified, yes, as a critical incident. The Chief Medical Examiner's office is investigating this case and he has not concluded his final report. I know the member opposite has perhaps come to some conclusions, but we will wait for the Chief Medical Examiner.

Mr. McFadyen: Manitobans are certainly aware of the spin and the spending announcements. We certainly know that it's been reported by the Conference Board that the government spends the second most of any government in Canada and yet

has the worst results. Certainly we're not questioning his ability to spend money. We're not questioning his ability to make announcements or to get good-news stories. Those issues they are undisputed champions at.

What we are questioning, Mr. Speaker, is their management of the health-care system, the poor results within the health-care system and the fact that there seems to be no connection whatsoever between what the Premier and the Minister of Health (Ms. Oswald) say in public and what is actually going on in the health-care system.

Back in June, on the 20th, we have a tragedy in the emergency room. On the 21st, the minister is talking about incredible work within the health-care system and calling into question the honesty of the Member for River Heights (Mr. Gerrard) when he asked questions about the health-care system.

Six days later, Mr. Speaker, the minister makes an announcement about nothing in connection with cancer. The *Free Press* reported after that announcement that there was a news conference but no news in connection with that announcement, six days after this tragedy that the Minister of Health was aware of but nobody else publicly was.

I want to ask the Premier how he thinks that they can deal with the issues in health care when the Minister of Health is either not provided with bad news or is provided with bad news but chooses to sit on it and to mislead Manitobans.

Mr. Doer: Well, Mr. Speaker, the case at St. Boniface Hospital—and Dr. Bruce Roe has commented on it—is still pending the report of the Chief Medical Examiner. So how anybody could communicate to the public the facts of the case before the Chief Medical Examiner has stated their opinion—the doctor has already commented on this case.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Steinbach (Mr. Goertzen), we will have decorum, please. I need the co-operation of all honourable members, please. We have visitors in the gallery who come here to listen to question period, and there is the viewing audience on TV. We need to all have a little bit of decorum here.

The honourable First Minister has the floor.

Mr. Doer: Thank you, Mr. Speaker. Dealing with the protocol that was put in place today and

announced a week ago, it was always stated that it would be implemented in the safest way possible for the Health Sciences Centre.

I want to report on when there were questions raised publicly about Thursday at the Health Sciences Centre, 131 emergencies were taking place across from the waiting room. Eighty were considered to have serious illness; 36 patients were classified as emergency cases; 36 of those were triaged as emergency cases. The daily average is 22. Two were in a situation where they required resuscitation. There's a number of other breakdowns of medical cases.

I just want to say that in this area of back and forth in question period, I want to say to the people of Manitoba that the front-line staff of nurses, paramedical staff, the doctors, the ambulance staff and others, dealing with 131 on just that Thursday alone, are under tremendous stress and do a tremendous job saving lives.

Yes, something went wrong last weekend. We've said that. We've accepted responsibility, but I also want to say that a lot of times people's loved ones' lives are saved by great medical staff, and I want to pay tribute to them today in the House, Mr. Speaker.

St. Boniface Emergency Room Patient Death Timeline of Notification to Minister of Health

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, it is our understanding that it was this government that provided the media with the information late Thursday afternoon about the death of this second patient in an ER waiting room.

Mr. Speaker, over three months ago, on June 10, an 82-year-old woman died in the ER waiting room at the St. Boniface Hospital. I'd like to ask the Minister of Health to tell us when she first was told about that death.

Hon. Theresa Oswald (Minister of Health): I can report to the House, of course, that the preliminary investigation concerning that individual's death that was reported in June, the initial evaluation shows that this was indeed not a preventable death. This individual died of natural causes.

We know, as reported, that the patient was triaged as a level 5, which is the least urgent priority, Mr. Speaker. But, of course, the Chief Medical Examiner is still completing a report with the details of that which shall be presented to us shortly. We

will look at that report and the recommendations and act on them.

Mrs. Driedger: Mr. Speaker, here's typical spin coming from this Minister of Health. That was a critical incident. She should have been told promptly about it according to the legislation and the policy.

So, Mr. Speaker, it being a critical incident, we have to assume that she knew about this at the time and that she has kept it a secret from the public. In that time, she has made 13 feel-good, good-news announcements. But in that time, she has belittled questions in question period. She has boasted how she's fixed health care. She said how stellar her health-care system is. But never once did she talk about this other critical incident of a patient dying in a waiting room.

So she had 13 occasions to tell Manitobans. Why didn't she?

Ms. Oswald: Again, of course, I'm acutely aware of the critical incident process because we enshrined it in law in 2006 in the RHA amendment act, so that critical incidents would be reviewed immediately, so that lessons could be learned from them, so they could be avoided in future.

Indeed, Mr. Speaker, the legislation itself reads, no person, including an individual information is about, has the right of access under any act or regulation to the following: to notice provided, to a record of information, a report or record of information, other than the family and the individual. Members opposite voted in favour of that legislation.

Emergency Care Request for Independent Review

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, we don't have any problem with the process of critical incident reporting. What we have a problem with is the manipulation by this minister in terms of media spin to the public, to the media, on issues of critical importance to this province. Spin is more important to this minister than accountability, than transparency, than safe patient care.

So I'd like to ask the Minister of Health if she will do the right thing today and call an independent, external review into the ER problem, or is she afraid that what we are seeing right now is just the tip of the iceberg?

Hon. Theresa Oswald (Minister of Health): One of the most important things that we learned from the Sinclair report after the baby deaths, of course, was

that prior to that report there was a culture of secrecy, Mr. Speaker, and mistakes were swept under the rug. After the Sinclair report, a culture of openness, a culture of learning was created so that we can go forward.

One of the most important things that we learned from not only Judge Murray Sinclair but from Mr. Paul Thomas was that when fingers are being pointed and blame is being laid, that that culture will close right up again. We'll never learn from mistakes. We'll never be able to go forward.

I support the Chief Medical Examiner's call for an inquest. That's how we're going to learn, Mr. Speaker.

*(14:00)

Foster Care Abuse Allegations ANCR Review

Mrs. Bonnie Mitchelson (River East): Under The Child and Family Services Act, the Minister of Family Services (Mr. Mackintosh) has ultimate responsibility for all children that are permanent wards of Child and Family Services.

Mr. Speaker, six children were apprehended from a foster family on September 9. It is my understanding that the investigation done by ANCR cleared the foster family of any abuse.

Mr. Speaker, my question to the minister is: Why haven't these children been returned to the foster family, as they should have been under The Child and Family Services Act?

Hon. Steve Ashton (Acting Minister of Family Services and Housing): Mr. Speaker, one of the greatest responsibilities of any of the trained professionals in our child welfare system is to deal with probably the most difficult situation, when there is an allegation of abuse.

I would urge the member, who has been the minister responsible, not to jump to conclusions. I can indicate in terms of the specific case that she is referring to, the children were removed, which I think would be considered in the best interests of the children under any circumstance while the investigation was ongoing.

In fact, that investigation is ongoing and, indeed, that is the most important thing, that we deal with the accusation of abuse in a way that's fair to the children and is fair to the families involved.

Mrs. Mitchelson: The arm of government that investigates cases of abuse, Mr. Speaker, has completed a report that cleared the foster family.

Mr. Speaker, my question to the government is: Under The Child and Family Services Act, the minister and, ultimately, the government of the Province of Manitoba has responsibility for every permanent ward in this province. I would ask that the government today check with ANCR, who did the review, and get the report that cleared the foster family.

Mr. Ashton: Well, I would hope that the member opposite would not be suggesting that the minister would engage in any kind of political interference in this matter. We have an investigation taking place. It is overseen by an independent officer of this Legislature, the Child Advocate. It would be highly inappropriate, I believe, in this particular case for the Minister of Family Services or for any member of this Legislature to prejudge the investigation or to direct that investigation.

You know, we've spent a lot of time working toward a system, Mr. Speaker, that puts the interests of children first, and it starts with a serious investigation of any allegation and due process which does not involve political interference either by a minister or by an opposition critic.

Mrs. Mitchelson: But it is incumbent upon a minister and a government that have ultimate responsibility for every child in care to ensure that the proper process is followed.

Mr. Speaker, under The Child and Family Services Act, children in care have a right to have their voices heard. Their views must be taken into account when plans are being made that affect their lives.

We have six very vulnerable children here. Has the minister or will the government ask the questions and assure themselves that the children are being listened to and that their views are being taken into consideration at this very critical time in their lives.

Mr. Ashton: Mr. Speaker, nothing could be more important when there's any accusation of abuse than following due process, having an appropriate investigation, an independent investigation, and that is, indeed, what has taken place.

The removal was done on a temporary basis while that investigation took place. All processes are being followed. I would once again urge the member

opposite who should know that it would not be appropriate for the Minister of Family Services or an opposition critic to direct that review. That review that's taking place will protect the best interests of the children because that kind of independent review, not politically motivated questions, will ensure that the best interests of the children are taken care of.

Violent Adult Criminals Recidivism Rate

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, a stabbing in the west end with a pair of scissors, a stabbing in Tuxedo with a butcher's knife and this morning a stabbing at a Transcona hotel, and, if the pattern holds, the individuals responsible for these crimes will have a long history and involvement with the Manitoba justice system. And, if the pattern also holds, the Minister of Justice will quickly blame the federal government; he'll blame the City; he'll blame the police, and he might even blame the official opposition for the fact that criminals in Manitoba re-offend, re-offend and re-offend.

What responsibility does this Minister of Justice take for the fact that these criminals continue to re-offend and victimize Manitobans?

Hon. Dave Chomiak (Minister of Justice and Attorney General): I can't comment on individual cases, indeed cases that are under investigation. I can indicate that if an individual assaults someone with a knife, et cetera, one would expect that they get a two-years-plus sentence which would put them in a federal government institution.

Of course, insofar as we have probably more people in custody per capita than most provinces, the fact that the City of Winnipeg has more police than any city in Canada under our watch, Mr. Speaker, the fact that when we had the RCMP ceremony on Friday we were congratulated by the RCMP for the work that we've done, I would think that members opposite would have supported our budget that put in additional resources but, in fact, voted against every measure to increase police—

Mr. Speaker: Order.

Mr. Goertzen: Well, on that answer, the Minister of Justice decided to blame the federal government, the police and the opposition. He got all three in one answer.

But I've received information, Mr. Speaker, that shows that the re-offence rate for those leaving Manitoba adult jails has been running at about

70 percent for the last year. Seventy percent of adult criminals who leave institutions like Headingley jail are soon charged with another crime, 70 percent, and the end result is that Manitobans continue to be victimized by the same people over and over again.

Can this Minister of Justice indicate why his approach to corrections has resulted in a failure 70 percent of the time?

Mr. Chomiak: I'm glad the member is using the stats that we gave him last week. He used one page last week. He's using another page of the stats that we gave him last week on these recidivism rates which we collect and which we found that—those stats we follow show that people who were incarcerated for two years or less come back in our system. That's the two-year rate. In the federal system, we don't have those stats because they cull people who have two years or more.

Mr. Speaker, I think the federal Minister of Justice, the head of the RCMP, the City of Winnipeg police chief have all praised the work done by this Justice Department and supported our amendments and our measures. All I can say to the member opposite is get outside.

Mr. Goertzen: Conservatives will always stand outside of the victims who continue to be victimized by the people who get out of jail, and 70 percent are re-offending in Manitoba.

Mr. Speaker, Headingley jail is little more than the Headingley Holiday Inn. People check in and they leave and they like it so much they come back again after a short period of time. Seventy percent of people who are leaving adult prisons under this minister's watch continue to re-offend and victimize Manitobans over and over again.

He loves to talk loud but he does nothing. Why doesn't he just admit that the 70 percent failure rate is his responsibility?

Mr. Chomiak: All I know, Mr. Speaker, is that every Justice Minister in the country has asked that the two-for-one remand policy that's in place under the federal Criminal Code be removed. I know that we have asked the federal government to change the Criminal Code against statutory automatic release on a prison sentence that we have no choice but to follow.

We have to follow the two-for-one federal policy and we have to follow the statutory release—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable member asked a question. He has a right to hear the response. I can't even hear from up here, and we have visitors that came down here to hear questions and the answers. Let's have some co-operation here.

Mr. Chomiak: Thank you, Mr. Speaker. We have to follow the law of the Government of Canada that has a two-for-one release provision on the remands which we've asked them to change, and they've agreed that they're going to change. We're still waiting.

Secondly, the statutory mandatory release provision under the Criminal Code, we are forced to release people after serving a portion of their sentences, and we'd like that to change so they've served longer, as we did with auto thieves where we've got auto theft down in the city of Winnipeg—and I notice the member is not mentioning auto theft anymore—down 44 percent, Mr. Speaker.

* (14:10)

Highway 10 Town of Forrest Bypass

Mrs. Leanne Rowat (Minnedosa): On several occasions in this House, I've raised the issue of the need to protect Forrest school students who are crossing busy Highway 10.

