



Third Session - Thirty-Seventh Legislature

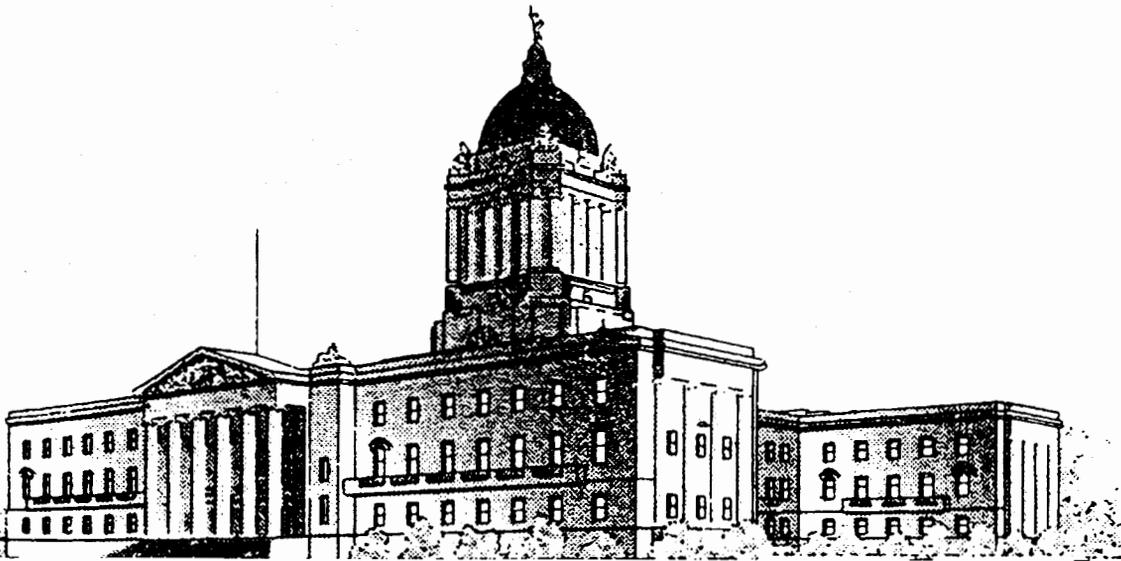
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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



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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 24, 2002

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

#### Transcona-Springfield School Division

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

### READING AND RECEIVING PETITIONS

#### Transcona-Springfield School Division

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

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

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

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

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

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

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

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

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

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

### Universities Property Tax

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

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

**Madam Clerk (Patricia Chaychuk):** On January 11, 2002, the Government of Manitoba announced a five-year phased-in property tax plan for four of the province's universities.

The Government of Manitoba's plan shifts the universities' property tax bills directly onto the taxpayers of Winnipeg and Brandon.

The cost to the City of Winnipeg for 2002 will be \$1.3 million, rising to \$6.64 million in 2006, for an accumulated loss of \$19.9 million over five years.

The loss of almost \$20 million over five years will have negative consequences for the City of Winnipeg's efforts to lower property taxes and make Winnipeg more competitive.

While all taxpayers in Winnipeg will be adversely affected, those taxpayers residing in the school divisions of Fort Garry, Assiniboine South, St. Boniface, St. Vital and Winnipeg No. 1 will also see increases in their local education taxes.

The Fort Garry, Assiniboine South, Winnipeg No. 1 and St. Boniface school divisions will lose \$1.86 million in total this year, rising to \$9.34 million in 2006, for an accumulated revenue loss of \$28 million over five years.

The Government of Manitoba has made it clear that it will not in any way make up the loss of tax dollars the universities currently pay to municipalities and school divisions.

We petition the Legislative Assembly of Manitoba as follows:

We request the Government of Manitoba to consider ensuring that local property and education taxes do not rise as a result of the off-loading of provincial responsibilities onto the City of Winnipeg, the City of Brandon, the Fort Garry, Assiniboine South, Winnipeg No. 1, St. Boniface and St. Vital school divisions.

\* (13:35)

## MINISTERIAL STATEMENTS

### Flood Forecast

**Hon. Oscar Lathlin (Minister of Conservation):** Mr. Speaker, I wish to make a statement to the House.

I rise to provide members of the House with the latest update on the flooding situation in southern Manitoba. Rainfall Sunday night was relatively light compared to the extreme downpours observed in portions of Minnesota Saturday night. However, a further 10 to 15

millimetres, or 0.4 to 0.6 inches, fell over much of the flood area of southeastern Manitoba.

In the United States portion, heavy rain fell mainly in areas west and south of Fargo. However, these rains will have little effect on river levels and forecasts. Levels of the Roseau River continue to rise slowly with increases of 0.2 to 0.4 feet in the 24-hour period ending this morning. Additional rises of 1 to 1.5 feet are expected at Gardenton and Stuartburn. Low-lying homes in these towns have been diked so flooding of these is not expected.

The crest should occur toward the end of this week. Water levels in the Gardenton Floodway have risen to the point where a small portion of water is flowing over a low spot in the west dike. This part of the dike is well grassed so a washout is not expected. However, the possibility of a washout later this week cannot be ruled out. Additional rises in the floodway should be 0.25 feet or so. A strategy to reduce pressure on the Gardenton Floodway dikes will be implemented later today. This involves removing some logs from the dam to allow some water to flow down the old river channel to the east. This will be done carefully in stages to prevent overtopping of the old river channel.

Levels of the Red River continue to decline in the Manitoba portion, with falls of close to 0.5 feet in the past 24 hours. A second crest due to heavy downpours in Minnesota Saturday night is developing in the United States. It now appears this crest will be somewhat lower than originally predicted. It appears unlikely that the second crest will be higher than that of last week in the Emerson and Letellier area. Further north, the crest will definitely be lower than the crest of last week. The second crest is expected at Emerson July 5 and in the Winnipeg area on July 8, Mr. Speaker.

River levels in downtown Winnipeg fell to 15.9 feet this morning, which is still 9.6 feet above the normal summer level. The level is expected to be above 14 feet until near mid-July. The threat of basement flooding due to possible heavy thundershowers over the city will remain until that time. The maximum level should not be higher than 16 feet unless additional heavy rain develops. There is little threat of basement

flooding in the city from now until the weekend based on present forecasts.

The Winnipeg River remains unusually high, with levels close to five feet above the summer normal in the Nutimik area. However, the crest appears close and little further rise is expected.

\* (13:40)

EMO is continuing to co-ordinate provincial assistance to communities affected and/or under threat of further flooding. To date, there are 10 declared local states of emergency, and requests for disaster financial assistance have been received from 16 rural municipalities, plus the town of Emerson and the village of St. Pierre-Jolys. I understand some initial payments are occurring as soon as this afternoon.

Approximately 15 to 20 families remain out of their homes due to flooding or flood damage. A number of roads remain closed due to flooding and a number of others are experiencing effects caused by high waters. I have tabled this information for the House.

Equipment for the Department of Transportation and Government Services remains on standby for emergency diking.

**Mr. Harry Enns (Lakeside):** Mr. Speaker, I know all of us on this side of the House express our ongoing concern to the residents of southeast Manitoba who are experiencing this hardship, and we are certainly supportive of everything the minister, department and Emergency Measures Organization are undertaking.

However, it also shows us how very closely linked we are with what happens in Minnesota and North Dakota. Aside from good photo ops with the now-departing Jesse Ventura, Governor of Minnesota, or other things like that, this fall, the U.S. Army Corps of Engineers is bringing more U.S. water into Manitoba, and this Government is doing nothing about it.

So I ask the Premier (Mr. Doer) to come back from his governors' meeting with some hard information as to how we can, in a civil way, respect the long-standing boundary agreement that governs international waters on such

important issues like Devils Lake water that is going to be funnelled into Manitoba starting this fall.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I ask for leave to speak to the minister's statement.

**Mr. Speaker:** Does the honourable member have leave?

**Some Honourable Members:** No.

**Mr. Speaker:** Leave has been denied.

### TABLING OF REPORTS

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I am pleased to table the Law Reform Commission 31st Annual Report 2001-2002, and the Seizure and Impoundment Registry Annual Report for 2001-2002.

### INTRODUCTION OF BILLS

#### Bill 38—The Public Health Amendment Act

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the honourable Minister of Intergovernmental Affairs (Ms. Friesen), that leave be given to introduce Bill 38, The Public Health Amendment Act; Loi modifiant la Loi sur la santé publique, and that the same be now received and read a first time.

*Motion presented.*

**Mr. Chomiak:** The Public Health Amendment Act will allow public health inspectors and peace officers to search for and seize substances and equipment that are reasonably believed to be for purposes of inhaling intoxicants. It will also contain consequential amendments to other acts permitting this type of function to suspend and deal with this matter.

*Motion agreed to.*

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable

members to the Speaker's Gallery where we have with us today Mrs. Mae Salikin. Mrs. Salikin is the sister and guest of the honourable Member for Fort Garry (Mrs. Smith). On behalf of all honourable members, I welcome you here today.

Also in the public gallery we have from Windsor School 50 Grades 7 to 9 students under the direction of Mr. Chris Arnold. This school is located in the constituency of the honourable Member for St. Vital (Ms. Allan).

Also in the public gallery we have from Ste. Rose School 23 Grade 5 students under the direction of Mrs. Judy Wolff. This school is located in the constituency of the honourable Member for Ste. Rose (Mr. Cummings).

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

\* (13:45)

## ORAL QUESTION PERIOD

### Manitoba Hydro Debt Reduction

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, because this Minister of Finance (Mr. Selinger) ran a deficit last year, he is now forcing Manitoba Hydro to give the Doer government a million dollars a day. In their most recent report on Manitoba Hydro dated last October, Dominion Bond Rating Service stated that, and I will quote, the utility is not subject to a strict dividend policy which typically limits debt reduction and the growth opportunities of other government-owned utilities. We know that this Government is demanding a huge dividend from Hydro. Will the minister admit that his million-dollar-a-day grab will have an impact on the debt reduction of Manitoba Hydro?

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** The report from the Dominion Bond Rating Service actually improved our outlook from stable to positive, and for that reason I am glad that the member opposite has raised that report because it is the first time, I believe, in about seven years that we have had an improvement in our rating from that agency.

**Mr. Murray:** That is interesting because it says very clearly, according to the financial outlook

of Manitoba Hydro, the Dominion Bond Rating Service stated, with its commitment to ensure capital expenditures do not exceed internally generated funds, the financial ratios of the utility should improve slowly as long as the dividend payment to the Province is avoided. That is according to the Dominion Bond Rating Service, Mr. Speaker. We know this Government is demanding a huge dividend from Manitoba Hydro. Will the minister confirm sworn testimony of Manitoba Hydro officials that his million-dollar-a-day grab will delay Hydro achieving their prescribed debt equity ratio by at least five years?

**Mr. Selinger:** Mr. Speaker, Manitoba Hydro was ahead of its original projections on its ability to meet its targets and, as I have indicated earlier, during the last six years Manitoba Hydro has generated \$943 million of profits, a very strong record for any Crown corporation in this country. Out of that \$943 million dollars, we are proposing to take \$288 million over the next three years to stabilize the finances in Manitoba. This Dominion Bond Rating Service report has acknowledged the good financial management we have by increasing our rating from stable to positive for the long term.

**Mr. Murray:** What this Minister of Finance is ignoring is that the Dominion Bond Rating Service set off alarm bells warning Manitoba Hydro and he has absolutely ignored them, Mr. Speaker. Will the Minister of Finance acknowledge that his million-dollar-a-day grab is going to cost Manitoba Hydro whether it is on the debt services or the fact that it is going to have to increase its rates? Why will he not come clean with Manitobans?

**Mr. Selinger:** What we have here is a repeat of questions that we have answered previously. We have indicated from the very beginning that Manitoba Hydro would have to on a business case basis justify borrowing for other capital projects. That is normal practice in any corporation, Mr. Speaker. Corporations do justify their capital borrowing based on the value of the assets they are going to acquire and build in the organization.

What is important here is for the first time in seven years this agency has improved the rating for the Government of Manitoba and the

management that it has provided to all its entities, including Crown corporations.

\* (13:50)

### **Manitoba Hydro Financial Statements**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, senior officials at Manitoba Hydro have confirmed that on June 13, more than 10 days ago, the board of Manitoba Hydro passed a motion whereby they approved the financial statements ending March 31, 2002, of Manitoba Hydro. Obviously, the Premier (Mr. Doer) and the Minister of Finance, the Minister responsible for Hydro, have had access to these statements because just last week, on June 18, they both stood up in this House and quoted Hydro's profits at \$209 million. I am wondering if the Minister responsible for Hydro would be willing to share with all Manitobans today how much cash was on hand at March 31.

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** I am very pleased that the Member for Fort Whyte has finally acknowledged that the profit for Manitoba Hydro is in the order of somewhere between \$209 million and \$215 million. We are starting to make progress in understanding just how profitable that corporation has been over and above what its original forecasts were.

During the last six years it has had a profit of \$945 million. Out of that \$945 million, we are projecting a dividend in the order of \$288 million spread over the last fiscal year and the next two fiscal years.

**Mr. Loewen:** I would ask the minister if he will stand by the Premier's statements, who said on June 18 the profit of \$209 million includes the first three months. He also said Manitoba Hydro will make \$209 million in '01. Those are direct quotes from the Premier of this province. If the Premier and the minister have seen the profit numbers from the statements that have been approved, why will he not share with Manitobans the amount of cash on hand at March 31?

**Mr. Selinger:** Once again, I am delighted that the members acknowledge that there has been a

profit of at least \$209 million projected for the '01-02 fiscal year for Manitoba Hydro, and out of that \$209 million we are projecting a \$150-million dividend. When you deduct \$150 million from \$209 million, it is plain to see that there will be a healthy profit for Manitoba Hydro in that fiscal year.

**Mr. Loewen:** My supplementary to the Minister of Finance. You have seen the statements approved by the board. How much cash is on hand at March 31? How much money did they have in the bank before you are trying to take \$150 million out?

**Mr. Selinger:** First of all, Mr. Speaker, the Member for Fort Whyte should not make assumptions about which statements I have seen. I have not yet received the financial statements for Manitoba Hydro, but they have indicated very clearly that their profits will be \$209 million for the '01-02 fiscal year. For the year prior to that they were \$270 million, for the year prior to that they were \$152 million, for the year prior to that, \$100 million and for the two years prior to that, \$212 million. It is plain to see that out of the \$945 million of profits, a dividend of \$288 million is a sustainable amount.

There has been testimony in front of the Public Utilities Board that indicates that with this dividend there is no expectation rates will have to increase as a result of that. Their normal forecasts will hold, and we can be very thankful we have a utility that can generate those profits to allow us to stabilize finances in Manitoba when corporate taxes are down \$228 million.

### **Point of Order**

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. Three very simple questions and they all related to how much cash was on hand to fix the \$150-million cash grab that this minister did.

**Mr. Speaker:** Order. The honourable Minister of Finance, on the same point of order.

**Mr. Selinger:** I will not take the opportunity to abuse the rules like the Official Opposition

House Leader and make a speech on a point of order. I will simply say I have tried to answer the question thoroughly. I have done it many times, and I have done so again today.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, it is not a point of order. It is a dispute over the facts.

\* \* \*

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. If you do not mind, I think my responsibility as a Speaker is to conduct business of the House. I will try the best I can. The honourable Minister of Finance, have you concluded your comments?

**Mr. Selinger:** Yes, I have, Mr. Speaker.

**Mr. Speaker:** Okay, very good.

\* (13:55)

**Mr. Loewen:** Mr. Speaker, the facts are simple. The board of Manitoba Hydro approved their annual report on June 13. I am going to ask the minister why he is not following the act, The Manitoba Hydro Act, which in section 46(1) states: The minister shall lay a copy of the report of the board before the Legislative Assembly forthwith.

I remind him that Webster's dictionary definition of "forthwith" is "immediately." Why is this minister sitting on the statements?

**Mr. Selinger:** Mr. Speaker, when the statements are provided to me, I will be happy to provide them to the Legislature.

**Mr. Loewen:** Mr. Speaker, if this minister and if the Premier have not seen these statements, then why, on June 18, did the Premier stand up in this House and say the profit of \$209 million includes the first three months of this year, and also say Manitoba Hydro will make \$209 million in the '01 year? Those are direct quotes from Hansard.

Is the minister saying that he and the Premier are just making this number up, and they have not seen the statements?

**Mr. Selinger:** Mr. Speaker, I know the member opposite likes to develop conspiracy theories on a regular basis and often does it on the basis of inaccurate information.

If he would look at the Budget document that we have provided, in that Budget document we very clearly said on page—it looks like B19, that there would be approximately a \$209-million profit. That is the source of the information, and that is the source that was available to the member for the last couple of months.

**Mr. Loewen:** Mr. Speaker, my question to the minister is: Who is sitting on the statements? Who is hiding the information from Manitobans, the Minister of Finance or the Minister responsible for Hydro?

**Mr. Selinger:** Mr. Speaker, once again I have provided accurate information. At the day that we dropped the Budget that information was available to the member opposite. Now he seems to have discovered it two and a half months later. If he would have done his homework and read the Budget document, he would have seen that the information was right there. Instead, he takes the slow and lazy approach and discovers it two and a half months later.

### **Palliative Care Medication Expenses**

**Mrs. Myrna Driedger (Charleswood):** In September 2000 and again in September 2001, this Minister of Health stood before hundreds of people at a palliative care conference and promised that people dying at home would not have to pay for medications. In fact, some of those people that were at those conferences were people who were dying.

I would like to ask this Minister of Health why he broke his promise to these people.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I attended both of those conferences because we took a very serious view of palliative care. We announced a dedicated home care service to palliative care.

We put in place a 24-hour, seven day per week professional nursing response team that

was not in place when members opposite were government. We put in place specialized case managers and essential support services to palliative care that were not in place when the member sat around with members opposite.

We put in place medical and surgical supplies; we put in place capital equipment; and we put in place dedicated physicians to palliative care. It was part of a 2.75-million comprehensive palliative care package that we announced coming into office in order to deal with the issue of palliative care.

**Mrs. Driedger:** Mr. Speaker, I would like to table a letter that the minister received on May 21 from Hospice and Palliative Care Manitoba, which, by the way, he has not responded to and he has had it for over a month, where they say, and I quote, it is now a full 18 months after the announcement and families are still bearing the financial burden. This is unacceptable. It is time for you and your Government to live up to your word.

I would to ask this Minister of Health: When is he going to live up to his word?

\* (14:00)

**Mr. Chomiak:** First off, Mr. Speaker, we put in place a palliative care program that is second to none in the country, of which we have been recognized as having one of the best in the country. We put that in place upon coming into office to deal with palliative care. I might add, when the members opposite were in government for 11 years—nothing, for 11 years when that member was an assistant to the Minister of Health there was not a program like this. So, for the members opposite to be saying after 18 months, I think is a bit stretching it.

We have not put in place the final portion of that program, which is the drug portion which we are working on. I admit, Mr. Speaker, I would like to have done it sooner. It will happen. But, we are—*[interjection]*

If the members opposite want to hear the rest of the answer, I will give it next time.

**Mrs. Driedger:** Mr. Speaker, I would like to ask this Minister of Health: Does his word not mean anything to him anymore?

