

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

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

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Speaker*

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**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**

**Monday, June 9, 2008**

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

*PRAYER*

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 45—The Teachers' Pensions Amendment Act**

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** I move, seconded by the honourable Minister of Finance (Mr. Selinger), that Bill 45, The Teachers' Pensions Amendment Act; Loi modifiant la Loi sur la pension de retraite des enseignants, be now read a first time.

**Mr. Speaker:** The honourable minister will have to seek leave.

**Mr. Bjornson:** Yes, thank you, Mr. Speaker, by leave, if the House is so willing.

**Mr. Speaker:** It has been moved by the honourable Minister of Education, seconded by the honourable Minister of Finance, that Bill 45, The Teachers' Pensions Amendment Act, be now read a first time.

Is there leave for this first reading?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Okay, leave has been granted.

**Mr. Bjornson:** Under The Teachers' Pensions Act, cost-of-living increases for teachers' pensions are funded in part by the pension adjustment account, and a portion of teachers' contributions are credited to that account earning interest at the fund's rate of return on fixed-income investments.

The bill modifies the rate of return on the pension adjustment. During a 10-year period, the COLA or cost-of-living increases will be limited to 5.33 percent or two-thirds pending the available funding and any increases still subject to available funding in the pension adjustment account. Surpluses arising in the pension adjustment account during the 10-year period are reserved for use after the end of that period. Any surplus in the account at the end of the period or arising after that may be used only in accordance to the regulations.

This bill also makes various administrative and technical amendments to the act. It's good news for Manitoba teachers today, Mr. Speaker.

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

**House Business**

**Hon. Steve Ashton (Deputy Government House Leader):** As acting House leader, Mr. Speaker, on House business.

**Mr. Speaker:** On House business.

**Mr. Ashton:** I'd like to announce that the Standing Committee on Agriculture, Food, will meet on Wednesday, June 11, 6 p.m., to continue to consider Bill 17.

**Mr. Speaker:** It's been announced that the Standing Committee on Agriculture, Food, will meet on Wednesday, June 11, at 6 p.m., to continue to consider Bill 17, The Environment Amendment Act (Permanent Ban on Building or Expanding Hog Facilities).

**PETITIONS**

**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 Irene Krieger, Sheri Martens, Les Martens and many, many others.

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

### COMMITTEE REPORTS

#### Standing Committee on Social and Economic Development Third Report

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

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Social and—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Social and Economic Development presents the following as its Third Report.*

#### Meetings

*Your committee met on the following occasions:*

*Monday May 26, 2008, at 4 p.m.*

*Tuesday May 27, 2008, at 4 p.m.*

*Wednesday May 28, 2008, at 6 p.m.*

*Thursday June 6, 2008, at 10 a.m.*

*All meetings were held in Room 254 of the Legislative Building.*

#### Matters under Consideration

*Bill No. 10 – The Legislative Library Act/Loi sur la Bibliothèque de l'Assemblée législative*

*Bill No. 13 – The Highway Traffic Amendment Act (Damage to Infrastructure)/Loi modifiant le Code de la route (dommages causés à l'infrastructure)*

*Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre*

*Bill No. 16 – The Child Care Safety Charter (Community Child Care Standards Act Amended)/Charte sur la sécurité des enfants en garderie (modification de la Loi sur la garde d'enfants)*

*Bill No. 19 – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools*

*Bill No. 21 – The Advisory Council on Workforce Development Act/Loi sur le Conseil consultatif du développement de la main-d'œuvre*

*Bill No. 22 – The Worker Recruitment and Protection Act/Loi sur le recrutement et la protection des travailleurs*

*Bill No. 23 – The International Labour Cooperation Agreements Implementation Act/Loi sur la mise en œuvre des accords internationaux de coopération dans le domaine du travail*

*Bill No. 27 – The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)/Loi sur la gestion du barrage Shellmouth et d'autres ouvrages d'aménagement hydraulique et sur l'indemnisation découlant de leur fonctionnement (modification de la Loi sur l'aménagement hydraulique)*

*Bill No. 31 – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée*

*Bill No. 32 – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels*

*Bill No. 33 – The Salvation Army Grace General Hospital Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Salvation Army Grace General Hospital »*

*Bill No. 34 – The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)/Loi modifiant la Loi sur les services à l'enfant et à la famille et la Loi sur les régies de services à l'enfant et à la famille (sécurité des enfants)*

*Bill No. 36 – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale*

#### Committee Membership

*Committee Membership for the Monday May 26, 2008, meeting:*

*Mr. Altemeyer*

*Ms. Braun (Chairperson)*

*Mr. Derkach*

*Hon. Mr. Lemieux*

*Hon. Ms. Oswald*

Mr. Pedersen  
 Hon. Mr. Robinson  
 Hon. Mr. Rondeau  
 Mrs. Stefanson  
 Hon. Mr. Struthers  
 Mrs. Taillieu

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

Substitutions received during committee proceedings:

Hon. Ms. Melnick for Hon. Mr. Struthers

Committee Membership for the May 27, 2008, meeting:

Mr. Altemeyer (Vice-Chairperson)  
 Ms. Braun (Chairperson)  
 Mr. Derkach  
 Hon. Mr. Lemieux  
 Hon. Ms. Melnick  
 Hon. Ms. Oswald  
 Mr. Pedersen  
 Hon. Mr. Robinson  
 Hon. Mr. Rondeau  
 Mrs. Stefanson  
 Mrs. Taillieu

Substitutions received during committee proceedings:

Mrs. Rowat for Mrs. Stefanson

Committee Membership for the May 28, 2008, meeting:

Mr. Altemeyer (Vice-Chairperson)  
 Ms. Braun (Chairperson)  
 Mr. Cullen  
 Mr. Derkach  
 Hon. Mr. Lemieux  
 Hon. Ms. Melnick  
 Hon. Ms. Oswald  
 Hon. Mr. Robinson  
 Hon. Mr. Rondeau  
 Mrs. Stefanson  
 Mrs. Taillieu

Committee Membership for the June 6, 2008 meeting:

Hon. Ms. Allan  
 Ms. Braun (Chairperson)  
 Mr. Cullen

Mr. Graydon  
 Hon. Ms. Irvin-Ross  
 Mr. Maguire  
 Mr. Martindale  
 Hon. Ms. Oswald  
 Hon. Mr. Robinson  
 Hon. Mr. Swan  
 Mrs. Taillieu

Your committee elected Mr. Martindale as the Vice-Chairperson.

Substitutions received during committee proceedings:

Mr. Derkach for Mrs. Taillieu  
 Mrs. Taillieu for Mr. Cullen

### **Public Presentations**

Your committee heard the following one presentation on Bill No. 10 – The Legislative Library Act/Loi sur la Bibliothèque de l'Assemblée législative:

Ken Waddell, Private Citizen

Your committee heard the following one presentation on Bill No. 13 – The Highway Traffic Amendment Act (Damage to Infrastructure)/Loi modifiant le Code de la route (dommages causés à l'infrastructure):

Chris Lorenc, Manitoba Heavy Construction Association

Your committee heard the following sixteen presentations on Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre:

Mark Nantais, Canadian Vehicle Manufacturers' Association  
 David Adams, Association of International Automobile Manufacturers of Canada  
 Gaile Whelan-Enns, Manitoba Wildlands  
 Nick Roberts, Manitoba Used Car Dealers' Association  
 Bruce Giesbrecht, Manitoba Motor Dealers Association  
 Colin Craig, Canadian Taxpayers Federation  
 Margaret Bernhardt-Lowdon, Manitoba Lung Association  
 Harvey Stevens, Resource Conservation Manitoba  
 Curtis Hull, Climate Change Connection  
 Kristal Bayes, Private Citizen  
 Trevor Gates, Private Citizen  
 Ken Waddell, Private Citizen

Howard Rubuck, Private Citizen  
 Andrew Basham, Green Party of Manitoba  
 David Enns, Private Citizen  
 Rick Negrych, Private Citizen

Your committee heard the following one presentation on Bill No. 19 – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools:

Fred Curry, Private Citizen

Your committee heard the following one presentation on Bill No. 21 – The Advisory Council on Workforce Development Act/Loi sur le Conseil consultatif du développement de la main-d'œuvre:

John Doyle, Manitoba Federation of Labour

Your committee heard the following three presentations on Bill No. 22 – The Worker Recruitment and Protection Act/Loi sur le recrutement et la protection des travailleurs:

Ross Eastley, Canadian Migration Institute  
 John Ryan, Canadian Society of Immigration Consultants  
 Darrell Rankin, The Communist Party

Your committee heard the following six presentations on Bill No. 27 – The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)/Loi sur la gestion du barrage Shellmouth et d'autres ouvrages d'aménagement hydraulique et sur l'indemnisation découlant de leur fonctionnement (modification de la Loi sur l'aménagement hydraulique):

Cliff Trinder, Private Citizen  
 Gene Nerbas, Assiniboine Valley Producers  
 Gaile Whelan-Enns, Manitoba Wildlands  
 Keith Perron, Private Citizen  
 Stanley Cochrane, Private Citizen  
 Antoine Hacault, Private Citizen

Your committee heard the following twelve presentations on Bill No. 31 – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée:

Gaile Whelan-Enns, Manitoba Wildlands  
 Blake Taylor, Private Citizen  
 Mimi Raglan, Private Citizen  
 Brian Bowman, Private Citizen

Elizabeth Fleming, Private Citizen  
 Colin Craig, Canadian Taxpayers Federation  
 Gloria Desorcy, Manitoba Branch of the Consumers Association of Canada  
 Trevor Gates, Private Citizen  
 Ken Waddell, Private Citizen  
 Christine Waddell, Private Citizen  
 Kelly deGroot, Private Citizen  
 Rick Negrych, Private Citizen

Your committee heard the following seven presentations on Bill No. 32 – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels:

Blake Taylor, Private Citizen  
 Mimi Raglan, Private Citizen  
 Charles Cruden, Private Citizen  
 Laurie Thompson, Manitoba Institute for Patient Safety  
 George Fraser, Massage Therapy Association  
 Gloria Desorcy, Manitoba Branch of the Consumers Association of Canada  
 Pam Brown, Private Citizen

Your committee heard the following two presentations on Bill No. 34 – The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)/Loi modifiant la Loi sur les services à l'enfant et à la famille et la Loi sur les régies de services à l'enfant et à la famille (sécurité des enfants):

Gordon Reimer, Private Citizen  
 Ken Waddell, Private Citizen

Your committee heard the following one presentation on Bill No. 36 – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale:

David Sanders, Deloitte & Touche LLP Property Tax Services

#### Written Submissions

Your committee received the following two written submissions on Bill No. 13 – The Highway Traffic Amendment Act (Damage to Infrastructure)/Loi modifiant le Code de la route (dommages causés à l'infrastructure):

Ian Wishart, President, Keystone Agricultural Producers  
 Geoff Sine, Manitoba Trucking Association

*Your committee received the following one written submission on Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre:*

*Gordon Forman, National Association of Antique Automobiles Clubs of Canada Corporation*

*Your committee received the following two written submissions on Bill No. 31 – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée:*

*Valerie Price, Executive Director, Manitoba Association for Rights and Liberties  
Ruth Pryzner, Private Citizen*

*Your committee received the following one written submission on Bill No. 32 – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels:*

*Stuart Murray, St. Boniface Hospital and Research Foundation*

*Your committee received the following two written submissions on Bill No. 36 – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale:*

*Ron Bell, President, Association of Manitoba Municipalities  
Antoine Hacault, Private Citizen*

### ***Bills Considered and Reported***

*Bill No. 13 – The Highway Traffic Amendment Act (Damage to Infrastructure)/Loi modifiant le Code de la route (dommages causés à l'infrastructure)*

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

*Bill No. 16 – The Child Care Safety Charter (Community Child Care Standards Act Amended)/Charte sur la sécurité des enfants en garderie (modification de la Loi sur la garde d'enfants)*

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

*Bill No. 19 – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools*

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

*Bill No. 21 – The Advisory Council on Workforce Development Act/Loi sur le Conseil consultatif du développement de la main-d'œuvre*

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

*Bill No. 22 – The Worker Recruitment and Protection Act/Loi sur le recrutement et la protection des travailleurs*

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

*Bill No. 23 – The International Labour Cooperation Agreements Implementation Act/Loi sur la mise en œuvre des accords internationaux de coopération dans le domaine du travail*

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

*Bill No. 27 – The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)/Loi sur la gestion du barrage Shellmouth et d'autres ouvrages d'aménagement hydraulique et sur l'indemnisation découlant de leur fonctionnement (modification de la Loi sur l'aménagement hydraulique)*

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

*Bill No. 31 – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée*

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

*Bill No. 32 – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels*

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

*THAT the proposed clause 6(1), as set out in Clause 6(1) of the Bill, be replaced with the following:*

*Trustee to respond promptly*

6(1) A trustee shall respond to a request as promptly as required in the circumstances but not later than

(a) 24 hours after receiving it, if the trustee is a hospital and the information is about health care currently being provided to an in-patient;

(b) 72 hours after receiving it, if the information is about health care the trustee is currently providing to a person who is not a hospital in-patient; and

(c) 30 days after receiving it in any other case, unless the request is transferred to another trustee under section 8.

#### Information provided in 24 hours

6(1.1) In the circumstance mentioned in clause (1)(a) (hospital patient), the trustee is required only to make the information available for examination and need not, despite section 7, provide a copy or an explanation.

THAT the proposed clause 23(1.1), as set out in Clause 14(2) of the Bill, be replaced with the following:

#### Timely disclosure to family

23(1.1) When an immediate family member, or someone else with whom the patient or resident is known to have a close personal relationship, asks a trustee to disclose information under subsection (1), the trustee must disclose the information as soon as reasonably possible but not later than

(a) 24 hours after the request is made, if the trustee is a hospital and the information is about health care currently being provided to an in-patient; or

(b) 72 hours after the request is made, in any other case;

as long as the requirements of subsection (1) are met.

THAT the proposed section 23.2, as set out in Clause 15 of the Bill, be replaced with the following:

#### Disclosure for fundraising

23.2(1) If a trustee is

(a) a hospital or personal care home; or

(b) a health care facility or health services agency designated in the regulations for the purpose of this section;

it may disclose to a charitable fundraising foundation with which it is affiliated the name and

mailing address of an individual who has been a patient of the hospital, who is or has been a resident of the personal care home, or who is receiving or has received services from the facility or agency.

#### Conditions

23.2(2) The trustee may make a disclosure under subsection (1) only if

(a) the trustee has notified the individual in writing that the trustee might disclose personal health information about the individual to a charitable fundraising foundation, or has posted a notice to that effect where it is likely to come to the individual's attention;

(b) the notice is in a form that the individual can reasonably be expected to understand;

(c) the individual has been given a reasonable opportunity to object to the disclosure and has not done so; and

(d) the trustee and the foundation comply with any additional requirements specified in the regulations.

THAT the proposed clause 66(1)(i.1), as set out in Clause 29(c) of the Bill, be replaced with the following:

(i.1) for the purpose of section 23.2 (charitable fundraising),

(i) designating health care facilities and health services agencies, and

(ii) specifying additional requirements under clause (2)(d);

That the title is amended by adding "(2)" at the end.

Bill No. 33 – The Salvation Army Grace General Hospital Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Salvation Army Grace General Hospital »

Your committee agreed to report this bill without amendment.

Bill No. 34 – The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)/Loi modifiant la Loi sur les services à l'enfant et à la famille et la Loi sur les régies de services à l'enfant et à la famille (sécurité des enfants)

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

*THAT the following be added after Clause 1(5) of the Bill:*

*1(6) The following is added after clause 4(1)(l):*

*(l.1) communicate to authorities the primary importance of a child's safety and security in the provision of child and family services and monitor the oversight provided by authorities of agencies in this regard;*

*THAT the following be added after Clause 2(2) of the Bill:*

*2(3) The following is added after clause 24(e):*

*(f) communicating to authorities the primary importance of a child's safety and security in the provision of child and family services and monitoring the oversight provided by authorities of agencies in this regard.*

*Bill No. 36 – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale*

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

*THAT Clause 9 of the Bill be amended*

*(a) in the proposed subclause 15.1(3)(b), by striking out "property" and substituting "matter or matters agreed to"; and*

*(b) by replacing the proposed subsection 15.1(7) with the following:*

*Amendment and correction process saved  
15.1(7) Nothing in this section affects the power to amend or correct*

*(a) an assessment roll under section 13 or 14; or*

*(b) a tax roll under section 300 or 326 of The Municipal Act or section 340 or 341 of The City of Winnipeg Charter.*

### ***Bills Considered and Not Reported***

*Bill No. 10 – The Legislative Library Act/Loi sur la Bibliothèque de l'Assemblée législative*

*Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre*

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

**Motion agreed to.**

### **Standing Committee on Social and Economic Development Fourth Report**

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

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Social and Economic Development—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Social and Economic Development presents the following as its Fourth Report.*

### **Meetings**

*Your committee met on the following occasions:*

*Monday May 26, 2008, at 4 p.m.*

*Tuesday May 27, 2008, at 4 p.m.*

*Wednesday May 28, 2008, at 6 p.m.*

*Thursday June 6, 2008, at 10 a.m.*

*Saturday June 7, 2008 at 10 a.m.*

*All meetings were held in Room 254 of the Legislative Building.*

### **Matters under Consideration**

*Bill No. 2 – The Public Schools Amendment Act (Trans Fats and Nutrition)/Loi modifiant la Loi sur les écoles publiques (gras trans et nutrition)*

*Bill No. 10 – The Legislative Library Act/Loi sur la Bibliothèque de l'Assemblée législative*

*Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre*

*Bill No. 24 – The Public Schools Amendment Act (Cyber-Bullying and Use of Electronic Devices)/Loi modifiant la Loi sur les écoles publiques (cyberintimidation et utilisation de dispositifs électroniques)*

*Bill No. 28 – The Strengthening Local Schools Act (Public Schools Act Amended)/Loi sur le renforcement des écoles locales (modification de la Loi sur les écoles publiques)*

*Bill No. 30 – The Crown Lands Amendment Act/Loi modifiant la Loi sur les terres domaniales*

**Committee Membership**

*Committee Membership for the Monday May 26, 2008, meeting:*

*Mr. Altemeyer  
Ms. Braun (Chairperson)  
Mr. Derkach  
Hon. Mr. Lemieux  
Hon. Ms. Oswald  
Mr. Pedersen  
Hon. Mr. Robinson  
Hon. Mr. Rondeau  
Mrs. Stefanson  
Hon. Mr. Struthers  
Mrs. Taillieu*

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

*Substitutions received during committee proceedings:*

*Hon. Ms. Melnick for Hon. Mr. Struthers*

*Committee Membership for the May 27, 2008, meeting:*

*Mr. Altemeyer (Vice-Chairperson)  
Ms. Braun (Chairperson)  
Mr. Derkach  
Hon. Mr. Lemieux  
Hon. Ms. Melnick  
Hon. Ms. Oswald  
Mr. Pedersen  
Hon. Mr. Robinson  
Hon. Mr. Rondeau  
Mrs. Stefanson  
Mrs. Taillieu*

*Substitutions received during committee proceedings:*

*Mrs. Rowat for Mrs. Stefanson*

*Committee Membership for the May 28, 2008, meeting:*

*Mr. Altemeyer (Vice-Chairperson)  
Ms. Braun (Chairperson)  
Mr. Cullen  
Mr. Derkach  
Hon. Mr. Lemieux  
Hon. Ms. Melnick  
Hon. Ms. Oswald  
Hon. Mr. Robinson  
Hon. Mr. Rondeau  
Mrs. Stefanson  
Mrs. Taillieu*

*Committee Membership for the June 6, 2008, meeting:*

*Hon. Ms. Allan  
Ms. Braun (Chairperson)  
Mr. Cullen  
Mr. Graydon  
Hon. Ms. Irvin-Ross  
Mr. Maguire  
Mr. Martindale  
Hon. Ms. Oswald  
Hon. Mr. Robinson  
Hon. Mr. Swan  
Mrs. Taillieu*

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

*Substitutions received during committee proceedings:*

*Mr. Derkach for Mrs. Taillieu  
Mrs. Taillieu for Mr. Cullen*

*Committee Membership for the Saturday June 7, 2008, meeting:*

*Hon. Mr. Bjornson  
Ms. Braun (Chairperson)  
Mr. Cullen  
Mr. Hawranik  
Mr. Jha  
Ms. Korzeniowski  
Hon. Ms. McGifford  
Hon. Ms. Oswald  
Hon. Mr. Rondeau  
Mr. Schuler  
Mrs. Stefanson*

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

*Substitutions received during committee proceedings:*

*Mr. Reid for Mr. Jha  
Hon. Ms. Irvin-Ross for Mr. Reid*

**Bills Considered and Reported**

*Bill No. 10 – The Legislative Library Act/Loi sur la Bibliothèque de l'Assemblée législative*

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

*Bill No. 15 – The Climate Change and Emissions Reductions Act/Loi sur les changements climatiques et la réduction des émissions de gaz à effet de serre*

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

THAT Clause 18 of the Bill be amended by striking out "sections 17 and 18" and substituting "sections 16 and 17".

Bill No. 30 – The Crown Lands Amendment Act/Loi modifiant la Loi sur les terres domaniales

Your committee agreed to report this bill without amendment.

### **Bills Considered and Not Reported**

Bill No. 2 – The Public Schools Amendment Act (Trans Fats and Nutrition)/Loi modifiant la Loi sur les écoles publiques (gras trans et nutrition)

Bill No. 24 – The Public Schools Amendment Act (Cyber-Bullying and Use of Electronic Devices)/Loi modifiant la Loi sur les écoles publiques (cyberintimidation et utilisation de dispositifs électroniques)

Bill No. 28 – The Strengthening Local Schools Act (Public Schools Act Amended)/Loi sur le renforcement des écoles locales (modification de la Loi sur les écoles publiques)

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

**Motion agreed to.**

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

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

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Legislative Affairs—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

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

### **Meetings**

Your committee met on the following occasions:

Thursday May 29, 2008, at 4 p.m.

