

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

**Official Report**  
**(Hansard)**

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The Honourable George Hickes  
Speaker*

**Vol. LV No. 12 – 1:30 p.m., Monday, March 1, 2004**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Monday, March 1, 2004**

**The House met at 1:30 p.m.**

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

#### Standing Committee on Crown Corporations Second Report

**Mr. Doug Martindale (Chairperson):** Mr. Speaker, I wish to present the Second Report of the Standing Committee on Crown Corporations.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Crown Corporations—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Crown Corporations presents the following as its Second Report.*

#### **Meetings:**

*Your committee met on the following occasions:  
Friday, February 20, 2004, at 10 a.m. in Room 255 of the Legislative Building  
Friday, February 27, 2004, at 10 a.m. in Room 255 of the Legislative Building*

#### **Matters under Consideration:**

*Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2001  
Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2002  
Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2003*

#### **Committee Membership:**

*At the February 20, 2004 meeting, your committee elected Mr. Martindale as the Chairperson.  
At the February 20, 2004 meeting, your committee elected Ms. Oswald as the Vice-Chairperson.*

*Substitutions made, by leave, during the February 20, 2004, committee proceedings:*

*Mr. Loewen for Mrs. Mitchelson*

*Ms. Korzeniowski for Mr. Dewar*

*Ms. Oswald for Hon. Ms. Allan*

*Mr. Schellenberg for Mr. Altemeyer*

*Hon. Mr. Mackintosh for Hon. Mr. Sale*

*Mr. Jha for Mr. Reid*

*Substitutions made, by leave, during the February 27, 2004, committee proceedings:*

*Mr. Tweed for Mr. Faurschou*

*Mr. Maguire for Mr. Cummings*

*Ms. Irvin-Ross for Ms. Korzeniowski*

#### **Officials from the Manitoba Public Insurance Corporation Speaking on Record:**

*February 20, 2004*

*Jack Zacharias, President and Chief Executive Officer*

*February 27, 2004*

*Jack Zacharias, President and Chief Executive Officer*

*Shari Decter Hirst, Chairperson of the Board*

#### **Reports Considered and Adopted:**

*Your committee considered and adopted the following report as presented:*

*Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2001*

#### **Reports Considered but not Adopted:**

*Your committee considered the following reports but did not adopt them:*

*Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2002*

*Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 2003*

**Mr. Martindale:** I move, seconded by the honourable Member for Transcona (Mr. Reid), that the report of the committee be received.

**Motion agreed to.**

**Standing Committee on Crown Corporations  
First Report**

**Mr. Daryl Reid (Chairperson):** I wish to present the First Report of the Standing Committee on Crown Corporations.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Crown Corporations—

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Crown Corporations presents the following as its First Report.*

**Meetings:**

*Your committee met on Friday, February 13, 2004, at 10 a.m. in Room 255 of the Legislative Building.*

**Matters under Consideration:**

*Annual Report of the Workers Compensation Board for the year ended December 31, 2000*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2001*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2002*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2000*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2001*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2002*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2001-2005*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2002-2006*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2003-2007*

**Committee Membership:**

*Your committee elected Mr. Altemeyer as the Vice-Chairperson.*

*Substitutions made, by leave, during committee proceedings:*

*Mr. Maloway for Hon. Mr. Bjornson*

*Mr. Martindale for Hon. Ms. Melnick*

*Hon. Ms. Allan for Hon. Mr. Smith*

*Mr. Faurschou for Mr. Loewen*

*Mr. Altemeyer for Mr. Jha*

*Mr. Eichler for Mr. Tweed*

**Officials from the Workers' Compensation Board  
Speaking on Record:**

*Wally Fox-Decent, Chairperson*

*Harold Dueck, Vice-President, Finance and Administration*

*Doug Sexsmith, President and Chief Executive Officer*

*Alan Scramstad, General Counsel and Corporate Secretary*

**Reports Considered and Adopted:**

*Your committee considered and adopted the following reports as presented:*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2000*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2001*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2000*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2001*

**Reports Considered but not Adopted:**

*Your committee considered the following reports but did not adopt them:*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2002*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2002*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2001-2005*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2002-2006*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2003-2007*

**Mr. Reid:** Mr. Speaker, I move, seconded by the honourable Member for Burrows (Mr. Martindale), that the report of the committee be received.

**Motion agreed to.**

**Standing Committee on Legislative Affairs  
First Report**

**Ms. Marilyn Brick (Chairperson):** I wish to present the First Report of the Standing Committee on Legislative Affairs.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Legislative Affairs presents the following as its First Report.

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Legislative Affairs presents the following as its First Report.*

**Meetings:**

*Your committee met on February 18, 2004, at 6:30 p.m. in Room 255 of the Legislative Building.*

**Matters under Consideration:**

*Bill 7—The Criminal Property Forfeiture Act*

*Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance For Rural and Northern Manitoba)*

*Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)*

**Committee Membership:**

*Your committee elected Ms. Brick as the Chairperson.*

*Substitutions made, by leave, during committee proceedings:*

*Mr. Dewar for Mr. Maloway*

*Hon. Mr. Bjornson for Hon. Mr. Rondeau*

*Hon. Ms. Melnick for Hon. Mr. Selinger*

*Ms. Rowat for Mrs. Taillieu*

*Mrs. Stefanson for Mr. Reimer*

*Ms. Brick for Mr. Nevakshonoff*

**Public Presentations:**

*Your committee heard two presentations on Bill 7—The Criminal Property Forfeiture Act, from the following individuals and/or organizations:*

*Ken Mandzuiik, Manitoba Association for Rights and Liberties*

*John Stefaniuk, Manitoba Bar Association*

*Your committee heard three presentations on Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), from the following individuals and/or organizations:*

*Stuart Briese, Association of Manitoba Municipalities*

*Mayor Bill Comaskey, City of Thompson*

*Wally R. Melnyk, President, Manitoba Municipal Administrator Association*

*Your committee heard 13 presentations on Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming), from the following individuals and/or organizations:*

*Karen Carey, Board Director, Manitoba Association of Parent Councils*

*Diane Duma, Private Citizen*

*Gladys Hayward-Williams, Private Citizen*

*Brian Ardern, President, Manitoba Teachers Society*

*Connie Allsopp, Council of School Leaders*

*Dale Kendel, Association for Community Living in Manitoba*

*Tanis Pshebniski, St. James Assiniboia School Division*

*Linda Archer, Past President, Manitoba Association of School Trustees*

*Irene Meyrowitz, Manitoba School Counsellors' Association*

*Ross Eadie, Private Citizen*

*Edie Wilde, Manitoba Association of School Superintendents*

*Lori Johnson, Winnipeg School Division*

*Jim Hoddinott, Manitoba Council For Exceptional Children*

**Written Submissions:**

*Your committee received four written submissions on Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), from the following individuals and/or organizations:*

*Ian MacKenzie, Mayor, City of Portage La Prairie*

*Les Magnusson, Mayor, City of Steinbach*

*Alex Fedorchuk, Councillor, Town of Morden*

*Jan Chaboyer, President, Brandon District Labour Council*

**Bills Considered and Reported:**

*Bill 7—The Criminal Property Forfeiture Act*

*Your committee agreed to report this bill, with the following amendments:*

*THAT Clause 1 be amended by replacing clause (b) of the definition "prior registered interest" with the following:*

*(b) with respect to personal property, a security interest, lien, charge or other interest in respect of which a financing statement was registered*

*against the property in the personal property registry in accordance with The Personal Property Security Act before notice of an application under section 6 was filed.*

*THAT Clause 25 of the French version of the Bill be amended*

*(a) in the proposed Clause 40(2)(c.2) of The Victims' Bill of Rights, as set out in Clause 25(2) of the Bill, by striking out "Loi sur la confiscation pénale de biens" and substituting "Loi sur la confiscation de biens obtenus ou utilisés criminellement"; and*

*(b) in the clause heading for the proposed Clause 43.2 of The Victims' Bill of Rights, as set out in Clause 25(3) of the Bill, by striking out "Loi sur la confiscation pénale de biens" and substituting "Loi sur la confiscation de biens obtenus ou utilisés criminellement".*

*THAT the title of the French version of the Bill is replaced with "Loi sur la confiscation de biens obtenus ou utilisés criminellement".*

\* (13:35)

*Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance For Rural and Northern Manitoba)*

*Your committee agreed to report this bill without amendment.*

*Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)*

*Your committee agreed to report this bill without amendment.*

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

*Motion agreed to.*

### **Standing Committee on Legislative Affairs Second Report**

**Mr. Daryl Reid (Chairperson):** Mr. Speaker, I wish to present the Second Report of the Standing Committee on Legislative Affairs.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Legislative Affairs presents the following as its report.

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Legislative Affairs presents the following as its Second Report.*

#### **Meetings:**

*Your committee met on Friday, February 27, 2004, at 10 a.m. in Room 254 of the Legislative Building.*

*On Friday, February 13, 2004, at 10 a.m. in Room 255 of the Legislative Building, the Standing Committee on Crown Corporations commenced consideration of these matters.*

#### **Matters under Consideration:**

*Annual Report of the Workers Compensation Board for the year ended December 31, 2002*

*Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2002*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2001-2005*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2002-2006*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2003-2007*

#### **Committee Membership:**

*Your committee elected Mr. Reid as the Chairperson and Ms. Korzeniowski as the Vice-Chairperson.*

*Substitutions made, by leave, during committee proceedings:*

*Mr. Dyck for Mr. Hawranik*

*Mrs. Driedger for Mrs. Stefanson*

*Mr. Reid for Hon. Mr. Mackintosh*

*Hon. Ms. Allan for Hon. Mr. Bjornson*

*Mr. Aglugub for Mr. Martindale*

#### **Officials from the Workers' Compensation Board Speaking on Record:**

*Wally Fox-Decent, Chairperson*

*Doug Sexsmith, President and Chief Executive Officer*

#### **Reports Considered and Adopted:**

*Your committee considered and adopted the Annual Report of the Appeal Commission and Medical Review Panel for the year ended December 31, 2002.*

**Reports Considered but not Adopted:**

*Your committee considered the following reports but did not adopt them:*

*Annual Report of the Workers Compensation Board for the year ended December 31, 2002*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2001-2005*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2002-2006*

*Five-Year Operating Plan for the Workers Compensation Board for the years 2003-2007*

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

*Motion agreed to.*

## INTRODUCTION OF BILLS

### Bill 14—The Gas Tax Accountability Act (Financial Administration Act Amended)

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended); Loi sur l'obligation redevable concernant la taxe sur l'essence (modification de la Loi sur la gestion des finances publiques), be now read a first time.

*Motion presented.*

**Mr. Selinger:** Mr. Speaker, this bill simply will ensure that revenues raised through gas and motive fuel taxes will be dedicated for transportation and road infrastructure.

*Motion agreed to.*

### Introduction of Guests

**Mr. Speaker:** I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today Ms. Heather Klassen who is a student at the University of Manitoba and who is also the guest of the honourable Minister of Agriculture and Food (Ms. Wowchuk).

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

## ORAL QUESTION PERIOD

### Auditor General

#### Recommendations—Accounting Principles

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, in January, the Auditor General, Jon Singleton, confirmed that although the Doer government had been complying with the balanced budget legislation, his Government, in fact, was running a deficit and has been doing so since 2001.

The balanced budget legislation was enacted to ensure government was living within its means, Mr. Speaker, so this Government can claim that they are balancing the Budget, when in fact, they actually are not. Then clearly there is a problem, and that has to be dealt with. The Auditor General is saying that the solution to this problem is for government to adopt generally accepted accounting principles.

Will the Premier follow Mr. Singleton's advice in publishing the summary financial statements in 2004?

**Hon. Gary Doer (Premier):** Mr. Speaker, in 1999, they were not published. In 2002, they were published by this Government.

**Mr. Murray:** Mr. Speaker, the First Minister chooses to ignore the Auditor. That is his prerogative, I suspect. The fact is that this Premier has been running a deficit since 2001. We need to strengthen the law so that Manitoba is never again awash in red ink and so a spendthrift government like this one cannot spend beyond their means.

It is the advice of the Auditor General that generally accepted accounting principles be followed in order for the Government to ensure that spending and revenue are properly accounted for. We on this side of the House support the Auditor General and we ask that the Doer government do the same.

\* (13:40)

Will the Premier take Mr. Singleton's advice and will he adopt generally accepted accounting principles?

**Mr. Doer:** I would point out to members opposite that when we came into office, the 1998 statement, Mr. Speaker, was not given the approval of the

Auditor because the former government's books did not relate to the actual expenditure and revenue of government. In 1997-98, the same thing happened. We have never had a situation since we have been in government where the Auditor did not attest to the fact that the expenditures and revenues are consistent with accounting practices and also consistent with the balanced budget legislation that was brought in by members opposite.

I remember in December members opposite were saying the sky is falling, the sky is falling. Why do you not, will you live within the balanced budget legislation? We said we are working and consistently working within the Conservative balanced budget legislation. Now they are trying to change the goal posts. What position do they have, Mr. Speaker, the Filmon balanced budget legislation, or some other legislation that they did not bring in when they were in office?

**Mr. Murray:** Mr. Speaker, we on this side want to strengthen balanced budget legislation. They want to weaken it. Everybody knows, Manitobans know that this Premier does not have a revenue problem, he has a spending habit.

The Premier has no long-term economic plan for Manitoba. He has failed to make Manitoba competitive and has continued reliance on increased gambling and robbing Crown corporations. That is not a long-term economic plan for Manitoba. The Premier clearly has no ability to control his own spending and is content with misleading the public, making sure the finances that get in front of Manitobans are not true reflections of what he is spending. He is mortgaging our children's future. That is not acceptable to us and it should not be acceptable to him, Mr. Speaker.

Will the Premier put an end to this dishonesty and will he make his Government open, accountable and transparent by heeding what the Auditor General said and adopt generally accepted accounting principles?

**Mr. Doer:** Mr. Speaker, let us deal with the issue of the mortgage. In the mid-1960s, under a Conservative administration, there was a cancellation—

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

**Mr. Speaker:** Order.

**Mr. Doer:** Mr. Speaker, in the early mid-sixties, the government of the day, a Conservative government at that, decided to stop paying the employer portion of the employee pension plan. This practice carried on for over 40 years and the first minister of finance to reverse that and have a long-term plan to correct the 40-year error is this Minister of Finance (Mr. Selinger) and this Government.

That is the reason why, Mr. Speaker—

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

**Mr. Speaker:** Order.

**Mr. Doer:** That is the reason that two separate credit-rating agencies have upgraded the credit rating of this Government from the Tories, because the books are more transparent, and there is a long-term plan to deal with both the debt repayment on the operating side of government and on the issue of pension liability that was neglected for 40 years, including Cabinet ministers opposite.

We have had an improved credit rating and we are balanced under the Tory balanced budget legislation, as we promised in the election campaign.

\*(13:45)

Mr. Speaker, in terms of spending, the largest increase in spending over budget in this year's budget is in the agricultural sector. Members opposite even wanted us to run a deficit to deal with the BSE crisis.

The only robbery of Crown corporations took place when members opposite sold the phone system for \$13. It is now worth \$52 a share, and our rates have gone up 60 percent because of that robbery.

**Mr. John Loewen (Fort Whyte):** Despite the Auditor General's repeated calls for the Government to adopt generally accepted accounting principles, the Minister of Finance is steadfast in his refusal to comply with the Auditor's demand.

He continues to ignore the Auditor and practise Enron-like accounting to record the Province's summary financial statements. Will the minister simply commit today to follow the Auditor General's recommendations and commit to using generally accepted accounting principles to report the 2004 summary financial statements?

**Hon. Greg Selinger (Minister of Finance):** The member opposite is putting misinformation on the record. In our Public Accounts, we put the summary financial budget information in front of the Legislature for the first time in the history of the province, something the members opposite never did during their 12 years in office. So the member should really be criticizing himself for wasting 12 years. We acted upon it immediately, and the full summary statements are reported in the Public Accounts of Manitoba.

**Mr. Loewen:** I remind the minister I am simply standing with the Auditor General in asking you to use generally accepted accounting principles. The Auditor has advised that the minister should have had to withdraw another \$231 million out of the rainy day fund had he had the decency and the honesty to stand up and comply with generally accepted accounting principles. He refused.

He tried to hide that, Mr. Speaker, in revising the deficit. I would ask this minister to come clean, to be open, to be honest with Manitobans, and then admit that he and his Government refused to follow generally accepted accounting principles simply in an attempt to hide the fact that they would have had to take \$231 million more dollars out of the rainy day fund in order to balance their books.

**Mr. Selinger:** The member opposite is clearly blowing hot air. We have balanced the Budget according to the balanced budget law. That has been acknowledged by the provincial Auditor. We are the first government in the history of the province to produce a summary budget as part of our budget presentation to the Legislature.

We are the first government in the history of the province to present our Public Accounts on a summary basis. We are the first government in 40 years to put in a plan to deal with the pension liability, which the members opposite ignored during their entire term in office.

As a result of that, two credit rating agencies, the Dominion Bond Rating Service and Moody's out of New York, have given us a credit rating upgrade. The members opposite were not able to accomplish the same thing during their time in office. Now they think they can rewrite the rules and rewrite history

and set a benchmark that they, themselves, did not follow.

**Mr. Loewen:** The Minister of Finance has the gall to stand there and accuse me of blowing hot air when I am simply acting on the recommendations made by the Auditor General. Is he accusing the Auditor General of blowing hot air?

In these days of accounting scandals in both the private and public sectors, I would ask this minister if he does not feel that it is his obligation to the taxpayers of Manitoba to stand up and acknowledge that his Government needs to follow through with the Auditor's recommendation and use generally accepted accounting principles, or is he going to continue to refuse to be open and honest with the people of Manitoba?

**Mr. Selinger:** As I explained earlier, Mr. Speaker, the law of the province is the balanced budget legislation, the law put in place by members opposite, a law which we strengthened in our first year in office so that they did not count transfers in and out of this Fiscal Stabilization Fund as revenue twice. These people were double-counting revenues. We no longer do that.

We also are the first government in the last 40 years to deal with the pension liability and, as well, we are the first government to publish a summary budget. We are the first government to report on that in the Public Accounts. In addition, we continue to follow the laws of this province, the balanced budget legislation. All of those accountabilities are there for the first time in the history of this province.