**Mr. Chomiak:** When I stood in front of the palliative care conference and put our commitment—*[interjection]* Mr. Speaker, when I stood in front of the palliative care conference and outlined a comprehensive palliative care program, we put in place a comprehensive palliative care program at St. Boniface, 24 hours. The final component is the drug portion.

You are aware, we are all aware in this Legislature of the pressures on drugs. It was a commitment made, Mr. Speaker. It will be a commitment kept, and it will happen.

**Mr. Speaker:** The honourable Member for Charleswood, on a new question.

#### Freedom of Information Requests Alterations

**Mrs. Myrna Driedger (Charleswood):** On a new question, Mr. Speaker.

Mr. Speaker, the ability to get information through Freedom of Information was put into place because people were frustrated by government secrecy and needed a process where they could get correct information from the government. Last week, this Government tampered with that process.

I would like to ask the Minister of Health if he could tell us why two Freedom of Information documents, not one, but two, were changed after he learned that these two documents showed an alarming increase in the numbers of nursing vacancies in the ICUs at the Health Sciences Centre and at St. B. Why did this information change after his office made a call to the WRHA?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, when we came into office we took FIPPA, which was not extended to the regional health authorities and the hospitals, and we extended it to the regions and to the hospitals, something that was not done for 11 years. We could not get that information.

The heights of hypocrisy have been stated in this Chamber today when we hear members opposite, who failed to provide that information, when we took it and we extended it to all the

regions and all the hospitals and anyone can FIPPA it. I am amazed, Mr. Speaker, at the extent to which members opposite will attempt to deal with matters that they failed to deal with for 11 years.

**Mrs. Driedger:** Mr. Speaker, I would like to table the original Freedom of Information documents and the revised ones that I received.

I would like to ask the Minister of Health: Who ordered that these numbers be changed to make the situation look less serious than what it was? Who ordered those numbers to be changed?

**Mr. Chomiak:** Mr. Speaker, the Opposition has tabled and FIPPA'd literally hundreds and hundreds and thousands of documents that we have allowed, because we extended the act to include regional health authorities and hospitals. We provided the authority for the regional health authorities and the hospitals to provide that information. Members opposite might have interfered in the process. They might have prevented information when they were government.

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Speaker:** The honourable Member for Turtle Mountain, on a point of order.

**Mr. Mervin Tweed (Turtle Mountain):** Yes, Mr. Speaker. *Beauchesne* 417: must not provoke debate. The minister is very well aware these numbers were changed last Thursday after an inquiry was made to his department. The Winnipeg Regional Health Authority adjusted the numbers they presented to us in February and again this spring. The question is simple: Who are the people of Manitoba to trust?

**Mr. Speaker:** The honourable Minister of Health, on the same point of order.

**Mr. Chomiak:** Mr. Speaker, I do not know how members operated when they were in government. They might have manipulated, changed, called people and then told them not to do things. FIPPA was extended to the hospitals; information is provided, and it continues to be provided. Whether or not information is pro-

vided that is different from what members opposite wanted or from what information is, is the position and the purview of the agency that offers the information. But to suggest that we would—

**An Honourable Member:** Changed the numbers. You changed the numbers.

**Mr. Chomiak:** Members opposite might have followed that practice, but it is not the practice of members on this side of the House.

**Mr. Speaker:** Order. On the point of order raised by the honourable Member for Turtle Mountain, he does have a point of order. I would like to draw to the attention of all honourable ministers, *Beauchesne* 417: Answers to questions should deal with the matter that is raised.

\* \* \*

**Mr. Speaker:** The honourable Minister of Health, to conclude his answer.

**Mr. Chomiak:** Yes, thank you, Mr. Speaker. The information tabled by the member opposite, as far as I can see, is information that was provided from the WRHA to the members opposite. Now what is the member talking about?

**Mrs. Driedger:** Mr. Speaker, what are Manitobans to believe now that this Minister of Health has called into question the validity of all FOIs that are presented to this House, and he has seriously damaged what little transparency there is in our health care system?

**Mr. Chomiak:** Mr. Speaker, when I was the Health critic for a period of seven years, we could not get information from hospitals; it was not allowed. We could not get information from regional health authorities; it was not allowed. We could not FIPPA that information; it was not allowed. When we came into office, we said we would allow that information to be provided to the public, and we extended FIPPA to include agencies, health authorities and hospitals. I daresay the member has got more wrong that she said in this House than in any FIPPA documents I have ever seen.

#### Winnipeg Casinos Second-Hand Smoke

**Hon. Jon Gerrard (River Heights):** In Question Period on May 9, the Minister responsible

for the Manitoba Lotteries Corporation said in reference to the casinos: I want to point out, and this is a quote, that those workers who have especially asked that they have work that does not bring them into contact with second-hand smoke are being accommodated.

Olivia Caceres, who works at the McPhillips Street Station and is now seven and a half months pregnant, has not been accommodated, even though requests were made by herself and her doctor in February, in March, in April, in May and in June. Why has Olivia Caceres not been accommodated?

**Hon. Diane McGifford (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** I beg to differ with the information presented by the member today, but I also want to state I do not think it is in the interests of the public, nor do I think it is in the interests of this absolute individual, who certainly has not given me licence to speak in this Legislature about her. So, since this is a human resources matter, I really do not want to discuss it in this House. However, I do invite the member opposite, if he wishes, to meet me in my office and discuss this individual, this matter.

**Mr. Gerrard:** Mr. Speaker, my supplementary to the minister: Why is the minister not so concerned about the effects of second-hand smoke on pregnant women that she did not ensure that Olivia Caceres was in a smoke-free area rather than just in a so-called designated, so designated non-smoking area which is so close to an area where there is a lot of smoke, that she is exposed to a lot of second-hand smoke?

**Ms. McGifford:** Mr. Speaker, several years ago I think I showed my commitment to pregnant women and the effects of second-hand smoke when I joined with the current Minister of Industry, Trade and Mines (Ms. Mihychuk) and made sure there is not smoking allowed in the room next door, in the members' room just outside here.

I have already said to the member that I do not accept the information put on the record by the member. In fact, attempts have been made to accommodate this individual, the details I am willing to discuss with the member in my office.

It is a personnel issue, it is a human resources issue, and I am not prepared to discuss the details of this individual's affair in this House.

\* (14:10)

**Mr. Gerrard:** Mr. Speaker, this is a health issue, and if it had been resolved over the course of the last several months or even when I wrote to the minister several weeks ago, it would not have been necessary to bring it up here. So I ask the minister once again: Why has she hesitated to take effective action on behalf of this pregnant woman and others?

**Ms. McGifford:** If this member truly seeks an answer, truly seeks information, he can follow the course of action that I have outlined. Instead, he wants to politically grandstand in this House. He is not interested in this individual, or he would come to my office as I have suggested.

#### **Freedom of Information Requests Alterations**

**Mr. Mervin Tweed (Turtle Mountain):** Manitobans are becoming more and more disillusioned about who they should trust with this Government. When the current Government does not like the numbers, they change them. By redoing the numbers, the Health Minister has reduced the number of vacant ICU nursing positions from 116 to 82. My question is simple to the minister: Did he or anyone in his office contact the regional health authority last Thursday and ask them to adjust the numbers?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, the regional health authority receives FIPPAs. It provides that information to members opposite and has done so; hundreds and hundreds, maybe thousands of pages.

**Mr. Speaker:** The honourable Member for Turtle Mountain, on a new question.

**Mr. Tweed:** My question is: Who encouraged the Winnipeg Regional Health Authority to change the numbers last Thursday? Last Thursday we presented the minister with a set of numbers that were provided through Freedom of Information and immediately those numbers were adjusted. The question is simple. Is the

minister tampering with the numbers given to us by the Winnipeg Regional Health Authority?

**Mr. Chomiak:** The member is talking about providing me with numbers last Thursday. The members did not provide me with any numbers last Thursday.

**Mr. Speaker:** The honourable Member for Turtle Mountain, on a new question?

**Mr. Tweed:** Yes, Mr. Speaker. It is becoming more and more obvious. We raise the Hydro issue one day in the House; the next day we get a letter from the president. We raise the Workers Compensation Board; the next day we get a letter from the chairman. Now we raise the numbers issue given to us on a Freedom of Information by the Winnipeg Regional Health Authority; immediately we get a corrected notice of the change in numbers.

My question: Is the minister, or Terry Goertzen, or is somebody directing the Winnipeg Regional Health Authority to change the numbers and not provide us with the accurate numbers when requested?

**Mr. Chomiak:** Let me see if I understand what the member said. The member said that they presented some numbers here that we dealt with. There were no numbers provided in this House by members opposite. Second *[interjection]*

**An Honourable Member:** You asked the question; let him answer.

**Mr. Chomiak:** If the member is interested in an answer, if he would allow me to answer the question, perhaps I could clear up the confusion that the member is having with this issue.

First off, the members opposite talked about presenting numbers here. As I recall last week, Mr. Speaker, the members did not present any numbers with respect to this. They did not deal with that. Secondly, they have provided hundreds of requests, as far as I understand, to the various regions and that information is provided to members opposite.

The members talk about changing numbers. From the information that I have in front of me

that the members provided, there are numbers provided and there are additional numbers provided. I do not know what the members are talking about.

### **Workers Compensation Investments—True North Project**

**Mr. Leonard Derkach (Russell):** My question is to the Minister of Labour. In 1988, the Pawley government left the Workers Compensation Board with an \$11.2-million deficit and a \$232-million unfunded liability. In contrast, in 1999 the Filmon government left the Workers Compensation Board with an \$8-million surplus. They had eliminated the unfunded liability and left a \$20-million accident fund in place.

Today, the Minister of Labour (Ms. Barrett) has an operating deficit of \$2.4 million, which she has raided from the reserve to make sure her books are balanced. At the same time, rates are going up by 11.4 percent.

How can the minister justify putting \$7.5 million more dollars of ratepayers' money at risk, knowing that in fact taking an equity position puts those ratepayer dollars at risk?

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** First of all, the rate increase as of July 1 is 4.7 percent, not 11-something that the member put on the record. The assessment rate, even with that increase, still the lowest rate in the country compared to Alberta; just take one example of one province, the province of Alberta, where the workers compensation rates went up in one year 23.7 percent. We still have the lowest rates in workers compensation in the country.

Mr. Speaker, on May 31, the chair of the Workers Compensation Board wrote to the Member for Kirkfield Park (Mr. Murray), the Leader of the Official Opposition, and copied the member for Roblin, the workers compensation critic, suggesting they might want to come and be briefed by the chair of the Workers Compensation Board. I suggest they take advantage of that offer.

**Mr. Derkach:** On a new question, Mr. Speaker.

**Mr. Speaker:** The honourable Member for Russell, on a new question.

**Mr. Derkach:** Mr. Speaker, experience shows when the Government gets into trouble they run to one of their CEOs to write a letter to the Opposition. When Hydro got into difficulty, Mr. Brennan was asked to write a letter explaining Hydro's position. When the Workers Compensation Board gets in trouble, Mr. Fox-Decent is told to write a letter to explain their position. I hold the minister accountable, and that is whom I have a question for.

I want to ask this minister why, through this investment, she is putting ratepayer money at risk, \$7.5 million worth, and in fact, because Workers Compensation has taken an equity position, a shareholder position, a cash call may be made which will indeed put more than \$7.5 million at risk. Why is this minister doing this?

**Ms. Barrett:** Mr. Speaker, I would refer to the third point from the May 31 letter to the Leader of the Official Opposition (Mr. Murray) and to the member for Roblin, and I quote: With regard to True North, the Workers Compensation Board investment committee has agreed to a standby line of credit of \$7.5 million. The funds may or may not be used, but if used we will have a very favourable rate of return.

I again ask the Official Opposition why they do not go to the chair of the Workers Compensation Board who is on the investment committee which is under no control of the Government, certainly not under control of this Government, to get the specific answers.

**Mr. Derkach:** On a new question.

**Mr. Speaker:** The honourable Member for Russell, on a new question.

**Mr. Derkach:** The responses we are getting in this House are incredible. First, the Minister responsible for Lotteries says to a question: Come to my office and I will answer it. Now, this minister says: Go to the chair of Workers Compensation Board; they can answer it. What do we have ministers here for?

My question is to this minister. She keeps saying that this is a line of credit when, in fact, shareholder units have been issued to Workers Compensation Board. Is this not an investment?

**Ms. Barrett:** Mr. Speaker, clearly the members opposite are not concerned with the development of downtown Winnipeg. However, if the Member for Fort Whyte (Mr. Loewen) cannot make it happen, he does not want it to happen by anybody else.

\* (14:20)

**Mr. Derkach:** Mr. Speaker, this minister has bungled another issue. First it was MPI. Today we see that MPI is running a deficit because of her bungling. Now it is Workers Compensation Board. Now she has put ratepayer dollars at risk because of an unwise investment showing that indeed more than \$7.5 million is going to be put at risk.

Will this minister guarantee that no more than \$7.5 million of ratepayer money will be put at risk through Workers Compensation Board?

**Ms. Barrett:** Mr. Speaker, the investment committee decisions, of which this is one, the investment committee of the Workers Compensation Board of Manitoba manages an investment portfolio of over \$700 million. They do not come to the Government in any way, shape or form for any approval, because it is an arm's-length Crown agency.

This is the role of the investment committee as laid out by The Workers Compensation Act. It is the Workers Compensation Board investment committee that makes those decisions and takes on that responsibility. The person that has offered to provide all of the specific detail background is the chair of the Workers Compensation Board, Wally Fox-Decent.

I again ask the members opposite: Why do they not take advantage of the offer to meet personally with the chair of the Workers Compensation Board? They do not obviously want to know the answers. They want to continue this personal attack on the chair of the Workers Compensation Board.

#### **Department of Justice Staff Conduct**

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, in April 2000 Mr. Deveryn Ross contacted the Minister of Justice's office to express concerns

about questionable conduct by departmental and Justice staff related specifically to his case.

Can the minister advise what action he undertook to investigate the validity of Mr. Ross' claims?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I will take that as notice, Mr. Speaker.

#### **Manitoba Labour Board Vice-Chairpersons**

**Mr. Ron Schuler (Springfield):** To the Minister of Labour, Mr. Speaker. As Bill 27 will add considerable work to the Labour Board, has the minister replaced Vice-Chairperson Jack Chapman, and what is the status of the other two vice-chairpersons?

**Hon. Becky Barrett (Minister of Labour and Immigration):** Mr. Speaker, we have two very capable vice-chairpersons of the Manitoba Labour Board. We are looking to put in place another one or maybe two vice-chairpersons to take on the work and continue the very good work that the Manitoba Labour Board has provided to the workers and employers of the province.

**Mr. Schuler:** Then does the minister not know that Diane Jones resigned effective June 14 and Joy Cooper will resign effective September 1? Has the minister bungled another issue? What is happening at the Manitoba Labour Board?

**Ms. Barrett:** Mr. Speaker, the two vice-chairs of the Labour Board that the member is referring to will continue their connection with the Labour Board. They are going to now have their positions paid on a per diem basis. If the member would have gotten his information correct, he would have known that. They will continue to provide the support and the good service that they have for a number of years to the Labour Board.

**Mr. Schuler:** Is the minister aware that the two vice-chairs will now no longer be full-time positions and that as per diem basis they are not committed to be there?

Mr. Speaker, I ask the Minister of Labour: How is she going to ensure that there is speedy

dealing with issues that go before the Labour Board on an urgent basis when the two vice-chairs are on a per diem and now will be meeting with the Labour Board as it suits them? Will she make sure that the Labour Board functions appropriately?

**Ms. Barrett:** I will guarantee the Manitoba Labour Board will continue to do its work in the excellent manner it has done for the last number of years.

#### **Workers Compensation Investments—True North Project**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, it has been reported in the papers, along with the \$7.5-million standby line of credit that has been issued by the Workers Compensation Board, the Workers Compensation Board has agreed to acquire two million limited partnership units.

Is the minister aware that the Workers Compensation Board is acquiring limited partnership units, and would she advise the people of Manitoba accordingly?

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** Mr. Speaker, at the fear of sounding like a broken record, I would urge the members opposite to take advantage of the information that was given to the Leader of the Official Opposition (Mr. Murray).

I have the full understanding of the fact that the investment committee is an arm's-length body from the Government—the Workers Compensation Board. The information I have received is that—

**Mr. Speaker:** Order.

#### **Point of Order**

**Mr. Speaker:** The honourable Member for Russell, on a point of order.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, on a point of order, 417 of *Beauchesne* states that answers to questions should be brief and deal with the matter raised.

The Member for Fort Whyte asked the minister very directly whether she is aware that

the \$7.5-million investment in True North is in fact an investment where \$2 million was taken out in shares. That was the question. The minister keeps avoiding that question.

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, there appears to be a dispute among members opposite as to how to best frame a question. I choose the Member for Russell.

**Mr. Speaker:** Order. On the point of order raised by the honourable Member for Russell, I have been listening very, very carefully to the questions and to the answers. The questions dealt with money from Workers Compensation. What I heard the minister keep replying was that the offer was made by the chair of the Workers Compensation to hold information for all honourable members, so I would have to rule that this is a dispute over the facts.

\* \* \*

**Mr. Speaker:** The honourable Minister of Labour and Immigration, have you concluded?

**Ms. Barrett:** Mr. Speaker, I hold the investment committee, the decisions they make and the fact that they control and work with their over \$700-million investment portfolio, in the greatest of respect. I, along with most other Manitobans, with the possible exception of the 23 members of the Opposition, also hold the chair of the Workers Compensation Board in the greatest of respect.

**Mr. Loewen:** On a new question.

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

**Mr. Loewen:** Mr. Speaker, this is unbelievable. I would suggest to the minister maybe she should have a briefing with Wally Fox-Decent. She is not even aware of facts that were reported in the local media over two weeks ago. I would ask the minister if she understands that the \$2 million in limited partnership units that have been subscribed to by the Workers Compensation Board, is she aware they carry the same

risks and the same obligations as the limited partnership units that are being sold to the private sector right now?

**Ms. Barrett:** Mr. Speaker, it is an interesting question coming from someone who does not even recognize the fact that the comments that were made and the figures that were being spoken about in answers by the Minister of Finance (Mr. Selinger) were figures that were available in the Budget Address. I also would like to suggest the Member for Fort Whyte—

**Some Honourable Members:** Oh, oh.

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

\* (14:30)

#### Point of Order

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. The question was very clear.

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

**Mr. Mackintosh:** Well, Mr. Speaker, of course, the role of Question Period is to seek information. I am just trying to assist as it is our generous way. We suggested that, instead of having to bring questions in here and put other ones off the agenda, the Opposition can simply look at the Budget papers presented some time ago and can also, of course, go and meet with Mr. Wally Fox-Decent, a person beyond reproach in terms of all the details, all the background information that they seek. Get it right from the source.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order. *Beauchesne* Citation 417: Answers to questions should not provoke debate.

\* \* \*

**Mr. Speaker:** The honourable member has concluded her answer. Time for Oral Questions has expired.

## MEMBERS' STATEMENTS

### Dakota Collegiate Athletic Awards

**Ms. Linda Asper (Riel):** On June 5, 2002, I had the pleasure of attending Dakota Collegiate's athletics awards evening, along with parents, students and staff, to honour young athletes for their achievements. Dominic Buccini, master of ceremonies and physical education staff member, welcomed us all to the celebration.

I was delighted to present provincial certificates to the Dakota Lancers, winners of the provincial 2002 boys AAAA high school basketball championship. Congratulations to these players and their coach, Dean Favoni, for winning Dakota's first provincial title since 1980.

