

**Second Session - Thirty-Ninth 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-Ninth Legislature**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, May 15, 2008**

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

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 234—The Ending Government Spending on  
Partisan Advertising Act**

**Mrs. Myrna Driedger (Charleswood):** I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that Bill 234, The Ending Government Spending on Partisan Advertising Act, be now read a first time.

***Motion presented.***

**Mrs. Driedger:** This bill establishes standards for government advertising, including requiring that it be in the public interest and be non-partisan. A member of Cabinet may ask the Auditor General to decide whether specified government advertising meets the standards before the advertising is made public. A member of the Assembly may make a complaint to the Auditor General that specified government advertising does not meet the standards. If the Auditor General decides after a complaint that the advertising does not meet the standards, the Auditor General may order the governing party to reimburse the Crown for the cost of the advertising.

The bill requires the Auditor General to report annually to the Legislative Assembly on government advertising.

**Mr. Speaker:** Is it the pleasure of the House to adopt the motion? [*Agreed*]

**PETITIONS**

**Headingley Foods**

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

These are the reasons for this petition:

The owners of Headingley Foods, a small business based in Headingley, would like to sell alcohol at their store. The distance from their location to the nearest Liquor Mart via the Trans-Canada Highway is 9.3 kilometres. The distance to the same Liquor Mart via Roblin Boulevard is 10.8 kilometres. Their application has

been rejected because their store needs to be 10 kilometres away from the Liquor Mart. It is 700 metres short of this requirement using one route but is 10.8 kilometres using the other.

The majority of Headingley's population lives off Roblin Boulevard and uses Roblin Boulevard to get to and from Winnipeg rather than the Trans-Canada Highway. Additionally, the highway route is often closed or too dangerous to travel in severe weather conditions. The majority of Headingley residents therefore would travel to the Liquor Mart via Roblin Boulevard, a distance of 10.8 kilometres.

Small businesses outside Winnipeg's perimeter are vital to the prosperity of Manitoba's communities and should be supported. It is difficult for small businesses like Headingley Foods to compete with larger stores in Winnipeg, and they require added services to remain viable. Residents should be able to purchase alcohol locally rather than having to drive to the next municipality.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister charged with the administration of The Liquor Control Act (Mr. Swan), to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba.

This is signed by Tyler Niven, Shawn Atamanchuk, Donna Atamanchuk and many others, Mr. Speaker.

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

**Child-Care Centres**

**Mrs. Myrna Driedger (Charleswood):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

There is an ongoing critical shortage of child-care spaces throughout Manitoba, particularly in fast-growing regions such as south Winnipeg.

The provincial government has not adequately planned for the child-care needs of growing communities like Waverley West where the construction of thousands of homes will place immense pressure on an already overburdened child-care system.

The severe shortage of early childhood educators compounds the difficulty parents have finding licensed child care and has forced numerous centres to operate with licensing exemptions due to a lack of qualified staff.

Child-care centres are finding it increasingly difficult to operate within the funding constraints set by the provincial government to the point that they are unable to provide wages and benefits sufficient to retain child-care workers.

As a result of these deficiencies in Manitoba's child-care system, many families and parents are growing increasingly frustrated and desperate, fearing that they will be unable to find licensed child care and may be forced to stop working as a result. In an economy where labour shortages are common, the provision of sustainable and accessible child care is critical.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Family Services and Housing (Mr. Mackintosh) to consider addressing the shortage of early childhood educators by enabling child-care centres to provide competitive wages and benefits.

To urge the Minister of Family Services and Housing to consider adequately planning for the future child-care needs of growing communities and to consider making the development of a sustainable and accessible child-care system a priority.

To urge the Minister of Family Services and Housing to consider the development of a governance body that would provide direction and support to the volunteer boards of child-care centres and to consider the development of regionalized central wait lists for child care.

To encourage all members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed day-care facilities in their constituencies.

This is signed by Charlene Laxson, Catherine Maynard, Patricia Ndiadia and many, many others.

### **Long-Term Care Facility—Morden**

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

The background for this petition is as follows:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This is signed by Anne Penner, Nettie Berg, Clara Baerg and many, many others.

### **Lake Dauphin Fishery**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Fishing is an important industry on Lake Dauphin.

To help ensure the sustainability of the Lake Dauphin fishery, it is essential that spawning fish in the lake and its tributaries are not disturbed during the critical reproductive cycle.

A seasonal moratorium on the harvesting of fish in Lake Dauphin and its tributaries may help create an environment that will produce a natural cycle of fish for Lake Dauphin, therefore ensuring a balanced stock of fish for all groups who harvest fish on the lake.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Water Stewardship (Ms. Melnick) to consider placing a moratorium on

the harvesting of any species of fish on Lake Dauphin and its tributaries for the period of April 1 to May 15 annually.

To request the Minister of Water Stewardship to consider doing regular studies of fish stocks on Lake Dauphin to help gauge the health of the fishery and to consider determining any steps needed to protect or enhance those stocks.

This petition is signed by Nestor Stratuliak, Evelyn Palanyk, Claudette Pachkowski and many others.

## COMMITTEE REPORTS

### Standing Committee on Public Accounts Fourth Report

**Mr. Jim Maloway (Vice-Chairperson):** Mr. Speaker, I wish to present the Fourth Report of the Standing Committee on Public Accounts.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Public Accounts presents the following as its Fourth Report.

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Public Accounts presents the following as its Fourth Report.*

#### Meetings

*Your committee met on the following occasions:*

*December 10, 2007*

*May 7, 2008*

*May 14, 2008*

*All meetings were held in Room 255 of the Legislative Building.*

#### Matters under Consideration

*Public Accounts for the year ended March 31, 2006 (Volume 1)*

*Public Accounts for the year ended March 31, 2006 (Volume 2)*

*Public Accounts for the year ended March 31, 2006 (Volume 3)*

*Public Accounts for the year ended March 31, 2006 (Volume 4)*

*Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2006*

*Public Accounts for the year ended March 31, 2007 (Volume 1)*

*Public Accounts for the year ended March 31, 2007 (Volume 2)*

*Public Accounts for the year ended March 31, 2007 (Volume 3)*

*Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2007*

#### Committee Membership

*Committee Membership for the December 10, 2007, meeting:*

*Mr. Altemeyer*

*Mr. Borotsik*

*Ms. Braun*

*Mr. Derkach (Chairperson)*

*Ms. Howard*

*Mr. Lamoureux*

*Mr. Maguire*

*Mr. Maloway (Vice-Chairperson)*

*Hon. Mr. Selinger*

*Mrs. Stefanson*

*Mr. Swan*

*Committee Membership for the May 7, 2008, meeting:*

*Mr. Borotsik*

*Ms. Braun*

*Mr. Derkach (Chairperson)*

*Ms. Howard*

*Mr. Jha*

*Mr. Lamoureux*

*Mr. Maguire*

*Mr. Maloway (Vice-Chairperson)*

*Mr. Martindale*

*Hon. Mr. Selinger*

*Mrs. Stefanson*

*Committee Membership for the May 14, 2008, meeting:*

*Mr. Borotsik*

*Ms. Braun*

*Mr. Derkach (Chairperson)*

*Ms. Howard*

*Mr. Jha*

*Mr. Lamoureux*

*Mr. Maguire*

*Mr. Maloway (Vice-Chairperson)*

*Mr. Martindale*

*Mr. Pedersen*

*Hon. Mr. Selinger*

#### Officials Speaking on Record

*Officials speaking on the record at the December 10, 2007, meeting:*

*Carol Bellringer, Auditor General*

*Officials speaking on the record at the May 7, 2008, meeting:*

*Carol Bellringer, Auditor General  
Diane Gray, Deputy Minister of Finance*

*Officials speaking on the record at the May 14, 2008, meeting:*

*Carol Bellringer, Auditor General*

### **Reports Considered and Passed**

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

*Public Accounts for the year ended March 31, 2006 (Volume 1)*

*Public Accounts for the year ended March 31, 2006 (Volume 2)*

*Public Accounts for the year ended March 31, 2006 (Volume 3)*

*Public Accounts for the year ended March 31, 2006 (Volume 4)*

*Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2006*

### **Reports Considered but not Passed**

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

*Public Accounts for the year ended March 31, 2007 (Volume 1)*

*Public Accounts for the year ended March 31, 2007 (Volume 2)*

*Public Accounts for the year ended March 31, 2007 (Volume 3)*

*Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2007*

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

**Motion agreed to.**

### **Introduction of Guests**

**Mr. Speaker:** Prior to oral questions, I would like to draw the attention of honourable members to the public gallery where we have with us today members of the Sunset Country Club Tenants Association who are the guests of the honourable Member for Kirkfield Park (Ms. Blady).

Also in the public gallery we have with us from the Ukrainian Bilingual Program 50 grade 5 students under the direction of Laurie Gingera. This school is

located in the constituency of the honourable Minister of Agriculture and Food (Ms. Wowchuk).

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

\* (13:40)

### **ORAL QUESTIONS**

#### **Northern Child and Family Services Authority Staff Travel Expenses**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** To the Minister of Family Services: As the minister is aware, caseworkers working under the employment of the Northern Child and Family Services Authority are required as part of their job to travel very often vast distances to visit kids in care and families who are within the system.

I want to ask the minister whether he's aware of any circumstances of the last number of years under which agencies under the northern authority ran short of cash prior to year-end and directed their staff to cease visits to kids in care until year-end as a result of that shortage of cash.

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** I can assure the member that it came to my attention that the member had raised this allegation in the hallway yesterday.

This morning, I asked the staff to provide any evidence that may be available to either confirm or dispute that information, because if it is true it certainly would be of concern to this member and I'm sure all.

**Mr. McFadyen:** Mr. Speaker, I'll table a memo. It's dated January 15, 2007. The memo is from Linda Constant, the executive director of the Cree Nation Agency, to all staff indicating that the agency had run out of cash and that all travel was to cease. The staff were told that that travel included visits to kids in care. This occurred on January 15, 2007, two and a half months before year-end for that agency. They indicate in the memo that this took place as a result of a cash-flow shortage.

So I'll table the memo and ask the minister whether he's been briefed on the contents of this memo previously.

**Mr. Mackintosh:** Well, we'll certainly take that memo into consideration and discover how widespread any such directives or circumstances may be.

**Mr. McFadyen:** Mr. Speaker, the agency in question covers cases in Flin Flon, Easterville, Lynn Lake, The Pas, Thompson and Winnipeg, so the routine travel of staff at that agency is a critical part of their job and their ability to check up on kids who may be in risky situations. It's a very fundamental requirement that workers have the ability to go and visit children in care.

This particular agency, as of the end of the 2007 fiscal year, had 439 kids in care. Workers were instructed by the executive director of the agency to not travel for that two-and-a-half-month period, and we are advised that many of those children were not visited for that period of time as a result of what they indicate was a cash-flow shortage.

I just wonder if the minister can confirm that he was briefed on this matter some nine months ago.

**Mr. Mackintosh:** Mr. Speaker, I guess the one question I will have for the Child Protection branch is whether a reference to travel indeed means travel in order to ensure the safety and well-being of children in care or whether that is to be interpreted as meaning travel outside the province or for other reasons.

But I think that will be an important question to get an answer from the branch on.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** It's a serious issue. The minister evaded questions yesterday about advertising. It turns out now that apparently the advertising campaign is going ahead.

Today he's evading questions about when he was briefed on this issue. I wonder if the Premier (Mr. Doer) can just respond to the question directly. Can he confirm that he was briefed some nine months ago about the issues with respect to this agency?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Mr. Speaker, my inquiries will determine, indeed, what evidence is available to support statements that child welfare workers were unable to attend to the safety and security of children and, indeed, families. I'll report back to the House on that because it's a very important matter. As I say, there may be matters of interpretation of this memo that will have to be addressed as well, but, certainly, this would be a very serious concern.

In terms of the issues raised yesterday, I find it strange that the member would say, as he just did, we

think that any advertising that goes beyond issues of child protection and family well-being are not on with provincial dollars by recognizing that this child welfare agency is both federally and provincially funded.

**Mr. McFadyen:** Again, the minister hasn't responded to the question.

I would just ask him again whether he can indicate whether he was briefed on the issues with respect to this agency and the lack of visits to children in care during this time period, some nine months ago or so.

**Mr. Mackintosh:** Mr. Speaker, we have a memo dated January 2007, some year and a half ago. Any issue like this would be treated most seriously, I'm sure, by all officials in the child welfare system. I can say that I, for one, and members on this side, I'm sure all members would find it very disturbing if child welfare agencies were having cash flows like this that were detracting from their ability to perform their duties under the legislation. This is a serious matter that will be investigated in due course.

As I said earlier, I've asked the department, as early as this morning, to provide any evidence that funds were running out for any agencies, because I didn't have the name of an agency yesterday, when it comes to the ability of social workers or others to travel to children in their homes or in their placements.

**Mr. McFadyen:** Related to this issue, the minister yesterday still hasn't responded directly with a yes or no as to whether he was briefed. He evaded the question yesterday as to whether he has been briefed on spending under the authority.

I wonder if the minister would indicate whether or not he has been briefed or provided with any information that would support concerns that monies being expended were being spent on items unrelated to direct front-line protection of children in the system.

**Mr. Mackintosh:** Mr. Speaker, again, just on the issue of advertising and what the parameters are. When the Province flows money to child welfare authorities and agencies, it's within the parameters of child protection and family well-being. If, in fact, there's some advertising contemplated within an authority, and I understand that there were discussions on the face of the document tabled yesterday, those, I understand, have not led to any

determination as to whether there should be ads placed.

I can tell this House and assure members of this House that there is correspondence that is going to the child welfare authority making it absolutely clear that if there's to be any advertising, Mr. Speaker, it's not to use provincial dollars unless it is about child protection, family well-being, and, indeed, the mandate of the authority.

#### **Northern Child and Family Services Authority Advertising Budget**

**Mrs. Bonnie Mitchelson (River East):** Yesterday in question period the Minister of Family Services indicated that he was not aware of any ad campaign by the northern authority that has run in the media.

Has the minister now, Mr. Speaker, become aware of how much was spent on consultation, development and production of ads for the PR campaign produced by the northern authority?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Well, in answer to questions yesterday that were raised in this House, I made it clear that it was on the face of the document evident that this was a proposal that is being canvassed amongst other members of the board of the authority or some representative agencies. So it's my understanding that the ad has not been produced or placed.

**Mrs. Mitchelson:** Yesterday, Rhonda Gordon Powers told some media outlets that the campaign wouldn't run but told others that it was still on the table for this fall.

The northern authority has contracted with an individual, and that was stated in the document, for development and production of TV ads.

Can the minister tell the House what other money has been spent by the authorities for other advertising and PR projects that don't relate to the first and foremost responsibility of the agency, and that's to protect children?

\* (13:50)

**Mr. Mackintosh:** Well, first, just to reiterate, correspondence is going today to the northern authority which is responsible for six agencies. Six agencies are accountable to the authority, and that letter will make it absolutely clear that if there's to be any advertising, it is to be done within the context, within the parameters, of child protection and family

well-being, that going beyond that into general areas, as important as they may be, is not a matter that should be funded by provincial dollars.

If the federal government wants to divert money into that one, I can't speak for the federal government. If Aboriginal organizations or governments wish to invest in that kind of a campaign, I can't speak for them. But when it comes to provincial dollars, it is our view that those should only go to child protection, family well-being. That is the mandate of the northern authority and those agencies.

**Mrs. Mitchelson:** Today is a little too late when the northern authority has already contracted with an individual for the development and production of TV ads, and I'm hoping that the minister will table that contract.

But I would also like to table in the House today a page from the northern authority's 2007 financial statement containing a new accounting line for communications for \$100,000 and another new line for research and development, also for \$100,000.

Can the minister tell us what specific purposes this money is intended for and why the Province is providing money to Child and Family Services authorities to run PR campaigns when they should be focussing on protecting children?

**Mr. Mackintosh:** Well, Mr. Speaker, there may be federal channels of funding for communications, and I can't speak to that.

In terms of the provincial government and communications, Mr. Speaker, members opposite know full well that communications can embrace, first of all, a communications person, which I understand the authorities have certainly tried to put in place, so that they have expertise in communicating with the public and with the media.

But, as well, communications embraces such issues as advertising for vacancies. It includes fostering matters, Mr. Speaker, and, indeed, one of the most important communication strategies I think in many, many years is the Circle of Care campaign that has recruited 900 new foster beds.

#### **Child and Family Services Agencies Staff Travel Policy**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, yesterday I asked the Minister of Family Services and Housing to provide the House with a copy of the travel policy for Child and Family Services agencies,

boards, management and staff. Is he prepared to table that document for us today?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** As I said yesterday, I undertook to provide on a timely basis to make best efforts to collect that information from the 23 agencies and the authorities, and we have embarked on that, Mr. Speaker.

**Mr. Briese:** Mr. Speaker, yesterday the minister said that there were 23 different agencies and implied that he might have some difficulty obtaining this information.

There's one travel policy for members of this House. There's one travel policy for Manitoba government employees. I would like to ask the minister: Is there not one provincial travel policy for Child and Family Services agencies and why is it not readily available?

**Mr. Mackintosh:** Mr. Speaker, the authorities, the entities within Child and Family Services, have historically developed travel policies, and best efforts are being made to collect those. We'll provide them when we receive them.