On September 27 last year, the Minister of Infrastructure and Transportation stated in this House, and I quote: "We have made a commitment that we're going to bypass the community of Forrest, and we're going to do so, I believe, starting next year, with its land purchase and design." That was last year.

Mr. Speaker, will the Minister of Infrastructure and Transportation please provide me an update on this important initiative?

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): It's always a pleasure to stand up and talk about our \$4-billion 10-year plan that we put in place for the province of Manitoba.

Mr. Speaker, the project the MLA refers to, from the member opposite, is a project located on Highway 10 which is part of our long-term plan, and the department continues to work on that specific project.

Mrs. Rowat: Well, Mr. Speaker, I think the minister is on record as saying he'd have it started, you know, well into this year, and there's no action happening.

Mr. Speaker, I've heard from an Elton area resident that the bypass is at a standstill and the community is very concerned. People have made decisions and have taken action based on this government's commitment.

So I ask the minister: Will he please advise this House why he's holding up this project when a considerable amount of money has already been spent on surveying and land acquisition?

Mr. Lemieux: The member opposite raised a couple of the issues with regard to land surveying. There needs to be land purchase, and there are other things that go into building a highway project, Mr. Speaker, after an announcement is made.

Highway 10, Mr. Speaker, we've committed to approximately \$61 million to Highway 10. It's too bad that the member opposite, when the Leader of the Opposition (Mr. McFadyen) made his comment about taking the money out of northern Manitoba and putting it in southern Manitoba, she should have made a comment at that time on how unfair that was and how we should be servicing every corner of the province of Manitoba, which we are.

We continue to put many, many dollars also into northern Manitoba: Highways 373 and 374 near Cross Lake, Mr. Speaker, \$45 million.

Mr. Speaker, we're putting monies into Highway 75, close to \$85 million, but yet every time it comes up in the budget members opposite vote against it every single time.

Mrs. Rowat: Mr. Speaker, I am on the record as saying that the government should quit playing politics with road construction and have a long-term strategy.

Mr. Speaker, there are families—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Rowat: Thank you, Mr. Speaker.

There are families that have sold their property, have seen their homes move away and are now hearing that this project is not proceeding in a timely manner and that it's sitting—the decision is sitting on this minister's desk.

Mr. Speaker, where is the action? Where is this government's commitment, and enough spin? Let's see some action.

Mr. Lemieux: I'll certainly be pleased to talk to the member, either at a different time or certainly in the Chamber, with regard to the specifics and update her on the specifics.

But, as I mentioned before, this member talks about politicizing the highway system. Mr. Speaker, we put monies into every single corner of this province.

It was the Leader of the Opposition (Mr. McFadyen) that said take the money out of northern Manitoba and put it into southern Manitoba.

Mr. Speaker, you know, the member opposite had an opportunity to stand up. Where was she when this came up in the last provincial election? She had an opportunity to stand up and tell the Leader of the Opposition to be fair to all Manitobans and not put the money just into southern Manitoba.

Bill 31

Request for Additional Study

Mrs. Mavis Taillieu (Morris): Mr. Speaker, the public has a right to know how governments spend our tax dollars. It's Right to Know Week and, yet, this NDP government is poised to pass regressive legislation designed more to hide their agenda than to serve the public interest.

Mr. Speaker, we've seen blatant attempts to hide information out of Health, out of Family Services and out of a variety of departments where their mismanagement is becoming more and more evident.

I'd like to ask the Minister of Culture, Heritage and Tourism: Why is he putting roadblocks in the way to the public's access to information?

Hon. Eric Robinson (Minister of Culture, Heritage, Tourism and Sport): We're going to have an opportunity, Mr. Speaker, later on today to further discuss this issue. As you know, the new legislation that this government is proposing consists of three major significant step-forward moves, I believe, and that is the creation of a privacy adjudicator, changing the period that Cabinet documents remained sealed from 30 to 20 years and legislation that requires ministerial expenses to be tabled on-line.

In addition, Mr. Speaker, I believe that this government is making progress in being more transparent, and I believe that nationwide, when you compare Manitoba, we rank right up there.

Mrs. Taillieu: Mr. Speaker, Bill 31 does not create a privacy commissioner which they campaigned on in

1999, in 2003 and 2007. It calls for a mandatory–mandatory–exemption of Aboriginal government information, denying access to its band members. It allows bureaucrats to use subjective words like "frivolous" and "vexatious" as excuses to deny requests for information, and the Minister of Health (Ms. Oswald) will not be prevented from continuing to hide information from the public.

Bill 31 is so fundamentally flawed that simple amendments to this bill cannot fix this legislation. Will the minister agree to pull this bill for further and meaningful consultation?

Mr. Robinson: Well, Mr. Speaker, I certainly look forward to some of the amendments that the member will be bringing forth this afternoon when we move the bill into report stage.

But, certainly, on issues that relate with First Nations—and there are many, Mr. Speaker, as you know, through you to the member, that relate directly with the national government. The issues that relate with the provincial government, there are provisions, if the member has—and I know she has read the proposed legislation, but we believe that First Nation governments should be afforded the same respect as other levels of government, including municipal governments, and that's what the legislation proposes to do.

Mrs. Taillieu: Mr. Speaker, this bill also provides for sharing of information for integrated government services. When I asked the minister what this meant, he said, and I quote: I'm sorry, I just don't have that information. I just have to say I just haven't got a clue. I wish I did.

Privacy expert Brian Bowman said: This bill opens the door for information to be collected for one purpose and to be used for another. He even called Bill 31 dangerous.

Access to public information and protection of people's privacy are too important to allow this bill to pass, Mr. Speaker. Will the minister support our hoist motion later today to hold this bill for more meaningful study and public input?

Mr. Robinson: No, Mr. Speaker.

Emergency Care Critical Incident Numbers

Hon. Jon Gerrard (River Heights): Mr. Speaker, this week is Patient Safety Week. With the unimaginably tragic death of Brian Sinclair last week and the almost unbelievable stories by Jen Skerritt

and Gabrielle Giroday over the weekend, Manitobans are starting to ask how on earth could our health-care system have come to this.

Last week I asked the minister how many critical incidents have there been in Winnipeg's emergency rooms over the last five years. The minister couldn't answer my question, so I ask again, now that she's had four days to get the answer: Can the minister tell us how many critical incidents have there been in Winnipeg's emergency rooms over the last five years?

Hon. Theresa Oswald (Minister of Health): Indeed, this being Patient Safety Week, it is more important than ever, one would argue, to ensure that we examine the critical incident reporting process, the process that we enshrined in law in 2006, and how we can work together to ensure that that information can be brought forward so that we can learn, so that situations like what happened last week will never happen again.

I can inform the member that since '06 and critical incidents were made into law, there were 12 critical incidents in Winnipeg ERs in '06-07; '07-08, there were 30. So far, in '08-09, there have been approximately 13. These incidents, of course, don't always involve the passing of an individual but a situation where investigation is further required.

* (14:20)

Request for Independent Review

Hon. Jon Gerrard (River Heights): Mr. Speaker, I thank the minister for that answer. That adds up to somewhere near 50 critical incidents in Winnipeg's emergency rooms over this period. I think it's very clear that we need that review by somebody who's an expert in emergency room management coming from outside the province.

Will the minister not agree now to call such a review by somebody who's very knowledgeable in emergency rooms, has had experience in this area and has demonstrated a capacity to improve emergency rooms? Will the minister call such an external review?

Hon. Theresa Oswald (Minister of Health): Of course, it is absolutely important that we look at this critical incident review process, a process whereby a culture of openness and sharing of information and

learning of information, the critical elements that Justice Sinclair and Mr. Thomas said were part of this process, that we go forward in the context of that culture.

I might also remind the member that of those incidents we might take into account that about 200,000 people visited ERs during that time.

Air Canada Base Closures Request for Montréal All-Party Meeting

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, when Air Canada was privatized, there was a moral, if not a legal obligation, for Air Canada to protect the bases here in Winnipeg. Everyone knows that the air flight attendants' base is going to be closed. I get another e-mail today saying that the pilots are in fear that they, too, are going to see their base closed in Manitoba.

Mr. Speaker, we had an emergency debate in which there was all-party support that this was the wrong direction to go. I'm asking for the Premier to raise the level to fight for those vital, important positions, that we keep not only the pilot base but we get back the flight attendant base, and will the Premier agree to take an all-party group, including members from the Chamber of Commerce and others, to Montréal to fight for these very important positions?

Hon. Gary Doer (Premier): Mr. Speaker, there's no question that when one looks at the original law passed in 1985, *Hansard* records ministers of the day from Manitoba, under the Mulroney government, talking about the presence that Air Canada would have in Manitoba. I do agree that, certainly, the wording of the law and the spirit of the law is consistent with the member's analysis that the presence would stay. This is actually a point we raised when Liberals privatized CN with the protection of the Hudson Bay line. This is one of the problems when an entity goes from a public Crown corporation to a private company, whether it's the railway or the airline.

We would also note that some decisions that are made, such as the closing of a military base, we could have an all-party committee visit Ottawa, but this is a private company, and they choose who they're going to meet with and who they're not.

But I do agree, we have to try to reverse this decision and I concur with the member opposite.

Provincial Population Increase

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, Manitoba's population has been fast-growing. Our government has been taking action to encourage people to make Manitoba their home and to encourage immigration to our province.

Today it was announced that Manitoba's population has reached a historic high. Would the Minister of Competitiveness, Training and Trade please advise members of the Legislature about this population milestone?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I thank the Member for St. James for the question. Today I had the chance to celebrate with students at Sargent Park School as Manitoba's population has reached a historic high of 1.2 million in 2008; in fact, 1,208,000 as of July 1, 2008.

Over the past year, Manitoba's population has grown by nearly 14,500 persons. Manitoba's population is growing faster than the national average. In fact, for the three months, April, May and June, of this year, Manitoba posted its highest quarterly increase since the fall of 1982.

Since 1999, 21,975 more people have moved to Manitoba than have left. This is a complete turnaround from the 1990s when 16,094 more people left Manitoba than came. More and more people are coming to Manitoba to enjoy the Manitoba advantage.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Louis Riel Teachers' Association 25th Terry Fox Run

Hon. Christine Melnick (Minister of Water Stewardship): Mr. Speaker, last Friday I had the opportunity to attend the 25th Terry Fox Run hosted by the Louis Riel Teachers' Association.

Terry Fox was just 18 years old when he was diagnosed with bone cancer. After the amputation of his right leg, Terry decided to run across Canada to raise money for cancer research. His journey was called the Marathon of Hope.

Terry passed away at the age of 22 from cancer that had reached his lungs, but before and after that he inspired millions of Canadians and helped raise awareness and funds for cancer research. His

143 days and 5,373-kilometre Marathon of Hope across Canada is a legacy in our country and a powerful example of how one person can make a difference.

This year marks 25 years since the beginning of the Terry Fox Run in support of cancer research, and the Louis Riel Teachers' Association has been a part of this history every step of the way. The Louis Riel Teachers' Association represents over 1,100 teachers who are employed by the Louis Riel School Division. Each year the association commits itself to hosting a torch light run in support of Terry Fox. This year the event again was held in St. Vital Park and included entertainment such as clowns and face painting. It was a family-focussed event and the excitement of the children was remarkable.

The school division also hosted a morning relay throughout the division where students had a chance to partake in the event. The commitment to the Louis Riel Teachers' Association must be commended as over the 25 years it has raised over \$400,000 for cancer research alone.

I know, Mr. Speaker, that all members of the House remember Terry Fox and his inspiring story of hope and his commitment to cancer awareness. He has taught all Canadians that even in the face of diversity there is always hope for the future.

I would also like to recognize and applaud once more the Louis Riel Teachers' Association for their never-ending support and dedication to Terry's cause for cancer research. Thank you.

Minnewasta Golf & Country Club

Mr. Peter Dyck (Pembina): Mr. Speaker, I rise today to celebrate the grand opening of the new clubhouse at the Minnewasta Golf & Country Club in Morden. The grand opening ceremonies were held last night with about 170 people present.

Minnewasta's a beautiful golf course located on the edge of the Pembina escarpment. It has long been a popular course with the area residents, and it also attracts a large number of golfers from across Manitoba and beyond. In recent years, the need to upgrade the clubhouse was identified. What is unique about the new clubhouse is that it was moved all the way from Pembina Crossing, south of Manitou, some 38 kilometres away. The structure was cut into three sections so that it could be transported to its new location.

On October 1, at 8 p.m., the Discovery Channel will be showing a documentary about the moving of the new Minnewasta clubhouse. The program will explain how workers were able to transport the 8,000-square foot building from Manitou to the golf course. This was a difficult task as the move took place in the winter under slippery conditions.

Minnewasta Golf & Country Club head pro, Chris Worley, says they have received nothing but positive feedback about the new facilities. The clubhouse will be able to draw many people for a variety of different events including concerts, weddings, meetings, conferences and so on.