Other awards included most outstanding athletes for 2001-2002: Senior 1 girls, Stacey Corfield, Tahnee Horton, Corinne Kehrer; Senior 1 boys, Cameron Hornby, Konrad Korkowski; Senior 2 girls, Christina Lamorte; Senior 2 boys, Glenn Galupe; Senior 3 and 4 girls, Jennifer Tone, Maria Peacock; Senior 4 boys, Trevor Shaw, Adam Thordarson.

The collegiate's jazz band entertained us during the event under the leadership of M. Stephen and J. Munroe.

The Dakota Collegiate physical education staff deserve to be proud of the young people with whom they work. Congratulations to them for their commitment and many hours of coaching. The volunteer coaches at Dakota Collegiate also deserve praise for their contribution.

Finally, a special thanks to Ron Guarino, school principal, who fosters a positive school environment for the physical education program and the various sports at Dakota Collegiate.

### Women's Fitness Championship

**Mrs. Heather Stefanson (Tuxedo):** On Saturday, June 22, I had the pleasure of attending the 2002 Canadian Body Building Federation, Canadian Women's Fitness Championships and all-new Women's Physique Challenge Health and Fitness Expo entitled "Celebrate the Power of the Feminine Spirit." Athletes from all across Canada attended the

event that was held in Winnipeg this year, the first time the event has ever been held outside Ontario.

A record number of athletes, I believe around 55, competed this year in the ever-growing sport that has each athlete develop high levels of mental and physical skills. It was extremely entertaining and inspiring, with athletes competing in the areas of strength, flexibility and endurance. Growing popularity of the event is evident by the number of people who attended the event that was expected to be in excess of 700 people. Congratulations to all those who participated in this year's event. You should all be commended for your dedication and commitment to achieving such incredible physical and mental well-being.

We hope we have the pleasure of hosting future events for the Canadian Body Building Federation in years to come right here in Manitoba.

Special congratulations go out to two constituents of mine, Kary and Uche Odiatu, who not only organized the event along with several volunteers but were responsible for bringing this incredible event to our province. Their perseverance and dedication to our community is commendable, and I thank them for everything they did to place our city and province on the national map of excellence. They recently published a book entitled *Fit for the Love of It*, which was launched at McNally Robinson bookstore in February 2001. I admire both Kary and Uche for their incredible self-discipline and devotion to the well-being of people in our community, in Canada and around the world.

Congratulations to Kary, to Uche, and to all the contestants in this year's 2002 CBBF Canadian Women's Fitness Championships and all-new Women's Physique Challenge Health and Fitness Expo, "Celebrate the Power of the Feminine Spirit." I wish each and every one of you every success and look forward to seeing you at future events in Manitoba.

### Learning Through the Arts Program

**Mr. Jim Rondeau (Assiniboia):** Good day, Mr. Speaker. I rise today to bring all members'

attention to a very innovative education program that is being offered in St. James School Division and, in particular, two schools in my constituency, Buchanan School and Voyageur School. The Learning Through the Arts program is a program that is piloted in kindergarten and Grade 3 and is based on trying to take curriculum from language arts, science and math, take it into art and combine it as a total curriculum-based instruction. It combines storytelling, puppetry, music, visual arts and dance and links it to the core area subjects.

In particular, we have Buchanan School. In its program, it hooks up specially selected local artists with classroom teachers, who together collaboratively plan three specific units of study using an artistic medium.

For example, a dancer from the Winnipeg Contemporary Dancers co-planned and co-taught a unit on negative and positive numbers and space with the Grade 3 teacher and students. A puppeteer planned a unit with the kindergarten teachers on math attributes, and kindergarten students made puppets using these attributes. A videographer co-planned and co-taught a unit with the Grade 3 teachers and students, teaching them how to make a video documentary on soils and erosion. A storyteller worked in the kindergarten classes and shared storytelling strategies with teachers, who then used them as a basis for improving the students' oral literacy skills.

This program is off to a flying start with lots of wonderful reviews from teachers, students and parents. It is innovation like this that really enhances schools, brings in partnerships and makes learning come alive.

I would like to take this opportunity to thank Cheryl Chaban, Liz Corbett, Jennifer Fraser, Regine Wetzal, Barbara Powell, Cathy Breckman, JoAnne Sommerfeld and the others who made this program possible.

#### 4-H Rally

**Mr. Peter Dyck (Pembina):** Mr. Speaker, excitement buzzed through the town of Manitou on June 7 as over 400 people gathered for the Morden and Pilot Mound District 4-H Rally. Included in those 400 were 244 members and 65

leaders, along with very supportive parents and grandparents. The event was sponsored by the Department of Agriculture and Food.

The day began with a parade led by flag bearers Marnie Gillis of the Pembina Valley 4-H Club and Laurel Neustaedter of Clearwater Beef. As the day progressed, members participated in livestock judging, home ec questionnaires, dress revue, workshops and a fun-filled team event: the amazing 4-H race.

The afternoon concluded in the Manitou arena, where I had the privilege of joining Ms. Linda Sprung in presenting awards to deserving recipients. The awards covered a wide variety of categories, but there was one very special award of the evening. Mr. Bill Windsor, leader of the La Rivière 4-H Beef Club, was honoured with a plaque commemorating his 40 years of outstanding leadership with the club.

I would like to take this time to commend Mr. Windsor on his 40 years of service. His involvement and undying commitment sets an example to all those in his community. I would also like to congratulate all other award recipients for their achievements. It is my hope that they will continue to be involved in such a worthwhile organization and perhaps convince others to become involved as well.

#### Marlene Street Tenants Association

**Ms. Nancy Allan (St. Vital):** A group of volunteers in my constituency is making a real difference for their community. The Marlene Street Tenants Association was formed in 1998. Located near Lavallee School, Marlene Street houses around 200 children under the age of 16. The association's very small group of volunteers serves people of all ages and from all cultural backgrounds.

Among its many services, the association has formed a moms-and-tots group for preschool children and their mothers. There the children get to socialize by playing educational games and going on outings. Mothers get to meet others, as well as benefit from visits from Youville Centre nurses.

\* (14:40)

The association maintains a clothing depot, runs kids' crafts groups, holds classes on traditional beadworking, as well as barbecues on Mother's Day and Father's Day. It is also a Winnipeg Harvest site. There is a definite demand for the work the volunteers do. For example, the association recently held a dance where 50 young people showed up. The group has a community-connections computer lab, which is a free government-funded computer lab available to the public for Internet and other useful purposes.

Working with other groups, the Marlene Street Tenants Association hopes to turn the former St. Vital dump along the Seine River into a park with a walking trail, skating rink and a basketball court. There is also a seniors complex in the immediate area whose residents benefit greatly from this group's work. They will be able to make use of the new park area.

Mr. Speaker, I would like to thank the Marlene Street Tenants Association for taking the initiative to help develop a sense of community in their neighbourhood. I would like to extend my best wishes to Mindy Avenson [*phonetic*], vice-president; Wendy Norman, secretary; Julie Harper, treasurer; and Barbie Fox, past president but still very active with the group. These women and the others who help out have shown an exemplary commitment to their community and to those in need. It is amazing that so few people can do so much.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, is there leave to revert to tabling of reports?

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

#### TABLING OF REPORTS

**Hon. Diane McGifford (Minister of Advanced Education):** Mr. Speaker, I am pleased to table the Supplementary Information for Legislative Review for the 2002-2003 Departmental Expenditure Estimates for the Manitoba Department of Education, Training and Youth and Manitoba Advanced Education.

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

#### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I would like to seek unanimous consent of the House for a standing committee to meet simultaneously with the House on the morning of Thursday, July 4, at 10 a.m., and to waive a quorum count.

**Mr. Speaker:** Is there unanimous consent of the House for a standing committee to meet simultaneously with the House on the morning of Thursday, July 4, at 10 a.m., and that there be no quorum count for that morning? Is it agreed? [*Agreed*]

**Mr. Mackintosh:** Mr. Speaker, I would like to announce that the Standing Committee on Privileges and Elections will meet on Thursday, July 4, at 10 a.m., to deal with the following matters: the Statutory Report on the April 1995 provincial general election. Remember that one, Mr. Speaker? Also, the 1995, 1996 and 1997 annual reports on The Elections Finances Act; the Statutory Report on the September 1997 Portage la Prairie by-election. Remember that one? Also, the Statutory Report on the April 1998 Charleswood by-election; the 1998 Annual Report of the Chief Electoral Officer; the 1999 Annual Report of the Chief Electoral Officer, including the September 1999 election; the 2000 Annual Report of the Chief Electoral Officer, including the November 2000 Kirkfield Park and Tuxedo by-elections.

**Mr. Speaker:** It has been announced that the Standing Committee on Privileges and Elections will meet on Thursday, July 4, at 10 a.m., to deal with the following matters: the Statutory Report on the April 1995 provincial general election; the 1995, 1996 and 1997 annual reports on The Elections Finances Act; the Statutory Report on the September 1997 Portage la Prairie by-election; the Statutory Report on the April 1998 Charleswood by-election; the 1998 Annual Report of the Chief Electoral Officer; the 1999 Annual Report of the Chief Electoral Officer, including the September 1999 provincial general election; the 2000 Annual Report of the Chief

Electoral Officer, including the November 2000 Kirkfield Park and Tuxedo by-elections.

**Mr. Mackintosh:** Mr. Speaker, I am seeking the unanimous consent of the House to vary the Estimates sequence in order to set aside the Estimates of the Department of Agriculture and Food for June 25, 26 and 27 only, and to consider in the place of the Department of Agriculture, the Estimates of the Department of Education, Training and Youth.

**Mr. Speaker:** Is there unanimous consent of the House to vary the Estimates sequence in order to set aside the Estimates of the Department of Agriculture and Food for June 25, 26 and 27 only, and to consider in the place of the Department of Agriculture the Estimates of the Department of Education, Training and Youth? Is there unanimous consent? [*Agreed*]

**Mr. Mackintosh:** Mr. Speaker, I also would like to announce that the Standing Committee on Law Amendments will meet on Wednesday, June 26, at 6:30 p.m. This is in addition to the meeting that was announced for June 25 for Bill 14.

**Mr. Speaker:** It has been announced that the Standing Committee on Law Amendments will meet on Wednesday, June 26, 2002, at 6:30 p.m. This is in addition to the meeting that was announced for June 25 for Bill 14.

**Mr. Mackintosh:** Mr. Speaker, the plan is to do bills today. Would you please call second readings of bills in the following order.

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Just on House business, Mr. Speaker, now that the House Leader has called the committee for Wednesday night as well, could the House Leader guarantee me that nobody will be dropped off the list at the Tuesday night meeting?

**Mr. Speaker:** I have been informed that that is a decision that the committee makes and not the House Leader.

**Mr. Mackintosh:** Mr. Speaker, would you please call second readings of bills in the following order: 13, 25, 26, 28, 31, 37, 33, 34,

39. That will be followed by debate on second readings Bills 29, 30 and such other bills as we advise the House of later this afternoon.

\* (14:50)

## SECOND READINGS

### Bill 13—The Medical Laboratory Technologists Act

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 13, The Medical Laboratory Technologists Act; Loi sur les technologistes de laboratoire médical, be now read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Mr. Chomiak:** This Bill 13 will enact The Medical Laboratory Technologists Act. Currently, there is no legislation in Manitoba governing the practice of medical laboratory technologists. There is such legislation in Alberta, Saskatchewan, Ontario, Québec and New Brunswick. It has also been recognized in British Columbia by the Health Professions Council.

There are approximately 1200 technologists employed in Manitoba in hospitals, public and private laboratories, Canadian Blood Services and in research. The act will require that a person who wishes to practise as a medical laboratory technologist using that title be registered with the College of Medical Laboratory Technologists of Manitoba to meet qualifications set out in the act and the accompanying regulations.

In keeping with other health care professions' regulatory legislation such as Bill 26, The Occupational Therapists Act, and Bill 28, The Registered Dietitians Act, this legislation will require a minimum of one-third public participation on the governing council and on the complaints and inquiry committees. It will require that the council and committee meetings be open to the public, except in defined circumstances as is per the other legislation of similar updated nature in the occupational and the professional categories which ensure that the college conducts its affairs in accordance with

the current principles of law that apply to the administrative bodies. It will state the duty of the college to carry out its regulatory responsibilities in the interest of the public, and it will outline that obviously clearly in the act. It will require that meetings of the council and committees be open to the public except in specified circumstances, Mr. Speaker.

These measures are to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission in its 1994 report on regulating professions and occupations in Manitoba, Mr. Speaker.

The bill will provide the college with the authority to monitor the continuing competence of medical laboratory technologists. They will create complaints and discipline processes to ensure fairness for the complainant and the medical laboratory technologist who may be the subject of a complaint. These processes will comply with current legal requirements for administrative bodies, and will provide consistency with other health care professions' legislation.

Bill 13 will require that the College of Medical Laboratory Technologists of Manitoba provide the minister with an annual report of its activities, including information on the number of occupational therapists registered; the number of complaints received, and the nature and disposition of the complaints; the composition of the governing council; and committees and financial information.

As I indicated, Mr. Speaker, at the commencement of my remarks, this will establish, for the first time in Manitoba, a college of medical laboratory technologists. This college is similar to the professional organization of other professionals and groups in the province of Manitoba, and I think, significantly, is similar to legislation dealing with medical laboratory technologists that is present in other jurisdictions. It deals specifically with the practice of medical laboratory technology and deals with use of title.

The definition of medical laboratory technologist is a very specified term which relates to the definition per the act and dealing with the definition outlined in the act as someone who is

registered as a medical laboratory technologist under the act.

Most of the other processes dealing with appeals, registration of students, certification of registration, cancellation of registration, complaints, the structuring of the complaints committee and the referrals, the decision of the complaints committee and its related matters, the issue of censure, the issue of voluntary surrender of registration, appeals by a complainant, suspension of registration pending decision, inquiry committees, hearings that are conducted under this particular act, decisions of panels under this particular act, appeals to the Court of Appeal, regulation by-law, code of ethics, are contained within the provisions of this act.

Of course, Mr. Speaker, there are significant regulations that will be required to be drafted per this particular process and per this particular professional body.

We have seen in the past several years a number of professional organizations and bodies that have had their acts either implemented or updated. The process of updating and, in fact, the process of providing legislation for this particular body, which is new legislation, is one that was recommended many years ago, and which is well greeted, obviously, by people in the profession, and is looked upon as an ability to provide for enhanced public accountability and, more importantly, safety of the public, as the practice of this profession continues to expand throughout the system.

We will continue to work with all organizations and groups, as we have throughout our tenure, Mr. Speaker, to provide for protection of the public and in the final analysis, the foremost fundamental issue, which is providing the most appropriate services and the best services to provide for the health care, the optimum and best form of health care, for all of our citizens, which, I hope and believe, is the goal of all members of this Chamber, Mr. Speaker.

I am very pleased to have the opportunity to introduce at second reading this particular bill. I look forward to discussion and advice that might be offered during the course of debate on this matter, and I look forward to the committee

hearings that will ensue in this regard, Mr. Speaker, dealing with this particular act as it relates to medical laboratory technologists.

Having outlined the general intent of this legislation and outlined some of the basic principles contained within this legislation and having discussed some of these related issues, Mr. Speaker, I look forward to the discussion of this matter and the speedy passage in this Chamber of this legislation, which will be, I believe, heartily welcomed by the more than 1200 technologists employed in Manitoba in this regard, plus their employers and others who work with them and others in the health care field and profession.

So I look forward to the passage of this particular bill and the ultimate proclamation of this act that has been looked forward to and waited for by the individuals involved in this profession, as well as individuals who receive their excellent service that is provided to them. Thank you, Mr. Speaker.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate be now adjourned.

*Motion agreed to.*

\* (15:00)

#### **Bill 25—The Hearing Aid Amendment Act**

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Member for The Pas (Mr. Lathlin), that Bill 25, The Hearing Aid Amendment Act; Loi modifiant la Loi sur les appareils auditifs, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, I look forward to discussion and comments from all members of this House with respect to The Hearing Aid Amendment Act.

The Hearing Aid Act was enacted in 1971. The Hearing Aid Board was established under the act to regulate hearing aid dealers. The

board, Mr. Speaker, is composed of five members and is responsible for both professional practice and consumer issues. Under that legislation, anyone wishing to dispense hearing aids must obtain licensure through the board.

The amendment before us, Mr. Speaker, with respect to Bill 25, is not, as in the previous bill, the enactment of an entirely new legislative or regulatory authority body. Rather, it is an amendment that will amend The Hearing Aid Act to increase the number of ministerial appointments to the Hearing Aid Board from two to four.

The increase in board membership will help the board conduct its work in a more timely and efficient manner, Mr. Speaker.

It will allow for the appointment of representatives from the Manitoba Hearing Society of Instrument Practitioners, which represents the interests of non-audiologist hearing aid dispensers. This group is not currently represented on the board. This will, therefore, allow for a broader representation of an organization that is involved in this field but does not have the opportunity, at present, to be represented on the board, which is the Manitoba Hearing Society of Instrument Practitioners.

The bill also includes minor amendments to modernize the language in the act, Mr. Speaker.

So, dealing with this issue in general, it is simply an amendment that will permit for a slightly larger board, Mr. Speaker, that will permit the number of board members to go to four. This will permit for broader representation, and ensure that all groups and organizations who have the opportunity to be involved in this very important field have occasion to be represented on this particular board.

So, Mr. Speaker, I look forward to speedy passage in this Chamber and the opportunity to debate this matter in committee. I implore and call upon members of this Chamber to review this legislation and to provide us with any advice or discussion in this regard which will allow us to pass this bill in the interests of all of those who require hearing aids as well as those who provide and supply for hearing aids.

So I ask members of this House to readily pass this particular bill.

**Mrs. Myrna Driedger (Charleswood):** In regard to The Hearing Aid Amendment Act, Bill 25, there appears to be reasonable changes proposed in this particular act, and having reviewed it, we are prepared—

**Mr. Speaker:** Are you up on a point of order?

**An Honourable Member:** She is speaking to the bill.

**Mr. Speaker:** Oh, you are speaking to the bill? Very good.

**Mrs. Driedger:** Thank you, Mr. Speaker. Having reviewed this particular bill, we are prepared to move that this bill move forward to committee.

**Mr. Harry Enns (Lakeside):** Just a few brief comments on this bill. I do so because my wife as of late has increasingly complained about my loss of hearing, and she will want to know that I enthusiastically support this bill and want to see its speedy passage through committee. Thank you, Mr. Speaker.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading, Bill 25, The Hearing Aid Amendment Act. Is it the pleasure of the House to adopt the motion? [*Agreed*]

### **Bill 26—The Occupational Therapists Act**

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 26, The Occupational Therapists Act; Loi sur les ergothérapeutes, be now read a second time and be referred to a committee of this House.

#### ***Motion presented.***

**Mr. Chomiak:** Mr. Speaker, The Occupational Therapists Act was enacted in 1982. The practice of occupational therapy has changed in the 20 years since the act was enacted, as had the

law and policy with respect to administrative tribunals. The proposed bill will reflect the expanded scope of practice of occupational therapy, will allow the public direct access to occupational therapy services, increase public accountability and update the disciplinary procedures.