\* (13:50)

### **Emergency Room Services Waiting Times**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, in 1999, today's NDP promised to end hallway medicine in six months with \$15 million. Today, over four years later and over a billion dollars later, patients cannot even get into the hallways. They are sitting in waiting rooms where they are vomiting into wastebaskets. They are holding Kleenex over bleeding wounds for hours on end. In some cases, they are even lying on floors in the waiting room because they cannot sit in a chair.

Mr. Speaker, why has emergency room care under this minister's watch deteriorated to the point that it has? It has gone backwards, not forwards, from hallway medicine to waiting room neglect. How can he justify the incompetence?

**Hon. Dave Chomiak (Minister of Health):** The Member for River East is factually wrong. If the member would review, Mr. Speaker, the fact is when we came to office there were periods of time when there were patients, 25 and 30 patients, not waiting overnight, not waiting two days but waiting two and three days; in editorials in the *Free Press*, in editorials in the *Sun*, in national reports, the worst situation in the country.

On assessment, in terms of hallways, we were given a review by CIHI, an independent third-party body that said we are not only doing the best, we were doing the best job of hallway medicine in the country. In addition, *La Presse*, and I sent a copy to the Leader of the Opposition (Mr. Murray), *La Presse* used Winnipeg as an example of how to deal with the hallway situation in Winnipeg. And dealing with the hallway overnight stays, Mr. Speaker, has been largely eliminated.

**Mrs. Mitchelson:** Well, thank you, Mr. Speaker, but that is great consolation to those families who have had their loved ones die waiting in emergency for treatment under this minister's watch. It is shameful. His answers ring very hollow to those families.

### Review Tabling Request

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, in his typical damage control mode and his crisis management mode, he has ordered a review after the fact, I might admit. Since that review has been completed, I would ask the minister to table it today so that Manitobans can see what recommendations have been made to make the situation better in our emergency rooms.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, in fact the recommendations of the report were made public. In fact, a number of the recommendations have already been put in place and have had an impact. That included: a reassessment of the triage situation, opening additional beds, put in place additional training for ER nurses, a reassessment on triage, a fast-track at HSC as well as a

review of all of the cases to ensure what the situations were in each individual case. That is a work in progress and continues. I might add, that we have been given credit by national agencies for the work that we have done in this regard.

**Mrs. Mitchelson:** Well, Mr. Speaker, Manitobans who have had their loved ones die in emergency waiting for care under this minister's watch have really been done a disservice by that answer from this Minister of Health.

Mr. Speaker, what is he hiding? Why is the report in its entirety not tabled and provided to Manitobans so that they can have an opportunity to see what recommendations have been made to review the findings of each individual case that has been investigated? Why is he hiding from letting Manitobans know what the true facts are and how he will deal in a very proactive way to remedy the situation in our emergency rooms?

**Mr. Chomiak:** Mr. Speaker, first off, over a million people have gone through the ER rooms in Winnipeg since we have come into office, over one million Manitobans. About 250 000 people go through the ERs a year.

We are doing an assessment of wait times we have put in place, an electronic ER triage system. We have increased nurse training and we have done a variety of issues. We have been recognized by other jurisdictions, by the Canadian Association of Emergency Physicians for the work we have undertaken.

I might add that one of the reasons information like this did not come out before was that it was not even kept, provided or charted by members opposite. That information did not exist. When we came into office, we made it public. It is on the Web site. Manitobans can judge, Mr. Speaker, as they review on the Web site.

\*(13:55)

### Emergency Room Services Patient Tracking System

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, our emergency rooms are in crisis in this province, yet this Minister of Health sadly waits for tragedies to occur before he even acts.

A patient-tracking system that red-flags patients who have waited too long in ERs may have prevented some of these tragedies and the grief that went along with it. I would like to ask this Minister of Health why, two and a half years ago, when a presentation on this system was made in Manitoba, was it rejected?

**Hon. Dave Chomiak (Minister of Health):** I need not add, Mr. Speaker, that one of the things that happened with IT in this province was a \$30-million debacle, when members opposite threw away \$30 million in SmartHealth to develop a \$100-million system that was going to do everything, everything in the health care system. It cost us \$30 million of a boondoggle and did nothing. If the member wants to know what has happened to IT in this province, she need only start looking at a time when she was the assistant to the Minister of Health and she was responsible.

I might add that we are looking at this particular technology and other technologies with respect to utilizing technologies in the ER.

**Mrs. Driedger:** Mr. Speaker, it is too bad the minister waits for tragedies before he acts to look at any of this, and I really have to question his priorities. When I see a multimillion dollar government laundromat and expensive sandwich factory being funded before an ER patient-tracking system which could save lives, I have to ask this Minister of Health: Where are his priorities? With some union leaders who want a sandwich factory and a laundry facility here, or with patients who could benefit from this tracking system? Where are his priorities?

**Mr. Chomiak:** Mr. Speaker, the member continues her pattern. Whenever there is trouble, she says the word "sandwich." I might add, this system is in place in Calgary, where they recently sent two patients from Calgary to Saskatoon, because they did not have room in their ER to care for these mothers who were maternal and who needed to give birth. They went from Calgary to Saskatoon, and they have the tracking system.

The member opposite likes to weave scenarios, and the fact is we have taken steps to improve the situation. It is an ongoing work in progress. It continues to improve, and every single ER in the country is under the same pressures. That is why we have put it on the agenda of the National Health Council and

have been complimented for putting it on the agenda for the National Health Council because of problems in Calgary, Victoria, Toronto, Montréal and Halifax.

**Mrs. Driedger:** Mr. Speaker, this Minister of Health sure is selective with his information, does not want to tell us that a young mom was sent to Saskatoon with a rupturing placenta because there were not enough beds in the hospitals for this mom. She was put on an airplane while she was in the midst of perhaps losing her baby because there were no beds or nurses here. That is kind of shameful.

A budget is soon going to be presented. Manitoba has the chance, this minister has the chance, to put patients and patient safety first, because this is about priorities. Will this minister do the right thing today and roll out an ER patient-tracking system, so that we can track patients like this one young mom who did come here in December and had to be sent to Saskatoon to have her baby delivered?

**Mr. Chomiak:** Mr. Speaker, she probably was at the same time in Saskatoon as the two moms who have the tracking system in Calgary attended at the Saskatoon centre. The member opposite does a disservice by suggesting there is a one-remedy fix to the situation that is the problem right across the country.

We have put in place advanced training. We now have more doctors than when the member opposite was in office. We have more nurses than when the member opposite was in office. We are training more nurses, we have opened more beds since the member has been in. We put in place a fast track at the ERs. We also put in place the revised triage system.

Mr. Speaker, members know that when there is a problem raised, we deal with it. We put improvements in place. If there are other suggestions a member might have, that is fine. Accusing everyone of killing someone every day in this House is not productive to this member or to anyone in the province of Manitoba.

### **Wuskwatim Dam Environmental Review**

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, the opening of the Wuskwatim hearings has begun against the national backdrop of political

corruption occurring when appointed officials influence the decision making of so-called independent authorities.

\* (14:00)

When it comes to spending \$1 billion of Manitoba taxpayers' money for Wuskwatim, Manitobans must trust the independence of Vic Schroeder, former NDP Finance Minister and now chair of Manitoba Hydro; Gerald Lecuyer, former NDP Environment Minister and now chair of the CEC and the campaign manager for the member from Thompson, now a CEC board member.

Mr. Speaker, can the minister responsible not see that the Doer government is clouding public perception with these political appointments?

**Hon. Tim Sale (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, I am very proud of the Hydro board with people like David Friesen on it, members who have been representative of our business community. In fact, we maintain most of those appointments from the previous government. That is a very high quality board. I am very proud of that board.

Secondly, this is the first time in Manitoba's history that a new dam has been before the Clean Environment Commission for a review of both the environmental and the financial aspects with a strengthened panel. I believe that panel will provide very useful advice to the community of Manitoba and to this Government in regard to its findings. I think we should not be commenting on those processes while that panel is doing its work this morning and this afternoon.

**Mr. Tweed:** The fear of the people of Manitoba is that the process has already been determined and that the outcome has already been finalized.

Mr. Speaker, the Doer government has so deeply politicized the entire review process that they have been accused of predetermining the outcome. The public must have faith and confidence in an open, independent and transparent review process free from NDP influence. I ask the minister: Does he believe the people of Manitoba will trust and accept the process that he is putting before them?

**Mr. Sale:** Mr. Speaker, I just perhaps point out to the member opposite that some of the people that are sitting on the panel were the same people who ordered Manitoba Hydro to reduce the rates for large corporations at a year when Hydro was already losing money, so then benefits provided to Manitobans by some of those same people.

Mr. Speaker, this Government allowed rates to be equalized across Manitoba for the first time in Manitoba's history, so that rural and northern people would have the same rates as Manitobans living in the southern parts of Manitoba. This Government put forward a true partnership with the Nelson House First Nation. For the first time in Manitoba's history, a First Nation is a full equity partner in a dam. For the first time in Manitoba's history, a Clean Environment Commission hearing is proceeding about a dam. That never happened under the previous government.

**Mr. Tweed:** Mr. Speaker, unfortunately, the board could not stop this Government from stealing \$200 million from Manitoba Hydro. When they did protest, the Government changed the legislation so that they can pick their pockets without having to ask the people of Manitoba Hydro.

Mr. Speaker, I ask the minister: Will he now take off his rose-coloured 200-megawatt goggles and ensure true independence of the CEC and ask for the resignation of these political appointments made by this Government?

**Mr. Sale:** Mr. Speaker, this is interesting criticism coming from a member of a government that took the Maple Leaf expansion in Brandon right through the process without a Clean Environment Committee hearing. Interesting, interesting criticism.

Mr. Speaker, we are committed to open and transparent hearings in an unprecedented way. In regard to this particular hearing, I think that the hearing will proceed in an orderly manner. I am informed that is what is happening. We will receive the advice of the panel in due course.

### **Bovine Spongiform Encephalopathy Compensation for Producers**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, today is day 287 of the BSE crisis and the struggle continues for Manitoba farm families. Last September,

the Minister of Agriculture signed on to the APF program. She said repeatedly that the APF monies would flow to producers by the end of October, yet more than five months later the cash-strapped producers are still asking where is the aid.

Mr. Speaker, will the Minister of Agriculture now admit that she has simply misled producers when she repeatedly said APF money would be flowing by the end of October?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Now, Mr. Speaker, I thought that the Opposition was talking about agriculture being such an important issue. I am glad they finally raised it in their sixth question. I am very pleased that they have raised the issue because the issue of BSE and the challenge facing producers is a significant one.

With respect to the APF, Mr. Speaker, I said in October, after we signed the agreement, that there was the ability to apply for an interim payment. Some producers choose to apply for an interim payment, but that along with the many other programs that we have put in place for producers are important programs. Some producers have not—

**Mr. Speaker:** Order.

**Mr. Eichler:** Could the minister tell this House why she misled producers, not once but three times repeatedly when she said the APF money would flow by the end of October?

**Ms. Wowchuk:** Mr. Speaker, I did not mislead producers. I did say that, through the interim process, money could flow to producers. Some producers applied for an interim payment and some producers got money through the interim payment. It was available for producers, and for those that applied most of them did get an interim payment, so there was no misleading of the public. The ability to apply was there.

**Mr. Eichler:** Mr. Speaker, the Minister of Agriculture has misled Manitoba producers when it comes to the province's level of participation in programs such as CFIP, the payment of transition money under the APF. As a result, our producers have been deprived of tens of millions of dollars in sorely needed aid and that flows to producers elsewhere because their province has placed a higher priority of supporting farmers.

Mr. Speaker, will the Minister of Agriculture today commit to funding its 40 percent of participation under the CAIS program, or is it going to abandon producers, as it has in the past, when it comes to cost-share programs?

**Ms. Wowchuk:** Mr. Speaker, I am not sure who is doing research for the member opposite but he is wrong. Manitoba signed on to the APF and Manitoba's 40 percent for CAIS is on the table. We have participated in other programs. I would urge the member opposite to start lobbying the federal government, because if you look at the proportion of money that is coming from the provincial government and what is coming from the federal government, they are not treating this as a national disaster and it really is.

### Sleep Disorders Testing Waiting Lists

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, this last year the provincial government received more than \$200 million in new money for health care from the federal government. And yet, this money appears to have gone down a black hole as we have seen far too little of the changes in Romanow and Kirby and we still have, in many areas, very long waiting lists.

I table today a document obtained using The Freedom of Information Act which shows that, since 1998, 35 people have died while waiting to get a sleep disorder test. I ask the Minister of Health what he intends to do about the very serious situation of very long waiting times for sleep studies in Manitoba.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I think it is very inappropriate for a member who practised, or practises, as a physician to make the extrapolation that a list that says 1998 to 2003, where there were several thousand people and 35 died, to leap and say that was a result of a waiting list.

It is not only statistically wrong, it is factually wrong and it is a disservice. I also understand from comments by the medical experts who reviewed this that people who die from this condition are generally involved in a motor vehicle accident. They actually reviewed the 35 individuals who went back that period of time. None of them were involved in motor vehicle accident deaths. I think the member should

apologize to the public for making these kinds of statements and fearmongering and alarming the public in very unbelievably imprecise—

**Mr. Speaker:** Order.

\* (14:10)

**Mr. Gerrard:** Mr. Speaker, the medical evidence is very clear. Those who have obstructive sleep apnea are at risk for heart disease, strokes, high blood pressure, a lot of other problems besides dying in car accidents. Perhaps only some of these deaths might have been preventable, but the problem is that the testing was not available when it was needed.

I ask the minister how he can tolerate a situation where the average Manitoban, who might be a school bus driver, for example, has to wait months or years for testing for a sleep disorder, when it could possibly put his life and others at risk, and when the condition is often treatable.

**Mr. Chomiak:** Mr. Speaker, what the FIPPA did not reveal and the member did not ask for was the fact that over 4000 Manitobans right now are receiving treatment and equipment to the tune of \$1.5 million from the Province of Manitoba to pay for the treatment for this. What the member did not say and did not ask for in the FIPPA was the fact that urgent cases are seen, and special time is set aside for urgent cases. What the member did not say and did not ask for in FIPPA is we put in \$400,000 in 2002 for additional equipment to deal with these patients. That is what the member did not ask, and that is why the member should apologize for trying to fear-monger and cause a response amongst the public. What he does not remind us—

**Mr. Speaker:** Order. I just want to remind all honourable members, when putting a question or giving an answer, please do it through the Chair.

The honourable Minister of Health, you have 11 seconds left.

**Mr. Chomiak:** I find it appalling that a member who voted for a federal budget that cut health funding from 18 percent to 16 percent, and now has a new Prime Minister who says waiting lists are a priority, would have the gall and not join with us to fight the

federal government to get that resource so we can deal with the waiting lists, Mr. Speaker.

**Mr. Speaker:** Order.

The honourable Member for Inkster has the floor.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I actually stand on a matter of privilege. I would like to stand on a matter of privilege. It is very serious, Mr. Doer. Very, very serious. It is all about rights.

**Mr. Speaker:** Order. We are attempting order.

I am interrupting Question Period to hear the privilege, and when we resume Question Period after hearing the privilege, then we will start at the second supplementary question for the independent member.

#### MATTER OF PRIVILEGE

**Mr. Kevin Lamoureux (Inkster):** According to *Beauchesne's* Sixth Edition, Citation 115, it says that a question of privilege must be brought to the attention of the House at the first possible opportunity. Even a gap of a few days may invalidate the claim for the proceedings in the House. A complaint of breach of privilege must conclude with a motion providing the House with the opportunity to take some action.

Mr. Speaker, I sincerely believe that I do have a matter of privilege, and I did not know about this matter of privilege until I came into the Chamber for Question Period, where members of both sides of this House questioned why I was not at a meeting last Friday, a meeting that I believe that I should have been entitled to be at, and I question why it is. It is—

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

**Mr. Speaker:** Order.

**Mr. Lamoureux:** It is—

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

**Mr. Speaker:** Order.

**Mr. Lamoureux:** It is a sad day.

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

**Mr. Speaker:** Order. I hate to interrupt the honourable member, but a privilege is a very serious matter, and I need to hear every word that is spoken. I ask the co-operation of all honourable members, please.

**Mr. Lamoureux:** Mr. Speaker, on February 20, MPI went before a committee, at which point in time I was there even well before the committee got underway. I waited patiently in order to be able to ask questions. In fact, with the co-operation of the Official Opposition, they had given the okay that I would be able to ask some questions right at twelve o'clock.

We, in fact, were able to get some leave extended, Mr. Speaker. MPI is a corporation that deals with hundreds of millions of dollars every year, Manitobans' real dollars. I had a number of questions, questions dealing with everything from motorcycle rates to stabilization funds to the politicization of increases that seem to be based on election calendar years, a number of questions that I was wanting to be able to ask.

I was frustrated because of the limited amount of time I was given. After a serious number of points of order were raised, Mr. Speaker, it was determined that we would not pass any reports. Well, the Government was fully and well aware that I had a number of questions I was wanting to get on the record.

The lead-up to that particular meeting—we were, both myself and the Leader of the Liberal Party (Mr. Gerrard), advised by the Government that we were going to be going into this committee. We were, in fact, faxed notice that we were going to be going into this committee. I was surprised when I came in here today and found out that there was a meeting.

Why were we not contacted by this Government, notified of the meeting on Friday? Why not a fax? Why no indication? Were they upset with the fact that I actually had questions that I was wanting to hold this Government accountable? I believe, as the parliamentary rules tell us, that I have rights to ask questions.

Mr. Speaker, I raise this directly from Hansard. It is on page 47, on February 20. I am addressing the Chair, and I say: "Mr. Chairperson, again, it is more of a procedural question, I guess. My understanding

is even though I am not a committee member, that members of the Legislature are allowed to ask questions prior to the passing of reports. Is that correct?"

The Chairperson, Mr. Speaker, indicated that I was correct, that I can ask questions, but I am not a voting member. I was pleased to see the Chairperson make that statement, because as a legislator I do have the right to be able to ask questions of MPI and other Crown corporations. But what good is the right if they take away the ability to ask questions?