Monday June 2, 2008, at 9 a.m.

Monday June 2, 2008, at 8 p.m.

Tuesday June 3, 2008, at 6 p.m.

Wednesday June 4, 2008, at 10 a.m.

Wednesday June 4, 2008, at 6 p.m.

Thursday June 5, 2008, at 7 p.m.

All meetings were held in Room 254 of the Legislative Building.

### **Matters under Consideration**

Bill (No. 6) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

Bill (No. 25) – The Embalmers and Funeral Directors Amendment Act/Loi modifiant la Loi sur les embaumeurs et les entrepreneurs de pompes funèbres

Bill (No. 29) – The Business Practices Amendment Act (Disclosing Motor Vehicle Information)/Loi modifiant la Loi sur les pratiques commerciales (communication de renseignements concernant les véhicules automobiles)

Bill (No. 38) – The Balanced Budget, Fiscal Management and Taxpayer Accountability Act/Loi sur l'équilibre budgétaire, la gestion financière et l'obligation de rendre compte aux contribuables

### **Committee Membership**

Committee Membership for the May 29, 2008, meeting:

Ms. Blady

Mr. Borotsik

Mr. Cullen

Mr. Derkach

Ms. Korzeniowski

Mr. Maloway

Hon. Ms. McGifford

Mr. Martindale (Chairperson)

Ms. Selby

Hon. Mr. Selinger

Mrs. Stefanson

Your committee elected Ms. Korzeniowski as the Vice-Chairperson.

Substitutions received during committee proceedings:

Mr. McFadyen for Mr. Cullen

Committee Membership for the June 2, 2008, 9 a.m. meeting:

Ms. Blady

Mr. Borotsik

Ms. Korzeniowski (Vice-Chairperson)

Mr. Maloway

Mr. McFadyen

*Hon. Ms. McGifford*  
*Mr. Martindale (Chairperson)*  
*Mr. Schuler*  
*Ms. Selby*  
*Hon. Mr. Selinger*  
*Mrs. Stefanson*

*Committee Membership for the June 2, 2008, 8 p.m. meeting:*

*Mr. Borotsik*  
*Mr. Dyck*  
*Mr. Hawranik*  
*Ms. Korzeniowski (Vice-Chairperson)*  
*Hon. Mr. Lathlin*  
*Mr. Maloway*  
*Mr. Martindale (Chairperson)*  
*Mr. McFadyen*  
*Hon. Ms. McGifford*  
*Ms. Selby*  
*Hon. Mr. Selinger*

*Committee Membership for the June 3, 2008, meeting:*

*Ms. Blady*  
*Mr. Borotsik*  
*Ms. Braun*  
*Mr. Hawranik*  
*Hon. Ms. Irvin-Ross*  
*Ms. Korzeniowski (Vice-Chairperson)*  
*Mr. Martindale (Chairperson)*  
*Mr. McFadyen*  
*Mrs. Mitchelson*  
*Mr. Saran*  
*Hon. Mr. Selinger*

*Substitutions received during committee proceedings:*

*Ms. Brick for Ms. Blady*

*Committee Membership for the June 4, 2008, 10 a.m. meeting:*

*Ms. Blady*  
*Mr. Borotsik*  
*Ms. Braun*  
*Mr. Cullen*  
*Hon. Ms. Irvin-Ross*  
*Ms. Korzeniowski (Vice-Chairperson)*  
*Mr. Maguire*  
*Mr. Martindale (Chairperson)*  
*Mr. Saran*  
*Hon. Mr. Selinger*  
*Mrs. Taillieu*

*Committee Membership for the June 4, 2008, at 6 p.m. meeting:*

*Hon. Ms. Allan*  
*Mr. Altemeyer*  
*Mr. Borotsik*  
*Mr. Cullen*  
*Mr. Hawranik*  
*Mr. Maguire*  
*Mr. Martindale (Chairperson)*  
*Hon. Ms. Melnick*  
*Hon. Ms. Oswald*  
*Mr. Saran*  
*Hon. Mr. Selinger*

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

*Committee Membership for the June 5, 2008, at 7 p.m. meeting:*

*Mr. Altemeyer (Vice-Chairperson)*  
*Mr. Borotsik*  
*Mr. Derkach*  
*Mrs. Driedger*  
*Mr. Hawranik*  
*Hon. Mr. Lathlin*  
*Mr. Maloway*  
*Mr. Martindale (Chairperson)*  
*Hon. Ms. McGifford*  
*Mr. Saran*  
*Hon. Mr. Selinger*

*Public Presentations*

*Your committee heard the following three presentations on Bill (No. 6) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières:*

*Christine Waddell, Private Citizen*  
*Ken Waddell, Private Citizen*  
*Rick Negrych, Private Citizen*

*Your committee heard the following five presentations on Bill (No. 25) – The Embalmers and Funeral Directors Amendment Act/Loi modifiant la Loi sur les embaumeurs et les entrepreneurs de pompes funèbres:*

*Norm Larsen, Private Citizen*  
*Nick Knysh, Knysh Funeral Chapel*  
*Christine Waddell, Private Citizen*  
*Ken Waddell, Private Citizen*  
*Rick Negrych, Private Citizen*

Your committee heard the following four presentations on Bill (No. 29) – *The Business Practices Amendment Act (Disclosing Motor Vehicle Information)/Loi modifiant la Loi sur les pratiques commerciales (communication de renseignements concernant les véhicules automobiles)*:

Nick Roberts, Manitoba Used Car Dealers Association  
Christine Waddell, Private Citizen  
Ken Waddell, Private Citizen  
Rick Negrych, Private Citizen

Your committee heard the following forty-four presentations on Bill (No. 38) – *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act/Loi sur l'équilibre budgétaire, la gestion financière et l'obligation de rendre compte aux contribuables*:

Jesse Hamonic, Private Citizen  
Graham Starmer, Private Citizen  
Shannon Martin, Canadian Federation of Independent Business  
Clayton Manness, Private Citizen  
Ken Waddell, Private Citizen  
Christine Waddell, Private Citizen  
Brian Paterson, Private Citizen  
Glen Cummings, Private Citizen  
Trevor Gates, Private Citizen  
Colin Craig, Canadian Taxpayers Federation  
John Doyle, Manitoba Federation of Labour  
Jim Carr, Business Council of Manitoba  
Chuck Davidson, Winnipeg Chamber of Commerce  
Rick Martel, Private Citizen  
Jack Penner, Private Citizen  
Dave Henderson, Private Citizen  
Shaun McCaffrey, Private Citizen  
Trevor Strome, Private Citizen  
Chantel Henderson, Private Citizen  
James Cotton, Private Citizen  
Jim Spencer, Private Citizen  
Rick Negrych, Private Citizen  
Ken Mason, Private Citizen  
Karen Boughton, Private Citizen  
Keith Boughton, Private Citizen  
Andy Sirski, Private Citizen  
Howard Rybuck, Private Citizen  
Gordon Gillies, Private Citizen  
Peggy Prendergast, Private Citizen  
Kelly Degroot, Private Citizen  
Greg Georgeson, Private Citizen  
Jim Huggard, Private Citizen  
Dr. Robert Diamond, Private Citizen  
William Gardner, Manitoba Employers Council

Gordie Dehnn, Private Citizen  
Valerie Schtain-White, Private Citizen  
Greg McIvor, Private Citizen  
Wayne Benson, Private Citizen  
David G. Newman, QC, Private Citizen  
John Feldsted, Private Citizen  
Gustav Nelson, Private Citizen  
Mike Waddell, Private Citizen  
Peter Holle, President, Frontier Center for Public Policy  
Brent Olynyk, Private Citizen  
David Enns, Private Citizen  
Adam Cunliffe, Private Citizen

#### **Written Submissions**

Your committee received the following two written submissions on Bill (No. 25) – *The Embalmers and Funeral Directors Amendment Act/Loi modifiant la Loi sur les embaumeurs et les entrepreneurs de pompes funèbres*:

Barrie Webster, Funeral Planning and Memorial Society of Manitoba  
Jody Nicholson, President, The Manitoba Funeral Service Association

Your committee received the following twelve written submissions on Bill (No. 38) – *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act/Loi sur l'équilibre budgétaire, la gestion financière et l'obligation de rendre compte aux contribuables*:

Joe & Joan Chamberlain, Private Citizen  
Candace Bishoff, Private Citizen  
John Sushelnitsky, Private Citizen  
Jim Reid, Private Citizen  
Beverley Ranson, Private Citizen  
Iris Nowakowski, Private Citizen  
Romeo Lemieux, Faculty of Education, Brandon University  
Matt Kawchuk, Private Citizen  
Gordon Henderson, Private Citizen  
R.M. Swayze, Private Citizen  
Pat Bowslaugh, Private Citizen  
Lynne Fernandez, Canadian Centre for Policy Alternatives  
Lloyd J. McKinney, Private Citizen

#### **Bills Considered and Reported**

Bill (No. 6) – *The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières*

Your committee agreed to report this bill without amendment.

*Bill (No. 25) – The Embalmers and Funeral Directors Amendment Act/Loi modifiant la Loi sur les embaumeurs et les entrepreneurs de pompes funèbres*

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

*THAT the following be added after Clause 1 of the Bill:*

*1.1 The title is replaced with "THE FUNERAL DIRECTORS AND EMBALMERS ACT".*

*THAT the following be added after Clause 2 of the Bill:*

*2.1 Subsection 7(2) is amended by striking out "under The Embalmers and Funeral Directors Act" and substituting "under The Funeral Directors and Embalmers Act".*

*THAT the proposed subsection 12(4.1), as set out in Clause 3(5) of the Bill, be amended in the part before clause (a) by striking out "After a hearing" and substituting "Within 60 days after a hearing".*

*THAT the proposed clause 12(4.1)(b), as set out in Clause 3(5) of the Bill, be amended by adding ", by registered mail," after "the decision".*

*THAT the proposed subsection 16.2(1), as set out in Clause 7 of the Bill, be amended by striking out "to the purchaser about those supplies or services" and substituting "about those supplies and services to the purchaser or a prospective purchaser, or to any other person requesting it,".*

*THAT Clause 9 of the Bill be amended by adding the following after the proposed clause 18(1)(e.2):*

*(e.3) the number of complaints received during the preceding year and their disposition;*

*THAT the following be added after Clause 11 of the Bill:*

*11.1 The following is added after section 22:*

***C.C.S.M. reference***

***23 This Act may be referred to as chapter F195 of the Continuing Consolidation of the Statutes of Manitoba***

*Bill (No. 29) – The Business Practices Amendment Act (Disclosing Motor Vehicle Information)/Loi modifiant la Loi sur les pratiques commerciales (communication de renseignements concernant les véhicules automobiles)*

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

*Bill (No. 38) – The Balanced Budget, Fiscal Management and Taxpayer Accountability Act/Loi sur l'équilibre budgétaire, la gestion financière et l'obligation de rendre compte aux contribuables*

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

*THAT Clause 18 of the Bill be amended by striking out "2008" and substituting "2009".*

*THAT Clause 20(1) of the Bill be amended by striking out "2007-08" wherever it occurs and substituting "2008-09".*

*THAT Clause 22 of the Bill be replaced with the following:*

***Coming into force***

***22 This Act comes into force on the day it receives royal assent.***

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

***Motion agreed to.***

**Standing Committee on Justice  
Third Report**

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

***Madam Clerk (Patricia Chaychuk):*** Your Standing Committee on Justice presents the following—

***Some Honourable Members:*** Dispense.

***Mr. Speaker:*** Dispense.

*Your Standing Committee on Justice presents the following as its Third Report.*

***Meetings***

*Your committee met on the following occasions in Room 255 of the Legislative Building:*

*Monday, May 26, 2008*

*Monday, May 27, 2008*

*Monday, May 28, 2008*

*Monday, May 29, 2008*

*June 2, 2008, 9 a.m.*

*June 2, 2008, 8 p.m.*

June 3, 2008  
 June 4, 2008, 10 a.m.  
 June 4, 2008, 6 p.m.  
 June 5, 2008

**Matters under Consideration**

*Bill No. 26 – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat*

*Bill No. 35 – The Statutes Correction and Minor Amendments Act, 2008/Loi corrective de 2008*

*Bill No. 37 – The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative*

*Bill No. 39 – The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel*

*Bill No. 40 – The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba*

**Committee Membership**

*Committee Membership for the May 26, 2008, meeting:*

Mr. Borotsik  
 Ms. Brick  
 Hon. Mr. Chomiak  
 Mr. Goertzen  
 Mr. Graydon  
 Ms. Howard  
 Hon. Ms. Irvin-Ross  
 Mr. Jennissen  
 Mr. Martindale  
 Mr. McFadyen  
 Mr. Reid (Chairperson)

*Your committee elected Ms. Brick as the Vice-Chairperson at the May 26, 2008, meeting, on a recorded vote of Brick 6, Borotsik 3, Graydon 1.*

*Committee Membership for the May 27, 2008, meeting:*

Mr. Borotsik  
 Ms. Brick (Vice-Chairperson)  
 Hon. Mr. Chomiak  
 Mr. Goertzen  
 Mr. Graydon  
 Hon. Ms. Irvin-Ross  
 Mr. Martindale  
 Mr. McFadyen  
 Mr. Reid (Chairperson)  
 Mr. Saran  
 Ms. Selby

*Substitutions received during committee proceedings at the May 27, 2008, meeting:*

Hon. Mr. Bjornson for Hon. Ms. Irvin-Ross  
 Ms. Korzeniowski for Mr. Martindale  
 Mrs. Driedger for Mr. Graydon  
 Mr. Martindale for Ms. Korzeniowski

*Committee Membership for the May 28, 2008, meeting:*

Hon. Mr. Bjornson  
 Mr. Borotsik  
 Ms. Brick (Vice-Chairperson)  
 Hon. Mr. Chomiak  
 Mr. Goertzen  
 Mr. Jennissen  
 Mr. Jha  
 Mr. Marcelino  
 Mr. McFadyen  
 Mrs. Mitchelson  
 Mr. Reid (Chairperson)

*Committee Membership for the May 29, 2008, meeting:*

Mr. Altemeyer  
 Mr. Briese  
 Hon. Mr. Chomiak  
 Mrs. Driedger  
 Mr. Eichler  
 Mr. Goertzen  
 Ms. Howard  
 Mr. Marcelino  
 Mr. Reid (Chairperson)  
 Mr. Saran  
 Hon. Mr. Swan

*Your committee elected Mr. Altemeyer as the Vice-Chairperson at the May 29, 2008, meeting.*

*Substitutions received during committee proceedings at the May 29, 2008, meeting:*

*Hon. Mr. Bjornson for Hon. Mr. Chomiak*

*Committee Membership for the June 2, 2008, 9 a.m. meeting:*

*Mr. Altemeyer (Vice-Chairperson)*

*Hon. Mr. Chomiak*

*Mrs. Driedger*

*Mr. Goertzen*

*Ms. Howard*

*Mr. Marcelino*

*Mrs. Mitchelson*

*Mr. Reid (Chairperson)*

*Mr. Saran*

*Hon. Mr. Swan*

*Mrs. Taillieu*

*Committee Membership for the June 2, 2008, 8 p.m. meeting:*

*Mr. Altemeyer (Vice-Chairperson)*

*Hon. Mr. Chomiak*

*Mrs. Driedger*

*Mr. Goertzen*

*Ms. Howard*

*Mr. Jha*

*Mr. Marcelino*

*Mr. Pedersen*

*Mr. Reid (Chairperson)*

*Hon. Mr. Swan*

*Mrs. Taillieu*

*Committee Membership for the June 3, 2008, meeting:*

*Hon. Mr. Bjornson*

*Ms. Brick*

*Mr. Eichler*

*Mr. Goertzen*

*Mr. Graydon*

*Mr. Jennissen*

*Mr. Marcelino*

*Mr. Reid (Chairperson)*

*Mrs. Stefanson*

*Hon. Mr. Swan*

*Hon. Ms. Wowchuk*

*Your committee elected Ms. Brick as the Vice-Chairperson at the June 3, 2008, meeting, on a recorded vote of Brick 6, Eichler 4.*

*Committee Membership for the June 4, 2008, 10 a.m. meeting:*

*Mr. Briese*

*Mr. Derkach*

*Mrs. Driedger*

*Ms. Howard*

*Mr. Jennissen*

*Hon. Ms. McGifford*

*Mr. Reid (Chairperson)*

*Hon. Mr. Rondeau*

*Mrs. Rowat*

*Hon. Mr. Struthers*

*Hon. Mr. Swan*

*Your committee elected Ms. Howard as the Vice-Chairperson at the June 4, 2008, 10 a.m. meeting.*

*Substitutions received during committee proceedings at the June 4, 2008, 10 a.m. meeting:*

*Hawranik for Driedger*

*Committee Membership for the June 4, 2008, 6 p.m. meeting:*

*Hon. Mr. Ashton*

*Ms. Brick*

*Mr. Briese*

*Mr. Caldwell*

*Hon. Mr. Chomiak*

*Mr. Derkach*

*Mrs. Driedger*

*Mr. Jennissen*

*Mr. Jha*

*Mr. Reid (Chairperson)*

*Mrs. Rowat*

*Your committee elected Ms. Brick as the Vice-Chairperson at the June 4, 2008, 6 p.m. meeting, on a recorded vote of Brick 6, Briese 3, Jha 1.*

*Substitutions received during committee proceedings at the June 4, 2008, 6 p.m. meeting:*

*Mr. Goertzen for Ms. Rowat*

*Committee Membership for the June 5, 2008, meeting:*

*Ms. Braun*

*Ms. Brick (Vice-Chairperson)*

*Hon. Mr. Chomiak*

*Mr. Goertzen*

*Ms. Korzeniowski*

*Mr. Maguire*

Mrs. Mitchelson  
 Mr. Reid (Chairperson)  
 Ms. Selby  
 Hon. Mr. Swan  
 Mrs. Taillieu

*Substitutions received during committee proceedings at the June 5, 2008, meeting:*

Mr. McFadyen for Mrs. Taillieu

### **Public Presentations**

*Your committee heard the following two presentations on Bill No. 26 – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat:*

Allan Fineblit, Law Society of Manitoba  
 Sidney Green, Private Citizen

*Your committee heard the following 69 presentations on Bill No. 37 – The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative:*

Graham Starmer, Manitoba Chambers of Commerce  
 Norma Gagne, Private Citizen  
 Shannon Martin, Canadian Federation of Independent Business  
 Mike Waddell, Private Citizen  
 Stephen Montague, Brandon University Students' Union  
 Ken Waddell, Private Citizen  
 Christine Waddell, Private Citizen  
 Sam Uskiw, Private Citizen  
 Harvey Dann, Private Citizen  
 Pat Bowslaugh, Private Citizen  
 Loris Barsanti, Private Citizen  
 Brian Patterson, Private Citizen  
 Ray Sitter, Private Citizen  
 Jack Penner, Private Citizen  
 Trevor Gates, Private Citizen  
 Colin Craig, Canadian Taxpayer's Federation  
 Michael Law, Manitoba Bar Association  
 John Doyle, Manitoba Federation of Labour  
 Jim Carr, Business Council of Manitoba

Sidney Green, Private Citizen  
 Jacqueline Stalker, Private Citizen  
 Mike Skafffeld, Private Citizen  
 Nick Ternette, Private Citizen  
 Chuck Davidson, Winnipeg Chamber of Commerce  
 Brad Dowler, Private Citizen  
 Trevor Maguire, Private Citizen  
 Dale Smeltz, Private Citizen  
 Luc Lewandoski, Private Citizen  
 Don Watt, Private Citizen  
 Jack McLaughlin, Private Citizen  
 Doreen Bilodeau, Private Citizen  
 Brent Olynyk, Private Citizen  
 Jim Spencer, Private Citizen  
 Rick Negrych, Private Citizen  
 Karen Boughton, Private Citizen  
 Keith Boughton, Private Citizen  
 Georgina Jarema, Private Citizen  
 Jae Eadie, Private Citizen  
 Jeff Plantje, Private Citizen  
 Andy Sirski, Private Citizen  
 William Gould, Private Citizen  
 Stefan Paszlack, Private Citizen  
 David Jacks, Private Citizen  
 Howard Rybuck, Private Citizen  
 Michael Richards, Private Citizen  
 Greg Georgeson, Private Citizen  
 Glen Cummings, Private Citizen  
 Jim Huggard, Private Citizen  
 Darrell Rankin, Communist Party  
 Michael Tripple, Private Citizen  
 Trudy Turner, Private Citizen  
 Patricia Flaws, Private Citizen  
 Gustav Nelson, Private Citizen  
 Del Sexsmith, Private Citizen  
 Andrew Basham, Green Party of Manitoba  
 Brian Higgins, Private Citizen  
 Rudy Derksen, Private Citizen  
 George Fraser, Canadian Society of Association Executives  
 Sheila Michalski, Private Citizen  
 David Enns, Private Citizen  
 Doug Hutchings, Private Citizen  
 Gordon Gillies, Private Citizen  
 Kelly Degroot, Private Citizen  
 Dr. Robert Diamond, Private Citizen  
 Nataliya Hryshko, Private Citizen  
 Marni Larkin, Private Citizen  
 David Newman, Private Citizen  
 Craig Johnson, Private Citizen  
 David Keam, Private Citizen

Your committee heard the following presentation on Bill No. 39 – *The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel*:

Ruth Adams, Private Citizen

Your committee heard the following presentation on Bill No. 40 – *The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba*:

Ruth Adams, Private Citizen

### **Written Submissions**

Your committee received the following written submission on Bill No. 26 – *The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat*:

Bill Gade, Private Citizen

Your committee received the following 30 written submissions on Bill No. 37 – *The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative*:

R. M. Swayze, Private Citizen

Clair and Valerie Davies, Private Citizen

P. Campbell, Private Citizen

Matt Kawchuk, Private Citizen

John Sushelnitsky, Private Citizen

Elizabeth Fleming, Private Citizen

Gordon Henderson, Private Citizen

Roméo Lemieux, Private Citizen

Iris Nowakowski, Private Citizen

Beverley Ranson, Private Citizen

Jim Reid, Private Citizen

Mr. Taggart, Private Citizen

Brian Short, International Association of Machinists and Aerospace

Ray Paziuk, Private Citizen

Elaine Henrotte, Private Citizen

Bev Reeves, Private Citizen

Antoine Gagne, Private Citizen

Jake & Lynn Kroeger, Private Citizen

Lloyd Osborne, Private Citizen

Kerry Maxwell, Private Citizen

Deanna Dolff, Private Citizen

Louise Mydyniski, Private Citizen

Mark Cohoe, Private Citizen

Leslie Porteous, Private Citizen

Joe & Joan Chamberlain, Private Citizen

Diane Cameron, Private Citizen

Brian Higgins, Private Citizen

Mark Tisdale, Private Citizen

Gaile Whelan Enns, Private Citizen

Sandra Johnston, Private Citizen

### **Bills Considered and Reported**

Bill No. 26 – *The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat*

Your committee agreed to report this bill without amendment.