Bill 26 will repeal and replace The Occupational Therapists Act and update it. It will increase public participation on the governing council and on the complaints and inquiry committees. It will require the council and committee meetings be opened to the public except in defined circumstances.

It will change the name of the regulatory body from the Association of Occupational Therapists of Manitoba to the College of Occupational Therapists of Manitoba. This will make it easier for the public to identify the body responsible for acting in the public interest in regulating the practice of occupational therapists. It will allow Manitobans direct access to occupational therapists when required, and occupational therapists will continue to work collaboratively and co-operatively with other health care providers, including physicians.

Of course, we will ensure that the college conducts its affairs in accordance with current principles of law that applies to administrative bodies. It will outline the duty of the college to carry out its regulatory responsibilities in the interests of the public clearly in the act. Like other forms of updated regulatory administrative and professional legislation, it will increase public participation in the regulatory process by requiring that public representation on the council of the college and all committees be increased to at least one-third. Meetings of the council and committees will be open to the public except on specified circumstances.

These measures to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission in its 1994 report on regulating professions and occupations in Manitoba.

\* (15:10)

It will strengthen the ability of the college to monitor the continuing competence of occupational therapists. It will update the complaints and discipline processes to ensure fairness for

the complainant and the occupational therapists who may be the subject of a complaint. These processes will comply with current legal requirements for administrative bodies and will provide consistency with other health professional legislation such as The Physiotherapists Act. It also goes hand in hand, I might add, with The Physiotherapists Act, which we had occasion in this Chamber to pass. There is a balance in this insofar as this act, The Occupational Therapists Act, will be similar to another act that we passed, that is, The Physiotherapists Act, and that only makes sense.

This amendment will require that the College of Occupational Therapists of Manitoba provide the minister with an annual report of its activities, including information on the number of occupational therapists registered, the number of complaints received and the nature and disposition of the complaints, the composition of the governing council and committees and financial information.

Mr. Speaker, I note the occupational therapist is a person as per the definition section who is registered as an occupational therapist under this act. There may be those who in this Chamber are not aware of some of the specifics of what in fact is an occupational therapist, but I should advise that it is the application of the therapist's knowledge and skill in judgment to promote health and optimal occupational performance, prevent disability and assess and resolve occupational performance issues.

Mr. Speaker, we have recently had the occasion to expand the enrolment in both the faculty of physiotherapy and the faculty of occupational therapy in recognition of the requirements and needs of a population that demographically requires more of these services. I say demographically because many of the illnesses and diseases that afflict, and particularly afflict, those as they grow older, can be helped by the application of physio or occupational therapy.

It is a profession and a group of individuals who provide outstanding service to our community and to those that are in need. They are key components and another component of the health care team in this province and in other

jurisdictions. The act establishes the College of Occupational Therapists, determines the registration with the usual procedures, including application for registration, the appeal provisions as they apply, the certificates of registration, the cancellation of registration, and they look at continuing competence in accordance with regulations as passed. It deals with complaints and investigation pursuant to those complaints.

Mr. Speaker, it has provisions for the decisions of the investigation committee, censure, voluntary surrender of registration, appeal by complainants, suspension of registration, inquiry committees, hearings, and related matters as they apply to the professional body, including decisions of panels and appeals to the Court of Appeal, and, of course, the regulations, by-laws, and code of ethics as they relate to the provision.

The act outlines the amendments to this and the usual administrative and related matters as relates to the provision of occupational therapy.

Mr. Speaker, the bill replaces the existing act, as I indicated. It continues the Association of Occupational Therapists as the College of Occupational Therapists. It establishes a governing council with public representatives, requires the registration of occupational therapists, creates processes for handling complaints and discipline, and, I might add, significantly, and I think with relation to this bill, does not carry forward the previous requirement for occupational therapists to consult with physicians in every case. This is in keeping with the team approach and the multifaceted approach to health care. This has been done in conjunction with the other professional bodies, most notably the College of Physicians and Surgeons, indeed a recognition by the college and other bodies that this is a useful step and a more efficient and appropriate continued use of resources in this area.

So I look forward to the debate that will ensue in this Chamber and the review of this matter when it appears before the committee. I look forward to speedy passage of this legislation by all members. I hope and anticipate that this act will be passed, proclaimed, and enable us to develop the ensuing regulations to modernize, update and provide for improved

care, continued good care of all Manitobans as related to this matter. Thank you, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the honourable Member for Morris (Mr. Pitura), that we adjourn debate.

*Motion agreed to.*

### **Bill 28—The Registered Dietitians Act**

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Labour (Ms. Barrett), that Bill 28, The Registered Dietitians Act; Loi sur les diététistes, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, The Registered Dietitians Act was enacted in 1981. Many changes have occurred in our system since that time, including changes in practice setting, evolving roles for dietitians, and the introduction of new technology. This changing practice environment necessitates the need for updating the legislation governing the practice of dietetics.

This bill, Bill 28, will repeal and replace The Registered Dietitians Act. It will provide for, firstly, increased public accountability. The name of the regulatory body will be changed from the Manitoba Association of Registered Dietitians to the College of Registered Dietitians of Manitoba. The change in name will make it easier for the public to identify the regulatory body for dietitians and will emphasize the overriding duty of the college to act in the public interest.

\* (15:20)

The duty of the college to carry out its regulatory responsibilities in the interest of the public will be set out clearly in the act, as has been the case in previous bills that we have brought before this Chamber or amendments to bills that have been brought before this Chamber, as it relates to regulatory acts or professional acts or acts of this kind. Mr. Speaker, the public participation in the regulatory process will be increased by requiring a

minimum of one-third public representation on the council of the college and in all committees. It will also require the meetings of the board and committees be open to the public except in specified circumstances, and this is in keeping with the previous and similar legislation.

These measures to ensure public accountability are consistent with the recommendation by the Manitoba Law Reform Commission in the 1994 Report on Regulating Professions and Occupations in Manitoba. The ability of the college to monitor the continued competence of its members will be increased.

Mr. Speaker, the College of Registered Dietitians of Manitoba will be required to provide the minister with an annual report of its activities, including information on the number of dietitians registered, the number of complaints received, the nature and disposition of the complaints, the composition of the governing council, committees and financial information.

It will also provide for updated scope of practice. As I indicated, Mr. Speaker, the description of the practice of dietetics will reflect the varied roles the dietitians now assume beyond the traditional clinical setting.

As is the case, Mr. Speaker, in other forms of legislation, it will provide for new disciplinary procedures. The complaint and discipline process will be updated to ensure fairness for the complainant and the registered dietitian who may be the subject of the complaint. These processes will comply with current requirements for administrative bodies and will provide consistency with other health care professional legislation such as The Physiotherapists Act that I mentioned in my previous comments and The Occupational Therapists Act that I recently, in fact moments ago, had occasion to bring before this Chamber for review on second reading and reference to the committee of this House. This will, similarly to those pieces of legislation, provide for consistency.

Mr. Speaker, I suspect or perhaps it is not the case that many individuals are not aware of the very significant impact and participation dietitians have in our health care system. In fact, from my perspective, it is only enhanced, and

has become greater as we learn more—as we develop our health care system, and as we continue to evolve the health care system. I do not think one should underscore the significance that this profession and this particular field play in the health and well-being of all Manitobans, not just those who are in our institutions—be it the acute care setting through the tertiary or the committee nature, or in personal care or long-term care facilities—but indeed in the community and indeed in the provision of preventative measures as they relate to the health care and well-being of all Manitobans.

Mr. Speaker, this Bill 28, The Registered Dietitians Act, will have within it the outline of the practice of dietetics, which in definition, I think it is worth repeating, means the translation and application of scientific knowledge of foods and human nutrition through: assessment, design, implementation and evaluation of nutritional interventions; integration of food and nutrition principles and the management of food service systems; and dissemination of information to attain, maintain, promote and protect the health of individuals, groups and the community.

What a broad range of activities that is, Mr. Speaker. The act, of course, will establish the college of dieticians of Manitoba, provide for the registration, the application for registration, the appeals, the annual certificate of registration, the cancellation of registration and the continuing competence of individuals involved.

It defines, of course, the complaints process, establishes the complaints committee, decision of complaints committee, censure, volunteer surrender of registration, appeal by complainant, suspension of registration pending decision, inquiry committees, hearings, decisions of panels, appeal to the Court of Appeal, reinstatement and, of course, regulation by-laws and code of ethics.

As I indicated in previous references to other acts during the course of this discourse, Mr. Speaker, this act will be similar to other regulatory, professional and administrative laws that we have implemented or are proposing to implement during the course of this session of the Legislature and will build upon previous acts, previous matters that were previously dealt with during the course of this particular Legislature and, indeed, immediately preceding

legislatures that were involved in the updating, the modernization and the revision of professional legislation, particularly as it relates to the health care field in Manitoba.

As I indicated with the other pieces of legislation that are before this Chamber, I look forward to discussion and discourse of this matter as it winds its way through the legislative process, as it moves into debate and into committee of this House and, ultimately, public hearings, subsequent return to this Chamber for third reading, finally, proclamation and then the ensuing development of regulations that apply to this act that will ensue. So I look forward to continuing discussion of this matter, Mr. Speaker, and I note, as you and others pay rapt attention to this debate, how significant it will be for all Manitobans. Thank you.

**Mrs. Myrna Driedger (Charleswood):** I move, seconded by the Member for Lakeside (Mr. Enns), that debate be now adjourned.

*Motion agreed to.*

#### **Bill 31—The Medical Amendment (Physician Profiles and Miscellaneous Amendments) Act**

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 31, The Medical Amendment (Physician Profiles and Miscellaneous Amendments) Act; Loi modifiant la Loi médicale (profils des médecins et modifications diverses), be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (15:30)

**Mr. Chomiak:** Mr. Speaker, I rise with a good deal of pleasure, as I have with other acts, to deal with this act in this Chamber, but I have a particular, obviously, association with this particular act, as do members of this House, insofar as the provision and the impetus and the recommendations for provisions in this act came from the Sinclair inquiry, the Thomas commission that reviewed the implementation of the Sinclair inquiry.

This is only a five-page amendment, but these five pages are a significant change in the way and the approach that we have concerning health care and concerning dealing with physicians and other professionals.

This bill will enable the College of Physicians and Surgeons to make regulations regarding the development and publication of physician profiles as discussed in the Thomas report. The profiles can contain information such as the education of the physician, post-graduate medical education or specialty certification, information on any convictions or medical malpractice judgments.

It will be the first legislation enabling the development of physician profiles in Canada. There is similar legislation in a number of U.S. states, including Massachusetts, New York and Florida.

The bill also contains amendments that will allow the college to deal with matters involving a person who is a former member of the college when the matter is referred to the complaints committee by the registrar. The current wording only allows the college to deal with matters that are the subject of a formal complaint from outside the college. This will correct the problem identified in previous dealings. It will allow the council to appoint a non-member of the college as an assistant registrar. It will provide all persons carrying out duties under the act with protection from liability for anything that is done in good faith in the performance of the duty. This is the same level of protection provided to other health care profession regulatory bodies in recent years, such as nursing bodies, midwifery, physiotherapy bodies, as well as Bills 13, 26 and 28, here before this Chamber for debate.

It will allow the president of the council of the college to appoint an appeal committee from among the members of the council when there is an appeal filed by a complainant who is not satisfied with the proposed resolution of his or her complaint. Currently the appeal has to be heard by a full committee.

Now, Mr. Speaker, I am aware that on second reading specific line by line issues are not generally permitted. It is generally a

discussion of the overall principles. I will attempt to adhere to those particular issues, although in this particular amendment it is somewhat difficult because of the nature of the amendment. Let me outline some of the issues involved.

It was very clear as a result of the Sinclair inquiry that change had to happen, not just in Manitoba, but indeed across, shall I say, the western world, Mr. Speaker, without putting too broad a point on it.

Mr. Speaker, the Sinclair inquiry was a seminal event in health care in Manitoba, the longest inquiry in the history of Canada. It dealt with significant, protracted, and tragic circumstances. It made a series of recommendations. Subsequent to that, when we received the Sinclair inquiry, we reviewed it. We addressed it. We felt, and I think history will prove it was appropriate that we put in place a panel that will help us wind our way through the recommendations, not for purposes of shelving, because that has happened so often in so many reports—that is not a partisan comment; it just seems to be a pattern—but rather to ensure that we would put in place the recommendations and what we could put in place, in terms of priorities, faster in terms of need for the community.

Quite clearly, one of the recommendations was for better accountability and better ability of the public to have access to information concerning the individuals who provide the most intimate, on occasion, and some of the time the most expensive, on occasion, care. Clearly, there was a recommendation and there was a need in the public's mind to have more information concerning physicians.

Now, in this area, like so many areas, there are very, very strong-held views. There are extremes on all sides of this issue. There are those who feel that no information ought to be provided or need to be provided. On the other hand, there are those who believe that all information should be provided. Both views, we believe, could be difficult to implement and may not achieve the appropriate end. What is the appropriate end? The appropriate end is providing for adequate and appropriate information to allow the public to make decisions regarding

the most important thing in their lives, which is health care; and, secondly, to deal with the issue of adequate protection of our health care professionals and doctors, in this case, so that we are not in the position where Manitoba, for example, is out of step with developments.

We know very clearly that we have taken and placed many initiatives in the past few years to change the practice of how medicine occurred in Manitoba the past few decades. We tried to turn around an entire culture. We think we have made some progress. At the same time, there are steps that had to be taken, and we do not want to be so far out in advance of other jurisdictions that we might hinder the ability of individuals who may or may not want to come here. At the same time, we have to protect the public. That is a balance. We think that this legislation will provide for adequate information as well as not being so intrusive as to make it difficult to practise medicine here.

Mr. Speaker, we have had an implementation committee that includes representatives from the public, representatives from groups and organizations that have advocated for position profiles and, of course, representation from the College of Physicians and Surgeons. This legislation is enabling. It is true that the regulations, as in all cases in legislation, have yet to be adapted. It is true, but we are continuing to work with our implementation committee. It is true that we will take the advice, and we will continue to take advice from members of this Chamber and from other individuals concerning this legislation and how it can best and most appropriately be implemented.

Like significant change in other areas of health care, change is not something that is necessarily accepted easily.

Change requires a two-way process of discussion, both listening as well as advising. We have attempted to be sensitive in terms of how and what this legislation contains. We will continue to do that when we deal with the regulations. At the end of the day, it has been recommended that physician profiles be implemented in Manitoba, and we believe that in conjunction with the appropriate bodies and

organizations physician profiles will be implemented in Manitoba.

\* (15:40)

One of the issues that came up, Mr. Speaker, when this legislation was introduced is the fact that it is not a be-all and end-all, that it is not an end in itself, and that is, in fact, correct. This is only part of a large process dealing with not only the recommendations in the Sinclair inquiry but ensuing developments that have occurred in the health care system.

Medical error only recently has become something that is talked about, for example, Mr. Speaker, in the health care field, in the health care system. There was a time when medical error was something that was not discussed or even acknowledged. We found out from Sinclair and the Thomas commission that we had to move to a system of recognizing medical error and learning from medical error because if one does not learn from the mistakes, one continues to repeat them, and if my memory serves me correctly, I believe the Thomas commission recommended we get away from the blaming culture of medical error.

This legislation is only one part of a more comprehensive strategy that deals with an approach to health care, including medical error. I recently had the occasion to attend a conference dealing with medical error where 300 to 400 people in Manitoba participated. The people who wrote the book on medical error presented at the conference. We are very fortunate in that an ex-deputy minister of Health, now a member of the Winnipeg Regional Health Authority, is on the Royal College of Physicians and is heading up one of the committees dealing with medical error.

We have recently had medical error put on the agenda of the federal-provincial health care ministers. It has become a part of everyday dealing in health care. So I just add tangentially, Mr. Speaker, when one looks at the initiatives that have been undertaken, that this is only one part of a very comprehensive strategy that deals with Sinclair and Thomas and deals with doctors and other health care professionals.

In fact, Mr. Speaker, we had occasion to submit our first report on the Thomas commission, as recommended by the Thomas commission, and significant progress has been made in a number of areas that would not have taken place had it not been for Sinclair and Thomas, and this is one of the significant changes that will occur. It is one of the few of all of the changes that we have implemented that actually requires legislation, and this does require legislation by virtue and by nature of what is required.

I am somewhat precluded in my comments, Mr. Speaker, from dealing with some specific issues as it relates to aspects of this legislation insofar as there are some ongoing initiatives that are taking place. Suffice it to say that the other changes included in this piece of legislation that deal with physician profiles and related matters affecting the college are as a result of matters that have been either recommended to us by Sinclair-Thomas and/or by the College of Physicians and Surgeons that permit that body to undertake its affairs on behalf of all of us in the most appropriate fashion.

I fully expect, by nature of this kind of legislation, this kind of ground-breaking legislation to hear of comments pro and con, those in favour and those against. I fully expect that on either side of the issue will be a variety of comments. I happen to believe that this is a good balancing of the initiatives. It is structured with the participants who are actually involved in the day-to-day operation of this. It has their support, and what better way to introduce or to bring about change than to have the participants actively participating in the means and the methodology by which that change is brought about.

Let there be no mistake, Mr. Speaker, this is a significant piece of legislation. This is a significant change in our culture and in our environment, not, I daresay, something that has not been expected or has not been developed, but I think, because of the impact of the Sinclair-Thomas inquiries, has been propelled into the forefront. It is incumbent upon us in this Chamber to carry out and implement the recommendations as quickly as we can and as efficiently as we can, not just to try to undo

some of the mistakes of the past, but more importantly, to ensure the mistakes of the past are less likely to be repeated.

I have often stated that once the Sinclair report and the Thomas commission reported to us the issue, if it was not before an issue affecting every Manitoban, did become an issue that affected every Manitoban, not just those tragically impacted, that is, the parents, the siblings, the relatives, the health care professionals and all those involved, but every Manitoban has been profoundly affected by those events. Hopefully, every Manitoban can be assured that all that can be done will be done realistically to ensure that those circumstances cannot repeat themselves, should not repeat themselves. It is incumbent upon us as legislators to put in place mechanisms and legislation, as in this case we are doing, to ensure that that does not happen.

I have heard it stated, Mr. Speaker, that this particular enabling piece of legislation would not have necessarily prevented the events that occurred in the early 1990s. I might add that that argument I think does not take into account the fact that (a) this is enabling legislation; (b) it is still in developmental stages as regards the provision of the regulations; and (c) it is not just—and I make that point again, it is not just this legislation that deals with the issues surrounding the circumstances of the 12 baby deaths at Children's Hospital, Health Sciences Centre. There are a whole series of initiatives, be it consent forms that are developed and now utilized across the system, reporting of errors, Protection for Persons in Care Act, manuals, patient complaint processes, peer review, team review, et cetera, and a myriad of other processes that have been put in place as a result of those tragic circumstances.

So I think it would be a mistake to reflect on this legislation as the only matter dealing with the results of the Sinclair-Thomas reviews. At the same time, I think it should be recognized that it is a first in Canadian history to put this and these forms into legislation. I know we have been contacted by other jurisdictions, other provinces looking at this. That is not something that is unusual, Mr. Speaker. There has been legislation and other matters introduced in other

provinces that we have contacted other jurisdictions to see how they went about doing it so that we could implement similar legislation, see how it worked, to see if it was effective and how we best could put in place that kind of legislation. So we have been contacted, I am advised, by other jurisdictions looking at this. We have examined the experience in other jurisdictions, I think most notably, if memory serves me correctly, Massachusetts as the model for this kind of legislation.