The clubhouse is able to accommodate up to 65 guests in its loft which serves most of the needs of the community. There have already been very successful functions that have taken place in this beautiful new facility, and I am sure that there will be many more to come.

At this time I'd like to thank people like Brian Foster, who is the president of the club, Dr. David Goerz and his wife for the work that they have done on a volunteer basis and many, many others. A special comment was made regarding the sweat equity that was put in.

I would also like to wish the Minnewasta Golf & Country Club great success with their new clubhouse, which complements this beautiful course so well. It is a wonderful facility and will help the community of Morden celebrate a variety of different events for years to come. Thank you.

*(14:30)

100th Anniversary of St. Edward the Confessor Catholic Church

Ms. Flor Marcelino (Wellington): Mr. Speaker, on September 20, I had the privilege of attending the 100th anniversary of St. Edward the Confessor Catholic Church with the honourable Member for Minto (Mr. Swan) and his wife.

Father Sam Argenziano, former pastor, acted as keynote speaker. In speaking on the history of the church and its congregation, Father Sam emphasized the importance immigrants have had in maintaining the vitality of St. Edward's. The church originally drew its congregation from the many Polish, Irish, Italian and Portuguese population in the area. When these immigrants began to move into new parts of the city, the church was at risk of dying off. It was

only when the large wave of Filipinos immigrated to the area that the congregation was saved.

Father Sam shared with us the joys he experienced over the years ministering to the many Filipinos of St. Edward's. In particular, he was delighted to see much affinity between the Filipino culture and his own Italian heritage: love for cooking, eating and strong ties to family. Long after Father Sam left the parish, members of the congregation continued to ask for his services. Those whom he had baptized wanted him to marry them, and those whom he had wed wanted him to officiate at their children's baptism or confirmation.

Also speaking at the celebration was parish priest, Father Vincente Tungolh. Among those in attendance were the church's current pastor, Father Vincente Tungolh, Father Diosdado Parrenas, Monsignor Ward Jamieson, and over 500 parishioners. In his closing remarks to the congregation, Father Sam encouraged parishioners to remember their church as a church for immigrants and therefore to be ready to offer the same welcome, help and support they received when they first came to new immigrants that are arriving and will come in the future.

Mr. Speaker, I would like to thank the congregation for their invitation and extend my congratulations to the community of St. Edward's on their 100th anniversary. St. Edward's has served as a cornerstone of the Filipino community for many years, and its good work continues to reach out to immigrant populations in Winnipeg. Thank you.

Habitat for Humanity

Mr. David Faurchou (Portage la Prairie): Mr. Speaker, I recently had the opportunity to witness a tremendous display of generosity and kindness in Portage la Prairie. Volunteers with Habitat for Humanity, under the direction of Mr. Brent Froese, worked many long hours to help build a home for Tammy Christianson and her family. Before the family moved in, Habitat held a house dedication to welcome the Christiansons and to thank the many volunteers who helped with the build.

Guests at the house dedication were invited to look around inside the split-level house to see that their hard work paid off. Approximately 300 volunteers took part in the project and were involved in many aspects of the build, including planning, fundraising and construction. Christianson's new neighbours helped out with the project, too, as they

kept an eye on the site overnight and made sure it was not vandalized, and they also helped bring sod onto the property.

The chair of the Family Selection Committee for Habitat Portage, Karen Schellenberg, said, "They say it takes a village to raise a child. Well, today we acknowledge that it takes a whole community to build a home."

In return for the work that the community put into her home, Christianson was encouraged by the Habitat Portage Steering Committee Chair Charlie Clifford to pay it forward by showing others the generosity that was shown to her.

Christianson personally put 350 hours of sweat equity into the project. And, contrary to popular belief, recipients of the Habitat homes do not receive these homes for free. In addition to the hard work that Tammy put in to helping build the house, she pays a mortgage to Habitat for Humanity which will be used to fund future home construction.

On behalf of my constituents, I would like to welcome the Christianson family to their new home and wish them many happy years in it. I would also like to thank the Habitat for Humanity organization for its dedication to providing Manitoba families with new homes. It is such a positive impact on people's lives and it is greatly appreciated. Thank you, Mr. Speaker.

SCE LifeWorks 9th Annual Golden Plate Gala

Ms. Jennifer Howard (Fort Rouge): Mr. Speaker, it's my pleasure to rise today to share with all members, memories of a very enjoyable evening. I recently attended the SCE LifeWorks 9th annual golden plate gala on September 18, along with the honourable members from Minto, St. James and Kirkfield Park.

SCE LifeWorks is an organization whose mission is to support people with disabilities to work and participate in the community. The organization was founded in 1985 by parents who were concerned with the quality and availability of appropriate services for their young adults. Their goal was to design a non-facility-based service that would provide individualized supports based on each participant's unique needs, interests and long-term career plans.

SCE LifeWorks has a zero rejection policy, which means that no individual would be denied access to programs if the appropriate supports are

available. This aim, to help everyone who comes in the door, has become a cornerstone policy of the organization. It offers a variety of services for its members, Mr. Speaker, including planning, supported employment, access and support to continuing education, recreation activities, physiotherapy and speech therapy, among many others. In addition, SCE LifeWorks is committed to lifelong access and provides ongoing support for those who've graduated from the program. Their success stories are enumerable.

Mr. Speaker, the gala was an inspiring and enjoyable experience that featured a seven-course dinner, which was led by Raymond Czayka, Manitoba's recently named Chef of the Year. I also want to pay tribute to Kevin Johnson, the recipient of the personal achievement award, and the two Employer of the Year award recipients, Leigh Cunningham and the Cunningham Group of RBC Dominion Securities and Mark Kuriata of Bison Transport.

I know the members from Minto, St. James and Kirkfield Park enjoyed themselves as much as I did. I congratulate SCE LifeWorks on 23 years of dedication to supporting Manitobans with disabilities. Thank you, Mr. Speaker.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I wonder if you might call report stage amendments of Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée.

REPORT STAGE AMENDMENTS

Bill 31—The Freedom of Information and Protection of Privacy Amendment Act

Mr. Speaker: Okay. We'll deal with the report stage amendments to Bill 31, The Freedom of Information and Protection of Privacy Amendment Act. We'll now deal with the first amendment.

Mrs. Mavis Taillieu (Morris): I move, seconded by the Member for Ste. Rose (Mr. Briese),

THAT Bill 31 be amended by adding the following after Clause 13:

13.1 The following is added after section 41:

Notifying individual if personal information stolen or lost

41.1 The head of a public body must, as soon as reasonably practicable and in accordance with any requirements set out in regulations, notify an individual if personal information about the individual that is in the public body's custody or under its control is stolen, lost or accessed in an unauthorized manner.

Mr. Speaker: I must advise the House that the report stage amendment to Clause 13 which seeks to add 13.1 is out of order on the grounds of scope.

This report stage amendment seeks to change or vary a section in original parent act that is not contained in the amending act before the House. According to *Beauchesne* citation 698(8)(b), an amendment may not amend sections from the original act unless they are specifically being amended in a clause of the bill. This is also reiterated on page 654 of Marleau and Montpetit's *House of Commons Procedure and Practice*, where it states that amendment is inadmissible if it amends a section of the parent act unless it is being specifically amended by a clause of the bill.

Since section 41 of the original act is not contained in provisions of the amending act before us, the amendment as proposed by honourable Member for Morris is out of order and cannot be proceeded with.

Now, we will move on to the next amendment.

* (14:40)

Mrs. Taillieu: I ask for leave to withdraw the amendment respecting clause 16(1). Sorry, Mr. Speaker, I ask for leave of the House to withdraw the amendment respecting clause 16(1).

Mr. Speaker: Does the honourable Member for Morris have leave to withdraw the amendment to clause 16(1)? Does the honourable member have leave? Is there agreement? *[Agreed]*

The honourable Member for Morris, with the next amendment.

Mrs. Taillieu: Yes, Mr. Speaker, I seek leave of the House to withdraw the amendment respecting clause 16(3).

Mr. Speaker: Does the honourable member have leave of the House to withdraw clause 16(3)? Does the honourable member have leave? Is there agreement? *[Agreed]*

Mrs. Taillieu: I seek leave of the House to withdraw the amendment to Bill 31, clause 16(6).

Mr. Speaker: Is there leave for the honourable member to withdraw clause 16(6)? Is there agreement? *[Agreed]*

Mrs. Taillieu: I seek leave of the House to withdraw the amendment respecting Bill 31 to clause 16(6).

Mr. Speaker: Does the honourable member have leave to withdraw clause 16(6)? Is there agreement? The amendment to clause 16(6)? *[Agreed]*

Mrs. Taillieu: I seek leave of the House to withdraw the amendment in respect to Bill 31, the amendment in clause 23.

Mr. Speaker: Is there leave of the House for the honourable member to withdraw clause 23 from Bill 31? Is there agreement to withdraw her amendment? *[Agreed]*

Mrs. Taillieu: I ask for leave to withdraw the amendment in respect to Bill 31 in clause 23, subsection 58.1(2).

Mr. Speaker: Is there leave of the House for the honourable member to withdraw the amendment to Bill 31, clause 23. Is there agreement? *[Agreed]*

Mrs. Taillieu: I move, seconded by the Member for Ste. Rose (Mr. Briese),

THAT Bill 31 be amended in Clause 26 by adding the following after the proposed section 66.1:

Aggrieved complainant may request review

66.1.1(1) If the Ombudsman does not request the adjudicator to review a matter following a report made under section 66, the complainant may request the adjudicator to conduct a review of that matter. In that case, the adjudicator must review the matter in the same manner as if the Ombudsman had requested the review under section 66.

Deadline re review

66.1.1(2) The complainant's request for review must be made within 15 days after the complainant receives the notice from the Ombudsman under section 66.

Mr. Speaker: Is it the will of the House for the amendment to be accepted as printed?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Speaker: Okay. So, as printed, not as read.

THAT Bill 31 be amended in Clause 26 by adding the following after the proposed section 66.1:

Aggrieved complainant may request review

66.1.1(1) If the Ombudsman does not request the adjudicator to review a matter following a report made under section 66, the complainant may request the adjudicator to conduct a review of that matter. In that case, the adjudicator must review the matter in the same manner as if the Ombudsman had requested the review under section 66.1.

Deadline re review

66.1.1(2) The complainant's request for review must be made within 15 days after the complainant receives the notice from the Ombudsman under subsection 66(5).

Mr. Speaker: It's been moved by the honourable Member for Morris, seconded by the honourable Member for Ste. Rose,

THAT Bill 31 be amended—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mrs. Taillieu: As I said earlier today, I think there are a number of significant things in this bill that are beyond a simple, quick fix by simple amendments. I think that the bill needs to be withdrawn and reviewed for a number of different areas in the bill that require more in-depth consultation and thought. It's for these reasons that we're withdrawing some of these amendments, Mr. Speaker, because we feel that simple amendments cannot fix this flawed piece of legislation.

Certainly, the previous amendment that I tried to bring in on the duty to notify if there was breach of information, I'm very surprised that the government would not want to include something as important as that in the legislation. I think that's one of the things that does need to be looked at is, if information is lost, stolen or compromised or accessed by an unauthorized person, that every effort be made to inform people that their information has been lost, compromised or stolen. I can't understand why this wouldn't be included in the bill.

There are a number of things that the bill doesn't do, and then there are, of course, things that it does do that are very, very wrong.

But this amendment specifically deals with access, with public access, Mr. Speaker. If a complaint has gone so far that it has gone to the

Ombudsman's office, now the government has said, well, we'll appoint an adjudicator and the Ombudsman can refer this to the adjudicator, but only—only—at the request of the Ombudsman. Therefore, the public doesn't have access to the adjudicator, and, of course, we know that the adjudicator is not a full privacy commissioner, as this government did campaign on having a privacy commissioner. They said that they would put a privacy commissioner in place, as in other jurisdictions in Canada. They said that in 1999, in 2003 and again in 2007. But, when they brought in the privacy adjudicator, they said, well, privacy commissioner is a term that's confusing. Well, privacy commissioner is a term that Canadians across the country understand, and Manitobans understand the term privacy commissioner because other provinces have had privacy commissioners for such a long time.

The term that's confusing is "adjudicator" because what does that mean to the public. It simply doesn't translate into what the public feels is the role of a privacy commissioner educating the public and having access to the public.

In this bill, Mr. Speaker, the NDP government is denying access to the public, the public that would like to go that further step and take their concerns to a privacy commissioner, which we don't have under this legislation, but they're actually denying the public the right to go to the adjudicator. As pointed out by Mr. Brian Bowman in a number of articles that he's written in the *Free Press*—and he is a renowned lawyer, privacy expert, recognized not only in Manitoba, but across Canada for his expertise—what his term is with the adjudicator is, it's an Ombudsman junior.