Bill No. 35 – *The Statutes Correction and Minor Amendments Act, 2008/Loi corrective de 2008*

Your committee agreed to report this bill without amendment.

Bill No. 37 – *The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative*

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

THAT Clause 3(1)(e) of Schedule A of the Bill be replaced with the following:

(e) officers, directors or employees of a charitable or not-for-profit organization, unless the organization is constituted to serve employer, union or professional interests or the interests of for-profit organizations;

THAT Clause 11 of Schedule A of the Bill be renumbered as Clause 11(1) and the following be added as Clause 11(2):

### **Independence**

11(2) The person appointed as registrar must be one of the independent officers of the Assembly or the commissioner under The Legislative Assembly and Executive Council Conflict of Interest Act, or a person on the staff of one of them.

THAT the following be added after Clause 19 of Schedule A:

#### CONSEQUENTIAL AMENDMENT

Consequential amendment, C.C.S.M. c. F175

**19.1** The definition "officer of the Legislative Assembly" in section 1 of **The Freedom of Information and Protection of Privacy Act** is amended by adding "the registrar appointed under The Lobbyists Registration Act," after "Auditor General,".

Your committee voted to defeat Clause 3 of Schedule C of the Bill.

Your committee voted to defeat Clause 7 of Schedule C of the Bill.

THAT Schedule C to the Bill be amended by replacing Clause 11(1) with the following:

11(1) Subsections 54.1(1) and (2) are replaced with the following:

#### **Advertising expense limits for year of fixed date elections:**

**54.1(1)** In the year of a fixed date election the total advertising expenses incurred outside an election period

(a) by a registered political party shall not exceed \$150,000.; and

(b) by a candidate shall not exceed \$5,000.

#### **Expenses incurred by others**

**54.1(2)** For the purposes of this section, advertising expenses are incurred

(a) by a registered political party if the expenses are incurred

(i) by an individual on the party's behalf with its knowledge and consent, or

(ii) by a constituency association of the party; and

(b) by a candidate if the expenses are incurred by an individual on the candidate's behalf with the candidate's knowledge and consent.

THAT the proposed subsection 54.1(6), as set out in Clause 11(3) of Schedule C to the Bill, be amended

(a) in the part before clause (a), by striking out "by a registered political party in producing and distributing" and substituting "in respect of";

(b) in clause (b), by adding "or candidate" after "party"; and

(c) in the part after clause (b), by adding "that a registered political party or candidate produces and distributes, if the material is distributed outside the election period in that year," before "but".

THAT Clause 15 of Schedule C to the Bill be amended by striking out the proposed subsection 70.2(5).

THAT Clause 2(1) of Schedule D to the Bill be amended by striking out the proposed subsection 52.22(4.2).

THAT Clause 2 of Schedule E to the Bill be amended by replacing the proposed section 6.1 with the following:

#### **Criteria or guidelines**

**6.1(1)** The commission must, as soon as reasonably practicable after the coming into force of this section, establish criteria or guidelines to ensure public funds are used appropriately in respect of

(a) material printed, mailed or distributed electronically; and

(b) advertising in newspapers, magazines or other periodicals, on the Internet, on radio or television, or on billboards, buses or other property normally used for commercial advertising;

by members and by caucuses of recognized political parties.

#### **Definition: "public funds"**

**6.1(2)** In subsection (1), "public funds" means

(a) money paid under section 52.23 of The Legislative Assembly Act; and

(b) money that is appropriated by the Legislature

(i) to enable a member to communicate with his or her constituents, or

(ii) for use by a caucus of a recognized political party or a member who does not belong to the caucus of a recognized political party.

#### **Parties without a commissioner to have a member invited**

**6.1(3)** When calling a meeting of the commission to consider the criteria or guidelines to be established under this section or the mailing expense budget to be established under section 6.3, the Speaker or the presiding commissioner, as the case may be, must also invite a member who has been designated by a political party that is represented in the Assembly but that is not represented on the commission.

**Interim criteria or guidelines**

**6.1(4)** *If the Speaker is satisfied that the commission has been unable to develop the criteria or guidelines under subsection (1) in a timely fashion and by consensus, the Speaker must, after consulting with the leaders of the political parties represented in the Assembly, appoint an individual whose duty is to prepare interim criteria or guidelines.*

**Distribution and effective date**

**6.1(5)** *Once the individual appointed by the Speaker has prepared the interim criteria or guidelines, he or she must file them with the Speaker, who must then distribute copies to each member. The interim guidelines are effective on the date they are distributed by the Speaker and remain effective until criteria or guidelines are established under subsection (1).*

*THAT Clause 2 of Schedule E to the Bill be amended by adding the following after the proposed subsection 6.3(1):*

**Minimum mailing expense budget: 2009-11 fiscal years**

**6.3(1.1)** *For the 2009-10 and 2010-11 fiscal years,*

*(a) the total amount of the mailing expense budget established under subsection (1) must not be less than the average of the annual amounts expended by the members in the three fiscal years immediately preceding the 2009-10 fiscal year; and*

*(b) the percentage of the budget allocated*

*(i) to the official opposition must not be less than the average percentage of the mailing expense budget expended by the official opposition in each of the three fiscal years immediately preceding the 2009-10 fiscal year, and*

*(ii) to independent members must not be less than the average percentage of the mailing expense budget expended by independent members in each of the three fiscal years immediately preceding the 2009-10 fiscal year.*

**Franking expenses excluded**

**6.3(1.2)** *For the purpose of determining the amounts expended under subsection (1.1), the expenses incurred under subsections 52.22(1) and (3) of The Legislative Assembly Act are excluded.*

*THAT the amendment to Clause 2 of Schedule E to the Bill be amended in the proposed subsection 6.3(1.1) by striking out "five" wherever it appears and substituting "three".*

**Bill (No. 39)** – *The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel*

*Your Committee agreed to report this Bill without amendment.*

**Bill (No. 40)** – *The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba*

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

**Mr. Reid:** Mr. Speaker, I move, seconded by the honourable Member for St. Norbert (Ms. Brick), that the report of the committee be received.

**Motion agreed to.**

\* (13:40)

**Introduction of Guests**

**Mr. Speaker:** Prior to oral questions, I would like to draw the attention of honourable members to the Speaker's Gallery where we have with us today Mildred Currie from Scotland and also we have Helen Queen from Winnipeg.

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

In the public gallery we have with us Garry Verhogg and Joel Grenier from Emerson. We also welcome you here today.

Also in the public gallery we have from Morden Collegiate 26 grade 9 students under the direction of Mr. Royce Hollier. This school is located in the constituency of the honourable Member for Pembina (Mr. Dyck).

Also in the public gallery we have from Airport Colony School 20 K to 11 students under the direction of Airport Colony School. This school is located in the constituency of the honourable Member for Portage la Prairie (Mr. Faurichou).

Also in the public gallery we have with us from Ashern Central School 20 grade 9 students under the direction of Mr. Paul Armitage. This school is located in the constituency of the honourable Member for Interlake (Mr. Nevakshonoff).

Also in the public gallery we have from Stanley Knowles School 60 grade 5 students under the direction of Mrs. Marilyn Calderon. This school is

located in the constituency of the honourable Member for Inkster (Mr. Lamoureux).

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

## ORAL QUESTIONS

### Inland Port Facility Premier's Support

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Free trade and transportation are the lifeblood of the Manitoba economy. Mr. Speaker, 22 percent of Manitobans rely on their jobs directly in the areas of trade and transportation logistics; 60 percent of our province's GDP is built on exports, both within Canada and internationally. I think it would be fair to say that without trade and transportation Manitoba would be a much, much poorer province than it is today.

Mr. Speaker, 45 days ago I asked the Premier to show leadership and take the lobbying efforts on the inland port proposal seriously. I told him that we are in danger, as he knows, of losing this investment to other provinces to the west of us. Saskatchewan and Alberta, in particular, are lobbying extremely hard to take away this asset from Manitoba. In those 45 days, rather than show leadership on the inland port, what did the Premier do? He went to Saskatchewan to fight free trade with western Canada. He went to Mexico where he remained silent in defending NAFTA and to promote an inland port, he says, that does not even yet exist.

Now I read in the newspaper, Mr. Speaker, that he wants a brainstorming session this week with the Economic Advisory Council, a brainstorming session reminiscent of the process that led up to the failed Spirited Energy campaign.

I want to ask the Premier: Why is he dithering on the inland—*[interjection]* I know they don't like the question, Mr. Speaker, but I want to ask the Premier: Forty-five days after the original question, why is he dithering when Manitoba jobs are at stake?

**Hon. Gary Doer (Premier):** Mr. Speaker, we're getting applause from members that were in a Cabinet that whiffed when the issue of an inland port was taking place at Winnipeg. They put taxpayers' money in it. They co-sponsored money from the Crocus Fund when they were in office and lost millions of dollars, and we have nothing to show for it.

We've already invested \$28 million of provincial money. It's been matched by \$30 million in federal money, Mr. Speaker. I don't whether the member opposite knows this or not, but we've already invested \$58 million in the connection of Route 90, Inkster, adjacent to the airport. That's already an investment made in the inland port in Winnipeg. We are also discussing other components with all levels of government, the City, the federal government and the private sector. We're going to make sure. There's the City of Winnipeg report. There's the railways, the CP, the CN. There's trucking companies. There's the Airports Authority. There's the Premier's Economic Advisory Council. There's the Chamber of Commerce.

We want to ensure that we are all rowing in the same direction. We don't want to whiff like we did in the past where we swung and we missed the ball, Mr. Speaker. Members opposite know all about that, and I would hope members opposite would join us in calling on the national Conservative government to say yes to the only natural place in Canada to have an inland port.

Instead of playing cheap politics, Mr. Speaker, let's unite for the purposes of an inland port in Manitoba.

**Mr. McFadyen:** Mr. Speaker, the Premier, I know, is a little worked up today. We welcome him back to the House, by the way, after lots of hard work by all members of this Chamber over the last number of days to deal with the business of the House.

I want to ask the Premier, because he makes reference to the past—he's had eight years as Premier. He needs to be reminded that there was a federal Liberal government in power in the 1990s that didn't know and didn't understand about the importance of these investments. We now have a good federal Conservative government that's putting up to a billion dollars on the table. Saskatchewan and Alberta are lobbying to get it. He's dithering. He wants it to go to the Premier's Economic Advisory Council where at least five of the members are on the record as being opposed to free trade. He wants another delay tactic.

That answer that he just gave was nothing but hot air and nothing but more dithering and delay, Mr. Speaker. Ottawa will make the decision. It won't be the anti-free traders on his Economic Advisory Council. It won't be the Mexicans. It won't be the people in Saskatchewan. It's Ottawa.

Why won't he show leadership? Why, 45 days after the question was asked, has he not yet made a serious effort to secure Manitoba's share of the money in the hundreds of millions of dollars required to build an inland port for Manitoba? Why the delay tactics when Manitoba jobs are at stake?

**Mr. Doer:** Well, Mr. Speaker, the member opposite assumes and presumes that there have been no contacts with Ottawa and that's just not correct, first of all.

Point No. 1, he's not right on that issue.

Point No. 2, we have already invested more in the inland port capacity of Winnipeg with the \$28 million we pledged and the \$30 million the federal government's pledged, more than whatever happened in 11 years.

Point No. 3, there are competitive forces in other western Canadian provinces. We will have to rely on all of us working together. It will require this Legislature—*[interjection]* It won't happen with cheap shots and I certainly saw the cheap shots last week. It won't happen with cheap shots, Mr. Speaker. We don't want another CF-18 situation, where Manitoba has all the *[inaudible]* We're the only city with both railways. We have five out of 10 of the major trucking companies located in Winnipeg. We have the natural north-south route. We have a 24-hour airport. We've already invested in the infrastructure through the first announcement.

We need everybody united. We don't need cheap shots; we need unity. That's also what the business community is saying. They want people to be together on this proposal. They want people to talk as one Manitoba voice. To suggest that Bob Silver, Dave Angus, Art Mauro and others that are part of this effort are anti-free traders is as absurd as all the other cheap shots he's taken in this House. Someday somebody's going to hold him accountable for the cheap shots that he makes, Mr. Speaker.

**Mr. McFadyen:** If the member from glass houses had any credibility on that point, I might actually respond to it.

I want to just ask the Premier: There's a serious issue; 60 percent of Manitoba's economy is dependent on jobs and export and trade. There's a lobbying campaign going on by other provinces to the west of us. He's set up yet another delay tactic by going to PEAC. I wasn't making reference to Mr. Silver or the other people who have credentials on

free trade. There are five members of that committee who are on the record as being anti-free trade in the past. They have the right to take that position, but I don't know why he would want to go there for advice on free trade when there are many people like Mr. Mauro, Mr. Lorenc and others who have serious credentials on free trade.

Why aren't we going straight to Ottawa? He's arguing both sides. He says it could be like CF-18. He said in committee or in Estimates that it could be like the national disease control lab where we had an all-party delegation and business leaders go to Ottawa. He still hasn't made any effort to make that happen. Forty-five days later, he's built in one more delay tactic, to go to PEAC before getting his act together and going to Ottawa.

Why is he dithering when 60 percent of Manitoba's economy is in the balance when it comes to free trade? We've got free trade blocks building to the west, to the east. We've got an attack on NAFTA to the south, and he's dithering on the inland port. Why is he putting Manitoba jobs at stake with his dithering, Mr. Speaker?

\* (13:50)

**Mr. Doer:** Mr. Speaker, we already have one announcement on the inland port capacity with \$58 million. Maybe the member opposite is so interested in cheap shots and his cheap rhetoric that he isn't paying attention. Fifty-eight million dollars is not chopped liver for purposes of inland port capacity, and that is out of one of the federal programs which we believe should not have had a descending amount of money the further east you are of the west coast.

Mr. Speaker, we also know that there are many proposals on the inland port. We want to ensure that they're all together. We have been discussing this with the Prime Minister's office. This is not an either/or, as the member is projecting it to be. It is a continuous effort from all Manitobans: the mayor's trade group which will be at the meeting; the Winnipeg Chamber of Commerce; the Business Council of Manitoba; the Winnipeg Airports Authority. Mr. Silver is the person chairing the meeting tomorrow with the Premier's Economic Advisory Council. We're also looking at other measures that we can implement ourselves in Manitoba. It's not just Ottawa. It's also here in Manitoba. I've met with the mayor on this. We're also on the same page. He'll be at the meeting tomorrow.

Mr. Speaker, we would want members opposite to ensure—if the decision is made in Ottawa on the basis of politics, I would regret that. If the decision is made in Ottawa on the basis of transportation merit, Manitoba will win hands down. Why aren't you uniting for the benefit of all Manitobans?

**Pork Industry  
Contribution to Economy**

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a new question.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I'm pleased that the last statement that came out of the Premier's mouth is the first thing that has made any sense since he got on his feet today. It should be made based on merit. If it is based on merit, then it will come to Manitoba. We just don't understand why he's dithering and not acting when he's the Premier of the province. He can try to deflect to every other businessperson and labour leader in the province, but he's the one charged with leadership on the issue.

Speaking of leadership, Mr. Speaker, we know through the history of our province that agriculture has been responsible for a significant portion of our jobs. It's the foundation of our economy and our way of life in Manitoba. We're going today into a world food shortage where the importance of agriculture is increasing, not declining, and where Manitoba has an opportunity to provide food to the world.

We have within our province, Mr. Speaker, a critically important part of agriculture, which is the pork industry. Last year the pork industry was responsible for \$786 million of exports, even more than Manitoba Hydro which exported \$592-million worth of power. Ninety-five percent of pork was exported; only 30 percent of our hydro is exported to outside markets.

Now we're in a situation today where we lost 6,000 jobs in Manitoba between April and May. I want to ask the Premier: Why has he put out an unfair hit on the pork industry when we need agriculture in Manitoba today more than ever?

**Hon. Gary Doer (Premier):** First of all, I just want to deal with the naivety of the member opposite. I have said before that merit, if it's the No. 1 criteria, Manitoba will get the investments for an inland port.

If it's politics, Mr. Speaker, we should be very vigilant about that. Members opposite may have forgotten about the CF-18 decision, where clearly

Manitoba was ahead on merit. Members opposite may not be aware that we had to deal with massive efforts from Ottawa—and we still are dealing with efforts in Ottawa—to keep the jobs that should be in the disease lab in Ottawa rather than where they belong in Winnipeg. So let not the member think that political considerations may not happen in Ottawa with the government. He should not be so naive that he forgets history.

Secondly, dealing—[interjection]

**Mr. Speaker:** Order. The honourable First Minister.

**Mr. Doer:** I know the cheap shots. I saw some of the *Hansard* last week, and if comments like that had been made in another context, Mr. Speaker—incredible.

**Mr. Speaker:** Order. Let's have a little decorum, please.

The honourable First Minister has the floor.

**Mr. Doer:** Thank you, Mr. Speaker.

Mr. Speaker, the whole issue of the hog industry, we have just invested money in the second shift in Brandon. We have just invested in the Neepawa plant to increase capacity here in Manitoba. The hog industry has grown in this province, but we believe that the policy that we've announced and the law that we have before the people of Manitoba, we believe the policy before the people of Manitoba in the law stands on its own merit as a balance between the areas where we can expand and the areas where we're vulnerable in terms of water protection.

The member opposite wants to repeal that bill. We'll make sure, in the next election campaign, that the people of Manitoba will know what party is going to repeal protection for water here in Manitoba and what party has a balanced approach. That's what democracy is all about, Mr. Speaker.

**Mr. Speaker:** Order. We need to hear the questions and the response from those questions, please.

**Bill 17  
Economic Impact**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Well, the Premier's last line shows what Bill 17 is all about. He's playing politics. He's trying to frame up a political debate at the expense of the livelihood of hundreds of Manitobans.

I'm pleased that he was in committee this morning. I wish he could have been there Friday and

Saturday to hear the testimony and the presentations of people who are facing the prospect of their very way of life, a way of life they've had for in excess of a hundred years, being threatened. People who left places that brought in laws that attempted to stamp out agriculture came here thinking they would find freedom and opportunity to pursue a livelihood.

I wish he had been there to hear those presentations because I think he might have a different perspective, and he might stop playing politics, trying to frame up a political argument for the next election, and do what's right. If he had been there, he would have heard people talking about the very many changes that have been made in that industry over the last number of years in order to improve practices to keep phosphorus out of the waterways, to create buffer zones, to use injection, to use new technology to make sure that the phosphorus went from the animals back into the grain and back into the animals and out of the waterways, Mr. Speaker.

This is what they're doing. The regulations they brought in in the last couple of years are moving them toward that. Then out of the blue comes Bill 17, which is an attempt to swat a fly with a sledgehammer, Mr. Speaker, and they can't see it any other way but as an attempt to play politics with people's livelihoods.

So I want to ask the Premier: Will he listen to what people are saying, adopt common-sense regulations, acknowledge the progress to date, put in place incentives, clean up Lake Winnipeg and protect the livelihoods of thousands of Manitoba citizens?

**Mr. Speaker:** Order. Our Manitoba practice has been to not make reference to members' presence or absences. We've always had that in our practices, and I ask members to co-operate with that.

The honourable First Minister has the floor.

**Hon. Gary Doer (Premier):** Thank you, Mr. Speaker.

The members opposite, and the member himself, said there would be a repeal of that act, the Bill 17, in the future. Mr. Speaker, that is on the record and we respect the right of the member opposite to have that position.

Mr. Speaker, we believe there has been—

**Mr. Speaker:** Order. We have lots of time in question period. We have a lot of guests in the

galleries. They come here to hear the questions and the responses, so let's have a little bit of decorum, please.

**Mr. Doer:** Thank you, Mr. Speaker.

Mr. Speaker—

**Mr. Speaker:** Order. The honourable Member for Springfield (Mr. Schuler), I just asked for co-operation of all members. We have a lot of guests here today. Let's have some decorum, please.

The honourable First Minister.

\* (14:00)

**Mr. Doer:** Mr. Speaker, I have had the opportunity to meet with the Pork Council, and I want to thank the people that have presented at the committee. I think it's about 38 of the close to 200 municipalities in Manitoba that are restricted with this law. Many other municipalities will be allowed to expand. No other municipalities have to eliminate hog operations as they are.

Mr. Speaker, we've received support from places like De Salaberry. We've received support from other people. There are some people saying—

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

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

**Mr. Doer:** Thank you, Mr. Speaker. We certainly understand why people are concerned about the law, but we also have had other criticism that we didn't go far enough. I think this is a balance between water protection and sustainable agriculture. We have chosen the areas with the greatest numbers of operations and some of the areas with the greatest amount of nutrients and nitrogen in the three areas that have been chosen. We think it's a reasonable way to proceed into the future.

We have put money into the hog industry. I would point out the processing that will take place is helpful. We are quite concerned about country-of-origin legislation and other measures, Mr. Speaker, but we think this is a good balance.