If you do not provide me the ability to ask questions, take away the right that allows me to ask the questions. Mr. Speaker, what this Government did is they then went and scheduled another meeting. I understand they tell the Clerk's office on February 24 that on February 27 there is going to be another meeting.

Was there any consideration given to me, given my comments? It went beyond the committee room. I understand even maybe one or two media outlets picked up on some of the concerns that I had, so the Government was aware that I had questions.

**An Honourable Member:** We know the motive.

**Mr. Lamoureux:** No. One has to be very careful what you heckle from your seat, Mr. Speaker, because imputing motives, in itself, could cause a lot of problems. This is a right that I, that every member in this Chamber has, to be able to ask questions. When government takes away that right, I think it bodes well for all of us to stand up and take a position or at least find out what went wrong.

On February 27, I understand they even passed a report. Well, you know, when will MPI come before committee again? It was before February 20 of this year. I believe it was January 22, 2001, when MPI was before a committee. So who knows when it is going to come up again?

So here is an opportunity for me to represent my constituents. The Government knew full well that I had more questions and they denied me the opportunity to ask those questions. I believe they infringed upon my rights. I am looking and appealing to this Chamber, Mr. Speaker, to appeal to this Chamber to justify a wrong that has been done. I think it is a fair request.

I would ask that if people review the Hansard of February 20, the last 15-20 minutes, they will get a sense in terms of what it is that I am referring to.

So, I would ask, Mr. Speaker, at this point I would like to move, seconded by the Leader of the Liberal Party, the member from River Heights, that the Speaker look into this matter and report back to the Legislative Assembly.

\* (14:20)

**Mr. Speaker:** Before recognizing the honourable Government House Leader, I would like to remind the House that contributions at this time by honourable members are to be limited to strictly relevant comments as to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, there is one aspect of the member's allegations that indeed was surprising to members on this side, and that is that he indeed did not come to the committee last Friday after raising concern that he had outstanding questions at the end of the committee the earlier week.

I might say that two Fridays ago the MPI committee did in fact meet and the committee had decided that they would sit to around noon and then reassess if they should sit further. Because the honourable member from Inkster had questions, it is my understanding that arrangements were worked out between himself and the Opposition to extend the clock to allow him to put some questions in committee.

The committee was called again, as is the usual course. The usual procedures were followed in terms of advice to the Clerk's office that the committee was going to be called for a second week in a row. When I got to committee on Friday, one of the reasons that we gave was because after discussions with the honourable Member for Portage la Prairie (Mr. Faurshou), who indicated that his caucus had further questions and in light of the fact that the Member for Inkster had further questions at the time of adjournment, the committee would be looking forward to having more questions and answers.

The member gets up and makes allegations about some plot or some conspiracy.

The usual procedure was followed. There was advice to the Clerk's office, I believe last Tuesday. I am not aware of all the procedures followed by the Clerk's office in that regard, but those notices are posted. There may be other procedures as well, but there are postings in the hallway.

So I am surprised that he now says this is the first or the earliest opportunity to raise it. Surely he saw those notices or someone in his office, someone, if not himself, saw the notices in the hallway that the committee was meeting last Friday.

If the member has some information that he was denied his right because of some actions by members on this side, I would like to hear it. He did not put any information on the record. If there are procedural changes that could be made in terms of where the notice is posted other than the usual places or if there are other communications that should be discussed, perhaps we could do that at Rules Committee. It is not a matter of privilege.

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I simply want to address the issue as it relates to raising this matter at the earliest possible time. The member knew this issue was one that he wanted to raise when he entered this Chamber.

Mr. Speaker, I submit that the member could have raised this issue before Question Period started, as a matter of fact. But he waited until the Liberals were up asking the questions, the independent members of the House were asking the questions, and at that time, he decides to get up on a matter of privilege and all I submit that this is, is pure political showmanship on his part.

With regard to his questioning of the committee, yes, the member did have some time to ask the committee questions. It is my understanding that he spent most of his time complaining about the fact that he did not get enough time to ask questions. Mr. Speaker, that is hardly addressing the issue.

However, I do recognize he has one point, and that is that we should organize our business as government and as opposition in a matter where we give adequate notice to members with regard to committees being called. It should be more than just one or two days or three days for that matter, Mr. Speaker, and I think we could probably organize our

time better in that regard, but in terms of opportunities to ask questions, those opportunities exist and will continue to exist upon future callings of the committee.

**Mr. Speaker:** I think you have probably heard sufficient argument. If the honourable member is rising because he feels that there is some point that has not been touched upon, I will hear him very briefly. But I think we should move on.

**Hon. Jon Gerrard (River Heights):** Just to correct a point and that is the Member for Inkster was not aware of this before Question Period. He needed a few minutes to get the information and the facts together before raising it.

**Mr. Mackintosh:** Mr. Speaker, I recognize that it is only if there is something further to add, but just a factual matter. I have a copy of the notice of the meeting of the Standing Committee on Crown Corporations to meet Friday February 27. It was posted on February 24.

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

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

Now we will revert back to Question Period. We are on Question 7, with a second supplementary question.

### Oral Question Period

#### Provincial Nominee Program Waiting Time

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, in 1998, under the Provincial Nominee agreement, a person applying could get a provincial certificate within three months. Today, under the NDP, if someone wants to get a certificate, they need to wait for eight months.

Will the Government recognize the popularity of this program by allocating additional resources needed to bring the waiting time back to under three months? Further, will the Government recognize the need to increase the number of points given under the adaptability portion of the program which would recognize the importance of reuniting family members from abroad under this program?

**Hon. Nancy Allan (Minister of Labour and Immigration):** It is always a pleasure to talk about the Provincial Nominee Program because we have the most successful Provincial Nominee Program in the country. We are the only jurisdiction in Canada that has a bilateral agreement with the federal government. We have a trilateral agreement that has been signed off by the federal government with the Province, with the City of Winnipeg. We will look at allocating more resources so that we can process those applications as quickly as possible.

#### Ethanol Production Update

**Mr. Drew Caldwell (Brandon East):** The Government passed the first provincial mandate for ethanol production in the House this past December, something all of us on the government side are very proud of. This is very important to economic development in rural Manitoba and in particular, my home region of western Manitoba. Can the minister please advise the House on the recent developments pertaining to the ethanol mandate in Manitoba?

**Hon. Tim Sale (Minister of Energy, Science and Technology):** Mr. Speaker, I am delighted to inform the House that Husky Oil was a successful proponent under the federal ethanol program, receiving a commitment of up to 6.4 million for an 80-million litre plant in Minnedosa. I am also pleased that we are continuing to work with commercial alcohol and another company, Outlook Resources, in regard to further plants that may develop in Manitoba. I simply would regret that the Opposition did not support this legislation and work with us to develop this industry in a more effective manner.

**Mr. Speaker:** Order.

\* (14:30)

#### Point of Order

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I know the Premier (Mr. Doer) knows why I am standing. He is kind of smiling to himself.

The minister, who is also a minister of the cloth, Mr. Speaker, should not bring false information to this House. It was he who negotiated with myself and also the critic, to make sure that the legislation

could be passed in the short order of time that we had because the NDP could not get their act together to bring this legislation into the House in an appropriate time so that it could be passed with total scrutiny like a bill should have.

Mr. Speaker, we said we would support the bill in principle so that Manitobans would have the opportunity to access the federal money for possible ethanol plants in this province. The minister stands up today and says we did not support him. In fact, I was the one—*[interjection]*

**Mr. Speaker:** Order. I just need clarification here. Is the honourable member up on a question or up on a point of order? The honourable Member for Russell, was it a question or point of order?

**Mr. Derkach:** Mr. Speaker, I am up on a point of order.

**Mr. Speaker:** The reason I have to ask the honourable member for clarification is when you rose you did not indicate you were up on a point of order. For questions, the allotment time is 50 seconds and we had hit it. That is why I had to get clarification.

The Official Opposition House Leader is up on a point of order.

**Mr. Derkach:** Thank you very much, Mr. Speaker. I do believe that bringing misinformation into the House warrants a point of order. That is why I am standing.

Mr. Speaker, the Government—and this includes the Premier and his ministers—knew that, in order to get this legislation through in the short period of time before Christmas, they needed the agreement of the Official Opposition of the House to be able to pass this legislation.

In the spirit of co-operation, I dealt with the House Leader as an honourable man to make sure that this legislation would be passed. There were still outstanding questions that we had with the legislation, Mr. Speaker. It was on that basis that the Opposition asked for the bill to be passed on division. We were supportive of the principle of the bill. The minister knew it, the Premier knew it, the House Leader knew it, and yet the minister has the audacity to go out into the public and say he did not have support from the Official Opposition.

How else could he have gotten this bill through in that short period of time that he did, Mr. Speaker?

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

**Hon. Gord Mackintosh (Government House Leader):** Just to respond, Mr. Speaker—*[interjection]*

**Mr. Speaker:** Order. I would just like to remind all honourable members that a point of order is a very serious matter. I need to be able to hear the facts that are put forward in order to make a ruling, so I ask the co-operation of all honourable members, please.

**Mr. Mackintosh:** Thank you, Mr. Speaker. I have had discussions with the Opposition House Leader on this. I will just put on the record in very brief terms what I understand was the sequence of events. The Opposition was indeed co-operative in allowing this legislation to proceed through the House and through committee, and on second reading, I do not recall there being any statements made from the Opposition at that time. In other words, it would appear from that that they had at that time supported the principle of the bill in addition to supporting its early consideration by this House.

Mr. Speaker, I do not know if I have to leave any judgment on the record, but I will just make the observation that, and I have said this as well to the Opposition House Leader (Mr. Derkach), at third reading it is my recollection that the Opposition, at the time it came to the vote, indicated that it was on division. It is my understanding that, when the Opposition expresses the words "on division," that means they oppose the bill in its final form when it is going for passage. They did so on another bill that day. That is my understanding, and I think the clarification from the member should be taken and the whole history of it taken into account. If my understanding of the words "on division" does not mean that there is opposition, then I stand corrected, but my understanding from years in the House is that that is a clear indication there is division on the bill and therefore opposition from the members opposite. I am more than willing to be corrected.

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

\* \* \*

**Mr. Speaker:** We are now on Question No. 8.

**Bovine Spongiform Encephalopathy  
Compensation for Producers**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, Manitoba is the hardest hit province by BSE according to Statistics Canada. Farmers in Manitoba have been devastated by programs that have not worked, by promises of money that have not materialized and by repeatedly presenting misleading false hopes of the border opening.

Will the Minister of Agriculture disclose to producers any credible plan that farmers may access to survive this crisis between now and the U.S. border opening to live cattle exports?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, I would stand behind the plan that our Government has put forward and the programs that we have put forward that have flowed money to producers. Unfortunately, the Opposition is critical of these programs rather than encouraging producers to look at the programs that are there.

Mr. Speaker, I can also tell this House that there are discussions about opening the border, and I am hopeful that we will see some movement on the part of the USDA very shortly to bring forward a similar rule to one that we saw early in the last year prior to the case of BSE being identified in the United States. The best thing that can happen to producers is to have that border open and we continue to work in that vein.

**Mr. Maguire:** Mr. Speaker, Manitoba net farm income for 2003 is down 78 percent. Will the Minister of Agriculture admit that she did not pay her share of transition dollars under the Agricultural Policy Framework, that she padded the provincial budget by over \$80 million on the backs of devastated Manitoba cattle farmers?

**Ms. Wowchuk:** Mr. Speaker, the Agriculture budget this year is overexpended because we have recognized how serious the BSE situation is, and we continue to have money available for producers. The member asks about the transition funding. The only province that participated in the transition funding was Ontario and one of the east coast provinces. I believe it was Nova Scotia. Other provinces recog-

nized this transition as trade injury money and that it was money that the federal government should be paying. I would expect the Opposition to stand up for those producers and have the federal government contribute a fair share to address the challenges that are facing our producers right now.

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

**MEMBERS' STATEMENTS**

**Black History Month**

**Ms. Marilyn Brick (St. Norbert):** On Sunday, February 1, I was honoured to represent the Province of Manitoba at the official opening ceremony of the 22nd Annual Black History Month. The month of February was dedicated to recognizing the achievements and contributions that have been made to society by black people. The roots of Black History Month can be traced to one extraordinary man, African-American educator, Carter G. Woodson.

While teaching, he discovered standard history textbooks did not recognize Black accomplishments. He sought to increase the knowledge of Black history in the classroom and throughout the world. As a result of his efforts, Black History Month has been celebrated in North America since 1926.

A committee led by a constituent of St. Norbert, Wade Kojo Williams, Sr., organized a wide variety of events to celebrate Black History Month, including a gospel concert, awards banquet and dance, youth workshop in education and a business expo, to name a few. All of these were hosted in various locations throughout the city of Winnipeg.

The activities of Black History Month were directed and organized by a very committed group of individuals, including Mrs. Mavis McLaren, Mrs. Desiree Richards, Mr. Daswell McLeod, Mrs. Pauline Nebhard, Mr. Steven Wright, Miss Wilma Weekes, Miss Christine Forbes, Mr. Taye Zegeye, Mrs. Lucy Cummings, Miss Nardia Leslie and Mr. Clifford Richards.

The Black History Celebrations Committee was assisted in making the month a success by the following organizations: Berean Church of God; Black Educators Association of Manitoba; Winnipeg Police Service; Ethiopian Society of Manitoba; Winnipeg

Gospel Concerts Joint Committee; Caribbean Spice restaurant; Jamaican Folk Ensemble; Congress of Black Women; DeHaney Beauty Supplies; Lola's Beauty Salon; Pride Entertainment Manitoba; Manitoba Association of Multicultural Educators and Citizens' Equity Committee, City of Winnipeg.

I want to congratulate the organizing committee for their energies and efforts in organizing Black History Month and the Black community for their contributions to Manitoba. Thank you very much.

### Introduction of Guests

**Mr. Speaker:** Can I just have the members' attention for a few seconds here? I would just like to introduce some guests in the gallery, Gerald and Cathy Keating, who are from Russell and who are the constituents of the honourable Member for Russell (Mr. Derkach), but they are also close family friends of the honourable Member for Minnedosa (Mrs. Rowat).

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

### Epilepsy Awareness Month

**Mrs. Leanne Rowat (Minnedosa):** Mr. Speaker, I rise today to recognize the month of March as National Epilepsy Awareness Month in Canada. This month, Epilepsy Canada has launched the Lavender Think Epilepsy campaign.

The mission of Epilepsy Canada is to bring greater quality of life for persons affected by epilepsy by promoting and supporting research and facilitating education and awareness initiatives. As a small token of our support and recognition for this cause, we wear the lavender ribbon this month to help increase the visibility of issues concerning epilepsy.

Epilepsy is a neurological disorder affecting 300 000 Canadians. Each year, an average of 14 000 Canadians learn they have epilepsy. The majority of these new patients are young people and seniors. For many of the people within these groups, living with epilepsy comes with great physical and emotional hardships. The strain of unexpected seizures, along with the side effects of medications, bring many challenges for living in today's society. History shows that while we have made great strides in

creating inclusiveness for those affected by the disorder, we also have many challenges on the road ahead.

This country has much to be proud of in the fight against epilepsy. Canada has a long and proud history in research and discoveries concerning the brain and the disorder.

This awareness month brings recognition of the great need for further research into the causes, effects and treatments for epilepsy as well as the need for increased funding for services for those living with this disorder. Thank you, Mr. Speaker.

### Golden Gate Middle School

**Ms. Bonnie Korzeniowski (St. James):** Mr. Speaker, I was delighted to attend a wonderful evening of music presented by the Golden Gate Middle School jazz bands on February 7.

Students who engage in arts education do well in other subjects and have access to great learning opportunities. Our Government supports and will continue to support arts education in Manitoba.

The Noodles and Notes committee at Golden Gate School, co-chaired by Kathy McIntosh and Carine Sawatsky, is also interested in arts education and expanding learning opportunities for students. They organized a great fundraising evening, which included a hearty meal and four great musical performances.

The food was exemplary and the student clean-up crew was expedient and diligent in their efforts. The performances of the Grades 7 and 8 jazz bands and the Silver Heights Jazz Band were phenomenal. Thanks to all the performers and to conductors Cichosz, Chrisp and Workman for their enthusiastic and dynamic direction. The University of Manitoba Trio provided the finale, a real high note to end the evening.

This event was part of the ongoing fundraising efforts for the general band fund. This fund is used to buy sheet music, instruments, fund music scholarships and travel bursaries to music festivals.

The band program at Golden Gate has over 300 student members and is well known across the province and Canada. Every year the Grades 7 and 8 jazz bands take part in the Brandon Jazz Festival.

The concert band and jazz bands take part in the annual Optimist Club Music Festival.

There are many people and organizations that contributed to the success of the evening. Thank you to Mrs. Darrell Chrisp, to the Noodles and Notes committee and to all the student musicians who performed that evening. Thank you also to Miss Dawn Hicks and Sturgeon Creek Collegiate for sharing their school and its facilities with us for that evening.

\* (14:40)

The generosity of the community was well displayed in the quality and quantity of the silent auction items. Thanks to the many volunteers organizing the sales and auctions, and congratulations on a job well done.

Mr. Speaker, bravo to the musicians, teachers and parents who provided an outstanding evening to support our band students. Working together with the community, our Government will continue to ensure that the tradition of musical excellence continues at Golden Gate Middle School and indeed in all Manitoba schools.

#### **Scott Tournament of Hearts**

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, the months of January and February were exciting months for the curlers and curling fans in Beausejour. At the end of January, the Beausejour area hosted the Manitoba Scott Tournament of Hearts. In spite of the very cold, minus 40 degree temperatures, thousands of fans attended and were treated to excellent curling matches and the incredible hospitality in our area.

Two out of the sixteen teams entered in the bonspiel had local talent and both teams did very well. In the end, Lois Fowler's team from Brandon won the right to represent Manitoba at the national Scott Tournament of Hearts in Red Deer.

At the end of February, the Beausejour area again hosted a provincial curling championship bonspiel, the Manitoba State Knights of Columbus curling bonspiel. Forty-two teams were entered, including two teams from the Beausejour area, one from Lac du Bonnet and one from Powerview. The Knights of Columbus service group is one of the

more active service groups in the Beausejour area and their generosity extends to support other non-profit groups in our area.