### Bill 31

#### Child Welfare Authority Information Release

**Mrs. Mavis Taillieu (Morris):** Yesterday I asked the Minister of Culture, Heritage and Tourism (Mr. Robinson) if amendment 21(1) in Bill 31, which, and I quote: allows a public body to refuse to disclose information that could be reasonably expected to harm the relationship between the Manitoba government and First Nation authorities, whether that referred to the child welfare authorities.

He did not give me an answer. In the bill briefing, some of the staff said yes; some of the staff said no. So I would like to ask the Minister of Family Services if this bill refers to information held by the child welfare authorities.

**Hon. Kerri Irvin-Ross (Acting Minister of Culture, Heritage, Tourism and Sport):** I can tell you that the new legislation that's been tabled, the FIPPA legislation, is responding to concerns that we heard as we travelled throughout the province and heard information from advocates, from Manitobans about what they wanted to see in the new legislation as we revised it.

We're creating a new privacy adjudicator which will increase the services available to Manitobans through the Ombudsman's office. We've also looked

at reducing the release of Cabinet documents from 30 to 20 years. We are making this government accountable and transparent.

**Mrs. Taillieu:** It's a simple question with a simple answer that could be yes or no. If it was no, I don't see why they wouldn't just say that, Mr. Speaker. It implies that there is something to discover here.

Mr. Speaker, the child welfare system has seen many problems over the last five years with an unprecedented number of deaths of children in care, a total upheaval of the system, unacceptable caseloads and overworked social workers and, more recently, money allocated to a public relations advertising campaign by one of the authorities.

We recognize that sensitive personal information must be kept private, but we also want to be assured that this bill will not block public information from child welfare authorities.

Can the minister assure this House that this bill does not refer to information held by the child welfare authorities?

**Ms. Irvin-Ross:** I can assure the member that there is privacy for children that are in care in the province of Manitoba. We will continue to protect their privacy, as well as provide protection services to them in the quality that we have.

The FIPPA legislation that we've tabled is based on consultation that we've had across the province with many stakeholders to ensure that our government and public bodies continue to remain open, transparent and accountable.

**Mrs. Taillieu:** It appears very much to me that the minister really doesn't have a grasp of the legislation.

If this legislation does not refer to the child welfare authorities, a simple no would just put this to bed. That's all we're asking. We want to know the answer to that question.

Information about the state of the child welfare authorities could harm the Manitoba government and the minister, so they have an interest in keeping information from the public. For example, the recent allocation of the money that we're speaking about today for the northern authority, what did the minister know? They have a responsibility to provide

access to this information, to public information, Mr. Speaker.

Can the minister assure us that access to public information requests regarding First Nations authorities will not be denied under this legislation?

**Ms. Irvin-Ross:** Our focus is on protecting Manitoba children. We are providing concentrated efforts to ensure that through the different initiatives that we've provided.

Mr. Speaker, the FIPPA legislation that we've tabled continues to ensure that public bodies and our government remain open, transparent and accountable. We have proven this time and time again. We have a strong record of sharing information in a timely manner. It's been acknowledged by third parties.

As well as the new legislation that we've tabled, it talks about reducing Cabinet—the release of Cabinet documents from 30 to 20 years. It ensures that we're having a privacy judicator established to continue to provide those services to Manitobans. This is making progress.

#### **Government Advertising Standards**

**Mrs. Myrna Driedger (Charleswood):** I introduced a private member's bill today which calls for the establishment of standards for government advertising. If the Auditor General decides after a complaint that the advertising does not meet the standards, the Auditor General may order the governing party to reimburse the Crown for the cost of the advertising.

I'd like to ask this Doer government if they will support this legislation.

**Hon. Gary Doer (Premier):** We'll read it first.

\* (14:00)

**Mrs. Driedger:** Two ad campaigns would not have met the standards in this legislation because they paint a false, misleading and incomplete picture. One is budget '08 and the other is Working for Better Health Care Sooner. Both cherry-pick facts and both are nothing more than self-congratulatory rhetoric.

I'd like to ask: Will the NDP support this private member's bill which will force them to stop spinning taxpayers with their propaganda?

**Mr. Doer:** Mr. Speaker, certainly, we've increased and improved the protection on Crown corporations, actually an amendment made in the committee by the Leader of the Opposition (Mr. McFadyen) in the '06 legislation. We've actually extended the period of time where government advertising which is non-partisan is extended.

You know, we didn't complain in the past when ads were coming. In fact, the former chief of staff has memos from Greg Lyle talking about, oh, you've got to advertise health care more. You're going down on it. The advertising didn't work. The public actually is smarter than all of us. They actually know what's going on.

Mr. Speaker, on the health-care advertising, it was a condition put in by Prime Minister Martin on wait lists, that if you're going to have a wait-list-dedicated fund, all provinces were required to put in a certain public information for that information. Today, you know, CIHI produced a paper and said Manitoba has the most comprehensive coverage on pharmaceuticals and Pharmacare of any province in Canada, and the program that they're supporting, the New Brunswick program, has the worst care in Canada.

**Mrs. Driedger:** Mr. Speaker, the Premier is absolutely wrong in his answer. Working for health care better should have been about all of the information and not cherry-picked information, and if the federal government said it should be out there annually, why did they only put it out one time, and then because of all the flack they took from everybody, they stopped putting it out?

Mr. Speaker, according to Freedom of Information documents, this Doer government spends between \$10 million and \$15 million a year on government advertising, communications and marketing. At the same time, they have capped, for the last six years, our advertising to \$50,000 a year; so \$15 million for government, \$50,000 for Her Majesty's Official Opposition, less than 1 percent of what they can spend.

Mr. Speaker, in Bill 37, the Doer government gave us a few more dollars. I would ask them: Why do they keep us capped at \$75,000 but they can spend \$15 million? Is that democratic? Is that fair? I would suggest, no.

**Mr. Doer:** Mr. Speaker, I note, again, as a former leader of the opposition, that advertising—in fact, they had a health advertising ad where they had an ADM

order to produce testimonials. It almost looked like a hostage in a foreign land: The health-care system in Manitoba is doing real well. Well, an ad like that won't work. You know why? Because the people are actually smarter than all the rhetoric around.

Secondly, we also, in the old days—and this is when the member was the legislative assistant to the Minister of Health. In the old days, Mr. Speaker, the tourism agency hired for Tourism Manitoba was one Barb Biggar. It was somebody that came right out of the Tory campaign.

Now we've established an arm's-length agency of private-sector people. I can't even tell you today who the advertising agency is because the government has actually delegated that completely to a new Crown corporation that's chaired by Paul Robson, that has people in the industry on that body.

Partisan ads under the Tories; arm's-length, non-partisan ads with Tourism Manitoba under the NDP, Mr. Speaker.

### **Bill 223 Government Support**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, the Premier has been the Leader of the New Democratic Party now for over 20 years. He holds incredible power, incredible power. Nothing passes this Legislature unless it has the Premier's blessing.

When we take a look at Bill 223 which is the protecting children from second-hand smoke in motor vehicles, it will not pass because this Premier does not want it to pass. Mr. Speaker, the Canadian Lung Association states, exposure to cigarette smoke in confined space of a car is a serious threat to the children's health, yet, every day, Canadian kids are forced to ride in smoke-filled cars.

Can the Premier indicate why it is that he does not support protecting children from second-hand smoke in motor vehicles?

**Hon. Gary Doer (Premier):** Well, obviously, Mr. Speaker, everyone in this House believes in protecting children from second-hand smoke. As the author of the original non-smoking bill, as a private member bill to prohibit smoking in child-care institutions, in educational facilities, in many other places where children reside, I, obviously, strongly support moving with protection for children.

There are two issues with the bill that he's got. One is the instant timing. Who's going to enforce it? It'll be police officers in cars. We believe that people

should understand the reasons for the ban. We believe that there should be, as there has been in the past, education programs with people and with society.

We believe there's two components to the ban. One is education which we totally support, and I know members opposite will argue that that is government advertising. Secondly, Mr. Speaker, we also believe, then, that we have to have an effective enforcement mechanism; i.e. police officers dealing with cars on the streets.

So we're going to start with education. We are definitely open to bringing in legislation that won't be, bang, right away, without an education program the ban takes place. It's easy to pass a law here but it's much more difficult to deal with really tough pressures on police officers, so we think we'll help police officers by educating the public on the reasons for the ban.

So we support the principle of reducing smoke, particularly where children are vulnerable, totally support it, always have supported it, but the implementation strategy that we will use will start with education for all the public as opposed to just, zap, you're frozen, as the member opposite has suggested.

### **Plastic Bag Ban Government Support**

**Mr. Lamoureux:** Mr. Speaker, if the Premier really wanted to walk the talk, he knows full well that he can pass the legislation. He can have it proclaimed whenever it is that he wants to have it proclaimed. The reality is that this Premier has decided that this particular idea is not going to be passed or voted on because it didn't come from an NDP member of this Legislature. That's the reality and that is unfortunate. That's a poor attitude to take as a premier of this province.

Mr. Speaker, my next question is for the Premier to tell us why he believes banning of plastic bags is not good and healthy for the environment of Manitoba.

**Mr. Doer:** Well, let me go back to my first answer. I just finished saying we support the principle of having a prohibition on smoking in cars, but we start with the idea that we have to have an education program so the public understands the impact, as a parent, that you will have on your child, or as a

friend or a neighbour on your children, on the confinement of a car and the impact of that on children's health.

We actually believe that most people, when they're given all the information—many members in this House have all this information. We've met with the Lung Association. We've met with the cancer groups and we've met with other people. We have a lot of information. We have to continue to share that with the public.

When we brought in the smoking ban, the second stage of smoking-ban legislation, we had an education stage. We had a period of time where people had notice of why and where and how we were going to move the ban ahead.

So I support the principle of what the member is saying. I don't want to snatch defeat from the jaws of victory. This is a good idea, but the way he's proposed it with a one-month, zap, you're frozen, is not the way we want to do it. That's not the way we've done it in the past. We're going to proceed with a public education program in the law, and we're going to give police adequate time for the implementation.

One day the member opposite is opposed to us putting more police officers into the anti-car-theft campaign, and the next day he wants to have them have to enforce another law within a month of passing this Legislature. We think there's a better way to proceed.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, the Premier babbles on. The reality is all you have to do is amend clause 3, Mr. Premier. That's all you have to do to. It's a fairly simple process. If you believe in it, then act on it.

Mr. Speaker, I asked the Premier about the plastic bag ban. We had kids from Cecil Rhodes School. There are Manitobans across the province that recognize the value of banning those hundreds of millions of plastic bags that litter our communities throughout the province, a fairly simple, straightforward piece of legislation, but, as in Bill 223, it doesn't have the blessing of this Premier, so, therefore, it will not pass the Chamber, Mr. Speaker.

That is an absolute total disgrace. We expect more leadership from our Premier. Can the Premier tell Manitobans why he refuses to acknowledge the

importance of banning the bag inside the province of Manitoba?

\* (14:10)

**Hon. Gary Doer (Premier):** Well, we're the first province in Canada, Liberal, Conservative or NDP—in fact, we're the only NDP province in Canada. Stay tuned. *[interjection]* Well, we returned the endangered species of the building crane back to Manitoba. That's one thing we've done, to the honourable member.

First of all, we're the first jurisdiction to eliminate plastic bags at the liquor store. What his leader alleges about San Francisco is not correct, in terms of corner stores. We've completed lots of work. We're soon ready to announce on plastic bags an overall strategy.

I would ask the member opposite: Does he not believe, in banning smoking in cars, that there should be a public education program first, to let people know why they should stop smoking in cars? What is he against? Is he against public education, Mr. Speaker? Is he against informing the public why they have to do it, as the first measure, as we've done in the past, to allow for young persons smoking to go down from the highest in Canada to much lower here in Manitoba?

### **Labour Productivity Increase**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, labour productivity is important and labour productivity is improving in Manitoba. This is, indeed, good news.

Can the Minister of Competitiveness, Training and Trade tell us just how good is the good news about improving labour productivity in Manitoba?

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** I would correct my friend, the Member for Burrows, it's not good news; it's great news.

Indeed, just yesterday, Statistics Canada provided us more proof that, as the Conference Board of Canada said, the Manitoba economy is firing on all cylinders. Manitoba posted the third highest growth rate in labour productivity in 2007 at

1.6 percent, more than double the national rate, top among all the western provinces.

As well, I know that my friends opposite aren't interested in working people, but New Democrats are. Hourly compensation in 2007 rose 6 percent, the second highest growth rate in Canada and above the national growth rate of 4 percent. This economy is booming, Mr. Speaker.

### **Manitoba Securities Commission Crocus Investment Fund Investigation**

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, the minister can cherry-pick anything he wants out of a report, but the bottom line is we're still sixth when you get to the bottom line on GDP per capita.

Mr. Speaker, given that the Crocus Investment Fund class action lawsuit is coming to an end, the door is now wide open for investigation into potential breaches of The Manitoba Securities Act.

Will the Minister of Finance see that the Manitoba Securities Commission goes to an outside agency and reviews this most vitally important investigation?

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, this is a recycled question that was asked earlier by the Member for Fort Whyte (Mr. McFadyen), and we stated from the outset that we will not be interfering in the Manitoba Securities Commission.

It's a quasi-judicial body. It operates under its own mandate, legislative mandate, Mr. Speaker. As a quasi-judicial body, we have no plans to interfere in how they undertake their mandate.

**Mr. Faurshou:** Mr. Speaker, if I was a commissioner, I think I would look at any and all opportunities to clear the air. Indeed, this minister's own Securities Act, the legislation, does provide him with the authority to order an investigation.

Under section 23, he has the power, and I quote, to ". . . appoint any person to make such investigation as he deems expedient for the due administration of this act . . ."

Mr. Speaker, if the commission will not undertake an independent review, will the minister do the right thing on behalf of 34,000 Manitobans who lost money in this fiasco and call an investigation?

**Mr. Selinger:** Mr. Speaker, there have been no allegations proven against the Manitoba Securities Commission. There has been nothing on the public record that indicates they've done anything wrong. Just because the member gets up in the Legislature and calls for an investigation doesn't mean that it should be undertaken. If there's compelling reasons to think that an investigation should be done, that will be considered.

But the reality is that Manitoba Securities Commission is a quasi-judicial body that operates under its own mandate with its own responsibilities. As the settlement comes to a conclusion, then it will decide what its next steps shall be with respect to investigating Crocus.

**Mr. Faurshou:** Mr. Speaker, as an elected official, I think he would feel it incumbent upon himself to safeguard the interests of 34,000 Manitobans that lost money in this fiasco.

So, truly, if there is nothing to hide, then why will this minister not exonerate everyone with an external review?

**Mr. Selinger:** Mr. Speaker, the member opposite forgets that there is an independent RCMP investigation going on. The Securities Commission is conducting its own investigation. There are independent reviews going on. There was a report done by the Auditor General of Manitoba under specific legislation that we gave them. There was a number of reports that have been done. There was a report done by the Receiver General with respect to the Crocus Fund. There's a lot of paper that's stacked up with respect to the Crocus Investment Fund.

The most important thing to do is to bring that event to a conclusion so shareholders can recover as much money as they can and get on with their lives. The Securities Commission will do its legislative mandate as required in an independent fashion without political interference.

### **Oil Industry Changes to Annual Permit Process**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, businesses that support the oil industry in southwestern Manitoba are losing not only business opportunities, but trained staff, as well, because the NDP government has cancelled the annual permit process needed to move their equipment to work sites thereby forcing a permit to be applied for every one to three days as the job requires. At the end of

February, these people got one day's notice of these changes. This forced the whole industry to move effectively in an illegal manner as of March 1, only two weeks before the spring road restrictions came into effect.

So, Mr. Speaker, why did the minister of transport, without consultation, order at the last minute a detrimental, dictatorial decision which effectively forced law-abiding Manitoba companies to either work in an unlawful manner or leave Manitoba entirely?

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Well, Mr. Speaker, we're very pleased that the oil industry is booming in Manitoba, like the rest of the economy in Manitoba.

We met recently with members and an individual from this particular industry and we said, we're open to working with them. We're pleased to do so, Mr. Speaker. So we haven't closed the door on anything. We're just gaining more knowledge and consulting with the industry to find out what their needs are so, indeed, we can work with that company and with those companies in southwest Manitoba to ensure, on the one hand, our roads aren't damaged and destroyed nor our infrastructure, and, on the other hand, that we're able to work hand in hand with these corporations, with the oil industry to ensure that they're going to strive and, indeed, expand their operations to make sure that they're very successful in this province of Manitoba.

We want them here. The economy is booming. We want them here. They want to be here. We're going to ensure that they are here.

**Mr. Maguire:** Mr. Speaker, the minister can talk all he wants, but they're leaving Manitoba. They're going to Saskatchewan. They're going to the United States.

Mr. Speaker, in 2004 in this House I warned the Minister of Infrastructure that his actions were causing Manitoba's economy to lose at least a quarter of a million dollars a day from oil industry non-activity alone. This situation is even worse today due to the minister's decision to cancel the issuance of annual permits. We need to grow our oil industry and our economy here, not stifle it.