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

**Mr. Speaker:** Order. The honourable First Minister.

**Mr. Doer:** Thank you very much, Mr. Speaker. We believe it's a good balance between agricultural sustainability and water protection, and that's why we put the bill forward. That's why we live in a

democracy, and I certainly respect the right of citizens to disagree with us, respect the right of the opposition to disagree with us, and we'll be accountable at the end of the day.

**Mr. McFadyen:** Mr. Speaker, Dr. Flaten from the University of Manitoba presented to committee late Saturday evening. I had the pleasure of listening to a very thoughtful presentation from somebody who's dedicated his life to researching these issues.

His recommendation was that there was a way of achieving the balance, the goals of sustainable development which are to both protect the environment and protect jobs and wealth creation for all citizens for the next generation. What he said was invest in research, No. 1; No. 2, provide education to those engaged in the industry to change toward best practices; No. 3, provide incentives to help them change toward best practices; No. 4, use regulation, where appropriate, to prevent practices that are unacceptable.

None of that is what Bill 17 is about. Bill 17 is a sledgehammer that is designed to kill a way of life for thousands of Manitobans for purely political reasons. Let me go on the record right now. If we are elected in two and a half, in three years, we will put in place research, education incentives and appropriate regulations, and we will repeal the heavy-handed, politically motivated, useless Bill 17, so that Manitobans [*inaudible*]

Mr. Speaker, we will protect the way of life of Hutterian communities, the children who are trying to decide what to do next. We will protect the way of life of farmers and agriculture in Manitoba. I want to ask the Premier: Is it his legacy to be the one who destroyed agriculture at a time when we need agriculture more than ever?

**Mr. Doer:** Well, Mr. Speaker, the member opposite has already said and his caucus has already stated before the last election that they don't believe in regulations to protect water in Manitoba. He said that when he was running for Leader of the Conservative Party. He said it when he was running for Leader of the Conservative Party. Then, of course, during the election campaign, he kind of lost that. He tried to be Johnny Appleseed on water protection, but the public sees through this.

Mr. Speaker, 28 percent of Manitoba hogs are concentrated in two rural municipalities. The member opposite can go to the people of Manitoba

and promise to repeal Bill 17, but we promise to go into the next election campaign with protecting agriculture, yes, but also protecting water protection in Manitoba.

For too long, Mr. Speaker, we have not chosen to protect our water—

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

**Mr. Speaker:** Order. Let's have a little respect for the dignity of this House, please. We need some decorum in here.

**Mr. Doer:** Mr. Speaker, this will be a worthy debate. Members opposite want to repeal water protection measures in Manitoba. We will go into the next campaign with balancing agriculture and protecting agriculture.

Mr. Speaker, the public gets it, and they will get it in 2011.

#### **Waste-Water Treatment Plants Government Funding**

**Mrs. Heather Stefanson (Tuxedo):** If the Premier cares so much about the water quality in Lake Winnipeg, then why is he sitting back idly while raw sewage is, as we speak, dumping into the Red River as a result of dumping from the waste-water treatment facilities in the city of Winnipeg?

Will he do the right thing and put towards the one-third funding that's necessary to stop the dumping of raw sewage into our river, Mr. Speaker?

**Hon. Gary Doer (Premier):** Mr. Speaker, we are committed—

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

**Mr. Speaker:** Order, please. Please, please. We have a lot of guests here today that have come down to hear the questions and the answers. Also, we're very fortunate that there are 57 of us that our constituents have sent us here to represent them.

Let's have some respect for the dignity of this House, please, and for the guests that we have today, all honourable members, please.

**Mr. Doer:** Mr. Speaker, we have committed ourselves specifically to the one-third funding formula. We've committed the government to both the nutrient removal and the phosphorus removal. We would be the only city in western Canada to not remove nutrients. In fact, the City of Regina is just now investing in that proposal.

I know we got condemned by certain quarters in that regard, but we would be the only city—Calgary, Edmonton, Saskatoon, Regina—if Winnipeg didn't remove both phosphorus and nitrogen.

Secondly, Mr. Speaker, we have—

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

**Mr. Speaker:** Order, please. Please, please. Let's have the courtesy—look, the honourable member has asked a question. Let's give the courtesy to hear the response, please.

The honourable First Minister.

**Mr. Doer:** So, Mr. Speaker, we're committed to the nutrient nitrogen and phosphorus removal.

Secondly, we've committed ourselves already to the Lake Winnipeg Stewardship Board which also talked about the twinning of the sewer system to have more waste water go through the waste-water treatment plants which we are investing in.

We've always committed ourselves to the one-third principle for the twinning of the sewer system. We're taking it in the sequence that the Clean Environment Commission has recommended. The pollution going into the lakes, 80 percent will be removed, according to the Clean Environment Commission.

That makes our point. It's going to take all of us—farmers, urban dwellers, municipalities, golfers, lawn maintenance people—it's going to take all of us to reverse 30 years of neglect for Lake Winnipeg.

That's why we're committed to action in Winnipeg, and that's why we're committed to action in rural municipalities. That's what our government is all about, Mr. Speaker.

\* (14:10)

**Mrs. Stefanson:** Mr. Speaker, that's somewhat alarming that the Premier of our province is standing up.

Well, as of this morning, we know, since 6:12 this morning, that raw sewage has been dumping into our river as we speak, Mr. Speaker. My question was for the Premier but if the Premier is not willing to answer it, I'll ask—

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

**Mr. Speaker:** I'm sorry, but I can't hear the—Order. I'm sorry, I can't hear the question. There are some members that are not interested in the questions. We

have loges here for conversation. I need to be able to hear the questions and the answers, please.

The honourable Member for Tuxedo has the floor.

**Mrs. Stefanson:** I'm wondering if the Minister of Intergovernmental Affairs will answer for us today: Will they agree to upgrade the combined sewer system and put their one-third funding towards that specific item, Mr. Speaker, to stop the dumping of raw sewage into our lake?

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Mr. Speaker, we referred the City of Winnipeg licensing requirements to the Clean Environment Commission. It came in with a report. We adopted the report in principle.

It did two things, Mr. Speaker. It said that there will be required licensing for removal of nitrogen and phosphorus. That is proceeding. We already have funded part of that. We'll continue to fund that until we have reached our full one-third share.

The second thing it said was it was not acceptable to have a 50-year time frame for phasing out the combined sewer overflow system. That will be phase 2, and, indeed, we committed not only to those two phases but also to the one-third funding that's, again, part of the Clean Environment Commission report.

What I'd like to know from members opposite is they talk about the Clean Environment Commission, but why do they oppose removing nitrogen? We're for removing nitrogen and phosphorus. They're only in favour of removing phosphorus.

**Mrs. Stefanson:** Mr. Speaker, this government has been in power for almost nine years now, and yet raw sewage continues to be dumped into our rivers. They want to point fingers at everyone else in Manitoba when they should be pointing fingers at themselves.

They are allowing this to happen under their watch. Will they prevent this from happening in the future, Mr. Speaker? Will they put their one-third funding towards upgrading the combined sewer systems in the city of Winnipeg to stop the dumping of raw sewage?

**Mr. Ashton:** Mr. Speaker, members opposite were in government for 11 years. They didn't get it. They didn't refer this issue to the Clean Environment Commission. They didn't license any waste-water plants. They didn't remove any nitrogen. They didn't

remove any phosphorus. They didn't care about the 50-year time frame to get rid of the combined sewer overflow system.

When we got into government, we referred it to the Clean Environment Commission. We've licensed the west end plant. We're committed to one-third funding for phase 1. We committed funding to phase 2.

Mr. Speaker, they're in opposition and after nine years they still don't get it. They still don't think we should remove nitrogen. We want 100 percent removal.

We're acting, Mr. Speaker, not just talking, like the members opposite. They had 11 years to do something. They did nothing, and in nine years in opposition they still don't get it. They're doing nothing.

### **Bill 17 Environmental Impact**

**Mr. Ralph Eichler (Lakeside):** All the minister has to do is walk out the back door, take a look at the river, right at what the Member for Tuxedo's talking about; maybe he'll get it.

Mr. Speaker, the Minister of Conservation has said that if you're opposed to Bill 17, you're opposed to the environment. On the contrary, producer after producer have appeared before the committee, have outlined many, many steps they take to protect the environment. They've clearly stated that they drink the water on their farms, and they need clean water to raise their livestock.

Mr. Speaker, will the Minister of Conservation apologize to our Manitoba farmers for implying that if they oppose Bill 17, they somehow don't care about the environment?

**Hon. Stan Struthers (Minister of Conservation):** I wonder, Mr. Speaker, if the Member for Lakeside consulted with his own leader when he started asking questions about the regulations that came into place in 2006, regulations that his own leader said no to. I wonder if the Member for Lakeside should apologize to his own leader for setting him up like that.

**Mr. Eichler:** Mr. Speaker, many presenters have explained the economic impact of Bill 17 on farm families, businesses in our rural communities. Other presenters talked about the morality of limiting food production in times of global food uncertainty. One producer even said bluntly that promoting starvation is an act of evil.

Producers have said they will adapt to the new regulations but that a moratorium simply goes too far, especially when the latest regulations haven't even had a chance to work yet.

Mr. Speaker, will the Minister of Conservation concede that this legislation needs more work and should be withdrawn?

**Mr. Struthers:** No, Mr. Speaker. It's very clear that the CEC has said to us that the regulatory framework that we have in place isn't strong enough. They've said that very, very clearly, and they've said that regional imbalances exist because members opposite encouraged a huge, rapid growth in the hog industry in the early 1990s.

Mr. Speaker, we believe what we're doing is providing a balance. We believe that we're recognizing that clean water is important to the future of agriculture. We're standing up for clean water. We're standing up for farming. Members opposite should [*inaudible*]

**Mr. Eichler:** Nowhere, nowhere, Mr. Speaker, in the CEC report does it say anything about a moratorium. Read his own bill.

Mr. Speaker, Manitoba's farm sector, a key economic driver, under this is attacked by its own provincial government. Producers invest tens of millions of dollars annually into measures aimed to protect the environment and ensuring their farms for their future generations. Producers are deeply concerned they are being singled out as environmental scapegoats. They're concerned that Bill 17 takes away their right to farm and, indeed, feed the world.

Mr. Speaker, will the minister scrap Bill 17, work with the stakeholders, develop strategies to protect the environment while at the same time protecting producers' right to farm and feed the world?

**Mr. Struthers:** Mr. Speaker, I would've thought that the Member for Lakeside would understand that key to expanding farming in Manitoba for decades and for generations has been the search for clean, abundant water. Agriculture does not exist without clean, abundant water.

We have a comprehensive plan, a comprehensive approach that includes everyone. As a presenter this morning noted, the presenter this morning begged the committee to make sure all of us, all of us in this House, understand that there are a

whole number of point sources for phosphorus and for nitrogen, not just one sector. We've got to go across the board, which we're doing. We're doing it day after day, policy after policy, ensuring that everybody who contributes to the problem contributes to the solution, Mr. Speaker.

### **Emergency Surgeries Shortage of On-Call Surgeons**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, a very worried health-care professional has leaked a memo to me. It says that there are numerous times when a surgeon is not available to take call in Winnipeg. That means that there have been numerous times when a patient needed emergency surgery and there may not have been a surgeon on call.

So I'd like to ask the Minister of Health to explain why there is a shortage of on-call surgeons in Winnipeg.

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question and the opportunity to put some facts on the record. I can let the member opposite know and the House know that earlier this spring the Winnipeg Regional Health Authority came to Manitoba Health and to government with a proposal to consolidate on-call surgeries at three sites in Manitoba with, of course, the intent in ensuring that patient safety was top priority. This was also going to, according to this model, ensure that elective surgery and any bumping that results as a result of general surgery is lessened, hopefully down to zero.

We have agreed to let them test this model as a pilot project for one year to ensure that, in fact, the outcomes that are desired are indeed achieved, Mr. Speaker.

**Mrs. Driedger:** Mr. Speaker, the government's solution to this critical problem is to ramp up highway medicine on the streets of Winnipeg and make our busy paramedics even busier. According to this leaked memo, the WRHA is consolidating emergency surgery to three hospitals, Health Sciences Centre, St. B and Grace hospitals. So if a patient comes in needing emergency surgery at the Concordia, at the Seven Oaks and at the Victoria Hospital, it seems that they will be put into an ambulance and shipped to another hospital.

So I'd like to ask this Minister of Health to tell us why some critically ill patients who need emergency

surgery are going to be exposed to this second-rate health-care system.

\* (14:20)

**Ms. Oswald:** The member opposite seems to think that any time the WRHA doesn't mail a memo to her that it's top secret. In fact, it's a conversation that has been going on with general surgeons and with the WRHA for some time now.

The member opposite is putting information on the record that's misleading. This model that is going to be tested and has begun with one hospital only is to ensure that we have patient safety as the centre priority, ensuring that those on-call surgeons are there and available and that EMS workers know exactly where to take them, Mr. Speaker, and to ensure that those people requiring elective surgery do not get bumped as a result of an on-call schedule.

The member opposite is fearmongering. She's the one that says we're going to close hospitals and she's just wrong.

**Mrs. Driedger:** Mr. Speaker, hallway medicine, highway medicine and now no medicine in some hospitals. I don't know how this minister can figure out that that's okay for health care.

Mr. Speaker, as a former nurse I do not see that this is the best way to treat critically ill patients in this city. To put them in an ambulance when they need emergency surgery and send them all over the city is not good health care.

So I'd like to ask this Minister of Health: Why are critically ill patients who need emergency surgery being treated to this second-rate health care in this province? With a budget of \$4 billion she should be able to do better.

**Ms. Oswald:** Mr. Speaker, I'll say to the member again, this is a pilot project, a model the WRHA is testing to ensure that patients are safe, to ensure that they get directly from the ambulance to that general surgeon on call when they need that service. We're going to ensure that the outcomes of this model achieve exactly what they're intended to.

And, of course, we recognize that this question is coming from a member who belonged to a party that thought closing the ERs overnight was a good idea. So, really, let's look at some context here when we're talking about health care, the same party that says that health care is not their priority and wanted to take \$135 million out of the budget today. We

have to listen to the context of this question. This member has no credibility on this.

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

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I ask for leave to ask my questions.

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

### **Bicycle Helmet Legislation Government Support**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, legislation to make bike helmets mandatory is associated with a dramatic decrease in accidents involving cyclists which lead to injuries and a dramatic increase in the use of bike helmets. An impact study shows that the government's approach, handing out bike helmets and putting ads on TV, has had little overall impact to increased helmet use.

I ask the Minister of Healthy Living: How many children in Manitoba will have to die or have a brain injury before she supports legislation to make bike helmets mandatory in this province?

**Hon. Kerri Irvin-Ross (Minister of Healthy Living):** Mr. Speaker, as I previously answered this question, in the province of Manitoba we have a comprehensive approach to injury prevention specific to bike helmets, one that includes public awareness, education and, most importantly, the distribution of over 42,000, 42,000 low-cost bike helmets across the province of Manitoba, as well as in addition to providing helmets through KidSport at no cost to low-income families.

These are recognized across the jurisdiction as being effective. Bike to the Future, a third party, has come out and endorsed our strategy.

**Mr. Gerrard:** Mr. Speaker, about 140 cyclists end up in hospital every year in Manitoba, many with brain injuries. Each year, two to four cyclists, on average, die because of injuries, traffic injuries. In New York, the studies have shown that 97 percent of those who die in cycling industries have not had helmets. We suspect it's similar here. It's time to have mandatory bicycle helmet legislation here in Manitoba.

I ask the minister: When will the minister realize that the precious heads and lives of our children are in her hands? When will she support Bill 225 and make the use of bicycle helmets mandatory in Manitoba?

**Ms. Irvin-Ross:** Mr. Speaker, we do address the issue of injury prevention throughout the province on a number of different issues. Bicycle safety is one of them. Water safety is another one. We take an approach, a comprehensive approach of looking at public awareness, education and providing that valuable information to all Manitobans. This information has reduced injuries, and we have the statistics to prove that. We've seen a reduction.

We know that the 42,000 helmets that have been distributed have made a difference. We know that the low-cost helmets have made a difference and made them much more accessible to all Manitobans. We'll continue on this strategy as we go, providing these. Low-income helmets also are free. We also will continue to work on our public campaign Protect Your Noggin.

**Mr. Gerrard:** Mr. Speaker, too often this government and this minister do not seem to know what accountability is, but you can be sure that they will now. Every time a child without a helmet has a brain injury or dies in this province, we are going to hold this minister accountable. This legislation is already in place to protect more than 70 percent of all children in Canada in other provinces.

I ask the minister: Does she consider the children in Manitoba less important than the children in other provinces?

**Ms. Irvin-Ross:** We value children very much in this province. We know that they're our future, and you can see that through the investments we've made through Healthy Child Manitoba. Record investments have been made to support children.

We continue to provide information to Manitobans about the importance of bicycle safety, and we'll continue to take the action of ensuring that low-cost helmets are provided to Manitobans.

**Mr. Speaker:** As agreed, now that question period has expired, we will move on to members' statements.

### **MEMBERS' STATEMENTS**

#### **From Light to Shadow and Back Again Photographic Display**

**Ms. Sharon Blady (Kirkfield Park):** This past week we have been able to read about and hear the stories of 10 remarkable women in the beautiful rotunda of the Legislative Building. *From Light to Shadow and Back Again* is a touching and powerful exhibit that tells the stories of perseverance, strength

and community. Having such a poignant display open to the public in the rotunda is an excellent way to raise awareness about breast cancer. I was so pleased that the beauty of the photographs could be combined with the beauty of the Legislature.

Photographers, Kerrie Woelke and Merri-Lou Paterson co-founded the exhibition and are passionately committed to this work of art. All of the 10 women are either fighting breast cancer or are survivors. The exhibit itself stems from the personal desire of these women to tell their stories. The stories talk about the sadness of losing friends and the personal discovery that has become part of the battle against breast cancer. The plan is to photograph 10 to 15 additional women and eventually publish a book that, in the words of the co-founders, celebrates the spirit of all women.

Mr. Speaker, breast cancer is an extremely important issue for all Manitobans. The Canadian Cancer Society estimates that 780 new cases of breast cancer will be diagnosed in Manitoba during 2008. Early detection is the key in the fight against breast cancer, and I was thrilled that the Minister of Health (Ms. Oswald) announced last week that the Province will be adding 10,000 more breast cancer screening appointments and will expand access to diagnostic services.

Mr. Speaker, I would also like to note that since 2004 Winnipeg has been the only city in North America to offer women the opportunity to have both surgery to remove cancerous breast tissue and rebuild a breast at the same time. Doctors Ed Buchel and Tom Hayakawa have performed the reconstruction on 606 women.

I want to congratulate Kerrie Woelke and Merri-Lou Paterson for their fantastic work on this exhibit and for telling the stories of these inspirational women. I know I speak for all honourable members when I say we are all in the fight against breast cancer together. Thank you, Mr. Speaker.

#### **Hutterite Daily Church Prayer**

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, I feel honoured to have been asked by Mr. Jacob Hofer, the minister at Starlight Colony, to read the Hutterite daily church prayer for the government. Mr. Hofer and many of his brethren, along with other hog producers, have been attending the legislative committee hearings on Bill 17, the bill which places a moratorium on expansion of hog production in the province and affects the livelihood of many farmers.

For the Hutterites, hog farming is a cultural way of life which threatens their very existence here in Manitoba. I urge the government to reconsider this misguided bill.

\* (14:30)

Mr. Speaker, here is the prayer: "We also pray thee, our dear heavenly Father, for all of our government and especially for the one under whose protection and umbrella we are living at the present time. Those who are at all times talking the best for the people may You yourself give them their reward for this. May You yourself bring their hearts together in peace, love and unity that they may consider the betterment of the whole country and the whole land. May You yourself give them this reward for this, that they may use the power that they have from You to protect the righteous and punish the wicked. We pray thee that You may grant thy people that we may lead a quiet and righteous life as we in our faith profess. Amen."

Thank you, Mr. Speaker.

#### **Osborne Village Clean-Up**

**Ms. Jennifer Howard (Fort Rouge):** On Saturday, May 24, I was joined by many residents in the Osborne Village area for the annual Osborne Village Clean-Up. In past years, we've had between 50 and 60 volunteers come and support the event, but this year I'm pleased to report that we had almost 125 people come out to pick up trash, rake leaves, empty garbage bins and beautify our neighbourhood.

The event was supported by Councillor Jenny Gerbasi and Member of Parliament, Anita Neville. I would like to particularly thank Councillor Gerbasi for her leadership, organizing key details before and during the clean-up. Mr. Speaker, from families to individuals to persons with disabilities to people of all ages and backgrounds, everyone came together to take care of our environment.

I would also like to thank all the community and business groups who made this event a success: Augustine United Church, Osborne Village Hotel, Osborne Village Business Improvement Zone, Gas Station Theatre, River Osborne Community Centre, Osborne Village Safeway and Osborne Village Starbucks, the City of Winnipeg and Take Pride Winnipeg all helped out or donated items to make the day a success.

The event was a wonderful way to clean up and beautify the area as well as to build community spirit

among residents. It was great to see neighbours visiting, catching up and meeting newcomers to the area. At noon, volunteers from Augustine United Church barbecued hotdogs and veggie dogs for the volunteers.

I would like to thank all the volunteers and supporters who came out to make this year's clean-up the most successful yet. I also want to thank all the area residents and businesses who work hard every day to make Osborne Village a beautiful place to work, live and play. Thank you, Mr. Speaker.

#### **Elder Abuse Awareness Day**

**Mrs. Leanne Rowat (Minnedosa):** Today is Elder Abuse Awareness Day in Manitoba. This provides all of us with the opportunity to draw attention to a social injustice that affects an important sector of our society. Sadly in Manitoba and across Canada, some vulnerable seniors are taken advantage of and face abuse in a variety of forms.

Older Manitobans deserve to be treated with dignity and respect. They have contributed to society for a lifetime and, after having done so, should be able to enjoy life without worry. However, too many citizens face neglect and abuse later in life.

