

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

Official Report
(Hansard)

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

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 29, 2005

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Coverage of Insulin Pumps

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

These are the reasons for this petition:

Insulin pumps cost over \$6,500.

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Rachel Remillard, Renée-France Labossiere, Joseph De Pape and many, many others.

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

Crocus Investment Fund

Mr. Kevin Lamoureux (Inkster): To the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The Manitoba Government was made aware of serious problems involving the Crocus Fund back in 2001.

As a direct result of the government ignoring the red flags back in 2001, over 33 000 Crocus investors lost over \$60 million.

Manitoba's provincial auditor stated "We believe the department was aware of the red flags at Crocus and failed to follow up on those in a timely way."

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the red flags.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the government did not act on fixing the Crocus Fund back in 2001.

Signed by Russell Wasnie, Linda From, Jolene Kirkness and many, many others.

COMMITTEE REPORTS

Standing Committee on Human Resources

First Report

Mr. Doug Martindale (Chairperson): Mr. Speaker, I wish to present the First Report of the Standing Committee on Human Resources.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Human Resources presents the following as its First Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Meetings:

Your committee met on Monday, November 28, 2005, at 9 a.m. in Room 254 of the Legislative Building.

Matters under Consideration:

Bill 5 – The Dental Hygienists Act; Loi sur les hygiénistes dentaires

Bill 6 – The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire

Committee Membership:

Mr. Aglugub

Ms. Brick

Mr. Dyck

Mr. Eichler

Mr. Jennissen

Ms. Korzeniowski

Mr. Martindale

Mr. Rocan

Hon. Mr. Sale

Mrs. Stefanson

Mr. Swan

Your committee elected Mr. Martindale as the Chairperson and Ms. Brick as the Vice-Chairperson.

Public Presentations:

Your committee heard seven presentations on Bill 5 – The Dental Hygienists Act; Loi sur les hygiénistes dentaires, from the following individuals and/or organizations:

Shelly Irvine-Day, Manitoba Speech and Hearing Association

Sheelagh Smith, Private Citizen

Mickey Emmons Wener, Manitoba Dental Hygienists Association

Mary Scott, Provincial Council of Women of Manitoba

Joanna Asadoorian, Private Citizen

Rafi Mohammed, Manitoba Dental Association

Salme Lavigne, School of Dental Hygiene, University of Manitoba

Your committee heard one presentation on Bill 6 – The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire, from the following organization:

Rafi Mohammed, Manitoba Dental Association

Bills Considered and Reported:

Bill 5 – The Dental Hygienists Act; Loi sur les hygiénistes dentaires

Your committee agreed to report this bill without amendment.

Bill 6 – The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire

Your committee agreed to report this bill without amendment.

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 Public Accounts**First Report**

Mr. Jack Reimer (Chairperson): Mr. Speaker, I wish to present the First Report of the Standing Committee on Public Accounts.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Madam Clerk: The Standing Committee on Public Accounts presents the following—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Please start over.

Madam Clerk: Your Standing Committee on Public Accounts presents the following as its First Report.

Meetings:

Your committee met on Monday, November 28, 2005, at 6 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001

Provincial Auditor's Report – Investigation of an Adult Learning Centre ("The Program") in Morris–Macdonald School Division #19 dated September, 2001

Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002

Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2002

Auditor General's Report – An Examination of RHA Governance in Manitoba dated January 2003

Auditor General's Report – Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003

Auditor General's Report – Investigation of Hecla Island Land and Property Transactions dated August 2003

Auditor General's Report – An Examination of le Collège de Saint-Boniface August 2003

Annual Report of the Operations of the Office of the Auditor General for the fiscal year ended March 31, 2003

Auditor General's Report – Follow-up on previously issued recommendations on Business Planning and Performance Measurement report dated December 2003

Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2003

Auditor General's Report – Information Technology Report dated March 2004

Auditor General's Report – A Review of Crown Corporations Council and Compliance Audits dated March 2004

Auditor General's Report – Attributes of Managing and Reporting Results: A Survey of Senior Management dated March 2004

Auditor General's Report – Investigation of Hydra House Ltd. and a review of the related Department of Family Services and Housing Financial Accountability Framework dated June, 2004

Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2004

Auditor General's Report – Investigation of Maintenance Branch of the Manitoba Housing Authority dated November 2004

Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2004

Auditor General's Report – Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in not-for-profit organizations report dated February 2005

Auditor General's Report – Examination of the Crocus Investment Fund dated May 2005

Auditor General's Report – Follow-up of recommendations made in our August 2003 report, an Examination of le Collège de Saint-Boniface dated July 2005

Auditor General's Report – Follow-up of report recommendations – a review dated July 2005

Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2005

Auditor General's Report – environmental audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005

Public Accounts Volumes 1, 2, 3 and 4 of March 31, 2003

Public Accounts Volumes 1, 2, 3 and 4 of March 31, 2004

Public Accounts Volumes 1, 2 and 3 of March 31, 2005

Committee Membership:

Committee Membership for the November 28, 2005, meeting:

Mr. Caldwell

Mr. Cummings

Mr. Hawranik

Mr. Lamoureux

Mr. Maguire

Mr. Maloway–Vice-Chairperson

Mr. Martindale

Mr. Nevakshonoff

Mr. Reimer–Chairperson

Mr. Santos

Hon. Mr. Selinger

Officials Speaking on Record:

Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer

Reports Considered and Adopted:

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

Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001

Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002

Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2002

Auditor General's Report – An Examination of le Collège de Saint-Boniface August 2003

Annual Report of the Operations of the Office of the Auditor General for the fiscal year ended March 31, 2003

Auditor General's Report – Information Technology report dated March 2004

Auditor General's Report – Attributes of Managing and Reporting Results: A Survey of Senior Management dated March 2004

Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2004

Auditor General's Report – follow-up of recommendations made in our August 2003 report, an Examination of Le Collège de Saint-Boniface dated July 2005

Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2005

Reports Considered but not Adopted:

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

Provincial Auditor's Report – Investigation of an Adult Learning Centre ("The Program") in Morris–Macdonald School Division #19 dated September, 2001.

Auditor General's Report – An Examination of RHA Governance in Manitoba dated January 2003

Auditor General's Report – Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003

Auditor General's Report – Investigation of Hecla Island Land and Property Transactions dated August 2003

Auditor General's Report – follow-up on previously issued recommendations on Business Planning and Performance Measurement Report dated December 2003

Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2003

Auditor General's Report – A Review of Crown Corporations Council and Compliance Audits dated March 2004

Auditor General's Report – Investigation of Hydra House Ltd. and a review of the related Department of Family Services and Housing Financial Accountability Framework dated June, 2004

Auditor General's Report – Investigation of Maintenance Branch of the Manitoba Housing Authority dated November 2004

Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2004

Auditor General's Report – Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in not-for-profit organizations Report – February, 2005

Auditor General's Report – Examination of the Crocus Investment Fund – May 2005

Auditor General's Report – Follow-Up of Report Recommendations – A review dated July 2005

Auditor General's Report – Environmental Audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005

Public Accounts Volumes 1, 2, 3 and 4 of March 31, 2003

Public Accounts Volumes 1, 2, 3 and 4 of March 31, 2004

Public Accounts Volumes 1, 2 and 3 of March 31, 2005

Mr. Reimer: I move, seconded by the honourable Member for Elmwood (Mr. Maloway), that the report of the committee be received.

Motion agreed to.

* (13:35)

Standing Committee on Legislative Affairs

First Report

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

Madam Clerk: Your Standing Committee on Legislative Affairs presents the following as its First Report.

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Meetings:

Your committee met on Monday, November 28, 2005, at 12 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

Re-appointment of the Conflict of Interest Commissioner

Committee Membership:

Committee membership for the November 28, 2005, meeting:

*Mr. Aglugub
Ms. Brick
Mr. Caldwell
Mr. Derkach
Mr. Dewar
Ms. Korzeniowski
Hon. Mr. Mackintosh
Mr. Maguire
Mrs. Mitchelson
Mr. Penner
Mr. Reid*

At the November 28, 2005, meeting your committee elected Ms. Brick as Chairperson.

At the November 28, 2005, meeting your committee elected Mr. Reid as Vice-Chairperson.

Motions Adopted and Reported:

THAT this Committee recommends to the Lieutenant-Governor-in-Council that Mr. William Norrie be re-appointed as Conflict of Interest Commissioner until February 1, 2007.

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

Motion agreed to.

TABLING OF REPORTS

Hon. Stan Struthers (Minister of Conservation): I would like to, today, table the 2004-05 Annual Report of the Manitoba Hazardous Waste Management Corporation.

Also, Mr. Speaker, I would like to table the Annual Report for 2004-05 for the Manitoba Product Stewardship Corporation.

As well, Mr. Speaker, I would like to table the Annual Report for 2004-2005 for the Manitoba Clean Environment Commission.

I would also like to introduce the Annual Report for '04-05 for the Manitoba Sustainable Development Innovations Fund.

Finally, Mr. Speaker, I would like to table the Annual Report for '04-05 for Manitoba Conservation.

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 His Excellency David Wilkins the Ambassador of the United States to Canada and Todd Schwartz, the Consul General.

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

Also in the public gallery we have with us from Churchill High 39 Grade 9 students under the direction of Ms. LeAnne Froese. This school is located in the constituency of the honourable Minister of Advanced Education and Training (Ms. McGifford).

Also in the public gallery we have from the Probus Club of Winnipeg 20 visitors under the direction of Mr. George Fellowes. This group is located in the constituency of the honourable Minister of Health (Mr. Sale).

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

ORAL QUESTIONS**Manitoba Economy
GDP Performance**

Mr. Stuart Murray (Leader of the Official Opposition): We, on this side of the House, recognize the importance of making our province competitive, Mr. Speaker. Competitiveness is the single most important issue facing Manitobans, particularly Manitoba business.

When it comes to our GDP, the sum of all the economic activity in our province, Manitoba has performed below the national average for the past five years. Mr. Speaker, this is an appalling, pathetic statistic. We have raised this issue time and time again yet it falls on this Premier's deaf ears.

Mr. Speaker, I ask this Premier why has he continually failed to make Manitoba competitive.

Hon. Gary Doer (Premier): Mr. Speaker, in this 2005 year, our GDP is above the national average. In the 2006 year, it is predicted to be above the national average.

The endangered species of the building crane has returned back to Manitoba and to Winnipeg. People see it all the time in their paycheques in terms of

their take-home pay. They see it in the growth of their economy. They see it in the value of their homes. They see it all the time with increased population. Mr. Speaker, the public know the truth about the economy and they know it is extremely positive.

Manitoba Economy Business Tax Reform

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, a new report from the Saskatchewan government shows that Manitoba has the highest business tax load in all of Canada. It has been said by the business community that when it comes to Manitoba, the business community says that Manitoba has the corner on nothing. As a matter of fact, they are wrong because we have the corner but it is on the highest business taxes in Canada. That is the legacy of this Premier. It is perhaps said that the new branding for Manitoba, it might be said, "Welcome to Manitoba where no tax falls through the cracks."

The Chamber of Commerce, the Canadian Taxpayers Federation, the Canadian Federation of Independent Business and others have all said that Manitoba is just not competitive, Mr. Speaker. How many more signals does this Premier need? Why does he continue to ignore all of the evidence in front of him and simply bury his head in the sand?

Hon. Gary Doer (Premier): Mr. Speaker, I believe when we came into office the corporate income tax was 17 percent. I also believe when we came into office the small business tax was 8 percent. In fact, when Mr. Martin from the Canadian Federation of Independent Business was going door to door against the Minister of Health in Kildonan, he was running around with the small business tax of 8 percent. Under our government, corporate tax has been lowered from 17 percent. It is going down to 14.5 percent January 1. The small business tax has been lowered from 8 percent down to 4.5 percent effective January 1. We are not perfect, but we are sure a lot better than the members opposite.

* (13:40)

Mr. Murray: Mr. Speaker, like so many things in this province, again the Premier puts misleading information on the record simply because every other province is doing exactly what this Premier said, but they are doing it faster so Manitoba always remains last.

The NDP government of Saskatchewan put out this graph showing that Manitoba has the highest business tax load of all provinces. I remind this Premier that the NDP government of Saskatchewan, these are comrades of this Premier, they are planning in Saskatchewan to implement significant tax reforms that will move Saskatchewan out of the position of having the second-highest tax load in Canada. Even this NDP Premier's brothers and sisters in Saskatchewan are doing something about the tax situation, Mr. Speaker. Under this Premier, Manitoba remains the last have-not province in western Canada.

Mr. Speaker, when is this Premier going to make Manitoba competitive?

Mr. Doer: I am surprised the member opposite is talking about brothers and sisters in Saskatchewan. I think all of his brothers and sisters in Saskatchewan went to jail after the issues that were related in the province of Saskatchewan. I am surprised he would use that kind of comparison, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, I believe the corporate tax in Saskatchewan is 17, I think it is 14.5 here. I think the small business tax is 5, it is 4.5 here. I would point out that another tax we have lowered is the middle-income tax rate from 16.5, again, when we came into office to 13.5 effective January 1, a 20 percent decrease in the middle-income tax rates here in Manitoba and something—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —that probably is not in that chart because members opposite did not care about it, but they raised tax on farmland when they were in office. They represent all those agricultural economies. We have just lowered education tax on farmland by 16 percent.

Manitoba Economy Business Tax Reform

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, the Finance Minister's NDP buddies in Saskatchewan all agree that taxes on Manitoba businesses are the highest in Canada. They state in the *Saskatchewan Business Tax Review* that a reliance on taxation of businesses sends the wrong message to prospective investors. They further state

that there could be no social progress without economic progress.

I ask the Minister of Finance: Does he agree with his NDP buddies in Saskatchewan that taxes on Manitoba businesses are the highest in Canada?

Hon. Greg Selinger (Minister of Finance): Actually, Mr. Speaker, I disagree with the conclusion the member opposite made. He once again is misrepresenting the information presented in the report in the Saskatchewan review. The Saskatchewan review looked at various measures of business taxation. They looked at location-sensitive costs.

I have reported in this House earlier, it was confirmed in the Saskatchewan study and it is also confirmed in our budget documents which the member should take the time to read, when it comes to the cost of locating a business in Manitoba, whether it be a medium-sized city such as Brandon or a large city such as Winnipeg, we remain one of the most competitive, low-cost alternatives of anywhere in North America. I will give further information in my next question.

*(13:45)

Mr. Hawranik: Mr. Speaker, I note that the two provinces with the highest business taxes in Canada, as quoted in that study, are two provinces with NDP governments. The only comfort that the Saskatchewan NDP could take in the study was that it was more tax-competitive than another incompetent NDP government in Manitoba.

I ask the Minister of Finance: Will he read the Saskatchewan report? Will he quit shedding tears in his beer and take the real steps? Take some real steps toward making Manitoba a tax-competitive province.

Mr. Selinger: Mr. Speaker, I always enjoy the member opposite. He has become what I would call a persistent purveyor of propaganda in this House. He never actually presents any accurate information. What he does is he distorts the information to suit his political purposes.

The other measure that was looked at in the Saskatchewan report was the effective tax rate for investments in manufacturing, and what he found was that when it comes to our effective marginal tax rate for manufacturing we are very competitive. Then he should note that the source of the information in the Saskatchewan study was the C.D. Howe Institute. The C.D. Howe Institute data has

been reviewed by the federal government and they have found that our manufacturing investment tax credit, which we improved last year and which members opposite voted against, is now among the most competitive in the country.

Mr. Hawranik: Mr. Speaker, last week the Minister of Finance dismissed the Chamber of Commerce, he dismissed Statistics Canada, he dismissed all other studies as irrelevant, preferring to put his own false propaganda on the record.

Now the NDP government in Saskatchewan agrees with both the Chamber of Commerce and Stats Canada. We, no doubt, have the highest taxes, the highest business taxes in Canada. I ask the Minister of Finance, it is his responsibility, apologize to all businesses in Manitoba for failing to make Manitoba a tax-competitive province.