Mr. Speaker, will the Minister of Infrastructure now reinstate the annual permitting process to facilitate oil industry needs and to help grow employment and business opportunities in Manitoba,

or is he comfortable hindering growth in this valuable sector?

**Hon. Gary Doer (Premier):** Mr. Speaker, let the record show that the industry has more than doubled in the last five years. We have put in policies on horizontal drilling. We've put in policies on recycling water in terms of extraction, which was both environmentally friendlier than what was in place in the past. We've put in many policies on the sales tax on equipment that's comparable to the Province of Saskatchewan.

\* (14:20)

I think 250 wells are being dug, as we speak, in Manitoba. There are many other looks at the light crude and the quality of light crude going into the pipeline in his area, Mr. Speaker.

We also are looking at other ideas. Everything is on the table for us. The reason why the industry has doubled, Mr. Speaker, is some of the tax policies and other policies of recycling that we put in place five years ago that are paying dividends with more oil being produced in Manitoba than ever before.

**Mr. Speaker:** Time for oral questions has expired.

## MEMBERS' STATEMENTS

### Discovery Children's Centre

**Ms. Bonnie Korzeniowski (St. James):** Mr. Speaker, I was pleased to attend the ribbon-cutting ceremony for Discovery Children's Centre new kitchen on May 9, 2008. This new state-of-the-art kitchen facility will make it easier for Discovery Children's Centre to continue providing high-quality nutritious meals that the children enjoy.

Study after study indicates that having healthy meals at a young age is essential to complete development of children. Mr. Speaker, the kitchen project represented the largest single grant the centre has ever received. The five funders—Winnipeg Foundation, City of Winnipeg, Community Services Council, Community Places and the Early Learning and Child Care Initiative—were central to making this wonderful kitchen a reality.

Mr. Speaker, Discovery Children's Centre is a very special place. They opened in December of 1976 and at that time were known as Roseberry Day Nursery. They started with modest beginnings in the basement of Bethel Baptist Church. In 1983 they moved into their current location and have grown to have 170 licensed spaces and service 300 families.

Their centre includes 72 nursery spaces and eight infant spaces. All staff commented on how wonderful it is to have infants in the centre.

Staff are central to the rearing process as these children grow up. I was also thrilled to see so many male child-care workers at their centre. Making sure both men and women are visible in the child-care profession is very important to breaking down stereotypes.

I am thrilled to be part of a government that has taken child care seriously. Ensuring that there is quality care for children is a priority of this government. Making a difference in the lives of our children is tantamount to investing in Manitoba's future.

The centre is the largest in the St. James community. They are one of the few day cares who keep flexible hours to accommodate shift workers. I have found them to be both progressive and visionary in their approach to child care. This is seen in the many national visitors that come to view their facilities and programs.

I would like to congratulate the hardworking staff and board at Discovery Children's Centre for their endless energy and dedication to children. Their work is making a meaningful difference in the lives of the youngest Manitobans.

#### **Kiwanis Club of East Kildonan**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, on May 12, I had the pleasure of attending the Kiwanis Club of East Kildonan's K-Family Recognition Night where Kiwanis Club students of all ages were honoured for their wonderful volunteer efforts.

The family of the East Kildonan Kiwanis Club includes three K Kids Clubs for elementary school students, five junior high Builders Clubs and finally three Key Clubs for students in high school. A total of over 350 students work together with the guidance of faculty advisers and Kiwanians to make positive contributions to their local community, while also fostering and building leadership qualities in their members.

Each Key Club, Builders Club and K Kids Club organizes their own projects for service and fundraisers throughout the years. For instance, their extraordinary efforts have supported many charities, including Coats for Kids, Siloam Mission and Salvation Army. In addition, members have an

annual tradition of serving meals to those less fortunate at Christmas; in the summer, they work to clean up local highways. Internationally, the 11 clubs have raised funds to build schools in Africa so children can receive quality education. They have also supported land mine detection and removal to ensure the safety of all.

It is my pleasure to congratulate the students who were recognized during the K-Family Recognition Night for their outstanding contributions to their clubs. As well, the Valley Gardens Builders Club was the honoured recipient of the President's Award which is given out annually to one club for its exceptional service and accomplishments.

Finally, I would like to commend the parents, faculty advisers, Kiwanians and the River East Transcona School Division for working together to support this program; in particular, Mr. Al Rouse, who has been the guiding force of Kiwanis clubs in East Kildonan for many years, through his role as chairperson. While he will remain very active in the Kiwanis family, Mr. Rouse is stepping down as chairperson. I wish him all the very best and say good luck to his successor, Mr. George Harvey, who will be responsible for the Key Club family in River East Transcona School Division.

The efforts of the Kiwanis Club of East Kildonan have a lasting impact on this community and beyond Manitoba. I wish the club and all of their members continued success in the years to come. Thank you, Mr. Speaker.

#### **Fred Douglas Humanitarian Awards**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I am pleased to acknowledge the winners of the Humanitarian Awards presented by the Fred Douglas Foundation in my constituency. The Humanitarian Awards are presented to individuals who have demonstrated a steadfast commitment to our elders. This year, three outstanding individuals were selected, and I would like to take a moment to recognize them.

Sonal Trevidi, a student at Sisler High School, was awarded the Learning by Caring Award. Along with excelling in her studies and working part time, Sonal volunteers at the Seven Oaks General Hospital where she works with seniors.

Jack Oatway, the Love of Caring Award recipient, is active in his community promoting the importance of an active lifestyle for older adults. Among his many positions as a leader in his

community, he was a member of the board for the Stonewall and District Health Centre and served for many years on the South Interlake Seniors Resource Centre board.

Karen Irvine, dedicated co-ordinator for the Boni-Vital Council for Seniors, received the Art of Caring Award. One of her greatest successes has been the development of the emergency response information kits that co-ordinate medical information for seniors.

The four other nominees for these awards were: Glenys Parr, nominated for the Love of Caring Award, who has volunteered on a daily basis at the integrated Youville/WRHA Boni-Vital Council for Seniors site for the past five years and has worked hard to maintain the ERIK Kits program.

Richard Askew, another nominee for the Love of Caring award who has been a volunteer with Meals on Wheels for the past 17 and half years, delivering food to seniors six days a week.

Josie Lucidi, a nominee of the Art of Caring Award, Mr. Speaker, who has dedicated her life for the last two decades to researching, developing and implementing seniors housing and programming.

Danielle Lobchuk, nominated for the Learning by Caring Award, who is excelling in the Red River Health Care Aid Program at Maples Collegiate.

Mr. Speaker, I ask my honourable colleagues to join me in congratulating this year's Fred Douglas Foundation Humanitarian Awards winners. They are an inspiration to all of us.

### **Best Managed Companies List**

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, it is with pleasure that I rise in the House today to congratulate three businesses in my constituency who recently were selected as one of Canada's 50 Best Managed Companies in 2007. It's a program recognizing the excellence in Canadian-owned and managed companies with revenues in excess of \$10 million.

Hytek Ltd., Friesen's corporation and Golden West Broadcasting Ltd. all earned a spot on this infamous list. Hytek Ltd. is Canada's second largest pork producer and is located in La Broquerie. Among the 50 companies selected in 2007, Hytek has contributed to the group's highest profit and revenue growth since the program's inception in 1993. Mr. Speaker, this is a remarkable success.

Friesen's corporation was placed on this list in 2006 and then earned a spot as a requalified member in 2007. It began as a small confectionery store in Altona and has since flourished into a multi-faceted enterprise employing over 600 people with book, yearbook, Web, retail and fast-print divisions. While once a family-held firm, it grew into an employee-held firm with the staff holding 100 percent of the shares of the company. Even though Friesen's has become much larger, it has continued to cherish the very same principles it did when it was founded—our company was only successful if our customers are successful.

The third company, Golden West Broadcasting, placed on the best-managed list in 2005 and in 2007, was also a requalified member. The company's first 1,000-watt radio station, CFAM in Altona, signed on March 13, 1957. Half a century later, they have 28 AM and FM stations scattered across Manitoba, Saskatchewan, and Alberta, including eight in southern Manitoba. They now have over 350 employees, take pride in hiring local high-school students on a part-time basis to fill various positions.

Mr. Speaker, I ask the members here today to join me in congratulating Hytek Ltd., Friesen's corporation, Golden West Broadcasting Ltd., who have portrayed Canadian business excellence. These companies have achieved superior results and profitability growth, and they have proven their stability and capability to succeed in an unstable economy. I would like to thank them for their service in their communities and to the province of Manitoba. They're the most deserving of recognition through this award. Thank you.

\* (14:30)

### **Canadian Parents for French**

**Ms. Erin Selby (Southdale):** Mr. Speaker, I rise before the House today to recognize the hard work of the organization Canadian Parents for French, and the accomplishments of French bilingual students across our province. This year, more than 8,000 students from Manitoba participated in Concours d'art Oratoire, 1,600 students from the Louis Riel Division, and I would like to give special thanks to the Island Lakes Community School, Shamrock School and Collège Béliveau for their participation.

Over the last four years the number of participants in this competition has doubled, paying

tribute to the exceptional growth of French language education in this province. I had the privilege of attending the competition on May 3, and delivering greetings on behalf of the Province.

Mr. Speaker, fluency in both Canada's official languages is no easy feat, and I admire the hard work and commitment of the students who competed. I believe the knowledge of more than one language enriches the intellectual, personal and social development of people and contributes to a better understanding of one another.

My children are enrolled in French immersion and I know being bilingual will serve them and all the other students like them as well, giving them unique insight into another culture and another way of perceiving the world. Indeed, knowing a second language is an invaluable gift that lasts a lifetime. I see this in my own life as my husband's education in early French immersion system has led him to a rewarding career at Radio-Canada.

Manitoba has some of the best French immersion programs in the country, and I thank the province's French Canadian community, teachers of French, parents and organizations like Canadian Parents for French for their commitment to ensuring that our youth have the opportunity of receiving such superb French education. Thank you, Mr. Speaker.

### **ORDERS OF THE DAY (Continued)**

#### **GOVERNMENT BUSINESS**

**Hon. Steve Ashton (Deputy Government House Leader):** Mr. Speaker, could you please call debate on second reading for Bill 29, followed by second readings starting with Bill 36, then Bill 30, and then from that point on in the order of the Order Paper?

**Mr. Speaker:** Okay, government business for today will be that we'll resume adjourned debate on Bill 29, and then, when completed, we'll be doing second reading of Bill 36. Then, following that, we'll go to Bill 30, and then following in order after.

#### **DEBATE ON SECOND READINGS**

##### **Bill 29—The Business Practices Amendment Act (Disclosing Motor Vehicle Information)**

**Mr. Speaker:** I'm going to be calling right now resumed debate on second reading Bill 29, and the debate remains open.

**Mr. David Faurshou (Portage la Prairie):** I do appreciate the opportunity to rise today in the Chamber to participate in debate of Bill 29, The Business Practices Amendment Act (Disclosing Motor Vehicle Information). I am very pleased to see this legislation come before the House as it indeed mirrors my own private member's legislation that this government obviously looked to but, I'm afraid, did not focus in on exactly what my private member's legislation was referring to, and then has expanded and broadened the scope and has now drawn considerable concern regarding how this particular amendment to The Business Practices Act will effectively be enforced. Because it does, indeed, create an uneven playing field involving the Manitoba Used Car Dealers Association as they relate to other agencies and organizations within the province that are responsible for providing a venue in which to exchange ownership of used vehicles.

Mr. Speaker, there exists an exemption for manufacturers, banking institutions, leasing companies, Manitoba Public Insurance and, to a certain degree, those entities that provide auction facilities for the bidding to take place, and exchange of ownership of used vehicles are also, for the most part, exempt as well under the current Business Practices Act.

Seeing that this legislation is only focussed on the Used Car Dealers Association, let's just take a moment to examine where the industry has been over the last number of years and whether this legislation really is as necessary as we are led to believe.

Here in the province of Manitoba, there has been over the course of the years tens of thousands of vehicles sold by dealers, but that is, in fact, not the majority of used-car-ownership transferrals. They have been taking place in the private sector, and this bill has no jurisdiction within the private sector. I speak specifically of individuals that sell vehicles in numbers less than five in any given year.

The dealers' association points to the fact that, over the past year, the dealers had incurred only about one hundred concerns being raised, one hundred incidents where the buyer had issue with the seller; every one of those hundred complaints, concerns, were dealt with to the satisfaction of both parties concerned.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair.*

I believe, at present, the Used Car Dealers Association here in Manitoba is, indeed, an organization that represents individuals who are licensed here in the province of Manitoba and is providing an excellent service. We, as the consumers of Manitoba, should be quite happy to go to any used car dealer and feel the security of knowing that the vehicle we are purchasing is one that we will be happy to take ownership of and have trouble-free motoring.

Madam Deputy Speaker, I also want to bring light to the definition of lemon contained in the act. Indeed, it is a definition extracted from other jurisdictions abroad, because there currently is no definition for lemon in any other province in Canada. This will be the first definition to exist in Canadian law, determining a lemon.

I do appreciate the minister's initiative in this regard, but I would dare say that the definition needs to be in other jurisdictions, not only just, as I speak, in provincial or territorial law. Terminology needs to exist in other quarters that currently safeguard the interests of consumers in Manitoba. We need to understand that the manufacturers must have, within their own rule books of customer service, the terminology lemon, so that they can and are able to make this determination when dealing with unsatisfied customers. That has yet to take place.

I think perhaps that this legislation with the definition of lemon is the cart out in front of the horse at this point in time. I believe the minister needs to do far more consultation with industry and, before this legislation is proclaimed, that, indeed, other parties that are involved with motor vehicles in the province of Manitoba need to be consulted, and the regulations pertaining to their consultation need to be vetted before being proclaimed with the same entities.

\* (14:40)

Also, I would like to say that, even though the minister and his department have stated unequivocally that they will be in a consultation with the Manitoba Used Car Dealers Association and other entities responsible for the sale of used vehicles here in the province of Manitoba before any regulations are drafted, they also will see the drafts before they are proclaimed. I would suggest, as there is in other legislation, that this is a need for

amendment to Bill 29 to state what the department is in fact making very clear to those that inquire that they will be consulted and have an active part in the drafting of regulations as it pertains to this bill.

So I think we should consider at committee an amendment that states all of the interested parties that will be consulted—in fact, be named within this legislation—in order that the guarantee is there and all of the concerns that they may not be contacted are alleviated because the legislation itself will guarantee that they are consulted within the scope of the regulations being drafted.

Now, there's just one other area that I would like to address before I conclude my comments at this debate stage of the legislation, and that involves the current practice of salvage by the Crown-owned Manitoba Public Insurance corporation. It is of significance in vehicle ownership transferral because MPI, with the written-off vehicles, does indeed try to recoup, in the interest of all those that have insurance with the public corporation, to try and recover as much money from the salvage vehicles as possible. Now here in the province of Manitoba last year alone almost 25,000 vehicles were sold at auction by the Manitoba Public Insurance corporation. Maybe just qualify that in saying that not all were in auction, but MPI did take possession of 24,506 vehicles in '07-08, and did, by its salvage, make those vehicles available to the public.

If I might be so bold as to perhaps trample on one of my colleague's areas of responsibility regarding Bill 15, the honourable Member for Turtle Mountain (Mr. Cullen). But it might be of interest to members opposite that their legislation is going to have a significant impact on Manitoba Public Insurance corporation's salvage operations. I hope members opposite are listening because Bill 15 will have an impact on 11,918 vehicle sales that took place last year. If that bill was in place, those 11,918 sales would not be available to the Manitoba Public Insurance corporation in order to salvage monies for those of us who have insurance policies with the corporation, because that number of vehicles pre-dates 1995. So, of the 24,506 vehicles salvaged by Manitoba Public Insurance corporation in '07-08, 11,918 of those vehicles were manufactured prior to 1995. That is a very, very substantial number of vehicles.

I want to just make mention to the minister responsible for this legislation, because he is

listening intently, of the U.S. federal evaluation of lemon laws that are across the border and currently protecting the interests of those that are purchasing used vehicles. Indeed, many states, if not most, do have some lemon laws on the books.

It is very, very interesting how those vehicles are again titled, once they are declared a lemon. Many, many of those vehicles are then re-titled in other jurisdictions where lemon laws do not exist.

*Mr. Speaker in the Chair*

I'm afraid, potentially, even though we do implement legislation here in the province of Manitoba, that the same will be taking place here in Canada, as is almost the normal practice south of the border. Mr. Speaker, I would encourage the minister to be in consultation with his counterpart in other jurisdictions here in Canada because, without co-operation and co-ordination, I believe, the same transactions will be taking place.

We'll make note at this point in time that Ontario does recognize that the majority of used car sales in that province are done by what they term curb-siders, independent unlicensed salespersons. The province of Ontario government is looking at implementing a used-vehicle information package which will be mandatory on all vehicle sales in the province of Ontario. That way, then, anyone, whether they are selling less than five vehicles or more than five vehicles, whether they're licensed as a dealer or not licensed, will, in fact, have to provide, to their best knowledge, a comprehensive vehicle information package to the potential purchaser of that vehicle. That way, then, persons—as we all recognize, it's always buyer beware when acquiring anything used because manufacturers' guarantees and warranties have, in most cases, lapsed. The due diligence must be done. Where it is in this legislation, making a greater onus on the dealers whom, I believe, are very, very well-informed currently but want us to recognize, as legislators, that the majority of vehicles that are sold here in the province of Manitoba are done by either exempted entities, which I earlier named, or by individuals that sell without a licence four or less cars here in the province of Manitoba.