Both the Scott and the Knights bonspiels were very successful due in large part to the resolve and the commitment of the volunteers of Beausejour, the Rural Municipality of Brokenhead, Tyndall, Garson and Seddons Corner areas.

We have some of the finest volunteers in the province located in our area and the success of these two bonspiels is a testament of that fact. More than 100 volunteers were necessary to run the Knights bonspiel and nearly 400 volunteers were necessary to run the Scott Tournament of Hearts.

Both bonspiels provided an opportunity to showcase and to promote our new Sungro Centre, Manitoba's newest and one of Manitoba's finest recreational ice facilities in the province, and built primarily from funds generated locally. The facility easily accommodated each bonspiel, provided excellent curling ice and comfortable surroundings for thousands of spectators.

Thank you to the hundreds of committed and community-minded volunteers of Beausejour, the Rural Municipality of Brokenhead, Tyndall, Garson and Seddons Corner. Without you, this could not happen. Thank you, Mr. Speaker.

#### **Maples Collegiate Unity Group**

**Mr. Cris Aglugub (The Maples):** Mr. Speaker, I am pleased to announce—

**Mr. Speaker:** Order. It is very difficult to hear the members that have the floor. If members wish to have a conversation, please use the loges or have it out in the hallway.

**Mr. Aglugub:** Thank you, Mr. Speaker. I am pleased to announce that the Maples Collegiate Unity Group was recently recipient of the Peace Medal Award. The group is a rainbow coalition of students that are intent on working against racism and working toward peace. They have devoted nine years to the pursuit of the ideals both in the school and in the greater community of the city of Winnipeg.

It is the hard work of individuals and groups who quietly committed their time to achieve the

ideals of peace and social justice in their community that led to this recognition.

The YMCA Youth Peace Medal Award is intended to recognize the achievements of young individuals and groups whose lives and activities demonstrate the value of peace. Six Peace Medals are awarded every year in three categories to both individuals and groups who epitomize peace.

The Maples Collegiate Unity Group has organized numerous activities such as bringing in speakers to speak on the subject of racism, food drives, volunteering at homeless shelters and at Winnipeg Harvest, and participating in a national Remembrance Day ceremony. The biggest event that they have organized every year is the March for Unity, which has been an annual event since 1995. This year, an estimated 300 students walked from the Maples Collegiate to the Manitoba Legislature. The walk of 12 kilometres is a demonstration of their commitment and dedication to the value of peace. The signs that they carried decried violence, discrimination and racism, and praised the ideals of respect, tolerance and peace.

I would finally like to congratulate and thank the students, volunteers and teachers for the hard work and dedication in highlighting the bad side of racism and discrimination, and in promoting tolerance, respect and peace, not only in the school but also in the community. Thank you, Mr. Speaker.

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings for Bill 5 to be followed by second readings in the order they appear on the Order Paper.

### DEBATE ON SECOND READINGS

#### **Bill 5—The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers)**

**Mr. Speaker:** Resume debate on second reading, Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers), standing in the

name of the honourable Member for Turtle Mountain (Mr. Tweed).

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

**Mr. Glen Cummings (Ste. Rose):** Mr. Speaker, I look forward to discussion around Bill 5 and the general principle that is involved.

One of the things that has concerned me, and concerned me when the original no-fault insurance system was put in place, frankly, was the ability of claimants to get fair treatment and have appropriate access to processes that were free, accessible and independent, in order to make sure that they were able to access appropriate services as a result of injuries that they might have received.

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

There are two routes of concern that Autopac claimants will have: one is with the physical damage to their vehicle; the other is their own physical damage, the bodies that are banged and bruised and broken. Conceptually, of course, under no-fault system the claimant has an opportunity as prescribed under the act today, whereby he or she shall be restored as nearly as possible to the state of their health prior to the accident which may have caused their injury.

There is a series of processes within the corporation. I believe there is the internal appeal that reviews after a person has received their notification—either this is the extent of the treatment they will receive, or this is the end of the treatment that they have been receiving. One of the most distressful things that a claimant can receive is that notification that they have now reached the end of the treatment, particularly if they believe that they are not yet restored to the level of health which they believe they should be.

This is all based on the concept which probably does need a lot of repeating in this House. I would like to put in on the record again, Mr. Deputy Speaker, and that is that in giving up the right to sue for damages and pain and suffering, the Autopac claimants shall receive prescribed benefits. That is the more important part of the trade-off, as opposed to the chart of—what is referred to by some in a

derogatory term as a meat chart—where something simply cannot be replaced; you lose a digit, perhaps, or an arm or a leg. You lose it completely. There is a payment schedule.

More importantly, and the reason that I always supported the no-fault approach to bodily injury in this province, is that if you are at fault under the old system, then you were entitled to what the public health care system might give to you. But that was all, because if you were at fault, you could not claim further damages. Supposing you were permanently crippled, you still could not claim those further damages, because you would have been at fault and would have no ability to sue.

Or, if you had a single-vehicle accident, who would you sue? Or if that accident should be with wildlife, and there is one outstanding example that I am well aware of—and most of the members of this House are aware of—where a person tangled with a moose and became grievously injured. Who would they have sued under those circumstances—department of natural resources? I think not, Mr. Deputy Speaker.

So what we have is a system whereby the claimant has to rely on, not the mercy, but the fairness of the system in which he has become engaged. That fairness has to be driven right from the time he meets the corporation and he meets the adjuster, if you will, who should be charged with the—and the adjuster or people working within that area of intake in the corporation, they need to be charged with the responsibility to make sure that the injured policyholder has adequate access to systems and to supports and to treatment and rehabilitation.

If it is a significantly high-level damage that requires a change of careers, that they, in fact, could have some ability to be seeking support for re-training, so that they can, as nearly as possible, get back to living their lives in a way that is the most acceptable, given the level of knowledge in our society. I put that proviso in there because there is a limited amount of knowledge in what we can do, for example, in spinal cord injuries.

We know that most spinal cord injuries are irreversible. That, of course, becomes when the greatest onus lies with the—that and situations of ongoing chronic pain. This is where some of the opponents of no-fault fought it, and fought it hard,

because to use the reverse of the callous response, there were people out there who felt that putting a green poultice on a chronic pain was the only way that you could reimburse the people for that pain, or to alleviate that pain. That green poultice, of course, was in the form of Canadian currency.

Mr. Deputy Speaker, this bill then becomes an evolution, and, in general principle, I want to support what the Government is attempting to do here. Because there has become an increasing amount of evidence that people are starting to feel that the corporation is losing touch with the injured, in terms of whether or not there is another level of treatment or pain relief or support that, perhaps, they should be entitled to.

I have been around long enough to see all of the associated problems that can go with Workers Compensation—and the chronic pain, and the injury, and the recovery from those injuries; and the sometimes lack of satisfaction that a worker can feel as a result of the treatment that they have had in Workers Compensation. They are told that they have chronic arthritis or they have chronic pain that cannot be taken any further. They are either going to have to go back to work at a level that they can actually function at, or they are going to have to take some kind of retirement situation. Many workers near the end of their career see that, sometimes, as the only way out if they are no longer able to do something that was, for example, physically demanding.

The situation here and the evolution as I see it that brings us to this point—and it is something that I have advocated at various levels with the current government, and began to see it during the period, perhaps two or three, four years after the Autopac no-fault system was implemented.

\* (15:00)

That is that there are claimants who reach a certain level and they say: this is not good enough. I am suffering chronic pain. I have muscle damages, structural damages that I need further help with. But the corporation, in seeking advice from their doctors, from their therapists, is saying this is all we can do for this person. Yet the person is convinced that there might be something more that could be done for them, perhaps some kind of rehabilitation that has been in their mind, bringing their functional level to

a standard that would allow them to continue with their life, recognizing that they have come through an accident. But that they are being rehabilitated so that they can function, or being rehabilitated so that they cannot be as much of a burden on society. When we take away the ability to sue, as we did with no-fault, we put a greater onus on the corporation to deal with the questions that I just talked about. That level of responsibility needs a balance.

I know, when I was responsible for this corporation, I pointed to the appeal commission as being that final arbitrary and independent body that could, in fact, provide a fair and reasonable answer to the claimant's question, and could speak to the corporation without any fear of retribution, could speak to the corporation on behalf of the claimant, if they were at least seized of the concern and the problem and the extent of the damage that the claimant considered to not have been dealt with.

It is at that point, I think, that we have arrived now. We are still unique in North America—probably in the world, but North America I know for sure—of being the only jurisdiction that has a no-fault system and a Crown monopoly.

There are other variations on no-fault systems, but they are generally not run in quite the same way as we are here in Manitoba. Even Québec is not quite the same, because there are two parts to their insurance. I see one or two members over there nodding and understanding that. But for those who might read these comments somewhere down the road, let me be very clear. In Québec, no-fault system stands on its own and the repair of the automobiles is an entirely separate part of the insurance, and is not handled as a Crown monopoly. But we have them both wrapped into the monopoly here.

So there is an added onus to be fair, to be seen to be fair and to do everything that the corporation can possibly do to be fair to the claimant. That is why, as I said, in principle, I support this legislation, because I think things have evolved in a way that I consider somewhat unsatisfactory.

I consider it unsatisfactory, not because I believe that somebody in the corporation or in the Government for that matter—no one has sat down and has sided in some devious way that we can gerrymander the system. I do not want to accuse anyone of that. But I do say that the system has not performed or has

not evolved in the way that I envisioned it, and that the Government I was part of envisioned it when we first put it in place. There are those who are critics of no-fault who will say, we told you that this is what would happen as the system evolved, because as the system evolves, you start to build up a body of claimants who are unhappy, and satisfaction is not within their psyche.

There are things that we can do, such as, I believe, what is contemplated within this act that will provide some relief. Without pointing out individuals and absolute specific cases, Mr. Deputy Speaker, it has become increasingly evident that there are people who go through the system and they get to this last appeal system, and they build their hopes up: This is where I am going to be able to go, and make my case and demonstrate to the corporation that I do, indeed, deserve and that I am entitled to further benefits; either monetary supports—that is the most extreme end of it—or further treatment for those who have suffered an injury that is leaving them with chronic pain or physical dismemberment, physical dysfunction that they believe further support through some kind of therapy, physiotherapy, might allow them to become better contributing members of society.

When they get to this appeal, Mr. Deputy Speaker, that is where the disconnect begins to happen. As MLAs, I would expect that it would be very rare that we would get somebody who would phone us up and say: You know, I went to that appeal commission on Autopac, and what a great body. They have made a decision in my favour, and I am so pleased that that body is sitting there.

We will never get those calls. That is just human nature. But we do get an increasing number of calls that say: I went to that appeal commission, Autopac showed up with a battery of lawyers.

A battery of lawyers, that in itself is offensive. The corporation will say they are the ones who are familiar with the process. They have got to be there in order to guide the appeal commission. That would be Autopac's defence, I believe.

When you are the claimant and it is a no-fault system, it is supposed to be a user-friendly system. So you are told: No, you can bring somebody with you, your mom, your dad, your brother, your sister, your spouse, your best friend. You can bring

somebody with you, but you do not need to bring a lawyer.

They get there and they are facing a battery of lawyers, and the first thing that happens is procedurally, they might well be told that your appeal is outside of the scope of the act. If that is the case, then there may be more things that need to be adjusted in the act and the regulations that go with the act that, perhaps, this body might have to deal with in the future.

This bill is a start in terms of dealing with the procedure that the claimant has to deal with. I am not so much providing a rousing support of this bill as I am saying that we, collectively, as government, both the government of the day and the opposition of the day, have a responsibility, because, as I recall, it was very nearly a unanimous agreement of this House when no-fault was put in place.

Some said that that was an immaculate conception, but that is not quite the way it worked. It was not on division, as I recall, but it was a case of where there was very nearly unanimous agreement in this House.

*Mr. Speaker in the Chair*

**An Honourable Member:** And did we take any?

**Mr. Leonard Derkach (Russell):** And did we take any? I am reminded that a few of the Opposition's amendments were, in fact, accepted, but the real crossroads, the real decision was whether or not it would be no-fault. I want to emphasize that there is still an onus on this body to make sure that the no-fault system works well.

I do not want to see a system that has evolved to what has happened in Québec, where funds can come, and I hope that members of the current government cover their ears on this, funds are coming from the no-fault reserve to pay to improve traffic safety where high numbers of accidents are occurring.

Now, there is a novel concept. Raid a Crown. That would be against my principles, and I hope it would never again cross the minds of those who are today in government, because that would be an aberration of the intent of no-fault.

Now, we will not go down that road, because I do not want to cause too much stress on the other side of the House, but the fact is that the no-fault system that we have here probably requires an ongoing review as the evolution of no-fault continues to carry forward, because there are people who will have to appear before the independent commission who feel, up until now, in some cases, that they have been abused by the process.

\* (15:10)

They feel abused because they were taken in there or told to come there on the basis that they would be fairly dealt with. And you know what? They do not feel like they have been fairly dealt with when they are facing a battery of high-quality individuals in defence of the position that the corporation will have taken, because I know, and I think it is only right that the corporation will internally make sure that, in their own minds at least, they have taken this file as far as they can take it. So they inevitably end up on the defensive when they are in front of that final appeal because they would like to believe that they have settled all of the files to the best of their ability before they go to that final arbitration.

That is not a criticism of the corporation; in fact, that might be a good thing. What it means is that the chances of success and survival at that appeal might be somewhat reduced by the fact that the corporation is going to defend what it has done up till now. That appeal commission should be independent. I would remind the members of the current government that that independence is, to a large degree, based on the ability of them and their Government to appoint quality individuals who are not touched with the smear of political background or political attribution. They are there because of their knowledge, because of their fairness and because of their complete and unabridged ability to make a decision that would be fair. That is really the bottom line.

To have an advisory, as this bill would advocate, and someone in an advisory capacity to help the person through the system, to advise them as best they can and to prepare them as they go through the various levels of appeal, it strikes me as I stand here, that as they reach that final level of appeal, I will be listening carefully to what people in the public may want to add to this bill if, in fact, we take the appropriate amount of time to make sure that

those in the general public make themselves aware of this and inform themselves enough so they might want to come and make some comment on the legislation.

I do not really care if we have the advocates of no-fault or at-fault come back. We have heard all those arguments; we have crossed that bridge. My position, and I think fairly all members of this Legislature, unless the world is starting to change as I know it, would want to see what improvements can be made and, in fairness to the corporation, if there is a cost to some of those improvements, that in fact would be substantial so that the system would be more user friendly and so that people who go to an appeal, and particularly that final appeal, feel that they have all of the information at their hands, that they have all of the supports at their fingertips and that they might be able to fairly represent themselves and get a fair hearing.

The reason I want to hear what the public has to say, the claimant adviser if they walk all the way through this claim process with an individual but get to the end—and that is the question I will have for the minister in committee—if they get to the end, to this final, independent appeal body and do not have the capacity or the ability to strongly represent the claimant at that juncture, then this bill does not go far enough. I will ask what quality of individual, the standard of training, what ability they will have to defend, if you will.

It will be an adversarial process, but it will be in-house, as it were. We have to be sure that the claimant will be satisfied that whoever he has got with him has the backbone, has the knowledge, has the skills to adequately represent them. So many times these are judgmental, circumstantial arguments that will be made. I have a pain, I can tell you I have a pain. There will be people in this House who will think I am a pain, but there are people who will argue how can you adequately portray that on behalf of a third person. That is true, and the technicality of being within the act is the other aspect where some claimants very often get hung out to dry, for lack of a better term.

I see one clause here that says the salaries of the claimant, of advisers and staff and all costs incurred shall be paid out of the consolidated fund. I believe it would only be appropriate that, in the end, the Government, and I believe it refers to—yes, in the

next phrase, the corporation will still carry the cost. I will leave one thought with the members, that this is a start and a start that was probably a little bit overdue, and there is a second question that is hanging out there. That has to do with the entitlement of the person to the benefits of the public health system. Where is it that we can reach a level where the public health system maybe can be relieved of some of its expenditures in terms of looking after individuals who have fallen into this system?

You know, there are rampant stories about how you can move up the ladder in terms of access to treatment and access to particularly imaging technology if you fall into the Workers Compensation system and that you can move more expeditiously through the health care system. It is true that that can happen here, but what interests me and what is I think an opportunity for future discussion is: When does your insurance begin to cover some of those basic costs, or do we continue to have costs that carry forward within the public health system without reimbursement?

You can make the argument, and MPIC does make the argument, that when the no-fault was first issued as insurance in this province, the argument was always made that every one of us is entitled to access to the health care system; whether there was insurance or whether there was not does not matter. Those costs will remain with the public health care system. Well, sometimes they do, and I think that is where the question lies, well, not always to the same extent, but my understanding is that perhaps they could.

Even in committee, I think I remember the corporation saying what I just said, that under the public health care system I am entitled to a certain amount of support and coverage, my bed days and so on. Do we have a discussion, a reasonable basis for discussion about whether or not the corporation should be paying for those bed days? They will if you fall into long-term care.

That raises the third issue that I want to put on the record, and it is not directly related to this, but it does flow from those who might fall into this problem, and that is: Under long-term care does Manitoba Public Health have the right to veto the ceiling on the costs for long-term care? Public insurance should be the provider when a person falls into long-term care as a result of an auto accident,

but they are still involved because of the cap that was put in place. I am responsible and part of the Government that left that cap in place because it was advisable at that time.

There is now a debate, I believe, about whether or not the cap in fact should be there, because what that does is that when you exceed the cap you fall on the mercies of Manitoba Public Health as to what you will receive for care. That is an issue that I would like to see debated in this House and addressed as best our minds can work that one out. It is an issue, one that was not foreseen necessarily when the corporation went to no-fault or when this province went to no-fault. There was a cap, and when I asked about the cap, \$34,000-\$36,000 per year, I could not envisage that that cap would not be high enough for certain individuals. The fact is that it is not. That is specific and it is not specific to this bill, Mr. Speaker, so there are many more who, I think, want to express some views on this bill, and, for the record, those are mine.

**Mr. David Faurshou (Portage la Prairie):** I appreciate the opportunity to rise today in the House in second reading of Bill 5.

Mr. Speaker, I believe that this is the right move to be made at this time. I had opportunity earlier to ask the Minister of Finance (Mr. Selinger) the actual cost of this particular undertaking to provide the advocacy for those that are coming before the Automobile Injury Compensation Appeals Commission.