Mr. Selinger: Mr. Speaker, once again the member opposite misquotes even what occurred in Hansard. The only person I criticized last week was the member from Lac du Bonnet. The only person last week that made an egregious error was the member from Lac du Bonnet. He missed the size of the provincial debt. He was out by a small amount of \$9.5 billion. That was the size of his error and he was completely wrong. He was completely wrong on the cost of serving the debt. He argued that our debt costs were at a historic high when, in fact, they were 40 percent less as a percent of the GDP than they were during his time in office.

Let us review the facts. Corporate tax levels, 17 percent under them, 14 percent under us; 8 percent small business tax under them, 4 percent under us; manufacturing investment tax credit improved; capital tax credit improved; R&D tax credit improved by 33 percent.

Workers Compensation Investments

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, just over one year ago, the *Winnipeg Free Press* reported on the establishment of CentreStone Ventures Inc., a \$25-million fund established to make investment in Manitoba's biotechnology field.

Mr. Speaker, the Workers Compensation Board invested \$4 million of employers' money into CentreStone which clearly noted the highly speculative nature of investing in its prospectus. I ask the Minister responsible for Workers Compensation did the minister support this risky investment.

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Speaker, it provides me with an opportunity to set the record straight in regard to my relationship with the WCB. As the Minister responsible for the WCB, I am responsible for the administration of the act. The investment committee now, because of the changes that we made in Bill 25 and I want to thank the members for supporting those changes, has the strongest governance structure in Canada and the investment committee now reports to the board of directors. So, in regard to the question, no, I had no idea of any of the investments that the WCB was making.

Mr. Cullen: Mr. Speaker, on April 29, 2005, CentreStone Ventures announced an investment in Medicare Inc., a Winnipeg biotech firm that lost \$14.9 million in its last financial year. Medicare's prospectus clearly indicates there can be no assurance of successful product development and mentions the potential volatility in the price of common shares.

I ask the minister responsible: Is it the WCB's policy to invest in high-risk ventures with no assurance of successful product development?

*(13:50)

Hon. Tim Sale (Minister of Health): Mr. Speaker, the member might know that the sponsor of the company in question, Dr. Bert Friesen, is extremely well-known and respected in the business community of Manitoba. The company of which he speaks is a start-up drug company, and it is not at all unusual for a start-up drug company to have very large R&D expenses in the early stages. He might also know that the federal drug administration in the United States has fast-tracked MD1, that company's lead product and that happens very rarely. I think that we should be proud of Bert Friesen, of Medicare, of all of the companies he has helped to start here, and he has made a commitment to keep them here. He is a leading businessman in this community.

Transportation Infrastructure Funding

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, Manitobans are fed up with potholes and this NDP government's crumbling infrastructure. Industry projections place road infrastructure needs at over \$300 million a year. As the Minister of Transportation admits himself with only \$82 million going to capital projects next year and with

infrastructure supposedly such an important topic at the August premiers' meeting, why is this Minister of Transportation and his Premier (Mr. Doer) woefully underfunding Manitoba's road infrastructure needs?

Hon. Ron Lemieux (Minister of Transportation and Government Services): I guess this must be a spend day because now it is lower taxes and spend, spend, spend. You know, Mr. Speaker, I would ask the critic opposite to take a look at Public Accounts where it shows the gas tax revenues collected are approximately \$217 million. What we have done in Transportation is put in \$299 million, approximately \$88 million more than we collect in gas tax revenues. We are doing our best to improve the highway and transportation system compared to the 1990s where they let everything just run down.

Mr. Maguire: Mr. Speaker, when is this minister going to stand up for the department that he represents? While the Manitoba road infrastructure deficit continues to escalate, the facts are that the unspent portion of his budget that the minister has allowed to flow back to general revenue has risen by 472 percent under his watch.

Why has this minister risked the safety of Manitobans and allowed our roads to crumble even further by sending \$56.4 million back to general revenue from his department?

Mr. Lemieux: Mr. Speaker, the critic opposite has a brand-new twinned highway going to Saskatchewan running right by his birdbath in the western part of Manitoba. Move your birdbath out of the way because we are coming through. Manitobans want to see new highways, and we are doing it.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Child and Family Services Devolution Process

Mrs. Mavis Taillieu (Morris): Mr. Speaker, one of the minister's own staff is saying there is no direction or support from the Minister of Family Services (Ms. Melnick) through the transition of CFS to the four authorities. Front-line staff working with children in care are saying this minister has set up the authorities for failure because of her lack of leadership.

Mr. Speaker, why has the Minister of Family Services abandoned the children, families and staff affected by her lack of attention to the devolution of CFS?

Hon. Tim Sale (Minister of Health): Mr. Speaker, far from abandoning either the children or the staff in this system, we are proud to be the first government in Canada that has worked in partnership with the Métis community, with the First Nations of Manitoba, to ensure that children are cared for in a culturally appropriate way, so that the staff of this system will be culturally appropriate staff. This has been a deliberately careful process stretching over four years so that every child that is transitioned into the system is transitioned safely and securely and that process is going very well. This department supports both its staff and the children and families of Manitoba and thinks that culturally appropriate care delivered by First Nations and Métis people is the way to go in Manitoba.

*(13:55)

Information Tabling Request

Mrs. Taillieu: Mr. Speaker, this just shows how out of touch this government is with their own staff. This staff fears for the safety of children. They say rules are not being enforced. They say nobody is telling anybody what to do and nobody is asking. They say the system is in chaos. The minister is responsible for establishing standards for service delivery and monitoring of authority compliance and that is from the annual report.

Will the minister responsible for the children in care in Manitoba table the standards and the compliance evaluations she has done for the new authorities over the last six months?

Mr. Sale: Mr. Speaker, when we formed government, the Minister of Justice and Minister of Family Services took their copies of the Aboriginal Justice Inquiry, dusted off the thick layer of dust that was on top of them and said, "We are going to work with the First Nations and Métis people of Manitoba to respect the needs that they have for culturally appropriate justice services, culturally appropriate child welfare services." We are proud of the work that we have done in that partnership in honouring the collective agreements we have with staff, in honouring the relationships we have with foster parents, in honouring the relationships which were pioneered by an NDP government in 1981 to create the first Aboriginal First Nations authority that cared for children, to create the very first authority which was in the community of—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Sale: —Sagkeeng. Thank you very much the Minister of Finance (Mr. Selinger). We are proud of that work, and we will continue to honour the First Nations culture in delivering Child and Family Services.

MRI Scans Operating Costs

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, yesterday the Premier (Mr. Doer) and the Minister of Health put false information on the record about the cost of MRI scans performed at the Pan Am Clinic and at the Maples Surgical Centre.

My question for the Minister of Health: Will he admit that he misled this House and Manitobans about the cost of MRIs in Manitoba?

Hon. Tim Sale (Minister of Health): First of all, Mr. Speaker, the cost of the equivalent machine at St. Boniface Hospital, which is the small-extremities-only machine, compared to the same small-extremities-only machine at Maples, is precisely in the area that I quoted yesterday. In fact, those numbers come from the appropriate authorities in the Manitoba health system and St. Boniface Hospital. We stand by those numbers. The equivalent scan at Maples is being charged out at over \$800 including the medical fees. The equivalent scan at St. Boniface Hospital is being charged out at under \$300 including the medical fees. What is being charged at Maples is not the cost. It is the cost plus an exorbitant profit.

*(14:00)

Mrs. Stefanson: Mr. Speaker, the Minister of Health knows very well that he was specifically quoting the Pan Am Clinic, and he referred to Dr. Hildahl as the problem for the numbers. He blamed it on Dr. Hildahl, the CEO, for the misinformation that he put on the record and that is unacceptable. This Minister of Health should know those numbers and not put that information on the House.

Yesterday, not only did the Minister of Health lead Manitobans about the cost of MRIs in Manitoba, but he indicated that he had sent a letter to Maples Surgical Centre which stated he would be willing to sit down and discuss with the clinic. The Minister of Health claimed and I quote, "We wrote the Maples clinic in the spring of this year. They have never responded to that letter."

The real truth, Mr. Speaker, is that a response was sent on May 12, 2005, to the Deputy Minister of

Health by the CEO of Maples Surgical Centre. Why did the Minister of Health mislead Manitobans again?

Mr. Sale: Mr. Speaker, in terms of the costs in the public system, an equivalent scan at St. Boniface Hospital for a knee, \$299, Maples \$844; a head scan \$219, Maples cannot do it; a neck scan \$219, Maples cannot do it; a chest scan \$230, Maples cannot do it; an abdomen scan \$230, Maples cannot do it; a spine scan \$261, Maples cannot do it.

Mr. Speaker: Order.

Point of Order

Mr. Leonard Derkach (Russell): Mr. Speaker, on a point of order.

Mr. Speaker: Oh, on a point of order?

Mr. Derkach: Yes. Mr. Speaker. The member is quoting from a document and I would ask him to table that document, please.

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

Hon. Gord Mackintosh (Government House Leader): I know the Opposition House Leader knows full well the rules of this House. When you quote from a private letter, Mr. Speaker, a member can ask that it be tabled. I understand if there is a private letter here, I am sure it can be tabled. My understanding is it is not.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I ask the honourable Minister of Health was he quoting from a signed letter.

Mr. Sale: No, Mr. Speaker, it is a briefing document.

Mr. Speaker: Okay, that should take care of the problem.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable member does not have a point of order. He is reading from his briefing notes. It is not a signed letter.

* * *

Mrs. Stefanson: Mr. Speaker, this Minister of Health has misled Manitobans about the cost of MRIs between public and private systems. He has now misled Manitobans about his willingness to consider partnering with private clinics. How can

Manitobans continue to trust this minister when he repeatedly misleads Manitobans?

Mr. Sale: Mr. Speaker, the costs that I have suggested are the true costs today and include staffing costs, indirect costs, capital amortization, interest costs, operating costs, cost of accommodation and, where indicated, costs of supplies. They are the complete accurate costs. The so-called cost at the Maples is not the cost. The member opposite continues to put that suggestion on the record and it is false. It is the cost plus an exorbitant profit.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Is the honourable Member for Tuxedo, on a point of order?

MATTER OF PRIVILEGE

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, I rise on a matter of privilege.

Mr. Speaker: On a matter of privilege, okay. The honourable Member for Tuxedo, on a matter of privilege.

Mrs. Stefanson: Mr. Speaker, I understand that there are two conditions that must be met. The first condition is that it must have been raised at the earliest opportunity, which I believe this is. Seeing as this matter is regarding the most recent answers from the Minister of Health (Mr. Sale), I believe this is the first opportunity to raise this matter.

The second condition that must be met, Mr. Speaker, is that there was a prima facie case that a member's privilege has been breached. The privileges of all members in this House have been breached by the Minister of Health.

I would refer to pages 59 and 60 of the *Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba* in appendices under matter of privilege. First, the minister is willfully disobedient to the order and rules of Parliament in that he has deliberately and wilfully put factually incorrect information on to the public record when he stated yesterday, and I quote, "We wrote the Maples clinic in the spring of this year. They have never responded to that letter."

Again today, Mr. Speaker, by refusing to correct the public record, the minister is continuing to breach the rules of this House. We have just learned that the Minister of Health did, in fact, receive a response on May 12, 2005. Clearly, the Minister of Health has

deliberately put false information on the public record.

Second, the remarks of this minister are obstructing debates in this Chamber. I must take all honourable members at their word when they make remarks in this Chamber, and I cannot, as a member of the Legislature and specifically as the official opposition Health critic, participate in meaningful debate about health care in Manitoba when the minister puts factually incorrect information on the public record.

Third, and I refer members to *Beauchesne's* Sixth Edition, a recognized authority on parliamentary procedure here in Manitoba, to page 25, the section titled "Interfering With Members." The remarks of the Health Minister are interfering with my official duties as the official opposition Health critic. It is my duty as a member of the opposition to hold this government to account for its actions. As the official opposition Health critic, my duties include questioning my counterpart in government and, Mr. Speaker, I cannot perform these duties as I would like when the Minister of Health deliberately puts factually incorrect information on the public record.

Fourth, and I refer again to *Beauchesne's*, page 18, "Reflections on the House as a Whole." Mr. Speaker, when the minister deliberately puts factually incorrect information into the public record it reflects poorly on this Chamber. It impacts each and every member of this Assembly and, in fact, deliberately putting false information onto the public record taints all politicians at all levels of government. By conducting himself in this way, the Minister of Health is essentially indicating that what he says does not matter. He can say one thing one day and say another thing another day inside or outside the Chamber. His indifference to the words he uses and the remarks he makes on the public record is unconscionable.

This is not a simple matter of he said, I said. This is a matter we are dealing with of the Crown deliberately laying before the opposition, laying indeed before the people of Manitoba, factually incorrect information. This is why I consider this to be such a very, very serious breach of my rights, breach of my privileges and why I consider this to be such a serious reflection on the House as a whole, and, I must say, a very negative reflection on this House as a whole.

Not only does that make it impossible for me to fulfil my obligations as a legislator, to fulfil the obligations that I have to the people of Manitoba to hold this government to account, but it reflects very, very poorly not only on me but on all 57 members of the Legislative Assembly, so that is why I am raising this issue right now. I consider it to be an extremely serious issue, one that I would hope we would in this House be able to deal with. In fact, Mr. Speaker, we might even be able to deal with it today. If the minister would offer an apology and correct the public record, I would certainly be satisfied with that. Having said that, I wish to conclude my remarks on this matter of privilege.

I move that, as a result of the seriousness of this breach of privilege, this matter be referred to the Standing Committee on Legislative Affairs. Furthermore, I move that the Minister of Health (Mr. Sale) be requested to apologize to Manitobans and to the honourable members of this Chamber for purposely and knowingly putting false information on to the public record and, in doing so, misleading Manitobans and the honourable members of this Chamber.

Mr. Speaker, I move, seconded by the Member for Steinbach (Mr. Goertzen)—

Mr. Speaker: Order. Before recognizing any other members to speak, I would 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): The opposition, Mr. Speaker, is not only resorting to 60 questions in support and in promotion of the Maples private clinic, but now they are putting out matters of privilege to support the Americanization, the privatization and two-tier health care in this province.

Mr. Speaker, I think that what we have here is a problem on two fronts. First of all, matters of privilege have to be raised at the first available opportunity, and that was not the case here unless the member typed out that diatribe in terms of what she said in terms of the matter of privilege after 1:30. Clearly, the member came in here and they had made plans to ask two questions each so they could get a matter of privilege up before the Liberals had their questions. The matter of privilege is not something that should be delayed and half way through

Question Period. All the information that she was alleging was in their possession earlier than 1:30.

On the second question, of course, the question as to whether there is a prima facie breach of privilege, clearly, what happened was the information that came out in Question Period today belied their angle that they were trying to mine on this. They were embarrassed by the information that was put on the record by the Minister of Health (Mr. Sale), comparing the costs of MRIs in the public system versus at the Maples. They continued nonetheless.

* (14:10)

I just cite earlier rulings by yourself. Indeed, Mr. Speaker, on June 13, you said, "Joseph Maingot, in the Second Edition of *Parliamentary Privilege in Canada*, advises on page 241 that to allege that a member has misled the House is a matter of order rather than privilege." I would say this is a dispute on the facts. It is not even a matter of order, I would say.

In addition, it has been ruled by speakers in Manitoba that the member raising the matter of privilege must furnish proof of intent. Speaker Phillips ruled so in '87. Speaker Rocan made similar rulings seven times between '88 and '95. Speaker Dacquay, nine rulings between '95 and '99. In a ruling Dacquay gave in April '99, she advised that, short of a member acknowledging to the House that he or she deliberately and with intent set out to mislead, it is virtually impossible to prove the member has deliberately misled the House. Similarly, Deputy Speaker Santos, I guess we should be talking about their seats, made one ruling finding no proof of intentional misleading in 2001. While as Speaker, you Sir, have made six such rulings from '99 to 2005. I think it is one of the most common rulings that you have to give, unfortunately, Mr. Speaker.