* (14:50)

So, Mr. Speaker, without real access available to the public—and I think that's what we're talking about here is access of information, public access of information, and also the public's right to have their personal information protected, and then the right for people to take that further should there be a compromise, should they have failed to get access to information, or should there be failure to protect a person's personal information held by government departments.

Mr. Tom Nevakshonoff, Acting Speaker, in the Chair

But, with this legislation, we only see the Ombudsman's review. Of course, we respect the

office of the Ombudsman and the good work that the Ombudsman does. We respect that and know that their resources are stressed at times.

But, simply, this NDP government with this legislation is restricting access to the public and the public's ability to interact with the newly formed privacy adjudicator. So it's for this reason that we're asking for a simple amendment here to make sure that there's access from the public so the public can go and access the adjudicator.

I'm interested to know what the Minister of Culture, Heritage and Tourism (Mr. Robinson) will say about why he wants to deny access to the public to go straight to an adjudicator.

We know that across many of the departments on the government side there is difficulty in getting access to information, more and more difficulty in getting access to information. We see it in Health, we see it in Family Services, and we see it across many departments. Certainly, I just had occasion to ask for information about MPI and was told, no, I can't give you that information. You'll have to file a FIPPA request. Oh, and by the way, it's going to cost you a lot of money, so you might want to reconsider even asking for it.

So that's not serving the public interest in right to know. It is Right to Know Week. We're bringing this bill to debate in Right to Know Week, and certainly, the public has a right to know what their government is doing with the money.

Mr. Acting Speaker, first of all, we don't agree with the term privacy adjudicator, but if that is the term that the government intends to proceed with, then we would certainly like to have the public have access beyond just a referral from the Ombudsman because, simply, it's another tool that a person has in their arsenal, I guess, to try and gain information and go straight to the adjudicator.

We don't really know what this adjudicator role will be. We don't know when this adjudicator will be appointed. We don't know if this will be a part-time, full-time, whether resources are needed, whether there'll be an office. We don't know whether it will only be a person called in whenever the Ombudsman feels that there is something that needs to be referred. This has happened very, very infrequently over the last—I believe it was over the last period of approximately 10 years that there have only been a very few, less than 10 instances where the Ombudsman's ruling was questioned.

So we wonder whether this government is actually just sending up—it's all just a window dressing in this legislation to say look what we're doing. We're going ahead. We have a privacy adjudicator, and yet there's very limited access, very few times that the adjudicator would be called, if only at the call of the Ombudsman. So we're looking for a person that has access to the public, where the public has access to go and seek information, which is the public's right, Mr. Acting Speaker, to seek that information and, if they're ruled against, to question why they're ruled against.

So, with that, Mr. Acting Speaker, I'm looking forward to hearing what the minister responsible will have to say on this amendment and hope that he will be able to support this amendment. Thank you very much.

Hon. Eric Robison (Minister of Culture, Heritage, Tourism and Sport): Mr. Acting Speaker, I listened with great interest to the Member for Morris state her case on the amendment that she has brought before us for our consideration.

As the member knows, we do have an ombudsman's office already, which is well equipped to deal with most of the issues that arise from FIPPA. The opposition knows this and they're well acquainted with this.

Our new legislation maintains that the successful mediation role that the Ombudsman's office has been well documented, the mediation role that she has done, but at the same time we believe we're adding power to issuing binding orders through the creation of a privacy adjudicator.

The Ombudsman will continue to receive complaints under FIPPA and to be the point of public contact, so it would be redundant for applicants to go to both the adjudicator and the Ombudsman which are two parallel processes. The Ombudsman will be able to refer the matter to the privacy adjudicator.

Now let me say this, Mr. Acting Speaker. We oppose the amendment firstly because the Ombudsman will take cases to the adjudicator on behalf of the complainant. If a complainant is not satisfied that his or her rights have been respected, that person will still have the option of going to the courts.

Mr. Speaker in the Chair

The vast majority of complaints are resolved by the Ombudsman, and the adjudicator provides

additional leverage in those rare instances where the Ombudsman's recommendations are not followed.

So I'd just like to conclude here, Mr. Speaker, that this is contrary to the intent of the legislation that we're debating at this current time.

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, I thank you for the opportunity to allow me to speak for a few minutes on this particular amendment and, of course, this very important piece of legislation that the government is bringing forward.

I do first of all want to acknowledge and recognize the Member for Morris and all the work she's done for our party in terms of researching and getting to understand the very complexities that are involved with the freedom of information, people's right to know and the vast entities that—legislation that we have across this great country of ours.

She, certainly, over the last few years that I've been here, has tried to bring forward legislation and amendments to legislation that we certainly feel would enhance the public's right to privacy. I guess the other component to that too is the public's right to know what our government is doing. That's, I think, under the essence of where Bill 31 is important, that all Manitobans have a right to know and to understand and appreciate where their money as taxpayers is going and how that particular money is being used by whatever government entity it is.

So I'm certainly looking forward to the debate over Bill 31, over today and over the next day or two and it certainly is quite timely, Mr. Speaker, as we do know that this week is Right to Know Week. I really think it does hit home with all Manitobans that they do have the profound right to understand what their government is undertaking on their behalf.

I just want to point out, Mr. Speaker, it's certainly frustrating for us in question period when we pose questions to the government on various aspects of government business—I think the media gets an appreciation that the government of the day is not always forthcoming with answers—and certainly frustrating from our position when we try to ask questions on behalf of Manitobans so they have a better understanding of some of the issues that the government is looking after on their behalf.

* (15:00)

So it's really our role to point out issues to Manitobans and, hopefully, the government will stand up and try to address those answers. But, over

the past, we've kind of seen the neglect on behalf of the government to come forward with those particular answers and we see that in committee as well, Mr. Speaker, where we think our role there is to ask questions on behalf of Manitobans. Sure, the government of the day and the various ministers can be forthcoming if the questions aren't too tough, but as soon as the questions get a little more difficult and get a little political in nature and there's an element of the government interfering with various Crown corporations or various departments, well, the muzzle comes on. I think that's something where we have to address.

Manitobans deserve some transparency and deserve accountability in terms of their government and that's the whole point of having a debate on Bill 31. Obviously, you know we heard today and the Member for Morris (Mrs. Taillieu) brought forward the question to the Minister of Culture, Heritage and Tourism (Mr. Robinson) the minister responsible for the privacy act and privacy information. She requested that the minister agree with our hoist motion and the whole intent of that would be to basically set aside the amendment to this legislation, give us a few months to go back and have a good discussion with Manitobans, consult with Manitobans and see if there's anything that we can do to make this particular legislation better.

Well, in view of the minister's response to that, here we are today. Now we're going to be putting some amendments on the floor to try to make this particular legislation better and we hope that the government would certainly take a serious look at the amendments that are being put forth by the Member for Morris.

As I said before, the Member for Morris has been doing her homework on this particular piece of legislation. She has consulted with experts in the field and these people are experts not only in Manitoba, but recognize what's being done across various jurisdictions in provinces and territories and federally. So, clearly, the experts in the field have been bringing forward recommendations that they think are important to this particular legislation as well.

We've seen it before, Mr. Speaker, the government of the day bringing forward legislation that would appear on the outset to be good for all Manitobans. It's that typical feel-good legislation. We on this side of the House are interested in real results. The question is, what does this particular

legislation mean for the ordinary Manitoban? I was interested in the minister's comments to this amendment. His comment was, well, you know, the average Manitoban can go to the Ombudsman with their complaints. If the Ombudsman doesn't agree with their complaints, well, they still have the ability to go to the court system.

Well, I think most ordinary Manitobans would certainly be a little sceptical of taking that particular route. Obviously it's costly and time consuming to go that particular route. That's why we've been asking for an adjudicator to come forward and so that this adjudicator has, you know, would allow the proper access to information on behalf of the public. That's certainly an important amendment here and we've seen it happen in other provinces and other territories across the country.

So, Mr. Speaker, I certainly want to speak in favour of this amendment. We think it's very positive and would certainly be a benefit to all Manitobans in dealing with this particular legislation and the privacy issues that do come forward on a continuous basis. I do know that we are getting more and more issues and more and more specific claims and situations come forward to the Ombudsman in dealing with this particular government. So, clearly, there is a need for change and some positive change in how this government deals with the privacy issues here in Manitoba.

So I just wanted to speak in favour of the amendments by the Member for Morris and hope that the government would certainly consider the positive amendments being put forward this afternoon. Thank you.

Mr. Blaine Pedersen (Carman): Mr. Speaker, I, as well, would like to put a few words on the record about this amendment to Bill 31 brought forward by the Member for Morris. I, too, would like to echo my appreciation of her thorough understanding of this privacy act and privacy as it relates to Manitobans. She has certainly done a great deal of work on this. Any time I have questions, or any of our caucus have questions, we can certainly go to her, and she understands both what is being proposed in this act and what she feels should be brought forward to make it a much stronger act.

The basics are that she has always felt that, rather than a privacy adjudicator, we need a privacy commissioner, and that would be similar to nine other provinces and territories in Canada. Why would we not move toward something that nine other

provinces and territories have? She has certainly been quoting Dr. Brian Bowman numerous times as a privacy expert. When you have people like this available in our province, why wouldn't the government listen to people who are experts in this field rather than just seem to want to push ahead with a piece of legislation that's only going to work for them to cover up and protect themselves from releasing information.

This whole privacy information is a very sensitive thing because, nowadays, in the electronic age, we know that it's very easy for this information to be put into wrong hands, and once it's out, it's difficult to bring back, so it is a very sensitive topic, but it's a topic that we need to understand and we need to do a better job of handling it in an appropriate manner.

We need to protect privacy and, yet, at the other side is a balance with a privacy commissioner. This would provide that balance to be able to decide on whether information should be released or not. Having Bill 31 debated this week, and the amendments brought forward in Right to Know Week is very appropriate. It is something that all of us should be aware of what's happening. It's unfortunate that the minister will not at least look at a hoist motion to take this bill back to the public. We know that the general public doesn't necessarily understand this, but take it back to the public and bring out the various experts that do understand this so that when you pass a bill in this House, it is the best possible bill that could be brought forward, not a half-hearted attempt to be used by government to cover up what they're doing.

This government should not be afraid to take it to the general public. If they really do believe in fact the privacy adjudicator through the Ombudsman is the route to take, then take it out to privacy experts throughout Manitoba and ask them whether this is the route to take. I guess they must be afraid to do that because they know the answer will be that no, a privacy adjudicator is not the answer and it should be a privacy commissioner. We do have faith in the Ombudsman in Manitoba. The Ombudsman is there for a purpose. But, at the same time, that is not addressing privacy issues on here.

* (15:10)

Bill 31 is a very complicated matter. It's about personal information and the privacy. Tomorrow, I understand, there is going to be a new toll-free number where you can phone in to have your name

removed from the call centres. Interesting that they would be brought in this week at the very same time as Bill 31 is moving through. We have people like Dr. Brian Bowman saying that Bill 31 does not address privacy, and, yet, where is the government on protecting privacy in a meaningful manner?

Mr. Speaker, this amendment is to have public access to the adjudicator, and this is at least an attempt to fix very weak legislation to start with—or very poor legislation—and it would be at least a sign by the government that they're listening to some people anyway, not just themselves, that they would accept this amendment.

Mr. Speaker, we look forward to further debates on Bill 31 and on these amendments. It would be, I think, in the government's best interest to listen to members such as the Member for Morris (Mrs. Taillieu), given her in-depth knowledge of the privacy information. In question period today, when she reads the answer that the minister gave her, and compared to her knowledge on this, it seems unfortunate, to say the least, that this government will not at least stand up and realize that they've got poor legislation here. Listen to people who know this subject and are willing to have input into this subject so that we can make for better legislation. The whole legislation was ill-thought-out to start with, but perhaps through some amendments such as this, we can at least make bad legislation somewhat better.

With that, I would certainly urge the government to, at the very least, pull the legislation, go back to the public to consult, and if they can't do that, if they're not willing to backtrack on that or face the public on that, at least listen to the Member for Morris on her information on this and this amendment that's been put forward so that—and this amendment to have public access to the adjudicator so we can make—we can at least fix somewhat poor legislation that's being proposed here.

So, with that, Mr. Speaker, I urge this House to support this amendment to help fix a bad bill.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Morris.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, Mr. Speaker, on division.

Mr. Speaker: On division.

* * *

Mr. Speaker: Okay, we will now move on to the next amendment.

Mrs. Taillieu: I ask for leave to withdraw the amendment respecting Bill 31 in clause 26, section 66.2.

Mr. Speaker: Is there leave for the honourable Member for Morris to withdraw the amendment clause 26 from Bill 31? *[Agreed]*

Mrs. Taillieu: I would ask for leave to withdraw the amendment in respect to Bill 31 amending clause 26, subsection 66.6(1).

Mr. Speaker: Is there leave for the honourable member to withdraw the amendment clause 26 to Bill 31? *[Agreed]*

Mrs. Taillieu: I ask leave to withdraw the amendment in respect to Bill 31 in clause 26, subsection 66.6(2).