\* (15:50)

There are those, I think, who would suggest that this is not enough or is not appropriate enough. Again I add, this has never been done before in Manitoba. This has never been done before in Canada. There are those who for their own reasons, of which I will not speculate, have suggested that other forms of information ought to be put into the legislation. Well, we are willing to hear that. We are willing to hear and to see and to develop. I might add that the experience of other jurisdictions who have put in place this kind of profiling has been that generally the public have referred to this information to find out about the care provider and less attention was paid to other issues.

So that is interesting. Nonetheless, it is a first. It is as a result of Sinclair and Thomas. It is breaking new ground. I have no doubt that there will be valid suggestions that we will hear both in this Chamber and at committee, some of which we may accept, some of which we may not accept; but, because this issue goes so much to the heart of events that occurred in this province over the past decade, events that directly affected every Manitoban, events that had an impact profoundly in this Chamber, and, I daresay, have affected the lives of some Manitobans for the rest of their lives. There are strong views held on this issue.

I feel this is an appropriate balance of the various viewpoints. I look forward to being able to implement and move on, and I look forward to the comments and the advice of all Manitobans in this regard. It is a significant amendment. It will have a significant impact on the provision of health care in this province. I look forward to continued discussions in this Chamber.

**Mrs. Myrna Driedger (Charleswood):** I move, seconded by the Member for River East (Mrs. Mitchelson), that debate be now adjourned.

*Motion agreed to.*

#### **Bill 37—The Non-Smokers Health Protection Amendment Act**

**Hon. Dave Chomiak (Minister of Health):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 37, The Non-Smokers Health Protection Amendment Act; Loi modifiant la Loi sur la protection de la santé des non-fumeurs, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, I rise in this Chamber to deal with a significant health-related matter, the amendment to The Non-Smokers Health Protection Act, an act that has not been significantly amended since it was first brought into this Chamber, I believe, about a decade ago, and which this amendment, in the words of the Physicians for a Smoke-Free Canada, is the most significant thing we can do to prevent smoking from occurring.

I am very pleased that the Physicians for a Smoke-Free Canada, the Canadian Cancer Society, the Manitoba Medical Association all applaud measures in this regard. It just so happens, Mr. Speaker, that I am reading a book looking at the history of the cigarette industry. I have to say it is not every day that the Member for Lakeside (Mr. Enns) is on my mind, but, as I went through this book, I thought about some of the comments made by the Member for Lakeside.

When the proposals first came to our attention about doing something about preventing children from smoking, the idea of promotion of smoking products in places where children are in attendance, I had to be convinced because, frankly, common sense suggests, well, what kind of impact would that have? I, too, remember the days, although it was before my time, when liquor was kept hidden away, and you had to fill out the form and check off the volume, the type. I was advised that was what

happened. I am advised of the experience of prohibition, and I am well read in that area. Well, I have read in that area. But it is significant that the majority of advertising funding by the tobacco industry is spent on promotion and point-of-sale products. I do not think the tobacco industry is without intelligence. In fact, they are one of the, if not the most, successful businesses in the entire world.

They are successful for three reasons: first, a low-cost product; second, a product in which 90 percent of individuals who partake are addicted; third, because they have to replace customers and clients. The only way they can do that is expanding the breadth of their reach, which is into the Third World and other developing countries, and they attract youth.

There are memos that fly back and forth from tobacco companies talking about how they attract youth, but there is no doubt, there is no doubt, that the bulk of their energy is placed at promotional material to entice individuals to (a) take up smoking or (b) to continue smoking. The data is almost conclusive. It is not, Mr. Speaker, simply a question of speculation, but it has been proven factually and otherwise. We have reference to considerable literature, including that done by private industry, that indicates point-of-sale promotions are extremely effective in enticing individuals to take up smoking, and the purpose for individuals to take up smoking is to become addicted to smoking, which then means that one will continue to indulge in the habit.

\* (16:00)

We know the habit results in upwards of 2000 Manitobans' lives each year. I believe the Surgeon General of the United States said in the eighties that loss of life from smoking is equivalent to three jumbo jets crashing every single day. The health costs are horrendous, horrific. Anything that we as public legislators can do to prevent and decrease the number of smokers is in our best interests. The last study that came out, Mr. Speaker, showed that Manitoba youth had one of the higher rates of smoking. I think it was 28 percent.

So what we have decided to do, Mr. Speaker, in this jurisdiction is everything that we

could that would canvass the field and would try to prevent youth from smoking. So we have launched initiatives in the schools to prevent youths from smoking. We have provided supports to municipalities that have non-smoking bans to enforce those bans. This is an interesting point. We decided that we would do something about advertising because of the strength of the arguments about advertising. If we could have brought about advertising without dealing with the promotional issues, we probably would have prevented ourselves some headaches, but quite clearly the evidence shows that no matter what exception you make to advertising, that exception will open up an opportunity for big tobacco to promote their product in another fashion. So moving promotions and moving material outside of the sight of children makes perfect sense.

I think most Manitobans, Mr. Speaker, would be probably shocked to find out that tobacco companies pay retailers to display their products prominently. Indeed, tobacco interests buy up the bulk, the best, the most efficient and marketable space on any shelf. Walk into a convenience store, take a look. I have done it myself dozens of times when we pondered this legislation. There are even tobacco products beside candy products. Well, members would say, why do you not just ban it on the counter. We thought about that. We thought about banning the counter, keep it away from candy, keep it three feet away from candy, find some way of doing that, but every exception makes the legislation more complex, more difficult to enforce, and, in the end, we know that a way will be found around it to promote tobacco products.

So what are we losing? Yes, retailers will lose income from tobacco companies to promote their products. It will amount, in some cases, to thousands of dollars a year. We have no desire to hurt small business or small retailers or any retailers, for that matter, no desire to, but the weighing of the benefits versus the impact of smoking means we have no choice. I suspect that this kind of legislation will soon be emulated, be copied in other jurisdictions. We know, for example, that Scotland, New Zealand, Saskatchewan and other jurisdictions are looking at it, some American jurisdictions. It will provide us with an opportunity to show some leadership,

and, more importantly, it will provide us with an opportunity to prevent youth from taking up smoking.

There are other tangential benefits as well. It is no coincidence, Mr. Speaker, that tobacco and tobacco products are placed at the counter and placed in such a position so that individuals, for example, on impulse buying are more inclined to buy it, and that would affect individuals who are trying to quit, et cetera.

That is a tangential factor, but that is not the main factor. The main factor is to try to show youth that smoking is not cool, smoking is in fact, frankly, not a very smart thing to do, not a very smart thing to take up. Anything we can do to prevent that I think is incumbent upon us as legislators and leaders to do.

To return to the point of small business, we met with the retailers, we looked at different options. I met with them again last week before introducing this legislation. They made suggestions. The main suggestion they made was give us time. This bill will give time. It will not come into effect until January 1, '04. So we met their main condition. They also asked us to look at other options. We looked at other options. We are looking at other options. They said, let us be a part of it. So we set up an implementation committee that includes small retailers.

I do not expect those that are opposed to roll over. I anticipate there will be a fair amount of opposition, but we think that this is the right thing to do for the youth of Manitoba.

There is conclusive evidence that tobacco affects tens of thousands of Canadians' lives every single year. I have heard parallels made to the fact that we do not do this with liquor, we do not do this with other products. But, you know, I do not know of another legal product that is as addictive, and in fact the whole purpose of tobacco is to be addicted—

**An Honourable Member:** Other than politics?

**Mr. Chomiak:** That just is in the bloodstream, Mr. Speaker, as tobacco. The whole purpose is to get you addicted. It is just too dangerous a practice, has too much impact on health care to treat it like any other consumer product. People

will be allowed to sell. It is only a question of their not being allowed to promote their product, tobacco product for children.

It is an idea of denormalizing. Now, I know there has been question about what denormalizing is. It is part of a process that was agreed upon by all Health ministers, regardless of political stripe, across this country. We will do what we can to denormalize the use of tobacco. This bill will help achieve those goals.

There are other amendments in this legislation that allow for the defense of a charge of supplying tobacco, tobacco-related products. Documentation is provided. It will establish, as I indicated earlier, an advisory committee to provide advice and recommendations on signage and other related products.

The significant aspects of this bill deal with the issue of promotion and display of tobacco and tobacco-related products. We have made exceptions for businesses whose sole function or primary function is related only to tobacco products. The key factor, Mr. Speaker, is to demonstrate that if adults smoke that is their right. But anything we can do to prevent kids from beginning to smoke or continuing to smoke is something that we as legislators and leaders ought and must do in this jurisdiction. This will ensure that things like power walls, things like placing promotional material at eye level for kids, things like glamourizing particular tobacco products in advertising and displays do not happen in Manitoba.

Issues have been raised about the issue of safety. We will do what we can in terms of safety. There are a variety of views upon that. We think the fact that we are permitting this legislation to not take effect for a long period of time is significant and will allow individuals the appropriate time to deal with this issue and affect the fashion, and as well as allow for transition for retailers who may not be in a position to receive the significant funding that is received by retailers and others for this kind of product.

\* (16:10)

I was quite impressed that, when we announced this legislation, it was endorsed by, as I

said earlier, Manitoba Medical Association, Canadian Cancer Society and the Manitoba Lung Association. The representative of the Canadian Cancer Society said that this legislation will save lives. Those were their words, not our words. I was struck by that. I do not know how often we have appeared in this Chamber and have been told that legislation will save lives. To me, that is a significant issue. The saving of lives, the improvement of health, is something that I as Health Minister and all of us as legislators ought to be looking at and ought to be of the highest priority for all of us.

I am very pleased that we have the opportunity to debate this legislation. I am quite aware that there are individuals who are strongly opposed to this. I think if one reviews the literature and the data, and we will have a chance to do that at committee, it will be very apparent that this is sound public policy. This is well-researched public policy. This is public policy that will in the words of the Canadian Cancer Society, save lives. What more important duty do we have than to do that?

To those who take it as an affront to their civil rights, I find that that is an argument, but I do not understand that argument to the extent that adults will be allowed to purchase cigarettes and other tobacco products. They will be allowed to consume them as they wish.

What we are not allowing them to do, what we are asking tobacco companies not to do is to in-your-face advertise to kids because if it prevents just one child from taking up smoking and those 2000 deaths that we hear in Manitoba every year were all children at one point and we know the stats from the tobacco industry shows that if you hook someone by the age of 19, you have got a pretty good chance that they are going to be hooked the rest of their life.

We know that. We know that it is an addictive substance. Yes, alcohol can be addictive. Yes, gambling can be addictive, but I do not think there is another legal product that literally seeks to cause someone to be addicted because that is what nicotine and tobacco do.

**An Honourable Member:** Make them illegal.

**Mr. Chomiak:** The member makes a suggestion: Make it illegal. If the member wants to

bring an amendment before this Chamber to make it illegal, I think it is worthwhile to look at it. If the member wants to make it illegal, they should bring an amendment to that effect.

**An Honourable Member:** It is just fluff.

**Mr. Chomiak:** The member says it is all fluff. The Member for Turtle Mountain (Mr. Tweed) says it is all fluff, Mr. Speaker. Well, I do not think the Canadian Cancer Society, the Manitoba Medical Association or the Manitoba Lung Association, who said this is excellent legislation, thought it was fluff. I do not think they thought it was fluff.

**An Honourable Member:** Fluff and puff.

**Mr. Chomiak:** Mr. Speaker, I look forward to the comments from the member from Turtle Mountain, not from his seat but at committee and in this Chamber, and the member from River East. I look forward to their comments in this regard and to see what involvement they will have in this amendment in this legislation, what involvement that the PC Party of Manitoba will want to have in this particular legislation, what involvement they will want to have with the tobacco companies and others with regard to this legislation. I am also pleased the Physicians for a Smoke-Free Canada said this was the most significant thing we can do. I thought that was striking. So I look forward to comments of all members of this House dealing with this particular legislation.

I think the data and the evidence prove that promotion of tobacco products has an impact on children. We know retailers are paid to display products, and they are not paid out of the good kindness and generosity of the tobacco companies. It is not out of their good sense. *[interjection]* The Member for Turtle Mountain makes the point about alcohol and gambling. I have already dealt with that point, but I might say I look forward to the—*[interjection]* The Member for Turtle Mountain says that the children will not die of cancer, they will die of FAS, if I heard the Member for Turtle Mountain correctly. Mr. Speaker, I suggest we have done more initiatives on FAS than were done during the 11 lean years of which members sat around the Cabinet table, 11 lean years, the dark ages, as

quoted by the president of the Manitoba Medical Association. I believe he called it the dark ages, the period of time when the Member for Turtle Mountain was around the Cabinet table.

**An Honourable Member:** I sat in this Chamber when it was civilized and you could enjoy a cigarette in the Chamber.

**Mr. Chomiak:** Mr. Speaker, the Member for Lakeside (Mr. Enns) talks about when one could sit in this—I believe there were spittoons at one time in this Chamber. One could probably do that. Believe it or not. I know members shrink at it. Cultures and times have changed. What has changed is we now have evidence, conclusive evidence of what the harmful affects of smoking are, not just on individuals but on family members, et cetera.

I look forward to discussion. There is much more to be said about this. I anticipate vigorous debate on this. The Member for Turtle Mountain has made numerous suggestions during the course of this debate. I do not know what his position is on this matter. I look forward to finding out what his position, the position of the PC Party is in this regard as they approach this legislation. I look forward to seeing what their advice and their suggestions are in this regard. I look forward to hearing all their comments as we continue this debate.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I move, seconded by the Member for Pembina (Mr. Dyck), that debate be now adjourned.

*Motion agreed to.*

### **Bill 33—The Private Vocational Institutions Act**

**Hon. Diane McGifford (Minister of Advanced Education):** Mr. Speaker, I move, seconded by the Minister of Industry, Trade and Mines (Ms. Mihychuk), that Bill 33, The Private Vocational Institutions Act; Loi sur les établissements d'enseignement professionnel privés, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. McGifford:** I want to begin by making the point that this Government, our Government, is committed to strengthening Manitoba's position as a learning province. In order to do so, we wish to provide our citizens with the education and training opportunities they require those that they need, Mr. Speaker, in order to participate in a very challenging global economy.

I know that honourable members are aware that a well-trained workforce is a necessary foundation, a strong foundation to the economic and social development of our province. The Premier (Mr. Doer), in his meetings across the province, frequently makes the point that you cannot have an economic strategy without an education strategy. He frequently reiterates this.

\* (16:20)

Of course, this is true. Our Government's belief in the importance of an economic strategy and an educational strategy account for many of the facets of this Government's post-secondary education agenda, for example our position on bursaries. We did, in the spring of 2000, initiate a \$6-million Manitoba government bursary which has done a great deal towards reducing student debt in the province of Manitoba, that in connection with the federal Millennium bursary.

Mr. Speaker, another one of the important items on our education agenda, something that is certainly important in protecting students, is our position on tuition. In the fall of 2000 we reduced tuition in our colleges and universities by 10 percent. We have maintained this reduced level in the year 2001 and the year 2002.

Every year since we have been responsible for the Budget we have increased support to ACCESS programs. While I am on my feet I would like to take the opportunity to say that at the recent convocation at the University of Manitoba, Her Excellency Governor General Adrienne Clarkson particularly complimented Manitoba and the Manitoba government on our ACCESS programs. His Excellency John Ralston Saul has been very, very generous in his comments on ACCESS programs as well. In fact, John Ralston Saul talks about it as one of the best kept educational secrets in Canada and enjoins us to brag and boast about our ACCESS

programs. So I am just taking the opportunity to put those comments on the record.

As well, part of our education agenda has been to increase operating monies to colleges and universities. In our three years in government we have increased operating and capital to universities by a whopping 18 percent, equivalent to about \$56 million, which is, I think, outstanding.

The last point I want to make in connection to the education agenda is that we have also committed \$100 million to capital. That is Princess Street, University of Manitoba, University of Winnipeg, Brandon and St. Boniface College.

Mr. Speaker, we believe that it is essential that Manitobans have a variety of post-secondary education and training options available to them. This includes private vocational institutions. Private vocational institutions are important because not all choices are available in our public institutions. Just a little bit of history about legislation governing private vocational institutions, The Private Trades School Act chapter T 130 was enacted first in 1971. The responsibility for this act was transferred in January 1981. It went from Consumer and Corporate Affairs, and Environment, to the Department of Education. In 1988 The Private Trades School Act was repealed, and it was replaced with The Private Vocational Schools Act. The Private Vocational Schools Act, Mr. Speaker, is the act that is currently in force.

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

The new act, The Private Vocational Institutions Act, is designed, Mr. Deputy Speaker, to replace The Private Vocational Schools Act of 1988. The reason for doing this is The Private Vocational Schools Act has not always provided as strong consumer protection as it was intended to, and I am referring to consumer protection both for students and for the private vocational institutions themselves. It is, of course, in the interests of all private vocational institutions that all private vocational institutions thrive and treat their students well.

The new key areas in The Private Vocational Institutions Act are as follows: First of all,

the establishment of a training completion fund, which will provide insurance for students to complete their training in another institution or receive a refund if the school closes unexpectedly. That has happened.

Under the current act, securities, to date, are inadequate, and a two-year waiting period is imposed before funds can be made available to students. The current act depends entirely on the posting of a bond as far as making reimbursements to students when a private vocational school suddenly closes. The new act will allow for immediate release of securities into a training completion fund if an alternate program cannot be found. If an alternate program can be found, students most likely ought to attend an alternate program and complete their training, but, if there is not a program available, then through the training completion fund, tuition can be refunded, Mr. Deputy Speaker.

The proposed training completion fund will include the forfeiture of the security in the form of bonds provided by the private vocational institution at the time of registration and a contribution from the private vocational institutions capped at 1 percent of tuition revenue. These monies, Mr. Deputy Speaker, will be paid into a trust fund under the supervision of the Department of Finance, and it will be, obviously, available only for the purposes intended.

New to the act, as well, is the authority to suspend, revoke or cancel an individual program in an institution which is unsatisfactory without closing the entire institution and so affecting all students in a particular institution.

So, Mr. Deputy Speaker, in the previous act if a single program were not doing well, the only way to cancel that program was to close the school, cancel the entire offerings, and, consequently, all students suffered with the termination of the institution as opposed to the termination of a single program.

Another new aspect of The Private Vocational Institutions Act is the creation of a private vocational institutions appeal board. This board will be established with representation from employers, private vocational institutions and the general public, and the appeal board will

hear appeals from applicants who may have been refused a registration. So, if an applicant is refused registration, that applicant can appeal to this board.

Registrants, that is, registrants of private vocational institutions, will be included on the board itself if the appeal involves a registration which is not being reviewed or one that is being cancelled, Mr. Deputy Speaker. Clearly, the appeal board is designed to include stakeholders in all its processes and in its decision making which I think is a good thing, and I think members of the House would probably concur.

The lack of an appeal mechanism in the current Private Vocational Schools Act has led to the registration of applicants who may otherwise have been denied registration. Clearly, this is regrettable and does a disservice to both students and the institutions themselves.

Under the new act, duties to register institutions, Mr. Deputy Speaker, will be transferred from the minister to the director of the program, so allowing the establishment of the appeal board. The minister names the appeal board on the advice, of course, from the director and from staff members.