Also, last April, I understand a matter of privilege was raised in the House of Commons concerning whether a response given by the president of the Treasury Board was false in comparison to other available information.

Speaker Milliken ruled in February 2004 that it is not the Speaker's role to adjudicate on matters of fact. Mr. Speaker, it is clearly not timely nor is it a prima facie matter of privilege. I would suggest it is not even a matter of order. It is just a dispute that should be subject to the political discourse. Thank you.

Mr. Leonard Derkach (Official Opposition House Leader): Yes, Mr. Speaker, on the same matter of privilege.

I have listened carefully to the Government House Leader, in terms of his response to the matter of privilege that was raised by the member from Tuxedo, and, indeed, he has either not been listening to the matter of privilege or he is just again trying to defend his colleague who has clearly misled this House, misled Manitobans and put false information on the record. Mr. Speaker, not only is this a prima facie case because the member from Tuxedo gave every opportunity to the Minister of Health to correct the record today, that is why she asked her questions in the manner in which she did, to allow the minister to correct the record.

Mr. Speaker, obviously a letter has been received by the Minister of Health (Mr. Sale) in response to a letter that he said he sent to the Maples clinic yesterday. He said no response was received. We have received a copy of a letter that indicates that he, in fact, did receive a response way back in May. That is why the question was asked today, to allow the minister to correct the record. He refused to correct the record and this has become a characteristic of this minister.

Continually this minister is on the edge with regard to truth, with regard to putting factual information on the record. He is constantly on the edge and that is not acceptable. That does interfere with the work of members of this Chamber. Mr. Speaker, it disallows members of this Chamber to deal with issues as they are presented in the House because we question the validity, we question the truth of those statements made by this minister. He has earned a reputation of living on the edge of the truth.

For that reason, this is a case where the minister has misled this House and that is why we are asking him to apologize to Manitobans and to this House. There is proof now that he has completely and purposely misled members of this House, and, most importantly, the critic of Health who has a responsibility to hold him accountable for what he does in this province. It is for that reason that we rise on this matter, Mr. Speaker.

Mr. Speaker: The honourable Minister of Health, on the same privilege?

Hon. Tim Sale (Minister of Health): Mr. Speaker, first of all, I do have to say that, on the process of

timeliness, I would concur with my House Leader that clearly it is impossible that this was the first opportunity to have a typewritten script some pages long, and it is clearly prepared well before this Question Period began. Let me deal with the substance of the privilege, because I want people to be very clear about my remarks and about the clarity with which we are dealing with this issue.

When we wrote to Dr. Godley, and I will table this letter. Mr. Speaker, we wrote to Dr. Godley and we said in our second paragraph, "Manitoba is committed to ensuring the capacity within the health system is able to meet the needs of our residents. It has been our priority to build that capacity in the public system in order to make the most efficient use of health care spending and available human resources. Manitoba Health would not be prepared to support a proposal that would diminish any public slate capacity. Because we have available physical capacity within our public system, the larger concern is the human resources component. Your proposals, as currently written, do not fully address this issue." So I will table that letter.

Now, Mr. Speaker, the actual response which we received through the Deputy Minister's office—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Sale: Mr. Speaker, the response that we received from Dr. Godley's Don Copeman, it is signed not by Dr. Godley and he, by the way, is the CEO of the clinic in B.C. which wanted to charge \$1,700 to enrol people and \$2,300 to provide them with primary care every year. He makes a specific proposal: "We will perform a thousand pediatric dental cases for you over the next year for a fixed fee of \$3.89 per minute of surgery or \$350.10 for a typical 90-minute case. This includes costs, nursing facilities, equipment supplies, et cetera. Anesthesiologists would be compensated normally by Manitoba health."

Well, Mr. Speaker, that is precisely the problem. We have a shortage of anesthesiologists. They did not propose in any way to respond to my letter, or not my letter, my deputy's letter, which said, "If you can provide services that are in addition to what is here in Manitoba, we will talk with you."

Secondly, Mr. Speaker, the letter says, "We will perform a thousand cataract surgeries." *[interjection]*

Mr. Speaker: Order.

Point of Order

Mr. Derkach: Mr. Speaker, on a point of order—*[interjection]*

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

Mr. Derkach: Mr. Speaker, on a point of order, we are supposed to be arguing the prima facie case and the fact that this matter was raised at the earliest possible convenience. This is not the time to be arguing the merit or his defence of his particular action that he took with regard to this.

Mr. Speaker, the issue is a prima facie case where the minister misled this House by indicating he did not receive the letter, period.

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

Mr. Mackintosh: Well, I get up because, reluctantly, I have got to respond to that. It is unfortunate that there was that interruption, Mr. Speaker. It is not good enough that somebody gets up and raises a matter of privilege, and allegations contained there, and they think that no one else should hear what the actual truth is and what the explanations are. I think that is very unfortunate. They cannot get away with just listening to themselves.

Mr. Speaker: Order. On the point of order raised by the honourable Official Opposition House Leader, members should be commenting on the prima facie aspect of the alleged matter of privilege and should not be debating the issue. I have allowed a lot of leeway on both sides in the past, that is why I am allowing the honourable member to continue because I have allowed it on both sides.

Mr. Speaker: The honourable Minister of Health, to continue.

Mr. Sale: Mr. Speaker, his second offer was, "We will perform a thousand cataract surgeries over the next year for a fixed facility fee of \$675," which, by the way, is somewhat in excess of what Pan Am charges, "which includes all costs, nursing facilities, equipment supplies, et cetera, except the lenses themselves. Physicians and surgeons would be compensated normally by Manitoba Health."

Exactly the problem, Mr. Speaker. We do not have an excess of capacity in the human resource side of our system. We asked Dr. Godley for

proposals that would address the issue of capacity without impeding the public sector capacity. He did not do so. He did not respond to our letter in any kind of acceptable fashion whatsoever.

Mr. Speaker: Order. I think I have probably heard sufficient argument. If the honourable member is rising because he feels there is a point that has not been touched upon, I will hear the honourable Member for River Heights.

* (14:20)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I believe I have some comments which are relevant to this which are unique in certain respects. There are two aspects to this matter of privilege. One is whether it was raised at the earliest possible convenient time. You know, I was focussed on here, I cannot tell whether the MLA from Tuxedo was typing or not so I cannot contribute to this debate in that respect. But what I would say from our Liberal perspective, quite frankly, is that this is a matter which, at the earliest possible convenience, should be possible to raise right after Question Period and still be considered at the earliest possible convenience. That is something that maybe House leaders can discuss so that we do not get into this sort of argument back and forth of five minutes here or five minutes there.

Now the second aspect is the question of whether or not there is a serious matter which needs attention of this House, and it is our view that indeed there is a serious matter here. I would say, from what we now know in terms of the content of the letter and the reply to the letter, and what we now know in terms of the statement of the Minister of Health (Mr. Sale) yesterday, and the Minister of Health said yesterday, and I quote, "They have never responded to that letter."

The Minister of Health did not say whether the response was adequate or sufficient or he did not qualify it. He just said they have never responded to that letter, and the quote in Hansard is very clear. It is unequivocal, and what we have today is very clear evidence that there was a response to that letter. It may not have been exactly what the government wanted. It may have been different but it was a response, and, clearly, in the comments that the minister made, there was an error. The minister should do the honourable thing and apologize. I think it is clear, and I think that the Legislature should ask for no less from this minister under these circumstances.

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.

* * *

Mr. Speaker: We will continue on with Question Period.

ORAL QUESTIONS

Home Heating Costs Rate-Shock Protection

Hon. Jon Gerrard (River Heights): Mr. Speaker, today we are faced with the odd circumstance that, under the NDP, Manitoba has become a leader in providing subsidies to Alberta. Young people trained in Manitoba's public education system, paid for by Manitoba taxpayers, are more and more going to Alberta to work because there are no opportunities here. A big debate this morning in the media about doctors trained here, subsidized by Manitoba taxpayers, going, many of them, to Alberta, a subsidy from Manitoba to Alberta. Now we have the NDP introducing legislation to pay the cost of natural gas, to subsidize the cost of natural gas and that money going straight to producers in Alberta. This government is subsidizing Alberta. Why on earth is this government subsidizing Alberta?

Hon. Dave Chomiak (Minister of Energy, Science and Technology): Mr. Speaker, there is a bill before this Legislature that is seeking to hold back the price of natural gas. It could go up 20 percent to consumers, to single parents, to senior citizens, to non-profits and to hold it back in February, that member is against it. The same bill seeks to subsidize and hold back the costs over the next year so that people do not have to pay 44 percent out of their pockets in the middle of winter. It has a section that sets up a fund that puts and helps people to deal with DSM, deal with demand side, deal with insulation and protect their homes in conjunction with the federal program that pays money to people to do that. The members are opposed to helping people who have no choice in the wintertime but to see their heating bills go up 40 percent. I am surprised at members who took that position.

Mr. Gerrard: Mr. Speaker, that is a remarkable distortion of the facts. Even Brian Postl is talking about the exodus of Manitoba-trained doctors to Alberta. Time and time again, this government is doing odd things which are subsidizing Alberta.

Now, as a result of the NDP's cross-subsidization policy, Manitobans who use natural gas are going to be paid by Manitoba Hydro electricity customers to buy more Alberta natural gas. That is exactly what the point of this is. You are going to encourage, by providing an economic incentive, Manitobans to purchase natural gas instead of purchasing hydro-electricity here in Manitoba.

Why is the Premier going to provide an economic incentive for Manitobans to purchase Alberta natural gas rather than Manitoba electricity?

Hon. Gary Doer (Premier): Mr. Speaker, I think we have over 250 doctors more, 240 doctors more. You know, for example, doctors actually were trained in Saskatchewan and came to Manitoba. Maybe the member opposite would be a little bit aware of that. There are other doctors that come from all other provinces.

Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. I was just meeting with the U.S. Ambassador before Question Period and—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The clock is ticking.

Mr. Doer: —I noted that the electrical sales based on Limestone, which was opposed by the Liberal Party, they called it lemonstone, the electrical sales exports to the state of Minnesota for the Excel power is \$280 million. We completely believe in having a true market behaviour with the issues of commodities, and we will have. We just believe before people can get there that senior citizens cannot go out and buy an electrical furnace tomorrow, Mr. Speaker, when faced with a 40 percent rate increase. I have electrical furnaces. Do you?

* (14:30)

Home Heating Costs Rate-Shock Protection

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is also for the Premier. It takes a great deal of leadership and courage to admit when you have made a mistake. I have heard the Premier say stand up for northern Manitobans. I hear the minister of energy and mines say it is about helping people. Well, if you take a look at it, we have people in

northern Manitoba that use heating oil not natural gas. They are receiving in excess of 30 percent increases, not 20 percent.

Those seniors and others this government has turned their back on, Mr. Speaker, they are not helping these people because of their bizarre rebate system. They are ignoring and not helping people. My question is: How can a government provide consistent policy when it provides initiatives that penalize certain sectors of our population?

Hon. Dave Chomiak (Minister of Energy, Science and Technology): It is very clear now what the Liberal policy is. Market rates; oh, but what about the people in the North? If the member looked into the bill, the bill provides for all Manitobans. It provides for funding to deal with switching and providing services to all Manitobans, not just Liberals that live in Inkster, Mr. Speaker. It is the entire province that has advantage, and the member opposes that bill, votes against that bill. We are saying that the bill will provide for all Manitobans, not just those who are on natural gas but those who are on electricity, those who are on propane and those who are on heating oil, and they are voting against it. They voted against our equalization bill as well. It speaks for itself. Their voting record speaks for itself.

Mr. Speaker: The honourable Member for Flin Flon. [*interjection*] Order.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): Yes, on a point of order, Mr. Speaker.

The Minister of Health (Mr. Sale) has tabled a letter in this Chamber, and I would ask that this letter be reviewed because, from the copy I have in front of me, this does not look like an original. As a matter of fact, it looks like it has been tampered with, Mr. Speaker. I do not know. I do not know. I would just like you to verify that.

Some Honourable Members: Oh, oh.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, I am going to take it under advisement so I can check out the letter myself, and I will bring back a ruling to the House.

Winter Road Safety Government Initiatives

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, recently results of an inquest into the death of Calvin Wood were released. Mr. Wood died in January 2002 during the construction of a winter road.

Given the importance of winter roads, not only to many of my constituents but also to many Manitobans living in remote or northern regions, could the Minister of Transportation and Government Services inform the House of steps he is taking to address the recommendations that came out of that inquest?

Hon. Ron Lemieux (Minister of Transportation and Government Services): Our government recognizes this area as a priority, and we are committed to promoting the highest level of safety on our winter road system. We have established a winter road safety working group to oversee all of the recommendations made by Judge Murray Howell, and we intend to implement those.

Also, Mr. Speaker, I have to tell you that we have taken approximately 600 kilometres off of the ice and put them on land to increase the safety of the winter road system up North. Not only that, we have more than doubled the funding to winter road systems, as compared to the government opposite.

Highway 32 (Winkler) Four-laning

Mr. Peter Dyck (Pembina): In 2002, according to the then-minister of highways, the four-laning of Highway No. 32, a provincial highway running through the city of Winkler was in the five-year plan. On October 4, 2005, the mayor and council met with the minister and were informed that the four-laning of this major highway would not be considered until the year 2012.

My question is: What has changed? In fact, if you need to remove a birdbath from my front yard please do so.

Hon. Ron Lemieux (Minister of Transportation and Government Services): You know, Mr. Speaker, this is coming from a member, when we added \$15 million more to the highways capital budget, he voted against it.

Mr. Speaker, we as a government have put in approximately, compared to the last five years of the previous government and comparing that record to

ours, we have put in approximately \$50 million more into the highways capital budget than they ever did.

Mr. Dyck: Mr. Speaker, we have heard this rhetoric before. The city of Winkler is one of the fastest growing communities in rural Manitoba. This highway has in excess of 16 000 vehicles per day resulting in numerous accidents making it a dangerous highway to navigate.

Why will this Doer government, this minister, not share some of its revenue resources with the city of Winkler, take its responsibility and four-lane provincial Highway No. 32, please?

Mr. Lemieux: You know, Mr. Speaker, we get \$2 billion worth of requests for transportation infrastructure every year, and the reason in part why this community is growing is due to our great immigration program. That is the reason why this community of Winkler is growing, and the Minister of Labour (Ms. Allan) should be commended for that with all of her policies with regard to that area.

I have to tell you, Mr. Speaker, this is the member that continually votes against budgets that try to increase our budget overall with regard to transportation. I have to tell you in the year I believe it was 2001 or the year 2000, we put approximately \$10 million, I am advised, into the main street of Winkler.

Now I understand that it is "What have you done for me lately?" in politics, Mr. Speaker, but this minister should get with it and vote for budgets that are very progressive with regard to construction and transportation.

Mr. Dyck: Mr. Speaker, the Nominee Program was started under our government, under this minister at that time. The City of Winkler is prepared—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Dyck: Mr. Speaker, the City of Winkler is prepared to do the four-laning in stages. Why will the minister not consider this as an option to accommodate this fast-growing community?

Mr. Lemieux: You know, Mr. Speaker, the community of Winkler is a tremendous community. We all know that, a tremendous community. We all agree with this, and I applaud the hardworking people of Winkler.

You know, this government, on this side of the House, has put transportation and infrastructure

projects in the western side of the province, the eastern side of the province, the southern side of the province, \$10 million approximately on the main street of Winkler, but also approximately 25 percent of our budget is in northern Manitoba as well, as opposed to what they did. Approximately 2 percent of their budget in any given year was given to the North, and I say donated. We look at this as an investment in all of Manitoba and in northern Manitoba for all Manitobans.

Highway 278 Upgrading

Mr. Leonard Derkach (Russell): Now, Mr. Speaker, this minister is full of huff and puff, but absolutely no substance.