Mr. Speaker: Is there leave of the House for the honourable member to withdraw clause 26 from the amendment to Bill 31?

Is there agreement for the amendment to be withdrawn? *[Agreed]*

Mrs. Taillieu: I ask leave to withdraw the amendment in respect to Bill 31, clause 27.

Mr. Speaker: Is there leave for the honourable member to withdraw amendment to Bill 31, clause 27, to withdraw the amendment? Is there agreement? *[Agreed]*

Mrs. Taillieu: I move, seconded by the Member for Carman (Mr. Pedersen),

THAT Bill 31 be amended in Clause 31 by adding the following after "presides" in the proposed clause 76.1(3)(b):

, including, in the case of the Premier, costs paid for through any other department or government body, which are to be itemized by department or government body

Mr. Speaker: It's been moved by the honourable Member for Morris, seconded by the honourable Member for Carman,

THAT Bill 31 be amended—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mrs. Taillieu: Again, when we first had a look at Bill 31, the amendments to The Freedom of Information and Protection of Privacy Act, we looked through that in the spring. Certainly a lot of things just jumped out at us that we had a lot of questions on and looked at the wording very carefully and many of the clauses. It was very confusing as to what the government was trying to do here. It seemed more about their own personal agenda rather than transparency to the public, Mr. Speaker.

We looked at a number of amendments. In the beginning, I believe actually we had almost 100 amendments was our first thought and then we pared that down to 22. Then we just thought, Mr. Speaker, this bill is fundamentally flawed, and it's not a quick fix with a few simple amendments to make this bill palatable to the public.

So we have on this side decided that we just wanted to withdraw some of these amendments in light of the fact that it's too important a bill just to try and tinker with. We prefer to have it brought back in the spring with further consultation and reworking this bill, Mr. Speaker, but we did want to pick out a few amendments that we felt would provide better service to the public.

As I had indicated earlier in the amendments I was bringing forward, we found the subjective wording of "vexatious" and "frivolous" and "systematic" very troubling, that people could use these kinds of subjective terms to deny access to information.

Then we talked about the duty to notify, which was ruled out of scope on this bill—that's very unfortunate. The government had an opportunity to

look at including this kind of breach notification in this legislation. I think it's very important because they are moving towards integration of services. Although done properly, that can provide good service to the public, but there are so many ways that information can be lost or compromised. It's just really unbelievable when you look at the way technology is today and how people can abuse that technology. So we looked at that, and the government didn't choose to support that.

* (15:20)

Then we looked at access to the public and the public having the right to go to an adjudicator as a first line, not just on a ruling by the Ombudsman. Certainly, we hope that someone would not have to go the further step of having to go to court, but would have someone like they do in other provinces, where they have a privacy commissioner with access to the public. In fact, one of the roles of a privacy commissioner in other jurisdictions is education to the public, access to the public and providing public service.

Now, Mr. Speaker, with this amendment, we also feel that there should be in the legislation—it should be spelled out that what the Premier's expenses are, should they be in another department. Let me just clarify what I mean by that. Supposing that the Premier (Mr. Doer) was travelling with a delegation led by the Minister of Culture, Heritage, Tourism and Sport (Mr. Robinson)—and perhaps that would be to a sporting event, even. Those expenses may be listed under the minister's portfolio, Culture, Heritage and Tourism, and under minister's expenses.

Specifically, I think it serves the public interest well if people are able to see exactly what the Premier spends on his travel and his expenses that he may want to put in other areas so that his expenses don't look to be overly high.

I don't think that there should be a problem with this. I would hope that the members opposite would vote for this because I think if it's specified, that the Premier has to say where his expenses are and in what department, that they would say that would be a good thing.

We're looking forward to what the Minister of Culture, Heritage and Tourism has to say on this amendment because we believe it's more transparent. It provides access to information and it clarifies just

exactly where the expenses are and satisfies the individuals who are seeking that information.

It's very unfortunate that this bill does repeal the public registry because many people look to that registry for information as a first line as to where to be guided to seek information.

I know that at the committee hearings in the spring, some presenters spoke to the fact that this would be taken out of the bill which, again, is denying access. This bill is going backward, not forward. What needs to happen, after many, many years in government, there needs to be access for information that the government has because, after many years in government, Mr. Speaker, governments become quite secretive about their activities. They start bringing in quite draconian types of legislation and consulting with specific interest groups and satisfying the needs of those interest groups and not serving the interests of the general public, the people that elected them, the electorate in general, and serving all Manitobans and not just specific groups.

So the consultations around how legislation is drafted are very important, that kind of access; where money is being spent; how ministers expend their travel allowances and their expense accounts. I know that the minister will stand up and he will say we've been very—we've moved towards putting ministers' expenses on-line and say that that's a good move and why the bill is good. I think it is a first step. I would admit that it's a first step. Other groups that spoke to this legislation at committee also agreed that it would be a first step, but, to be truly transparent, I think it might be in the government's best interest to allow this amendment to pass and just ask the Premier to itemize his expenses if he travels with the Department of Culture, Heritage, Tourism and Sport, make sure that his expenses are listed separately, or whether he travels with the Minister of Health (Ms. Oswald) and whether his expenses are listed under his expenses as the Premier, or if they're listed in the Health Department. If they're listed in the Health Department, then they're listed under "Premier," and for all the departments within government, so that if someone was seeking information, they would be able to access that information without having to put in the freedom of information request and wait the specified time, Mr. Speaker.

So I think it speaks to transparency, and, if the government is truly open to being transparent to the

public, I think that they will want to support the amendment. Thank you.

Mr. Robison: Mr. Speaker, I want to thank the Member for Morris (Mrs. Taillieu). No doubt she has done a lot of work and a lot of research on this bill that we're debating, and particularly some of the key areas that she has identified. So I want to commend her for her work.

At the same time, I want to reiterate some of the things that I've said on numerous occasions, Mr. Speaker, that indeed our government is bringing forth we believe to be a strengthened FIPPA legislation. We are first of all creating a privacy adjudicator, a new independent officer of this Assembly. This will be in addition to the Ombudsman who is also an independent officer of this Legislature.

We're changing the period that Cabinet documents remain sealed from 30 to 20 years. We're acquiring, as the member correctly pointed out, that ministerial expenses be tabled on-line annually. I want to talk a little bit about the history about where we're at today in relation to where we were just a little while ago without introducing this legislation.

Last year, journalists from across Canada made identical freedom of information requests from all governments in Canada, and Manitoba came through on all three requests by the media and tied for fourth place for openness ahead of the federal government. This is something that we should be proud of here in the province of Manitoba.

In the first six months of this year, 278, or 57 percent, of all FIPPA requests came from the opposition, media and interest groups. Responding to 278 requests has cost approximately \$33,000, Mr. Speaker. On May 29, 2005, the results of a national survey by the Canadian Newspaper Association looked at how free and accessible government information is. They declared Manitoba to be second best in Canada with a disclosure rate of 88 percent. Alberta was No. 1 at 93 percent.

Now the FIPPA law has two purposes; the freedom of information, and secondly, the protection of privacy and we have to follow both parts of the law. Third party confidential information can be released without breaking the law.

I want to say further, Mr. Speaker, that since January 2007, Orders-in-Council for the first time are available on-line. On November 7, 2007, we made public all ministerial expenses. The Tories, the

opposition, never did this and now we do this on an annual basis. I think that's a tremendous step forward.

Mr. Speaker, I want to just say that we oppose the amendment. Manitoba is only one of three Canadian jurisdictions that already released ministers' office expenses on the Internet, and the government will continue to examine opportunities to make more information available on-line through routine disclosure.

Particularly about the issue raised by the Member for Morris on the Premier's travel, this continues to be available on-line, through question period and also through the Estimates process and through FIPPA applications. So, therefore, Mr. Speaker, we do oppose the amendment proposed by the Member for Morris.

*(15:30)

Hon. Jon Gerrard (River Heights): Mr. Speaker, we support the amendment to give increased clarity over expenses.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Morris.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea

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

Some Honourable Members: Nay.

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

Mr. Hawranik: On division, Mr. Speaker.

Mr. Speaker: On division.

Mr. Speaker: We'll now deal with the next amendment.

Mrs. Taillieu: Mr. Speaker, I seek leave of the House to withdraw the amendment respecting Bill 31, clause 40, subsection 98(1).

Mr. Speaker: Does the honourable member have leave to withdraw clause 40, amendment to Bill 31? *[Agreed]*

Okay, the amendment is now withdrawn. We will now deal with the next amendments that are brought forward by the honourable Minister for Culture, Heritage and Tourism.

Mr. Robinson: Yes, Mr. Speaker, I move, seconded by the Minister of Healthy Living (Ms. Irvin-Ross),

THAT Bill 31 be amended in Clause 6 by replacing the proposed clause 19(2)(b) with the following:

(b) consent to disclosure is given

(i) in the case of a record prepared for or in respect of the current government, by the Executive Council, and

(ii) in the case of a record prepared for or in respect of a previous government, by the President of the Executive Council of that government or, if he or she is absent or unable to act, by the next senior member of that government's Executive Council who is present and able to act.

Mr. Speaker: It's been moved by the honourable Minister of Culture, Heritage and Tourism, seconded by the honourable Minister for Healthy Living,

THAT Bill 31 be—dispense? Dispense.

Mr. Robinson: Mr. Speaker, it was never the intention of the changes of this section of the act contained in Bill 31 to change the process for records of a current government. Very simply, this amendment ensures that for records prepared for current governments, the Executive Council remains responsible for consent to disclose and also, for previous governments, the former president of the Executive Council or the next senior member will have the authority to consent.

Mrs. Taillieu: Mr. Speaker, I do want to speak to the member's amendment that he's bringing forward because it's very interesting that when I first went for the briefing I asked questions specifically about this clause in the bill. The minister was unable to be at that briefing, so I didn't get all of the details, just from his staff, but it was very unclear whether or not this portion of the bill prior to this amendment related to giving the Premier sole authority in release

of Cabinet documents, because that's the way it's written in this legislation.

So, Mr. Speaker, because it's ambiguous and unclear and, even at the second briefing, the staff were not able to say one way or another whether this actually gave the full authority to the Premier or whether it was still Executive Council, I even asked the question in the House and nobody was able to respond adequately to the question. So, because it's very ambiguous in the legislation, we sought clarification. We asked about this and we were told at the second briefing that the minister planned to then have a look at it. So I think that we brought forward a similar amendment. The wording was almost exactly the same, so we wanted to give clarification that Cabinet documents that are released right now, it's the Executive Council and what they're speaking of is other Cabinet documents from a previous government.

We brought forward a similar amendment and then had a look at the amendment that they brought forward, and there were just two words that were different. So, Mr. Speaker, we're very pleased that the minister actually took our advice on this and actually brought in our amendment which we brought to his attention and to his staff's attention. It was something that it seemed, as I understand it, it was unintentional but it did create some ambiguity in the legislation. We proposed the amendment when we saw the members' opposite amendment. We felt that it was one that was very similar, so we withdrew our amendment.

Again, I just have to say in speaking of these amendments to the bill, that this doesn't fix this bill. We can bring in an amendment and we might have an amendment to this bill, but a simple amendment is not going to fix this flawed legislation.

Mr. Speaker, that's why we have looked at all the amendments and then said, we can't fix this bill by putting a Band-Aid on over here and a Band-Aid on over here. We really need a better bill. We need more public consultation; we need more input into this bill. There needs to be more expert opinions and experts working on this bill. There's much too much at stake here when you're talking about the public's access to information.

Mr. Speaker, the other side of that is protecting people's personal information. That should not be misconstrued as bureaucrats working in their professional duties and capabilities on behalf of government and doing what government wants them

to do just because they're a third person. That should not be brought into this kind of legislation and cloud the issue, so that the government can stand behind a third party when it's not that third party's personal information; it's information about the third party in the course of the government's work.

So let's be very clear on that and we did hear about that at committee. We heard people at committee talk specifically about that. They asked for amendments in that regard and those amendments have not been brought forward, Mr. Speaker.

So it's just not possible to fix this legislation with a simple amendment here and there. There's much, much more that needs to be looked at in this bill, but I am happy that at least the minister has taken our advice and looked at this amendment and brought forward an amendment that clarifies the legislation.

Mr. Speaker, with that, I think that we can support this particular amendment but, again, it's not one amendment that's going to fix this bill. It's a bill that's fundamentally flawed, can't be fixed with a simple amendment, needs to be withdrawn, needs to be reviewed and needs more work.

Mr. Gerrard: We will support this amendment, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the Honourable Minister of Culture, Heritage and Tourism (Mr. Robinson).

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

We will now move on to the next amendment.