\* (16:30)

Mr. Deputy Speaker, registration requirements have been strengthened to include program evaluations which will be undertaken by representatives from the industry in the particular field, in an appropriate field, that is to say. I believe that these program evaluations will provide a stronger link between training and employment. This particular process will replace the review of course outlines by the program review committee, the committee that currently does this work.

We in government are committed to a stronger link between training and employment, and this is clear in the priorities established by my department. If people are interested in viewing the priorities, they are on-line, and I do encourage people to browse, to take a look at the priorities established by my department and, in fact, visit the entire Web site.

The strengthened registration process in The Private Vocational Institutions Act will consider

an applicant's fiscal stability and past business conduct before granting registration. There will be a one-year waiting period which will prevent applicants with a previous history of insolvency or inappropriate business conduct from immediately registering a new institution. That is to say an institution cannot be closed down one day and another one opened the next day, as has happened in the past. This particular change is a response to what has actually occurred and what has actually not been in the interests either of reputable private vocational schools, now called private vocational institutions or will be so when this act passes the Legislature, nor is it in the interests of students themselves.

The registration requirements will be further strengthened to include protections of personal information under The Freedom of Information and Protection of Privacy Act, sometimes, of course, known as FIPPA. Previously, students in private institutions were not protected, but under this new legislation, students in private institutions will be protected. I am sure that we would agree that this would be a good thing.

Also new is the establishment of a registry of all private vocational institutions and their programs. This registry will be accessible to the public, allowing members of the public to access the names of private vocational institutions on the registry, so that if an institution claims to be in business and is not registered, that may be of interest to a student who wishes to obtain an education.

To date, Mr. Deputy Speaker, penalties for violations of the act have been minimal, and compliance has not always been achieved under this past act, The Private Vocational Schools Act. Under the new act, penalties have been increased, and they have been increased consistent with what prevails in other provinces. As well, our penalties have been designed to deter contravention of the act. As well, full restitution to students from unregistered institutions can now be ordered by the courts, another important advance.

Students will also be provided an opportunity to change their decisions and receive a full refund after entering into a contract with a private vocational institution. Consequently, a

student has a chance to reconsider a rash or ill-advised decision. I believe the period is two weeks. It might be 10 days. I can check on that detail. A student has this opportunity to reconsider. Again, this is in response to real situations, situations that have occurred in our province to the detriment of students. I think this is extremely important because often the registration fees for the schools, for the institutions are extremely expensive, so we wish to provide students with this protection. Again, I add, it is a way of protecting the reputation of our solid private vocational institutions.

The new act will meet the needs of the private vocational institutions and students by providing strengthened consumer protection. This act really is about strengthened consumer protection.

Under this new legislation, under this new act, we will have modernized legislation. The legislation will be aligned and consistent with other jurisdictions across Canada.

Mr. Deputy Speaker, I would like to conclude by saying this Government, the Government of Manitoba, is pleased to present the new Private Vocational Institutions Act. I look forward to hearing from members opposite and hearing their ideas on this legislation. I did have the opportunity to meet with the opposition critic, the Member from Tuxedo, this morning. Staff provided the member with a briefing on the act. I look forward to hearing any remarks or suggestions that she might want to make or indeed that members opposite wish to make.

So, Mr. Deputy Speaker, with those few remarks, as I said, I am very proud of this new act. I think it is in the interest of students. I think it is in the interest of the vocational institutions, and I hope that we will proceed expeditiously. Thank you.

**Mrs. Heather Stefanson (Tuxedo):** I move, seconded by the Member from Pembina, that debate now be adjourned.

*Motion agreed to.*

#### **Bill 34—The Charter Compliance Act**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by

the Minister responsible for the Status of Women (Ms. McGifford), that Bill 34, The Charter Compliance Act; Loi sur l'observation de la Charte, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** Mr. Deputy Speaker, the bill contains amendments to 56 Manitoba statutes: first, to bring these acts into compliance with the Charter and their impact on persons in same-sex relationships and to extend certain rights and responsibilities of married spouses to persons in common-law relationships, whether of the same, or opposite sex; second, to allow same-sex common-law partners to jointly adopt children in all cases where opposite-sex common-law partners may do so and to expand two categories of adoption to two persons who are not in a conjugal relationship; third, to address a discrimination or anti-discrimination issue in certain acts that deal with professional occupations; finally, to correct an anomaly resulting from changes to the federal Income Tax Act.

Respect for the dignity, rights and security of all Manitobans is the cornerstone of this omnibus bill, Mr. Deputy Speaker.

Last year, of course, in Bill 41, we introduced amendments to 10 Manitoba statutes to directly address the Supreme Court of Canada's decision in *M. v. H.* That decision ruled that same-sex common-law partners should be able to seek partner support or alimony from one another. The amendments we introduced last year dealing with support legislation and certain pension and death benefit provisions are now, I am proud to say, a force of law. At the time, we recognized that there were broader equality issues that flowed out of the *M. v. H.* decision and from its principles. The principles expressed by the Supreme Court of Canada in that case have led us to the conclusion that the rights and responsibilities contained in these 56 statutes should be extended to persons in same-sex relationships. In some cases, we concluded that these should also be extended from married spouses to all common-law partners. Of course, we reference here the valued work of the panel on common-law relationships, which has provided us with advice on which much of this bill follows.

\* (16:40)

We are introducing these amendments to comply, not only, though, with the letter of the Canadian Charter of Rights and Freedoms, but with its spirit as part of our work to improve the lives of Manitobans and to deal with the important challenge of eliminating systemic discrimination.

Consistent with the amendments in Bill 41, the new bill recognizes a distinction between spouses on the one hand and common-law partners on the other. Common-law partnerships are defined in this bill in gender-neutral terms that apply to both same-sex and opposite-sex conjugal relationships. This bill does not affect the institution of marriage as we know it. Only the federal government, under the Constitution Act, has the ability to affect who can marry in Canada.

While this bill does contain some minor amendments to The Marriage Act, you will see that these do not relate to who can enter into marriage. Rather, the amendments remove gender-specific references to mothers and fathers in both the French and English versions and substitute gender-neutral references in a section of The Marriage Act that requires parents to consent to the marriage of their minor child.

A child will sometimes have two legal parents of the same sex, so requiring the consent of the mother and father will no longer be appropriate in all cases. You will see that similar changes are made in other statutes contained in the Charter-compliant bill. The amendments contained in this bill touch on a broad range of rights and responsibilities for Manitobans. It amends The Adoption Act to allow same-sex common-law partners to apply jointly to adopt children in all the circumstances in which opposite-sex common-law partners can presently apply. The amendments to The Adoption Act also clarify that common-law partners, whether of same or opposite sex, are included within the definition of family and extended family in the act. The bill also contains proposed amendments to allow any two persons to apply jointly for a de facto adoption and allows any two members of a child's extended family to apply jointly for an extended-family adoption.

For the first time in Manitoba, the court can consider joint adoptions for adoption in these two categories by two people who are not in a conjugal relationship. These changes may improve the prospects for some children to enjoy permanent family ties through adoption. They also respect the significant role that extended family may play in the life of a child. Of course, Mr. Deputy Speaker, there are some time thresholds in respect of those two kinds of adoptions, time thresholds that are now recognized in law.

Another very significant area that is addressed in this bill is conflicts of interest. The bill contains amendments to conflict-of-interest provisions in four acts dealing with elected public officials, namely, The Legislative Assembly Act, The Legislative Assembly and Executive Council Conflict of Interest Act, The Municipal Council Conflict of Interest Act and The Public Schools Act. There are amendments to seven additional acts that address conflict-of-interest provisions for persons employed by or appointed by publicly funded agencies. Some conflict-of-interest statutes already include opposite-sex common-law partners. These are amended to apply to same-sex common-law partners. In some cases, such as The Credit Unions and Caisses Populaires Act, conflict-of-interest provisions only extend to married spouses. In these cases, the proposed amendments add all common-law partners, regardless of the sexual orientation of the couple.

The bill contains amendments to 11 acts that have provisions protecting the public interest. These include a wide variety of statutes and addresses people in many different circumstances. To give you an example of the kind of amendment that is included in this category, consider The Animal Liability Act. Under this act, an owner of livestock may defend an action for damages caused by his or her livestock running at large if the owner can prove that the animals were at large due to an act or default of another person. However, this defence is not available if the other person is the cohabiting spouse or child of the owner. The amendments will extend this exception to include all common-law partners. Indeed, I think this is an example of what may very well be a rarely used provision and a relatively obscure provision, but,

Mr. Deputy Speaker, it may certainly arise in the course of the Manitoba experience. It is important then to recognize that there should be fairness in all our laws, because that incident may in fact be very important as between the parties.

Another example of the proposed amendments in this category is in The Corporations Act. Certain parts of this act address self dealing in corporations and regulate when and how corporations and persons not at arm's length may do business. Persons are not considered to be at arm's length if they are associates. The definition of associates in this act will be amended to include common-law partners as well as spouses. The proposed amendments define common-law partners in a gender-neutral way as two persons who are cohabiting in a conjugal relationship of some permanence.

Mr. Deputy Speaker, amendments are proposed to a number of acts to address issues of discrimination. For example, The Defamation Act currently allows a person to sue for an injunction to prevent the continuation of libel against a race or religious creed. The proposed amendments to this act extend this right to seek injunctive relief by adding reference to sexual orientation. Therefore, a person who is libeled on the basis of his or her sexual orientation will have access to this remedy under The Defamation Act.

The amendments to this act will also clarify that where the rights created by the section address certain kinds of conduct, the provisions are not to be interpreted to protect criminal conduct. This is done by adding a new provision stating that the terms religious creed and sexual orientation shall not be interpreted to extend to any conduct prohibited by the Criminal Code.

Now, Mr. Deputy Speaker, another area that is touched on by this legislation addresses provisions in several statutes that govern self-governing professions in this province. The Chartered Accountants Act, The Denturists Act, The Registered Respiratory Therapists Act and The University of Manitoba Act each contain provisions prohibiting certain discriminatory behaviour. That behaviour includes the denial of membership in an association, testing, or qualification of academic staff and students.

In each of these cases, the act sets out a list of personal characteristics on which discrimination is not allowed. However, these lists are not as complete or as modern, updated as the Human Rights Code provisions against discrimination. For example, disability is, as I recall, not mentioned in some of these provisions. There are other grounds of discrimination that are absent. By repealing the relevant sections in these four acts, we reinforce the application and the primacy of the Human Rights Code prohibitions against discrimination. We also reinforce the process of addressing such discrimination that is set out in that code.

I think it is important that there be a very consistent application of the Human Rights Code to the areas of jurisdiction under the Constitution which are given to the provinces. Accordingly it was our concern that if the provisions were left as they were in these statutes there could be an argument available that the Legislature purposely intended that discrimination in fact may be allowed on certain grounds of discrimination or would certainly confuse the application of the Human Rights Code, which, for reasons of its importance, should be certain, should be clear.

In this area, The Law Enforcement Review Act will be amended in a similar way to refer to the Human Rights Code to define the characteristics that cannot be the basis of discrimination. These amendments are to the section of The Law Enforcement Review Act that defines an abuse of authority.

The Discriminatory Business Practices Act and The Law of Property Act are each amended to add references to sexual orientation. In The Discriminatory Business Practices Act, the provisions defining certain actions as discriminatory business practices are amended. The Law of Property Act prohibits covenants to land that restrict the sale, ownership, occupation, or use of the land because of certain characteristics. With these amendments, the characteristics will include sexual orientation.

The Law of Property Act is also amended in another aspect dealing with assignment of future wages. The existing act provides that an assignment of future wages is not valid without the written consent of the assignor's spouse.

Here spouse is currently defined to include a man and woman who have cohabited for specific time periods. The proposed amendments will extend this protection to same-sex common-law partners.

\* (16:50)

Moving to another area, there are five acts in The Charter Compliance bill that require amendments because of changes to the federal Income Tax Act. These five acts deal with incorporation of professionals and contain provisions restricting who may hold shares in a professional corporation. The current provisions refer to spouse within the meaning of section 252 of the Income Tax Act. Until June 2000, an opposite-sex common-law partner was included within the definition of spouse in that section. The section was amended as part of the federal Modernization of Benefits and Obligations Act to limit spouses to legally married persons and to create a separate definition of common-law partners. The amendments to these five acts will reinstate the ability of an opposite-sex common-law partner to hold shares of a professional corporation and will extend those rights to same-sex common-law partners.

Mr. Deputy Speaker, this bill amends a range of other acts. For example, changes to The Anatomy Act and The Human Tissue Act will allow common-law partners, including same-sex common-law partners, to claim the body of a deceased partner and make decisions about organ donation. Recognizing that these kinds of decisions should be made without delay and because a person may have both a legal spouse and a common-law partner, a modest priority scheme has been incorporated into these two acts to assist individuals in determining who can make these important decisions.

For example, a person may be separated from a legal spouse for many years and enter into a common-law relationship. If the marriage had not been terminated by divorce at the time of death, the deceased would have both a legal spouse and a common-law partner, of course. If the deceased was in a common-law relationship immediately before his or her death and that relationship subsisted for at least a year or for a lesser period but they had a child, then the

common-law partner would have priority. Otherwise a spouse would have priority.

The Victims' Bill of Rights is another example of proposed amendments in this other category. The amendments to The Victims' Bill of Rights clarify that family includes a common-law partner. Changes also ensure that a family's right to confidentiality and to certain information about offenders are forwarded to common-law partners. In Part 5 of The Victims' Bill of Rights, which deals with compensation for victims, the time period for qualifying for compensation as a common-law partner of a victim is reduced from five years to three. Also, a reference to a child born of the relationship will be changed to child of the union to clarify that adopted children are included. These changes are in keeping with other acts that extend benefits to common-law partners.

Mr. Deputy Speaker, I have provided you with only a sampling of some of the provisions that are addressed in this far-reaching bill. A number of these amendments will affect many people in the ordinary course of their lives, such as amendments to The Employment and Income Assistance Act, The Highway Traffic Act, The Off-Road Vehicles Act, as well as some of the others that I have described in more detail. Other amendments may only affect certain segments of the population, like farmers, contractors and canvassers for charity.

I hope these comments will give a sense of the scope of the work that we have done in this area and the nature of the proposed amendments. These changes flow from the recommendations, of course, of the Review Panel on Common-Law Relationships. Retired Associate Chief Justice Alvin Hamilton and Winnipeg family lawyer Jennifer Cooper consulted broadly with interested groups and individuals before reporting back to government.

Changes to Manitoba's laws relating to the division of property on death or relationship breakdown were also recommended by the review panel. My department is continuing to study the issues in this area. A case currently before the Supreme Court of Canada is, of course, of interest, but, Mr. Deputy Speaker, we will be bringing in legislation to deal with the

property of common-law relationships within the next couple of weeks.

*Mr. Speaker in the Chair*

Mr. Speaker, this bill before the House will clarify the rights and the responsibilities and obligations of persons in common-law relationships whether of same or opposite sex in these 56 statutes.

With Bill 41 we took an important step forward to greater equality in Manitoba and recognized the respect of Manitobans for the rule of law.

With The Charter Compliance Act, we recognize that true equality means complying, not only with the letter of law, but the spirit and the intent of the Charter. Mr. Speaker, I look forward to further debate on this legislation. It certainly, I think, is a significant step forward towards greater fairness and dignity for all Manitobans.

I also, at this time, want to take a moment to express my gratitude to so many members in the department and Ms. Colette Chelack, in particular, as well as people involved, not only in the Family Law branch, but in Constitutional Law, and in so many other areas of government outside of the Justice Department who took part in the drafting of this very, very complex and important omnibus bill. So, with those comments, I look forward to seeing the matter proceed, and I look forward to working with members of the House and answering any questions, providing any materials or briefings as are requested.

**Mrs. Heather Stefanson (Tuxedo):** I move, seconded by the member from Lakeside (Mr. Enns), that debate now be adjourned.

*Motion agreed to*

## DEBATE ON SECOND READINGS

### Bill 29—The Engineering and Geoscientific Professions Amendment Act

**Mr. Speaker:** To resume debate on second reading, Bill 29, The Engineering and Geoscientific

Professions Amendment Act, standing in the name of the honourable Member for Springfield (Mr. Schuler).

**Mr. Ron Schuler (Springfield):** Mr. Speaker, Bill 29, The Engineering and Geoscientific Professions Amendment Act, is a bill that will be making some changes to the current legislation. Unfortunately, this particular bill should have gone a considerable time ago. Unfortunately, the Government had decided that they wanted to stall on this particular bill, for what reasons, we have no idea.

### Point of Order

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

**Hon. Gord Mackintosh (Government House Leader):** I have never heard such nonsense, Mr. Speaker. This Legislature was held up with Bill 14 and, interestingly, by the same member who is now saying this bill was held up. There are many, many pieces of legislation before this House, and everyone full well knows that Bill 14 was a bill that was particularly pendent on action by July 1. I say shame on the honourable member. He has no right to call legislation; he has a right to speak to it.

**Mr. Speaker:** The honourable Member for Springfield, on the same point of order.

**Mr. Schuler:** Yes, Mr. Speaker, the minister does not have a point of order. In fact, last week we tried to call both Bills 29 and 30, and the minister turned it down. It was pointed out to me that it is the Government that calls the bills, and the Government had the choice a long time ago because we said we were ready to go on Bills 29 and 30, and they chose instead to play politics as the minister does. He plays his petty little personal politics. These bills could have been dealt with posthaste, and they could have gone on to playing politics with Bill 14. Instead, they chose to punish, not just the architects, but also the engineers in this process.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, it is not a point of order. It is a dispute over the facts. Also, to remind honourable members that, when

rising to draw the attention of the Speaker to the breach of a rule or the departure from practice, not to use it for debate. We have lots of time for debate.

\* \* \*

**Mr. Speaker:** The honourable Member for Springfield, on the bill.

**Mr. Schuler:** Thank you very much, Mr. Speaker, and we are glad that you intervened and pointed out to the minister that, if he wanted to speak on the bills, he can take his opportunity and put his thoughts, thus that they are, on the record, but he should allow opportunity for the Opposition to make some comments on these bills. It is unfortunate that the Government chose to stall these particular bills to punish the organizations who have been calling for them. I have spent considerable time dealing with the various organizations, in this case with Bill 29. These kinds of amendments do occur from time to time and are important. What they do is they modernize and they update various legislation, the associations in these cases—

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have 37 minutes remaining.

The hour being 5 p.m., we will now move on to Private Members' Business, with Resolution 19, Devotion of Transportation Taxes and Fees to Highway Infrastructure.