Pizzey's Milling, located on the west side of the province, employs 52 people and does about \$2 million of business every month. The only bottleneck in this industry, it is a nutraceutical industry, one of the ones that this government says it is so proud to promote, but the only bottleneck in this industry is that they cannot get their product out on a timely basis because of the condition of Highway 278, which runs right by their door. Mr. Speaker, for months now they have been trying to get the attention of this government to rebuild this road or else there may be a danger of them leaving this province to another location.

I ask the minister: Where is this project in terms of his priority in rebuilding Highway 278 past Pizzey's Milling?

*(14:40)

Hon. Ron Lemieux (Minister of Transportation and Government Services): Glen Pizzey, their corporation and their operation is a very successful one, granted. Again, I have to refer to the \$2 billion worth of requests for transportation infrastructure that we have in this province. You know, Mr. Speaker, we have done a lot. We have accomplished a lot and we have more to do. Granted, we are not perfect, and we continue to look at all the projects that keep coming our way. The Department of Transportation works very, very hard and diligently to take a look at all the needs in this province. We put in \$16 million more.

What gets me, Mr. Speaker, is that members opposite vote against those kinds of budgetary items that we put forward, voting against them on the one side. Now, I know it is opposition. They say we can have it both ways. Well, the public of Manitoba, the

electorate of Manitoba and Manitobans in general take a look at that kind of cynical approach saying, on the one hand, do this, spend more, spend more, but yet they vote against budgetary items like increasing the budget—

Mr. Speaker: Order.

Mr. Derkach: Mr. Speaker, again, I say a lot of huff and puff, but no substance, Mr. Minister. This minister—*[interjection]*

Mr. Speaker: Order.

Mr. Derkach: Mr. Speaker, this minister turned back \$57 million of revenues that came from licences and registrations. He turned that money back to the Treasury. That is money that was supposed to go to building highways. It would take one of those \$57 million, \$1 million, to build this road past Pizzey's Milling who employ 50 people and do \$2 million of business a month.

Why would he not consider making this project a priority with that amount of money that he turns back to the Minister of Finance (Mr. Selinger)?

Mr. Lemieux: Mr. Speaker, I thank the member opposite, or the surrogate for the heavy construction association, for that question. I have to tell you, for the first time in Manitoba's history, we have a process in place where we are announcing and rolling out a lot of projects and tendering out a lot of projects in advance, close to probably 90 percent of budgetary items that are coming up this coming summer.

I have to tell you also, Mr. Speaker, that with regard to a lot of the projects that we are trying to tackle, and this past summer with the wet weather many of the projects we were not able to do. So what we did is took approximately \$22 million worth of projects and did them this summer and applied that money to them this summer, as opposed to letting dollars lapse.

Mr. Speaker, we have moved on many fronts and this is one particular one we have tackled and we have moved on to ensure that those dollars are spent.

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

MEMBERS' STATEMENTS

Triple E Recreational Vehicles

Mr. Peter Dyck (Pembina): Today I would like to pay tribute to a group of Manitobans whose vision,

hard work and community involvement has had a lasting positive impact on the city of Winkler. The men I speak of are the original founders of the Triple E Recreational Vehicles and Lode King Industries, both based in Winkler. I want to commend them and thank them for their ongoing commitment to the community. Also, I would like to congratulate them on Triple E's 40th anniversary and Lode King's 25th, which they are celebrating this year.

Triple E is a family-owned company that was started in 1965 by P.W. Enns, Peter Elias and Philipp Enns, who now remains as chairman. They are Canada's largest motor home manufacturer and they employ 280 people in Winkler. Lode King was founded in 1980, as a division of Triple E, and is now the largest highway transport trailer manufacturer in the country.

It is exciting to see that the founders' original vision is being carried forward into the next generation. Phil Enns, who is the chair of the board, Terry Elias, president of the company and Lloyd Elias, general manager, their success and commitment to the community is something of which the citizens of Winkler are very proud.

Mr. Speaker, I ask all members of this House to join me in congratulating Triple E and Lode King on reaching these great milestones and in thanking them for helping to make Manitoba a great place to work, to live and to raise a family. Thank you.

Winakwa Community Centre

Mr. Bidhu Jha (Radisson): Mr. Speaker, recently I was pleased to attend lunch with Santa at Winakwa Community Centre in Windsor Park. One of the great virtues of the holiday season is that it brings communities, families and individuals together to share in this festive spirit. Lunch with Santa exemplifies this spirit. The successful event gives the children an opportunity to meet Santa and enjoy hot dogs and chips with family and friends.

Mr. Speaker, Winakwa Community Centre plays an important role in Windsor Park here and now. It is in my opinion one of the best community centres in Winnipeg. Three days a week the community centre offers a play-and-stay program for families with preschool children. Parents and grandparents can bring their children to the centre for games and after-school activities and the community really enjoys these events.

Thanks to the hard work of many volunteers this community centre has recently been remodelled

inside and has a new parking lot. I am pleased to note that our government provided a Community Places grant process with this project.

I would like to congratulate Pat Krueger, the new president of Winakwa Community Centre, on her recent appointment. I look forward to working with her and the new board to make Windsor Park community centre a strong community.

I would like to conclude by thanking the many volunteers at Winakwa Community Centre and throughout Windsor Park. Without their hard work and commitment even such a lunch with Santa would not be possible. Thanks to all the volunteers, Windsor Park is a model community of good neighbours and great people. Thank you, Mr. Speaker.

Teulon Collegiate Institute

Mr. Ralph Eichler (Lakeside): Mr. Speaker, today I rise to recognize the efforts of the students attending Teulon Collegiate Institute. During Manitoba Addictions Awareness Week, these students were honoured with a merit award from the Addictions Foundation of Manitoba.

Teulon Collegiate Institute organized a variety of activities to increase awareness of addictions. Grades 7 and 8 students participated in an anti-smoking poster contest. Senior 1 to 4 students created slogans to encourage Manitobans not to drink and drive. The students also expanded their understanding of the serious impact addictions can have including loss of life.

Mr. Speaker, on behalf of the constituency of Lakeside, parents, teachers and community members, I would like to commend and congratulate the students of Teulon Collegiate Institute. It is encouraging to know that we have young people throughout Manitoba working together to promote awareness of addictions.

Such initiatives will hopefully encourage understanding in a new generation. This is a proactive solution to promote healthier Manitobans with the knowledge to avoid becoming trapped by addictions. Additionally, Mr. Speaker, such activities can give young people a new perspective and appreciation for what Manitobans living with addictions face. Addictions can cost people their friends and family so much with emotional, personal and financial burdens.

I would like to close by encouraging our communities, schools and honourable members to encourage prevention and education. Thank you, Mr. Speaker.

Eddie Wilde

Mr. Cris Aglugub (The Maples): Mr. Speaker, I rise today to inform the House about an exceptional citizen at Seven Oaks School Division, Ms. Eddie Wilde, an educator and administrator devoted to the creation and maintenance of inclusive school communities. Ms. Wilde was recently named the top school superintendent of the year in Canada by the Canadian Association of School Administrators.

* (14:50)

This type of recognition is well deserved, Mr. Speaker. For nearly 30 years, Ms. Wilde has worked in Seven Oaks School Division as a teacher, a principal and, most recently, in her role as the division's assistant superintendent of student services. In this capacity, Ms. Wilde has continued the work she started several years ago as head of the Manitoba Association of School Superintendents. She has a passionate commitment to inclusive education, focussing on Aboriginal and special needs students. Her work has brought many different voices together to create a dialogue in which the needs of all the students of Seven Oaks can be met.

To that end, Ms. Wilde has pioneered the creation of the Village Centre, where parents and members of the community can access vital services, such as child and family services, housing agencies or health services in a community-based setting. In this manner, a school is better integrated into the life of the community, providing students with universal and proper access to education and parents and the community at large the opportunity to access important essential services. Her democratic vision of a school as the local centre of community life for each member to enjoy is to be commended.

I call upon all members of the House to join me in congratulating Ms. Wilde for her achievements and ask her to continue the pursuit of educational excellence for all students, which has been characteristic of her work so far. Thank you, Mr. Speaker.

Homer Simpson Award

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would like to take this opportunity to present what I think is a very important award that needs to be

recognized inside this Chamber. I am calling this one, it is my first annual, wait for next year, my first annual Homer Simpson award. This award is given to the Cabinet minister who takes action that is not in the long-term interest of Manitobans, and the 2005 award recipient is, if we could get a drum roll it would be much appreciated, thank you to my colleagues, our Premier blank, blank, you will have to fill in the name because I am not allowed to say it.

These are the reasons why: (1) For not being able to see the negative impact of his government policy to force Manitoba Hydro to cross-subsidize natural gas rates; (2) For politically manipulating—

An Honourable Member: D'oh!

Mr. Lamoureux: That is good.

For politically manipulating Manitoba Hydro to the detriment of the long-term interest of all Manitobans; (3) For not using a rebate system that would have more fairly protected Manitobans from huge sudden price increases; (4) And for not having the courage to acknowledge he made a mistake.

Even former NDP Premier Ed Schreyer has stated that the policy is, "It is 180 degrees opposite to the long-term public interest."

And if I can quote, Mr. Speaker, a very famous man and just say "D'oh!" Thank you.

Point of Order

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

Mr. Lamoureux: On a point of order, Mr. Speaker. I would like to table the award for the Premier.

Mr. Speaker: To continue, Orders of the Day.

ORDERS OF THE DAY (Continued)

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I would like to announce that the wind energy resolution will be considered next Tuesday.

Mr. Speaker, would you please call, in terms of Government Business, Bills 11, 7, 18, 15, and then the remaining bills that are listed for debate on second readings.

DEBATE ON SECOND READINGS

Bill 11—The Winter Heating Cost Control Act

Mr. Speaker: Resume debate on second reading, Bill 11, The Winter Heating Cost Control Act, standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House?

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

An Honourable Member: Stand.

Mr. Speaker: Stand. It has been agreed? *[Agreed]*

Mr. Larry Maguire (Arthur-Virden): Well, Mr. Speaker, it is my privilege to be able to put a few words on the record here in regard to Bill 11, The Winter Heating Cost Control Act, that the New Democrats have brought into the Legislature in Manitoba for debate, under the auspices of reducing the amount of heating bills for those who are using natural gas. It was brought in on November 16, and its objective was to prohibit any further increases in the natural gas prices to customers of Centra Gas during the '05-06 winter heating season, and allow the government to limit such price increases in 2006-2007.

Mr. Speaker, there are a number of points around the activities and actions of the government on this bill. One of them is, certainly, the fact that the bill was not necessary, from the point of view that they had already taken care of hedging the natural gas that would be consumed this winter by the minister's own admission in this House a number of times. That is the only responsible action from a business perspective, that they would hedge the costs of those heating costs. The situation with allowing the hedging to take place had to have been done earlier in the fall, late in the summer even, to protect through the length of term that this bill is. I am assuming that it is a very good move on behalf of a business like Manitoba Hydro to take this kind of action. Any company would do it.

The problem that you have with this activity is that they must have felt that the heating costs were going to continue to rise as the price of natural gas continued to grow this past fall. I guess, Mr. Speaker, that, if this kind of activity was something that the government was speculating with, speculating in the fact that they were speculating that the natural gas rates would continue to go up, then they took into

their own hands what every broker in commodities would tell you never to do, and that is to speculate in the commodities market. You must use these tools as a hedging mechanism, but here we are with a government that went ahead and took the power into its own hands and decided that it would cross-subsidize the natural gas costs to homeowners by technically increasing the amount of electrical power rates in the province of Manitoba.

Well, Mr. Speaker, the bill carries on for two years, so fortunately, the price of natural gas has come back down on its own somewhat, along with the price of other energies here, in the last few weeks, and that is a good move for all Manitobans, something that we certainly applaud. It will make the costs of driving and heating our homes more bearable, I guess, if you will, with the increases that have taken place over the next few months, but it is not something that I would encourage the government to be in and not something that, as a minister, I would have encouraged my colleagues to have done if we were in government because of the kinds of speculative nature of this business. You are certainly interrupting the normal decisions that businesses would make in doing their daily business. While the costs of hedging are also being borne by the members that are presently using those natural gas costs in Manitoba, they are also borne on the backs of all the electrical power users in Manitoba as well.

Mr. Speaker, this is definitely cross-subsidization. There is no other way of describing it. In spite of the fact that the minister himself is quoted as saying that he does not believe in cross-subsidization, that is a very small solace for all of the citizens of Manitoba, because, in fact, he is increasing the electrical power rates to many users here in the province of Manitoba by cross-subsidization of this bill. We will not know what those total costs are at this particular point, but you can rest assured that Manitoba hydro-electric power users are going to bear the brunt of these costs.

* (15:00)

I will just outline a little bit briefly. You know, when I was Finance critic, we looked at the debt of Manitoba Hydro and how it compared to the debt of the Province. They were somewhere in the \$7-billion range each back in the days when this government came into power in the late nineties. But it has been allowed to rise now to over \$9 billion in our Hydro utility in Manitoba, and that, according to the annual

report of '04-05, indicates a debt-equity ratio of 85 to 15, 85 percent debt in Manitoba Hydro.

Now, Mr. Speaker, the government even has a target of 75 to 25, but they are not even going to be able to meet that target. Their projection is not even to do it for seven more years, and that is 2011 to 2012. So, when these dates keep getting pushed back that they are going to get on track with reducing the debt of this particular entity, it is a shame that Manitobans have to bear these increased power rates at the same time when, in fact, if the government was able to manage the debt, particularly the debt of Hydro or even the operating debt of Manitoba better, then these kinds of costs would be much more bearable for us in Manitoba because these costs would not increase. They just would not be going up.

Mr. Speaker, this is only a short-term fix to a long-term problem. Heating costs are going to continue to go up in Manitoba, but this bill only refers to what is going to happen in the next two years. They may be able to take the rate increases and the ups and downs out for the next few years by putting a bill like this in place, but with Manitoba Hydro's debt being about 45 percent of Manitoba's total debt, the total debt being in Manitoba now of over \$20 billion, some \$20.3 billion, expected to be \$20.5 billion, growing every day by April, it is unacceptable that these rates be allowed to increase, or that the government, pardon me, be able to use this kind of bill to even out those rates.

The reason that is a problem is, of course, because in other jurisdictions where this has been tried before, where government has intervened in what would be the normal flow of business, when these kinds of bills are pulled, there are most times huge increases in the costs to the consumers. Of course, I guess if you were cynical and wanted to look at the fact that the government has put this bill in place for two years, you could say that any of those increases on the consumers of Manitoba are not going to take place until at least the summer or fall of 2007 anyway. So that would be after the next provincial election, and this government would not be left around to clean up the mess anyway.

So, Mr. Speaker, it is purely, as has been said by others, an opportunity of this government to buy votes through the next short while amongst citizens of Manitoba. I would even go so far as to say that previous ministers, the previous member from Minto before the present minister, one MaryAnn Mihychuk, who ended up running for mayor of the city of

Winnipeg, made public comments that she had refused to intervene in these kinds of natural gas price-fixing mechanisms, if you will, when she was a minister. I think that that is important to note that there are members in their own government, past particularly, who have indicated that this is poor legislation for Manitoba.

Of course, I think the height of that exchange would come from the fact that a former Premier, Premier Ed Schreyer himself, indicated to the *Winnipeg Free Press*, on November 18, that this was a perverse, if I could use a quote, Mr. Speaker, a perverse plan. He made reference to the fact that it was the most retrograde step the government could possibly take in regard to this kind of pricing. So I think it is incumbent upon the government, upon the Premier, of the day, to listen very closely to their colleagues from the past as well. So what does the Premier of the day say? That, "Oh, well, it is only a short-term problem anyway. It is a short-term strategy."