The exploitation of older Manitobans can include physical abuse such as assault, forced confinement or sexual abuse. Mistreatment cases have also exposed examples of neglect, mental abuse and misuse of funds or finances.

Elder abuse is a horrible violation of trust that has been placed with those individuals who have been entrusted with the care of seniors who find themselves in vulnerable situations. Elder abuse can happen anywhere, whether in care facilities or in homes involving family members. Seniors can become especially dependent on abusers, and their abuse becomes hidden because they have limited social contact with others.

No matter your age or abilities, every individual deserves to be safe and has the right to be treated with dignity and respect. I would like to thank those organizations and individuals who are involved with and support programs and services that help combat elder abuse. I would also like to acknowledge and thank those loved ones and professional care workers who provide quality and safe care for older Manitobans.

Through awareness campaigns such as this one, I truly hope that the fight against the injustice and

cruelty of elders will continue and prevent this crime from happening to others. We all have an obligation to put a stop to this unacceptable behaviour.

Mr. Speaker, we need to make a commitment in this House to do better for Manitoba's seniors. I ask my fellow members here today to join me in recognizing and supporting Elder Abuse Awareness Day. Thank you.

#### **Frances Bay**

**Hon. Stan Struthers (Minister of Conservation):** I rise before the House today to celebrate Frances Bay's induction into Canada's Walk of Fame. Many of us asked that Bay be given her day, so this is very exciting news.

Raised in my constituency of Dauphin-Roblin, Ms. Bay made her acting debut in a small role in the 1978 comedy *Foul Play* at the age of 60. Since then she has played numerous roles both on television and on the big screen. Her first major television appearance occurred playing the grandmother to the character of Fonzie in the TV series *Happy Days*. Her more recent roles in *Road to Avonlea*, *Who's the Boss?*, and the hit TV series and pop culture icon *Seinfeld*, in addition to the 1996 film *Happy Gilmore*, remain extremely meritable and, even today, bring a warm smile to the audiences all over the world.

Ms. Bay's contributions to Canada, however, are not restricted to the television set or to the big screen, Mr. Speaker. During the Second World War she was known as the girlfriend to the Canadian Forces posted overseas. Her radio show *Everybody's Program* was broadcast to soldiers fighting in Europe. Through her contributions, Ms. Bay inspired and encouraged the troops, and she received many accolades in her efforts. Last week on June 3, Frances Bay was awarded a star on Canada's Walk of Fame.

Mr. Speaker, in the eyes of Dauphinites and, indeed, all Manitobans, this is a well-deserved honour for this actress whose roots in Dauphin go back a long way and are still felt in the community today. I know that people in my constituency still know her, recognize her name, and were very active in her support of her getting her star on the Walk of Fame.

I ask all honourable members of this House to join me in congratulating Frances Bay on her very deserving induction into Canada's Walk of Fame. Thank you, Mr. Speaker.

**ORDERS OF THE DAY**  
**GOVERNMENT BUSINESS**

**House Business**

**Hon. Steve Ashton (Deputy Government House Leader):** Yes, on House business, Mr. Speaker. We're going to seek leave to have Bill 45 called for second reading. Then, if you could, call the third readings in the order they appear on the Order Paper.

**SECOND READINGS**

**Mr. Speaker:** Okay, orders of the day. I'm going to call Bill 45, The Teachers' Pensions Amendment Act.

Is there leave? *[Agreed]*

**Bill 45—The Teachers' Pensions Amendment Act**

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 45, The Teachers' Pensions Amendment Act; Loi modifiant la Loi sur la pension de retraite des enseignants, be now read a second time and referred to a committee of this House.

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

***Motion presented.***

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and a message has been tabled.

**Mr. Bjornson:** This legislation is a combination of consultations over the past several years to provide a fair cost of living allowance to retired teachers. As minister, I've been committed to working with teachers in the Teachers' Pension Task Force to address concerns about COLA or the cost-of-living allowance.

Since 1999 this government has taken many steps to improve teachers' pensions, including an increase in the contribution rate and a plan to address the unfunded liability in the pension plan. The current bill is based on recommendations from the Teachers' Pension Task Force that will improve the ability of the fund to pay cost-of-living increases over the next 10 years. Under The Teachers' Pension Act, cost-of-living increases in a teacher's pension are funded, in part, by the pension adjustment account. A portion of teacher contributions is credited to that account, and it earns interest at the fund's rate of return on fixed income investments.

This bill modifies the rate of return on the pension adjustment as follows: For a 10-year period, the rate of return will be the three-year average of the better of two annual rates of return, namely, the fund's rate of return on fixed-income investments and the fund's rate of return on all of its investments. After that, the rate of return will be the three-year average of the fund's annual rate of return on all of its investments. During the 10-year period, the cost-of-living increases will be limited to 5.33 percent or two-thirds of the yearly increase in the consumer price index, whichever is less, and by available funding in the pension adjustment account. After that, the yearly increases will be limited by the yearly increases in the consumer price index. However, any increase is still subject to available funding in the pension adjustment account. Any surpluses arising in the pension adjustment account during the 10-year period are to be reserved for use after the end of that period. Any surplus in the account at the end of the period, or arising after that, may be used only in accordance with the regulations.

\* (14:40)

Mr. Speaker, this bill also makes various administrative and technical amendments to the act and they include: amendments limiting a teacher's contributions to contributions in respect of salary for which a defined benefit can be accrued under a registered plan, and enabling prior contributions in respect of salary above that level to be refunded. It includes enabling teacher contribution rates, which are set out in the act, to be varied by regulation on the recommendation of the Teachers' Pension Task Force. It includes recognizing that the school year may be shorter than 200 days, and it recognizes changes respecting the process for appointing the chair and vice-chair of the board of the pension fund.

It also includes changes enabling teachers hired as employees of the Manitoba Teachers' Society or the Manitoba Association of School Trustees to be designated at the employer's request as eligible employees retroactive to the date they were hired, so that they may remain in the fund continuously, and enabling teachers hired as employees of the school division or district otherwise then, under a teaching contract, to be similarly designated as eligible employees.

In conclusion, this legislation reflects the best efforts of government and teachers to find a fair and reasonable approach to the COLA issue. This government remains committed to addressing all

teacher pension issues in a manner that is fair and reasonable to both active and retired teachers. I thank members for granting leave for second reading of this legislation and I thank you for the opportunity to speak to this, Mr. Speaker.

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

**An Honourable Member:** No.

**Mr. Gerald Hawranik (Lac du Bonnet):** Yes, Mr. Speaker, I move, seconded from the Member for Springfield (Mr. Schuler), that debate be adjourned.

*Motion agreed to.*

### DEBATE ON CONCURRENCE AND THIRD READINGS

#### Bill 3—The Highway Traffic Amendment Act

**Mr. Speaker:** Okay, we'll now move to resume debate on concurrence and third reading of bills as listed. First one is Bill 3, The Highway Traffic Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No, it's been denied.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I'll put a few brief words on the record with respect to Bill 3 and third reading and I know that I've spoken as well on Bill 3 in second reading a few weeks ago. I've indicated, as I'll indicate today, that we support the principle of the bill. In fact, we applaud the federal government for their bringing forward provisions to amend the Criminal Code to, in fact, make street racing a criminal offence.

So, once the Criminal Code becomes amended to make street racing a criminal offence, I think it's incumbent on any government, the provincial government in particular, because we, as you know, Mr. Speaker, we control the licensing procedure. We control driver's licensing within this province. It's within the jurisdiction, the constitutional jurisdiction of the Province to do that. Frequently, when the federal government does introduce changes to the Criminal Code, particularly when they relate to things like highway traffic provisions, when it comes to street racing in this particular case, that, frequently, we do follow up by also beefing up the penalties and the provisions that we have jurisdiction

over, and that, in this case, is The Highway Traffic Act.

So, while I applaud the Prime Minister and former Justice Minister Vic Toews for implementing changes to the Criminal Code that add street racing as an offence and allow for tougher maximum penalties in certain street racing offences, I note that it's incumbent upon the Minister of Justice in this province to ensure that those are mirror provisions that we can implement, and those being changes to our driver's licensing provisions under The Highway Traffic Act. For that very reason, the Minister of Justice (Mr. Chomiak) has introduced Bill 3. As I indicated before, we supported Bill 3 as it went through second reading and then through committee. We continue to support Bill 3.

We hope that it makes a difference in terms of discouraging young people or those people who are adults as well, who, in fact, delight themselves in street racing. I think we have to do all that we can to discourage people, Manitobans from racing on the streets of Manitoba. We know that there have been some terrible accidents over the last few years within the city of Winnipeg, in particular, where people were killed as a result of street racers not paying attention to pedestrians and other vehicles that are on the streets and with horrendous results, Mr. Speaker, not only in terms of deaths that have occurred but also personal injuries that have come forward as a result of street racing and not even to mention the property damage that can occur as a result of the street-racing offence.

So anything we can do, Mr. Speaker, to ensure that those that are involved within street racing, to ensure and discourage those who get involved in such an activity, I think, is a good thing.

My concern, of course, is that this provision be actually enforced, Mr. Speaker. So it's not just the licensing provision. It's also a forfeiture provision as well, so that vehicles if they're involved in street racing are taken off the streets.

Sometimes people who are involved in street racing do not, in fact, have a driver's licence and may have been suspended for life in terms of their driver's licence that they have. So it's possible that just the suspension, the further suspension of their driver's licence, isn't going to make any difference. I note that the legislation itself also allows for vehicles to be forfeited to the Province. That's an additional penalty that's really required because of the fact that some street racers, I know, have been caught street

racing but they didn't have a licence in any event and had no hope for a licence in Manitoba for a very long time. So just suspending their licence clearly wouldn't be adequate enough. This bill itself would not only provide for that suspension, additional suspension of a driver's licence, but would also be targeted toward taking a vehicle.

For that very reason, Mr. Speaker, we are in support of this bill, and we applaud the Prime Minister and the federal Minister of Justice for making street racing a criminal offence. Thank you.

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

**An Honourable Member:** Question.

**Mr. Speaker:** Okay. The question before the House is concurrence and third reading of Bill 3, The Highway Traffic Amendment Act.

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

**Bill 4—The Provincial Court Amendment Act  
(Family Mediators and Evaluators)**

**Mr. Speaker:** Bill 4, The Provincial Court Amendment Act (Family Mediators and Evaluators), standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**Some Honourable Members:** No.

**Mr. Speaker:** It's been denied. Okay, the honourable Member for Lac du Bonnet.

**Mr. Gerald Hawranik (Lac du Bonnet):** I welcome the opportunity to put a few brief words on the record with respect to Bill 4. It's within my critic responsibility.

Again, I'll have to indicate that, during the second reading debate, we did support the principle of this bill. It's gone through committee. We didn't have any presenters with respect to the committee that dealt with Bill 4.

The bill allows the Provincial Court the ability to deal with provincial mediators, family mediators and evaluators in the same way, in the same manner as the Court of Queen's Bench. The Court of Queen's Bench already has this authority under The Court of Queen's Bench Act to refer a dispute about custody or access, to refer them to mediation or to have family evaluator's report. This bill simply mirrors the

jurisdiction of the Court of Queen's Bench and puts that jurisdiction also within the Provincial Court of Manitoba. For that very reason, we would support it.

\* (14:50)

I know that there are good reasons why we'd want to support it because mediation, as opposed to solving disputes through the courts and having to tie up valuable court time and also to hire lawyers to continue to deal with a dispute through the court proceedings—I think anything we can do to speed up the process in terms of dealing with custody disputes and dealing with other issues in the family law process is important.

This bill itself will allow that to happen within the provincial court system itself, and for that very reason we would support Bill 4 as well, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just a note that we are also supportive of this legislation.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is Bill 4, The Provincial Court Amendment Act, concurrence and third reading.

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

**Bill 5—The Witness Security Act**

**Mr. Speaker:** Bill 5, The Witness Security Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** That's been denied.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, just look around the room, and I don't hear anybody on the government side talking about these bills, but in any event, I'll again talk about Bill 5, again in third reading. We did deal with Bill 5 in second reading, and certainly if the member disagrees with it, I'd like to see him put his comments on the record if he'd like to, but obviously that may not happen. If you disagree, you can always put your comments on the record instead of chirping from the sidelines.

But, in any event, Bill 5, we have talked about Bill 5 in the past in second reading, and we have supported the principle of the bill because of the fact that this particular piece of legislation actually codifies the existing practice of the witness protection program that exists in Manitoba.

I have some concerns, Mr. Speaker, with this bill in particular, but I was briefed by the department and talked to members who are involved in the witness protection program as it exists today, and they are in support of the bill.

It's legislation that's introduced that codifies the existing practice that's in place already. As I understand, Manitoba is the first then to bring forward this type of legislation. Other provinces clearly have a witness protection program within their province, and I suspect that other provinces will also put their existing practice into legislation.

I think it's important that the legislation be brought forward in the Legislature because it brings public attention to the fact that in fact there is a witness protection program within the province, that we do have a program where witnesses are protected under certain circumstances, but what I would advise, of course, members of the public to do and they're entitled to do that at this point because this bill is now public knowledge. It's gone through committee. It's also not only gone through committee, but also through second reading and has been tabled in this House, that there is an opportunity for Manitobans now to take a look on a public level at the provisions of Bill 5 and either agree or disagree with it, but what it does is it codifies what standard practice in Manitoba is today and has been for the last number of years.

I think it's important to ensure that those provisions are on the public record because the public will then have an ability to be able to ascertain for themselves as to whether or not they would be protected as a witness. I know we've had several high-profile cases within the court system over the last few years, and it's important to ensure that witnesses know that they're protected, that there's an ability to be able to get varying levels of protection under this legislation, whether it be from perhaps even to just occasional surveillance by police officers to ensure their safety or whether it's around-the-clock supervision or whether it's identity protection or relocation of witnesses.

So there is a variety of protection that's available within the bill itself, and as I say, Mr. Speaker, this

bill doesn't change existing practice. That practice has been in existence for quite some time already, but the importance, I think, of the bill is the fact that Manitobans now can determine for themselves that, in fact, there is a bill in place and that there is protection and they won't feel afraid to come forward to testify, particularly in those very difficult criminal cases where gangs or criminal organizations, members of those groups may be on trial and where witnesses may disappear in spite of having a subpoena being served upon them, and they disappear, afraid for their lives.

I think it's important that we ensure that the public actually knows that Bill 5 is there and there are protections available.

As I say, Mr. Speaker, Bill 5 does not change the existing practice. That was already in place and available to witnesses in any event, but the importance of bringing it forward in the Legislature in a public way is so that witnesses can be assured that there is a program and that legislators are serious about it. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, we will support this legislation. We believe that it is reasonable and responsible to be reporting child pornography, but I have some concerns which I will speak about now because, I think, in the implementation of this legislation, the government would be wise to consider where you have more than one reporting agency, as is under this act. There are four Child and Family Services authorities.

Each of these Child and Family Services authorities has several agencies underneath them. I would guess that, when you add up the number of law enforcement agencies—there would be the RCMP, the City of Winnipeg police, the Brandon police, et cetera—there are quite a number of so-called reporting agencies.

It leads me to believe that there's not going to be a central unit in the province for handling this matter, for making sure that these are all gathered. It would seem to me it would have been logical to have a specific—whether it was sectioned in the Ministry of Justice or somewhere that these reports are gathered and collated and must be made to—so that there is a consistent manner in which the reports are dealt with, so that we can be assured that they are properly handled, that there is a consistent province-wide approach to dealing with these matters, and that the reports have a consistent character, a set of

information which is gathered on each time that there's a report provided.

So, Mr. Speaker, with this concern about the reporting mechanism, that it really should be a centralized reporting mechanism so that we have this information, we will endeavour to ask the minister responsible to table this report of all the activity. It's not clear from which agency, or from all these agencies, the minister will be gathering the information or how exactly the report will be presented. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House, concurrence and third reading Bill 5, The Witness Security Act.

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

**Bill 7—The Child and Family Services  
Amendment Act (Child Pornography Reporting)**

**Mr. Speaker:** As amended, standing in the name of the honourable Member for Pembina (Mr. Dyck), what is the will of the House?

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It's been denied.

**Mr. Stuart Briese (Ste. Rose):** I'm pleased to stand and speak on Bill 7, The Child and Family Services Amendment Act (Child Pornography Reporting).

First, I'd just say that I think the principles of this legislation are sound. We do have some concerns with some areas of it. We think there'd be a major problem with enforcement. In fact, this legislation may well never be enforced.

\* (15:00)

What this legislation does is take the ordinary citizens and place an onus on them to report any cases of any suspicion of child pornography going on and, in essence, that makes every citizen the criminal in this case. There could be charges laid against anyone, although I think it'd be a he said, she said, type of situation where it would be very, very difficult to prove.

*Mr. Daryl Reid, Acting Speaker, in the Chair*

What should be happening, I think, is more emphasis being placed on the enforcement end of the legislation and probably through Justice in a different direction altogether. I think that the penalties have to be far more severe. The perverts that are out there need to be shut up and shut up for a long time. That would have far more impact on the escalation of child porn.

The NDP has grievances filed by the Association of Crown Attorneys in 2006, and it indicated that one prosecutor was dealing with 300 child abuse cases. More resources would be required on the Justice end in order to respond to the increased reports of child abuse that could result from this legislation. I know the 2007 Throne Speech promised to dedicate one prosecutor specifically to child exploitation cases, but, as far as I know, that hasn't been done. I don't think that prosecutor has been designated for exploitation cases.

The wait times for trial dates in child abuse cases have increased from five months in 2002 to six months in 2006. That's simply unacceptable when a child is in danger; the justice system has to kick in and kick in immediately and immediate solutions have to be found. Maybe I should quote from the Lindor Reynolds column in the *Winnipeg Free Press* in November of 2007 that, instead of coming up with toothless legislative amendments, the NDP could instead work on forcing serious jail terms for people actually convicted of the crimes. That is where the problem lies. That's where cases are falling through the cracks. With the increase in Internet and technology that's available, it has increased the ease with what the criminals and perverts do produce, child porn, and spread it out into their twisted marketplaces.

Child pornography can only exist if children are in abusive situations, and it is the duty and responsibility of all members of this Legislature and all Manitobans to take measures necessary to prevent those situations from ever happening. As I said, this legislation, there may never be a charge under it, but if it does save one child somewhere from an abusive situation, from a situation that results in pornography on-line or in other forms, then it's legislation we need.

The assumption is a long way from reality in thinking caring Manitobans would automatically report child porn incidents without this legislation. As I said, it almost forces every one of us to be a criminal. It's almost like the federal government's

gun control legislation. It takes everybody, paints them with a broad brush, instead of being specific on the cases where it needs to be.

Without the ability, as I referred to here earlier, of the justice system to respond—the overload of Crown attorneys and prosecutors—then this legislation is largely symbolic.

If it's going to be effective, it will lead to increased tips, more people calling to report child porn that they've found or to report a child in danger. I know there are some built-in, whistle-blowing clauses in this legislation. I hope they're going to protect the innocent people in this.

I know that this all ties in with the whole CFS issue. We have problems with overloaded caseworkers, children not being seen on a regular basis; all those things tie in together. We need to alleviate some of the caseload issues that surround these children; we need clear directives going out to the four authorities and to the 22 or 23 agencies that are under the authorities.

They're the people on the frontlines, at least in the CFS area, that can identify some of the problems that are going on. They're the people that see a lot of these children on a regular basis and can take it forward to the justice system, do the reporting and start the wheels turning.

All those things being said, until the justice system is prepared to get tough and really have severe penalties on these things and also to move with a little bit more speed than we have in the system right now, I think all this legislation is in vain.

With those few remarks, I'll once again say, because this may in a case or two present some results and probably save a child somewhere that's at risk, we will be supporting this bill. Thank you very much.

**Hon. Jon Gerrard (River Heights):** Mr. Acting Speaker, I got a little ahead of myself on the last bill, but I'll repeat certain comments here.

What I want to say is that, although we support this, we believe there really needs to be a centralized reporting mechanism, a standard approach to gathering information and to dealing with it, rather than reports going to whatever law enforcement agency—your Child and Family agency—around the province, of which there are quite a number.

In the Internet age, I think it's pretty apparent that dealing with Internet child pornography, when you don't know where it comes from, would be far better, certainly, having a central reporting agency. The agency could work with this and make sure that it's dealt with appropriately and properly. Thank you.

**The Acting Speaker (Mr. Daryl Reid):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Reid):** The question before the House is concurrence and third reading of Bill 7, The Child and Family Services Amendment Act (Child Pornography Reporting).

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

#### **Bill 8—The Phosphorus Reduction Act (Water Protection Act Amended)**

**The Acting Speaker (Mr. Daryl Reid):** The next bill we have on the proposed motion of the Honourable Ms. Melnick, Bill 8, The Phosphorus Reduction Act (Water Protection Act Amended), standing in the name of the honourable Member for Pembina (Mr. Dyck).

Is there leave of the House to allow the bill to remain standing in the name of the honourable Member for Pembina?

**Some Honourable Members:** No.

**The Acting Speaker (Mr. Reid):** No. Leave has been denied.

**Mrs. Heather Stefanson (Tuxedo):** I am pleased to stand before the House to put a few words on the record in third reading of this bill.

\* (15:10)

Certainly, we are proponents of anything that will look at reducing phosphorus loading into our rivers and lakes. We have spoken time and time about that on the record.

I do have a few concerns. I think, firstly, Mr. Acting Speaker, one of the issues that I have with respect to the bill is just, you know, the fact that—it's not so much the bill itself, but the government's strategy when it comes to reducing phosphorus loading into the rivers and lakes in our province.

I think that it should be noted that there is no overall, there is no real strategy. There's no target set towards phosphorus reduction, and so, really, I think

it's unfortunate that the government sees fit to bring out piecemeal legislation that will help to reduce phosphorus loading, but there is no overall big-picture strategy in place. So it makes one wonder whether or not the real strategy of this government is sort of more leaning towards getting a headline in the newspaper of something that looks good. It looks good to the public but really doesn't have the teeth behind it to support any kind of a plan because there isn't a plan.