So we have a huge, huge opening for buyers of used vehicles yet to be filled. I believe it is incumbent on us to do our best to make sure that we do, indeed, provide the most number of safeguards that we can through legislation.

I know the minister has said that this legislation will, indeed, provide the assuery to potential buyers that cars are not lemons and they are going to provide to that new owner trouble-free motoring. I will say that that's not quite true; in the own words of Mr. Nick Roberts, the Manitoba Used Car Dealers Association's spokesperson, who stated on CBC that he believes—and I quote: I don't think it goes far enough. I think if you're going to try and protect consumers against lemon vehicles it has to be everybody.

\* (14:50)

I believe that no truer statement can be made, and I look to the government of Manitoba to potentially delay the proclamation of this legislation until further consultation can be done with neighbouring provinces, as well as others that are in the business of selling used vehicles.

I do also believe that we should look to the enforcement, which is another concern that has been raised regarding bona fide licensed dealers versus those individuals who sell vehicles in excess of the minimum requirement for those persons having to or requiring a dealer's licence. There have been numerous occasions, numerous individuals brought to the attention of the driver and motor vehicle licensing branch of persons selling in excess of four vehicles annually, and to date there has not been a successful prosecution.

In fact, I personally am unaware of any investigation even taking place of individuals that have been known to participate very actively in the sale of used vehicles. So I think, when we put legislation on the books, we should be prepared and equipped to enforce that legislation. If we are not, then what is the point of passing the legislation. So, in light of the current practices of this government not enforcing already existing legislation, I dare to ask the question as to why are we furthering the legislation through this amendment if we're not already enforcing other provisions within this legislation and others.

So, Mr. Speaker, I thank you very much for the opportunity to participate in second reading debate regarding Bill 29, The Business Practices Amendment Act, and I look forward to hearing from the general public when this bill heads off to committee after passing second reading. Thank you.

**Mr. Kevin Lamoureux (Inkster):** I want to put on the record a few words before Bill 29 passes. I think

the Member for Portage la Prairie (Mr. Faurichou) is quite correct in that we do need to be aware in terms of the types of consultation that need to be done. Ultimately, I can recall, it wasn't that long ago, it was a big media story about lemon laws and, in particular, new vehicles, and I suspect that this bill is before us today at least in good part because of a television news program that ultimately really showed the need for having something done in terms of classification of lemon vehicles.

Mr. Speaker, we don't necessarily know why, but it does happen from a factory line at times you'll get a vehicle that, for whatever reasons, just doesn't perform the way in which it should be performing, given that it's a newly manufactured vehicle. They do become somewhat problematic for the consumer. Where a vehicle of that nature has been identified, there's a great deal of merit in terms of making sure, in the selling of that vehicle, that the consumer who is purchasing it is very much aware of it, because then, I would suggest to you, it would be sold at a much reduced price, much like if you purchase one of those salvaged vehicles that the Member for Portage la Prairie makes reference to, there is an obligation and it will be posted right on the registration that the vehicle was in fact written off. I see that as a good thing, because what it does is it does have an impact on the sale price, but we still believe that it's critically important that the proper structural work is done on the vehicle to make sure that vehicle is, in fact, safe, and we have something in place to ensure that is, in fact, the case. That's one of the reasons why it's important that we move toward enforcement.

This is an industry that I'm actually fairly familiar with. My family has been involved in the automobile industry for over 40 years, and I've had many first-hand experiences through my family in terms of gaining some of the insights. In fact, I was started off in the industry when I was 11 years old.

Back then you had, we called them backyard car salesmen, who would go pick up some jalopy and they would take it to their backyard. They would maybe put in a can of STP to prevent it from dripping oil or too much oil. You could actually get the drill, hook it up to the speedometer cable and put it on reverse, and it would turn back the speedometer. In those days, you didn't have to get them safetied. Then what would happen is they would take this car—you'd be amazed what you can use as body fill—slap a little bit of paint on it, then

they would take it to a car dealership, or a used car lot, then they would sell it at a fairly good price to that car lot. The car lot, in turn, would sell it to the consumer. The consumer would have absolutely no idea until it actually starts that the car is in that bad of shape until the problems start to occur.

Having said that, you know the Member for Lac du Bonnet (Mr. Hawranik) made an interesting comment when he was talking about lawyers and lawyer jokes. The same principle applies for a couple of other professions, politicians, quite possibly, and used car salesmen is another one of those professions.

I can honestly say that, in most part, a vast majority of these people who are within these industries are very good people, and they want satisfaction. They want their customers to be able to come back.

In fact, I would suggest to you, we have associations, whether it's a used car association, whether it's new car dealers' association, there are many of those within the industry who are advocating positive change so, at the end of the day, the consumer would be the biggest benefactor.

That's why it's important that, when we bring in legislation of this nature, we are doing our work in terms of consulting with the industries. This industry really has changed in terms of the building and selling of vehicles, both new and used, that the people that are most familiar with the pros and the cons and where consumers do need to be protected are some of those stakeholders. I think that we would do a wonderful job in recognizing that, in working with some of those stakeholders to ensure that the laws that we're passing are, in fact, adequate.

I would conclude by leaving on a very positive note that we need to recognize that the automobile industry employs tens of thousands of people across the province of Manitoba. It adds immensely to our economy. It provides a certain lifestyle for all Manitobans.

What I've always found interesting is to the degree in which many of these professionals, and I would classify them as professionals, in most cases, Mr. Speaker, contribute back to Manitoba. Whether it's donations to hospital facilities, sponsoring community programs, there are a lot of wonderful things that the automobile industry does as a whole.

We need to recognize that fact. Also, we do recognize, that's the reason why we bring in the legislation and make some of those standards to protect our consumers, that there are some rotten apples there.

To that degree, we see the legislation, in principle, as positive and don't have a problem in terms of it going to committee.

Thank you, Mr. Speaker.

**Mr. Ralph Eichler (Lakeside):** I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that debate now be adjourned.

*Motion agreed to.*

\* (15:00)

## SECOND READINGS

### Bill 36—The Municipal Assessment Amendment Act

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 36, The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Ashton:** I have a few brief comments on this bill.

This is an important bill. It approves the assessment process and the assessment appeal process; it provides for property assessment to take place every two years, instead of four years. That is particularly important in Manitoba where the buoyant property market prices have been increasing, which is obviously a positive sign for the Manitoba economy; this ensures a short assessment cycle.

I also want to indicate that this has been supported by the City of Winnipeg and will be very important for the City of Winnipeg and the 197 other municipalities.

There are also several amendments that improve the assessment appeal process. This will, I think, be positive as well. This involves enabling property owners to enter into agreements to address their

assessment concerns, rather than requiring them to be dealt with at a formal board of revision, enabling boards of revision to appoint single-person appeal panels to hear single-family residential appeals. They give the Municipal Board new authority to mediate assessment disputes. This transparency, we believe, is important. There are also several other amendments to ensure that property owners are treated consistently and acquire *[inaudible]* other provisions of the act.

I want to add that changes ensure that veterans' association properties, whether they are owned or leased, are consistently treated. The amendment will exempt leased properties of veterans' associations or legions and army, navy, air force from school taxes, recognizing the veterans' association properties more frequently being leased. Certainly, I believe this is important.

As a strong supporter and member of the legion in my own community, I think it's very important that we focus on this particular concern that has been specified, the veterans' associations, that's been included in the act. With those comments, I look forward to debate and speedy passage of what we believe is a timely legislation.

**Mr. Blaine Pedersen (Carman):** I, as well, would like to put a few comments on the record about Bill 36, coming in for second reading.

The four main parts of the bill and its changing assessment years from four years to two years in which general assessments will be made, there's a provision in here to change the board of revision. If agreement can be done ahead of time, it doesn't have to go to the board of revision.

An exemption for property owned by legions which now are leasing space, it also includes them as well in there; there are some other administrative changes. Generally, our understanding is that the City of Winnipeg has been calling for this for a number of years and it relates back to real estate values increasing and their wanting to keep, if I can call it sticker-shock to a minimum when property is reassessed.

For those of us who understand assessment, the idea is that your assessment changes but it's not necessarily an increase in your tax bill; it's related to mill rates. We would certainly hope that really happens. That's up to municipal governments to do that, to keep that in line.

There are a couple of concerns that we have in the bill. Just to put them on the record, as I said, the City of Winnipeg was calling for this. My understanding is that the AMM, the Association of Manitoba Municipalities, was not really consulted on this and had no input into the bill. It seems a little strange that they would not, at least, talk to the AMM ahead of time. Certainly, we'll be following up with the AMM to see what concerns that they would have with the bill.

A couple of other concerns that we have with this bill relate to the board of revision. Typically, the board of revision, particularly in the rural municipalities—although the city can be the same—in the rural municipalities the board of revision tended to be the whole municipality, all the municipal councillors and reeve. Now there is a provision in here where they can go to a one-person board of revision for single-family residential appeals, rather than the traditional three-person board. We do have some concerns about that, both within the city of Winnipeg and in rural municipalities.

When you put this power of revision into one person, we just have some concerns that due diligence may not be done here. I think, for the betterment of both the city of Winnipeg and for the rural municipalities, they are much better to have a three-person board on that, rather than putting all the power of the revision in with one person.

The other provision in this bill, which is good though, is that it allows the assessment officer and the property owner who are appealing their assessment, they can reach a settlement beforehand, and there are provisions for it to be a written settlement. The written settlement will be in the public domain and that part is good. It saves a board of revision having to meet for cases that were already settled, whereas before they still had to go before the board of revision for the approval. That part of it is good, but, again, I just want to reiterate, we do have some concerns about turning this board of revision over to one person.

The other concerns that we really have relate back to costs and, although there was a bill briefing on this, they did reiterate that they would try to keep costs in line. We all know that costs are a concern and, if we are going to two year, we're basically doubling up or doing the assessment twice as often as what we were before. How will that affect the costs and, ultimately, those costs are passed down to the ratepayer. We would like some clear indication

as to what costs will be involved, or how this will affect both rural municipalities and the City of Winnipeg in terms of costs of doing these assessments based on the two-year turnover instead of the four.

I guess the City of Winnipeg's calling for this because they see real estate values increasing, and they want to keep more timely assessments on there. The other side of that is, and I have a letter here from the Rural Municipality of La Broquerie, and the R.M. of Hanover. They're expressing concerns about Bill 17 which is the hog moratorium. Their concerns are that there'll be barns that will be depopulating. What's going to happen is that there are going to be demands from the owners of these barns for a revision to their assessment because the barn is no longer in production. How is the assessment branch going to handle this, and this is going to be additional load on the assessment branch. Now when we're getting into two years, it could work actually in the very opposite means as the way the City of Winnipeg intends it to be. I guess, looking down the road, what happens if property values start to flatten out or even drop, and we've seen this happen before. Is the City of Winnipeg going to be back then asking to go back to four-year assessments?

\*(15:10)

Those are the kinds of concerns that we always have when there are changes. That's not to say that we shouldn't look at it, but we'd like some input and we certainly look forward to committee to hearing from stakeholders on this. The exemption for property owned by legions is being expanded to legions occupying leased space. This is just housekeeping. This is a good move on here. It's just keeping up with the times.

There are also some provisions with the City, with Winnipeg regional air—or James Richardson International Airport, I guess, if I get the term right. Right now, they are putting the assessment back on. They're including the assessment—or the property taxes, I should say—in to the leaseholders at the airport.

Apparently, that's been done for the last number of years anyway; this is putting it into the legislation to what is actually happening. The Winnipeg Airports Authority—I should get the terms right, because there are three levels of ownership on here. The staff tells me that's housekeeping that's actually

being done now. So it's good that it's being put into the bill.

Mr. Speaker, we're interested in this bill. It does bring out some good parts, but we look forward to committee when we will get some stakeholders in here and get some feedback on this. Certainly, we look forward to more debates on this after committee, when we've heard from stakeholders and coming back into third reading.

Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Thank you, Mr. Speaker. I appreciate your patience.

Bill 36 is an interesting bill in the sense that I can recall a number of years back in the '90s, we had this huge debate about municipal property assessments. Back then, there were some serious time delays in terms of when a property was actually being evaluated. You would have, for example, a provincial tax roll assessment—or a city tax roll assessment, I should say—based on realty prices that were nine-years-old type of thing.

At the time, I can recall, in the committee stage, there were quite a few of people who had come forward to express concern. Back then, we talked about the need to reduce it, that it could be reduced down. I believe—again I'm going by memory—we had suggested that it be done on an annual basis. The level of expertise is there and, given back then things such as computer technology, we felt that it would have been a better process.

To that extent, Bill 36 is reducing from four to two. After just quickly conferring with the minister, because I wasn't 100 percent clear in terms of reading the legislation whether or not the two years is in the actual bill itself, I understand it to be in the bill, Mr. Speaker. To that degree, I think the principle of the bill is something that we could support.

I would also like to highlight one of the issues that the Member for Carman (Mr. Pedersen) had brought up, and that is the issue of power of revisions, how those revisions are being done. I think it's a valid concern to reduce from a panel of three to one individual. You need to ensure that there are checks in place, to ensure that people and particularly the public as a whole are not going to be calling into question any sort of unethical type of decisions that are being made.

That's not to impute motives on any of the individuals in the past who have provided the great service of being on a revisions board, but to suggest, Mr. Speaker, that sometimes you have to ensure—I think there was a certain level of comfort knowing that there were three. I don't quite understand the rationale as to why there was the need to go from three to one.

The other concern, no doubt, has got to be dealing with enabling an assessor and a taxpayer to arbitrarily agree to a property's assessment, even before the revision is under way, Mr. Speaker. Again, the issue there is just to make sure that there's transparency; transparency is a good check in itself in terms of accountability.

With those few words, we're prepared to see the bill go to committee. Thank you, Mr. Speaker.

**Mr. Ralph Eichler (Lakeside):** I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that debate now be adjourned.

*Motion agreed to.*

#### **Bill 30—The Crown Lands Amendment Act**

**Hon. Stan Struthers (Minister of Conservation):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 30, The Crown Lands Amendment Act; Loi modifiant la Loi sur les terres domaniales, be now read a second time and referred to a committee of this House.

*Motion presented.*

**Mr. Struthers:** Mr. Speaker, this bill brings in important modernization to the act. The amendments address the changes in the administration of agricultural Crown lands through the appointment of more than one director of ag Crown lands whose decision-making powers are divided between two departments.

Secondly, the bill amends the act to provide the ability for the minister to approve the sale or transfer of Crown lands valued at \$25,000 or less and of lands held in trust for a municipality or local government district.

Thirdly, the amendments modernize the act by improving expediency and accountability for approval of interest in Crown land acquired by department employees or officers. Mr. Speaker, A committee of deputy ministers will be authorized to

approve purchases by employees and officers. The amendments also provide an exception from approval where employees or officers are involved in third-party assignments or transfers of a right or interest in Crown land.

Finally the amendment authorizes the practice of publicly disclosing the names of purchasers for Crown land sales or transfers approved for employee-related interests to ensure continued transparency.

In conclusion, I would urge all members to support the proposed amendments. It's a good bill. I hope the members vote for it. Thank you, Mr. Speaker.

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, I do want to put a few things on the record.

The critic from Tuxedo and I had a briefing with the minister, and actually I can vouch that the minister and his staff did an outstanding job in answering our questions, certainly a lot more than he did on Bill 17. We know that he certainly has some difficulties there and needs a little help from our side of the House to make that bill a lot better. So I certainly support the idea and the concept in regard to Bill 30 and streamlining. I know when we get our reports from his department there's always a number of transfers from the Crown lands, and certainly one that needs to be done and streamlined. I know, in particular in regard to agriculture, there's a number of parcels that I've had a number of calls on, and we talked about those in the briefing. It was interesting to note that the information was passed on to us. I believe that some 90 percent of the transfers will be under the \$25,000 mark.

So, based upon his committee that he's going to be appointing, I believe it's three deputy ministers that will be charged with this task, and, certainly, they will have their work cut out for them. There is a number of other little minor changes that allows employees to also buy property which would then be reported and also the transparency of which would be posted on a Web site. I think it's very important for all of us, no matter what side of the House we're on, that this information be very clear, very transparent, so the public can see, in fact, who's buying this property and who it's going to. So we certainly support that as well.

At this point in time we have not had consultation with the outside public, but we will

ensure that any concerns out there will be brought forward during committee and look forward to the bill going to committee so we can have the input from the public on it. Certainly, from this side of the House, we see no opposition to Bill 30 at this point in time, and look forward to going to committee.

\* (15:20)

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I do want to put on the record a few words in regard to Bill 30 before its passage.

I think the principle of it is something which we can be supportive of. I think that we also need to be concerned in regard to the disposal of Crown lands. There is a responsibility of government to look at the environmental assessments, amongst other things. We want to ensure—because now what we're doing, from my understanding, is we're taking that responsibility of the accountability, we're shifting that away from Cabinet and we're giving it to deputy ministers. The understanding is that it's at a set fee. I believe it's \$25,000 or under where that actually occurs.