Well, Mr. Speaker, it is a bad strategy and that has been pointed out a number of times by many groups that are within the government's own—by many people within the government's own jurisdiction. I know this has been put in place in regard to trying to help, or under the attitude of being able to try to help some citizens in Manitoba, and it will alleviate some of the increase in what they might have had for power bills in the coming months. But I want to say that there are other areas of Manitoba that need help as well, and that is, if I could, in the area of agriculture, some of our rural population, not just in the rural areas, but in those rural communities as well. Some of them do not have natural gas. In fact, the vast majority do not have natural gas, and so they will not benefit from this kind of a change. That is unfortunate at a time when they have one of the three crises, being crisis in health and crisis in agriculture and crisis in debt growth in the province of Manitoba, that we have today under this government. But the crisis of agriculture in rural areas is exacerbated by this kind of a move as well.

Mr. Speaker, this government does not know the implications of putting their bureaucracy in place to administer these kinds of bills, these kinds of decisions, kinds of regulatory issues that they have brought forward, the same as they did not understand it when they announced a rebate program for education tax in the rural areas. This government had chosen to ask for a rebate of some 33 percent; then they went to 50 percent. Now they are dealing with

60 percent in this last Throne Speech. But, if they really wanted to help those rural areas, they could have just eliminated it entirely or even, at the very least, eliminated the education taxes off the statements at 33 percent, at 50 percent, and now at 60 percent. That would have saved the bureaucracy. They assume that these rural people, these farmers and the residents of Manitoba, have the time on their hands to just take it away from their businesses and fill out more papers about how they could apply for a rebate. I find that not very encouraging.

I had many people refer this issue to me last week at the Association of Manitoba Municipalities meeting that took place in Brandon. Mr. Speaker, the association certainly wants to see education taxes reduced in Manitoba and has indicated very clearly that they want that done. Of course, there are funds within the government today to eliminate the education taxes off of both residences and farmland. We have always said on this side of the House that it would be very difficult to have done it on all property, because that is well over half the amount of budget that is required in that area for education tax removal completely from property. But it certainly is possible to do it on areas like residences and farmland, and would be much more amenable to the kind of situation that we are faced with in this province.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Mr. Speaker, I find it most intriguing that a government that gives lip service to wanting to help Manitobans would do it in the form of a rebate that people have to apply for, and it is consistent with the kind of bill that has come forward under Bill 11. They did not do it in any other mechanism. They did not say that they would take some tax off of gasoline at the pumps. They did not indicate that they would keep hydro rates for electrical users at the same rates. They did not indicate that those will not go up. In fact, those are going to be set and going forward by the Public Utilities Board. Now we see that the last time that they went for an increase there of 5 percent, the Public Utilities Board chose to just up them another 5 percent, even though they did not even ask for it. So to say that it is an independent organization any longer puts it into question in regard to the kinds of activities that are taking place.

Mr. Speaker, I am very concerned for the future of Manitoba with bills that come forward like this. I think that it is incumbent upon all Manitobans to look closely at this bill, because it does also entail

another area. It is that this bill requires the government, pretty much an open-ended book, and that is to establish a stabilization and affordable energy fund.

* (15:10)

While that sounds good, there needs to be much further explanation in regard to this type of a fund. This fund is being set up under the auspices of being used to, as I said earlier, level out the peaks and valleys of energy costs to Manitobans in this province. Of course, it is only for two years.

What is going to happen to that fund, Mr. Speaker, after the two years is up? What will the government use that for? The timing seems to be right around the next election, so will they then just say, "Well, we are going to use all of those funds to freeze those rates in the future as well and make the end result even a much greater increase down the road, in the middle of our government's next term when we are there to clean up the mess."? Or are they going to use it for strictly their own endeavours in regard to election purposes?

Mr. Speaker, I know that they are saying they will watch the hydro rates, and that they will use some of the electrical revenue that they get from consumers to put this fund in place. We do not know how big it is going to be. There have been references to \$100 million. That is what it has been in some other areas. We would like to know just exactly what the government's intention is with some of these revenues. They have not indicated what the exact percentage of the revenues dedicated to the fund will be, but they have said that they will be determined by the minister.

Well, Mr. Speaker, if there has ever been a much more open-ended area to go at than just leaving it up to be determined and under regulation by the minister in the future, this bill certainly leaves Manitobans with much to worry about. I would go further and say as well, from a question that I raised in Question Period a few weeks ago on a letter in the *Brandon Sun* that was brought forward by Mr. Bill Turner, the general manager of Nexen out of Brandon, the makers of sodium chloride there, and the chairman of the Brandon Chamber of Commerce, Mr. Randy Brown, the letter that they brought forward where they dealt on behalf of the Manitoba Industrial Power Users Group in Manitoba, basically the top eight users of power in Manitoba that use 22 percent of the power generated in Manitoba. I just want to outline their concern here again under a bill

like this, because it is so pertinent as to where will you get the money for this kind of a slush fund, for want of a better word, a better term on this fund.

Mr. Speaker, I would say that the government—I just want to back up for a minute. Let me be very clear that those top eight users in Manitoba received a letter from Manitoba Hydro that indicates that, if they were going to make an expansion, any of these eight companies, whether it is the mine in Thompson, the mine in Flin Flon, Nexen in Brandon, whether it is ERCO Worldwide out in Hargrave, west of Virden where I represent, whether it is Simplot, one of the largest power users in Manitoba as well, and certainly a large natural gas user in Manitoba, producing fertilizer in this province, and that fertilizer goes everywhere—certainly the taxes on any that come into it get levied back to the farmers, to the consumers of that product, and you know there again this government stings the farm community for the increased taxation through an indirect mechanism. They do not seem to understand that there is only so much ability to pay out there when the farm support programs that they support do not meet the farm support needs of the farmers today.

So, Mr. Speaker, I want to go back to the letter that indicated that all of these power users would end up having to pay an up-front fee to the Manitoba Hydro, basically based on what that power rate could get in export markets, if they want to make an expansion or an addition to an existing business that they have in this province. Well, that is why we, as an opposition, the Conservative Party of Manitoba, in the last election ran on the fact that we need to maintain Manitoba Hydro rates at the cost-based rate so that we can attract new businesses to Manitoba, so that we can bring in more people to Manitoba. The government has to understand that the more businesses and the more people you bring in, the lower everybody's taxes can be in the future, because everybody pays a little bit less, but there are more people paying.

Mr. Speaker, this government does not understand that. They think they can ding or hurt big business in Manitoba. They think that it will not have any impact in driving people out, or keeping new businesses from coming. They will come; just tax them; they will come. Well, we have heard today in Question Period that Manitoba is now, even by admission of its own Saskatchewan colleagues to the NDP colleagues in Saskatchewan, that the corporate tax rate, albeit it has come down a couple of points, albeit that the province of Saskatchewan, its own

NDP counterparts, have listed Manitoba as the worst for corporate taxes in Canada. We pay the highest rate of anywhere in Canada and that is unfortunate.

In that brief that was brought forward by the member from Lac du Bonnet today, that question in Question Period, it points out very clearly that we are 20 percent above the median when it comes to corporate tax rate in Canada. If it was 1 or 2 percent that we were over, that would be something, but we are 20 percent over. That is a shame, because it will not attract new business on a sustainable level to Manitoba at the rate that we need to bring down the tax rates of Manitoba.

Mr. Speaker in the Chair

Mr. Speaker, there are a number of departments that are already, I guess, if you could say, not spending the balance of the money that they are already budgeted for, but I want to finish off this issue of the user fee that these—basically, the up-front fee that these Manitoba Industrial Power Users Group are being forced to pay if they want to expand. By the way, most of them indicated to me they have put on hold or are not going to proceed with any expansion plans in the province, but I daresay the government has already received letters from these people. I would refer to the North, where the members talk quite openly about the fact that, you know, they are the only ones that know where the North is. Well, why would they, then, get a letter from their own mining companies and indicate that they are making expansions—and they are because they are doing well enough to be able to put their business plans forward so that they can plan for their future in those areas—why, then, would the government knowing that there is going to be an expansion in those areas, turn around and say, "You are going to have to pay us an up-front fee to do business here in Manitoba."? Is it because they just think that, as well, those companies have a plethora of money, a Brink's truck walking around behind them that they can just afford to reach into and pull out and put money on the table once in a while?

Well, Mr. Speaker, I would submit that the increase in this stabilization and affordable energy fund is not going to come necessarily from the users of electrical power across Manitoba, but it is going to come directly out of the Industrial Power Users Group in Manitoba and be offloaded onto everybody else that uses any of those products that are made by those groups in Manitoba, by those top eight users of

power in this province, that that is where they are going to get it, the funds, and this is no small amount of money that they are asking these larger industries to put up. It is in the tens, if not hundreds, of millions of dollars that they would have to put forward depending on the scale of the project that they wanted to come forward with.

Mr. Speaker, I just want to make the point, as well, that if it is a small company, and I would say like ERCO the one that was beside me there, Worldwide, they employ 20 people in Hargrave, 20 people in my constituency in western Manitoba. They could easily double, maybe go two and a half times the size of that plant. Maybe we would end up with 40 or 50 people working out there, and these are relatively well-paid jobs and very highly trained individuals who work in that plant to keep it going on a 24-hour, 7-day-a-week basis.

So, Mr. Speaker, I would say that if the government is going to tax these companies by making them put up a user fee up-front that could end up being used for this Winter Heating Cost Control Act, for the second part of it is the slush fund that this government wants to set up for that area, then I would suggest that they rethink that and leave the funds with the companies and allow them to invest those millions of dollars, tens of millions, if not hundreds of millions, of dollars, into their own companies so that they can continue to put forth product that they are processing or mining on a regular basis. If those companies are allowed to use their own capital to expand their operations, Manitoba will be better off. Manitobans will be better off as well, because more Manitobans will be working.

We go to great lengths most times when something is announced new, Mr. Speaker, a new project for Manitoba, and the government always comes out with these ideas that they have to put up millions of dollars to put training programs in place. Well, here we are with a situation where companies could be allowed to do the training on their own with their own dollars and get an expense for it, as well, and contribute to the Manitoba economy even more than they already are.

* (15:20)

Mr. Speaker, the bottom line is these companies should be allowed to invest in capital in their own

operations, so that they can use power on a much more variable rate than they have, to keep the generation of their industry going at the present time. Take out the peaks and valleys. Let them work more at night when the lights are shut off in Manitoba in the winter time, Mr. Speaker. Let them produce more, so that they can take less of a draw of energy off of the electrical power in Manitoba in the morning, when everybody is waking up. As they said to me, when the toasters and the lights all come on in the morning let them cut back. They will do that voluntarily. They can manage their own surges, but they need more capital investment in their own operations to do that.

So what does this government do, Mr. Speaker? Instead of allowing them to use their own money that way, to invest in Manitoba anyway, they go and tax them and put it into a fund so that they think they can use it to, you know, attract more people to Manitoba because our gas rates are going to be a little lower, at the same time when all of the people that are paying for it, the electrical users of this province, are being forced to pay higher rates than they otherwise would be.

I do not know, Mr. Speaker, it just seems like NDP logic to me that this kind of flawed legislation must really mean that this government has not got much of a legislative agenda for this particular session. It bothers me that the purpose of this bill is that actually the government will disallow Hydro from going for a rate increase in February.

The prices will be cushioned over the next two years and the warning will be given that prices will increase after the bill dies so users should seek alternate measures. You know, Mr. Speaker, I applaud anyone who wants to insulate their home or try to improve the power source that they have for heat in Manitoba. That is just an ongoing issue that each of us tries to do with our households.

But to do it in this manner, it is very confusing in regard to sending the signals to Manitobans because, when it is over, as I have said earlier, when this two-year projection is up that this bill covers, it will be just like the government did when they brought in the bill that allowed them to take 75 percent of the profits of Manitoba Hydro over three particular years in a row. It is the same kind of an impact. Only now they took the whole \$205 million

in two years because of course there were not any profits in Manitoba Hydro in that third year.

We had a drought, Mr. Speaker, there is no doubt about that. This year we have had excessive moisture and, of course, there has been an extreme amount of water flowing and we have generated good profits in Manitoba Hydro this year. There is no doubt about that. But that is the time when, any business that I have ever been involved in, you use the opportunity when you have receive those kinds of benefits to reduce your debt load, to bring down the total cost and, as I said in my opening comments, to be able to get the debt-equity ratio back in line somewhat.

Now, Mr. Speaker, it is fine to go ahead and borrow more money as well, to have more debt in place, provided you have got the contracts in place to generate the revenue to be able to finance those mechanisms. I would submit that, unlike all other provinces in Canada that are presently trying to reduce the debt they have and reduce the debt of any of their Crown corporations, this government, this NDP government, and the member from Elmwood well knows that this government is not responsible in regard to managing its affairs. He has indicated that in the House many times. I think it is unfortunate that this government is trying to unload this kind of a slush fund and revenue exchange on the backs of the electrical power users of Manitoba.

Mr. Speaker, what I am talking about is what happened in Saskatchewan when they tried a move like this a few years ago and they took the rate shock at that time. They looked at a rate increase, after keeping the rates artificially low, of 42 percent. That is a very unacceptable rise in any kind of a fee for a householder that is going along on a monthly cheque and trying to budget for their future needs.

Believe me, we need energy in our homes in the winter, Mr. Speaker, in this province. I think that this government is being very, very short-sighted in regard to the kinds of bills that it has brought forward. This is certainly one of them.

Mr. Speaker, if I could close there with only the few comments, that I would say that this government needs to be much more cautious in regard—

Mr. Speaker: Order. Any other speakers?

Seeing none, when this matter is before the House again it will remain standing in the name of the honourable Member for Russell (Mr. Derkach).

REPORT STAGE AMENDMENTS

Bill 7—The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended)

Mr. Speaker: There are three amendments in the name of the honourable Member for River Heights (Mr. Gerrard).

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux),

THAT Bill 7 be amended in Clause 3(2) by striking out "or has planned" in the proposed clause 15(1.1)(a) of The Architects Act.

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster,

THAT Bill 7 be amended in Clause 3(2) by striking out "or has planned" in the proposed clause 15(1.1)(a) of The Architects Act.

Mr. Gerrard: Mr. Speaker, the architects and engineers act has clearly been one of—

Mr. Speaker: I forgot to mention that the amendment is in order.

Mr. Gerrard: Mr. Speaker, the architects and engineers act has been one of the most contentious pieces of legislation brought forward by the present NDP government. There were more than 180 oral presentations and 17 written presentations to this legislation. In the more than six years that I have been in the Manitoba Legislature, this has been more presenters than at any other bill. Clearly, there are significant concerns with this bill.

My colleague, the MLA for Inkster, and I shared the duties as Liberal MLAs in being present at the committee hearings. We listened carefully to what was said and we are now coming forward with three report stage amendments and this is the first one.

It became abundantly clear during the presentations and in my discussions with both engineers and architects and others subsequently that there are areas of the legislation being proposed by the government which are not clear. Perhaps the government's intention was to be obscure, but, Mr. Speaker, it is far better to have legislation which is clear in its intent and even if the legislation is not clear, it is important that the government very clearly sets out its intent to provide clarity in its goals in putting forward this legislation.

In my discussions with various individuals around this bill it is also apparent that there are distinct advantages to having certain issues in legislation rather than in regulation. From a legal perspective, it makes better and fairer law if things are spelled out clearly in legislation as to the government's intent. Indeed, as those of us who attended the committee meetings heard clearly, many of the architects see that the scope of practice for architects should be in The Architects Act. Indeed, I am led to believe that in every other jurisdiction in North America the scope of practice for architects is laid out clearly in the architects' act. So the NDP, in the way that this legislation is put together which puts much of this in the Building Code, is indeed embarking on some new territory.

In making the amendments that we are proposing, we have two goals. Our first goal is to put forward amendments which will highlight areas of controversy, of lack of clarity, areas where there is debate about the interpretation of the present legislation as put forward by the NDP government. We are going to highlight these areas of concern, and we would ask the Minister of Labour (Ms. Allan) to speak to these issues in order to clarify the government's intention with respect to these matters.

* (15:30)

To date, in some areas, the government has been less than clear on its own interpretation of its own bill. It is vital, we believe, that the government clarify for all what its intent is, what it expects to happen. That certain of these areas of lack of clarity, I will bring forward and illustrate some of the aspects of the controversy.