I was rather startled to learn that it is almost half a million dollars of expenditure to provide for this office in the initial creation as well as the operation of the office. I believe that this is a tremendous amount of money to be expended in this regard and rather astonishing, as well, that it would require almost half a million dollars to advocate on behalf of claimants, Manitobans, effectively, that have had difficulty in resolving their claim with Manitoba Public Insurance Corporation.

Does it require that amount of expenditure to right a wrong or effectively resolve an issue that should have been resolved, in the first place, on behalf of Manitobans here in the province of Manitoba? Manitoba Public Insurance Corporation, effectively, is there to provide for the coverages of Manitobans and it has that exclusive right. So, in

other words, it has a monopolistic position and, inherently, within that monopoly, it should be able to effectively understand, comprehend and resolve any issues within its own workings, Mr. Speaker.

\* (15:20)

Why is it now that we have to call upon Manitoba taxpayers to front almost a half a million dollars in the very first year of operation to right, to resolve, to effectively come to terms with issues that our monopoly organization here in the province of Manitoba has created?

Mr. Speaker, I believe in Manitobans and their understanding and willingness to resolve issues. We are a community that believes in fair play and definitely tries to understand others and their consideration as well. So I find it very difficult to see why this particular situation has developed because of that understanding and knowing that Manitobans really do not want to have a confrontational situation.

Be it as it may, our monopoly, Manitoba Public Insurance Corporation, as created by members opposite and predecessors in government, this particular situation in order to resolve issue between the claimant, a Manitoban, and the Manitoba Public Insurance Corporation, it comes to this end and an additional half a million dollars in order to resolve it.

Mr. Speaker, my honourable colleague from Ste. Rose made mention of his understanding and his witnessing of the situation that claimants coming before the Manitoba Automobile Injury Compensation Appeals Commission face. They come before the commissioners with issues and then, not normally understanding of procedure and of rule of law, yet, when they make points before the commissioners, they are continuously interrupted by those representing Manitoba Public Insurance Corporation on rules of law and points of order of procedure because their understanding of procedure and of law comes from their professional background.

Manitoba Public Insurance does not send individuals there to represent their interests that do not already have legal backgrounds and, effectively, degrees in law and, for the most part, are members of the Bar here in Manitoba, so they already have experience, understanding, teachings within the law and that of procedure. How can one individual that

has none of the above represent him, or herself in such a setting without an advocate?

Now, Mr. Speaker, I understand, though, that provided within these monies of almost a half a million dollars in the very first year, this does not yet provide for actual representation by individuals that have a legal background. The advocate that will be assisting Manitobans in representing themselves before the commission, I understand, will not have legal degrees, be members of the Manitoba legal society, but they will have an understanding though of comprehension of procedure, so one will not be seeing the proceedings before the commissioners as being continuously interrupted. That leads me to feel, perhaps, that still claimants coming before the Automobile Injury Compensation Appeals Commission are not yet represented in the same fashion that Manitoba Public Insurance Corporation is represented. And so I have grave concerns that the field is not yet level. There is not equal representation before the commissioners. I still believe it is tilted towards the Manitoba Public Insurance Corporation which is the monopoly coming before the commission and has all of the resources behind it of a monopolistic company. That is still very bothersome to me, and I do not understand why the Government with this legislation has not sought to make absolutely certain that the playing field is level between the corporation and individual Manitobans that have a consideration, a problem, a concern and are appealing before the commission for resolution.

Mr. Speaker, I am in support of Bill 5, however, there are grave concerns emanating from that bill of which I have spoken: one, the cost of this undertaking, and two, as to whether or not it is yet making a level playing field. Outside of the actual bill, I have concerns about the operation of Manitoba Public Insurance Corporation. There was a very comprehensive study done and some 54 recommendations made in regard to improvements that the Manitoba Legislative Assembly and the Government of Manitoba should consider implementing.

It was the Sam Uskiw report that I speak of, and I believe that the recommendations within that report had a lot of merit, one being the operation of the advocate's office to resolve issues that individual claimants have with Manitoba Public Insurance Corporation and that was to create the office of fair practices. Effectively, they would resolve, or investigate at the very least, issues that individual

claimants have with the Manitoba Public Insurance Corporation.

The key element within the Fair Practices Office within the Sam Uskiw report was to have that office be independent and to report directly to the Manitoba Legislative Assembly with concerns for improvements to the legislation which governs the Manitoba Public Insurance Corporation. However, what I am gravely concerned about is that the former minister responsible for this particular office and legislation, the Minister of Labour who retired prior to the last election, failed to see this particular point and the merit of that point and left the operation of the Fair Practices Office to the discretion of the Manitoba Public Insurance Corporation proper. Within that decision-making process, whether it be at the presidential level or at the board level, the decision was made to have that independent office report directly to the president rather than the Manitoba Legislative Assembly.

\* (15:30)

So, effectively, what we have is an office that is taking on the responsibility of being independent and yet reporting directly to the president. I wonder how much independence there is within that office as to whether or not their Fair Practices Office is truly reporting problems, concerns within the operation of Manitoba Public Insurance Corporation, and they are reporting to the president, not the Manitoba Legislative Assembly.

It is not the place of the president, effectively, to recommend how changes to legislation should take place. Why not then have the office reporting directly to the Minister responsible for Manitoba Public Insurance Corporation, in this case the Minister of Justice (Mr. Mackintosh), so that he can bring before the Chamber recommendations for changes to legislation that would effectively address concerns that are being brought forward through the Fair Practices Office?

I ask members of government to see this particular concern which I raise this afternoon and address this operational consideration within the workings of Manitoba Public Insurance Corporation. It would not take a great deal of change from the board level to ask that the office of fair practices report directly to the minister.

I think then, Mr. Speaker, we, the members of the Manitoba Legislative Assembly, would have a direct linkage to the operation of Manitoba Public Insurance Corporation and really truly hear what Manitobans are bringing forward as their concerns regarding coverage by a monopoly. Manitobans have no other options here in Manitoba, and, so, even if they are unable to resolve their issues, they cannot go anywhere else.

So I think it is absolutely imperative and incumbent upon this Government to change the reporting method of the Manitoba Public Insurance Corporation's Fair Practices Office so that reporting can effectively come directly to this Chamber, as the Uskiw report recommended.

So, Mr. Speaker, I fully comprehend the allowance of time that I have this afternoon to address Bill 5. It is a bill that I believe is one that is just bringing into legal text the provisions that were announced by the Budget some one year ago that provided for \$480,000, as my recollection provides me, for the initial start-up and operation for the first year.

I now leave the floor in this regard and look forward to having opportunity to once again participate in debate at the standing committee in regard to Bill 5 and then once again in third reading. I hope that the members opposite have listened to my concerns brought forward here today. Thank you.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my privilege to put a few words on the record in regard to Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers). The purpose has been outlined in this bill as to provide for claimant advisers to assist persons in proceeding before the Automobile Injury Compensation Appeals Commission.

Of course, we have had many examples of perhaps need for a claimant adviser over the years in Manitoba, but I think we have to proceed with some caution in relation to the kinds of guidelines and criteria that are put forward around the creation of this office.

Mr. Speaker, the bill certainly allows for a claimant adviser office to be established. I do not think there is too much difficulty with that. It is pretty clear. I think the clarity and the amount of guidelines work that we need on this kind of a bill is

that we are going to look at the kind of staffing that the office will have in regards to the issues around complaints, if you will, of situations with accidents in the province of Manitoba.

The request for assistance by many people in regards to accidents—some certainly feel that they have very little area to turn to in regards to some of the claims that they have. I know I have had some of those people present their concerns to me throughout the few years that I have been a member of this Legislature. Certainly, I have had a number of constituents who have had concerns in regards to claims that they felt they should have been able to access.

I also believe that some of these circumstances have certainly been well-founded. This kind of a claimant adviser, an independent process supposedly for the person to take their claim to, could be looked at as an opportunity for them to provide a much clearer settlement of any kind of undue circumstance that they may feel being imposed upon them.

The claimant adviser may assist a claimant in appealing a review decision to the commission through a number of points, Mr. Speaker. The areas of advice and carrying out the investigation that these people feel that they may need is something that they not necessarily have the wherewithal or the means both financially and of course, from a legal side, the costs of those processes. It may give them, or their counsel, some opportunity to have an area that they may be able to bring forward opportunities to describe in a clearer circumstance the conditions around which the claim they are debating can be clarified.

Mr. Speaker, it is clear from this bill that the Government's intention is that the disclosure of documents for the claimant adviser, when authorized by a claimant, has the same right as the individual in case. Of course, that is only so that the adviser can argue the circumstances in the case of the individual in question. Section 199 applies to all other staff and agents and the claimant adviser as well. I believe that this kind of legislation being set up for these circumstances will take care of some of the complaints and circumstances from constituents that I have had discussing these issues with me over the past five years.

In fact, I have had circumstances where, in one particular instance, the claimant was receiving some

kinds of compensation for the accident that they were involved in. I think my colleagues have outlined some of those as well. This one certainly provided an ongoing compensation that was cut off very surprisingly by this particular constituent. They had, I thought and felt, a fairly good reason to be able to continue to carry it forward.

I think that as we are dealing with that with the minister through letters at the present time, I will not go into the details of it, Mr. Speaker. But there are circumstances that, I think, will allow these kinds of claims where support has been cut off, or where, in fact, support was never ongoing in the first place for an individual to come back and deal with indecisions that they face in regards to the claims that they feel that they have not been able to get clarity on.

Mr. Speaker, the minister being able to make regulations to prescribe to any of these kinds of duties leaves the bill fairly open. I know there are some concerns that there could be more clarity and guidelines built into the bill as the opportunity to keep the citizens of Manitoba from, I guess, basically from protection. They want to be protected through these kind of bills. They certainly do not want, not over-handed, but heavy-handed legislation put in place to make it a more onerous process for them to get any kind of justification of their decisions and concerns with this bill.

\* (15:40)

I believe that perhaps if the minister was to have put the claimant adviser's position in place and in fact set up the Automobile Injury Compensation Appeals Commission before it that perhaps that commission could more clearly determine, once guidelines have been determined from this minister, what the guidelines of this whole commission should be. Certainly, I do not think the citizens of Manitoba would want to see it left up solely to the minister in this case, although we realize that the minister will have to have a final say in regard to how these areas are set up. Of course, that is not to take away from the minister in charge of the process. It is just a caution that I think the citizens of Manitoba are deserved to have as they move forward in the development of this process.

Of course, it is very obvious, I think, that most Manitobans have very little concern with the salaries of any of these paid advisers and staff coming from

the Consolidated Fund. That is actually the process that the Government wants to move forward with. You know, it is just that we have to make sure what kinds of costs are being covered. We could look for more clear guidelines perhaps at committee in regard to this bill and how the corporation is to pay the costs of those consolidated funds.

So I guess I am going to end my comments, Mr. Speaker, just with saying that I am pleased to see that if this bill is going to come into place that they move forward with clarification of some of the points that have been addressed and outlined. If they really want this to be an effective body that is put in place, I would suggest that one change might be that when this bill is coming into force that it be done at the day of passing through this Legislature and not at a day fixed by proclamation at a future date, which leaves it pretty open-ended. If the Government is really committed to this process, I think that that could be the least they could do for Manitobans.

So I will end my comments there, Mr. Speaker, and look forward to the comments of other members. Thank you.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Steinbach that he—no?

**Mr. Speaker:** That is not necessary, because the bill is already standing in the name of the honourable Member for Turtle Mountain (Mr. Tweed). The House had already agreed to that so, when this matter is again before the House, the bill will stand in the name of the honourable Member for Turtle Mountain, who will have 30 minutes to speak. Okay?

So, as previously agreed, we will now move to second readings. I will call second reading, Bill 6, The Cross-Border Policing Act.

## SECOND READINGS

### Bill 6—The Cross-Border Policing Act

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Labour (Ms. Allan), that Bill 6, The Cross-Border Policing Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** In recent years, police forces have increasingly been faced with investigating criminal activity that extends beyond provincial boundaries. This is especially true with respect to organized crime.

Provincially-appointed police officers lose their status as police officers if they leave their province of appointment. This means they can no longer legally carry firearms. They cannot obtain or execute search warrants. They have severely-reduced powers of arrest and are otherwise unable to fulfil their duties.

This loss of police-officer status can hinder efficient investigations and can endanger the safety of police officers. Many police forces, Mr. Speaker, and police organizations have called for legislation that would make it easier to obtain police officer status in these situations. In fact, national police bodies have identified this as their top legislative priority.

Mr. Speaker, the current method by which officers can obtain legal powers in another jurisdiction is currently very complicated. It has been described to me as cumbersome and time-consuming, and indeed, I have been advised that it can take not just weeks but sometimes up to several months to obtain police powers in another jurisdiction.

Now, Mr. Speaker, the Uniform Law Conference of Canada developed model legislation to address this concern, and so the legislation currently before the House is based on the Uniform Law Conference model that came together as a result of this concern being expressed and as a result of the views of many.

The main purpose of the bill is to create a mechanism whereby a police officer from another Canadian jurisdiction can be granted police officer status within Manitoba in order to perform police duties in this province.

The process set out in the bill, Mr. Speaker, is straightforward. The Chief of Police of the out-of-province police force is required to make a written application that sets out the proposed police operation, things like the name of the police officers who will be entering Manitoba, where they will be working and what they will be doing.

This application will be considered by an appointing official in Manitoba. The appointing official will be a senior Manitoba police officer. If the appointing official decides that police officer status should be granted, then the officer will grant it. Mr. Speaker, the legislation also provides for public complaints about out-of-province police officers.

There are two aspects to these complaints. The first is the disciplinary aspect, that is, providing consequences to the officer for the misconduct. Each province will be responsible for disciplining its own police officers. So, if an out-of-province police officer misconducts him- or herself in Manitoba, the complaint will be forwarded to the police oversight body in the province where that officer is employed to be dealt with there.

Secondly, a complaint may raise issues of public interest. For instance, in recent years in Manitoba, we had the 911 inquiry. This was a complaint about police conduct that raised larger issues than the conduct of an individual police officer. In the 911 inquiry, there were questions about police procedures and how to properly dispatch police units.

These larger questions of public interest may not be addressed in a disciplinary hearing. Therefore, the legislation allows for a review if a matter of public interest is raised by a complaint. Of course, if the misconduct is sufficiently serious, criminal charges in Manitoba can also be laid against the officer.

In preparing this legislation, Mr. Speaker, various national and provincial police groups were consulted. We did this to ensure that the act was responsive to the needs of the police and the community. These groups have expressed support for the approaches taken in this draft legislation.

\* (15:50)

Manitoba is the first province to introduce this kind of legislation, and it is my expectation and understanding, Mr. Speaker, that the other jurisdictions in Canada are interested in moving ahead with very similar, if not almost identical, provisions.

Mr. Speaker, I look forward to the involvement of members of the Legislature and the public in the consideration of this bill.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the member from Steinbach, that debate on Bill 6 be adjourned.

*Motion agreed to.*

**Bill 11 – The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets)**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets), be now read a second time and be referred to a committee of this House. His Honour the Lieutenant Governor has been advised of the bill, and I table the message.

*Motion presented.*

**Mr. Mackintosh:** Many of us, Mr. Speaker, will remember the 1960s and early 1970s as a time when Manitobans had great concerns about automobile insurance. Auto insurance rates were seen by Manitobans as unfair, as inconsistent, as expensive for most drivers. Younger and older drivers were often refused coverage entirely. How much Manitobans paid was a reflection of insurance experience across Canada, rather than crash rates in this particular province.

After extensive public hearings, a provincial committee concluded that the existing system of automobile insurance was inadequate, expensive, and confusing to the public. The committee recommended the creation of a public automobile insurance system in Manitoba, and Manitoba Public Insurance was established to meet specific principles.

The original objectives included that Manitoba Public Insurance had to offer compulsory, universal insurance. This ensured that all Manitobans had access to auto insurance. Second, Manitoba Public Insurance would return at least 85 percent of every premium dollar back to Manitobans in the form of claim benefits. Today, actually, Mr. Speaker, it returns more than 90 cents of every dollar.

Third, the corporation had to operate at a lower cost than private insurers. Today, its goal is to operate at 50 percent of the Canadian industry average.

Further, Manitoba Public Insurance had to offer a lower rate than private insurance. Private insurance rates in Manitoba, indeed, have been the lowest in Canada for more than four years, when you look, particularly, at the coverage provided.

Manitoba Public Insurance also had to provide coverage comparable or superior to that in other provinces, and, indeed, today's coverage is superior to virtually every other province. It had to streamline the claims process and make it easier for Manitobans. Today, customer service standards ensure Manitobans receive the best service possible. It had to invest substantially in Manitoba and earn a yield comparable to that earned by private insurers.

Finally, it had to pursue traffic safety programs. These objectives are as important to Manitoba Public Insurance today as they were 31 years ago. Meeting these success factors guarantees that Manitobans will be paying less for comparable coverage provided by the private sector.

If we look at the Canadian landscape today, Manitoba remains what I would call a calm port in a stormy sea of double-digit rate increases. Manitoba Public Insurance has become a model that provinces throughout Canada are looking to replicate, whether it is New Brunswick or Nova Scotia or even Alberta.

It is worth noting that, recently, in Alberta, the president of the Alberta Civil Trial Lawyers Association said that, regardless of the ideology of Alberta politicians, it is just a question of time before they have to look at public auto insurance. Ron Everard pointed out that public auto insurance is a far superior product to what private insurers offer and that both opposition parties there support public auto.

Last month, Statistics Canada, I understand, reported that auto insurance rates across Canada increased 19 percent between October 2002 and October 2003. The year-over-year increase was the greatest in Newfoundland at 33.9 percent and Ontario at 31.9 percent. That was followed by Alberta at 24.3 percent and P.E.I. at 22.1 percent. Only Manitoba reported a decline in the amount paid and that was minus .7 percent, Mr. Speaker.

This is just the latest in a host of reports from the Consumers' Association of Canada to the internationally respected Runzheimer company that demonstrates that dollar for dollar, Manitoba offers

consumers the best value for their auto insurance dollar.