Mr. Robinson: Yes, Mr. Speaker, I move, seconded by the Minister of Healthy Living (Ms. Irvin-Ross),

THAT Bill 31 be amended in Clause 7 by striking out the proposed clause 20(1)(c.1) and substituting the following:

(c.1) the council of a band as defined in the *Indian Act* (Canada), or an organization performing government functions on behalf of one or more bands;

* (15:40)

Mr. Speaker: It's been moved by the honourable Minister of Culture, Heritage and Tourism, seconded by the honourable Minister for Healthy Living,

THAT Bill 31 be amended—dispense? Dispense.

Mr. Robinson: Mr. Speaker, I know this is one of the areas that we talked about in detail because of some misunderstanding perhaps on several fronts. This amendment we believe allows greater clarity by limiting the provision to cover information provided in confidence by the council of a band as defined in the Indian Act or an organization performing government functions on behalf of one or more bands, or First Nations governments as we know them.

We believe that information provided in confidence should enjoy the same protection under FIPPA as enjoyed by other levels of government including those and referred to as our municipal governments. This is an issue that I believe we have to gain understanding of. I know that there was some representation made by groups, First Nations people, particularly the Mother of Red Nations, I believe was the group.

I had the opportunity of meeting these sisters that represent the interests of Aboriginal women in the province of Manitoba very recently, and I made every effort to inform them about some of the key issues that Aboriginal women are faced with on a regular basis in the province of Manitoba. I also said to them that I was committed to working with them on addressing some of the issues that they have that relate with the provincial government and there are others that all of us in this Chamber can appreciate that relate directly with the federal government.

Let me cite one, that being Bill C-31—not to be confused with the Bill 31 that we're debating in this House. But Bill C-31 was an act of the federal government to eliminate a racist piece of legislation formerly known as section 12(1)(b) of the Indian Act and now replaced by Bill C-31, which is really a racist piece of legislation because what it does is it eliminates ultimately the ones that have regained status by this federal law in the road further ahead. This is an issue that all of us have to grasp, or maybe devote some attention to. That way we have a better understanding.

There are also issues that we have to deal with First Nations on that require the co-operation of the federal government. With that in mind, I committed to working with the Mother of Red Nations, with the national president of the Native Women's Association of Canada, Beverley Jacobs, and we committed ourselves to addressing those issues that

are very near and dear to the hearts of Aboriginal women here in the province of Manitoba.

Now I also understand that the Mother of Red Nations is an organization which, I might add, Mr. Speaker, was not receiving core funding until this government took over in 1999 and we, in fact, devised a mechanism where they would receive core funding from this government as that equal of the other representatives of First Nations' organizations, the provincial and territorial organizations.

There are many issues I know that the Mother of Red Nations are attending to now. I had discussions with Beverley Jacobs of the Native Women's Association of Canada, and we agreed that there are issues that we have to not only raise with the current leaders of the major political parties in this country, but, indeed, as they unveil their platforms, they have to demonstrate to not only the Mother of Red Nations, but Aboriginal people nationwide what their platform stands for on a lot of key issues, particularly with that of Aboriginal women.

So, Mr. Speaker, I just want to conclude by informing the member I'm acutely aware of these, having been involved in Aboriginal issues for most of my adult life. I want to also indicate to the member that there's much work that has to be done with respect to the accessibility of information for Aboriginal women. I committed myself to doing that, and my meeting with them along with the Provincial Council of Women and also with the representative from the taxpayers' association, Mr. Colin Craig. I've also had the opportunity of speaking with Brian Bowman, who in our last conversation, I said I would be calling him to seek advice to improve this piece of legislation on a road down that lays ahead of all of us.

Indeed, Mr. Speaker, I want to thank the Member for Morris (Mrs. Taillieu) for her thoughtful contribution to this debate, but I believe that we are making some substantial gains with Bill 31. She'll disagree with that perhaps, but, nevertheless, I think from where we come from since 1998 when the bill was first brought into this Legislature and became part of law, I think this government has made a conscientious effort to ensure that it's improved.

We've listened to the public in the province of Manitoba; public meetings were held, chaired by my colleague, now the Minister of Healthy Living (Ms. Irvin-Ross), and we heard first hand from folks in the province of Manitoba about some of the issues that they had with respect to FIPPA, and I'm very proud

of the work that we have done thus far. That's not to say that we can't improve as we get down the road a little further.

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

Mrs. Taillieu: I want to say in regard to this amendment that, first of all, the fact that the government felt it necessary to bring an amendment to this clause signifies that it wasn't right the first time.

We certainly also want to say that we respect the rights of Aboriginal governments, but I think the government has signified, or signalled to itself maybe, that there's a bit of a problem with this clause that needs clarification. The minister did say that he's met with a number of women's groups, Mother of Red Nation being one of them. Aboriginal women have a problem with this clause in that they feel that they're going to have restricted access to their band councils.

I spoke to one particular Aboriginal woman who called me. She's a member of the Split Lake Band and she felt that she'd been trying for so many years to get access to some information in regard to some monies flowing between one of the Crown corporations and her band, because she said it's a lot of money and there's no evidence on the reserve that that money is actually being put to any use here. She said, I can't get the information, and if this bill passes in its format, we're just not going to be able to get that information.

The fact that the government has brought an amendment on this clause signifies there is some difficulties that they've recognized by consultation over the summer from having withdrawn the bill from the spring until now. I think that there is an opportunity to take some more time and consult, as the minister said he was going to do, and get it right because this is legislation that's very, very important to Aboriginal people as what they've said to us, particularly to Aboriginal women. Again, I just don't think that we can provide a quick fix here with a simple amendment. I believe it's necessary to hoist this bill into the spring and have another go around with consultations and some meaningful expert input into this, Mr. Speaker.

* (15:50)

I'd just like to say, again, we respect the rights of Aboriginal governments, but we also know that there are some difficulties that Aboriginal people have

with gaining access to their councils. The Provincial Council of Women hears this because the women speak to them, and their recommendation is that section 7(c.1) and 8(c.1) not be enacted until band councils in Manitoba have equivalent access to information provisions for their members. We would support what they say.

So, again, that's something that needs to be looked at and I really would ask the minister to carefully consider even his words here today, that he would be further consulting and take the opportunity today to support our hoist motion later today. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Minister of Culture, Heritage and Tourism.

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

Okay, we'll move on to the next amendment.

Mr. Robinson: I'd like to move, seconded by the Attorney General (Mr. Chomiak),

THAT Bill 31 be amended in Clause 8 by striking out the proposed clause 21(1)(c.1) and substituting the following:

(c.1) the council of a band as defined in the *Indian Act* (Canada), or an organization performing government functions on behalf of one or more bands;

Mr. Speaker: It's been moved by the honourable Minister of Culture, Heritage and Tourism, seconded by the honourable Attorney General,

That Bill 31 be amended—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Robinson: The amendment provides further clarity to this section of the act. I listened to the Member for Morris (Mrs. Taillieu) when she spoke to the earlier amendment. I just want to make it very clear that I certainly don't want to be a part of a government that dictates to First Nations' governments their way of doing business and how they ought to be conducting their business.

I think that we're very clear, particularly in the area of child and family services, in the area of

video-lottery-terminal revenues, gas rebates, that we're clear that we have certain responsibilities there as a provincial government. It's clearly outlined that they're governed by FIPPA.

On specific cases like that of Diana Traverse, a friend of mine from Dakota Tipi, she has specific concerns about issues in her community. I've known Diana for many years and I did agree to work with her and others, along with Solange Garson that the member refers to from the Tataskweyak Cree Nation or Split Lake, as it is commonly known as.

There are issues that Solange has been working with for a number of years. She is a band member of that Cree Nation and I know she has been requesting information.

I think that that really puts into focus some of the issues that we are talking about with respect to Aboriginal people. Much of the information that she is trying to obtain is band government business, First Nations' government business, that we really don't have a business as a provincial government interfering or becoming involved with, because it's another level of government, because band councils or First Nations governments are governed by the Indian Affairs act under the Department of Indian Affairs.

So I'm very well aware of some of the work that Solange Garson has been doing over the last several years and, on a broader scale, some of the issues that women have been working under.

I was involved in an urban Aboriginal strategy some years ago here in the city of Winnipeg, when I was first appointed the Minister of Aboriginal and Northern Affairs. Together with the Manitoba Métis Federation, the Assembly of Manitoba Chiefs, the Mother of Red Nations and other organizations, we thought we could have an agreement along with the City of Winnipeg in developing an urban Aboriginal strategy.

Regrettably, one or more of the native organizations—not the Mother of Red Nations—decided that it wouldn't be appropriate to have an Aboriginal strategy designed for urban Aboriginal people. I regretted that by the other organizations.

So I know that the challenges of women's organizations, particularly Aboriginal women's organizations, are much more challenging, and that is why we have committed to working with Beverley Jacobs. I know my colleague the Minister of Healthy Living (Ms. Irvin-Ross) has had dialogue with

Beverley over the last several months. In fact, they were at a conference in Yellowknife, Northwest Territories, this past July to further talk about the huge challenges that Aboriginal women are faced with nationwide, and this government is committed to dealing with those issues on an ongoing basis because many times they're the front-line workers on any reserve in the province of Manitoba. They're the ones that deal with the issues of suicide, with solvent abuse and all these negative things that go on in our communities.

So I want to say that this amendment, the particular one that I just read, Mr. Speaker, provides further clarity to this section of the act. It's intended to be consistent with the proposed amendment to clause No. 7.

Mrs. Taillieu: I just want to say that I just want to reiterate the comments that I made in relation to the last amendment which is very—it's the same, that we respect the Aboriginal government's rights, but we also feel that there's not enough work done in this area to protect those band members that are seeking access to information, Mr. Speaker.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Minister of Culture, Heritage and Tourism.

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

Mr. Speaker: The amendment has been passed.

Hon. Dave Chomiak (Government House Leader): I move, seconded by the Minister of—*[interjection]*

As I was reminded, I'd like to call concurrence and third reading of Bill 31.

CONCURRENCE AND THIRD READINGS

Bill 31—The Freedom of Information and Protection of Privacy Amendment Act

Mr. Speaker: We'll deal with concurrence and third reading of Bill 31.

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Culture, Heritage and Tourism (Mr. Robinson), that Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Loi modifiant la Loi sur l'accès à l'information et la

protection de la vie privée, reported from the Standing Committee on Social and Economic Development and subsequently amended, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Speaker: Any speakers?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The honourable Member for Morris, to speak?

Mrs. Mavis Taillieu (Morris): Yes.

Mr. Speaker: Okay. The honourable Member for Morris.

Mrs. Taillieu: Thank you, Mr. Speaker. I was waiting for the Minister of Culture, Heritage and Tourism to rise and speak to his bill, but he's chosen not to.

Mr. Speaker, I just want to say that this is Right to Know Week here in Manitoba. There are a number of things going on this week. A number of speakers, Dr. Alasdair Roberts, a professor of law in public policy from Suffolk University in Boston is speaking on government secrecy in the information age, and there's the information commissioner of Canada on access to information is speaking on Friday. So there are a number of things going on. I want to commend the Ombudsman's office for putting this week together and, certainly, the Provincial Council of Women who are strong advocates in this area, as are others.

* (16:00)

Mr. Speaker, this bill was brought to us in the spring. We had a look at it. We didn't feel that we could support many of the clauses in this bill. It was taken to committee and many, many people came to present on this bill and had their say as to what they felt was right or wrong in this bill. I think that one of the amendments that was brought forward today, we recommended to the government and they accepted that. We appreciate that but there were other many amendments that we did just want to pull out of the debate because the bill is fundamentally flawed and simple amendments won't fix that.

From the spring until now, time has allowed us to see other nuances in this bill and it's allowed the time for other people to come forward and speak to

us about this bill. So we have a lot more understanding even today.

I'd just like to say—let's sort of review what some of the things were said at committee because the democratic process is, bills are brought in, they're debated, they're moved to committee so that the public has their opportunity to come and say what they feel is right or wrong with the bill and make recommendations to the government.

I just want to say again one of the speakers to the bill, Mr. Brian Bowman, who is a founding board member of and immediate past chair of the Canadian Bar Association's national privacy and access law section, past chair of the Manitoba Bar Association's technology, privacy and intellectually property law section, and the *Canadian Privacy Law Review* recently acknowledged Mr. Bowman as one of Canada's leading privacy law authorities.

These are some of the things that he had to say at committee. I'm quoting now from *Hansard*. Mr. Brian Bowman said: "The public should be free to ask for information without having to justify the reason for such a request. Obtaining access to information is a right. It should not be subject to whether or not a civil servant views a request as, quote, frivolous or vexatious." Mr. Bowman also said, and I'm quoting: However, the bill doesn't define what is an integrated system and a service, and as a result it opens the door for information to be collected by one public body for one purpose and then subsequently used by another public body for an entirely different purpose and, in doing so, violating the expectations of Manitobans related to protection of their privacy. Then he goes on later to remark that the bill is, in fact, dangerous. He says, quote: "We should have fully developed rules to protect privacy where public bodies are disclosing personal information for integrated services." He also speaks of the need for breach notification. He says and I'm quoting: "Legislature would be well advised to consider at least a form of breach notification, which would mean if there's a violation of privacy where data goes missing by a public body, there's some process in place to ensure that the affected individuals are notified so that they can take corrective steps to mitigate their damages."