I can recall a number of years ago, we had issues regarding Hecla Island and the Crown lands that were involved there. So I think that we need to be very sensitive in terms of the issue, again, of transparency. On the surface, the principle of the bill is good. I think that we're moving forward. But whenever you're dealing with Crown lands I think that we have to be extra careful in terms of how it is ultimately disposed of, how that land is going to be utilized, putting up the safeguards to ensure that the public interest is first and foremost being met.

So in first reading of the bill—and I have had the opportunity on a couple of occasions to discuss it with my leader—it's a bill which in principle we support, but we do have some concerns in regard to how it would ultimately evolve and just want to highlight the importance of transparency.

With those few words, Mr. Speaker, we're prepared to see Bill 30 pass. Thank you.

**Mr. Stuart Briese (Ste. Rose):** I am pleased to rise to speak to Bill 30, The Crown Lands Amendment Act.

This is a bill that has quite an impact in my constituency, the R.M. of Alonsa. Most of the north end of that municipality is Crown land and it's a vast area.

It's a bill that does address some of the concerns I was bringing to the attention of the minister for quite some time. Ever since I got into the House he solicited my support and brought out the bill two days later, but we'll overlook that.

We have had problems up there where I've had producers coming to me. I guess I should talk a little bit about the actual make-up of land in the R.M. of Alonsa. It's mostly cattle country, and about roughly half of the Crown land there is provincial and the other half is municipal Crown land. Most of the concern was with the municipal Crown land when the municipality was quite willing to sell that Crown land to the producers, but it still had to go through Order-in-Council and the delays were quite lengthy. I had different producers up in there tell me that they set up their financing with whatever financial institution they were going to, and they paid an administration fee that was probably in place for about one year. It would run out well before the transfer ever came through, and they were forced to pay another administration fee by the time it came through. We had people waiting up to two years for the Order-in-Council approval. So it has been quite a problem.

I was interested to hear, and I didn't know, but I heard the Member for Lakeside (Mr. Eichler) say that 90 percent of the sales are under \$25,000. I would anticipate that that's a fairly close figure because a lot of those quarters of land up there, I've seen them for \$6,000, \$7,000, \$8,000 a quarter. But I'm hopeful that this will cut out some of those problems that we have had up in that area. I've already contacted the administrator of the R.M. of Alonsa and told her that this piece of legislation was coming through. I think we'll find that the municipality up there is quite pleased with it, too.

So I'll be looking forward to seeing this bill go to committee. I certainly am supportive of this bill, and I think it's long overdue. I'm glad to see that it's being presented.

With those few words, thank you very much, Mr. Speaker.

**Mr. Gerald Hawranik (Lac du Bonnet):** I move, seconded by the Member for Lakeside, that debate be adjourned on that bill.

*Motion agreed to.*

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

**Hon. Kerri Irvin-Ross (Acting Minister of Culture, Heritage, Tourism and Sport):** I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 31, The Freedom of Information and Protection of Privacy Amendment Act, be now read a second time and referred to the committee of this House.

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

*Motion presented.*

**Ms. Irvin-Ross:** I'm pleased to speak today about The Freedom of Information and Protection of Privacy Act, often known as FIPPA. This is a statute that applies to all our Manitoba government departments and agencies and to municipalities, universities, school divisions, regional health authorities, in total 370 local public bodies.

Members will recall that we held a public consultation process as required by the statute. I was pleased to lead the process, and we heard from a number of people, people using the act and people administering the act. We heard that people felt we could do it better in day-to-day work with the act. We heard that order-making power would be a significant addition to the powers of the review office. People looked for a shorter period of closure for Cabinet records and other kinds of documents and for greater availability of information outside the formal FIPPA process. Administrators looked for some better means of addressing the occasional circumstances where an individual's use of FIPPA might be construed as an abuse of the right of access.

Since the review, we have taken a number of steps in support of access and privacy. We updated our regulations to bring newly established agencies under FIPPA. So we have taken a number of steps forward with FIPPA and, today, we are looking at the bill before us which reflects the input we received and which would make several substantive changes to FIPPA.

I would also like to highlight the most significant of these. First, the bill introduces a new information and privacy adjudicator with the power to issue binding orders to settle difficult access and privacy cases. This is a direction recommended by a number of individuals and groups who participated in our consultation. I want to assure you that we will continue to benefit from the knowledge and capacity of our Ombudsman's office. Experience has shown that the Ombudsman resolves more than 90 percent

of all cases informally. In the few cases where the Ombudsman has to make formal recommendations, public bodies usually accept them. However, if a public body does not follow a recommendation, the Ombudsman would now be able to request a review from the adjudicator. Mr. Speaker, this would give the Ombudsman an additional tool to deal with complex or difficult cases. It would be mandatory for public bodies to comply with the adjudicator's orders.

This bill would also reduce the closure period for Cabinet records from 30 to 20 years. A similar reduction in closure period would be made to two other exceptions to access under the act: The one for local public body confidences, and the one for information containing advice to public body. This change reflects the recommendations of a number of groups to reduce the closure period. It would also clarify that public opinion polls should be released. They can no longer be withheld as advice to the public body. Our government has a clear policy of releasing the findings of public opinion polls, but this new provision would give more explicit direction within the law.

At the time of our review, we were asked to consider making some provisions for the small number of occasions when applicants may make inappropriate use of FIPPA. This was mentioned by local public bodies and by the Ombudsman office as well as by FIPPA staff and government departments and agencies. We looked at other jurisdictions and have accordingly introduced a provision that could assist in dealing with requests when their systemic and repetitive nature unreasonably interferes with the operation of the public body. However, I want to underline that if the applicant feels this provision is not used fairly, the applicant has the right to make a complaint. This complaint can proceed all the way up to the information and privacy adjudicator. So there is assurance that rights under FIPPA will be appropriately protected.

\* (15:30)

This bill enshrines in law the government's existing practice of annual disclosure of ministers' expenses, a proactive release of information that is often requested by applicants. I want to turn now to some of the provisions that we have introduced to modernize the act. I think everyone here today will recognize that we now work with First Nations

governments in new ways. This has been evolving over the years. It is now right that we give the information they provide to us in confidence the same level of protection as confidential information received from municipalities or the federal government; we have made that change to FIPPA.

A related change will enable public bodies to decline to release information which might harm relations between the Manitoba government and First Nations governments. As a modern government, we are taking steps to make our services more accessible and effective through smart use of technology and integrating service delivery where it makes sense to do so.

We've also moved to increase voluntary disclosure on-line. On our Web site today, you can find ministers' travel expenses, Orders-in-Council, annual reports, searchable versions of the public accounts, and free on-line access to the statutes, this all part of being an accessible and accountable government.

We also provide information in the most basic way over the phone. In a calendar year, the staff of Manitoba Government Inquiry fields about 160,000 phone and e-mail inquiries, helping Manitobans find that office which can best answer their questions and resolve issues. I encourage all members of this House to support this bill.

**Mrs. Mavis Taillieu (Morris):** I do also want to speak to Bill 31 today, The Freedom of Information and Protection of Privacy Amendment Act.

I was just having a slight side conversation with the Member for Springfield (Mr. Schuler). He was reminding me that, at one time in this House, it was just not done that members would stand up and read a prepared speech. It just wasn't acceptable. As we were watching the Minister of Healthy Living (Ms. Irvin-Ross) read that prepared speech, we realized that this was something that has really—*[interjection]*—it really hasn't been—was once a time when that would have been frowned upon, Mr. Speaker.

I think that there's a lot that we need to say about this bill, Mr. Speaker. One of the things I want to first say is we did go for a briefing with the minister's staff. Unfortunately, the minister was not able to be at the briefing so a lot of the questions that we had we weren't able to get answers to. The staff told us that they would be able to provide us with the what

in the bill, but they couldn't give us the why in the bill; we have a lot of whys that we want to ask about this bill.

Certainly, we want to know, why would you not take the opportunity when you're doing an amendment to a very important bill, such as The Freedom of Information and Protection of Privacy Act, why would you not take this opportunity to make this bill as good as it could be, Mr. Speaker, because it is not as good as it could be? There are many, many things that we find problematic with this bill.

One thing is they claim that they have introduced a privacy—they call it an adjudicator, and that's a question right there. Why would you call this an adjudicator? The answer to that is very simple: because it's not a commissioner. The privacy adjudicator is not a true privacy commissioner.

I would just like to add to the record that, in 1999, the NDP said that they would establish a privacy commissioner as is the case in other jurisdictions, because we believe that this office, in addition to the Ombudsman's Office, would have dealt more effectively with the public interest in disclosure of information.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair*

I think one thing in that is very important—public interest, Madam Deputy Speaker, because nowhere in this appointment of a privacy adjudicator is there anything that speaks to the interest of the public, nothing that goes beyond public bodies, which is government and their subsidiaries, but not to the general public. That's problematic in this bill.

During the Estimates, we asked some questions on the bill, and we found that the privacy adjudicator will basically replace the Privacy Assessment Review Committee. Now, the Privacy Assessment Review Committee has met six times in 10 years, Madam Deputy Speaker. There's not much attention paid to privacy in this bill.

We also learned that this will be a part-time position and this person will be called in, certainly, only at the request of the Ombudsman, and I'm quoting from the briefing note. It stipulates that the role of the adjudicator is to review public body decisions respecting access and *[inaudible]*, but only at the request of the Ombudsman. We find that this person will be very rarely called upon, Madam Deputy Speaker, and certainly will be a person, I

would suspect, kind of like our conflict of interest commissioner that all of us meet with maybe once or twice a year, so this is not a person. This is not a privacy commissioner. This is not, and I repeat, it is not, a privacy commissioner. It is simply someone that the Ombudsman can relay something to. How often would that ever happen? It is very rare that the Ombudsman's ruling or recommendation would not be accepted.

We think, Madam Deputy Speaker, that the appointment of a privacy adjudicator is basically window dressing to just send a message that, hey, we're making good on our promise of a privacy commissioner, but, in fact, this is not a privacy commissioner. They're only trying to spin the illusion that they are protecting privacy in this province.

I just want to also say that part of the role, in fact a major role with the privacy commissioner is this is a person who would go and educate the public. They would also receive comments from the public. Now, this is very important, I believe, in today's world, where we find that the protection of private information and personal information is something that is very precarious in an age of such technological advancement. Today's society, we see technology advancing at light speed while our understanding of what technology can be used for advances at the speed of a tortoise, Madam Deputy Speaker. We don't quite understand the implications of storing our personal data in huge databases and the ability for people to gain access to the information that once was stored on papers in drawers. Now it's stored electronically and it's much, much easier to access.

Part of the role of a privacy commissioner would be information education to the public on these very important matters. I just want to say that Alberta's privacy commissioner informs the public and receives comment from the public. Saskatchewan's privacy commissioner conducts public education. Ontario's privacy commissioner conducts public education programs and receives representation from the public. Québec, now here's something novel, also oversees protection of personalized information in the private sector, Madam Deputy Speaker, something that I've been advocating for in this House for three years. Prince Edward Island informs the public about the act. Newfoundland informs the public about the act and receives comment from the

public. Yukon informs the public and receives complaints and comments from the public.

\* (15:40)

**An Honourable Member:** Are you reading that, Mavis?

**Mrs. Taillieu:** My own notes, yes, that I made.

Therefore, Madam Deputy Speaker, I want to say: what does Manitoba do? Manitoba has an adjudicator that has no mandate to educate the public or to receive any kind of complaint or representation from the public, so there's no way that this could be called a privacy commissioner. At best, and I'll quote what Brian Bowman said, and Brian Bowman, for those who will not know who Brian Bowman is, and I'm sure most people would know, he is a renowned lawyer in the city of Winnipeg, renowned for his acumen in privacy matters and protection of information matters, both in the province of Manitoba and in Canada.

I just want to quote what he said. He's disappointed because basically what this is, is an Ombudsman junior. Basically, the only powers that this privacy adjudicator has is to make an order on something that will be referred only from the Ombudsman that's never really been done before in the province of Manitoba. So, Madam Deputy Speaker, this is not a privacy adjudicator.

We also have other concerns with the bill and certainly the issue around Cabinet confidences. Again this is something—good spin I guess because it sounds like, oh, we're going to release the Cabinet documents 10 years earlier and people can get access to that information. However, that's just the beginning.

This is something that we asked again in our briefing from the minister's staff, and they were unable to answer this question, Madam Deputy Speaker. The idea of disclosing the Cabinet documents, they say, is, well it's because if someone from a previous government wanted to open up a Cabinet document they couldn't get the whole Cabinet together so we just say it was the premier—the consent needed would be from the premier, the past premier. But we said, well what about today? Right now the current Cabinet documents, now because it says consent to disclosure, and this is an exception in here, consent to disclosure is given by the president of the Executive Council in respect of which the record was prepared.

So where we saw before it was the Cabinet that would be disclosing information, now it's only the Premier that can disclose information. No one has been able to answer the question. The minister didn't answer the question in the Estimates committee. The minister's staff were unable to answer the question in the bill briefing. Does this relate to current status, as we speak, as it sounds like it is in this bill, that right now if there was a Cabinet document, the Premier is the only one that could release that document and not the Cabinet as in the last legislation.

So we need some clarification on that, Madam Deputy Speaker, because this is a significant thing in this bill and it's hidden in the fact that it sounds good that documents will be released at an earlier date. But that's what this government tends to do. They tend to say we have an adjudicator with order-making powers which we know is not really a privacy commissioner. Now we say, oh, but we're going to have release of the documents 10 years early but what they don't say and they haven't been able to confirm, is that it'll be the Premier only. The Premier will be the only one. I ask the ministers on the other side of the House: Do they know their Premier doesn't trust them?

So that's something that we have some question with. We asked a question again today because it does say in the bill that information that public bodies receive from First Nations authorities is given the same protection from release as information received from other governments. Again, we asked the question: Do those First Nations authorities—does that refer to the child welfare authorities? Again, in Estimates, I asked the minister this question. He didn't provide me with an answer, and twice in this House I've asked for clarification on that whether when you say First Nations authorities, does that really refer to the child welfare authorities? I think, as I stated earlier in this House, that we have a duty to not only protect the privacy and sensitive information of people in the child welfare system, but the government does have responsibility and they should be accountable for this information. They have the responsibility of providing information that is within the public domain.

We know that they may have an interest in trying to keep that information out of sight and not in the public eye because we know their track record. This government's track record has not been good when we're talking about child welfare in general.

We know that they might have a vested interest in not wanting to have a free flow of information.

We are simply asking the question, though, because we don't know exactly how they are going to interpret this bill. It's one word, and I think that there is a different meaning because, do they mean other First Nation bands which they do specify? When they say authority, I think it would be a simple matter just to say, no, that's not what we mean. That would give us some comfort.

The fact that they can't say that, Madam Deputy Speaker, gives us no comfort. It makes us believe that, again, this is one of these situations where it sounds good on the surface but, when you drill down, you find out we're being duped.

That's why it's really important to look very carefully at these bills and say, they look okay on the surface, but when you go down underneath, you find the personal agenda of this government. That's where we have problems. When they try and hide information in the guise of giving it out sooner, when they try and say they have an adjudicator with order-making powers, when they really don't have a privacy commissioner, it's very, very problematic.

I also note in this bill that they're not going to post the data on-line anymore. What is that called? The registry, the registry of where to find information isn't going to be posted on-line. They say they're going to post the ministers' and Premier's (Mr. Doer) expenses and that's supposed to be a good thing. I think it is a good first step but to say to do that and then say, oh, but we're not going to put the whole registry on-line, it sounds like we're doing something good but, in the back door, we're going to do this. We're going to take all that information away from you. That's just wrong; that's going backward, not forward. I think that slogan might ring true with some of them.

Madam Deputy Speaker, it's problematic. It's problematic for people that want and need to access information for the ability to do jobs. Certainly, we in opposition, members of the media, we need access to information that this government really does not see fit to provide to us.

Another problem that I find with this bill is that public bodies are permitted to use and disclose information for the purposes of delivering integrated services. Madam Deputy Speaker, I asked the minister what that meant. He said—and I'm quoting

from *Hansard*—he said: "I'm sorry, I just don't have that information. I'll just have to say, I just haven't got a clue; I wish I did." Deputy Speaker.

\* (15:50)

Here I'm thinking, this is really important. This is very important stuff, and the minister doesn't understand or know his legislation. I'm perturbed; I'm really upset about the lack of understanding. When people put together legislation, if they don't understand what they're doing, it's the basis for bad legislation, Madam Deputy Speaker.

The idea of amassing data bases and putting together personal information, it's problematic in some ways. I can understand that the public believes the government holds all the information on them anyway. But I think they would be very concerned to think that a whole lot of other people are going to have access to information by pushing an access button over in one of the Crown corporations and finding out all the information on that person through any of the other Crown corporations.

I think that's problematic and I just don't think that a lot of people understand the implications of that because, first of all, when you collect a lot of data—we once used to collect data, as I said, in one department, in another department, in another department. Now we put that all together. We link it all up so the minute that you press a button, you get information all in one spot. And I know that some would argue that that's a good thing and it saves time and it's great.