Manitoba Public Insurance can offer both superior coverage and lower rates because it offers insurance at cost. The corporation can do this because it keeps its operating cost at less than 50 percent of the Canadian industry average. That means for every one dollar the private sector spends, MPI spends less than 50 cents. Over the last 30 years, more than \$1.6 billion that would have left Manitoba has been invested here in schools, hospitals, municipal buildings throughout the province.

Because MPI does not have to pay shareholders, every cent of investment income earned goes to reduce the cost of each premium annually. In fact, in 30 years of serving Manitobans, the average cost of auto insurance in Manitoba has increased at a rate lower than inflation, while benefits have been enhanced and the protection has become more comprehensive.

Mr. Speaker, Manitobans have access to the most comprehensive insurance coverage in Canada, including unlimited medical and rehab treatment and income replacement for life if they cannot work. In most cases, benefits are fully indexed to inflation.

Throughout the rest of Canada, governments have attempted to improve the profitability of insurance companies at the expense of consumers. In most cases, provincial governments have reduced coverage, in effect forcing consumers to pay more for less coverage. In other provinces, companies have simply refused to insure some customers.

In Manitoba, Mr. Speaker, we believe it is your right to file a claim whenever you suffer an injury or property damage. Our system ensures that those who cause accidents pay more and those who maintain a safe driving record get a break.

In other provinces, customers who simply file a claim, even if they were not at fault for the accident, could have their insurance premiums doubled, tripled or even have their insurance cancelled altogether.

It is for these reasons, Mr. Speaker, that it gives me great pleasure to rise and propose legislation that protects one of Manitoba's greatest assets, Manitoba Public Insurance. This legislation will see that Manitobans have the final say in the value Crown

corporations have in Manitoba, in particular, the value of Manitoba Public Insurance to Manitoba motorists and indeed all Manitobans.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the member from Steinbach, that debate on Bill 11 be adjourned.

*Motion agreed to.*

**Bill 12—The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund)**

**Hon. Ron Lemieux (Minister of Transportation and Government Services):** Mr. Speaker, I move, seconded by the Minister of Water Stewardship (Mr. Ashton), that Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund), be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

*Motion presented.*

\* (16:00)

**Mr. Lemieux:** Mr. Speaker, I am pleased to speak to my honourable colleagues today regarding the amendments my department is introducing under The Highways and Transportation Amendment and Highway Traffic Amendment Act.

The primary issue addressed by this bill is the creation of a new highway improvement fund, the Manitoba Trucking Productivity Improvement Fund. One of the driving forces behind the creation of the fund was ongoing requests from the trucking and resource industries to carry heavier than legal loads on provincial highways. The fund will provide a mechanism for the private sector to partner with the Province to address improvements to Manitoba's aging infrastructure.

The fund will augment the existing departmental appropriation with an innovative process by which specific improvements to the highway system can be financed. Larger trucks with greater payload capacities have the potential to lower costs for carriers by up to one third.

Reducing operating costs translates to direct transportation cost savings. This translates into potential greater economic and social benefits for Manitobans, such as fewer big trucks on highways and reduced greenhouse gas emissions. Big trucks cost big bucks.

These benefits need to be balanced against the extra wear and damage to the highway system, and the consequent need to provide for infrastructure improvements to provide for the safe operation of heavier trucks. Mr. Speaker, the innovative public-private partnership enabled under this new legislation will allow companies to haul heavier loads on the provincial highways, while paying fees that would cover the costs of the damage incurred to the highway infrastructure.

The fees would be based on a formula which considers various elements such as the age of the infrastructure, its improvement needs and the damage caused by the heavier loads. All fees paid will be used to fund highway improvement and rehabilitation projects on affected highways. Sub-accounts for individual projects will be established to ensure that private partner contributions associated with the specific highway segment, or industrial development, are held separately and allocated for the purpose of that improvement project.

In addition to the contributions from the private-sector partnership, the fund will receive revenue from two other sources.

A new administrative monetary penalty for overweight truck violations detected during motor carrier audits. This new penalty for overweight offences will ensure that carriers will manage to avoid being caught for overweight violations while on the road, but be held ultimately responsible for the damage that the overweight vehicle causes to the highway infrastructure.

New revenue derived from permit fees for overweight and over-dimensional vehicles. The redirection of overweight, over-dimensional permit fees to improve highway infrastructure is consistent with the spirit and intent of the fund. This approach and our ability to enter into private-sector partnerships is a positive step in an overwhelming task of rebuilding our long neglected infrastructure.

We will provide opportunities to augment existing limited resources to improve the highway

infrastructure. These changes reflect the sound strategy for the future. I look forward to discussing the details of this bill with my colleagues at law amendments committee. Thank you, Mr. Speaker.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my privilege to rise in the House to speak to Bill 12, the creation of the Trucking Productivity Improvement Fund. It is, obviously, Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act.

This legislation would see the establishment of a Manitoba Trucking Productivity Improvement Fund. As the minister outlined to us the other day in the briefing that he provided myself and the honourable Member for Portage la Prairie (Mr. Faurschou), and some of our staff—I thank him for that briefing, Mr. Speaker.

I believe that there are many parts to this bill that could have the opportunity to help Manitobans, but there are a number of grave concerns to be raised about this bill, as well, in regards to clarity that is needed around the development of the fund and around how it is used and how it is managed.

The fund would help pay for highway repairs needed because of damages caused by overweight and oversized vehicles—that would also help pay for improvements to certain highways and other projects related to transportation and trucking industry. It has that potential, Mr. Speaker.

The idea behind this legislation is to create an instrument whereby the private sector and other levels of government could partner with the provincial government in order to undertake specific transportation improvements, such as some of our bridges or highway repairs, or the upgrades of those infrastructure needs as well.

In theory, a company that regularly carries oversized or overweight loads might find it economically worthwhile to contribute to such a fund, if it would lead to specific road or bridge improvements on transportation links they frequently use in order to do business. For example, this could include businesses that haul logs and vegetables, Mr. Speaker, or heavy products for processing in their plants.

Of course, in the area that I am familiar with, there are a number of concerns by the oil industry in regards to being able to carry their heavy loads at

any time of the year, not just in regards to spring thaw. Many of them have expressed to me the great difficulty that they have had in working with this Government in regards to being able to get permits to move those heavy machines at particular times.

Then, of course, there are rural municipalities who have indicated to me the concerns to some of the offloading that has occurred on some their municipal roads, by the lack of attention paid by the provincial government to these needs.

Mr. Speaker, it is argued that larger trucks, carrying larger loads, can result in lower costs for carriers, thereby improving their productivity. I have no doubt in regards to that, and in my personal life, having been involved certainly in a business that requires a number of large trucks to move product around Manitoba.

That is a big concern to everyone in this House, particularly all of the businesspeople in Manitoba. It should be to all taxpayers because, of course, we have to keep in mind that it is the role of government to make sure that there is adequate infrastructure in place, in the first place, for these businesses to do business in our province and to be competitive with what is happening in other jurisdictions.

Mr. Speaker, with larger loads, however, there can be greater wear and tear on the roads and bridges resulting in a need for more frequent rehabilitation and maintenance. I think that is pretty obvious. Interested private-sector partners would contribute monies to a fund that would link the benefits of increased truck weights with associated increased costs to highway infrastructure.

Now, Mr. Speaker, that may sound like a good co-operate opportunity for business and government to work together. But I think a caution has to be raised here in regards to the powers of this whole area. In fact, I am hoping that, either through amendment or through committee, that the Government will more greatly clarify the levels of fines that they may put in place.

Will they continue to leave the present ones that are there, and just use those funds to put into specific areas? Or will they, in fact, once this bill is through, raise those fines through the roof in an effort to try and supplement their overspending in certain budget areas, and try to balance the books on the backs of some of these businesspeople again?

In which case, it would be unfortunate that the Government would use this as an opportunity to tax business in an indirect manner, and add further taxes to the base of business that is already having trouble with the tax burden in Manitoba that they are faced with, caused by the overspending of this Government. In fact, one business certainly indicated to me that they saw this as somewhat of a situation where the word extortion is what came to them.

Are they saying that government should put this bill forward in a co-operative manner, and then say that in order to get the permit that they are talking about, the fee is going to be so high that it will offset any kind of benefit that they would have had? Of course, every business has its own bottom line that that will have an impact on and it is very clear that, perhaps, some of those major businesses, larger businesses out there that might have a bigger bottom line or more net worth, have the opportunity to perhaps enter into partnerships. I am not saying that there will not be good examples of how that will help these businesses.

My only concern is what the Government will do. Will they abuse that right, and will they overcharge these businesses for the right to travel on the roads that as taxpayers in the first place—we have to remember that taxpayers have the ability and the right. Or we should be providing them as government with that opportunity, of a sound infrastructure to travel on, in the first place, in this province.

\*(16:10)

Mr. Speaker, that is, I think, just one of the concerns that these interested private-sector partners have in relation to monies to fund and these links in the whole transportation area. The fund would be designed to generate revenues for highway projects from three sources, as the Government has pointed out. These include permit fees for overweight and oversized vehicles. It looks at contributions from the private sector and from local upgrades to upgrade specific segments of the highway network.

Thirdly, Mr. Speaker, financial penalties for overweight truck violations. I just have to say that I am concerned about the opportunity of the provincial government looking at contributions from local governments, the rural municipalities and the cities and towns that we have in this province already for upgraded specific segments. Without specific

examples, it is very hard to look at the kind of offloading that could take place here from the Province to these sectors.

I would hope that the Government would take that into consideration when they are defining what the outcome of this bill will be, and would put greater clarification before this bill passes the Legislature.

Mr. Speaker, another comment on these three areas is that you have to keep in mind that some of these funding sources are there today. What the Government is doing in this bill is just redirecting the use of these funds into specific funds made available for a particular highway. I do not know whether the Government has put specific bank accounts, if you will, in place for each of these particular highways and intersection requirements or bridges or overpasses that are required.

A prime example of where they could be of great concern is, let us just say an overpass, like Kenaston. Is this the Government's role to come out now and say that, well, there are other corporate members who use these intersections, and there are corporate situations around that particular intersection today, and we are going to go to them and see if they are going to partner to get rid of some of the problem? Or to actually build the bridge, the overpass, in this case?

I know that in some other provinces, Mr. Speaker, there may be a circumstance where the Government is working with the private sector to have funds put up for a project; that governments will tender for a particular project. The Government may, in fact, turn over the building of the facility, of the infrastructure, as well as some of the maintenance for a certain number of years, a specified number of years, when they let the contract. Of course, if that will help the infrastructure of a province and keep the taxation levels down so that they do not have to come up with the capital immediately to fund those projects, I would not have a big concern with some of those areas.

I think we have to make sure that what the Government is outlining in those contracts is that the level of construction, that the base of construction, is specified in there; that the requirements for the building of this particular infrastructure is required, and, of course, the construction firm itself, or the

people who are investing in this particular, perhaps tax incentive will then, of course, build in the caution because they are responsible for the requirement for maintaining it for 5, 10, 15—who knows?— maybe 30 years, Mr. Speaker, in some instances that are being done presently across our nation and in other areas of North America.

So there are innovative ways of looking at how we could set up funds to use in these areas, but I do not know if setting it up for a trucking productivity improvement fund that only trucking is to be looked at in this area. That is a concern that our side of the House raises, Mr. Speaker.

I want to go on to say, Mr. Speaker, that the legislation seems to mesh with some of the Department of Transportation and Government Services' roles, which include improving safety and improving decision-making for allocation resources.

It does, as I have said, give some people some options in regards to doing business and helping them out. But I have a number of examples before us today where this has not happened over the five years of this Government being in place. That is why many businesses are extremely cautious about getting onside with this bill, as we have seen it outlined today. Of course, no one is against improving safety opportunities in Manitoba. I would hope that the Government is not going to use these funds to just replace ongoing safety work that they will do in roads and development of the fine province of Manitoba.

Indeed, expected outcomes for the department would include ensuring Manitoba's transportation infrastructure is safe and economically viable. That it would also be promoting the competitiveness of the province's transportation industry and enhancing Manitoba's role as a global transportation centre would be part and parcel of the motives behind this Government for bringing this particular bill forward at this time.

We know that Manitoba is a hub of transportation in regard to the trucking industry, with many trucking head offices of many companies still in Manitoba. I say still, because I know many of them continue to look at the taxation levels that they are faced with, and there are opportunities, there are choices that these people have, and I think as Government we have to continue to be cognizant of that,

and not put them in further jeopardy of wanting to establish their offices in other jurisdictions.

Mr. Speaker, we need to promote the competitiveness of the province's transportation industry and enhance Manitoba's role in that whole area. We can all agree that it is essential that we have a sound transportation system in Manitoba or the help of the provincial economy, as I have pointed out, will suffer. Not has the potential to, but will suffer. There is no question that it is more difficult for a firm to do business if they are having problems getting goods to or from their facilities.

We are a large province, with thousands of kilometres of roads and hundreds of bridges. They require costly maintenance on a regular basis. According to the provincial government, on average, Manitobans spend \$274 million each year on transportation-related operations, construction and maintenance, which is more than the total road-related revenues received by the Province.

In comparison, the federal government collects about \$165 million each year from Manitoba in fuel excise taxes, while returning an average of only \$3 million annually to the transportation system. Of course, this is a shame, and we need to continue to work heavily to get the federal government to make a greater commitment to putting all of those gas taxes that it has collected from this province back into our road system and fund the Department of Transportation and highway infrastructure mechanisms in this regard. I only point these numbers out to make sure that the Government is aware that we know that that bottom line is there, and we will continue to work to get the federal government to put those funds back into Manitoba.

According to the Manitoba Trucking Association's Web site, Mr. Speaker, a typical tractor-trailer raises about \$40,000 a year in federal and provincial taxes and fees. As I said earlier, with many of our industries being reliant on trucking in Manitoba—in fact, 95 percent of the goods moved in Manitoba depend on trucks. Even the products that move on our winter roads mainly move through the use of these trucks, and, of course, we have to continue to make sure that the infrastructure on our No. 1 and 16 and main corridors in this province are up to a standard that will continue to enhance opportunities of movements of these sectors through Manitoba. Because, of course, the secondary purchases and

industries that are surrounding the whole trucking industry has always been part and parcel of the success of the province of Manitoba, and must continue to be in the future.

There is a growing concern, Mr. Speaker, about the quality of some of these roads around our province, and as MLAs we regularly receive calls from constituents, businesses and industries, and, as I have pointed out earlier, some of our rural municipalities, about the deteriorating quality of our roads. Concerns are raised about deteriorating safety and about people's ability to do business being hampered because of the poor quality of our roads and bridges. Ideas are tossed around about what can be done to improve the situation, some more favourable than others. While the consensus is that more needs to be done to improve our roads and our highways, there is often little agreement on the best method of achieving these ends.

Today, we are debating the creation of a fund whereby monies would be set aside through a variety of means to pay for certain transportation improvement projects. The Minister of Transportation and Government Services (Mr. Lemieux) has tried to assure me that the establishment of the fund is not meant to be a money-maker for government. I should sincerely hope so, Mr. Speaker. I should sincerely hope that he will not use these funds as a money-maker and, as I said earlier, to enhance the coffers of the general revenue of the Government in order to just offload its responsibility for balanced budget legislation in this province.

\* (16:20)

Then, of course, the sum of \$3 million has come up that would be generated by this fund, and, of course, it is a great concern to Manitobans because I am assuming that there would be a much greater sector involvement than \$3 million in this whole project. That is why I am saying that I am concerned that this would or could be a tax on business in the province of Manitoba.

As I have said, governments have a responsibility to maintain the infrastructure that is so critical to the safety and to the economic well-being of our citizens and our businesses and industries. This includes everything from our transportation network to our power supply, to our water and sewage infrastructure.

Governments are elected to manage the province's affairs. They collect hundreds of millions of dollars annually in taxes and the electorate expects the money to be managed wisely, that it will be used to properly maintain our infrastructure now and for the generations to come. But, since this Government came into power, it has spent \$1.45 billion or 26 percent more than when it was first elected barely four years ago. That is the inflation of its budget, the increased income that this Government has had to work with. Despite huge increases in spending, Manitobans are growing increasingly frustrated with this Government's poor management of our transportation infrastructure. As I have said earlier, the income that this Government has had is in the neighbourhood of \$1.25 billion and its expenditures were \$1.45 billion. That is the 26 percent increase in spending.

While the creation of the Manitoba Trucking Productivity Improvement Fund may be one means of getting more money into specific road projects, it may well be simply a stopgap measure. There is still much more work to be done by this Government to try to address the growing problem with the quality of our roads. Roads and bridges continue to deteriorate while, at the same time, the Department of Transportation funding remains virtually stagnant. I could go into a whole plethora of a number of examples of roads across Manitoba, but I believe that some of my colleagues will do that for me in their time allotment as we move forward in the discussion on this bill and what the Government will do with the specific funds. "Is it too little too late?" would be a comment that comes to my mind, and is it just a stopgap measure?

While the Government spending has skyrocketed in other areas, critical infrastructure needs such as upgrading roads and bridges are placed on the back burner. Without a sound transportation network, our economy will falter and lives will be endangered. It is one thing for the Government to ask the private sector to partner on specific road projects under the guise of improving productivity. It is another for the Government to rely on the private sector to make up for shortcomings in its own transportation budget.

We have long said this Government does not have a revenue problem, it has a spending habit. Countless taxpayers have questioned why their hard-earned dollars are going into projects such as the millions being spent on advertising solely designed

to pat this Government on the back. Particularly hard hit by those particular circumstances are the farmers of Manitoba. They are also ones who will be possibly hit with having to pay this tax in the future just to haul their own product. We do not know if they mean that this will go to every load of grain that has to move off of a farm in the spring. Those monies are not paying dividends. Had they been invested in our crumbling transportation infrastructure, our roads would be safer and the ability of our businesses and industries to conduct their operations would have increased.

Of course, that brings up the comment that this kind of a bill may not have been necessary in the first place. I would just like to take a moment to put a couple of comments on the record from a January 30, 2004, posting on the *Today's Trucking* Web site with respect to Bill 12, and I quote: Although the Manitoba Trucking Association supports user fees being allocated to highway infrastructure, it said, the proposed amendment, as well as a government pledge for more fuel tax dedication, is not enough to reverse the problem of deteriorating highways. The problem can only be fixed with financial investment by both levels of government.