The second goal represents our attempt to listen to many, many architects and architectural students who came forward to indicate their desire that the scope of practice of architects be included in The Architects Act as, I understand, it is included in all other jurisdictions in North America.

We have listened to the presenters who presented a point of view as to the balance needed among architects, engineers, interior designers and others involved in the design, construction and alteration of buildings in Manitoba. In putting forward a scope of practice for architects in The Architects Act, we have tried to do our best to reach a similar sort of balance as we perceive to be the government's intent in terms of making sure that there is a balance in this area.

We have, in this context, for example, a letter from David Ennis of APEGM that his expectation is that architects will be required on more projects than before September 16, 2005, not fewer, and that young architects will have increased Manitoba employment opportunities. We would like the government to be clear on this. Is this the intent or is this not the intent?

The balance that we provide may not be perfect. It is difficult to get this exactly right. But I hope we put forward an option that the government will have a look at and be able to discuss and to consider in moving forward as we move this bill forward through the legislative process.

Now, the first amendment deletes the phrase "or has planned," so that section 15(1.1)(a) would read "engaging in that practice in relation to the erection, enlargement or alteration of a building where a person or firm entitled to practise as an architect plans the erection, enlargement or alteration of the building."

Now, we are looking here for clarity in terms of why the government put in the phrase "or has planned." We heard concerns, whether real or not, that the phrase could have been put in there to allow designs to be downloaded from the Internet, designs from other jurisdictions without a stamp of approval from a Manitoba architect, and that this could mean that certain buildings would not have to need architectural designs, as we now understand them, because people would just download the diagrams from the building without having the usual stamp, et cetera.

What we are asking for is the minister to indicate to us why you put this "or has planned" in this phrase, in this clause, in the act, and tell us at the same time what the reason is. If there is not a legitimate reason, if there is not a real reason for putting it there, we suggest that you accept our amendment and take it out. We are dealing, really, with a situation where architects plan the erection, enlargement or alteration of a building. We do not understand the need for the specific phrase "or has planned."

This is an example of where there is a potential for confusion and misunderstanding and we would ask, at this point, just for some clarity. If the minister sees that there is not a need for it, then we presume the minister would accept this amendment. If she thinks that this is a vital clause, then we would ask her to explain clearly why this should be there.

That is the reason for our amendment is that we do not see that this is vital and that we see that it could be confusing and create some uncertainty. Thank you.

Hon. Nancy Allan (Minister of Labour and Immigration): It would appear, Mr. Speaker, that the only people in this Legislature that are confused would be the Liberals who have brought forward these amendments.

An Honourable Member: It would not be the first time.

Ms. Allan: As my colleague the Minister of Water Stewardship (Mr. Ashton) has just said, it would not be the first time.

I would like to explain further to the Leader of the Liberal Party exactly why we put the words "or has planned," in the clause, Mr. Speaker, so that, hopefully, there will not be any more confusion on this issue.

This clause of the bill, clause 15(1.1)(a) "Work by a professional engineer," allows professional engineers to practise their profession on those buildings that require an architect. Now, examples of where a professional engineer would be required would be the structural engineering, the heating ventilation or perhaps the air conditioning; the systems of the building, Mr. Speaker. The clause says that professional engineers can practise their profession where an architect plans or has planned the building.

A construction project is a very dynamic undertaking. The work of an engineer and an architect may occur at the same time. However, the work of an engineer may also occur after the architect's plans have been completed. Removing the phrase "or has planned" from this clause creates ambiguity as to whether a professional engineer is entitled to practise engineering once the architect's work has been completed.

The Leader of the Liberal Party, when he was speaking, he was saying that what he wanted this legislation to do was provide clarity and that is what this clause does, Mr. Speaker. It provides clarity. His amendment provides ambiguity, and that is why we will not be supporting his amendment on this side of the House. Thank you.

Mr. Kevin Lamoureux (Inkster): First, let me start off by acknowledging the large number of people that attended and waited through the late hours of the

evening to hear numerous presenters make all excellent, superb presentations. Having said that, Mr. Speaker, I think that there is a responsibility for us to give a response based on information that was provided to us and concerns that were provided to us.

As the Leader of the Liberal Party has pointed out, we were wanting to see clarity from the minister on some specific clauses, and I appreciate the fact that she has provided probably more clarity on that clause now than she has previously. Yet one of the other concerns that was raised by the Leader of the Liberal Party was the issue of designs that could be downloaded from the Internet and to what degree that could have impact, either favourably or negatively. I am not sure, all I know is that this was a legitimate concern that has been expressed.

Mr. Speaker, I think that the Minister of Labour (Ms. Allan) has to be very careful when she talks about confusion, because when she talks about confusion, the remarks and the comments that are put on the record are not necessarily from just members of the Liberal Party. These are concerns that have been expressed, right, so I think it is important that we be very careful and not insult others who might have participated in making this decision.

* (15:40)

Having said that, another comment that was made in reference was concern in regard to what impact this legislation will have on the overall number of projects for architects. Does the minister feel that there would be an overall increase, based on September 16, or is there going to be a decrease? *[interjection]* Okay.

But, as I say, these are some of the issues that were very clearly expressed, as the Leader of the Liberal Party, in addressing the amendment. The Minister of Labour, as we hear the other two amendments, I think, should at the very least listen and maybe respond to the concerns that have been expressed through us into these amendments and then provide clarification on all the points. *[interjection]* I appreciate that. I appreciate the fact that she will provide more. The example I give is the Internet.

So, having said that, Mr. Speaker, I am quite content to leave it at that. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the proposed amendment to Bill 7.

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

An Honourable Member: Agreed.

An Honourable Member: No.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Speaker: We will now move on to the next amendment.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux)

THAT Bill 7 be amended in clause 10 by replacing the proposed subsection 25(1) of The Architects Act with the following:

Work that may be done by non-members

25(1) Subject to subsection (2) and any regulations, nothing in this act prohibits a person or firm from preparing or altering plans, drawings or specifications in connection with:

(a) the erection, construction, enlargement or alteration of a building,

i) that does not exceed three storeys in height

A. does not exceed 600 square metres in building area if it is a one-storey building

B. does not exceed 300 square metres in building area if it is a two-storey building or

C. does not exceed 200 square metres in building area if it is a three-storey building; and

ii) that is used or intended to be used for residential, business or personal services or mercantile occupancy or medium or low-hazard occupancy as those expressions are described in the Manitoba Building Code established and adopted under The Buildings and Mobile Homes Act;

(b) the erection, construction, enlargement or alteration of any building outside a city or town used or to be used for a private dwelling or for farm purposes or for out-buildings or auxiliary buildings in connection therewith;

(c) the erection, construction, enlargement or alteration of any grain elevator or grain warehouse;

(d) the erection, construction, enlargement or alteration of any arena with an occupant load of less than 1000 as described in the Manitoba Building Code;

(e) the erection, construction, enlargement or alteration of any industrial building as described in the Manitoba Building Code;

(f) the alteration of a building, provided that the alteration:

i) is under the direction of a Professional Engineer registered under The Engineering and Geoscientific Professions Act,

ii) only affects or is likely to only affect the integrity of

A. life safety systems

B. the structural system or

C. the heating, ventilation or air conditioning systems;

(g) the alteration of the interior of a building, provided that the alteration does not affect:

i) fire compartments or separations,

ii) exiting routes,

iii) changes in occupancy,

- iv) useable floor space; or
- (h) any other work prescribed in a regulation made under subsection 1.1.

Regulation by Joint Board

25(1.1) The joint board may make a recommendation to amend subsection (1) if all the members of the joint board are in favour of making the regulation and the regulation is only made for the purpose of:

- (a) enlarging, limiting or varying any of the matters set out in clauses 1(a) to (g); or
- (b) prescribing other work for the purpose of clause 1(h)

Mr. Speaker: It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux),

THAT Bill 7 be amended in Clause 10 by replacing the proposed subsection 25(1) of The Architects—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Gerrard: Mr. Speaker, this amendment is fairly long, because, in fact, it addresses a whole series of areas of uncertainty, and it attempts to look at what would be an approach to putting back the scope of practice for architects back in The Architects Act, which was what, indeed, many architects had asked for.

It highlights in this amendment, as we have put it forward, some of the areas where there was lack of clarity. We heard, during the days of committee hearings and the roughly 200 oral and written presentations, concern about the clarity around the 600 metres squared building area as described in the process, not in the act, but in the Building Code table. In certain other jurisdictions, the term refers to gross areas. The minister apparently wants to use the words "building area" and be consistent as that is also in the Building Code.

The concern that was raised was that you might be able to put fire walls between two buildings of 600 metres squared building area and get a building that had 1200 metres squared building area. Because that is three floors that would be not 1800 metres squared but, in fact, a building of 3600 metres squared. If you kept on putting fire walls or links,

you could get a huge building complex that could be built under this legislation.

What we are looking for again is clarity. What I can say is this: What we heard at the presentations from the architects was their concern that this would be used for the potential for people who are not architects to proceed with this designing huge complexes of buildings. I talked to the engineers and the engineers said, "It is unlikely, for cost and other reasons, that engineers would put fire walls in between two buildings of 600 metres squared." I went then to the architects and I said, "What you are saying is that this would not make a lot of sense because it is not economic." The architect said, "The interesting thing is that as a building gets larger, you have requirements for sprinklers, you have requirements for steel and concrete instead of wood, et cetera."

So, in fact, the economics are potentially there that you could have big complexes. What I am looking for, from the minister, is a clear statement of the intent of the minister. What I have heard from the engineers is that their expectation is that this would be buildings of building area 600 metres squared and that this would not be used to build big complexes. I think it is important that we get a very clear statement of intent and a minimum from this government as to what their goal is.

* (15:50)

The second area of controversy clearly was with regard to arenas and arena design. The concern was raised that could you in fact design an arena the size of the MTS Centre without needing an architect because you do not, at the initial phase, have more than 1000 fixed seats. Well, clearly, there is the potential for loopholes and uncertainty. Let us, at least, get clarity of the minister's intention. We suggest this as a way to put clarity into the act, but that is something the minister can decide or not decide to accept. We have chosen, in the 600-metre-squared area, a solution which was largely taken from practice in Alberta because sometimes the minister has taken examples from, which are new without using the benefit of examples in other jurisdictions.

The third area we are looking for clarification on, and we put it in here, deals with the alteration of a building. We heard concerns that, in fact, you would not need architects necessarily for the new

Millennium Library. Well, that is a huge alteration to an existing building, and clearly, what, in fact, is the intent without necessarily going to the situation of a Millennium Library-type project? What is the intent here of dealing with alterations? We have put some measures here which would deal with the balance between engineers and architects and the role of interior designers and so on in the exemptions here. What we believe is that there is an opportunity for the minister to provide clarification and comment.

We have also put in here a mechanism for some flexibility or change. That mechanism would be that the joint board could make regulation where there is unanimity of the members, that those regulations would then go into the Building Code, and their third amendment will, in fact, deal with that issue allowing those regulations to vary these exemptions to enlarge, limit or vary the matters set out in clauses (1)(a) to (g) or prescribe other work for the clause of (1)(h). This would allow for matters to be brought forward without necessarily having to have the minister being an arbiter where there are reasonable and agreed to changes which make sense in clarifying these issues.

Our amendment here provides an opportunity for clarification and it provides a mechanism, if the minister so chooses to clarify these issues. It provides a mechanism, if the minister so chooses, to put a scope of practice for architects back in The Architects Act. We are offering this initiative after some careful consultation with a number of people who have indicated these concerns about lack of clarity because we think it is important that we have this legislation coming through as clear as it possibly can be and that is important to what is the impact.

The fact is that whether more architects or less are required on projects than prior to September 16, 2005, will depend in part on the interpretation and how this act actually works. Whether young architects have increased Manitoba employment opportunities will depend in part on what the interpretation is relative to some of these matters. These are issues which we bring forward so that they can be debated, discussed and clarified here in this Legislature. Thank you.

Ms. Allan: Mr. Speaker, there are not that many days in this House that I am borderline speechless, but I have to say that I sat through 28 hours of committee hearings and so did my colleague, the Labour critic. We sat through 28 hours of committee

hearings and I have to tell you that I certainly do not need any lectures from members opposite on listening.

I have to say, Mr. Speaker, it is unfortunate that at the end of the 28 hours of committee hearings, I made a very clear statement of intent on this legislation. I walked through every one of the issues that the Leader of the Liberal Party is talking about right now: gross area, arenas, firewalls and alterations.

We will get a copy of that speech for the Leader of the Liberal Party so that it can provide clarity for him, Mr. Speaker, because I believe that our bill does provide clarity. I think that he might be a little bit behind here, in regard to what our legislation is saying, so we want to help him out.

In regard to the amendment, the second amendment that the Liberals have brought forward, there has been a long-standing dispute between architects and engineers as to the respective scopes of practice. For the last 15 years, the associations representing architects and engineers have been attempting to resolve this dispute but have been unsuccessful.

In the weeks leading up to the introduction of this legislation, my department officials worked very hard with the representatives of the architects and engineers, as well as the authorities having jurisdiction; the City of Winnipeg, the Association of Manitoba Municipalities, interior designers, contractors and other key stakeholders to arrive at mutually acceptable language that would address the scope of practice dispute.

It was apparent, Mr. Speaker, that there was a need for a flexible legislative instrument to determine which work may be done by engineers, interior designers or non-design professionals. With that in mind, we chose the Manitoba Building Code to specify which work could be done by non-architects. The Manitoba Building Code is a regulation under The Buildings and Mobile Homes Act. As a regulation, it provides the flexibility that is needed. The Building Code is also the instrument that municipal and provincial governments use to regulate building construction.

The Liberal amendment appears to ignore the fact that detailed discussions were undertaken with architects, engineers, interior designers, the City of Winnipeg, the Association of Manitoba Municipalities, the construction industry and other

stakeholders. The amendment increases the number and types of buildings requiring an architect and cements those provisions into legislation, The Architects Act. The Liberal members appear to be prepared to ignore the issues and the concerns for many of other stakeholders with an interest in the outcome of this dispute, Mr. Speaker. The amendment also shifts the authority for making future regulation changes about when architects are required on certain buildings away from government, where it belongs, to a non-elected body, the Engineering, Geosciences and Architecture Inter-Association Relations Joint Board.

We need more discussions on some of the areas of concern that were raised by architects and engineers. We now have a flexible mechanism to continue those discussions and continue that dialogue, Mr. Speaker, but it will be the elected officials who will make the regulation. That is who will make the regulation. I know it probably comes as a great deal of surprise to you, but we will not be supporting this amendment.

Mr. Lamoureux: Mr. Speaker, once again, I would like to say I enjoyed the lecture from the Minister of Labour (Ms. Allan), but, you know, it is interesting, she says that she put all these things on the record. I think that what is important to recognize, much like, she put in a great deal of time as the minister responsible for the bill in committee, as she should.

I would suggest to you that the Liberal Party also put in a considerable amount of time, and listened, Mr. Speaker. I would suggest to you that the Leader of the Liberal Party put in more time than the leader of her political party in committee. So, if you want to get into the discussion about who cares more type-of-thing, I would suggest to you that maybe you might end up losing that particular argument.

* (16:00)

If, in fact, the government would have done what it should have done, it should have come back in, in September, to deal with this issue as opposed to holding it off. Then you get it into committee, and before Hansard is even printed, we have to put in the amendments. There is a question of process and concern.

So do not try to come across on some high horse, Mr. Speaker, that we are the ones; we are the saving grace for the engineers and the architects. The bottom line is it is because of this government's incompetence that we have had to deal with this bill

in the first place. That is the reality of it. Had the government shown leadership in the issue and sat down with the architects and the engineers, this would not be here today, or we would have a bill that would have unanimous support. Do not be critical of the opposition because the opposition chose to listen to the presenters and raised the concerns.