\* (17:00)

## PRIVATE MEMBERS' BUSINESS

### PROPOSED RESOLUTIONS

#### Res. 19—Devotion of Transportation Taxes and Fees to Highway Infrastructure

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I move, seconded by the honourable Member for Lakeside (Mr. Enns), Resolution 19

WHEREAS the Government of Manitoba receives \$67 million in revenues each year from motive fuel taxes; and

WHEREAS the Government of Manitoba receives another \$157 million in revenues each year from gasoline taxes; and

WHEREAS while all of the 11.5 cents per litre gasoline tax is spent on the Department of Transportation and Government Services, only 6 cents per litre are dedicated to capital spending; and

WHEREAS the Manitoba Lower Tax Commission has recommended converting gasoline and motive fuel tax revenues to a type of user fee by dedicating them to spending on the transportation system; and

WHEREAS the Canadian Taxpayers Federation has recommended the dedication of fuel tax revenues to highway construction and maintenance; and

WHEREAS the Government of Manitoba receives \$60 million in revenues each year from automobile and motor carrier licences and fees; and

WHEREAS the Government of Manitoba receives \$14 million in revenues each year from driver licences; and

WHEREAS the Government of Manitoba will receive an additional \$5.7 million in revenues, due to the \$10 increase in vehicle registration fees announced in April of 2001; and

WHEREAS the Manitoba Heavy Construction Association has recommended dedicating the revenues from the \$10 increase directly to highways improvement; and

WHEREAS the Manitoba Heavy Construction Association has also indicated that, to bring provincial highways up to an acceptable standard and begin making modest improvements, the Highways capital budget should be increased to \$240 million by 2005 and maintained at that level for the next 20 years; and

WHEREAS Manitobans who contribute to the Government of Manitoba's revenue by paying licensing fees, fuel taxes and other transportation costs should receive a correlating benefit of improved roadways and infrastructure.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider implementing a dedicated fund into which revenue from all fuel taxes, licence and registration fees is deposited and used solely for the maintenance and improvement of transportation infrastructure.

*Motion presented.*

**Mr. Faurschou:** I do appreciate the opportunity to address this resolution, which I personally as well as numerous members have communicated to me from the Assembly here, that is vital to the province of Manitoba.

Mr. Speaker, as the resolution is self-explanatory, our roads within the province of Manitoba are continuing to deteriorate in an alarming fashion. This year we had within the province of Manitoba 41 percent of our provincial roadways restricted this spring to weights that are less than registered annual rates because the roads and road bed have effectively deteriorated. Mr. Speaker, that 41% figure is up from 37 percent for the year before which is up from 33 percent for the year before that. It is obvious that within the tenure of this Government, the deterioration of the roads is increasing.

The Government of Manitoba has not been recognizant of this fact, but I believe this fact speaks for itself. This year was the first time to my knowledge and to those that I have communicated with in the Department of Transportation, that one of our main arteries more commonly known as RTAC-rated highways was restricted this spring, the first time. When our primary road system is recognized for its weight-carrying capacity at the national level but we here in the province must restrict the load on that highway in the springtime, then it is clearly evident that we are not dedicating enough resources to the maintenance and capital improvement of our roadways. Mr. Speaker, \$240 million dollars as an annual expenditure for more than 20 years is what is expected to be required to bring our roads up to the standards which we now acknowledge for the long-term viability of this province's economic activity.

It is really deplorable in a province where seven of the top thirteen national transportation

companies are headquartered that we see almost half our roadways in the springtime receive road restriction status. We should not be in that state of affairs. In fact, we should be at the other end of the spectrum and recognize that because of the importance of transportation to this province, we should be leaders in the nation.

Mr. Speaker, I know that members opposite are going to filibuster this resolution. They are going to talk it out and effectively defeat this resolution. It will be highly evident, if that does take place, that that is the acknowledgement by this Government of the status quo, and, in fact, it is going to take a change in government before anything significantly changes.

Mr. Speaker, all of the figures that are mentioned within the resolution were based on 2001 budgeted figures, but since the submission of the resolution we have seen even more registration, licensing and fee increases in the field of transportation. In fact, with the figure that is mentioned there of \$60 million in revenues from automobile and carrier licences this year, with the Budget changing some of the registration fees, we are now expected to collect \$69.97 million which is almost a \$10-million increase. When that type of increase takes place and we see no tangible resulting increase in roadway maintenance and capitalization increases here in the province, we have to wonder what the agenda of the current Government is.

Mr. Speaker, when we add up all of the figures that are transportation related as far as revenues and expenditures are concerned, we see a significant deficit, and this Government continues to say that it is the federal government that is reneging on their responsibility. Well, everyone will acknowledge that the federal government is not playing its part. We are being hypocritical here in the province of Manitoba. The Government of Manitoba is being hypocritical in its criticism of the federal government when it does not comply with exactly what they are asking for, and that is an expenditure of the revenues which are generated by the transportation industry to be returned to the transportation industry to maintain the roadways and infrastructure related to roadways here in the province of Manitoba.

\* (17:10)

This year, Mr. Speaker, expenditures are expected in the area of \$263.522 million. Now, that seems like a lot of money. However, \$314.11 million is expected to be collected from that field. That leaves a deficit of \$50.588 million; \$50 million is going some place else. You and I and all members of the Legislature register our vehicles, pay our licensing fee and expect to get value for our dollar, yet these fees are going elsewhere to various projects that are different ministers' pet projects. Why? Why, I ask, that more than \$50 million is withdrawn from the transportation industry here in Manitoba to somewhere else in this Government's insatiable quest to quench its thirst for spending?

Mr. Speaker, we have a situation in the south end of Winnipeg where countless numbers of motorists each and every day are delayed and delayed and delayed because of locomotive activity crossing Kenaston. Now, almost \$10-million worth of tax revenue is collected from our railways each and every year here in the province of Manitoba. Now that particular structure is estimated at somewhere in the neighbourhood of about \$30 million. This Government has been in place for almost three years. Three times \$10 million is \$30 million. They could have built this structure and be money ahead. It does not add up.

I also asked the question of the Minister of Finance (Mr. Selinger) at the committee hearings regarding the Estimates of revenue generation by the Finance Minister's department, asking the question as to how much money is generated by the provincial sales tax on the sale of vehicles and equipment related to transportation here in the province. Well, the minister replied that he was unaware as to whether that particular information was calculated or not, but he would endeavour to find out. When that figure is found, it is just going to be added to already a deficit over \$50 million that is collected from transportation and not reinvested in transportation.

Each and every year, as we have been told by the Manitoba Heavy Construction Association, we are using up our roadways by over \$40 million a year. In other words, depreciation of over \$40 million is being effectively withdrawn from our transportation infrastructure here in the province of Manitoba—\$40 million. It is adding

up, and now we do see, by the calculations here, that it is going to take 20 years at \$240 million a year, which is up over \$100 million more than we are spending at the present time, just to get us back to where we were previously at. So we have sunk awfully low in our appreciation of our transportation infrastructure here in the province of Manitoba.

Now, Mr. Speaker, I do want to state that it is not how much we spend on this transportation if we consider spending it wisely. Well, right now this Government has changed their attitude towards business here in the province of Manitoba. The previous administration spent dollars recognizing the economy as important to our province. This Government has taken very scarce transportation dollars and moved them into areas where effectively they are not helping out our economy. Yes, it would be very nice to have a road into every community within our province, but at the present time we cannot afford to do that because we have to recognize that tax dollars are generated by the economy of Manitoba. Currently, more, almost a third of our economy moves on less than 4 percent of our roadways here in the province, less than 4 percent. What are we spending on that 4 percent of our transportation network which is also recognized as a national roadway network? Virtually nothing.

There are small projects here and there, and indicative of this lack of understanding of the important roadways here in the province of Manitoba, is west of Virden, the roadbed has been built by the previous administration, and all it is requiring effectively is a surfacing of that roadway, just a surfacing, a small percentage of the capital cost of that roadway, and yet this Government through its complete tenure has allowed that roadbed to only serve us as a holding and growing out of weeds. We just look at the roadway as we pass by and see what is a visual reminder of this Government's recognition of the important roadways here in the province. A lack of understanding of the importance of the economy is leading this province down the road that will ultimately see a reduction in taxes and revenues and a standard of living.

This Government says they are a government for the people and want to improve the

standard of living. Well, members of the Legislative Assembly, unless we start spending more money on transportation and recognizing the importance to the economy of Manitoba, we are going to see the economy of Manitoba go down the tubes and ultimately our lifestyle here in Manitoba. We will see how the government side of the House deals with this resolution this afternoon, and in fact if they talk it out they are defeating this resolution. Thank you.

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, I am very happy to put a few words on record. I listened with rapt attention to the Member for Portage (Mr. Faurichou), and I must say I have some sympathy with some of the arguments. However, I think we have to put them in context.

One of the things we have to look at very carefully is that, when he is talking about underfunding, particularly, capital projects for highways, that \$100 million has been constant since I think the early nineties and maybe even the late eighties. That figure has not changed an awful lot. It is \$120 million right now. So there was no drastic change by the previous government either. Are we underfunding our infrastructure of highways, our road system or transportation system? The answer is, yes, underfunding it terribly. In fact, there is probably a \$2-billion infrastructure deficit that we should be addressing. But I think the member is letting the feds off the hook too easily. I think you have to take a look at the federal government. Our biggest problem is that we do not have a federal government as other industrial nations have a federal government that supports that infrastructure. Our federal government does not do that, at least not to any extent that is meaningful, although they have done a little bit this year, I admit.

So there are really some reasons why I disagree with the member. I would like to point them out because I do not want him to think it is just pettiness. One of them is that I think if you jump from the \$120 million that we are putting into highways now, capital construction, to \$240 million, that is not a modest increase as he is suggesting in his resolution later on. It is not modest at all. It is a massive increase. It certainly was not happening under the former government. So I have a concern about whether our

Budget and future budgets could stand that kind of a strain and what we would have to give up elsewhere in order to do that. Although I have no disagreement with him in terms of the importance of the transportation system to creating wealth, the economic argument, I am very sympathetic to it, but I think, again, there the federal government has to step up to the plate and be a major contributor.

The second reason I basically disagree with the member is he is absolving the feds from this massive need. They are basically walking away from transportation, as they did in 1996, saying ports are not our business, airports are not our business, railroads are not our business. Look what we have inherited. Yes, we talk about privatization, new rules, a global economy, et cetera, et cetera. I am sympathetic to some of those arguments, but we have also thrown transportation in disarray. So the feds have walked away from them, and he should not absolve them that easily.

\* (17:20)

Thirdly, using licence fees and registration fees and so on purely for infrastructure such as roads would harm other projects, such as the graduated licensing program, safety program and so on. If I use the member's calculations, and I will go through them again, I think they are last year's, we do collect annually \$67 million for motive fuel taxes, \$157 million for gasoline taxes, \$60 million for automobile and motor carrier fees, \$14 million for driver's licences, and he has added in the \$5.7 million from the \$10 increase in vehicle registration fees, for roughly \$300 million. But, if you use all of that for road construction, because I think that is what he is really saying, then some of these other programs will fall by the wayside, or you would have to fund them from other sources. I mean, it is only a finite pot as the member understands. So that is one of my other disagreements with him.

Fourthly, when he talks about supporting infrastructure, is he really saying just roads, because if it is infrastructure or transportation infrastructure he is talking about in general, then we are also talking looking at railroads, then we are also looking at northern airports. It is not just highways, and it is certainly not just southern

highways. So that makes it a much different argument. So I am not quite clear whether we are talking only roads or whether we are talking about other transportation infrastructure because, if we are talking about other, we are looking at a really huge challenge. It is not just a \$2-billion infrastructure deficit for roads, but we have got serious problems with railroads, railroad line abandonment. We have some challenges with the Port of Churchill. We have some challenges with the airports that the feds have walked away from, with some minor transition payments, particularly in communities such as Lynn Lake that cannot afford to upkeep such airports. So I am not sure how broad this resolution is, but, again, I want to assure the member I am sympathetic to some of his underlining arguments.

The member has to be aware, though, that we are investing in highway capital, and whatever we do make, basically, we invest back our fuel tax investment, we invest back into highways. Manitoba's investment in highways has been strengthened in Budget 2002, where we have increased this year's highways capital budget to over \$120 million. In fact, over five years, that is roughly \$600 million. It is not enough. I understand that fully it is not enough, but we are facing a huge infrastructure deficit, and we are making some modest gains.

We have lobbied the federal government continually, Mr. Speaker, and I am sure the member opposite has, as well, that they must reinvest more money in the transportation infrastructure of this country, but they have not done so. They are one of the few federal jurisdictions in the world that do not have a national highway system that they really fund. Occasionally, they put in a dollar here and there in the Trans-Canada Highway and so on. They have done something lately. That is true on the Prairie Grain Roads Program and a little bit in the SHIP program, but it is not enough. It is something like 5 percent of what they take away from fuel taxes every year from Manitoba, like some \$150 million. They put back really peanuts. Everybody realizes that, and that is not an acceptable way to be going.

This year the federal government, to put that in perspective, has returned less than 5 percent of the fuel tax it collects in Manitoba back into

Manitoba roads, and that, I think, is a shameful legacy. It is not enough. They are simply not paying enough.

We have joined the Association of Manitoba Municipalities, the Manitoba Heavy Construction Association and the Manitoba Trucking Association and others that call on the federal government to reinvest because the Province alone cannot do the job. It is as simple as that. We do not have that \$2 billion that is really needed to make it work the way it ought to work.

The provincial government has been successful in that the federal government has reinvested some \$20 million in Manitoba. This has been done through two programs. I mentioned earlier the Prairie Grain Roads Program, the Strategic Highway Infrastructure Program also known as SHIP. I think this is the first time we have had a SHIP program in quite a number of years.

SHIP is a new federal-provincial program which will see \$40.4 million over four years, and this money will go to improving the national highway system, which includes PTH 1, 75, 16 and 100 in Manitoba. The Prairie Grain Roads Program is a five-year, \$65.6-million cost-sharing program between the feds, the Province and municipal governments to upgrade and improve grain-haul roads in rural communities. These programs are very welcome, but, as we said earlier, they are not enough. These programs are welcome because, after almost five years without dedicated highway spending from the federal government, it is at least a start. It is a hopeful start, and we hope that this commitment by the federal government will certainly grow.

As I mentioned earlier to the member, it was in July 1, 1996, when the federal government walked away from any of what I think were their obligations to a national transportation system. I am not the only one actually that is saying that. If I could quote, and a person I never thought I actually would quote is the former Member for Lac du Bonnet. I happened to be reading *Manitoba Heavy News Annual 1999*. This is what Darren Praznik said. In fact, the former Member for Lac du Bonnet, also leadership hopeful for your party, here is what he has to say. He says: A major contributor to our

crumbling and inadequate national highway system has been the lack of federal leadership in developing responsible approaches to investing in a national highway program to maintain highways of national and strategic importance to Canada. So some of his own people are calling for the same thing. We cannot let the feds off the hook.

He furthermore, and this is Darren Praznik's last quote, he says: our competitive disadvantage with the United States will only intensify as a result of the United States federal government's commitment to improve its already superior highway systems in passing the Transportation Equity Act for the 21st century, also known as TEA-21. TEA-21 allocated all federal road fuel taxes, namely, gasoline at 18.4 cents per American gallon and diesel at 24.4 cents per American gallon for surface transportation. Overall, TEA-21 will provide more than \$218 billion over the period 1998 for the period 2003. That is well over \$35 billion per year, I believe. This significant infusion of funds will enhance the United States productivity and efficiency advantage, draw Canadian highway users to their system and divert their travel-related economic activity from Canada.

What I would hasten to add to the member, though, we cannot just use an economic argument alone. For northern Manitobans, they are very sensitive to whether the roads are being funded properly. When the member says we could do better, well, they had 11 years to prove it. They sure were not doing better in northern Manitoba. I am not doing this in any nasty sort of recriminating kind of way, but, when you put 4 percent or 6 percent of your total funding in the North, it is not enough. I know the argument was based on population, but, again, that is not acceptable. I mean, we have people over there that simply do not even have road access. We have to look at that and balance that with, as the member suggests, better roads for transporting goods to market and so on. I understand that, but there is a balance. Some people would just be happy to have any road, an access road.

I would also like to point out to the member, going back to what the federal government should be doing, in 1998, provincial and territorial ministers of Transportation endorsed what

they called a National Transportation Investment Strategy, NTIS. In fact, at the 1998 annual premiers' conference and also at the 1999 premiers' conference, this was endorsed. This was supported. Even the feds said, yes, we ought to go that route, but they have not actually done it because the feds basically make about \$4 billion a year annually in transportation-related revenues of which they spend about \$1 billion. So they have a net gain of about \$3 billion and, in fact, over the period, I believe it was, '99-2003, we figure around 14 billion that was not used that came from those same sources.

So the federal government currently receives about \$4 billion annually from road-use fuel taxes, and spends an average of only about 5 percent of this revenue on provincial highways infrastructure. Manitoba highway users pay the federal government about \$150 million, as I said, annually in road-use fuel taxes, and currently none of this federal revenue is reinvested in Manitoba highways, with the exception, I guess you could argue, of the SHIP program and the Prairie Grain Roads Program. But, over the last few years, the amount that the feds have put in has just simply not been enough.

The federal government's current annual transportation-related revenues exceed expenditures of the fed by about \$3 billion. Over the period 1999 to the year 2003, as I said, that is \$14 billion. If they were to share that money with the provinces, we would have some decent roads, but that is not happening.

\* (17:30)

As well, in 1995 the federal government imposed a 1.5-cent litre increase in the federal gas tax as a deficit reduction measure. This tax increase alone now provides the federal government with an annual revenue stream of \$550 million.

Transportation has borne an undue burden in the federal deficit battle. We have won that battle so that money should come back to us. We should be involved in a national highways system; the feds should be and we should be. We should be involved in a national transportation investment strategy. You can compare what we are doing with what other governments are

doing. You know, we are just not on the same level. That is, you know, really, really sad.

The previous government, I want to point out though, spent as little as 4 percent or 6 percent in some regions of this province. That was not acceptable. So if we go back to more funding, we still have to address the outstanding issues from northern Manitoba. It cannot just be, as I said earlier, the economic argument to create wealth, which is very important. We also have to pay attention to accessibility, particularly the regions such as my area, Pukatawagan, which does not have a road; a community of 2000 people. The east side of Lake Winnipeg, those communities do not have a road. I mean, we also have to look at that. We cannot just build for the market only. We have to have that balance. I did not particularly see that balance in the member's argument.

So I am sympathetic, but there are weaknesses there. Regretfully, although I respect the member from Portage, I cannot support this particular resolution. Thank you, Mr. Speaker.

**Mr. Daryl Reid (Transcona):** Mr. Speaker, I am pleased to rise to add my comments to this resolution brought forward by the Member for Portage la Prairie (Mr. Fauschou).

Mr. Speaker, I have great respect for the Member for Portage la Prairie. I know he has had an active interest in bringing forward suggestions by way of resolutions to this House. He did so in the session before with respect to graduated licensing, and he has again this year, bringing forward a resolution with respect to transportation-related issues.

I do know, Mr. Speaker, while we respect his interest in these areas, one has to ask the question that would first come to mind. His party was government for some 11 years in this province and yet neither of those programs were brought forward by way of what he is proposing here in this resolution today. One has to ask: If the members of the Official Opposition were serious about this, why was this not high on their priority list for the last 11 years prior to this Government coming into office? So, while we do not say that there is not merit in what he is suggesting here today, we are saying that we

wish that if this was such a high priority, this would have been brought forward some time ago.

Now I listened with interest to the comments that were made by my colleague the Member for Flin Flon (Mr. Jennissen), with respect to this resolution here today. I must first say, Mr. Speaker, that he had made some interesting and valid points with respect to this resolution and what the intent is and with respect to what the Government's interest is.

I will talk in a few moments about 2020 transportation vision and the committee process that we have in place. We rolled out the announcement just this afternoon, so I will be adding some comments about that particular process as well.

I first want to say, Mr. Speaker, that, yes, Manitoba does have some difficulties with its transportation infrastructure in the province of Manitoba. I do not think it is a doubt in anyone's mind. I mean, you just have to travel to the different communities of our province, and you will see quite clearly that there are difficulties. There are problems that need to be addressed, whether it is the flood-related issues in south-eastern Manitoba and the infrastructure that is now obviously in some distress as a result of the flooding and in past floods for other areas.