Mr. Speaker, my comment is that this takes commitment from a government and not any kind of a move in efforts of extortion. It must be a commitment by the Government to fully fund the department of transport. Hopefully, it does not mean that this is what our infrastructure in Manitoba has come to, but that the fines and levels of permits for these processes are going to be more clearly defined before the Government passes this bill in the House. Simply put, the creation of the Manitoba Trucking Productivity Improvement Fund cannot be the sole means by which Manitoba's transportation infrastructure is improved. The Doer government has to realize that maintaining and improving our transportation network must be a priority over other highly questionable projects.

Maybe they are not fully responsible for this one, Mr. Speaker, but I just have to give you a bit of an example. You know, it has been said that there is a million dollars invested in this whole infrastructure over the bridge to St. Boniface. I know that there is a lot of controversy around how some of those funds are going to be used and the kinds of facilities that are going to be put there in the future. I think that the productivity and safety gains that could be gained

from using these funds in other areas would be more beneficial to the province of Manitoba.

With that, Mr. Speaker, I want to close my remarks. I look forward to seeing this bill debated at the committee stage. I just want to say that the bottom line is I do not want this Government to lose sight of the basic economic principles, that commitment to improving our economic opportunities has to be tantamount in their decision making process, that generating tax dollars from normal business is not going to become the normal way of funding our highways and maintenance projects in the province of Manitoba.

That means that the \$120-million minimum that the Government has put forward over its five-year projected outlook, if you will, for highway development in the province of Manitoba will not be cut in each of the four years leading up to year five and then that they will come up with some excuse as to why they are unable to catch up to that \$600-million commitment that they have made.

I know that in year one those dollars were not spent in the province of Manitoba. So that is why I raise this issue as a concern, that it only took year one for them to get into the cutbacks in regard to the commitment that they made only a year ago in their Budget to the infrastructure projects in Manitoba and that that is a disservice to say that we broke our promise on the infrastructure project but now we are going to come out with a tax, if you will, with penalties and fines. We are going to have co-operative projects.

I am certainly not against those co-operative projects where businesses have indicated that they want to do this, Mr. Speaker. I only raise it as a flag of caution, that the Government must be aware that these must be reasonable permit fees that are asked for in these projects and that it is not over-extension of the actual gain that the business will make in regard to just being able to deliver its product.

So, with that, I will end my remarks and look forward to debating this bill at third reading. I also look forward to the commitment of making sure that the presentations that we hear at committee are listened to by the Government and, in fact, some of those actions will be taken to appease some of the concerns that those people have given me already. Thank you.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I thank you for giving me the opportunity and the privilege to speak on behalf of Bill 12 on behalf of the members of the constituency of Lac du Bonnet, Bill 12 being The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund).

The bill was introduced and establishes a Manitoba Trucking Productivity Improvement Fund under The Highways and Transportation Act. The fund helps pay for three items. One, it helps pay for highway repairs that are required because of overweight or oversized vehicles. It also pays for improvements to highways, and, thirdly, it also pays for other projects related to transportation and the trucking industry.

\* (16:30)

**Mr. Speaker:** Order. It is very difficult to hear the honourable member that has the floor. I ask the co-operation of all honourable members.

**Mr. Hawranik:** To me the two most important commitments that the revenue produced by this bill will produce are, in fact, the first two: the highway repairs that are required and improvements to highway. I do not think that there is anyone in Manitoba who feels that the highways and the provincial trunk highways and the provincial roads are in adequate condition. They are deteriorating, and they are deteriorating badly.

The most frequent concern I have from constituents in the constituency office is the state of repair of the roads and the highways that we have in this province. If this bill will help in that regard by repairing our highways and improving our highways, I would support this bill.

But I am not so certain that that is in fact what this bill will do, because I noticed today the honourable Finance Minister (Mr. Selinger) introduced Bill 14, The Gas Tax Accountability Act. He introduced that today. In my view it is a meaningless bill. The reason it is a meaningless bill is that the bill commits every penny raised in gas tax to repair and replace roads. Well, we are already doing that in the province. We do not have to introduce a bill to do that. When we look at Bill 14 being a meaningless commitment as it is, I am wondering whether this

bill, Bill 12, will also be such a meaningless commitment by this Government. That is my concern. However, if it does lead to highway repairs and improvements in Manitoba, then I am in support of the bill.

I noticed that during a February 25, 2004, briefing on the legislation, the Transportation Minister (Mr. Lemieux) stated, and I quote, that the fund is not meant to be a money-maker. I hope that he heeds those words, Mr. Speaker. I hope that the Transportation Minister remembers those words, because what I would not like to see is the revenue from this bill being used to balance the Budget of this Government, like so many other departments are doing now, like so many other Crown corporations are doing now, such as Manitoba Hydro. Manitoba Hydro has given over \$200 million of its revenue to the Province to help balance its Budget. I would like to think that because of the commitment made by the Minister of Transportation on February 25 that, in fact, he was serious about those words and that any revenue that is generated as a result of this bill will be turned directly into the repair and the improvement of our highways and roads in the province.

*Mr. Deputy Speaker in the Chair*

I also note a number of reactions from stakeholders, most particularly the *Today's Trucking* Web site on January 30, 2004, in which it states that although the Manitoba Trucking Association supports user fees being allocated to highway infrastructure, it said the proposed amendment as well as a government pledge for more fuel tax dedication is not enough to reverse the problem of deteriorating highways. The problem can only be fixed with financial investment by all levels of government.

So what I am concerned about, of course, is that the Government does not use this simply as a measure as to how much money they are going to spend to improve our highways and for new highway construction. That is my concern, that they do not pull back financial commitments from the Department of Transportation and backfill it with the revenue that is generated in this bill.

There have also been a number of stakeholders who have brought their concerns forward to me, most notably being the municipalities. As I have said before, the most frequent concern of residents in the constituency of Lac du Bonnet is, in fact, the

deteriorating condition of not only the highways and roads that are within our constituency, but throughout the province. Municipalities have voiced a concern as well. There has been a continual offloading of responsibility to municipalities in the form of restrictions. This is now three years in a row that I have had to lobby the minister, lobby the district engineer to ensure that no restrictions were placed on Provincial Trunk Highway No. 12, north of Provincial Trunk Highway No. 44, but south of 317.

My concern, of course, is that restrictions on that road will severely limit the trade that we have in our constituency. There is an answer to putting restrictions on roads. First of all, the Government should live up to its responsibility and improve the road to the level to which it deserves and not just leave the road the way it is and then continue to put restrictions on in the spring to limit trade in our area. No road improvement leads to deterioration of municipal roads and that is why the municipalities in our area are very concerned. Once those restrictions are on in the constituency, of course where do the loads go? They go onto the municipal gravel roads. Municipalities are spending more and more money to improve those roads because of the lack of responsibility of this Government over the last four or five years.

The other thing the municipalities have brought up is the fact that it seems like this Government is looking for partnerships in road improvements in rural-urban areas, in particular in the town of Beausejour which requires an upgrading of Park Avenue, the main business section of town. It is, in fact, Provincial Trunk Highway 44, an extension of Provincial Trunk Highway 44 and it is really a provincial responsibility. It is badly in need of upgrading. The Town of Beausejour has, in fact, requested meetings with the minister on a number of occasions. I have a commitment from the previous Minister of Transportation, in fact, to spend money on Park Avenue to improve it. However, the Government seems to be dragging its feet. The reason it is dragging its feet, I am told, is because they are waiting for a commitment from the Town of Beausejour to improve a provincial trunk highway, Mr. Deputy Speaker.

That is a responsibility of the provincial government, not the responsibility of municipalities. So what this Government is doing is offloading the responsibility for construction of roads and for

improvement of roads onto the backs of municipalities and property taxpayers. That is certainly not the responsibility of property taxpayers. That is the responsibility of the provincial government as a whole.

My concern with the legislation, as well, is the fact that this really is another level of taxation. My concern is to what level will those fees climb. Will it not just become another level of taxation at some point in time? Will it be taxation as we have seen in other areas? We have seen user fees increase under this Government over the last five years. We have seen land titles taxation increase substantially under this Government. We have seen a whole host of tax increases under this Government, and once they get their feet in the door there is no telling where it might end up.

Another concern about the legislation as proposed is that it indicates that private sector partners, in fact, the Transportation Minister even during one of his news releases said that he envisions private sector proponents, companies like Tembec, and Tembec, of course, is located in Pine Falls and within the constituency of Lac du Bonnet, he envisions companies like Tembec entering into mutually beneficial partnerships, where they would contribute to accounts to have specific roads, turning lanes, intersections, bridges and other public works upgraded. Funds could accumulate for a period of time until a given project is ready to proceed.

The Government is now looking at, of course, not only taxing those in the trucking industry to pay for the roads more than they do so today, but is now looking at private companies like Tembec to help pay for road infrastructure. It is also looking for municipalities to do the same. The responsibility lies solely within the provincial government, not within the role of specific companies or within municipalities, to contribute to provincial infrastructure. The Government has taken money out of Hydro to balance its Budget. Is Manitoba Hydro next? That is my question.

In terms of the infrastructure within the consistency of Lac du Bonnet, I can tell you that a lot of our road infrastructure is badly in need of either reconstruction or repair. I mentioned briefly Provincial Trunk Highway 12 north of 44. Instead of putting on road restrictions each and every year and me having to go to the minister's office and to the

district engineer and lobby to make sure that those road restrictions make sense, why does the provincial government not put the money into highway improvements and improve Provincial Trunk Highway 12 north of 44? It is an extremely important road to our constituency and an extremely important road to the town of Beausejour. I implore the Government to put some money into that road to ensure that road restrictions do not restrict trade in our area.

\* (16:40)

Provincial Road 304 is another road that is in completely unacceptable condition. I have lobbied the Legislature many times over the last couple of years and I have introduced petitions in this Legislature to ensure that Provincial Road 304 is, in fact, improved for the benefit of our constituents. Provincial Road 304 is an extremely busy highway. It traverses from Powerview in a south-westerly direction and meets Provincial Trunk Highway 59 and is the most direct route by Pine Falls-Powerview-St-George's residents in a southwesterly direction towards Selkirk and Winnipeg.

It is an extremely highly used road and one which is extremely dangerous. It traverses through swamps and through granite outcroppings. Every year there are many accidents on that road, and it is not even maintained properly anymore. During the period of time of usage, in the winter, it is used by Tembec trucks to deliver chips to the pulp and paper mill in Pine Falls. For that very reason as well, it becomes a very dangerous highway to travel on. Many of the residents are very concerned about the condition of that road and the fact that it should be improved for the safety and well-being of the residents in that area. I wholeheartedly agree, and I will continue in my quest to make sure that road is, in fact, looked at by the Government and the money is spent in order to ensure that road is improved. If the Government is not prepared to do it, I can tell you that when we are elected in our next term, we will do it. I guarantee that.

There are a number of other roads in our area that really need improvement, like Provincial Trunk Highway 44 east of Whitemouth into the Whiteshell, again a road that continually breaks up in the spring. It really presents a very unsafe condition, particularly for school buses that are travelling from Rennie to Whitemouth to deliver children to school.

Provincial Road 302 south of 44, another road that is extremely important because it is another link to the south from Beausejour, and if we are to grow in our constituency, if Beausejour is to grow and to attract industry, we need roads and infrastructure that will take the loads. That road has to be improved.

Provincial Road 520, another road that is extremely important to connect the Lee River-Bird River area, the Nopiming Provincial Park to Pinawa, one of our regional hospitals within the constituency. I can tell you that I have talked to many ambulance drivers who transport people who are ill and in emergency situations from Lee River and Bird River to the Pinawa Hospital, and I can tell you that they are afraid of going on Provincial Road 520 at times because of the condition. That road has to be upgraded in order to ensure that those people are in safe condition when they arrive, and that they do, in fact, arrive to the hospital for treatment.

Provincial Road 307 and 309 in the Whiteshell is another road that is badly in need of repair. There have been some improvements done in the western portion of Provincial Road 307, but not enough. There are still many, many dangerous curves, the road is very narrow, it is in very poor condition, and the Whiteshell Provincial Park is, in fact, the most visited provincial park in the province, and the roads are in shameful condition and need to be improved.

Provincial Trunk Highway 15 near Ste. Rita—again, another road that is deteriorating and badly in need of repair. Many of the residents of Ste. Rita, in fact, have voiced that concern to me and I am certain—I am hoping that the Government takes notice of that and, in fact, looks at improving that provincial trunk highway as well.

Another constituent brought another provincial road of ours to my attention recently, and that is Provincial Road 435, which goes in an east-west direction north of Beausejour. It is a gravel road and has restrictions on it. It is an extremely important road to the farmers in the area and that road, of course, needs improvement as well.

We depend almost entirely on roads in the Lac du Bonnet constituency, as I believe other constituencies do, too. We depend almost entirely on our road system to ensure that goods and services are delivered in a timely fashion, so that businesses can operate effectively within the constituency. If those

roads are not improved, if they are not reconstructed, some of them reconstructed, then we limit growth in our area, and for that very reason, I support, of course, massive improvements to our roads in the Lac du Bonnet constituency. I will continue to support that, and I will continue to lobby the Government for improvements to our roads to ensure continued growth in our communities.

As mentioned earlier, I do support the bill. I do support the bill provided that it is a meaningful commitment. That, in fact, the fund will just help pay for highway repairs that are required and improvements to highways and not replace funding that is already in place for improvements and repairs. I think we need to add to our Budget for highway repairs and highway improvements. We do not need to replace our Budget. For that very reason, I would support the bill.

**Mr. David Faurshou (Portage la Prairie):** Mr. Deputy Speaker, I appreciate the opportunity to rise today to engage in debate on second reading of Bill 12, that establishes the Manitoba Trucking Productivity Improvement Fund under The Highway and Transportation Act. This act will give provision for a fund which will be dedicated to the repair of the roadways here in Manitoba that, effectively, have been incurred through overweight and oversized vehicles travelling upon the roadways of Manitoba.

Mr. Deputy Speaker, I really appreciate the minister's initiative to create this particular fund, because I believe it will be beneficial to those travelling in the province of Manitoba and helping to improve our roadways. I will give a specific example that, at present, when these overweight, oversized loads cause damage to our roadways, and even if the organization or trucking firm that is responsible for these damages does pay a fine, recognizes that there has been damage to the road done, these monies do not go back to the Manitoba department of highways and transportation.

Those monies that are acquired through fines and permits and overweight go to the Department of Finance. The problem with the Department of Finance is that those funds are not currently rededicated to the Department of Transportation and highways, Mr. Deputy Speaker. I appreciate the support of this bill by the Department of Finance because I do believe it will provide for repairs, needed repairs, to our roadways.

A particular example of what currently exists is that the road travelled by trucks taking potato peels from the McCain plant in Portage la Prairie does travel upon a roadway that was not previously restricted, but, because of the current state of affairs of our roadways and some of the lack of maintenance that has taken place over the years under the current administration as well as the previous administration, it was because of the cutback by the federal government that is leading to these problems on our Manitoba roadways. It is not the current administration that has had to endure it, but the previous administration as well.

\* (16:50)

What I will say is that the road that was to be travelled by the trucking firm taking the peels from McCain came upon a roadway now restricted. These peels were on route to a livestock feeding facility, and, all of a sudden, because of the road restrictions it prevented the continued hauling of potato peels from McCain, which effectively impaired their continued operations in Portage la Prairie. It was recognized that the roadway needed repair and that the highways department was preventing further injury to the roadbed by putting on the restrictions, but what had to be recognized is the significant economic impact, not only to Portage la Prairie, but to the province of Manitoba, by the shutdown of the McCain plant in Portage la Prairie, because it was unable to see the removal of the potato peels, which are some three trucks a day, Mr. Deputy Speaker, emanating from the McCain plant in Portage la Prairie.

Now, this particular example is a good one for this legislation insofar as then now the road damage can be recognized and repairs provided for out of this dedicated fund from those dollars that are gathered from fees and licencing of the operating companies taking the potato peels from the McCain plant and hopefully that the Provincial Road 242 will see the investment that perhaps will see the lifting of road restrictions in the spring that have been plaguing that particular roadway for the last three years, Mr. Deputy Speaker.

But the concern I have is, though, when providing for the fees and licencing and permits for just such an activity, I must raise the concern: Who is the body or individual or formula that is going to be used to determine these fees for this licencing of

overweight, oversized loadings on Manitoba roadways? Is this particular trucking firm hauling the potato peels from McCain going to be saddled with a fee that is going to be impeding their continued operations.

We may very well see a fee that is in excess of the economic activity of the value of that particular operation. It may cease to operate and ultimately a shutdown of the McCain plant in Portage la Prairie for the period of time for which the roadways are restricted.

We have to have certainty within this House before this legislation is passed as exactly how much these fees are going to be, or at least the formula that one is going to be using to derive the fees. We have to have some assurances before passing this legislation that we are not going to be passing legislation that will make it impossible for any firm, organization, individual within the province of Manitoba to actually conduct business under this particular regime.

Mr. Deputy Speaker, I caution the members of the Legislative Assembly to ask questions, as I will be going as well, especially the members of the government side of the House, to find out exactly how these fees are going to be arranged.

I know that there is another example that I wanted to use insofar as the movement of aggregate out of the area in and about Woodlands, Manitoba. There was a particular firm engaged in the mining of that aggregate used in and about the city of Winnipeg that wanted to haul the aggregate upon a roadway at RTAC load ratings. It was the ruling of the Manitoba department of highways and transportation that this particular firm could not travel on the particular provincial road at RTAC weight limits even though they proposed to the Manitoba department of highways that they would, as an organization, rebuild that provincial roadway, the short span of, I believe, five kilometres, to the existing state that road was in. In fact, they said that they would exceed the existing state of affairs of that roadway and make certain that that roadway was in better shape after they hauled the aggregate out of the Woodlands area than when they started their operation.

Because there was not legislation such as this in place, the Manitoba department of highways was forced to say no because, even if they saw those

additional dollars from this firm hauling the aggregate, the money would not stay in the Manitoba department of highways and transportation. It would flow through to the Manitoba Department of Finance. Currently, the Manitoba Department of Finance would not assure that those dollars would go back to the Manitoba Department of Transportation to reconstruct and make certain that roadway was restored. The Manitoba department of highways said no and so this economic activity did not take place. That is the disappointment that I have that the Department of Finance does not recognize the value of the roadways here in Manitoba.