There is absolutely nothing wrong with raising the concerns and trying to draw more information out of the minister responsible for the legislation. Do not be critical of what little respect you have of the Chamber, when we decide to use the rules to try to get more information from the minister who brought in the legislation. There was a great deal of concern in regard to issues like the fire walls, the scopes of practice.

Did the minister comment in terms of other provincial jurisdictions? I heard the Leader of the Liberal Party indicate, "Look, are we the only jurisdiction in North America that does not have the scope in legislation?" The minister did not even touch that. At least, I do not believe she touched that, Mr. Speaker. I must admit, I do not listen to every fine word or every word the Minister of Labour says. Sometimes, she can be a little long-winded. At times, maybe, I am even a little long-winded, at times.

But the bottom line, Mr. Speaker, is, once again, she has provided the opportunity to answer some specific areas which have been addressed. We are doing what we can to make sure that they are adequately addressed. If the minister has to repeat herself on occasion, she should not take great offence to it. I can assure you that there are members of this Chamber that have to repeat themselves many, many times. In fact, I would suggest to you that this is an amendment that the minister should have addressed in even more detail. Whether it was the engineers or the architects, the fire wall issue was something that both sides had raised.

To get clarification, I sat in committee when she was posed the question, and here you saw this design or this paper that was brought forward, and it had one fire wall after another fire wall after another fire wall. It looked like a maze of sorts. Her response was "Well, technically, yes, that could be done" or something of that nature. I do not want to put words in her mouth, Mr. Speaker. But the minister is quite capable and, hopefully, maybe in the next response to an amendment she might choose to be a little bit more. The more specific she is, I think, the better it is. That is, as the leader had indicated, part of the

process of bringing forward these amendments: it is to try to get the minister to be even more specific, more concise on the concerns that are being specifically raised today.

Much like in the closing of the committee room, I had indicated to the minister that I would like to get some input specifically in regard to the interior designers and the impact of the decision and its legislation on interior designers. I trust, I hope that, in fact, she is going to be addressing that in third reading because that is what I suggested that she do because, again, even in the committee stage, the Manitoba Liberal Party has consistently sought to get information from this minister on some of the specifics of the concerns that are being raised by architects and engineers. That is what, in part, Mr. Speaker, this is about. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights (Mr. Gerrard).

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

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

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 7 be amended in clause 17(2) by striking out "as subsection 15(2)," and by adding the following after the proposed subsection The Buildings and Mobile Homes Act:

Building Code regulations subject to Architects Act

15(3) A regulation made under clause 1(c) is subject to subsection 25(1) of The Architects Act and any regulations made under subsection 25(1.1) of that act.

Now, Mr. Speaker, the intent of this—

Mr. Speaker: Order. It has been moved by the honourable Member for River Heights, seconded by the honourable Member for Inkster (Mr. Lamoureux),

THAT Bill 7 be amended in clause 17(2) by striking out—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Gerrard: Mr. Speaker, I will address this amendment. The goal of this amendment was to match the passage or the items which were included in the second amendment. This amendment will not, at this point, be necessary, but I want to use some time to speak to this amendment. I had asked the minister to tell us specifically her intents with regard to the construction of firewalls, the 600-metre squared building area, the issues around arenas, the issues around alterations, and unfortunately, the minister chose to completely ignore any of those specific issues.

She referred to a speech which is in Hansard, but in fact, it is not yet in Hansard. It is not, in fact, on-line, whether that is because we are rushing this legislation through. You know, the Hansard people are working overtime, so I am sure it has nothing to do with the situation in terms of the Hansard staff, but it has only something to do with the fact that the minister is wanting to push this through before this material is, in fact, available either on-line or in print in Hansard.

Although my colleague was there for when this was presented in committee, we were taking turns, it is very important to have this material in writing so it can be discussed and debated properly here when we have these issues in report stage. The fact that this material which the minister says is available in Hansard, but is not available in Hansard, because this material is not yet on-line, this is an issue and is a problem and is a reason why the minister should not be critical or on a high horse or what have you.

The minister could deal clearly with the issue of the 600-metre squared. She could deal clearly with the issue of the arena. She could deal clearly with the issue around the alterations. The fact of the matter is that we put in here some suggestions which were designed after what is in the Architects Act in Alberta, and yet the minister clearly, as I talked about earlier on today, she and her government are interested in subsidizing Albertans and creating a situation where there may be more people moving to Alberta. She is not interested in using the Alberta model in Manitoba legislation.

We would appreciate if the minister would actually address the issues we have raised rather than going on a rant and a rave about this and that. One of the things that we raised was an expectation from APEGM, from David Ennis, that architects will be required on more projects than prior to September 16, 2005, not fewer. Is this the minister's expectation? If it is, will the minister, in fact, be monitoring this to find out whether there are more or fewer architects being needed? Will the minister, in fact, be looking at the situation whether we have an exodus of young architects and whether, in fact, her government is causing problems?

There is a concern which has been raised by me, by people in the School of Architecture, that with this legislation, the recruitment of students to their school will be impacted negatively, because of what people will look at in terms of Bill 7 doing for the jurisdiction of Manitoba. Is the minister going to just get on a high horse and rant and rave, or is she going to actually address these issues here in the Chamber where they should be addressed?

* (16:10)

Will the minister tell us how she is going to monitor the situation, how she is going to observe whether there are more or less jobs for architects, how she is going to measure and monitor the situation with young architects? Clearly, what is the minister's expectation?

The minister has an opportunity to talk specifically about what her expectation is with regard to the use of fire walls, what she will do if, all of a sudden, a lot of buildings are designed with fire walls in spite of her expectation, what she will do if there are a lot of arenas being designed which are using some modification of the number of fixed seats? What will the minister do if the alteration's vagueness in the clause is being used as a loophole?

Has she got any plans or is she just going to speak here as she did in committee? Tell us what her intentions are. Tell us what her plans are. I think that these are important matters which deserve to be addressed here in this Chamber, rather than referring to something which is in Hansard, but is, in fact, not available either on-line or in paper. She says that she will make this available to us. But she has not made it available to us, and we have now moved past that last amendment, and we are onto a new amendment.

So the minister seems to be promising things which she is not delivering, and we will give the minister an opportunity to talk and see if she will address the issue plainly and straightforwardly, rather than making promises on which she is not delivery.

Ms. Allan: I just wanted to remind the members opposite that officials from my department phoned their office shortly after we had done a briefing with the MLA for Springfield, and we thought, you know, this is a very complex piece of legislation and I think, probably, we should offer a briefing to the Liberals. So we phoned the Leader of the Liberal Party and we made that offer.

In the first day of the hearings, and there were three full days of hearings, we made an offer, once again, when the Leader of the Liberal Party continued to ask questions of presenters in regard to some of the specific issues in the legislation. I made the offer again that I thought it would be a real good idea if they came to my office and took advantage of a briefing. You know, Mr. Speaker, I have never seen either member of the Liberal Party in my office to have a briefing on this very complex issue.

Then, Mr. Speaker, day three, day three of three very long days, 28 hours of committee hearings, day three, about halfway through the day, the MLA for Inkster comes up to me and goes, I am not kidding you, "Have you got a side-by-side on this bill?" I said, "Yes, absolutely, of course, we do. I will get that to you as soon as possible." He goes, "Oh, it is no problem, it is no problem. I can just have it any time after Question Period. Later on this afternoon would be fine." Then he comes up to an official in my office later that afternoon, after the side-by-side had been delivered to his office for many hours and goes, "You know that side-by-side, have you got that side-by-side yet?" We said, "Well, we delivered it to your office hours ago. Have you not seen it yet?"

So, yes, I guess, when you snooze you lose. I mean, you know, Mr. Speaker, I really, honestly believe in committee we made every attempt to provide information on this legislation. I made every attempt to provide clarity on this legislation. I have a speech that I said I would provide to the members opposite in regard to some of the concerns that they have raised, in regard to scope of practice, on gross area, arenas and fire walls and alterations.

I have made it very clear that these issues will be dealt with in dialogue with the two professional associations, Mr. Speaker. We will continue to work with all of the stakeholders, unlike what members opposite have done. I am not sure whom they have worked with, but they certainly have not had any discussion or any dialogue with the authorities having jurisdiction, who are a critical component, a critical stakeholder, in regard to the legislation that you have before you.

So, in regard to amendment (3), that the Leader of the Liberal Party has brought forward, it adds a provision making the Building Code regulation subject to The Architects Act. The effect of this amendment is to shift the authority for making future regulation changes about when architects are required on certain buildings away from government where it belongs, to the non-elected body, The Engineering Geosciences and Architecture Inter-Association Relations Joint Board.

It is the authority of Cabinet to make regulations on behalf of the public interest, Mr. Speaker. This is the job that government is elected to do. You talk about what goes on in other jurisdictions. I know of no other jurisdiction in Canada that would give away regulation-making authority in their purview.

Mr. Speaker, we will not be supporting this amendment.

Mr. Lamoureux: Mr. Speaker, wanting to at least attempt to rise to the challenge that the Minister of Labour (Ms. Allan) puts on the record, in terms of research, and, maybe, implying that we are not as prepared as we could or should be.

Again, the minister amazes me with the way in which she tries to portray opposition incompetence, when, in reality, the incompetence is not with the opposition. The incompetence is with the ministry. This minister has failed, and failed miserably, in being able to address this issue. I made reference to that earlier, Mr. Speaker.

You know, there are engineers that came and talked to us the moment that the court decision was made, Mr. Speaker. Ever since that court decision was made, there were aggressive discussions that were taking place. You know, I would suggest to you that if I was to indicate, and I hope I am not breaking any confidence by saying this, it was one of her former colleagues, MaryAnn Mihychuk. I am sure she recalls who that individual is who was very much concerned in terms of what the government was doing and the lack of action the government was taking, and so forth. Do not try to come across as if you have been on top of this issue, Madam Minister. The minister should not be attempting to do that, because nothing could be further from the truth. She tries to make a mockery of, "Well, oh, the member from Inkster came to me two days into the committee hearings"—

An Honourable Member: Three days.

Mr. Lamoureux: Oh, three days. I stand corrected, Mr. Speaker. Why? Because I wanted to be able to get a spreadsheet or a side-by-side or something of this nature. What is wrong with wanting to pull more information? How can you be critical of a member of the opposition for trying to get more information on legislation?

Mr. Speaker, we have it. I have it right in front of me. That is one of the things that we have requested. On occasion, I have requested it from other ministers, but most importantly, I listened, as the Leader of the Manitoba Liberal Party does, to the presenters.

I sat through hours and hours of those committee meetings, as my leader did, and I wonder whether or not the minister was actually listening herself, because the moment after the hours and 170-plus people made presentation, what was the minister doing? Twiddling the thumbs, waiting for her opportunity. So that everyone was done, "Fine, let us go; let us pass it," and, boy, they passed quickly. To what degree did she really listen to what the presenters had to say, Mr. Speaker? I believe the opposition was far more sympathetic in listening to what presenters were saying, and actually listening, than this Minister of Labour was.

* (16:20)

Mr. Speaker, we did research, whether it was in Alberta or other areas. Do not try to blame your inadequacies and inability to be able to resolve an

issue in a way in which you could get unanimous support from stakeholders on the opposition. You do not need to be going in that direction, Madam Minister. I would suggest to you that we are, in fact, taking a very responsible approach at trying to deal with this issue. Yes, we got the information. No, when you sent me the e-mail, no, I did not run to your office and say, "Oh, please, give me your slant on the legislation. No, I need the cross sheets or the side-by-sides today." All this stuff comes in good time. I am not someone that is going to panic because I do not necessarily have it in my hand right now. As long as I felt that we were getting it, as the minister herself points out. I raised the issue with her in committee, and then later on I had asked her if, in fact, that she had and she said it was sent down to my office, and I expressed appreciation for that.

I do not need to be lectured on how it is that I should be researching, Mr. Speaker. I can tell the minister that I believe I put in just as many hours as that minister does in regard to my MLA responsibilities. It is a question of time management. And one minister says, "Well, I do not think so." Well, you know what? I do not have to justify my time to that government or to that minister. I justify it to my constituents and, at the end of the day, I can tell you that the constituents of Inkster spoke in the last provincial election when over 50 percent of the constituents voted for the Liberal Party in the constituency of Inkster. You lost that seat, and that is because you take Manitobans for granted. If you provide the opportunity for people to really communicate with Manitobans, you will find that you will lose out, and you will lose out big time.

You know, this is probably a great opportunity for me to get into the reasons why this government, through The Elections Finances Act, put in limitations to prevent communication. But that is another bill. That is something else that is a little off-topic, and I will remain relevant, Mr. Speaker.

But, when it comes to doing work, Mr. Speaker, or effort, I do not need to be taking any sort of lesson from the Minister of Labour (Ms. Allan). I put in the best effort I can. At least I had the courtesy to go to the minister and ask for the spreadsheets. I appreciate and I still appreciate the minister providing me with the worksheets within that 12- or 14-hour time span of it. I did get the chance to go through it, and it is beneficial to be able to have that. I would encourage ministers, they should not have to be asked to be provided this type of information. It should be,

virtually, standard procedure. If you table legislation, why would you not want to provide the spreadsheets? Why do you need to wait to be asked? If you want to ensure that there is a better response to legislation, then provide the information.

Mr. Speaker, with those few words, I think that I have had opportunity just to express—

Some Honourable Members: Oh, oh.

Mr. Lamoureux: Well, if you really like, I think I have 15, 20 minutes, and I am more than happy to continue the discussion, but I understand we are going to be into actually debate on the bill, and, out of respect for our engineers and our architects, because it is not a question of taking sides. I know the minister will try to give the impression that we are trying to take sides. That is not the issue. The issue is listening as to what our engineers and our architects are saying. These are professions that have a tremendous amount of respect, and we look forward, ultimately, to the bill actually passing.

But, having said that, Mr. Speaker, we have challenged the minister to be able to get on the record, be more specific. I hope in the third reading, when she starts to address the third reading, that I would still like some of those questions answered. You know, again, are there other jurisdictions, are there any other jurisdictions in North America? This is a specific question to the minister. I would appreciate an answer to it in the third reading.

An Honourable Member: I answered it in committee, Saskatchewan.

Mr. Lamoureux: Well, from her seat she says that she answered it in committee. She said the province of Saskatchewan. And, Mr. Speaker, in fairness to the minister, you know what? She might have said that. I would have to check Hansard and see if, in fact, it is printed, which is good. That is progress.

So outside of the province of Saskatchewan, in North America every other architectural profession has the scope of practice in their respective legislation. Is it not fair to ask is the general movement across North America to take scopes of practices out of The Architects Act, Mr. Speaker. Is that what we are going to be seeing? [*interjection*]

Mr. Speaker: Order. The honourable Member for Inkster has the floor.

Mr. Lamoureux: Having said that, maybe the minister will be able to get her comments that she was trying to get on in third reading. I would

welcome those comments. The more specific information she can provide, the better both the engineers and the architects and the interior designers will be. So we look forward to the debate on this bill. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights (Mr. Gerrard).

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

The amendment has been defeated.

SECOND READINGS

Bill 18—The Highway Traffic Amendment Act (Countermeasures Against Impaired Drivers and Other Offenders)

Mr. Speaker: We will now move on to Bill 18, The Highway Traffic Amendment Act (Countermeasures Against Impaired Drivers and Other Offenders).

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I just wanted to do concurrence at this stage now.

Mr. Speaker: Oh, I am sorry.

CONCURRENCE AND THIRD READINGS

Bill 7—The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended)

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that Bill 7, The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended), reported

from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Speaker: Any speakers?

Hon. Jon Gerrard (River Heights): I rise to speak to a third reading to the architects and engineers act. Let me talk, first of all, because the minister has made some comments about Bill 7 in this spreadsheet. I think it is important that the minister recognize that, very often, the spreadsheets, while they may be explanatory, are full of government propaganda and that, from our perspective, it is very important that we look beyond the government propaganda and that we look in other jurisdictions, that we consult with people, engineers, architects, lawyers, interior designers and a variety of other people so that we can best understand the implications of the act. In so doing, we are able to provide better opposition, we are able to provide better alternatives and we are able to provide alternative options that are not constrained by having been polluted by government propaganda.