So I think it's unfortunate from that angle. I think the government should have started from the other direction, first off setting a plan and a strategy in place towards setting real reduction targets over the next number of years and then bringing in legislation to help achieve those goals. But they seem to be doing it backwards, and I think it's unfortunate because these types of things are obviously only done in order to get a headline to make it look like they're making meaningful reductions of phosphorus loading and nutrient loading into Lake Winnipeg and into our river systems. But, really, without an overall comprehensive strategy, it won't really tell us anything and won't really make any meaningful reduction towards the long-term goals of what should be more meaningful reduction and more meaningful targets for those reductions over the number of years.

So, while I understand where the minister is trying to go from here and what they're trying to achieve, I think she should have started from the other way around and developed a different strategy towards phosphorus reduction in our lakes. It should be noted as well that the other reason why we believe that this is in fact a bill that was more set out to get a headline in the newspaper is because a similar bill was already introduced in this Legislature by the Member for River Heights (Mr. Gerrard), and if they were really serious about not wanting to just grasp, again, a headline on this issue, they probably would've supported him and his initiative towards this end.

So I think this bill, unfortunately, was nothing more than trying to gain a headline, but it does talk about some reduction towards phosphorus loading onto the lakes and we support that initiative. But, again, I would just support the government to set long-term goals and targets towards reducing phosphorus in our lakes and coming up with a much more comprehensive plan to achieve real results towards the water quality in Lake Winnipeg. So,

with that, those are the words that I will leave on record for today.

**The Acting Speaker (Mr. Reid):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Reid):** The question before the House is concurrence and third reading of Bill 8, The Phosphorus Reduction Act (Water Protection Act Amended).

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

#### **Bill 9—The Protection for Persons in Care Amendment Act**

**The Acting Speaker (Mr. Daryl Reid):** The next bill is on the proposed motion of the Honourable Ms. Oswald, Bill 9, The Protection for Persons in Care Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**The Acting Speaker (Mr. Reid):** Leave has been denied.

**Mrs. Myrna Driedger (Charleswood):** Mr. Acting Speaker, I'm pleased to put a few comments on the record about the protection for persons in care amendment.

I do recall when the first legislation came forward a number of years ago, and I was very supportive of the original legislation. I certainly note that this time around some of the same concerns I raised the first time seem to be issues that are again coming up this time around, and that is about the qualifications of the investigators who would be addressing the complaints that are brought forward.

We were always a little bit concerned as to who those investigators would be and the qualifications of those investigators, because a lot of these concerns that are being brought forward are very, very serious concerns, whether they're about financial abuses of patients, physical abuse, emotional abuse, sexual abuse, or any other type of abuse on a patient. Certainly, you would hope that the people that are investigating this have the skill sets in order to do that.

I note that the government is making a change right now. I'm not sure I'm totally comfortable with the direction they're taking at this point in time, but certainly, we will be monitoring, you know, how this will move forward. I do know that there have been a number of concerns that have been raised by the whistle-blowers who have brought forward issues about protection for persons in care.

I do believe, if I recall my numbers, that there are, year after year, over a thousand each year that are pretty startling when you think about it, in our health-care system, that we could see situations where a lot of patients are being put into abusive situations or some type of a threatening situation. I do give credit to those whistle-blowers that are bringing forward concerns, because there are a lot of vulnerable patients out there that aren't always able to speak up for themselves. I do support legislation that will protect these whistle-blowers and, particularly, that protects the patient because I think that is the job of people in the system to ensure that, you know, the patients that are most at risk and most vulnerable do have somebody watching over them and taking that responsible very, very seriously and bringing those issues forward.

So the other part of this, I know, when the minister first brought it forward was to put forward an annual report on the findings of the office of the Protection for Persons in Care. In fact, that has not happened by this Minister of Health (Ms. Oswald) or any of the ministers. Even though the minister that brought this legislation forward, he was pretty adamant that he wanted to see an annual report so that all this information was out there, and the office of the Protection for Persons in Care would be able to show, on an annual basis, what types of complaints there are, how those complaints were resolved. Right now, we don't have any of that information.

The resolution of the, you know, accusations or concerns that are brought forward are certainly significant and it's very, very hard to evaluate the success of all this when there's no report out there that actually addresses the findings of the complaints that come forward. So I would urge the minister, I think it's important, and I'm finding it a bit strange that the minister did not go forward and fully put out all of his intentions, particularly around the publishing of an annual report because I think that would bring more transparency and accountability to

the health-care system and that is always a good thing.

So I would urge the government to look at that, considering at the time the legislation first came forward, I mean, the minister was very passionate about it and I don't know why he only came forward with sort of half measures and didn't go the full way to making this legislation as strong as it could possibly be.

I know there is some concern in the public because I have met with somebody that does have some concern about the people that are investigating the cases. These are third parties out there that have raised some issues with me, and I do hear some concerns coming from them about the fact that these investigators are now being made to be in-house investigators.

*Mr. Speaker in the Chair*

\* (15:20)

The concerns I'm hearing speak to that fact, I guess, that they are not independent of government. I do share some of those concerns and they are concerns that I've raised in the past, so I do reiterate them. As I've indicated, we will be paying close attention to how this legislation evolves, and I will be watching this legislation more closely now that it's come to my attention again that there are some further opportunities to strengthen it. I will be continuing to monitor it and I will probably, in the future, be bringing some further concerns forward to the government. So, at this point, Mr. Speaker, we're prepared to see this bill go through.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the Liberals will support this, but we really want to make sure that there will be adequate reporting to make sure that this legislation is actually working the way it was intended.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House, concurrence and third reading of Bill 11, The Optometry Amendment Act.

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

Bill 12, The Securities Transfer Act as amended, standing in the name of the honourable—sorry about that, we were dealing with Bill 9.

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House, concurrence and third reading, Bill 9, The Protection for Persons in Care Amendment Act.

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

#### **Bill 11—The Optometry Amendment Act**

**Mr. Speaker:** Now, I'm going to call Bill 11, The Optometry Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No, it's been denied.

**Mrs. Myrna Driedger (Charleswood):** I'm pleased to have the opportunity to rise and address Bill 11, The Optometry Amendment Act.

This is something we've certainly been supportive of for quite some time. We have wanted the government to bring this forward earlier and they seemed to take quite a long time in bringing it forward. In the interim, I know that the optometrists' association met with us and were trying to find the support they needed to encourage the government to move forward with this legislation.

I know that the Minister of Health (Ms. Oswald) had given some indication quite some time ago that this legislation would be moving forward. It's too bad it didn't happen a little bit sooner because it certainly could have brought some efficiencies and made things a little bit more convenient for patients in the interim. However, we are glad to see that the legislation's been brought forward now, and we certainly are in support of this. I think it will be good for the industry and it will be good for patients that need the service, so we're supportive of the legislation, Mr. Speaker.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is Bill 11, The Optometry Amendment Act.

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

#### **Bill 12—The Securities Transfer Act**

**Mr. Speaker:** Bill 12, The Securities Transfer Act as amended, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No, it's been denied.

**Mr. David Faurshou (Portage la Prairie):** It's, indeed, a pleasure for me to rise in the House this afternoon to enter into third reading debate of Bill 12, The Securities Transfer Act.

Now, this is a very, very comprehensive bill indeed, one that has had years and years of deliberation, not only in the province of Manitoba, but across Canada. Currently, we are the seventh province to adopt this particular bill. It is a bill that will harmonize the area within the securities business that will allow for the carry forward of securities and security offerings throughout Canada. It is a harmonization of securities law within the provinces and will, indeed, bring the province of Manitoba into current stead with other provinces and other jurisdictions throughout the nation.

This particular bill, I will say that we do support. We thank the government at this time for bringing it forward. I want to take this opportunity to thank all of those persons who have given so freely of their time on a voluntary basis to participate in the legislation we have before us.

With those few short words, Mr. Speaker, I will say that this legislation is vitally important legal infrastructure for the province of Manitoba, and I encourage all members of the House to support this bill. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is Bill 12, The Securities Transfer Act.

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

**Bill 18—The Testing of Bodily Fluids  
and Disclosure Act**

**Mr. Speaker:** Standing in the name of the honourable Member for Pembina (Mr. Dyck), what is the will of the House?

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It's been denied.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I'm pleased to put a few words on the record on Bill 18, The Testing of Bodily Fluids and Disclosure Act.

I would note that the Member for Steinbach (Mr. Goertzen) had brought this issue forward some time ago and was actually very supportive of seeing the government move forward with something like this in Manitoba.

I know that he had met on a number of occasions with paramedics. I know that there have been a lot of concerns raised with him about the exposure of bodily fluids to some of these professionals who are sometimes put in harm's way when they are going to an accident or a situation.

We're certainly aware, from reading the papers, of a number of occasions where blood has been transferred from one of the people at the site of the accident or the site of a homicide, for instance, or any situation like that. We've heard in the media a number of occasions where a paramedic or a firefighter or a police officer has been exposed to bodily fluids of that person. I think there's been a lot of concern raised by these different professionals.

For me, coming out of the nursing profession, it's not unheard of where a number of these types of incidences could happen, where body fluids—whether it's a patient, a victim at a site or any third party—we can see where this can raise some big concerns for people. When you go into nursing or when you go into firefighting or being a paramedic or a police officer, it's probably not one of the first things you think about, being exposed to this.

I know, as a nurse, you're always worried about poking your finger with a needle. I know there was a big movement in Manitoba not that long ago to change the needles, so that they were properly capped so that, in fact, that would decrease the risk

of a health-care professional, a nurse or a doctor, or a lab technologist or technician from being exposed to a needle prick inadvertently. It certainly happened on a number of occasions to a number of us, so it's something that we're all pretty aware of.

I know that, certainly, there are situations in a number of circumstances where there are large amounts of bodily fluid. It is very, very hard to protect yourself in some instances from it, especially if there is a lot of body fluid at the site. So I think it's important that the people—the health-care professionals, paramedics, firefighters, police officers—that put themselves in harm's way in order to protect people have, at least, some legislation that would in turn protect them from the diseases that we know can be carried in bodily fluids. In fact, this does go a long way in doing that.

I have heard that there are some concerns that, perhaps, there are some people in groups out there that think it goes too far. Being of the nursing profession, I am certainly one that thinks we need to do all that we can to protect people from this type of exposure.

\*(15:30)

Nowadays, when we hear about HIV and AIDS, it's certainly made us much, much more aware. Hepatitis, we're certainly much more aware of how easy it can be to become infected. I think it's important, then, that we have the ability to protect those that are out there protecting others. We do what we can with legislation like this so that in fact there is a disclosure component to this, and we do try to bring in all of the measures that are possible in order to protect those professionals.

So I was pleased when the Member for Steinbach (Mr. Goertzen) first brought this forward. I know that he had worked long and hard on it. He'd done a lot of research, and I guess it was disappointing that the government, rather than working with him and a private member's bill, didn't go down that road and support that. Nevertheless, it is here before us, and we're certainly pleased to see that the government did finally bring it forward, and we're here today to speak to third reading and to indicate that we are in support of this legislation, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just a couple of comments on this Bill 18, which we will support. I believe that it's important that there be

some provincial standards in terms of disclosing test results and a provincial protocol that what's here is not sufficient in just accordance with approved medical practice. I think it would be important that, whether it's the Department of Health or whoever sets up a standard protocol, which was physicians and the Medical Officer of Health, have available, and it could be done by the Medical Officer of Health, that it should be widely available so that there are not different practices in different RHAs or in different physicians' offices so that there's an appropriate and standard practice which meets all the ethical and privacy tests which are there. Thank you.

**Hon. Theresa Oswald (Minister of Health):** I'm very pleased to speak to this bill as it makes its journey through the House. We had the opportunity, of course, at the committee stage to hear from a number of individuals who had some very compelling personal stories to share, had some professional expertise to bring to the debate. We know, together with all of that information, including, Mr. Speaker, a dissenting voice, that we can move forward and see the timely passage of this bill in the name of assisting those individuals who work on the front line have a greater peace of mind in those cases when there has been a significant exposure and ensure that the system works in a way that not only will do its best to provide that individual, that front-line worker or Good Samaritan, with the comfort that they need in the name of getting the information that they need.

Now, Mr. Speaker, I can certainly say that there have been historically a number of voices that have come to this debate over time as to whether or not the testing of bodily fluids and disclosure would be an appropriate move for Manitoba. We know that members opposite have raised this issue in the past, and we have been in conversation with them about the best possible journey going forward.

Regrettably, we know that members opposite have provided a photocopy of a bill from Ontario that died a very quick and painful death in that it was just not functional and workable in the system. We knew that we needed to do better than that here in Manitoba and do better for paramedics, for firefighters. For victims of crime even, Mr. Speaker, this is very important. So we worked in consultation with people across the country, and indeed internationally, to bring forward what we believe and in fact others believe is the best legislation of its kind in Canada and probably in North America.

We know that by being able to work in consultation with these stakeholders, we've been able to achieve this. So members opposite, in particular the Member for Steinbach, who has taken an active interest in this, is indeed to be commended for his passion on this. Indeed, our Member for Transcona (Mr. Reid) has been a very active voice on the issue of testing bodily fluids and the protection of our front-line workers. He is to be commended for his activism on this role. But, certainly, I can say that this will affect the most, Mr. Speaker, the firefighters, the paramedics, the police officers, who have done a great deal of study and have done a great deal of examination of the practicality of legislation of this nature coming into force, have really lent the greatest voice and offered the greatest wisdom on how we can have the best legislation.

What we know is that no legislation in the world, Mr. Speaker, is going to protect somebody from a significant exposure. This is simply the true and honest fact of the situation. Only taking protection measures when you're in the field, gloves, masks, may help in that regard. What we do know that this legislation will do is to provide an opportunity for an individual to seek information after a significant exposure has occurred.

We also know, Mr. Speaker, that no legislation in the land is going to be able to intervene when a significant exposure has occurred. That's why, in combination with this legislation, we know that we need to have a very aggressive education campaign concerning post-exposure prophylaxis that can be taken by an individual that has received a significant exposure. We know that we are going to have to work together with our front-line workers in getting the message out about, however uncomfortable taking the post-exposure prophylaxis may be, it is certainly much better than the alternative, and that is to risk contracting a significant communicable disease.

We know that the chances of actually acquiring a communicable disease through this kind of exposure is, in fact, quite low, Mr. Speaker, but information and education about that post-exposure prophylaxis is critical to the success and to the protection of health of the individuals that this will, indeed, have an impact upon. We know that there has been some suggestion by very educated people that perhaps we should integrate into this legislation, by law, the seeking of a voluntary sample. This, on its face, does sound like a very wise endeavour indeed, but on further examination, of course, we realize that in

other jurisdictions where this legislation exists, there is between 95 percent and 99 percent compliance in the provision of a voluntary sample, and this is a very good thing.

But to entrench in legislation the requirement that an individual seek a voluntary sample, that is to say, in some cases, Mr. Speaker, that a victim of a crime would be required to seek a voluntary sample from her assailant or his assailant we just didn't believe was fair to those individuals. So, by having the protocols in place that we have, with the expedited order, and then, of course, the second part, having the standard testing order in place, we believe that in those cases where this happens, those individuals, those victims of crime will be protected.

Mr. Speaker, we're very pleased that this particular legislation strikes a balance between protecting very important human rights of individuals and the protection of their privacy with the endeavouring to support our front-line workers. We believe that it strikes the best balance of legislation of this kind in the nation. We look forward to the passage of this bill, to congratulating the many voices that have come to bear on this bill from all sides of the House and from many walks of professional life. We know that this will go a great way to adding peace of mind to our front-line workers here in Manitoba. Thank you.

**Ms. Sharon Blady (Kirkfield Park):** It is an honour to speak to this piece of legislation because of the very things that my honourable colleague has just mentioned. The idea of striking a balance between the protection and the peace of mind of those that give so much of themselves to make sure that we all receive the kind of front-line care that we need, as well as the rights of those individuals who may be asked for a sample of bodily fluids in an extreme exposure case. I think it's really important that we are able to provide support to those people who are our front-line workers, our first responders, our firefighters, our police officers, our paramedics and the nurses and doctors and staff of ERs are really people that we can never thank enough, and we can never protect enough.

\* (15:40)

To give them that peace of mind that comes with this kind of legislation, again, knowing that it can never prevent an extreme exposure or it can never prevent a circumstance from occurring but at least giving them the opportunity to proceed and being

able to get the information that they need in a timely manner that then allows them to go through whatever processes need to be taken including medical care in such circumstances to prevent or to deal with exposures and how those viruses work.

I think this is really important that when we think about the issues around testing for HIV, hepatitis B or C that comes up here, it really is one of those things that is, as has been mentioned before, something that provides a balance between human rights and peace of mind. It's one of those things that it's wonderful that this has been able to be put forth in a manner based on agreement from all sides. It seems that we're all behind this, and that's one thing that's really important, is to see that we have been able to co-operatively work towards this, and again, to make it an easy process, or a relatively easy process, in terms of the accessing of the expedited order through the judicial justice of the peace, and again, based on a model that already exists, that of The Domestic Violence and Stalking Act and The Youth Drug Stabilization (Support for Parents) Act.

Again, we're using models that already exist to bring forth things that will support those people that do so much to look after us, as well as those who are Good Samaritans. That's the other part to remember is, there are so many people that sign up for a line of work that inherently puts them at risk, but that so often, there are private citizens that find themselves in circumstances where they have to suddenly, at a moment's notice, weigh a whole bunch of options and whether they should proceed with helping someone or not and the risks that they place themselves in by being spur-of-the-moment first responder until professionals can arrive.

It would be a shame to have people consider turning away from a neighbour, a friend, a complete stranger who circumstances have brought them in front of, that they would have to have a second thought and consider walking away for the sake of their own safety or not knowing if there, again, would be those things in place to have their own peace of mind and their own health ensured. I think that's one of the things that this particular piece of legislation does is it lets us all know, as citizens, that if a situation arises where we are having to sit there and, in a split second, make a decision that could affect not just the life of another person who we may or may not know, but also the life of ourselves, our families, those, however, that could be impacted if we were exposed to something like that.

Again, that's one of those things that gives us all a collective peace of mind knowing that those that have signed on to be front-line responders, first responders, are looked after but to also know that if we find ourselves in that kind of a circumstance, we can go forward and do what needs to be done to help save the life of another person without having to worry about what kinds of risks we might face ourselves. So it really is that wonderful balance.

Again, it is good to see so many people from all sides of the House speak in favour of this legislation because it does really bring together so many things, and, as has been said before, it really is part of a larger package. I think that's what makes the difference with this as well. Ideas might be brought forward at earlier points, but it's really about putting it together in a holistic package where people can be educated about this, educated about the implications of this act, and how to best use the resources around this act so that people are aware of what kinds of risks are faced by professional first-responders, but also those that choose to be Good Samaritans, and how we can all be a part of a larger, more productive, and I would say, really compassionate society.

I think this is the kind of legislation that speaks to that level of compassion. It shows compassion for the people who are involved as first responders and compassion, again, for everyone involved in that process. We are not compelling anyone to do anything, and, as mentioned before by the honourable Minister of Health (Ms. Oswald), if we were to compel people to do that, it does remove that human rights element of it. We've seen compassionate legislation, when put forth like this, really does have a high compliance rate anyway.

So it is about knowing that, if you can put out something that is really in everyone's best interests, people will move forward with it and take it at face value, knowing that a request for a bodily fluid test is really not about a violation of any kind of rights, but the idea of sharing information to the person that possibly saved your very own life and to give them that kind of credit.

It is a very strong piece of legislation that, again, is well-packaged with things like education and information. It's that holistic package that, I think, is really the strongest aspect of this; these ideas of public education programs really do help people realize that legislation is there for them on either side of the equation.

I think that's the best thing this legislation has to offer—the balanced approach, how it continues to look after our first responders who do so much for us. The things that they do on a daily basis, most of us have just the smallest understanding of. The idea of somebody willing to sign on to a job where their lives are risk at any given moment, we really do need to do anything and everything we can to back them.

If this piece of legislation can give them a sense, again, of peace of mind, protection, it's one way that we can stand behind them and say that we value what they do, because it would be a real shame to have people turning away from those professions for fear of what could happen in an extreme-exposure situation.

So thank you, Mr. Speaker, for giving me a few moments here to speak to this. I think this is a very strong piece of legislation, that I look forward to its unanimous passing by all honourable members of this House.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Mr. Speaker, I want to talk about this bill. I want to talk about it because I'm very proud of the fact that we, as a government, have, I think, been groundbreakers in this country and, in fact, within North America, in recognizing some of the unique challenges facing our first responders, our firefighters, and addressing those challenges.

It wasn't that long ago that I had the opportunity to join members of this House in some of that groundbreaking legislation in terms of recognition under Workers' Compensation, presumptive coverage. In fact, Mr.—

**Mr. Speaker:** Order.

The honourable Minister of Intergovernmental Affairs had introduced the motion so, if he speaks for the second time, he will be closing debate.

Are there any other members that wish to speak?

**An Honourable Member:** No.

**Mr. Speaker:** No?

Are there any other members wish to speak because, if the honourable minister speaks now, he will be closing debate and I will be putting the question.

**Mr. Ashton:** I believe the Member for Portage (Mr. Faurchou) wishes to speak and I'm sure we could agree, perhaps now, to give him leave after I

complete my remarks. My intent was not to close debate. I didn't see anybody rising, so that's why I didn't want to put my—

**Mr. Speaker:** Okay, as long as there's agreement of the House that the honourable minister will continue his comments, but that will not be closing debate, that we will allow the honourable Member for Portage la Prairie to speak after. Is that the agreement? *[Agreed]*

**Mr. Ashton:** Indeed, I welcome the Member for Portage's comments and my colleagues' comments.

I was talking about the fact that we've been innovative, very innovative in this Legislature. I referenced presumptive coverage for workers compensation. It's interesting to see, Mr. Speaker, how that has swept the country; it's swept North America. We are now being seen as the model jurisdiction, not only in terms of bringing back presumptive coverage that existed pre-1989, but in expanding it and recognizing the medical evidence that was so clear to many of us throughout so many years.