Mr. Speaker, we also heard from Elizabeth Fleming at committee, from the Provincial Council of Women. She—excuse me, I just want to go back and say that Mr. Bowman also was very insistent that

privacy commissioners, as in nine other jurisdictions in Canada, would have been a better way to go than the adjudicator.

Mr. Speaker, Ms. Elizabeth Fleming felt that there was less freedom of information and actually more restriction in the bill. She said, overall, we find that a number of the amendments in Bill 31 are less about freedom of information and more about restriction of information. She talks about the privacy commissioner, as well. I'm quoting again: we should follow the lead of Canada and most other provinces and establish a fully independent information and privacy commissioner with the power to order the release of information. She goes on to talk about dropping the public registry—there are 50 of them—saying that public registries, and I'm quoting: "Public registries are one of the best ways for governments to make routine disclosure of government-held information. We should be expanding public registries not removing them."

She also talks about Aboriginal women and access to information, and she says, over the years Aboriginal women on reserve have told us about the difficulties that they have had in getting information from their band council. They have had to go to the Province for information about VLT revenues and gas bar revenues that they felt were unaccounted for. Similarly, Aboriginal women might wish to request information from Child and Family Services agencies. These amendments, if passed, would mean that their future requests would be denied. This seems unfair and unconstitutional where it's information that's normally accessible to other Manitobans. She notes, and I quote: "Most band councils do not have a provision for access to information requests, and the Province is their only hope of having access to certain information."

Mr. Speaker, we heard from Colin Craig of the Canadian Taxpayers Federation, and Mr. Craig said, and I quote: "Part of this legislation exempts details that involve Aboriginal organizations. That's downright racist. Not only First Nations taxpayers, but all taxpayers deserve to know how tax dollars are being spent... In fact, today I met with an Aboriginal, a member of a First Nations band who is concerned about how his band funding was being spent."

Other people at committee, Ms. Gaile Whelan-Enns, from Manitoba Wildlands, commented on the lack of consultation. She was part of the advisory committee who drafted the first legislation and yet

she wasn't consulted in this. The Consumers Association of Canada recommended that there be an information and privacy commissioner with order-making powers.

Mr. Speaker, private citizens Mimi Raglan and Blake Taylor, whose experience with access in health information about a dying relative, gave passionate pleas to the minister in regard to this legislation and they said, and I quote: Ensure that privacy of a third party does not apply to public servants in the performance of their professional duties.

One person, Ruth Pryzner, was not able to make a presentation, but she submitted a brief, and in her brief she said, and I quote: Generally speaking, the amendments to the FIPPA failed to incorporate many of the recommendations advanced by the public, the primary users of this legislation, in accessing information. This signals that the intent of the bill has more to do with meeting government's needs rather than the needs of the public and the electorate.

There are many, many, flaws in this legislation as I have said, Mr. Speaker, and I don't believe that this legislation can be fixed with just a few amendments. Gone over this already in previous speeches, not only today, but in a second reading, and today to some of the amendments. This government in 1999 campaigned on a privacy commissioner as in other jurisdictions in Canada. They also promised a privacy commissioner in 2003, and they also promised a privacy commissioner in 2007, and now they have not opted to have a privacy commissioner as in nine other jurisdictions in Canada. In fact, it's British Columbia, Alberta, Saskatchewan, Ontario, Québec, Newfoundland, the Yukon, Northwest Territories. I believe I've got them all there. I may have missed one, but they all have privacy commissioners.

*(16:10)

So why is it that Manitoba has chosen to not go to a privacy commissioner and rather to a privacy adjudicator, which will not provide the public access, as in other provinces, and not be tasked with the mandate to educate the public in matters of privacy and matters of access to information, Mr. Speaker?

I think that this bill has failed to do that. There's less access to information, Mr. Speaker. It's more restrictive with the wording that we see, with the subjective words of "vexatious", "frivolous" and "systematic." Those are words that anybody can say:

Well, I find this request is vexing me today, so I don't think I'm going to allow access. I'm going to deny access on the grounds of vexatious.

Mr. Speaker, that's problematic and I know that the government will say it's wording that is used in other jurisdictions of primarily—I think it's B.C., Alberta and one other—but all of those provinces have privacy commissioners. So you can't emulate the province in one way and not in another and claim that you're doing something because the other provinces are doing it when, in fact, you're not doing what they're doing in other ways.

A very troubling thing that we find with this legislation is that many First Nations people have come to us and said they feel that this is restrictive, and they feel that they're going to be denied access to information. Access to information—they already find it most difficult to get access to information, and they feel that this is going to enshrine that and just make it much harder for them to get access to information.

In fact, Mr. Speaker, it does that because it actually mandates First Nations governments with dealings with other governments and organizations—but it doesn't name who these organizations are—not to give information out. Access to information is fundamental to people when they're seeking it. It should be their right with their governments to get the information that they seek, so they can hold governments to account.

Mr. Speaker, I think it's quite evident now at this stage there was a lack of consultation with Aboriginal people, with privacy experts, and in fact the 2004 review process was quite superficial, if you will. In fact, many of the clauses that we see in this bill are not supported by the recommendations that came from that review. So we're wondering where the recommendations for these amendments did come from. It certainly seems to be the government's own self-interest here that has brought in this bill.

Ms. Marilyn Brick, Acting Speaker, in the Chair

The last thing I want to say about this is the sharing of information across integrated systems where it's undefined exactly what that means—this is the part where we talked about sharing of information across government departments and have spoken about this before to say that, if it's managed properly—and I do believe the public thinks that would be efficient, because the public believes that the government has all the information on them

anyway, that they don't have to provide information to a variety of departments.

So there are some ways to improve efficiency, but, recognizing that with information and technology the way it is today there are many, many, many ways that information can be lost, stolen or compromised without even any intent, Madam Acting Speaker. But there needs to be checks and balance in place, and this part of the legislation is not clearly defined and, in fact, when you're going to be sharing information across integrated services where you can collect information for one purpose and then use it for another—I'll just use the new enhanced drivers' licences.

When I was 16 years old and got a driver's licence, that driver's licence proved one thing, that I'd qualified to be a driver in Manitoba, and I could actually have care and control of a vehicle. Now it's morphed into some kind of identity card. So that's an example of how things can change over time where you collect information for one purpose and then can be used for another. This section of the bill was where Brian Bowman actually called this bill dangerous.

Madam Acting Speaker, it's Right to Know Week and yet the NDP is poised to pass restrictive legislation that serves themselves and not the public. We cannot support this Bill 31. It's fundamentally flawed, and it can't be fixed with a few simple amendments in such a restricted time frame.

Therefore, I move, seconded by the Member for Carman (Mr. Pedersen),

THAT Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée, reported from the Standing Committee on Social and Economic Development and subsequently amended, be not concurred in and read a third time, but that it be concurred in and read a third time this day six months hence.

Thank you, Madam Acting Speaker.

The Acting Speaker (Ms. Brick): It has been moved by the honourable Member for Morris, seconded by the honourable Member for Carman, that the motion be amended by deleting all the words after the word "THAT" and substituting the following:

THAT Bill 31—

An Honourable Member: Dispense.

The Acting Speaker (Ms. Brick): Dispense?

Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée, reported from the Standing Committee on Social and Economic Development and subsequently amended, be now concurred in and read a third time, but that it be concurred—[interjection] Excuse me. I need to make a correction.

—be not concurred in and read a third time, but that it be concurred in and read a third time this day six months hence.

The honourable Member for Morris?

Mrs. Taillieu: Yes. Thank you—

The Acting Speaker (Ms. Brick): Just hold on one moment. I need to indicate that the amendment is in order and that debate may now proceed.

Mr. Cliff Cullen (Turtle Mountain): Madam Acting Speaker, I do appreciate the opportunity to speak to this particular bill and this particular motion in regard to the hoist motion brought forward by the Member for Morris. It's certainly been talked about in the House today. It is the Right to Know Week, and, clearly, this government seems intent to pass this particular legislation. We, certainly, on this side of the House feel that the legislation is flawed and very restrictive.

* (16:20)

Certainly, there are certain people within our society that we feel will be implicated in very dire straits, and it has very serious ramifications for certain segments of our society, especially the First Nations community which will be impacted quite dramatically because they will, under this particular legislation, have some of their rights taken away from them in terms of having the ability to find out what their particular local governments are doing.

So it is a piece of legislation that certainly needs changes, and this is the reason that we have brought forward the hoist motion on Bill 31. The intent of a hoist motion, Madam Acting Speaker, is of course to give us some time, to give us six months for the government to go back to the people of Manitoba, have some constructive conversations.

We certainly heard in the House today that there are a number of entities across the province which

feel their word hasn't been heard by the government so that, in essence, is the reason for this particular motion being brought forward.

I think it's important that we have that consultation. That really is the heart of bringing forward legislation in Manitoba. The intent of any legislation should be for the benefit of Manitobans, and our feeling is this particular legislation will not benefit all Manitobans.

In fact, in some cases, the exact opposite may be happening and we may be in fact restricting the freedom of information and access to information that Manitobans really should have a right to. So that is the reason why the Member for Morris has brought forward this particular motion.

Now we know there was a previous review done on freedom of information and privacy legislation. We don't think that particular review was meaningful enough and there's been very little action on those particular recommendations. There certainly is room, a tremendous amount of room, for improvement in this legislation.

Through the debate and discussions we've had—and we know there are ministers of the Crown who had some discussions with different organizations, especially in respect to First Nations government and their roles in this whole event—certainly we recognize their right to govern but, again, there should be access to the information by the public in terms of how that government is acting. We think that certainly should be looked at and strengthened and there should be that discussion and that consultation with First Nations communities throughout the province.

Certainly, it appears that the minister of the Crown has also said that there is going to be under this legislation the ability to decline information that should be available to First Nations people and First Nations communities, so there's almost an admission on behalf of this government that this particular legislation is flawed.

The other thing I think we should mention at this point in time, Madam Acting Speaker, is that, as we move forward and we get people engaged across Manitoba and the implications of Bill 31, we're finding more and more people have issues with Bill 31. As a result of that, we think this hoist motion is the way to go, where this will allow us time to make sure that all communities, all organizations, all the different cultures have had an opportunity to

understand the implications of Bill 31. As a result of taking the time to have the proper consultations, we feel that there could be amendments brought forward to this legislation that would, in fact, make it a better piece of legislation.

As a result, and maybe just as an example of that particular situation developing, Ms. Fleming has poised some articles in some of the local newspapers in regard to Bill 31. I guess primarily it was in *The Drum*. I just, if I could, Madam Acting Speaker, I want to quote some phrases that Ms. Fleming put on the record regarding Bill 31.

The first quote, if I could, Madam Acting Speaker, and this is the quote from the article in *The Drum*: Bill 31 proposes changes that will prevent the public from accessing information about Aboriginal affairs in government of Manitoba departments and agencies. By all accounts, some Aboriginal people have a hard enough time getting financial statements and other information from their band councils. If Bill 31 passes, it will become even harder to get information on Aboriginal matters from agencies such as Manitoba Finance, Child and Family Services, Aboriginal Affairs, Manitoba Hydro, Manitoba Lotteries Corporation that fall under Manitoba's freedom of information legislation.

Madam Acting Speaker, she also goes on to talk more specifically about clauses, and I will quote: Revised wording to section 20(1) of FIPPA, which will now require public bodies to refuse to disclose information to applicants that have been received by the public body from, quote, an organization that represents government interests of a group of Aboriginal people including the council of a band as defined in the federal Indian Act and an organization representing one or more bands.

Madam Acting Speaker, she goes on—and I want to talk about another specific quote in this particular article: Part of the legislation exempts details that involve Aboriginal organizations. That's downright racist. In fact, today I met with an Aboriginal, a member of a First Nations band who was concerned about how his funding was being spent.

So you can see, Madam Acting Speaker, there certainly are a lot of issues out there with respect to this particular legislation.

Madam Acting Speaker, it's very clear that we're at a point in time where we can turn around and actually bring forward a very good legislation, a chance to revise legislation, but it's going to take

some work. This is the time for the government to accept the motion being brought forward by the Minister for Morris to take some time to go back and consult with Manitobans. This would give us six months over the course of the winter to do that kind of work and do some proper consultation.

So, Madam Acting Speaker, I just wanted to say I certainly again appreciate the Member for Morris (Mrs. Taillieu) bringing forward this important motion. I would certainly hope that the minister responsible will maybe have a second thought. We know his response earlier today in question period wasn't very positive, but hopefully over the last few hours, and with the discussions we've had over the last few hours, that he will have a chance to reconsider his previous statement.