Mr. Conrad Santos, Deputy Speaker, in the Chair

The reality is that, yes, we have read the government propaganda on this bill. But we have also looked very carefully at circumstances in other jurisdictions and we have noted what jurisdictions like Ontario or Alberta or British Columbia have in their acts. We see this as important if we want to be a province where we are doing well, where we are competing with Alberta and Ontario and British Columbia, rather than competing with Saskatchewan, that we want to make sure that we are using the best possible examples from anywhere.

* (16:30)

The reality is that we would like to be a province which is growing. We would like to be a province where there are lots of opportunities for young people. We would like to be a province where there are increasing opportunities for both architects and for engineers. We would like to be a province which builds on the fact that we have a School of Architecture at the University of Manitoba which has an incredible reputation in Canada and around the world. We should be building on what is here, in terms of a phenomenal School of Architecture.

We should also be building on what is here, which are very substantial achievements in

engineering in this province, the network of centre of excellence, the ISIS network, the innovative sensing and innovative structures, that this is an example which is world-leading and that we should be making sure that we are building on the world-leading expertise in engineering and in architecture in this province, and building a future for young people which is second to none.

The sad fact is, we talked about this earlier on in Question Period today, that all too many doctors, architects and others are talking about leaving, or are leaving, and going to places like Alberta. That is something that we need to change. We need to create a much more dynamic private sector here in Manitoba, a dynamic private sector where there are incredible opportunities for engineers and for architects and for interior designers and for other people who are involved in building buildings and altering buildings, that these things are fundamental, that we should be at the very forefront because of the expertise that is here in architecture and the expertise that is here in engineering.

What is clear to me, Mr. Speaker, is that there has been a significant dispute which goes back quite a number of years. It goes back a number of years to when the Conservatives were here, and the Conservatives decided not to resolve this fully. The NDP sat on this for six years until there was a court injunction, and, finally, they were forced to bring forward legislation to provide a settlement, a resolution to the conflict between architects and engineers in Manitoba.

The fact is that this bill and this resolution were contentious. They were controversial. There were more than 200 oral and written presenters. There were many people who are concerned. There were many people who had looked from one point or another into this legislation, word by word, clause by clause, and the efforts of those people from a variety of perspectives should clearly be respected. The efforts that people put into suggesting options, to suggesting changes to try and improve this should be listened to and considered with respect.

That, Mr. Speaker, is what is important, that we have a level of respect and that we have from this minister a letter, a clear statement of the government's intent with respect to aspects of this bill which repeatedly in committee and outside of committee, subsequent to this bill passing through committee still continue to be raised in terms of areas where there is lack of clarity.

We still do not have a paper copy of what the minister said in Hansard. It has not been put on-line yet. It has not been printed. It has not been provided by the minister, as she said she would when we were debating report stage. Now, we have covered two discussions of two amendments since she said she would provide it. We are now into the debate on third reading, and the minister still has not provided the information she was going to provide, but we are going to go on, and we are going to discuss this bill at third reading. We are going to continue to ask the minister to provide greater clarity on what her government's intent is with respect to buildings in concern of 600-metre-squared building area, greater clarity with respect to arena-type buildings and where she sees the line being drawn, and greater clarity with respect to alterations of buildings. These are three areas which are fundamental which, time and again, in spite of everything that the minister has said, there still continue to be questions raised about how loopholes could be picked in this legislation in the regulations that have been put forward in table form.

Mr. Speaker, I want to take a moment to talk about the Alberta legislation. I will talk about the Alberta legislation because it is an example of legislation which puts the scope of practice of architects into The Architects Act. I think it is important, too, to look at legislation from other jurisdictions like Alberta and to recognize that there are merits of looking at what is happening elsewhere, where there is a private-sector climate which is flourishing, where there is a lot of architectural and engineering activity, and have a look at what was in the Alberta Architects Act.

Scope of Practice, Part 1. The act says:

"Exclusive scope of practice and use of name.

"**2(1)** Except as otherwise provided in this Act, no person except an authorized entity shall engage in the practice of architecture.

"**(2)** No person except a registered architect, visiting project architect, architects corporation or architects and engineers firm shall

"(a) use any one or more of the names architect, registered architect, visiting project architect, architects corporation or architects and engineers firm, or any title, description, abbreviation, letter or symbol representing those names, alone or in combination with

any other name, title, description, abbreviation, letter or symbol, that represents expressly or by implication that the person is a registered architect, visiting project architect or it is an architects corporation or architects and engineers firm,"

Now, I will not go on and cover all the sections of the Alberta Architects Act, but I will talk about certain sections. I would say that subsection (1)—we are now talking about clause (5) of this Alberta Architects Act—it says, "Subsection (1)", which I have been reading, "does not apply to a person who engages in

"(a) planning, designing or giving advice on the design of or the erection, construction or alteration of or addition to,

"(b) preparing plans, drawings, detailed drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to, or

"(c) inspecting work or assessing the performance of work under a contract for the erection, construction or alteration of or addition to

"a building set out in subsection (6)."

Subsection (6) is the section of the Alberta Architects Act which deals with the matters that we were describing in the second amendment. I use this as an illustration, dealing with certain measures or certain aspects of the scope of an architect's practice, which are clearly present in the Alberta Architects Act. The minister seems to have taken a very adamant stand that these matters shall not be put in The Architects Act here in Manitoba.

* (16:40)

Subsection (6) reads, "The buildings referred to in subsection (5) are the following:

"(a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,

"(i) in the case of a single storey building, has a gross area of 300 square metres or less,

"(ii) in the case of a 2 storey building, has a gross area of 150 square meters or less on each floor, or

"(iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor,

"(b) a building for residential occupancy that

"(i) is a single family dwelling, or

"(ii) is a multiple family dwelling containing 4 dwelling units or less;

"(c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that,

"(i) in the case of a single storey building, has a gross area of 400 square metres or less,

"(ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or

"(iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;

"(d) a building, 3 storeys or less in height, for warehouse, business and personal services occupancy, for mercantile occupancy or for industrial occupancy that

"(i) in the case of a single storey building, has a gross area of 500 square metres or less,

"(ii) in the case of a 2 storey building, has a gross area of 250 square metres or less on each floor, or

"(iii) in the case of a 3 storey building, has a gross area of 165 square metres or less on each floor;

"(e) a building that is a farm building, not for public use;

"(f) a relocatable industrial camp building."

That completes subsection (6), but it illustrates some rather interesting facts. It illustrates (1) that Alberta's economy, which is doing reasonably well, where there are good opportunities for architects and engineers—sadly, the NDP government here seems to want to subsidize people who go to Alberta, but the fact of the matter is that in this legislation, in

Alberta, the Alberta Architects Act you have quite a detailed prescription. That prescription uses gross area rather than building area. That is interesting because, of course, the minister here wants to use building area. The use of gross area is, in some ways, clearer, less subject to argument. When you use building area, you can have a building area of 600 square metres, which already is larger than most of the categories here. But a building area of 600 square metres is, in fact, a gross area of a three-storey building, if there are no other specifications of 1800 metres square.

It is interesting that when you compare Alberta legislation to Manitoba legislation there is quite a difference here. We know that the minister is determined not to put the scope of practice of architects into The Architects Act. We know that the minister seems determined not to use gross area of however many square metres, as is used in Alberta. But we bring this forward, because we think there is merit in considering what is in legislation in other jurisdictions. One of the smart things to do in bringing forward legislation is, in fact, to get the very best from jurisdictions around North America, and bring that very best, in terms of legislation and opportunity, here to Manitoba.

Mr. Speaker in the Chair

I have talked about the first area of concern with regard to clarity, which is 600 metres squared and the minister, sadly, has talked more about other people, or how other people speak, or what other people have done in terms of using her briefing notes, but the reality is that we still do not have a clear statement from the minister in terms of her anticipation, her intention with regard to the 600 metres squared building area.

We are still waiting. Let me ask this question simply. What is the largest gross building area that the minister would expect ever to be built under her legislation without having an architect involved?

An Honourable Member: She will not answer that.

Mr. Gerrard: She will not answer that. The opposition critic, the MLA for Springfield, says, "She will not answer that." But, you know why will she not answer that. I know that the MLA for Springfield was there for all the hearings, and he was, for the most part, from what I saw, pretty attentive and listening. Obviously, if the minister actually answered this, you would think that he

would be aware of the answer. But, you know, this Member for Springfield (Mr. Schuler) is saying, not only has she not answered it, but that she will never answer it.

Let me ask the question again. What is the largest gross area of a building that the minister would ever expect to be designed without the use of an architect? *[interjection]* The MLA for Springfield says, "The minister is going to try and leave this obscure, is going to try and leave it not clear." Well, you know, we want to give the minister an opportunity to answer these sorts of questions to provide some clarity. I am glad that the MLA for Springfield is on our side, but there are areas of this bill which could be clearer.

I am going to discuss, specifically, some of the comments that I have received from David Ennis, and I would like to thank Mr. Ennis for putting on paper, for the time that Mr. David Ennis has put in as the Executive Director and Registrar of the Association of Professional Engineers and Geoscientists of the province of Manitoba, for the time that Mr. Ennis has put into looking at this act and providing comments and helpful comments.

I would like, specifically, to talk about a letter which Mr. David Ennis was kind enough to provide. In this letter Mr. Ennis says, as Executive Director and Registrar of APEGGM, "The following is provided for your assistance in considering the bill as it has been endorsed by your committee for third reading." This is dated November 28, 2005, and, clearly, is an important perspective on how the professional engineers and geoscientists of the province of Manitoba see the operation of the act with Bill 7.

The engineers in the letter from David Ennis say, "Architects will be required on more projects than prior to September 16, 2005, not fewer." We hope the minister will actually monitor this. "Engineers and owners will not go to absurd lengths and the greater expense of inserting fire walls in buildings just to avoid the lesser expense of architects' fees." We interpret this as saying that the professional engineers and geoscientists believe that the designation 600 metres squared in building areas, when we are talking a maximum size of three stories, refers to a maximum size building of 1800 metres squared. We will expect that the minister would be looking at this and monitoring this and watching what is happening and whether this expectation is

actually being met. This is an expectation of the engineers.

Mr. Ennis says, "Young architects will have increased Manitoba employment opportunities. In addition to more projects requiring architects, young architects will be able to work for joint firms, developers and large corporations which compete extra-provincially and may well have ownership opportunities early in their careers." These are important statements and messages that need to be in the record, here. This is a view of the architects and the engineers.

* (16:50)

David Ennis says, "It will be engineers who lose opportunities, and the area of engineering will be permanently redefined as architecture and, thereafter, be closed to all engineers except those grandfathered. It is young engineers who will be denied the opportunity to follow in their mentors' footsteps." We note that it is important that those who have been practising in this area are, in fact, grandfathered. Clearly, where we have people being grandfathered, things can and will be and must be monitored by engineers and architects and the government in the future just to see what is happening.

But we would hope, I would say to David Ennis and to other engineers, that there will be more opportunities for engineers in Manitoba, not less, because we have a bigger and a better economy and a lot more going on here. That is what we would like to see under a Liberal government. That is what we would give under a Liberal government, instead of what is happening under an NDP government.

David Ennis says, "For both architects and engineers, the scope of practice continues to be in the respective acts. There is an overlap of the two practices. It is only the overlap which is more closely defined in the Manitoba Building Code, a regulation. As overlaps tend to change over time, and regulations are more readily changed, that framework is appropriate."

I would like to say thank you for clarification from David Ennis and putting on the record, which I have included now in Hansard, the perspective of the engineers, the geoscientists. As I said, I would hope that, except for four, where I hope that the opposite will happen because we need more opportunities for engineers as well as for architects, that the other things at least will come to pass.

We have been handed something from the minister to my colleague and it says "Plans from the Internet. Plans for Part 3 must be sealed by a design professional, architect or an engineer. The great majority of Part 3 buildings require an architect to plan the building and review the construction of the building. The only exceptions are industrial buildings and small arenas. For buildings that must be planned by an architect, an architect's seal would be required. An architect must use their professional judgment whether they will seal it or not. Buildings that may be planned by an engineer must be sealed by an engineer. An engineer must use their professional judgment whether they will seal it or not. Downloaded plans from the Internet without further input from an architect or engineer, as the case may be, will not be accepted by the authorities having jurisdiction."

I think it is important to be clear on these matters. That is part of the reason why I make sure that this is read into the record. The concern here is that buildings from other jurisdictions are on the Internet, maybe not adequately adapted to the Manitoba climate, the abundance of electricity which we have and other aspects which are different here in Manitoba compared with other jurisdictions.

The goal of the Liberal Party here is to make sure that we have a strong future for architects and a strong future for engineers and a strong future for interior designers in this province. We are trying to achieve greater clarity. We are trying to achieve a much clearer statement from the government with regard to intentions. I have raised, at the amendment stage, I have raised, at this stage, concerns that were raised during the long and detailed commentary that we received at the committee stage in the discussion of this bill. I think that it is important that these comments which come not from me, but come from me after having listened to many people and talked with many people on this legislation.

I think that we must build a strong future for this province and a strong future for architects and for engineers and for interior designers. That is clearly our goal here. We have listened carefully. We have found, in all the listening we have done and all the investigation that we have done, including what is in bills in other jurisdictions, for example, like the Architects Act of Alberta, that there are areas which are not as clear as they should be, and for that reason we are here to raise these issues.

We are here to bring them forward. We are here to give the minister plenty of additional time to make a comment to clarify. We have received something on plans for the Internet, but we have not received the written statement that the minister apparently has made on 600 metre squared and on arenas and on alterations and on these various other matters which it would have been helpful. We have not yet got a clear statement from the minister of whether she expects that the prediction of the engineers would be followed through or met, that there will be more opportunities for architects and for young architects. We think that these are important aspects.

We hope that the minister, in fact, will not only put her predictions, but put in place ways that she is going to be able to follow along and monitor what is happening and be ready to make changes. Certainly, if the expectations are not being met, if the expectations are not being met as we have been told that they should be, we in the Liberal Party would be the first to bring forward changes to address the problems in this legislation, if some of the dire predictions that have been made or the concerns about loopholes and lack of clarity are made.

So those, Mr. Speaker, are my comments at third reading, and that is what I wanted to have a chance to say. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 7, The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts—*[interjection]*)

Well, is the House ready for the question?

An Honourable Member: No.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I think the—

Mr. Speaker: Before you start, I just want to clarify to the House, when we deal with a bill and if I see no speakers, I have no—*[interjection]*

Order. Just for clarification in the House, so there is a better understanding. If there is no one

standing, then I am obligated to call the question. If a member is standing, then that means there are other members that wish to continue the debate, and I recognize those members. That is just for clarification of the House.

The honourable Member for Inkster has been recognized to speak.

Mr. Lamoureux: Yes, thank you, Mr. Speaker. I will take this opportunity just to get things started. I do believe that the presenters, in particular, I would like to spend just the first couple of minutes making reference. You know, we have a wonderful process in the province of Manitoba that, after second reading, we go into a committee stage in which we provide the opportunity for Manitobans to come forward.

Mr. Speaker, in somewhere around 13, 14 years in opposition, it is very few bills that we see as many people coming forward to express thoughts on a piece of legislation. In this particular bill, close to 200 individuals sat through the late evenings, many hours in the mornings and the afternoons in order to express their concerns in regard to the bill. I would like to just extend my compliments to those individuals who took the interest and came down to this Legislature and expressed their concerns and thoughts, in many ways, support for this legislation.

There were some critical names of individuals that came up time and time again, as we recognized, whether it was individuals like David Ennis or Don, who ensured that the stakeholders were aware of what was happening with regard to this legislation. I recognize that it took a great deal of effort. As two professional organizations, I believe, they did a wonderful job.

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Inkster will have 28 minutes remaining.

The time being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 29, 2005

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