I want to say that, by the way, because I give firefighters themselves the credit for that. They were dogged; they were determined. They brought forward all the medical evidence. By the time it was passed, you wouldn't have known it was a controversial issue at some time.

\* (15:50)

You wouldn't have known because, when you sometimes see the end result where you have unanimous agreement, you often tend to miss what the real background is, and that is that we in opposition fought for that coverage. We got into government and we did not forget our firefighters. We did not forget them, and I'm very proud of the fact that we moved on presumptive coverage.

I want to say that this is in the same category as well. This has been an issue of concern to first responders, to firefighters, to police officers, to paramedics for some time. If you look at the very difficult situation that many of our first responders are in—and I think it's important, by the way, to put on the record that often emergency calls take place, emergency crews are dispatched. In many communities, my own community included, we have combined fire and paramedic cross-training. You don't know what's behind the door. It could be a fire; it could be a crime in process; it could be a crime that has been committed.

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

We were all struck by a very terrible incident here not that long ago, in which first responders came across a very gruesome crime scene. Given all of the potential for HIV, hepatitis B or C, blood-borne and transferable diseases that our first responders could come into risk with, this is what the genesis of this bill was. I want to give particular credit to the firefighters' person, Alex Forrest. I want to give credit to the paramedics. I know police officers as well who have been pushing for this, and they said, this is an issue. Surely, there must be a way of coming across—as my colleague the Member for Kirkfield Park (Ms. Blady) talked about—the balance.

I want to put on the record that we, in the drafting of this bill, as a government, recognized inherently the right to privacy in terms of individuals, but we also recognize the right to know—for our first responders—to know if there was any kind of exposure that could put them at any kind of risk in terms of their health.

This is groundbreaking legislation. This is legislation, I believe, that could be a model across Canada because it does balance the two. There's a very distinct court process of the Court of Queen's Bench that provides for the orders, provides for balance. I want to stress that we're going to be bringing in a public education system to inform the public about this new legislation because it also applies to Good Samaritans; individuals who may not be firefighters or paramedics or police officers, but do intervene in a case.

We've done a significant amount of work in this province, I believe, to make sure that we have the ability for people to intervene, whether it be in terms of first aid—many of the individuals in our society have first-aid training—whether it be in terms of helping those in need. But there are artificial barriers, either in terms of legal liability or, in this case, concern about the potential difficulties people might run into with the contact with bodily fluids that could lead to a very difficult situation for them.

You know, you could talk about the specifics of this legislation; this is, indeed, concurrence on third reading. We did have the debate on the broader principle of this bill in second reading, but, you know, I think as we complete the debate on this bill with the Member for Portage la Prairie (Mr. Faurchou), who will be speaking as well by leave

afterward—and certainly we're more than open to any members wishing to speak on this—I think what's important to put on the record is the fact that if you were to look for a subtitle for this bill, I would say it's backing up our firefighters, our paramedics, our police officers and, yes, Good Samaritans.

But you know what? We all know that for every situation in which individual citizens are of assistance in a circumstance, and it does happen, we're always reminded of our first responders who are there, who respond to calls in the most difficult of circumstances. I always say that they have our undying respect. I had the opportunity to speak to the fire chiefs' conference the first time it was held in Thompson recently. I talked about that fact. I mean, firefighters and paramedics and police officers go unquestioned into some of the most difficult circumstances that are out there, in a world in which you don't know whether behind the door there's going to be a fire or that there's going to be some criminal activity, or, perhaps, where there is a combination. I look at the grow ops, which are not only a threat to our society—

**An Honourable Member:** Crystal meth labs.

**Mr. Ashton:** —the crystal meth labs—they're not only a threat to the health and wellness of our society, but they're also a distinct fire hazard. You know, you look at the challenges that are out there. It's bad enough in those circumstances, but when you add to it the potential for any contamination through contaminated bodily fluids, from the scene of a crime, from an accidental injury involving bleeding, in fact, any of those circumstances, I think that what we are doing in this province is unique because we are saying that we're there to balance, yes, the broad public interest. But the broad public interest requires at least that we understand the concern and the reality of those first responders.

This is about, in many cases, and I can tell you I've talked to first responders who have been in these circumstances, they see this legislation as giving them peace of mind. Everybody knows that in most circumstances you are not going to see potential for HIV or hepatitis B or C to be spread through contact of bodily fluids. But we can't say that's the case in all cases. The degree of anxiety that first responders go through in those circumstances is there and it's growing. I've talked to the firefighters, for example, and they see this as being a huge part of their ability to respond. I know with paramedics, the same thing. When you think of it, we owe our first responders the

kind of backup where we say to them, when you go into that particular building, and that particular suite or particular factory, or you go to any circumstance, you get that dispatch, we're going to be there for you. If there's any injury, you'll have presumptive coverage for many of the conditions that we know can be by-products of firefighting. We'll be there in terms of backup in many other ways.

I was very pleased, with the fire chiefs, to talk about how we've doubled training for our volunteer firefighters. We've added additional firefighter positions. I'm sure the Member for Portage la Prairie (Mr. Faurichou) will put on the record how much that's made a real difference in the city of Portage where we have four additional firefighters. So you back it up in terms of resources.

We're backing up with training for all of our firefighters and our first responders. We've made a very significance in terms of our ability to respond in terms of paramedics through the renewal of the ambulance fleet. But you know, that is all said and done, that is important and I want to credit again, the lot of work that's been done by the first responders, particularly firefighters pushing for firefighter funding.

When somebody goes in through that door and there's been a situation in which they come into contact with bodily fluids, this legislation says we're there to back you up. We recognize the anxiety that's there and we want to make sure that you have either the peace of mind to know that there is no health risk, or that there's the appropriate treatment that can be put in place to make sure that any health risk is mitigated.

*Mr. Speaker in the Chair*

I just want to finish my comments. I was in a very unique situation here in being able to bring the bill in on behalf of the minister, my role as acting House leader. I want to commend our minister. A lot of work was done on this legislation. I also want to commend the amount of staff work that was done on this. I know, because my newly-appointed special assistant worked on this bill with the Minister of Health (Ms. Oswald), Kathie Currie, and I know the many hours that staff put into this because this isn't a simple thing, trying to balance legal and human rights and privacy rights on the one side, and then the need to back up to protect our first responders on the other. But through working with the Department of Health, the RHAs, working directly with firefighters and paramedics and police officers and I know

certainly the firefighters union, and the paramedics union, and working with the various first-responder departments, fire departments, paramedic departments and the combined departments, I think we've proven that this is the way it works in Manitoba.

\* (16:00)

If there's one thing that I would like to say is a lot of work went into this, but I would like us to be known as the province that gets it when it comes to our first responders. We're models in terms of backing them up. I still think there's more that we can do, and we have to constantly be aware of the needs, as we have with presumptive coverage, to update that coverage if there are any further conditions that have been identified that are at risk. There's a lot more can be done on training. I think, arising out of a terrible tragedy took place here in Winnipeg. There's been a lot of work done on building codes. I commend the Minister of Labour (Ms. Allan) to make sure that our future buildings are more conscious of fire safety in terms of construction. I think a lot more work can be done to cold-weather testing of firefighting. I look at the fact that that terrible tragedy that occurred here occurred in very cold circumstances. We had a very serious fire in Thompson where cold weather can play a very difficult dimension to what happens. So I don't assume for any moment that the passage of this bill completes, somehow, the complete model of backing up our first responders and our firefighters and paramedics and police officers.

You know what, Mr. Speaker, though, again, the fact this is groundbreaking is it proves, to my mind, that we are continuing to be seen as a model. I've talked to firefighters in particular on this. I know it's a case with paramedics and police officers as well with this bill, but we're seen across North America as leaders of listening directly to the front lines, listening to the fire departments, paramedic departments themselves through our fire chiefs and backing up our firefighters.

So, if I could, in conclusion, a very great honour to bring this bill in for third reading. It wasn't my intent to close debate. I just thought that this was the kind of bill that I know we're all in agreement on this, but we don't often spend enough time reflecting on the significance of what we're bringing in. This is groundbreaking. This will become a model for the rest of Canada, perhaps for other jurisdictions in the

U.S., and I'm very proud of that. Right here in Manitoba, the Keystone Province, the heart of North America, we put backing up our firefighters and our first responders as a top item on our agenda. That's something I've always fought for throughout my entire political career.

I'm really proud of our government because, you know, we are really moving this forward. I'm glad to see the opposition on board on this, too. I'm not trying to turn this into a partisan issue, but you'll have to excuse me if I do note the degree to which this has been core of who we are and what we are, this New Democratic Party government. It's no accident it's an NDP government that is making us leaders across North America. I wish at times people would look at the key ingredient here. Part of it is listening to the grass roots, and I know for years members opposite would often demonize unions. Well, I'm proud to say the firefighters union's a key part of why we have this legislation. They put forward that recommendation. The paramedics, I know, have been very vocal as well in terms of that, so you know what, this is about working with our unions. It's working with our fire chiefs and our municipalities. They're a key part of this. Our volunteer firefighters, they're a key part of our system out there. Working with our health departments, the RHAs. This is the great thing about Manitoba. We're in a very good situation.

I look forward to the Member for Arthur-Virden (Mr. Maguire), his comments on this particular bill. I know he's very interested apparently in nutrient management by what he's flashing to me here, but I wanted to speak on this because I'm proud of our support for our firefighters and paramedics. I'm glad the opposition's on board on this one. Didn't just happen. This is because of what the NDP government of this province is all about: bringing people together, coming out with creative solutions, making us a leader. That's our bottom line on this bill, that's our bottom line in terms of us as a government. That's why I'm so looking forward to seeing this bill passed unanimously by all members of the Legislature.

**Mr. David Faurshou (Portage la Prairie):** I do appreciate the opportunity to rise in third reading debate of Bill 18, The Testing of Bodily Fluids and Disclosure Act. I will compliment the Minister of Intergovernmental Affairs for some of the dialogue which he placed on the record this afternoon in third reading debate.

I do, though, want to impress upon the minister that if, indeed, his government is truly behind this act of the Legislative Assembly, he and his colleagues move extraordinarily quickly because this bill, even though passed by the Assembly—hopefully, unanimously as the minister stated—will not come into effect until proclamation. We've seen this government on many occasions have bills in their possession, after it's been given royal assent, for months, if not years, Mr. Speaker. I want to impress upon the minister, who just previously spoke, to make it his mission to take this bill forward and make absolutely certain that the absolute minimum of time is expended before this bill receives proclamation.

I am in total support of this bill and was present for the Social and Economic Development Committee of the Legislative Assembly, where we had the benefit of hearing the presentation by Keith Atkinson, who is from the Manitoba Association of Chiefs of Police.

He read into the record a statement from a young constable that, I think, bears repeating here today because not all members had the benefit of hearing Mr. Atkinson's presentation that evening:

"In the early morning hours of the night shift of December 2007, while effecting an arrest, I was spit in the face by an accused. There was a mixture of blood and saliva that hit my face as well as the inside of my mouth.

"After taking the accused to jail, I immediately attended to the emergency room at a hospital where a social worker was contacted and conducted an interview with me. Later that night I was contacted by the social worker who advised me the accused has declined to consent to providing a sample of his blood and for me to re-attend the emergency room to begin treatment as the accused was a high risk for HIV or hepatitis C.

"Emergency room staff performed an initial blood test on me, and I began treatment with the prescription Combivir and I apologize for not"—perhaps—"pronouncing that properly . . .

"This was . . . a 30-day prescription; however, after a week, I consulted . . . the public health nurse, and, due to constantly being sick, unable to eat, as well as difficulty drinking water or juice and other potential side effects, I made the determination to stop taking the medication. I was advised to re-attend for follow-up tests in about three to six months. The

follow-up tests were performed in April 2008 and came back normal.

"During this time frame it was very stressful for me as well as my family. All precautions had to be taken affecting marital relations as well as our lifestyle. Most personal items had to be kept separate from the rest of my family. Any lacerations I received had to be dealt with very carefully. My five-year-old daughter who normally helped with Band-Aids, however, instead had to be told to stay away,"—from me—"not understanding why.

"From the date of the incident until the date of the follow-up results, this incident was on my mind, keeping me awake many nights. This incident could have been far less stressful if a sample of the accused's blood could have been obtained."

This was a statement from a young constable. I hope that members opposite took note of the time frame: December 2007, April 2008. I hope they will all recall the private members' legislation brought in by the honourable Member for Steinbach (Mr. Goertzen), the very same language as Bill 18 we have before us today. It was a mirror image of legislation already passed in Saskatchewan by the New Democratic government there.

Why, one has to ask the question, did this government stand and vote against the honourable Member for Steinbach's legislation, preventing that very same legislation from coming forward last year?

This particular incident that was related from this young constable would not have even occurred, had the legislation that was introduced last year been passed by this House.

\* (16:10)

I want to garner the attention of the honourable Member for Thompson, the Intergovernmental Affairs Minister (Mr. Ashton), who said that this is leading-edge legislation. This legislation has been previously passed by other jurisdictions. Had this government really, truly listened, not only to front-line caregivers, those persons coming in contact with individuals that may be HIV and hepatitis C carriers, this government could have also listened to the opposition members, the honourable Member for Steinbach, who brought forward this very same legislation last year.

I say to members opposite: Perhaps you should listen also to other elected MLAs in this Chamber. When legislation that was tabled like the legislation

tabled by the honourable Member for Steinbach that we set aside our differences, and we look to the legislation's merit and we make sure that the legislation sees a speedy passage through this House on its merit rather than standing on partisan points and trying to say that we, the NDP, are now bringing forward this legislation. Why could it not have been, we, as MLAs of the Manitoba Legislative Assembly, passed legislation in this House that was vitally needed to safeguard those that protect us?

**Some Honourable Members:** Politics over public policy.

**Mr. Faurschou:** The honourable Member for Turtle Mountain (Mr. Cullen) said that this is a prime example of politics over public policy, and I think the honourable members opposite, I hope, listened to this young constable's testimonial that would not have taken place had this government taken the advice and acted without partisanship on this particular piece of legislation.

I do, indeed, support this legislation, Mr. Speaker, as I believe all members of this House do, and I believe when it comes to vote that this bill will receive unanimous consent of the House to pass the bill and give it royal assent. But I leave with this one comment as I stated earlier. This legislation will not come into effect until being proclaimed, and I look to all members of the Executive Council on the government side of the House to act in the most expeditious fashion to see that this legislation is proclaimed in the shortest of order. Thank you very much.

**Mr. Daryl Reid (Transcona):** It's my honour to rise to speak to Bill 18, The Testing of Bodily Fluids and Disclosure Act. Mr. Speaker, I think this is a very important piece of legislation. I listened very carefully to the comments and the debate here from other members of this Chamber, and I sense that we have an agreement in this Chamber with respect to support for this legislation and what our government is attempting to do.

Mr. Speaker, I want to start first, though, by going back a number of years back to 1988, when this House was in the process of dealing with a very serious matter at the time. Of course, parts of it have been resolved since then, and this is, I think, perhaps the final piece of legislation that's required to deal with protection that this Assembly provides to those individuals in our society that protect us in emergency situations, those individuals being people employed as police officers, firefighters, emergency

responders and, in fact, Good Samaritans helping out in very serious situations wherever they may be encountered throughout our province.

But, in 1988, the-then regulation protecting firefighters was struck down by Justice Sterling Lyon, indicating that such protection for firefighters for heart and lung ailments encountered in the performance of their duties should be encoded within the legislation itself and not in the regulation. Of course, at that time, the government of the day in the 1990s chose not to deal with that particular matter, and it was left to our government when we came into office in 1999 to bring forward legislation that would restore the protection that had been missing for over a decade for firefighters in our province.

I was quite proud of the fact that our government brought forward that legislation, not only dealing with matters of firefighters involving heart and lung conditions that they encountered in the performance of their duties. I can think back, and I know at the time, I think, we dedicated, or at least I dedicated the legislation to one Bill Laird, who had been a firefighter that, unfortunately, succumbed to a heart attack while he was an active firefighter.

I know Bill Laird, Martin Johnson, Dennis Lloyd and other firefighters in our province came to see me and asked if we would support them in their efforts to try and restore that protection for them. At that time, they overwhelmed us with the volumes of information and research that they had been involved with as part of the international firefighters organization, demonstrating that firefighters, for the most part, had a higher incidence of heart, lung and cancer ailments than the corresponding socio-economic groups, being, as an example, police working in the same general environment. But it was firefighters that sustained these health conditions far greater in numbers than what other individuals working in side-by-side occupations were experiencing at the time.

So our government brought in legislation that restored the heart and lung and cancer protection for firefighters. I'm quite proud of the fact that we took that step and that firefighters were supportive of us taking that effort. Then it was just a short time later our government decided that, in addition to the permanent full time firefighting forces in the province that were provided that protection, we also incorporated the volunteer firefighters of our province under the same or similar protection. I think that was the right thing to do.

We had tried many times in opposition—I know; I was a critic at the time—we tried many times in opposition to bring forward the protection for firefighters. Unfortunately, it was stalled in this House for a variety of, perhaps political reasons, but we were unable to have it proceed through the 1990s. It got very close once. I remember the Speaker of the day deciding that there were no other speakers, and I rose to close debate, and then, of course, members opposite, sensing the debate was being closed, and that would have allowed the bill to proceed to public hearings where firefighters and paramedics and police officers could have come out and given us their advice, of course, government of the day decided that they would want to speak further to the bill. Ultimately, the consequence of that was the bill died on the Order Paper, and we weren't able to proceed further at that time.

Now, I know that, with respect to this particular bill, there are a number of components which I'll talk about in a few moments, but I know that I've had the opportunity to talk with firefighters and paramedics about this bill. I've taken the opportunity just recently, as a matter of fact, to talk, in particular, with paramedics who came to attend a special function in the rotunda of this Legislature just about two weeks ago. We recognized long-service paramedics and the services they provide for our society and our communities. Of course, I was proud to be there and to witness the paramedics receiving their 25-year pins, I believe it was. Of course, our Minister of Health (Ms. Oswald) was there working with the paramedics in recognition of that long service.

But those paramedics, the ones that I spoke to at that particular time, were quite supportive of our efforts. I do know that when we were in committee of the Legislature with respect to this bill, I had a chance to speak with paramedics and firefighters who were in the committee room giving us their advice on this bill. They were quite supportive that this bill was brought forward by our government and that we were proceeding to provide the protections that were necessary.

Paramedics, I know, encounter individuals in all kinds of circumstances, whether it be in our family homes, in automobile crashes, workplace accidents or in situations where you encounter an individual on a street, and the medical condition of those individuals are unknown. Paramedics and firefighter first responders come into contact with those individuals almost every day of their working lives.

Of course, in those types of circumstances there are a variety of medical conditions they encounter, and firefighters, paramedics and police officers aren't aware of the conditions at the time, and, of course, they provide the necessary medical care. It's some time later that they start to think about, what if that individual had a communicable disease and they were unable to relay that information or did not want to relay that information for reasons of confidentiality. Our first responders wanted our government to take the steps necessary to provide the protection for themselves.

I do know that in talking with firefighters, as well, and I want to thank Alex Forrest, the firefighters of our province, Terry Parlow, I think, who is the head of the Manitoba Professional Fire Fighters Association, and their various member organizations throughout the province for the efforts they have made to assist us in understanding this issue and how it affects firefighters and paramedics in our province. They provided us with much guidance in that regard, and I would like to thank them for their guidance over many, many years as we move to bringing forward what I sense is the final piece of legislation to assist first responders in our province.

\* (16:20)

I know, as I've mentioned, that Martin Johnson, who was part of the Winnipeg firefighters association, union, also provided me with guidance. I can remember the first time I met Mr. Johnson and Dennis Lloyd and Bill Laird who were all active firefighters at the time. It was on a winter day, and they stopped me outside of a public meeting and proceeded to impress upon me the importance of bringing forward legislation like we see before us today and the other pieces of legislation that this Assembly has now passed and that they then provided a mountain of written research material to allow myself and others of this Assembly to understand the need for this legislation and what it would mean to paramedics, police officers and firefighters serving our communities.

So I thank them for their guidance over many, many years as we move toward what I sense is the final step in allowing this protection be put in place for those that provide our first response.

In 2007, I had the opportunity to ride along with the Winnipeg firefighters. I'm sure members of the Assembly, if they wish, they can also take advantage of that opportunity, but I learned much through that

process, Mr. Speaker. I didn't just ride along on the day shift, I rode along on the night shift so we could see what firefighters encounter in the early morning hours in our community and the types of situations that they encounter and the service that they provide to people in need. I can remember quite vividly, firefighters being called to scenes not far from this Legislative Building, just a few blocks away.

For individuals that were, for whatever reason, medical reason, were lying on the sidewalk outside of a building and in need of medical care and our firefighters attended the scene and attended to the medical needs of that individual until the paramedics arrived. Then, of course, the individual was transported, no doubt, to the closest hospital. But firefighters are first on the scene and provide that care for individuals in need.

Having spoken to firefighters who happen to be neighbours of mine living close by and had the opportunity to talk with paramedics in my community that I've known for many, many years as well, I've asked them about this legislation—in private conversations; I won't share all of the details, of course—but they've indicated to me that during the performance of their jobs they encounter individuals with a variety of medical conditions and the firefighters, they accept the risk of providing these types of emergency response services to our citizens.

They say to me that while they accept those inherent risks in the performance of their job, what they worry about is what the repercussions will be for their various family members that they come into contact with at the ends of their shift. Of course, if you're unaware of certain medical conditions, you could be bringing contagious diseases back to your family home and have the risk of infecting your family members. Firefighters, and I know paramedics both worry about circumstances like that and that they see that this legislation will give them the opportunity to take the necessary precautions.