So thank you very much for that time, Madam Acting Speaker.

Mr. Gerald Hawranik (Opposition House Leader): I would seek leave to allow the Member for Morris to speak a second time to this motion, this time to the hoist motion.

* (16:30)

The Acting Speaker (Ms. Brick): Is there leave for the Member for Morris to speak to this motion?
[Agreed]

Mrs. Taillieu: Thank you to the House for allowing me leave to speak further to this bill. I'll just pick up where my colleague was in talking about some of the things that come to light when you have more time to study a bill, Madam Acting Speaker.

Certainly, Madam Acting Speaker, we've heard from a number of people over the summer. My colleague from Turtle Mountain just was indicating Ms. Elizabeth Fleming's writing, in *The Drum*, and he had indicated some of the things that she had written in there.

I just wanted to add a few and I'm quoting again from the article. She says: Over the years, Aboriginal women on reserve have told us about the difficulties that they have had in getting information from their band council. They have had to go to the Province for information about VLT revenues and gas-bar revenues that they felt were unaccounted for. Similarly, Aboriginal women might wish to request

information from a Child and Family Services agency. These amendments, if passed, would mean that their future requests would be denied. That seems unfair and unconstitutional when it's information that's normally accessible to other Manitobans. Please note that most band councils do not have a provision for access to information requests. The Province is their only hope of having access to certain information.

Madam Acting Speaker, as alluded to earlier, Solange Garson, a member of Split Lake, spoke to me in regard to information that she was trying to get. It was more in relation to Manitoba Hydro and the Keeyask Dam project. She was concerned about the minister's bill here and some of the things that she was going to have less access to, should the legislation pass.

It's interesting how, when you have an article that appears, then more people come forward. They read that and more people come forward. I got an e-mail and the e-mail says to me—the email is from David G. Newman, a QC. He was a member of this House, and the email says: This is a key issue; transparency is essential for accountability.

He goes on to say that he is asking me, by name, to defeat the amendment for the sake of all vulnerable Aboriginals and all businesses and individual taxpayers, because accountability and transparency are important, Madam Acting Speaker.

This has prompted other people to come forward and say the legislation as it stands—there are a lot of problems with the legislation. I went over the fact that there's no privacy commissioner as promised in 1999, 2003 and 2007.

Madam Acting Speaker, the NDP said, we will install a privacy commissioner as in other jurisdictions in Canada. So what have they done here? They've installed a privacy adjudicator only accessible at the call of the Ombudsman, an office that Mr. Brian Bowman who's a privacy lawyer and expert says—and he termed this phrase—it's an Ombudsman junior, because they have very little powers and, in fact, will likely be a person that is called in very infrequently, with no access to the public. The public will not have access to go to this adjudicator and ask for information or ask for some help in protection of their personal information, as an example.

I brought in an amendment to propose access to the public and this government saw fit to vote that

amendment down. They feel by doing that—they do not want the public to have access to the privacy adjudicator, whereas in other jurisdictions in Canada, in B.C., for example, it's the role of the privacy commissioner to conduct investigations and audits, to inform the public, to engage in commission research into anything affecting the achievements of the purposes of the act, to comment on implications of access to information and to be accessible to the public.

In Alberta, the privacy commissioner is to inform the public, receive comments from the public, and it goes on across Canada where other privacy commissioners have been installed for the reason of being accessible to the public. The public has a right to access information. They have a right to protection of their personal information. Information and privacy commissioners are the people that do that in other provinces.

It's quite interesting in this bill that there wasn't a real good review done in 2004. Some of the recommendations that came out of there were not brought forward into this bill, and then other things that are in the bill were not mentioned in the review. But just one thing I want to point out is, in 2004 the Manitoba Federation of Labour advocated to have protection of personal information extend into the private sector. That's very curious because I've been presenting a bill just like that for three years now, extending a privacy protection into the private sector, and the government has really quite ignored it. It ignored that recommendation in the 2004 consultation, so it's quite curious that they would not listen to the Manitoba Federation of Labour.

I think we've spoken quite a bit about the access that Aboriginal people will not have, that will be denied under this legislation. We've talked about subjective words such as "vexatious," "frivolous," and "systematic," where the government can choose to deny access based on an assessment of vexatious, systematic or frivolous. That is very unfortunate, I believe, because it's just too subjective to allow bureaucrats to have that wide range of assessment, I guess, if you will, as to whether something should be allowed or denied.

I want to reiterate as well that when you're talking about third-party information, it should be realized that public servants in their professional role, performing their professional duties on behalf of government, should not be considered third party, and therefore access denied, saying that there's third

party. We hear this all too often, that there's third party. I'm quite frustrated with that because we seek information about, in generalities, was a contract tendered? We get back: Well, we can't tell you anything about individual contracts. We're asking, was the contract tendered? Well, you'll have to file a freedom of information request and, by the way, that's going to cost you some money, so you might want to consider not doing it. They're the kind of letters we get back.

It's quite curious, because I was asking the minister in the Manitoba Public Insurance committee the other night about an organization called EDS Canada, and I was asking if that organization had a contract with MPI. We learned that there is a contract there, but what was the nature of the contract? What services were contracted for? Well, we can't tell you that. What amount is paid for the contract? Well, we can't tell you that. It's very curious. I asked the minister in writing. He said he couldn't respond because it contravened freedom of information legislation. I received a letter from MPI saying, oh, we can't tell you that because it contravenes freedom of information.

* (16:40)

Interesting, though, that in the Workers Compensation Board we asked the same questions in the committee, and the Workers Compensation Board was quite amenable to telling us, this is the contract; here's a copy of the contract; this is the people that own a business we're doing with; yes, other people did tender; this is the cost of the contract; we've had it for this many years and this is how we do business. We appreciated the openness there. We appreciated the openness. There was nothing—no personal information was divulged.

Mr. Speaker in the Chair

In fact, when agencies do business with government and have government tenders where government money is spent, I think the public has a right to know how much money is being spent, was the contract tendered, did you get the best deal, did you get the best bang for the buck, and, in fact, were other people allowed to tender and, in fact, what services are you getting for your money.

I don't believe that there are many organizations out there that don't want their services known. That's the reason you're in business, to have your services known to other people. If you provide good service,

word-of-mouth, you want people to spread the word that you're doing good work.

Yet, at every point, every turn in that committee, the minister denied and got very frustrated, actually, and would not provide any information. It just raises a question, what is the government trying to hide?

Of course, we're doing a lot more digging and finding out that companies like EDS Canada have contracts with all of the government departments; very interesting when you find the public accounts book that came out last week. When you look through there, we find out how much money is going to that particular company. So it's all quite very interesting. We'll continue to dig even though we get nasty letters telling us, you know, sort of, we shouldn't bother. But we will; we will continue to dig for information because as I say, the public has a right to know.

It's Right to Know Week. It's curious, Mr. Speaker, it's Right to Know Week, we're debating Bill 31; Bill 31 seeks to deny access of information and does not go far enough to provide privacy or protection of personal information. The minister doesn't even stand up and thank the Ombudsman and thank the people and acknowledge the fact that there's Right to Know Week going on right here in Manitoba, right today and through the week.

There are a number of things with this bill that we feel very strongly about. As I said before, it's fundamentally flawed. It's not a bill that can be fixed with a few simple amendments. There are too many things in there that need to be fixed. There's more consultation; there's more work to do.

I think that the minister, in speaking with some of the Aboriginal women's groups that he has been speaking with, understands that. He understands that there's more work to do in this bill, and, perhaps, he would push harder to take this bill into the spring and have that more time to do further consultations. I think it's really important to get this bill right.

Mr. Speaker, there are two different parts to this kind of legislation when you're talking about the public's right to access to information, about how government spends its money. The second part of it is protection of personal information. More and more we're seeing the government using this to say that they can deny access to information because they would be giving away third-party information if they gave us access to the information.

I know they know about the black marker, Mr. Speaker. If they want to give us information without a person's name in there, that's fine. We're not seeking information about a person's name, we're seeking information about an organization and about the amount of money that's being spent and the contracts, whether they're tendered, the terms of the contract and whether they're lived up to.

Just before I close, I want to just talk a little bit about protection of information and integrated services. The government is talking about integrated services and sharing information across departments. As I said earlier, I think that there are some efficiencies that can be gained that way, but there needs to be adequate protection in place because with technology, the way it is today, information is so easily accessible by so many more people.

It used to be that each department would have a file in each part of the building, and, if you had information on person A here and information on person A over here, it would never get together. But, with today's information technology, information flows instantaneously between government departments, and that information needs to be protected against not only things that can happen on the Intranet and on the Internet in terms of stealing or accessing that information, but in terms of the number of more people that will have access to people's personal information.

I want to draw your attention to an article in a magazine. It's called *CAmagazine*, the chartered accountants' magazine. We all as members received this, and there was an article in there called "Malware, Spyware, Spamware . . . : Beware." I just want to say they talk about security of systems, and security is what addresses that control of information so that it's not disclosed to unauthorized personnel. It says: Security is now seen as synonymous with computer security. But it is much larger and has to do with information and anything that carries that information: computers, hard disk drives, filing cabinets, buildings and people, especially people, because no matter how many firewalls you put up, no matter how many access codes you have, there are a number of people that have access to the information.

We know, we've been told, that there are people that have actually declined to give personal health information to their physicians because they feared that information would be seen by a lot of people within the office and would not be held in

confidence. When you're in a doctor's office, there is a code of confidentiality, but once the information goes somewhere else, and the person that comes to service the computer, for example, gets access, he looks at something and then he has access to information. He may not be bound by the same confidentiality.

So it just is very important to look at these kinds of things when you're talking about this bill. When Mr. Bowman spoke to this at the committee, he did say that this opens the door to take information that is to be used for one specific purpose and perhaps use it for another purpose without the consent and without the proper protections for protecting that personal information. He went as far as to say that this is dangerous, Mr. Speaker.

So I think there's an opportunity here. There's an opportunity to look further at this bill, Mr. Speaker, and that's why I have recommended the hoist motion today so that we do further consultation. We look at all the things in this bill that are fundamentally flawed. We sit down, the government needs to do some more consultation, get some more experts involved. It's too important when you're talking about the public's right to access government, public information, and it's too important when you're talking about protection of personal information. It's too important to get it wrong, to rush through, ram through legislation. It's just not right, and I'm asking the minister today to pull this bill, hoist it until next spring. Do the right thing, Mr. Minister. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk about Bill 31. We certainly agree that this bill could have been considerably improved in a number of ways. We do not like the ability for public bodies to refuse to give information on the grounds of vexatious request, because we think that there is too much latitude in this for public bodies to refuse information.

* (16:50)

We support the change in the period in which Cabinet records will be available from 30 years to 20 years. We support the improvement in the summary related to ministers' yearly expenses, although we recognize that there could still be improvements. We see that, with the issues around access to information in First Nations communities, the minister himself has said he wants to take this

further, meet with people, have more discussions. We think that more can be done in this area and needs to be done. However, when we come right down to it, respecting the tremendous amount of work that the MLA for Morris has done, we see that our approach will, in fact, be to let's support the rapid passage and implementation of this bill as a step forward. This has already been delayed for a number of months over the summer, and if the government votes against a six months' hoist, they're voting for rapid implementation.

This bill is to be implemented on a day fixed by proclamation, and we want to make sure the government is not horsing around for months. If they're not going to implement it for six months, then they should support the hoist motion. So we're presuming that the government will work quickly and that they won't waste any time in implementing this. We support the bill on that basis, but we also believe that this should not stop further efforts to change and improve the FIPPA legislation, The Freedom of Information and Protection of Privacy Act.

We will look forward to more bills coming. I think that the privacy commissioner would have been preferable to an adjudicator, but we've got at least some movement here from the government. On this case, we are going to vote for this, even though we think that it could be much better than it is. We will vote for this based on assumption of rapid implementation by the government, and we'll be holding them to account. We will vote for this based on the need to continue, in a vigorous way, ongoing movements to improve, and legislation, perhaps as early as the spring, to take this next step in terms of improving the FIPPA legislation with the respect to some of the areas that we've been talking about. Thank you, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable member.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* (17:00)

Formal Vote

Mr. Hawranik: Recorded vote.

Mr. Speaker: A recorded vote having been requested, call in the members.

Order. The question before the House is a hoist amendment moved by the honourable Member for Morris (Mrs. Taillieu).

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Borotsik, Briese, Cullen, Driedger, Dyck, Eichler, Faurshou, Goertzen, Hawranik, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Taillieu.

Nays

Allan, Ashton, Bjornson, Braun, Brick, Caldwell, Chomiak, Dewar, Doer, Gerrard, Howard, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lamoureux, Lemieux, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan.

Madam Clerk (Patricia Chaychuk): Yeas 15, Nays 31.

Mr. Speaker: I declare the amendment lost.

Mr. Speaker: The hour being past 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, September 29, 2008

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<http://www.gov.mb.ca/legislature/hansard/index.html>