I think, done properly, there are some merits to that, but to be doing something like that properly, if you're going to do that kind of thing, if you're going to amass information and disclose information so freely between departments, then it is very, very important to have balance. The balance that is provided in other jurisdictions is the privacy commissioner, because the privacy commissioner's role is to educate the public about this kind of amassing of data. The privacy commissioner can speak with and to the public, Madam Deputy Speaker. They can make representation to her or him and they can make their complaints directly to the privacy commissioner.

There's a whole lot of information that we see disseminated on certain issues like information technology and the collection and use and disposal of personal information. We see what the privacy

commissioners do in other provinces: Alberta, B.C. and Ontario. They're huge advocates. They're advocates for two things. They're advocates for access to public documentation and they're advocates for protection of personal information that is stored in huge data banks that the government has.

*Mr. Speaker in the Chair*

A true privacy commissioner is really necessary if you plan to amass information, then you need the balance of education. You need the balance here, Mr. Speaker. You need to have the balance to protect personal information when governments are overzealous in collecting information and are negligent in their use and disclosure and protection of that information.

I've stood in this House for the last three years and I've advocated for protection of privacy to be extended to the private sector, have some reasonable oversight of how people collect, use and disclose personal information in the private sector. This government has had the opportunity now to hear what I've had to say for three years, and now, with The Freedom of Information and Protection of Privacy Amendment Act, there has been an opportunity here to include this in the act. I know that this was a recommendation from the FIPPA reviews that were done in 2004. It was a recommendation, actually, Mr. Speaker, of the Manitoba Federation of Labour, interestingly enough. But the government has chosen to ignore the Manitoba Federation of Labour in their request.

I find that there are a lot of things here that, when you peel the onion back, so to speak, you find that things aren't as they seem. We don't have a true privacy commissioner, and if it was a true privacy commissioner, the government would have called this person a privacy commissioner. Yes, she has an order-making power, but that will likely never be used. Will he or she have a mandate to educate the public, or receive complaint or representation from the public? No, that's not in the bill. So that's not a privacy commissioner. In fact, this person will likely be called in on a very irregular basis, Mr. Speaker.

The Cabinet confidences, the way the bill can be interpreted is that the Premier (Mr. Doer) will have the final say in whether documents are released or not, instead of the Cabinet as it is now. That seems to be hidden away there and nobody wants to say anything about that.

As well, we are unclear as to what First Nations authorities, what that term actually means; we're seeking clarification on that, Mr. Speaker. Again, I simply would like to get some clarification because, as I said, after several attempts to get that information, we have not been provided with clarity. When you're not being provided with clarity, you have to suspect that there is no clarity, and they certainly want to keep this very cloudy.

I speak very passionately on this because it is something I feel is important. As I've said many times, there is a need to educate people as to what protection of personal information is, how you need to protect that, your privacy, certain aspects of that.

I know that the public at large doesn't trust governments and their holding of information on people because people have actually—I think it was reported in the FIPPA reviews that people have actually not disclosed pertinent information for their fear that it will be shared with other people; people are not really happy with that.

I think we had an opportunity here, Mr. Speaker, to bring in a good piece of legislation but that didn't happen. However, I suppose that this bill will be rammed through by the government and we will hear in committee what people have to say.

I certainly want to say to this government, you could have done a better job. Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Just a few comments at this stage on Bill 31, The Freedom of Information and Protection of Privacy Amendment Act—there are some concerns with this legislation. I'll give you a few examples.

The public body can apparently disregard requests where the request is considered vexatious. While I can easily imagine a situation where the Minister of Child and Family Services (Mr. Mackintosh) might consider 95 percent of the requests coming from the Conservative Party as vexatious, that would be a disaster in terms of being able to access information.

There needs to be some sort of a safeguard in terms of this use of vexatious excuses that we're—the other part about this, although that decision as to whether a request is vexatious or not is appealable, it would be first appealable to the Ombudsman who then has to transfer it to the adjudicator. Surely, matters under this part could go direct to the

adjudicator without having to go through the Ombudsman. If the Ombudsman had to rule on the large number of supposedly vexatious requests that the government was concerned about, that this could be used as a delaying tactic, by the time it got to the Ombudsman and the adjudicator, it might be four or six months down the line.

\* (16:00)

It's not a very efficient system. Maybe the way the NDP have designed it is full of potential for delays and very inefficient, but that is the way the NDP works. There's not a lot we can do about that. At least, we could have an act which takes out the potential or removes some of the potential.

I would suggest that there might be, as an example, a reasonable way here that surely MLAs should be exempted from this section so that we can't be given a difficult time in terms of getting information because, for some reason or other, the NDP doesn't want to let us know what's happening, and they consider a request as vexatious.

So you know this ability to delay which seems to be built into here is a significant concern, and I would suggest, Mr. Speaker, that this act needs to be examined quite carefully at committee, and that there needs to be some amendments made.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the Member for Carman (Mr. Pedersen), that debate be adjourned.

*Motion agreed to.*

### **Bill 32—The Personal Health Information Amendment Act**

**Hon. Kerri Irvin-Ross (Acting Minister of Health):** I move, seconded by the Minister of Agriculture (Ms. Wowchuk), Bill 32, The Personal Health Information Amendment Act, be now read a second time and referred to committee of this House.

*Motion presented.*

**Ms. Irvin-Ross:** Mr. Speaker, Bill 32 will update The Personal Health Information Act to implement recommendations that came out of the comprehensive public review of the act and to ensure that it will continue to protect the personal health information of Manitobans as we move forward in the development of electronic health records.

We've had over 10 years' experience with PHIA in Manitoba and believe for the most part, that it has served us well. But the PHIA review indicated to us that it could be improved and that is in part what this bill responds to. Some of the changes in this bill will set out criteria for a valid consent, permit consent to be either express or implied, ensure that when individuals or their family members ask a hospital or personal-care home for information about care, that it's currently being provided.

The request will be responded to as soon as reasonably possible but no later than 72 hours after the request was made. All demographic information, name, current address to be disclosed without consent if the police need the information to help find a missing person, the health-care provider needs to confirm someone's eligibility for health-care coverage and in other specified circumstances.

It allows hospitals and personal-care homes to disclose limited information to clergy who wish to provide spiritual care to patients and residents of those facilities, unless the patient or the resident objects. It allows hospitals and personal-care homes to disclose limited information to charitable foundations with which they are associated for the purposes of fundraising, unless the patient or resident objects.

It also allows trustees of information to disclose it on a limited basis to health-research organizations for the purpose of ongoing population health and health-system analysis. As well, it allows trustees to disclose information to another trustee who requires it to monitor, evaluate the quality of other trustees' services.

It expands the list of persons who can exercise the right of another person under the act to include family members and trusted friends. This will ensure that there's always someone capable of consenting to use and disclose and someone who can request access to health records on another's behalf.

The new information and privacy adjudicator to be appointed under The Freedom of Information and Protection of Privacy Act will have a similar role under The Personal Health Information Act. That adjudicator has the power, at the request of the Ombudsman, to issue an order against any trustee who has not acted on the Ombudsman's recommendations.

Thank you, Mr. Speaker, and I encourage all members to support this bill.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, a few comments on Bill 32, The Personal Health Information Amendment Act.

First of all, we're actually quite pleased that the government has moved on an issue that we have been trying to get the government to move on for some time and that is to make personal health records available quickly. The government has decided to use the 72-hour time period while we have advocated for a 24-hour time period. We still believe that it would be better to move to 24 hours.

Indeed, interestingly enough, independently of this act, the WRHA issued a policy statement that they were going to 24-hour availability of record, so we figure that, if the WRHA can have this as a policy, we should be able to do it province-wide under this act in 24 hours.

Certainly, it is very important in terms of opening up the health-care system that somebody would be able to have quick access to their health-care records when they're in hospital or in a personal care home. If you're going to participate in the treatment, the decision making, you need to have a system which is more open and provides access to records quickly.

So we're certainly appreciative of the government following our lead on this bill and moving to much quicker access to health-care records.

The varied changes which are in this legislation, I think that one of the concerns that we're waiting to listen and look and to come to a decision on is how well this process will work of Ombudsman and then adjudicator. In this instance, it may work a little bit better than under FIPPA as it is organized. The adjudicator, under this act, has powers to issue orders. I would suggest that there may be circumstances or varieties of orders which are not foreseen here, but, certainly, it is a step forward in terms of making sure that access will be available when it is needed to, and that individuals have not got inappropriate things written in their medical record, certainly a step which is moving in the right direction.

Aspects of this bill which give 90-day time frames or 30-day time frames for decisions to be

made mean that things could be delayed or take some time to get resolved, but, hopefully, the situations where there are delays in the initial instance will set procedures, set standards of practice, which can then be followed on in subsequent occasions much more rapidly. So we will wait to see how this works, but this is one bill that we're, in fact, quite supportive of and pleased that the government is following our leadership in this area. Thank you.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the Member for Turtle Mountain (Mr. Cullen), that debate be adjourned.

*Motion agreed to.*

### **Bill 33—The Salvation Army Grace General Hospital Incorporation Amendment Act**

**Hon. Kerri Irvin-Ross (Acting Minister of Health):** I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 33, The Salvation Army Grace General Hospital Incorporation Amendment Act, be now read a second time and be referred to committee of the House.

*Motion presented.*

**Ms. Irvin-Ross:** The Grace General Hospital has existed as a corporation for 104 years, was first incorporated by a private act of the Legislature in 1904. The act of the incorporation was subsequently amended to change the name of the corporation to the Salvation Army Grace General Hospital and to give it the authority to own and operate a personal care home, the Salvation Army Golden West Centennial Lodge.

\* (16:10)

Over the years, under the administration of the Salvation Army, the Grace has provided hospital services to Manitobans in a caring and compassionate setting. The Winnipeg Regional Health Authority has now assumed operation of the hospital and will continue the commitment to the quality of care for those who need it. This bill will reflect the administrative changes that have recently taken place and will change the name of the act to the Salvation Army Golden West Centennial Lodge Incorporation Act. I wish to thank the general council of the Salvation Army in Canada for its past commitment to quality of care and for this very significant contribution it has made to the health of Manitobans. I look forward to their continuing

contribution to our long-term care program through the lodge.

Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** I do have a few comments I'd like to get on the record. It's in regard, I guess, more so in terms of just acknowledgement and recognition of the Salvation Army. The Salvation Army, as has been pointed out, has done so much for the province, and I think we need to ensure that those from the past have been acknowledged in terms of their efforts. They really put the community in the name of the hospital and had the community really involved.

Grace Hospital has been a wonderful health-care facility for many years, and the stewardship that the Salvation Army provided in terms of quality of services is second to no other. We understand and appreciate the fact that the Salvation Army worked in co-operation with the regional authority in terms of somewhat evolving the authority over to the regional authority, and it does raise some concerns in the sense that Winnipeggers, in particular, are very much aware of the quality of care that's been provided over the years at the Grace Hospital.

I think that there's a certain amount of concern in terms of the direction that the Grace is going through. We know that there have been some bumpy times in the past, and the Salvation Army has always been able to ensure the survival of the Grace facility. It has one of the better emergency areas in, I would ultimately argue, in western Canada, even beyond.

I have had experience to have gone to the facility, to have talked with individuals that have provided care at that facility, and I just want to make sure we're very clear, on the record, from the Manitoba Liberal Party's perspective, that the Salvation Army did a fabulous job in the history of the Grace General Hospital in providing that quality care and to give government notice that we are going to be watching very closely as that power has been shifting over to the regional health care authority.

We have a number of concerns with regard to the regional health care authority and only hope that the hospital and the quality of care will continue to be of the same sort of standard that the Salvation Army provided the citizens of Winnipeg.

With those few words, Mr. Speaker, I'll conclude my remarks.

**Mr. Gerald Hawranik (Lac du Bonnet):** I move, seconded by the Member for Morris (Mrs. Taillieu), that debate be adjourned.

*Motion agreed to.*

**Bill 34—The Child and Family Services  
Amendment and Child and Family Services  
Authorities Amendment Act (Safety of Children)**

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** I move, seconded by the Minister for Healthy Living (Ms. Irvin-Ross), that Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children), be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, this bill is intended to strengthen the circle of safety and protection around children in the care of Child and Family Services agencies in Manitoba.

Both The Child and Family Services Act and The Child and Family Services Authorities Act, the latter of which ushered in what we commonly refer to as devolution, are founded on the safety, protection and best interest of children in Manitoba. However, it is very important to note that the wording in the two acts differs.

These amendments will harmonize the fundamental principles in both acts to enhance consistency across a legislative framework governing child welfare services in this province. The proposed amendments will reaffirm, will reinforce and, indeed, strengthen the foundational principle that, when determining the best interests of a child, safety is always the paramount consideration.

Mr. Speaker, the importance of extended families, kinship care, of communities and culture has been recognized for many years, but particularly, I think, over the last decade or so, as important and sometimes critical considerations when placing children with caregivers. These amendments clarify that, while these considerations must be part of the decision-making process, safety is always job 1 in Manitoba's child welfare system. These revisions will provide for greater certainty and consistency with the authorities act passed in '02 which established the four authorities that oversee the services in our province.

These changes, Mr. Speaker, also confirm and clarify not only for the courts, for counsel, for child welfare agencies, but also for the citizens of Manitoba that the safety of children is indeed the foremost consideration in the provision of services under The Child and Family Services Act.

Mr. Speaker, in addition, to ensure that children in the care of Child and Family Services agencies are receiving the highest quality of care possible at all times, amendments will also be made to The Child and Family Services Act and the authorities act to provide a framework to enhance the nature and frequency of contact between children in care and the child welfare agencies responsible for their safety.

Through these amendments and every-child-seen-every-time approach will be introduced through child contact standards that will require, with very limited exception, that child protection workers observe children in person during scheduled and unscheduled visits and not rely on third-party assurances of a child's well-being.

These amendments, Mr. Speaker, will help ensure that assessments regarding the risk to life, health and emotional well-being of children are based on the best information available and that children in care are receiving appropriate services. These changes demonstrate our commitment to improving the safety and security and well-being of all children that do require services under the legislative framework.

Thank you, Mr. Speaker.

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, it's a pleasure to rise today to speak to the child and family services amendment act. This is legislation that we've been calling for for quite some time since well before I was a member of this Assembly where we felt that it was of paramount importance that the safety of the child be placed first above all other considerations. We heard many times the minister state that that was the intent of existing legislation, but now it appears that we are moving to a situation where that's going to be clearly defined.

We believe it's a step in the right direction. Perhaps, if this legislation had been in place and clearly stated, children such as Gage Guimond would be alive today. Once again, the worth of this bill will depend on the implementation. There must be a clear directive to all Manitobans that child safety and

security are the prime considerations in the care of children, both within CFS and, indeed, in the care of all children in Manitoba. The government cannot just put the words on paper. They must ensure that everyone in this province understands the meaning of this legislation and then makes sure that there are no exceptions to these policies.

\*(16:20)

The second part of this legislation, basically, as the minister said, deals with parameters, guidelines, standards around visitation of children and the premise of every-child-seen-every-time, Mr. Speaker. That certainly is a step in the right direction. I have heard of cases where that hasn't happened and has led to problems and tragedies before. Determining the nature and the frequency of contact, perhaps there should be some clearer guidelines on that included in this legislation, but in the briefing I had with the minister this morning he stated pretty clearly that there would be a set of guidelines and standards put in place, once the legislation is passed through this House, that will state the levels of contact and the guidelines that will be there.

Mr. Speaker, I'm a little disappointed that we've found out in the last number of days there are three reviews of Child and Family Services agencies being undertaken at the present time, including the one we've been raising in the House for the last couple of days.

Whenever funding gets mismanaged that should be used in the care of children, that should be a concern for every one of us in this House. That appears to be what the allegations are in these situations. The minister has made some comments about making sure that is sorted out and that steps are taken to make sure that doesn't re-occur. It is, as I said, still very disappointing that these situations do arise. The various standards and guidelines that we do put in place, we hope will have some impact on those.

As I said earlier, this is legislation that we've been asking for. I've been up in the House several times at question period on this very issue. I think it's timely legislation that probably should have been passed long before now. It's here now, and I would commend the minister for bringing this legislation forward, finally listening to what we were saying on this side of the House in proposing this legislation.

With those few comments, I thank you again for a chance to speak to this bill.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I do want to talk about Bill 34 and the issue of credibility with this particular government on putting children first.

The first time I say to you, the principle of the bill is very positive. We see the bill as something that will be a step forward, a fairly significant step forward. We don't want to do anything in terms of being able to impede its passage. We look forward ultimately to the bill going to committee and ultimately returning to the House. There is always a good chance, a bill of this nature, that we might see public presentations made on the bill. It will be interesting to see what other Manitobans might have to say and who knows if there might even be an amendment or two coming to Bill 34.

But the principle of the bill is very positive. After all, Mr. Speaker, even if you just read the explanatory notes, how would anyone oppose a bill of this nature because, after all—and we've heard in the form of platitudes and many different speeches—*[interjection]*—oh, yes, I'm going to be getting to that one.

Mr. Speaker, we all are very much aware of protecting our children. Our children are our future, all sorts of wonderful slogans; I must admit, periodically, I, too, will engage in wanting to emphasize by using those types of slogans. They're used a lot during elections and, when we knock on doors, we talk about our children in the future; as politicians, we want to do what we can to protect the interests of our children.