Mr. Speaker, there were costs borne by the Ministry of Transportation and Government Services through Emergency Measures, but also by the highways department itself in restoring and rebuilding that infrastructure, so there are costs associated with those losses. There is also ongoing crumbling of the existing infrastructure in place. Whether you talk about the highway system, or you talk about the marine services that we have in the province in the aging marine services, the airports in our province, particularly in northern Manitoba that have some difficulty accepting larger aircraft due to the short length of the runways, and there is a need there to have consideration.

I did listen with interest to the Member for Flin Flon who talked about the federal government withdrawing support a number of years ago. I can remember quite clearly Doug Young,

when he was federal Minister of Transportation, just gutting the transportation system across the country and, in fact, the impact that it had on Manitoba, where they actually abandoned their involvement in rail passenger transportation, also abandoned the federal support for the airports. They turned over the airports to the various communities around Canada, and, in particular, rural and remote Manitoba who, obviously, rely very, very strongly upon those services.

There are many communities, I think 13, if I recall correctly, in Manitoba that do not have ground access to them and rely very strongly on a strong airport system to provide them with access to other parts of the province and in North America. So I say that the federal government has a role to play in this. I do know the federal government takes some \$155 million a year out of the province of Manitoba just in fuel taxes alone, and, yet, I look at the comments or listen to the comments quite clearly that were made by the member for Flin Flon talking about the amount of money that the federal government actually contributes back, and if you look at it, it is 155.

I was at a forum just this afternoon and I listened to the construction industry representatives talk quite clearly about the lack of federal participation in this process. The federal government takes \$155 million a year out of Manitoba in fuel taxes and only puts back about \$4 million a year in direct contribution. Although there is some participation in some other specific programs like the SHIP program and the Prairie Grain Roads Program which are earmarked specifically, but not for the general infrastructure rebuilding and maintenance. So the federal government has a significant role to play in this process, but has actually just decided to take the revenue out and not contribute anything back.

I am sure for any member in this Chamber, if they want to ask their constituents who maintains the TransCanada Highway, you will find quite clearly that the general public perception is that the federal government maintains the TransCanada Highway, but, in fact, they put very little amount of money into that particular road. In fact, it is the Province of Manitoba that maintains it solely within our borders. So,

perhaps, we need to look at other ways where we get some federal government involvement.

Now, I read the resolution with respect to the member opposite with respect to correlating benefits and a dedicated fund relating to taxes and fees and other revenue generators. I have heard these comments made by members of the Infrastructure Council of Manitoba. There are other members in the business community that have talked about this for some time. I am not saying it is without its merit, but I can say that we have, as a result of the process started, the Minister of Transportation and Government Services (Mr. Ashton) has announced that there is going to be a 2020 transportation committee that has now been struck. The minister has asked that the Member for Selkirk (Mr. Dewar), the Member for Flin Flon (Mr. Jennissen) and myself be members of that particular committee, working as a part of a larger body called the steering committee, in that we will be consulting quite broadly with Manitobans over the course of the next year. We have made that announcement just this afternoon, where we presented to the ICM what the plan is over the course of the coming year.

Now, this particular process, the minister having appointed the three of us to head up this committee, we will be holding a number of meetings across the province of Manitoba, and, of course, we will try to maximize the amount of public participation in this process. I know and hope that the members will encourage their constituents to be involved in this process, because I think it is important to encourage as many Manitobans as possible to be involved in this process.

Now, the 2020 is a public consultation process designed to obtain broad-based, informed public and stakeholder input into the development of a transportation infrastructure plan. Members opposite may not have heard of this process, or much detail, but I will share with them here today what will be contained in that particular process, for their information.

\* (17:40)

The purpose of the consultation is to identify public concerns and desired directions with respect to transportation infrastructure, and to

receive input on solutions to the current challenges and to the future challenges that face our province with respect to transportation infrastructure. We will also ensure that all views are heard and considered in the transportation planning. We will work towards a consensus, as much as we possibly can, on issues and solutions to create a shared vision that benefits all Manitobans. We will also work to fulfil the obligations under The Manitoba Sustainable Development Act. Those are the five main purposes of the consultation that we will have undertaken in Manitoba as we move forward with this process.

I know the Member for Portage la Prairie (Mr. Faurschou) has talked about some of the challenges, and rightly so. I mean, we do have transportation infrastructure challenges in this province. It is no secret that Manitoba has a current deficit in infrastructure, if we can call it that, of some \$1.5 billion that has accumulated over a number of years, as successive governments, if we are being fair here, have limited the amount of investment in infrastructure in our province. We looked over the course of the last 15 years, perhaps 12-15 years. One can only look at the budget numbers that were produced with respect to Highways in particular, where capital project funding was in the range of some \$90 million to \$105, 107 million per year. Yet we know quite well, as members opposite have said, and my colleague for Flin Flon has said that we require, perhaps, double that amount of money to maintain the existing infrastructure that we had.

I do remember quite clearly when I was critic for Highways and Transportation back in the nineties, the Minister of Transportation, at that time the former Member for Steinbach, offloading some 2000 kilometres of roads back to the various municipalities around the province, and, of course, only attached some short-term support for that. It created a hardship for those particular R.M.s and LGDs with the transfer of those. I know, perhaps, the Member for Portage la Prairie does not recall that, but that was a part of the discussion that occurred in this House. I do not know if he is suggesting that that is one of the options that should be looked at or not, but that is what some of his caucus colleagues had undertaken during the nineties, as

members of his caucus sat around the Cabinet table making those decisions. I remember the debate that occurred around that.

Going back to the 2020 transportation plan, there are some key challenges that will be attached to that. I am not saying that these are all of the challenges, but these are some of the key challenges, to secure a stable source of transportation funding and to sustain our infrastructure and lifestyle. Obviously, we all accept that. That is like a motherhood statement that we want to undertake, and to make sure that we are able to conduct ourselves in utilizing a transportation system that would meet our lifestyle needs.

Another of the key challenges affecting us would be the maintaining and upgrading of the infrastructure to enhance economic development and trade. Now, I do know that I spoke a few moments ago about the cost to fund repairs and reconstruct the existing system being \$1.5 billion. If you look at the amount of money that would be required to fund repairs and to reconstruct the crumbling infrastructure system in the province, that would be about another \$1.5 billion. So we have over \$3 billion in infrastructure that needs work undertaken in this province.

It is very clear that Manitoba's fiscal situation, where our total budgetary expenditures for the province are only about \$6.9 billion that a \$3 billion—[interjection]—well, if you compare it to Ontario or to B.C. or to Alberta, their revenue picture, you can see that we are at a modest level when you want to be compared in relative terms. Manitoba, with a \$3-billion infrastructure requirement, that is not quite 50 percent of our total revenue picture for the province of Manitoba. So you can see that we have a significant issue facing us.

We want to improve access to remote communities to support social and economic growth. The Member for Flin Flon (Mr. Jennissen) represents many of the communities of northern Manitoba when you move to the northwest corner of our province and those communities, quite a number of them are isolated. I know he has talked to me many times about flying into those communities and how

important the winter road system is to sustaining those communities and to bringing the much-needed services and goods into those communities, so it is important for us to look at the way that winter roads play a part of the process and what we can do to help those communities along the way as well.

Now there are a number of issues, and I know, Mr. Speaker, my time is running short here with respect to the 2020 process and in talking about this resolution today, but the process we want to be open and transparent. We have indicated that there is no predetermined outcome as a result of this process.

We want to strive to identify a province-wide consensus on what we have and what we need. It is a part of our infrastructure, and how we will get there is just as important as those first two items. So I think, Mr. Speaker, the federal government can play a significant part in assisting us move along that path to rebuilding our infrastructure in this province, and not just the transportation infrastructure, but also the other items that we want as a part to protect our quality of life. I speak more specifically about the floodway and the role that they can play in the restoration and the rebuilding and the protection for the city of Winnipeg in that process as well.

So there are many other parts to this, Mr. Speaker. We will be visiting 16 communities, starting from September until next January, to consult broadly with Manitobans with respect to the infrastructure program, and we hope and encourage Manitobans to be a part of that process and we will consult with them in every way that we possibly can to encourage their input into how we build and rebuild our infrastructure program in the province of Manitoba. So we encourage members opposite to participate in that process and to know that there are more partners in this than just members of this House but actually the Manitobans themselves.

So, with those few comments, Mr. Speaker, I thank you for the opportunity to talk about infrastructure, particularly transportation infrastructure in Manitoba. Thank you.

**Mr. John Loewen (Fort Whyte):** I do want to put some words on the record. I promised the

members opposite that I will not take us right to six o'clock. I know they do want to vote on this resolution, and I think it is important that we save enough time at the end to pass this resolution, so there will be ample opportunity for the members opposite to do that.

In response to some of the comments I have heard, I just wanted to put some words on the record because, while it is true and it has been identified by members from all constituencies in this House that we do suffer from an infrastructure shortage, shortage of funding. We are not spending enough to keep the infrastructure up to where it should be all across this province. But I think what particularly galls Manitobans is that when we have the opportunity to improve the infrastructure, particularly under the administration of this Government, the money gets spent on one foolish project after another that does not accomplish anything.

The member from Transcona wants to talk about TransPlan 2020, and he listed five wonderful and laudable premises under which the committee is going to operate. The first thing I would say to the member is, welcome to Fort Whyte. Come out to south Winnipeg and talk about infrastructure, and you will get a very, very clear picture about what type of infrastructure is lacking.

I just would remind the member, because he wants to talk about public input, letters to, I think, it was five constituencies in southwest Winnipeg resulted in over 10 000 responses from individuals in that part of the city and some in northeast Winnipeg, too, urging, urging the Premier (Mr. Doer) of this province to build an underpass at Kenaston and Wilkes. Any type of structure to get the traffic flowing through the Kenaston and Wilkes area would be most welcome. I would suggest to the members opposite, particularly the member from Transcona, that he does not need a committee. He does not need to establish a committee to go out and find out what is wrong with infrastructure, particularly in that area but all across Manitoba. It is well known.

What he needs to do is encourage the members of Cabinet to put pressure on their Government and the minister responsible for

infrastructure programs to just go out and start doing something, start doing the right thing instead of cutting these cockeyed deals that will see in a short period of time a footbridge.

Well, Mr. Speaker, understand this: a footbridge from Provencher to The Forks to the tune of some \$13 million or \$14 million, which is totally funded out of the infrastructure fund. So, instead of building an underpass which they could build for the same amount of money at Kenaston and Wilkes, this Government, because of their political approach to everything, decides we are going to build a footbridge from Provencher to The Forks. Now, that may help the Minister of Finance (Mr. Selinger) when, two or three times a year, he hauls out the old bicycle and decides to take a ride over to the Legislative Building, but it does not do much to help the people of Manitoba, particularly those students going to Red River College, students going to the University of Manitoba, emergency vehicles, ambulances, fire trucks, parents on their way to soccer games, school buses on their way to schools. You know, those types of vehicles all spend countless, countless hours over the course of the year waiting for trains to go by at the corner of Kenaston and Wilkes.

\* (17:50)

Mr. Speaker, the busiest crossing in all of Canada is right there at Kenaston and Wilkes, and instead of solving the problem, what does this Government do? They go out and build a footbridge. Now, come on. I mean, my children have comments about this, but they probably are not fit for this discussion. They, as well as all of the citizens in southwest and northwest Winnipeg, cannot believe how mixed-up the priorities of this Government could be. So I would urge them, instead of going out and having committee meetings, just take that committee anywhere in southwest Winnipeg, just anywhere, and you will get all the input you need on how to improve the infrastructure.

They will tell you clearly that, yes, there is a problem in terms of lack of enough money to do all the things we want to do, but the most ridiculous thing is the way that the money that is there is misspent. So, this Government, with one simple stroke, if they wanted to, could take

roughly the \$86 million that they have so far dedicated to the city of Winnipeg for the last infrastructure program, just take half of that, take half of that \$46 million and dedicate it to roads. It is a simple decision, a simple decision that maybe the members on the back bench, those parrots who go along with anything the Premier has to say, would just put some pressure on Cabinet to do the right thing.

So, Mr. Speaker, again, just by way of closing, I would like to invite the committee out to southwest Winnipeg, particularly out to Fort Whyte, ask them about how they feel about building a footbridge from Provencher to The Forks versus building an underpass or some type of structure that would allow traffic to flow. Come out and hear what the people really want.

By the way, there is another infrastructure program being talked about, a \$2-billion fund specifically for infrastructure. So, if this Government is really concerned about the transportation needs of this province, then take those resources, take Manitoba's share of that \$2-billion infrastructure fund, and pour it back into the roadways, not only in Winnipeg, but throughout the province.

**Mr. Conrad Santos (Wellington):** The honourable Member for Fort Whyte does not like the footbridge to The Forks, but he may want footprints on the underpass on Kenaston Boulevard. The real issue here is what this resolution is trying to say. This resolution urges the provincial government to consider implementing a dedicated fund into which revenue from all fuel taxes, licence and registration fees is deposited and used solely for the maintenance and improvement of transportation infrastructure. Mr. Speaker, what this resolution is trying to create is a special dedicated fund that can only be spent for a very narrow purpose, namely, the infrastructure.

There is no doubt about the importance of infrastructure in any kind of economic system, because it provides the link by which commerce, trade and activities can take place and, thereby, increase the prosperity of the nation or the country or the community. However, is it wise to create such a dedicated fund, limited in purpose, that can only be spent for a very narrow

purpose? Is it desirable that the tax policy be created for any limited purpose, only for school, only for infrastructure, only for roads, only for this, only for that? What is the nature of this kind of policy that the honourable Member for Portage (Mr. Faurschou) is thinking about? What are the advantages or disadvantages of such a course of action for any kind of government?

Let me say that the power to tax is given to the government in political and juridical theory, because the government is the steward of all the people to answer all the needs that may arise, all the contingencies that can never be foreseen. There may be flood, there may be fire, there may be other catastrophes. If funds are dedicated for certain and specific purposes, like roads and highways, and you cannot attach those funds when there are floods that often happen here in this province—for example, there is also a fire in Denver, Colorado, destroying acres of land, thousands and thousands, and if you cannot attach the fund, is that wise policy? No, it is not wise. It will not be wise policy. Why? Because it limits the essential discretion of government to respond to the various needs and contingencies that may arise as the stewards of all the people.

Why do we have a duty to pay taxes? We have a duty to pay taxes because taxes are the civilized means by which all these essential services can be provided to all the people, but you can never specify specific types of services when you have a general power to tax and a general revenue fund to answer for all the needs of the community. That will limit the discretion of any government, and if any government's discretion is limited, it means it cannot respond. It is helpless. It is weakening the power of government to be the steward and guardian of all the people.

I am not opposed to putting money where it is needed. That can only happen when there is the general ability of government to respond and answer to whatever is paramount at any moment in any community. In this province there is, undoubtedly, a need for better roads. Undoubtedly, there is need for better highways. There can be no argument about that, because they have been neglected for the last how many years that the honourable member's government had been in power.

We are now trying to recoup and to improve the situation, and if you get all this money coming from all these sources like registration and licences and like all the sources of revenues, and pool them into a specific fund that you cannot spend except for highways, then this Government becomes helpless. Its hands are tied. It cannot respond to the flood. It cannot respond to the fire. It cannot respond to all the crises that may arise, and nobody knows where those crises have to be met. That is the exclusive power of government.

That is the reason why government collectively has this essential, they call it inherent sovereign, power to tax. It is inherent in the nature of government that the discretion is not limited. Otherwise, it will be a weak government, and a weak government cannot do anything for the people that they are supposed to be the stewards of. Is that what you want, a weak government? There is no danger in a strong government. There is no danger in a strong government provided that it is an accountable and responsible government, responsive to all the needs of all the people at any time.

So let me summarize. It is not wise to limit the essential discretion and ability of government to respond to the people by creating dedicated funds for narrow and specific purposes.

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, I welcome the opportunity to put a few thoughts on the record here. I guess my time is very limited, so I would just like to make the point that I represent a constituency that felt the pinch when those guys were in office. There is a lot of highfaluting talk from that side of the House now how they want money spent on underpasses and so on and so forth. There are areas in this province that have suffered and have been out in the cold, and the Interlake is certainly one of them. Not a road was built there in the decade leading up to the change in government.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have 14 minutes remaining.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 24, 2002

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>			
<b>Presenting Petitions</b>		Palliative Care	
		Driedger; Chomiak	2760
<b>Reading and Receiving Petitions</b>		Freedom of Information Requests	
Transcona-Springfield School Division		Driedger; Chomiak	2761
Schuler	2755	Tweed; Chomiak	2763
<b>Ministerial Statements</b>		Winnipeg Casinos	
Flood Forecast		Gerrard; McGifford	2762
Lathlin	2756	Workers Compensation	
Enns	2757	Derkach; Barrett	2764
		Loewen; Barrett	2766
<b>Tabling of Reports</b>		Department of Justice	
Thirty-first Annual Report of the Law Reform		J. Smith; Mackintosh	2765
Commission for 2001-2002		Manitoba Labour Board	
Mackintosh	2757	Schuler; Barrett	2766
		<b>Members' Statements</b>	
Annual Report of the Seizure and		Dakota Collegiate Athletic Awards	
Impoundment Registry for the fiscal		Asper	2768
year ending March 31, 2002		Women's Fitness Championship	
Mackintosh	2757	Stefanson	2768
Supplementary Information for Legislative		Learning Through the Arts Program	
Review 2002-2003—Departmental Expenditure		Rondeau	2768
Estimates—Manitoba Department of Education,		4-H Rally	
Training and Youth and Manitoba		Dyck	2769
Advanced Education		Marlene Street Tenants Association	
McGifford	2770	Allan	2769
<b>Introduction of Bills</b>		<b>ORDERS OF THE DAY</b>	
Bill 38—The Public Health Amendment Act		<b>GOVERNMENT BUSINESS</b>	
Chomiak	2757	<b>Second Readings</b>	
<b>Oral Questions</b>		Bill 13—The Medical Laboratory Technologists	
Manitoba Hydro		Act	
Murray; Selinger	2758	Chomiak	
Loewen; Selinger	2759	2771	

Bill 25--The Hearing Aid Amendment Act  
Chomiak 2773  
Driedger 2774  
Enns 2774

Bill 26--The Occupational Therapists Act  
Chomiak 2774

Bill 28--The Registered Dietitians Act  
Chomiak 2776

Bill 31--The Medical Amendment (Physician  
Profiles and Miscellaneous Amendments) Act  
Chomiak 2777

Bill 37--The Non-Smokers Health Protection  
Amendment Act  
Chomiak 2781

Bill 33--The Private Vocational Institutions Act  
McGifford 2785

Bill 34--The Charter Compliance Act  
Mackintosh 2788

### **Debate on Second Readings**

Bill 29--The Engineering and Geoscientific  
Professions Amendment Act  
Schuler 2792

### **PRIVATE MEMBERS' BUSINESS**

#### **Proposed Resolutions**

Res. 19--Devotion of Transportation Taxes and  
Fees to Highway Infrastructure  
Fauschou 2793  
Jennissen 2796  
Reid 2799  
Loewen 2802  
Santos 2803  
Nevakshonoff 2804