One neighbour of mine who's a firefighter mentioned to me just last week that the firefighters have been advised by certain members of our medical community from time to time to take precautions. Can't say what the precautions should be, but then firefighters themselves have to go and seek medical attention. They take a drug concoction—that's what they call it—to allow themselves—no doubt, it's a large dose of antibiotics—and it allows them to suppress or to defeat any illness or infection that they may have come into contact with and that

this is something that they don't like to do because the firefighters then have to be off work for a number of weeks. They're unable to attend to their shift and their duties while they're seeking this medical attention. So we have firefighters that have to deal with this from time to time.

One of the other issues that they mentioned too is that, while individuals are being transported after having been attended to by first responders, whether firefighters or paramedics, these individuals in our society may be transported to hospital and, occasionally, our well-intentioned medical people, while they can't and will not breach the confidentiality provisions of the law that's in place, they find ways, they're creative and find ways to make sure that others that are providing the necessary supports and protection for members of our society are also protected, and I wish to thank those in our medical community.

This legislation, Mr. Speaker, will go a long way towards helping those in our medical professions provide the advice in a timely way and allow them to make sure those that are providing our first-response service are able to seek out the care necessary to allow them to protect themselves and their family members.

I would like to thank Kathie Currie. As the Member for Thompson (Mr. Ashton) has indicated—I know Kathie did a tremendous amount of work in working with individuals with respect to the development of this bill.

I know members opposite, at least in the comments they have made in this Chamber, appear to be supportive of Bill 18 and the direction of our government is taking with respect to this, as this bill will provide testing orders, if an individual providing emergency-response services comes into contact with a victim of crime, or is providing emergency medical assistance, or maybe performing his or her duties as a firefighter or emergency medical responder or a peace officer. No doubt, there may be other circumstances that we haven't contemplated at this time, but our government has left open the opportunity to allow for other inclusions to be prescribed in regulation.

I think that's the appropriate step to take to make sure that all circumstances can be addressed in the future. This, I think, will go a long way. We are going to start with a public education program to inform folks of this new legislation. I look forward to this bill passing not only this House in third reading,

but, also, to having it be proclaimed into law, to make sure that we protect those that provide protection for every member of our society.

I'd like to thank you, Mr. Speaker, for the opportunity to add my comments here today on Bill 18. I'd like to thank our Minister of Labour (Ms. Allan) and our Minister of Health (Ms. Oswald) for the significant work that they and their departments have done in the development of this legislation.

I support this bill, Mr. Speaker. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question for the House is concurrence and third reading of Bill 18, The Testing of Bodily Fluids and Disclosure Act.

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

#### **Bill 20—The Gunshot and Stab Wounds Mandatory Reporting Act**

**Mr. Speaker:** Bill 20, The Gunshot and Stab Wounds Mandatory Reporting Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It's been denied.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, I rise to speak to Bill 20, The Gunshot and Stab Wounds Mandatory Reporting Act.

I know that the government has brought forth a bill that's fairly similar to the one that was brought forward by members of our side of the House as well. This bill imposes mandatory requirement on health-care facilities to report to the local police service when treating persons with gunshot wounds, irrespective of cause, or stab wounds that appear to have been inflicted by another person.

This bill includes all hospitals that have been listed under The Health Services Insurance Act and additional facilities prescribed by regulation. It's a concern, I think—this bill is an opportunity to protect those who have been impacted by these types of wounds. The bill provides protection from liability for good-faith reporting of authorized information or

good-faith admissions to report to police by regional authorities, health-care facilities or other persons. The person or class of persons responsible for making the disclosure on behalf of a health-care facility as well as the manner in which the disclosure is to be made will, obviously, come in by regulation from the government after the bill is passed.

Mr. Speaker, I think that there are many other decisions that have been made in other jurisdictions that the government has followed in putting this type of legislation together, so we're playing catch-up in regard to some of the seriousness of this circumstance in other jurisdictions.

\* (16:30)

I just want to say that I'm very glad to see that the government has picked up on the type of legislation that we were running on in the 2000 election, 2007 election, pardon me. There's disclosure in this bill, and it should not interfere with the injured person's treatment or disrupt the regular activities of the health-care facility. Mr. Speaker, I know that there are those in society today who feel that, regardless of whether this individual comes into the hospital with a gunshot wound or a stabbing, they shouldn't provide this information to the RCMP or the local police services. Some doctors don't agree with this type of bill moving forward.

There are some in the medical field that feel it's a matter of rights, Mr. Speaker, but I think when someone comes in with a seriousness, with the type of crime that we have in Manitoba today that we're seeing all over this province, I think it's incumbent upon our health facilities to provide information to these persons because, of course, the first thing you'd wonder about if a person comes in with a stab wound is, well, how did this happen?

Most law-abiding citizens don't come in with a stab wound or they don't come in with a gunshot wound, Mr. Speaker, so I think that we're very much in support of the fact that, from this side of the House, we would see this legislation move forward. As I said, it's taken the government a little while, first term here, I guess, to see that they would bring this type of legislation forward. It's not unanimous, as I say, in the public, but it's nevertheless a bill that seems to be required given the level of crime that we have in the province today.

I think it's very serious that we provide as much protection to individuals as we possibly can, both to the person that's been injured but to the person that

may have inadvertently caused this crime, or this circumstance, if it is unintended or intended, Mr. Speaker. If unintended, then society, through court systems, would get to the bottom of it and make a ruling in that regard, but, as I say, most people don't voluntarily come in with stab wounds or gunshot wounds that have been voluntarily inflicted.

So I would assume that the majority of these types of cases would lead to a criminal offence and that the reason that some persons wouldn't want to disclose where these things came from is that they would have to be involved in some kind of gang activity or illegal act in the first place, Mr. Speaker. So there's some assumption on my part in assuming that, but we wanted to bring this type of legislation forward. We ran on this type of legislation in the 2007 election campaign, and we're very glad to see that the government is bringing this sort of a motion forward.

Mr. Speaker, without this kind of a bill coming forward, without this kind of legislation, it becomes very—it makes the job of our police force much tougher, and I think we should do anything we can to encourage and enhance the ability of the police officers that we have on the streets today and in the streets to be able to do their work.

Mr. Speaker, we're about three years behind Ontario in this type of legislation which brought in a bill called the Mandatory Gunshot Wounds Reporting Act. Saskatchewan has brought this in in the fall of '07 as well. Nova Scotia, it's my understanding, has a bill that will be coming into force here, that came into force rather, on June 1 of '08, a very short time after it was passed in their House.

Mr. Speaker, I think that it's very clear that the Winnipeg police and the Brandon police forces have indicated that they would support this type of legislation, so, with those few words of record on this bill, I would hope that the government sees fit to actually, once the bill passes, and it will, that they see fit to enact it immediately. Thank you.

**Ms. Sharon Blady (Kirkfield Park):** It's an honour to speak to this particular act because, again, as with previous legislation we've discussed today, it really is about protecting the people that serve us in so many ways and about, also, just doing a number of things that, while it's been mentioned that we haven't, you know, moved on this as quickly as others, I think the one thing that does need to be put on the record is that we've learned from the experience of other

jurisdictions in making sure that, in putting forth this kind of legislation, it was done right and done well and would not be something that would need revisions or updates.

I think the one thing we have to remember is that, while we might not have been first out of the gate with this, we can be confident that what we're doing is the right thing.

One thing that is really incredible about this kind of legislation is, again, what it does for people who are on the front lines because, in requiring hospitals and certain kinds of health-care facilities to notify the local police service when they treat a person for a gunshot or a stab wound, by doing so it in a sense provides them with a clarity or a piece of mind regarding resolving the uncertainty and improves the consistency in reporting by health-care facilities.

As someone who has family members who work in emergency rooms, I know that their primary concern is caring for the individual that comes into the emergency room. To know that they don't have to worry, as an individual care provider, about what to disclose, that there will be a model, there will be a policy in place that will allow for that to go forward in a manner which allows them to just care for the patient, that again provides them with peace of mind, not just in the sense of taking one more decision off the plate for them as they juggle so many things in an emergency room, but also in terms of the implications around safety, especially if an injury that is reported is related to a criminal activity.

So it does take the guesswork out of balancing the need to ensure public safety and the need to maintain patient confidentiality which is another important aspect, again, the idea that we are not breaching confidentiality in ensuring the larger greater good and sense of safety.

It would also reduce the potential liabilities and clarify who should report, who they should call, what they need to share and when they need to do it. Again, an individual care provider can be confident in knowing that they can provide care and that someone else within the health-care system is looking after that information, so that reportings don't go missing because someone thought someone else in the institution did it. So it streamlines this. It takes the guesswork out and it gives that consistency in terms of reporting.

The act would also require hospitals and other health-care facilities to phone police when they see a

patient who has been shot or appears to have been stabbed by someone else. In doing this, making it pretty straightforward as to what it's about, it still does not take the primary onus from the idea of caring for the wounds first, but the idea that reporting can be done as soon as possible without interfering with that person's treatment.

We also need to know too that it does not apply to intentional or accidental self-inflicted stab wounds, so we're not compromising confidentiality or care. We're merely getting out the necessary information from one group of first responders to another.

Our existing Personal Health Information Act already allows some information to be disclosed to prevent or lessen any serious and immediate threats to health or safety of an individual or the public at large, but this legislation does add that extra measure of clarity.

With this current discretionary reporting approach, there can be uncertainty and inconsistency between health-care providers and hospitals as to when to report and what to report. So really this is about firming up existing practices, giving clarity and form and a model in what's in the best interests of all individuals involved.

The information that's provided to the police under the new legislation would be limited to the fact that an individual with this kind of wound is being treated, their name is known, and the name and the location of the treatment facility. No other medical information would be shared. It's really about putting those few necessary pieces of information into the hands of the police, so that they can do what's necessary, not compromising the treatment of a patient, nor compromising the many tasks that first responders and emergency workers need to be juggling in their high-stress jobs.

Most importantly, it really does protect the public because what this does is—this particular legislation allows for quick and consistent informing of the police about incidents involving gunshot and stab wounds that have the potential to prevent further violence, injuries and even death.

When someone presents at an ER or another health-care facility with these kinds of injuries, we often know that sometimes it's the first step in a larger situation that's going on, and the ability to

respond to that first event to prevent subsequent events is really significant. It's better to be dealing with one injured person than possibly a series of injured persons, based on spinoff effects.

\* (16:40)

So the legislation also addresses the need for public safety by helping police make the best use of those first, critical few hours in an investigation and to take immediate steps to look into an incident because, again, unfortunately, when people present with these kinds of injuries they often are the tip of the proverbial iceberg. To be able to use that time clearly, effectively and, again, with the best interests of all involved, task clearly defined, that kind of framework really will make things best for both our, again, first responders and emergency room workers, but also for those receiving care.

Again, what it also does, too, is that if these events are related to criminal activity, it relieves the onus from the patient if the patient is a victim of a crime, because they don't have to worry about repercussions. They know that they have presented at a hospital, they will be looked after and they are not referred to as a snitch of any sort, that the idea is this is about care providers doing what they need to do, about police doing what they need to do, and, so, again, it might encourage some people to present at hospital who might not otherwise for fear that getting care could compromise their safety.

This is the one thing that is part of a larger group of actions on crime. Since 1999, it's impressive to see that this government has funded over 155 new police officers, hired 23 new Crown prosecutors and that this year's budget funds an additional 20 police, including 10 for Winnipeg and two for Brandon. So, again, it's not about an individual piece of legislation having strengths. It's about how an individual piece of legislation fits within a much larger holistic package, so when members opposite talk about how somebody may have presented something of a similar notion earlier, again, oftentimes, it's been something standalone. This is about putting it into a larger context, a larger framework, a larger model that works. Again, despite words coming from the opposite side of the House, we need to remember that Manitoba does lead the nation in crime prevention, that we have things like 52 Lighthouses providing youth with a safe, fun place to go and that last year we had over 130,000 visits to Lighthouses. So it's about prevention. It's about looking at things over the full continuum. It's about providing

preventative things as well as things along the full spectrum clear up to those unfortunate moments when something has happened and how do you deal with those things.

Again, this year, as part of that preventative model, we've announced over \$500,000 to hire seven recreation directors to expand recreation opportunities for youth in the inner city and other Neighbourhoods Alive! communities. We've got the Turnabout program, which is the only initiative of its kind in Canada that helps provide help and consequences for young people who are in conflict with the law but are too young to be subject to the Youth Criminal Justice Act. Again, it has this very high success rate. So, again, while we're putting something in, this particular law, this particular act, at the final end of things, what we're looking at, as well, is putting in legislation and programs. We've got those things up front, so that we have fewer of these incidences to deal with as an end result.

We also have the fact that Manitoba Justice introduced Spotlight, a program aimed at getting young offenders out of gangs. Spotlight works with the highest-risk gang youth and their families by providing supervision and services to help youth deal with substance abuse, stay in school or find a job. Again, it's that preventative model that means that if a child, a youth is approached and is able to go into these kinds of programs up front, earlier when they might just be at the edge of that slippery slope, it means we won't have to deal with them as someone presenting in an emergency room later on down the line with a gunshot or a stab wound. So the idea is to take the kids out of this kind of environment but still provide something for those that end up in that situation.

Our Auto Theft Suppression Strategy is working. Winnipeg auto thefts are down 46 percent in the first quarter of 2008, and attempted thefts are also down 48 percent, so, again, it's about doing things up front, as well, and part of a larger, holistic package.

In areas where we have the provincial authority to act, we have taken action and gotten results. Manitoba was awarded the first-ever A-minus given out by Mothers Against Drunk Driving. MADD Canada president Karen Dunham has said: What we're hoping is that each province and jurisdiction will look at what Manitoba has done and adopt the solutions that Manitoba has done to lead the way.

So people know that we're leaders. This kind of legislation is really just about firming up an already

strong package. As a result of these kinds of initiatives, Manitoba has had the largest decline in impaired driving deaths and injuries in Canada.

Again, we keep working to protect children in innovative ways, so Manitoba's Cyptertip.ca has been expanded nationwide and has shut down 2,800 child porn Web sites and resulted in 32 arrests. The Integrated Child Exploitation Unit, which has specialised prosecutors and child-friendly court rooms, has also been put into place, and child victim services have been expanded to every single court location in Manitoba. So what we really need to do is to remember that Manitoba is recognized for the toughest preventative anti-gang laws in Canada.

The Safer Communities and Neighbourhoods Act has shut down, so far, 280 crack houses, drug dens, sniff and prostitution houses. So, again, it's about having a larger package. While one piece of legislation like this can stand alone and can be viewed as having so many positive things to offer, it only does that when it's in place with other legislation that similarly backs it. Again, that wonderful example of the sum of the parts are greater than the whole—sorry, I got the analogy all messed up there. The idea is it's one little thing that's very strong, but, when it's put together with all of those other strengths, its strength is itself magnified. *[interjection]* Thank you for that because I knew I fumbled the ball the first time on that analogy. It's the cold medication kicking in.

On May 1, federal laws will change to raise the age of consent and set mandatory minimum sentences for serious firearm offences and the reverse onus on offender for bail and serious firearm offences, so Manitoba has lobbied the federal government for changes in all of these areas.

So, as a province, as a government, we are working through the full spectrum of prevention, of consequences, and then also still having something in place for those that end up on the wrong end of a very serious situation. The idea of being able to have something in place that makes gunshot and stab wounds, you know, as mandatory to be reported really provides us all with another degree of safety. It provides us with more peace of mind and, again, is part of a larger package that ensures that not only in working to bring crime rates down as successfully as we have, but that, again, in those cases where something unfortunate does happen, that the next step can be followed. That someone presenting at an ER is not the end result of a situation but the

investigation that can follow from their entrance into the ER becomes another level of prevention. It can set the wheels in motion to have another injury, another circumstance prevented.

So I think that, while some have said we have not moved as quickly on this as they would like, slow and steady oftentimes is what wins the race, especially in something like this, because if you're going to do something like this, you need to do it methodically. You need to do it as part of a larger holistic package, and I believe that in bringing forward this act that, again, it's something that we can all unanimously agree on as something whose time has come. Let's put all other bickering aside and put this in place for our collective safety and well-being.

Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, Liberals are supportive of Bill 20, but I do have some concerns with this legislation, which I think it's important to talk a little bit about, and that is that the way this legislation is written, it is reporting where somebody has provided health-care services on a gunshot wound that it is the health-care facility where a person treats a person for a gunshot or stab wound and has to disclose the information to the local police service.

My concern is that one of the things that may well happen as a result of this legislation is that individuals with gun shot or stab wounds, instead of going to health-care facilities, will try and get treatment in areas that is not a health-care facility, and it brings up the question: is every doctor's office in Manitoba considered a health-care facility? Certainly, somebody could be treated at home. There are a variety of people who would be able to provide care in a home, but a home would not be a health-care facility. So the concern here is that one of the results of this legislation is likely to be that people are going to get what may not be as good quality care because they don't want this reported, and they are going to try and get care elsewhere.

\* (16:50)

It seems to me that there might have been ways of putting this act together so that it would require physicians and nurses to report if they were treating an individual, for example, rather than dealing with the health-care facility. But, certainly, this act and the way it is written will likely move some health

care, as it were, to some extent, underground into areas which there is not a required reporting.

Certainly, we should have a follow-up. It could be, for example, that, as a result of this act, there are a lot fewer gunshot and stab wounds appearing in emergency rooms and that it appears that the incidence of gunshots and stab wounds is going down, but if they're actually being treated, you know, not in health-care facilities and not being reported, there may be a false sense that crime is improving when, in fact, it's not changed at all or could even be going up.

So I would think that there is some caution in the way that this act is put together and the way that it's interpreted and the way that it's implemented because it could easily be that we move people away from health-care facilities where they would get optimum treatment in some circumstances, and into, you know, underground facilities, facilities where they don't have to be reported. I would just make a note of this because I think it's an issue that needs to be watched, and if this does occur, that it needs to be addressed and known right from the start.

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, I would also like to put some comments on the record about Bill 20, The Gunshot and Stab Wounds Mandatory Reporting Act.

While we do support this bill, and it's good that it's coming in, it should be considered a step in the right direction. There are other provinces that have already brought it in, so, of course, in keeping with other performance of this government, they keep the bar low, make sure somebody else has already got it in before they bring it in. You wouldn't want to be ahead of the pack on anything.

But, really, this is a step in the right direction. It's another tool that can be used by the police services on their war of crime. But, rather than depending on Bill 20 and having hospital staff report on this, it would certainly be refreshing if this government would actually take serious a war on crime and, rather than depend on Bill 20, that they would work on effective, workable plans for deterring crimes and also work on effective and workable plans for dealing with crimes and getting away from the revolving door of crimes.

Certainly, if the health-care facilities and health-care personnel would have much more confidence if

they were reporting this and knew that it would, in effect, help the police service and help to reduce crime rather than just being out there just to report crime and having crime continue is not solving the issues. So this shouldn't be looked at as a way of deterring crime because it won't be; this is just another tool for our police services so that they can do some effective crime prevention and deterrent and then also, when people are committing crimes, that they can be effectively dealt with instead of having a revolving door.

It's really a message of, does this bill give the health-care facility personnel, does it give them any confidence that crime will be effectively dealt with? I would really rather doubt that this, on its own, does not do that. Certainly, all health-care professionals, all police services would certainly like to—while this bill does give them some small measure of help, there is a much wider problem that needs to be dealt with in terms of crime prevention. While this government talks lots about deterring crime and stopping the revolving door, in effect, they really have been very ineffective in doing that.

Perhaps, they need more provinces, just like this bill, where they've followed Ontario, Saskatchewan and Nova Scotia; perhaps they need other provinces to model something for them, because we know that there is no leadership in here in terms of creating effective crime deterrent and crime prevention.

We continue to be the car-theft capital of Winnipeg and I guess that's a badge that this government wants to wear very proudly. Winnipeg seems to be like a shooting gallery at a carnival here every weekend in terms of the shooting crimes; yet, that's fine. You bring in Bill 20 for the gunshot and stab wounds' reporting, but now what are you doing? Are you expecting health-care facilities to deal with this crime, instead of helping the police services really create effective tools?

Mr. Speaker, this bill has, as I understand it, been a long time coming. I believe some members on this side had originally introduced it as a private members' bill. We certainly are appreciative of the government picking up on good ideas. They certainly could use a few more of those. It would be nice if they would pick up on these.

We are going to support this bill. We would like to see it move through but, ultimately, we would like

to see a real plan for crime prevention and dealing with crimes that do happen, rather than this lacklustre approach that this government has now—much hand-wringing and saying, it's a terrible problem and it's the feds who aren't—don't blame it on the feds. This is a provincial issue. Take some leadership, try and deter crime and try to help those people who are committing the crimes.

I'll leave it at that. I would just like to reiterate our support for Bill 20. Thank you, Mr. Speaker.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is concurrence on third reading on Bill—oh, the honourable Minister for Intergovernmental Affairs.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Thank you, Mr. Speaker. I do wish to speak on this, but not to close.

**Mr. Speaker:** Does the honourable member have leave to speak the second time because he moved the motion? Does the honourable member have leave? *[Agreed]*

**Mr. Ashton:** Because I was inspired by comments of members opposite who seemed to bootleg other issues in the dying hours of today, I do think it's important to put on the record that this is a very good bill. I'm very proud of it and I'm very proud of the work that has been done in terms of this.

If you net out the rhetoric of members opposite on this bill, I take it from their comments they do support it. I think that's really important. I think that's the case because I want to put on the record that, despite their rhetoric, when push has come to shove on some of the key bills in the Justice area, it's funny—they actually support our legislative package.

What a contrast between the question period theatrics at times on this issue. I always look forward the Opposition House Leader who is always asking us, why has the minister failed?

On this bill, I would suggest that, next question period, the Member for Lac du Bonnet (Mr. Hawranik) should get up and ask the Minister of Justice (Mr. Chomiak), why is the minister

succeeding? He wants to bring in legislation that's being passed unanimously by the Legislature.

If you were to look at a checklist here, how many Justice bills have the members opposite voted against, Mr. Speaker? How many? One, two, three, four—

**Mr. Speaker:** These matters being before the House, the honourable minister will have 28 minutes remaining.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 9, 2008

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