Bill 34 is actually doing something that's relatively positive. Well, it's something which the Member for Ste. Rose (Mr. Briese) has raised in the forum of question periods. No political party has any ownership in terms of recognizing the value of having legislation. It's been talked about, and it's good to see that the government is actually acting about it, acting on it. They brought forward the legislation. As a result of bringing forward the legislation, they're seeing the support that's here inside the Chamber. I think both opposition parties have seen the value of it and are now engaged in debating the bill. I suspect before we even have our one-week break, that this bill will, in fact, pass out of second reading, and before June 12, it will, in fact, become a law. I can safely say that, Mr. Speaker,

because the bill itself is pretty much straight forward, and it's there for all the right reasons. It's there for our children.

Having said that, I want to take the government to task in terms of the way in which it likes to claim that it's there for the children. You know, it's interesting that today is the day in which the minister is bringing forward this bill. All we need to do is just reflect on question period today or question period yesterday. Where issues related to providing care to our children seems to be playing second to advertising and promotion campaigns, Mr. Speaker. In listening to the questions that were being brought forward, one has to question in terms of whether or not the government is more concerned about the promotions and the advertising. Communications, they throw a hundred thousand dollars on this line and a hundred thousand dollars on this line, all for communications or research for communications. They just kind of throw it off as if it's hardly any money.

Well, Mr. Speaker, we have to be very concerned in regard to a government that is more wanting to ensure that it gets a message out that deals with potential positive images as opposed to what might be really taking place. We have seen too many children die in custody. We have seen too many examples of children that have been put in compromised positions.

The other day while I was talking on a privilege, I talked about how I drive from Tyndall Park to the Legislature, and I see children on our streets. It doesn't matter what time it is, and you represent one of those inner-city ridings yourself, Mr. Speaker. Some of these areas—we have to be concerned about our children. That \$200,000 could do a whole lot of good for a whole lot of children.

I look at the issue of how we can best protect our children, and over the last number of months we—both myself and the Leader of the Liberal Party—have put a lot of time in terms of trying to think of some ideas that can put children's welfare on the floor of the Chamber. So that there would be more debate, more discussions and ideas on what we believe is a critically important issue.

\* (16:30)

I don't know how many times I've heard the Leader of the Liberal Party talk about Jordan's Principle. I've heard the official opposition talk about

Jordan's Principle. It seems that there's a lot of concern that even goes outside of the Chamber talking about Jordan's Principle, Mr. Speaker. What we want to see is the government recognize the importance of Jordan's Principle. It was either today in QP or yesterday in QP, the minister, as we were talking about suicide rates, started to infer: Well, it's not only our responsibility, it's Ottawa's responsibility, because some of these things are happening on reserves. Again, you could start to see that slippery slope of not taking responsibility. I believe that the government needs to reassess what it is that the Jordan Principle is all about, as opposed to trying to look at places where it can pass the buck, that it needs to start focussing on the child, and the child first and foremost.

You know, it was a couple weeks ago, and I can't recall the actual news story, but I believe it was either the national Minister of Health or the Honourable Vic Toews who said, well, we're in dispute with the Province on this issue, but we want the children to get the service so we will cover the costs and we'll continue the negotiations with the Province.

**An Honourable Member:** Not that one, Kevin. I don't think that was the one.

**Mr. Lamoureux:** You don't think that was the one, says the Member for Minto (Mr. Swan). Well, Mr. Speaker, I believe that the Member for Minto will have an opportunity in which he can look into it.

It had health care requirements of some fairly severely handicapped children. If I'm wrong, I trust the Member for Minto will provide me the information and I'd be more than happy to apologize to the member, but I look forward to receiving that.

The point of raising it, Mr. Speaker, is to acknowledge that we need to applaud where government takes responsibility and puts the child first and foremost. We need to give credit where credit is due. That leads me on to a number of private members' bills that are here today, and let's see how the government is responding to those bills.

I can talk about the most recent bill that was introduced, Mr. Speaker, by, I believe, the Member for Southdale (Ms. Selby), and I don't know the details of the bill but I understand it's for children and, you know, by the member even just inferring that it's for children, if it has value, what will happen is, the Member for Southdale will see that the Liberal Party will support it. In fact, we would want to see a

vote on it. We would want to see it go to committee and ultimately pass. Why? I'm assuming, because I haven't read the details of the bill, that the children of our province would benefit by the passage of that bill. We and the Liberal Party would support that. We're not going to put up barriers or prevent that bill from being able to pass this session.

What we ask for is that the government in return should be of the same mind, that if there are good bills that are before the Legislature, we should be passing them. After all, if we listen to what the Minister of Family Services (Mr. Mackintosh) was saying in some of his comments—and again, I'm not *Hansard* by any stretch of the imagination. But in quick jotting down something of the things that the Minister of Family Services was saying: best interests of the child; safety is primary concern; safety is always job one; safety and security. I don't know how many times the Minister of Family Services made reference to those types of statements. Those types of, what I would I classify, Mr. Speaker, if talk outdoes actions, as platitudes. What the government is demonstrating very clearly is that it's prepared to give the platitudes. What it's not prepared to do is to take the action, and why do I say that? Because this bill is all about putting children first and making sure that they're in safe environments.

Well, Mr. Speaker, how many children, including those that are in custody, are put in environments that are not healthy, every day, when they're driving in a vehicle where there's second-hand smoke? That happens every day. You don't have to take my word for it. You can check with the Canadian Lung Association, you can check with the Cancer Foundation, that the impact of second-hand smoke in vehicles is immense. It's happening to children that are in custody, the children who we're trying to protect with this legislation.

Well, what is the government doing in regard to Bill 223, which would have a positive impact, Mr. Speaker? We'll, I guess, have to wait and see.

You know, another bill, private member's Bill 225, deals with helmets, putting helmets on children who are riding bikes. Again, what we see is that we're bringing forward legislation much like this, that the intent of the legislation is to protect those that are most vulnerable in society, our children. What is the government saying about bicycle helmets?

The minister, the other day, stood up and she said, we've given out X number of thousands of bicycle helmets. I'm sure, Mr. Speaker, that a good number of those are sitting on racks in basements and sheds and so on, collecting a lot of dust. She says, who are the individuals that we should be concerned about? This bill deals with a lot of children that are in custody.

I would suggest to you that Bill 225 would help a lot more of those individuals that are in custody because, quite often, a number of these children that are in custody come from dysfunctional families. So you can give out all the free helmets you want in a dysfunctional family; quite often, it isn't going to cut it. You need to have more intervention. What is the government doing about the bill or the idea?

Mr. Speaker, we could go on. There's the booster seat bill that's there; this seems to be, yet, another bill that children in our province, including children that are in custody, would be able to be of great benefit by its passage.

What does the bill actually do? It just carries on. Once you hit a certain age or once you get a certain body mass as a child, the baby seat doesn't quite cut it, nor does having no seat at all, no booster seat; the normal seat belt, I should say, just doesn't cut it. What Bill 224 does is, it makes it mandatory for booster seats.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair*

So Bill 224 is going to do a lot to protect many of these children that are in custody, that are being transported all over the place, Madam Deputy Speaker. Yet, we ask, what is the government going to do on that bill?

I could go on and talk about the anti-poverty legislation that the Liberal Party has put forward. There are many initiatives, good ideas that are here today that we could be voting on, that the government could be acting on. One has to be suspicious as to why it is that the government has chosen not to act.

The type of hogwash that we got from the Premier (Mr. Doer) earlier today during question period was truly amazing. There's absolutely no reason—you listen to what the Premier is saying and it's like he's saying, we like the idea, we want the idea. Everything's positive about it. It's only a

question of time, Madam Deputy Speaker, that seems to be what the Premier is saying. The Member for Transcona (Mr. Reid) says, stay tuned.

There is no reason for us to stay tuned. What we should be doing is recognizing that it's a good idea. There's a small percentage of Manitobans that would disagree with the legislation. Yet, there's a majority of MLAs that would, apparently, vote against it. I suspect it probably has a lot to do with the leadership of their party, that they would be obligated to vote against it. I would love to see a free vote on it and for MLAs to vote with their constituents on the issue, Madam Deputy Speaker.

There's a double standard that's inside this Chamber; it's becoming clearer and clearer every day. We look at this bill and you see both opposition parties supporting it. Why? It's a good bill and it's to the benefit of our children.

The other day the government introduced a resolution. The Member for The Maples (Mr. Saran) introduced a resolution. It was a good resolution, and what did you see? A good idea. You saw both sides of the Chamber actually support the resolution. In fact, Madam Deputy Speaker, there were more opposition members in here at the time that it was put to question than there were government members. I believe there were five opposition members at the time.

\* (16:40)

The double standard is that the only ideas that seem to pass through this Chamber are ideas that have come out from the NDP and the NDP only. Now, the Premier could argue, well, no, no, no, well, there have been some ideas that we've given some grace on, and we've allowed the opposition to bring forward. Yes, The Apology Act is a good example of it. There have been some examples of where the government has attempted to show a little bit of grace and allow for a private member's bill to pass. I would suggest to you that, in good part, it's only because of the idea of some form of negotiation where, well if we do this, and you do that, and we do this, and you do that, well then maybe we'll consider it to allow this and so forth, and as long as this happens and that happens, well maybe then we will agree to allow that particular bill or resolution to pass.

Madam Deputy Speaker, I think that's a poor way of debating the many issues that need to be

debated inside this Chamber. That I should not have to negotiate some sort of a compromise or do something for the government in return for them passing a piece of legislation that I bring forward to the Chamber.

I believe that ideas worthy of passage of this Chamber should be debated and allowed to vote on. That's why I said at the beginning of my comments on Bill 34 that we don't have a problem in terms of supporting Bill 34. We don't have a problem with it going to committee and ultimately passing and becoming law because it's in the best interest of children.

Madam Deputy Speaker, I suspect that no matter what size the Liberal Party was inside this Chamber that the same principle would apply. It's that of good ideas and where it is practical that we move forward on those ideas.

This government has proven time and time again that it will not act on good ideas. It will, whether you want to call it filibuster or not, allow for bills to be voted on. Call it whatever it is that you want, the bottom line is that they will not allow good ideas to pass inside this Legislature.

*Mr. Speaker in the Chair*

I give heads up for the government as over the next number of years my intentions are to look at some of those constituencies that the government is not doing a good service in. I look at Southdale, Kirkfield Park, there's a lot of them, Mr. Speaker, and you know my intent is to make sure that those constituents in those areas are very much aware that this is not a government that acts on the best interests of children. It's demonstrated it—*[interjection]*

Well, the Member for Minto (Mr. Swan) needs to be a little bit more open-minded I think and maybe not so presumptuous.

Mr. Speaker, I think that if the Member for Minto was aware of what it is that his own constituents were telling him, I believe that his constituents would be telling him that he should maybe be supporting some of the other ideas that are not NDP because they're worthy of being voted on and quite possibly even passed.

You know if the Member for Minto would want to have an opportunity and I would love to have the

opportunity with the Member for Minto, we can go to one of his schools and we could arrange with the Member for Minto—*[interjection]*

Mr. Speaker, I wonder if the Member for Minto would do me a favour and participate in a debate with me. He can pick the school in his constituency, or I can pick the school in my constituency, or, if he wants to pick, he can pick a school in my constituency, too. You know, he can pick the forum, and we will ensure that it is adequately moderated so that there's no one that is partisan, and let's talk about children in the bills inside this Legislature. You know, I'll put that challenge out to the Member for Minto, Mr. Speaker, and I know that the Member for Minto does not have the courage to act on the challenge.

**Mr. Speaker:** Order.

**Mr. Lamoureux:** I'm sorry, Mr. Speaker, I apologize. All members are honourable members, but I do put out the challenge, and I look forward to the day or the year in which the Member for Minto would actually take me up on the challenge. I don't think he will, but he can surprise me. He can surprise me.

Mr. Speaker, in fairness I would also extend the same invitation to the Member for St. Johns (Mr. Mackintosh) because this is his bill. Again, what I have found is that inside the Chamber we have 35 very brave MLAs. They know when to applaud, and they have the notes that have disseminated from the Premier's (Mr. Doer) office. They know what it is to say. They know and they feel so strong and so bold inside the Chamber, but, if you take them outside of this Chamber, their courage, that same boldness isn't there. They lose that boldness. That's why I feel very free.

You know, last November—I think it was November—I even invited the Premier to come out to his own constituency. You would think one New Democratic MLA would show up, Mr. Speaker. No one. No NDP MLAs would show up in the constituency, and I extended the invitation. All I know, if the roles were reversed, and any NDP MLA challenged me to a debate on the type of issues I'm talking about, I would welcome it. I would welcome it.

Why is there not one—not one—out of the 35 MLAs will debate me outside of this Chamber? I'll tell you the reason why. It's because they're only—it's

like it's a collective, you know. People behave differently when they're in groups. If you look at a teenage gang, you'll wonder how can a gang be so cruel to one person? How can 10 or 12 teenagers beat on someone, almost pulverize a person to death? How could they do that? Well, they can do it because they're a gang of 12 or 13. You take them as individuals and they're completely different. Well, we got a rat pack of 35. I say that in a positive way, like there was the rat pack in Ottawa, the Liberals. If anyone takes offence to it, I withdraw it. We have this socialistic pack of 35 over on the other side, and they're brave and bold inside the Chamber, but take one of them, pit one of them outside the Chamber all by themselves in an environment where they have to debate Bill 34 or debate any other bill dealing with children, they just kind of, like, take that—you know, their attitude just kind of drops down to being a little bit more normal. They're maybe a little bit more straight forward, definitely not as bold. Without those other 34 behind them, they're very shy and very timid MLAs.

\* (16:50)

I like to think that sometimes you stand up inside the Chamber, as I do periodically—part of the reason for it is to try to get the government to respond, to get the government to actually do something in terms of what it is that we're suggesting. Well, Mr. Speaker, I could envision two years from now or three years from now being in an organized rally in Kirkfield Park or Southdale, where we can get people to come in, and the type of speech I'm going to give. I'm going to say: When they had the chance to get rid of second-hand smoke in vehicles, this member said nothing. This member didn't even want a vote on the issue. The Premier (Mr. Doer) said this was what you have to do. That's going to deal with our children.

Mr. Speaker, I could go on. I could talk about the environment, the plastic bags. How could you go to a public meeting and talk about children and the environment when you've got this type of legislation that you're voting against, that you're not going to support? That's why I believe the New Democratic caucus needs to really use the term "caucus." Get together and talk about it. Don't let the Premier's office rule you to the degree in which they do. There was far more independence when Gary Filmon was the premier; I saw more PC MLAs stand up in one session than I've seen backbenchers from this government in four years.

That's why we look at Bill 34 or any of the other pieces of legislation. The most important thing, the most important thing is that you've got to ensure that you provide adequate time for all MLAs to be able to debate bills. That's very important. That is a right, and, Mr. Speaker, you've ensured that all members get that right to be able to speak. I enjoy the opportunity because it allows me to engage members and try to make them think in terms of what it is that they are doing and, in some cases, what they're not doing, and how it is that they might be able to improve what's taking place inside this Chamber.

I believe there's so much more that we could be doing inside this Legislature; there really and truly is. You've got to think outside of the Premier's office, and you've got to start thinking in terms of the need to be independent in your thought. I understand why the Member for Elmwood (Mr. Maloway) would want to leave to go as a member of Parliament. I wish him well.

Bill 34 in principle is a good bill. We support it; we want to see it go to committee. It's a good idea. We support good ideas, Mr. Speaker, and, to that degree, we ask the government to do likewise and support good ideas. Allow things to a vote, allow things to process, so that it can become law and, like Bill 34, that the welfare of our children would indeed be better taken care of.

Thank you, Mr. Speaker.

**An Honourable Member:** That was inspiring.

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, I don't know, that's a hard act to follow, but to bring the House back to the reality of Bill 34-- I'd like to speak to Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act.

This is a serious issue and it's a serious bill. I think what you could call this bill is the good bill that took too long, because it is a good bill. Safety should always be first and foremost when you're talking about children in care. Safety of any child is the most important thing to take into consideration in the care of children—vulnerable children in care in our province.

Why did it take so long to bring this to the forefront? Unfortunately, we know what happened. We had several children die in the last several years under very unfortunate circumstances. I think back to

Phoenix Sinclair, and I know that that name resonates fairly well in this Chamber.

When you talk about the death that that little girl suffered, and she was dead for a long time before anybody knew that she was gone. Certainly, the circumstances around that lead one to believe that safety was not the first consideration when she was placed in the various places that she was placed. We've had others. We've had Gage Guimond. There have been many children that have been compromised in their care. Certainly, the horrific cases where the children have actually died are worse, of course, but what about all the other children? It is paramount that safety be the first thing in anybody's mind when they take a child and place a child. I don't know why it's taken this government this long to realize that and to actually put it into legislation.

We've said this for a long time: What about the child? The child is always first, the safety and protection, the best interests of the child—the best interests of the child. We talked about, you know, the idea of what's in the best interests of the child. Is that in the best interests of the family? Is it in the best interests of the culture? Is it in the best interests of the foster family? A lot of adults seem to get into the mix here and think that it's in their best interests. There are competing interests, but what we as responsible people must do is always ensure that the needs of the child, the safety and protection of the child, the best interests of the child are always the first consideration.