*Mr. Speaker in the Chair*

Currently, Manitoba taxpayers have over \$7 billion of investment in the roadways of Manitoba. The various structures within the roadways of Manitoba are depreciated over various schedules, whether it be 30 years, 25, 20 years, 15, 10, but all of these structures do depreciate because of the wear and tear and usage of these particular structures. It is incumbent upon us, as elected members of the Manitoba Legislature, to safeguard Manitobans' investment in the roadways of Manitoba.

If we have in excess of \$7 billion worth of investment, we have to reinvest in that infrastructure. Currently, it is estimated that over half a billion dollars is the absolute minimum that we must invest in our infrastructure in order to just maintain it, to correct the wear and tear that each and every year takes place on our roadways. This is not being done. I know that the Department of Finance is hard-pressed to invest more monies. The federal government is not currently taking up its fair share of its responsibility in the infrastructure because it does garner over \$160 million each and every year from the gas and motive fuels out of the motoring public here in Manitoba. Yet only a minuscule percentage of that is reinvested in Manitoba roadways by the federal government.

Having said that, Mr. Speaker, I want to look to the Department of Finance for some leadership in this respect. How can they go to Ottawa and demand a reinvestment of the gasoline taxes unless we here in Manitoba are already investing all of the gasoline taxes and all of the motive fuel taxes?

I do see, as introduced before us today in this Legislative Assembly, Bill 14, The Gas Tax

Accountability Act, prefaced by the Minister of Finance saying that all motive fuels and all gasoline taxes will, in fact, be reinvested into the roadways of Manitoba.

Mr. Speaker, I took time to read this particular bill as introduced today, and there is one very, very significant exemption. I draw your attention to the exemption under subclause 1: that the gasoline tax and motive fuel tax act other than tax on aircraft gasoline and tax on motive fuel used for the operation of railway locomotives.

Throughout the province of Manitoba, we see railways which our roadways must cross. There are crossings all across this province of ours that require improvement, maintenance and, in fact, construction and perhaps grade separation, of which a lot has been made of the particular situation in southwest Winnipeg.

\* (17:00)

It has been commonly known as the Kenaston Street underpass, where a grade separation is required to remove that bottleneck that is created by the locomotive traffic on the CN mainline that impedes the flow of traffic on Kenaston—a major artery here in the city of Winnipeg.

We need those dollars from the locomotive tax to provide for structures just as I speak. Here in this legislation, introduced in this House today, it is exempt. Is this acceptable to the members of the Government?

I say not. It is certainly not acceptable to the members on this side of the House, Her Majesty's Loyal Opposition. I will take greater time to enlighten members of this Chamber to the specifics of the dollar amount at a later time when we have opportunity to debate Bill 14. But I had to raise that, because we are speaking of transportation and the need for reinvestment in the roadways of Manitoba.

Also, Mr. Speaker, in Bill 14 there is an exemption as well to aircraft gasoline. Yet Manitoba Transportation and highways is responsible for improvement of airports in and about our province. I am certain you are familiar with northern airports and the need for reinvestment in those facilities and for improvements, and yet, again, in Bill 14 these monies that are gathered from these particular

operations are not going to flow through to the department of highways and transportation for those very vital facilities.

So, Mr. Speaker, I highlight those particular circumstances for a reason. At present, these are not the only areas that the Manitoba Department of Finance benefits from the operations in and about the highways of Manitoba. The driver's licences and registrations, permits, fees are currently allocated back to the Province of Manitoba, to the Finance Department, and to Manitoba Public Insurance Corporation for their respective reallocation in another fashion.

That really is beyond my comprehension when we are facing such a deficit in reinvestment in the infrastructure within our transportation network here in the province of Manitoba.

We invest less than \$100 million in the provincial roadways. We have said that \$120 million is dedicated annually for reconstruction and improvements within the roadways; however, dollars that are shared within that particular allocation go to the City of Winnipeg and to other respective municipalities. We invest less than \$100 million each and every year in the highways and provincial roadways that are the responsibility of the Province of Manitoba.

In fact, Mr. Speaker, we are not even investing that, because over the course of the last three years of the current administration, we understand by the Auditor General's reporting that the department of highways and transportation has, in fact, in each and every year that this Government has been in power, that particular budget has been underspent.

A lot is made in the press releases that go out and about to Manitobans of how dedicated this Government is to reinvesting in the infrastructure in the highways department. Yet each and every year the budget is underspent. I ask the question: Why, when already the budget is woefully inadequate, is this Government underspending the budget? Where are these dollars going?

What is more important than the roadways within our province of Manitoba? Every good and every service of every department of government draws upon the infrastructure in the highways department to carry out their mandate. Every good, every service that Manitobans receive in the province of Manitoba has a connection to that infrastructure.

I do not know why the respective ministers of the various ministries of government do not recognize that and call upon the Minister of Finance (Mr. Selinger) to make an adequate investment in the Manitoba infrastructure within the highways department. It is vitally important today, tomorrow and into the future for every good and service that we as Manitobans appreciate and are vitally required currently for our lifestyle.

Mr. Speaker, I really truly want to impress upon the Government that currently they need to rethink their allocation of dollars. I know that a lot has to be said about education, a lot is to be said about family services and especially there is a considerable amount to be said about our health requirements here in the province of Manitoba. However, please recognize that all of those departments make significant use of the roadways here in Manitoba. Without those roadways being maintained and improved, those particular goods and services from those departments will not be available in the future.

Mr. Speaker, I know I have taken some time in debate of this particular piece of legislation, but I do have concerns in regard to how the fees will be determined in this regard for this particular fund that will be known as the Manitoba Trucking Productivity Improvement Fund.

The other concern I have though, before relinquishing the floor, Mr. Speaker, is in regard to the allocation of monies from this fund. I know that it is the responsibility under this legislation of the Minister of Transportation and Government Services (Mr. Lemieux) to make provision for the expenditures. I would like, though, to understand more fully prior to passage of this bill as to the consultation process that the Minister of Transportation and Government Services will employ to advise and guide the expenditures from this particular fund.

I know that there is within the legislation specifics that will only allow certain monies to be allocated by the Minister of Transportation and Government Services and much of the fund will be dedicated back to the particular activities, particular roadways in which the monies were garnered. I am concerned that there will be additional dollars that will be in the fund that will come to the discretion of the minister. I would like to see an amendment within the legislation that is very specific as to the advisory process and those that will be consulted,

before the actual disposition of funds that are in excess of those required to repair the damage from structures, that are remitting the monies that are contained within the fund.

I have those two very specific concerns, Mr. Speaker. I hope the Government is listening this afternoon to the debate. There are very valid comments that are being made by myself and my colleagues.

So, Mr. Speaker, I would like, though, to take this opportunity, being that I am speaking on the subject of transportation, to express my significant disappointment that the Rural Municipality and the City of Portage la Prairie have been in receipt of correspondence from the minister of highways and transportation stating that no improvements are scheduled for Provincial Road 240, which is the roadway that connects the Trans-Canada Highway and Provincial Trunk Highway 2.

That is a major, major artery of economic flow between the areas along Highway No. 2 and Portage la Prairie. I speak very specifically of the recent investment by Mr. J. R. Simplot and his corporation to create a potato processing facility in Portage la Prairie that is now requiring a more expansive area for production of potatoes to be processed in that facility.

\*(17:10)

The area of expansion that has been identified as being most productive is that in about the Rathwell, Treherne, Glenboro areas, Mr. Speaker, which require the movement of that production along the No. 2 highway towards Portage la Prairie.

Currently, in order to maintain the economic full weight of the trucks, one now has to travel the No. 2 all the way to the intersection of No. 13 Highway, travel north on Highway No. 13 till it intersects with the Trans-Canada Highway and then westbound again on the Trans-Canada Highway to the Simplot plant.

This is in excess of 30-some kilometres additional travel, which I am sure you can appreciate costs a great deal. With the minimum margins that are being seen in agriculture here today, it is imperative that we recognize the investment that Mr. J. R. Simplot made in the province of Manitoba, over

\$120 million in the facility and an additional \$20 million to \$30 million of onsite investment by other utilities and farmer-owned entities to support the processing facility.

In addition to that, it is speculated that there are over two-and-a-half times that amount of investment by related industries, whether it be that of the on-farm investment in storage and irrigation, the purchase of equipment that goes along with that, but other related industries that have had to ramp up to supply the J. R. Simplot facility in Portage la Prairie, whether it be from the provision of cardboard boxes to the providing of other related consumed items within that plant.

So there has been an investment in this province. We have to recognize that in order to support these particular investments, we have to be willing to improve the infrastructure, and, right now, as of two weeks ago, the Department of Transportation and Government Services has said, no, they do not recognize the investment made.

So I would like to emphasize to the members present today that there is \$150 million of onsite investment, two and a half times that amount invested offsite in indirect and related organizations, almost half a billion dollars of investment here in Manitoba that goes on to tens, hundreds of millions of dollars, making Manitoba the largest potato processing province here in Canada.

This Government is not willing to invest, in my understanding, an approximately \$6 million to \$7 million to make Provincial Road 240 a Class 1 highway so the production to this investment and from this investment can be done in a most economical and cost-effective fashion. This demonstrates a lack of understanding of the very fundamentals of business. We have to recognize that we must support this investment.

I would like to ask the Finance Minister (Mr. Selinger), and I intend to do so when we have an opportunity during the Budget, as to the expected additional revenues of this half a billion dollars worth of investment in the province of Manitoba over the last two years by the Simplot corporation and the related industries.

I know my time is now short in this regard, but I ask the Minister of Finance—I appreciate he is

listening—that he reconsider and offer to the Minister of Transportation and Government Services (Mr. Lemieux) the amount of \$6 million to \$7 million so that the Provincial Road 240 can be upgraded to a Class 1 status so the additional production area for the J. R. Simplot plant in Portage la Prairie can see the production from that area go in the most direct route to the processing plant and not have to go an additional 30-some kilometres out of the way just to stay on existing roadways. That is making for a much more expensive and less than cost-effective manner of conveyance of the potatoes from that new production area.

Mr. Speaker, thank you very much for the opportunity. I do support the Government in regard to the particular Bill 12. I just hope to have those questions on the concerns raised before this bill is passed in the Legislature of Manitoba. Thank you.

**Mr. Glen Cummings (Ste. Rose):** Mr. Speaker, I was just getting some pointers from the member from Dauphin about the condition of roads out our way in case there are some who thought I went a little soft when I was speaking to the last bill. I can dissuade you of that feeling because I am a little more sceptical about the thought behind putting this bill forward.

The Trucking Productivity Improvement Fund sounds like a fine idea, but there are two ways of looking at this. On the one hand, if the permits and the licences that might be required stay at the level they are, then this is not going to raise enough money to fix the road from the end of my lane down to the corner—not that that would ever get done by this Government.

The second way of looking at this is, if they are going to make these contributions that the trucking firms would be asked to pay towards the opportunity to have a permit to move and work on some of our underdeveloped roads for the weights that they would be carrying, government might be prone to making those permits and licences rather extraordinary which would amount to extortion. Sooner or later, we are going to ask the minister to give us an explanation of where he might go with this bill. I presume the whip is on and that the member from Dauphin and other rural members will be required to vote for this bill when that time comes. If that is the case, then they are going to have to explain to their constituents whether this is extortion or whether this

is an attempt to justify, legalize and quantify how much is actually collected in fees and penalties.

There is a myriad of stories on this side of the House about the administrative aspects of this type of a program. I think one of the things that happened over the years is that, in many cases, the department of highways was able to ignore some of the abuses of their highways, because they knew it was good for business.

I have to question right now whether this Government, perhaps this minister, has had instructions that they have passed on to the department of highways that we are going to fix this problem, and we are not going to allow these overweight trucks on the roads, and where we do, we are going to make it so difficult for them that they will not want a permit anyway.

\* (17:20)

Now that would be a cynical appraisal of what may be an honestly intentioned bill. But we have a problem, ladies and gentlemen, in rural Manitoba. That problem is that we have now reached a point where the efficiency of moving materials on our roads, other than a few notable exceptions of RTAC roads, is becoming seriously impeded by the enforcement attitude, or by the direction of this Government. Perhaps the Government does not know what is being enforced out there. That would be, perhaps, a legitimate question.

I have to ask you. A business that has been operating—and my colleague from Russell has a similar example, which I am sure he would like to put on the record. We have examples of businesses in rural Manitoba who have had need to put heavy, overloaded trucks on small portions of our three numbered roads, and even in some cases our two numbered roads. They have been doing it for years.

They have built up businesses that are of significant volume. They have built up businesses that are of significant importance to the community, and I can give an example of a grain-cleaning operation and grain exporting business that has as many as 25 or 30 trucks coming and going out of its place of business daily.

They have been coming and going for 20 years, Mr. Speaker. Using slightly more than a quarter mile

of highway, slightly more than a quarter mile of highway, and when you have a business where you know that upwards of 30 trucks a day are leaving that business loaded, you know that is not a penny-ante business. There are 30 drivers. There are 30 investments in \$100,000-plus rigs moving the grain, and there are hundreds of thousands of dollars of investment in the facility that is receiving, processing and loading the materials. This is not a back-of-the-cigarette case operation. This is a multi-million dollar operation. All of a sudden, highways comes in and says, you are going a hundred feet or a hundred yards too far down this road that exceeds a quarter mile. You cannot take those trucks down there anymore. You cannot take those trucks on that road now.

Now, after all those years of running those trucks on that road, and suddenly have the decision reversed, or having somebody enforce what was always the intent is a significant change. Is that an accident? Is somebody out there in that region of highways acting on his own, saying, I am going to go in and corral up this operation and make life miserable for them?

Are they acting on a complaint? Is there a jealousy from a competitor that says he is not on an RTAC road, make sure he lives up to the rules? What is precipitating this type of action? Because that is not the only one. There is a road that some discussions and petitions have been brought to this House, the road north of Ste. Rose. There is an operator there running a B-train ever since he could first find a B-train to buy, running it on that road, got stopped last year and said, the bridge on this road cannot hold your truck. Here is a fine, which was very significant, Mr. Speaker, and furthermore he was told: if we catch you on here again with that truck, we will take your licence.

There is no other outlet for the grain operators except to go down that road. There are no side roads that that truck can run on. The highway, in my opinion, the surface has been built up over the years, built strong enough to carry the loads, at least for the first 12 miles. There is a bridge that Highways is not upgrading that they are afraid they are going to lose if they continue to allow that load on it.

But, Mr. Speaker, there is an indefinite and ill-defined strategy going on out there that is worrisome, at the very best, and downright scary if you start to

compare the number of times that this is happening across rural Manitoba. Of course, it would be in rural Manitoba, because that is where the commodities are being moved, that is where the issue is.

I would like to put another example of what I consider administrative nightmare, where a truck in the spring hauling cattle, a commercial operation who moves several loads a day to pasture, needs a permit to go about two miles down the road or maybe less in that region, both loaded and empty, because his front axle would be too heavy. He needs a permit to get down that road and then get off onto a side road so he is legal. He needs several dozen of these permits.

So he said to the Transportation Department: I am going to go with two or three loads a day. Can I have a permit for a month or can I have a permit for a week? They said, no, it is so much a load. Well, he said, I am making three trips a day. How much is it? Well, it is \$5 a permit. Can I buy five permits? No, you have to phone and tell us each time you are going to be on that road and get another \$5 permit.

That would not be a bad thing, except that this is a very busy person. Knowing administration costs and how they are attributed, it seems to me the department of highways is creating a situation that is awkward and defies common sense, to begin with, but, secondly, I know that they have an actual and powerful concern about maintaining the standards of the roads.

But I tie that back to the intent of this bill. The fact is that I do not believe that unless the department of highways is going to start charging some significant amount for the permits that this is going to create the type of fund that is going to be real useful. Now, there might be in cases of commercial operations that this would make some sense. To that extent I guess the bill may have some endearing aspects to it, and, as bridges and roads deteriorate, commerce requires that they meet a standard that is acceptable.

But, I think, one of the ways that government could deal with some of these issues, especially where short mileage is involved, is a permit system that would recognize that this is going to be a regular and ongoing problem and needs to be dealt with in that respect or that perhaps they are going to have to provide permits that are of more duration than one

trip or permits that can be at least delivered in multiples.

I am sure that it is a communication problem. Surely, the minister of highways is going to fix this when he finds out about it. But when the field people say, well, look, you can get a permit to deal with this problem and you will be able to issue that permit every time one of these trucks wants to come into your yard, you know they are going to drive on this road that presumably is not engineered to a high enough standard to carry their load.

So that seems reasonable, but when they phoned transport authority to get those permits, they said, oh, no, that type of permitting is not available.

So, if, in fact, putting this bill in place gives the Government and its administration some comfort in issuing permits that will be able to facilitate commerce in parts of our rural constituencies, then that is a good thing, but if those permits are going to start costing \$250 a pop and you have 10 semis coming into your yard, then that is a lot of money. On the other end of the scale, five bucks a permit and you must have a fresh one every time you go down that road even if it is going to be three times today, that does not make a lot of sense either. I implore the Government, while they want to think about moving in this direction, develop a fund for maintenance, there are a number of areas that they could improve on without having to go the legislative route.

There are examples out there where I think government has an obligation to support commerce. I recognize that the municipalities share some of that

obligation when it comes down to farming and you are all over some of the lesser-developed roads in rural Manitoba, but if you were to take a look at some of the commercial situations that occur in this province, and the examples that I just gave would seem to me to be reasonable, then let us consider that in the light of how they would develop a reasonable legislative fact.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have 17 minutes remaining.

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I would like to announce that the Standing Committee on Legislative Affairs will meet Tuesday, March 23, 10 a.m., to consider the Annual Report of the Administration of The Election Act and The Elections Finances Act for the year ending December 31, 2001.

**Mr. Speaker:** Order. It has been announced that the Standing Committee on Legislative Affairs will meet on Tuesday, March 23, 2004, at 10 a.m., to consider the following report: Annual Report on the Administration of The Elections Act and The Elections Finances Act for the year ending December 31, 2001.

\* \* \*

**Mr. Speaker:** The hour now being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, March 1, 2004

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