I'm certainly glad that we're seeing this now and trying in legislation. I don't why it would have taken so long to actually bring this bill forward. I think there's been plenty of opportunity over the last many years to bring this up and, certainly, you don't have to wait for legislation. You don't have to wait before you send directives down through your whole department to say, please be sure this is what our agenda is, that safety and the best interests of the child are first. That's the most important thing. We don't have to wait for this legislation.

The government chose to not—they chose to not put safety of the child first. The circumstances that have ensued and been provided, I guess, from that, and then the terrible things that have happened since in the last several years, certainly, could have been avoided, perhaps, Mr. Speaker. That's the very tragic, the tragedy of this whole situation is if the safety of

the child had always been the first consideration, would some of these children have been alive today?

We'll never know that. We'll never know that, Mr. Speaker, but, certainly, I think we would have felt a comfort in knowing that their safety was the first duty of care to the child because, when you see that the best interests of the child are not put first, that's when terrible things happen.

I do want to say that, again, as I said, it's a good bill. I would call it the good bill, but it just took too long. If we can do anything to strengthen our child welfare system and everybody that works in it, giving them the assurances that safety is job one, as the minister has said, and making sure that they understand that on every level, then I think that we will certainly have improvements in the care of children throughout the child welfare system. That is our hope.

I know that just because you pass a piece of legislation doesn't fix all the cures. It does not cure everything, but I certainly think it does go a long way to making sure that there's a standard and there's a principle and there's a rule that safety is the No. 1 consideration for children in care when they are taken into care and subsequently placed with foster families, extended families. Then, when the decision is made to reunite them with the family or not, safety will be the No. 1 consideration before the child is moved. It won't be because someone decided that this adult wanted the child, or this foster family wanted the child, or this person thought that the child should go here, and there were conflicts. It will be because the people will now know that there is a rule. There is a law they must consider, that the safety of the child is absolute front and center with protection of children in care.

These are our most vulnerable children. Children can't speak for themselves, especially the very young ones. They can't speak for themselves and they inherently know that safety is important to them.

\* (17:00)

**Mr. Speaker:** Order.

When this matter's again before the House, the honourable Member for Morris (Mrs. Taillieu) will have 22 minutes remaining.

The hour being 5 p.m., in accordance with the sessional order adopted by the House, the Speaker

must at 5 p.m. interrupt the proceedings and, without seeing the clock, call for second reading of bills for any specified bills that have not yet been moved for second reading.

Every minister responsible for such a bill must be given the opportunity to move a motion for second reading of each such bill for which he or she is responsible. After the motion is moved and spoken to by the minister, the debate on the motion stands adjourned without a motion for adjournment in the name of the Whip of the Official Opposition.

The hour being 5 p.m., I will now proceed in accordance with the provisions of the sessional order, just to advise members that the remaining specified bills to be moved for second reading include the following: Bills 35, 39 and 40.

**Bill 35—The Statutes Correction and Minor Amendments Act, 2008**

**Hon. Gord Mackintosh (Acting Minister of Justice and Attorney General):** I move, seconded by the government House leader, that Bill 35, The Statutes Correction and Minor Amendments Act, 2008, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It's been moved by the honourable Minister of Family Services and Housing, seconded by the honourable Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 35, The Statutes Correction and Minor Amendments Act, 2008, be now read a second time and be referred to a committee of this House.

**Mr. Mackintosh:** Just a note, some of the more substantive, albeit minor amendments, The Ozone Depleting Substances Act is being amended to add a provision that creates a presumption that, when a container has a label indicating that it contains an ozone-depleting substance, the container is deemed, in the absence of evidence to the contrary, to have contained the substance indicated on the label.

This amendment will be of assistance in prosecutions when all gas has been released from a container so that no substance remains in the tank for testing purposes. Department of Conservation staff advise that this amendment is based on a provision that is similar in Alberta.

Amendments made in The Insurance Amendment Act last session allowed an insured

person to appoint a beneficiary for all types of benefits payable under accident and sickness insurance. Previously, beneficiaries could only be appointed to receive death benefits payable under accident and sickness insurance. However, that act did not amend two subsections of The Insurance Act. These provisions contain language that suggest that beneficiaries are only able to collect benefits if the insured dies. These provisions will be amended to make it clear that beneficiaries can receive all types of benefits under an accident and sickness insurance policy.

The Crown Corporations Public Review and Accountability Act is to be amended so that it no longer applies to Venture Manitoba Tours Ltd. Venture Manitoba Tours has sold Gull Harbour Resort and no longer operates the Hecla Island Golf Course. The only remaining business operated by Venture Manitoba Tours is Falcon Lake Golf Course. Because of the seasonal and limited nature of its current operation, it is no longer necessary to have The Crown Corporations Public Review and Accountability Act apply to Venture Manitoba Tours.

The bill will also repeal a private act, The Manitoba Law School Foundation Incorporation Act. That foundation has decided to wind up its operations and has requested that its act be repealed.

**Mr. Speaker:** When this matter is again before the House, it will remain standing in the name of the honourable Member for Springfield (Mr. Schuler).

**Bill 39—The Court of Appeal Amendment Act**

**Hon. Gord Mackintosh (Acting Minister of Justice and Attorney General):** I move, seconded by the acting government House leader, that Bill 39, The Court of Appeal Amendment Act, now be read a second time and referred to a committee of this House.

**Mr. Speaker:** It has been moved by the honourable Minister for Family Services and Housing, seconded by the honourable Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 39, The Court of Appeal Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Mackintosh:** Essentially, the bill does three things: first, it updates the language of the statute to

make it gender neutral; No. 2, it's to increase the number of Appeal Court judges to eight from seven, including the Chief Justice of the Court of Appeal who is also the Chief Justice of Manitoba. This is in response to a request from the Chief Justice who has indicated that an additional judge is needed to be able to keep up with the workload of the court in terms of the complexity of cases that the court is now called upon to give.

Third area of amendment would permit the Court of Appeal to find that a person has been instituting or conducting proceedings before it in a vexatious or frivolous manner. This would allow the court to order that the person curtail such proceedings in the future. These orders, when granted by the court, would not block a person from ever instituting a court proceeding, but, rather, would ensure that, in future, a proceeding to be before the court is not of a vexatious nature, that there is a legitimate reason to proceed.

It's an unfortunate reality, Mr. Speaker, but a reality, nonetheless, that there are a few people who, for various reasons, abuse the court process with numerous pointless proceedings. This takes up valuable court time and causes others to incur needless expenses to defend these proceedings. The amendment is at the request of the Chief Justice of Manitoba, and I can advise that the Court of Appeal recently rendered a decision in which one of the issues was the vexatious nature of the litigation before it. The court cited its limited authority in this regard, given the absence of expressed provisions in The Court of Appeal Act.

I can advise that the provisions to deal with vexatious litigants are not something new for Manitoba. Very similar provisions exist in The Court of Queen's Bench Act and have been there since 1988. The amendments proposed in this bill follow closely the wording of the provisions found in that act. Provisions to deal with vexatious litigants are also not something new in this country. There are a number of trial and appellate courts across the country that are empowered to make orders in respect of vexatious proceedings.

I'm mindful of the importance of access to the courts by citizens to seek resolution of their legal issues. I'm also mindful that the courts do not make vexatious proceedings orders without having

carefully considered such an application. They are indeed rare orders.

With those points in mind, Mr. Speaker, I hope that members will have no hesitation in supporting these amendments.

Thank you very much. They will address the needs of our province's highest court and, in turn, contribute to enhance court service for Manitobans.

**Mr. Speaker:** When this matter's again before the House, it will remaining standing in the name of the honourable Member for Springfield (Mr. Schuler).

**Bill 40—The Drivers and Vehicles Amendment,  
Highway Traffic Amendment and Manitoba  
Public Insurance Corporation Amendment Act**

**Hon. Gord Mackintosh (Acting Minister charged with the administration of The Manitoba Public Insurance Act):** Mr. Speaker, I move, seconded by the acting government House leader, that Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Speaker:** It's been moved by the honourable Minister of Family Services and Housing, seconded by the honourable Minister of Intergovernmental Affairs (Mr. Ashton), that Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Mackintosh:** The days when Canadians and Americans would cross our shared border with little identification are behind us. So, too, are the days when we could visit our local bank and open a new account easily because the manager and staff knew us. We all have an obligation to do our part to enhance national and international security. We have just as great an obligation to do so in a way that protects private information and enables citizens to continue to enjoy the rights and privileges to which we've all become accustomed. Furthermore, Manitoba accepts its responsibility to continue to improve customer service wherever possible and to take steps to improve road safety here in Manitoba while doing so.

This bill addresses these needs in ways that take full advantage of the synergies and opportunities to enhance the value provided to Manitobans.

It enables the introduction of four important initiatives: (1) a new form of basic voluntary identification for Manitobans without driver's licences, to be introduced by the end of 2008; (2) an accepted passport alternative for entering the U.S. by land or water at a lower cost and easier to carry than a passport, to be introduced by the end of 2008; (3) a one-part driver's licence and streamlined renewal process for licences and vehicle registration, to be introduced in late 2009; and (4) a new and improved Autopac merit discount and surcharge system that will improve the rewards for the best drivers and provide more effective incentives for higher-risk drivers to improve, to be introduced in late 2009.

In 2004, the United States government passed the Intelligence Reform and Terrorism Prevention Act, which led to the Western Hemisphere Travel Initiative that fundamentally changed the identity documents required to travel to the U.S. from other parts of North America. Since January of 2007, anyone entering the U.S. by air has been required to show a passport. Beginning June 1, 2009, that requirement will also apply to those entering the U.S. by land or water unless a person has an acceptable passport alternative.

In 2007, the U.S. government declared its willingness to accept approved enhanced driver's licences and non-driver ID cards as a passport alternative. With Bill 40, Manitoba will be poised to become the third jurisdiction of more than 60 in Canada and the U.S. to offer this easier, lower-cost alternative to passports to its citizens.

The Manitoba government was one of the drivers behind making this happen. Manitoba lobbied Washington relentlessly, working with Ontario, Québec, and the Maritimes as well as with the western governors in other states to not only prove to the U.S. government that this alternative was required, but to demonstrate our commitment to participating should they agree to recognize such documents.

We believe a passport alternative is a necessary option for Manitobans. With the cost of a passport approaching \$100, including photo, and the fact that less than one in three Manitobans hold a passport, we

are pleased to respond with this lower-cost alternative for our citizens.

Mr. Speaker, recall that as of June 1, 2009, Manitobans wanting to visit their neighbours to the south will only have three options: a passport, an enhanced ID card from MPI, or stay in Canada.

\* (17:10)

Bill 40 also establishes the ability to issue basic identity cards to non-drivers. Many Manitobans require respected government-issued photo ID, and this completely voluntary option will meet their needs very well. Young people, aged 12 and over, require government-issued ID to board airplanes for flights within Canada. As well, some seniors will choose to have this ID card once they stop driving, and other Manitobans who have never held a driver's licence will also appreciate the opportunity to have one of these ID cards.

The impetus for Bill 40 was to meet these emerging needs for new and more secure forms of identity documents. However, Bill 40 goes beyond these initiatives and includes customer-service enhancements and a new safe driving rewards program.

Since the early 1990s, ever since Manitoba introduced photo licences, Manitoba has had a two-part driver's licence. The government of the day believed it was important to ensure that Manitoba driver's licences continue to carry insurance and, therefore, continue to be annually rated for insurance purposes. We fully agree. However, today we are establishing the ability to produce one-part high-tech enhanced security driver's licences and retain the Manitoba advantage of ensuring that every driver is an insured driver. Through the provisions of this Bill 40 in late 2009, Manitoba will start to introduce a one-part driver's licence card that will be good for five years while continuing to provide for insurance, which will be reassessed and billed annually, ensuring affordability and accurate, up-to-date insurance rating.

Mr. Speaker, the same streamlined process is proposed for vehicle registration and insurance, annual insurance reassessments to ensure up-to-date accurate insurance rating, along with documents and plate stickers issued for five years at a time, just like

the driver's licences, to improve efficiency and enhance customer service.

For most Manitobans, this will mean that they will go to their broker once every five years for a new photo licence card and vehicle registration sticker and documents. Over the other four years of their renewal cycle, they will receive an updated insurance rating assessment notifying them of a small change in their monthly Autopac payments.

Manitoba Public Insurance is working with the Insurance Brokers Association of Manitoba to ensure a smooth transition for all stakeholders. We all know it is essential to ensure that Manitobans continue to have access to these fine insurance professionals when they need them to provide advice and service. The challenge to which we have responded is to offer Manitobans service improvements that ensure they only need to visit their brokers when they indeed truly need to do so.

The final initiative that will be enabled by Bill 40 is to improve the Autopac merit discount and surcharge systems. Doing this will respond to customer and stakeholder concerns and improve the actuarial validity of the discounts and surcharges. These changes will reward the safest drivers with improved discounts and provide more tangible incentives for high-risk drivers to improve their driving behaviour.

The proposal, if approved, will enable MPI to take full advantage of the merger with DVL and significantly improve road safety for all Manitobans. Improving the safety of Manitoba roads is an important priority for Manitoba. The driver safety rating system will enhance the insurance-related incentives for safe driving by more directly linking the insurance rating system with current driver licensing improvement programs.

The Public Utilities Board, and organizations such as the Consumers' Association of Canada,

Manitoba Branch, and CAA Manitoba recognize the importance of using the Autopac rating system to reward safe drivers and provide incentives to high-risk drivers to improve their driving performance. Collectively, they have been calling for changes of this nature.

Together these four initiatives will not only enhance national, international security, but they will do so in a way that protects private information and enables citizens to continue to enjoy the rights and privileges to which we've all become accustomed. What's more, we will improve customer service and take steps to tangibly improve rewards for safe drivers and enhance road safety in Manitoba.

**Mr. Speaker:** When the matter's again before the House, it will remain standing in the name of the honourable Member for Springfield (Mr. Schuler).

The hour being past 5 p.m., this House is now adjourned and stands adjourned until 10 a.m. on Tuesday.

#### CORRIGENDA

Vol. LX No. 41 – 1:30 p.m., Wednesday, May 14, 2008, page 2125, the second column, eighth paragraph should read:

In the interests of saving time and in the interests of saving his possible hurt feelings, can he tell me whether or not these two direct mailers would pass his censorship legislation?

Vol. LX No. 41 – 1:30 p.m., Wednesday, May 14, 2008, page 2126, the first column, fifth paragraph should read:

Because I'm trying to co-operate and in the spirit of co-operation, can the government please let me know whether or not these direct mails will annoy them too much and fall victim to their censorship legislation?

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 15, 2008

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>			
		Bill 223	
		Lamoureux; Doer	2189
<b>Introduction of Bills</b>		Plastic Bag Ban	
Bill 234—The Ending Government Spending on Partisan Advertising Act		Lamoureux; Doer	2189
Driedger	2181	Labour Productivity	
		Martindale; Swan	2190
<b>Petitions</b>		Manitoba Securities Commission	
Headingley Foods		Faurschou; Selinger	2191
Taillieu	2181	Oil Industry	
		Maguire; Lemieux	2191
Child-Care Centres		Maguire; Doer	2192
Driedger	2181		
		<b>Members' Statements</b>	
Long-Term Care Facility—Morden		Discovery Children's Centre	
Dyck	2182	Korzeniowski	2192
Lake Dauphin Fishery		Kiwanis Club of East Kildonan	
Stefanson	2182	Mitchelson	2193
		Fred Douglas Humanitarian Awards	
<b>Committee Reports</b>		Martindale	2193
Standing Committee on Public Accounts Fourth Report		Best Managed Companies List	
Maloway	2183	Graydon	2194
		Canadian Parents for French	
<b>Oral Questions</b>		Selby	2194
Northern Child and Family Services Authority			
McFadyen; Mackintosh	2184		
Mitchelson; Mackintosh	2186		
		<b>ORDERS OF THE DAY</b>	
		(Continued)	
		<b>GOVERNMENT BUSINESS</b>	
		<b>Debate on Second Readings</b>	
Child and Family Services Agencies		Bill 29—The Business Practices Amendment Act (Disclosing Motor Vehicle Information)	
Briese; Mackintosh	2186	Faurschou	2195
Bill 31		Lamoureux	2197
Taillieu; Irvin-Ross	2187		
Government Advertising			
Driedger; Doer	2188		

<b>Second Readings</b>		Lamoureux	2211
Bill 36–The Municipal Assessment Amendment Act		Bill 34–The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)	
Ashton	2199	Mackintosh	2211
Pedersen	2199	Briese	2212
Lamoureux	2201	Lamoureux	2213
Bill 30–The Crown Lands Amendment Act		Taillieu	2217
Struthers	2201	Bill 35– The Statutes Correction and Minor Amendments Act, 2008	
Eichler	2202	Mackintosh	2219
Lamoureux	2202	Bill 39–The Court of Appeal Amendment Act	
Briese	2202	Mackintosh	2219
Bill 31–The Freedom of Information and Protection of Privacy Amendment Act		Bill 40–The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act	
Irvin-Ross	2203	Mackintosh	2220
Taillieu	2204		
Gerrard	2208		
Bill 32–The Personal Health Information Amendment Act			
Irvin-Ross	2209		
Gerrard	2209		
Bill 33–The Salvation Army Grace Hospital Incorporation Amendment Act			
Irvin-Ross	2210		

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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