

Second Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Ms. Erna Braun
Constituency of Rossmere

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Wednesday, May 28, 2008

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erna Braun (Rossmere)

VICE-CHAIRPERSON – Mr. Rob Altemeyer (Wolseley)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Lemieux, Hon. Mses. Melnick, Oswald, Hon. Messrs. Robinson, Rondeau

Mr. Altemeyer, Ms. Braun, Messrs. Cullen, Derkach, Mrs. Stefanson, Mrs. Taillieu

APPEARING:

Hon. Andrew Swan, MLA for Minto
 Hon. Steve Ashton, MLA for Thompson
 Mr. Blaine Pedersen, MLA for Carman
 Hon. Gord Mackintosh, MLA for St. Johns
 Mr. Ron Schuler, MLA for Springfield
 Hon. Nancy Allan, MLA for St. Vital

WITNESSES

Bill 32–The Personal Health Information Amendment Act

Mr. George Fraser, Massage Therapy Association of Manitoba
 Ms. Gloria Desorey, Manitoba Branch, Consumers' Association of Canada
 Ms. Pam Brown, Private Citizen

Bill 15–The Climate Change and Emissions Reductions Act

Ms. Kristal Bayes, Private Citizen
 Mr. Trevor Gates, Private Citizen
 Mr. Ken Waddell, Private Citizen
 Mr. Howard Rubuck, Private Citizen
 Mr. Andrew Basham, Green Party of Manitoba
 Mr. David Enns, Private Citizen
 Mr. Rick Negrych, Private Citizen

Bill 36–The Municipal Assessment Amendment Act

Mr. David Sanders, Deloitte & Touche LLP Property Tax Services

Bill 31–The Freedom of Information and Protection of Privacy Amendment Act

Mr. Trevor Gates, Private Citizen
 Mr. Ken Waddell, Private Citizen
 Mrs. Christine Waddell, Private Citizen
 Ms. Kelly deGroot, Private Citizen
 Mr. Rick Negrych, Private Citizen

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

Mr. Ken Waddell, Private Citizen

Bill 10–The Legislative Library Act

Mr. Ken Waddell, Private Citizen

Bill 22–The Worker Recruitment and Protection Act

Mr. Darrell Rankin, Communist Party–Manitoba

WRITTEN SUBMISSIONS:

Bill 32–The Personal Health Information Amendment Act

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

Bill 36–The Municipal Assessment Amendment Act

Mr. Antoine Hacault, Private Citizen

Bill 31–The Freedom of Information and Protection of Privacy Amendment Act

Ms. Ruth Pryzner, Private Citizen

MATTERS UNDER CONSIDERATION:

Bill 10–The Legislative Library Act

Bill 13—The Highway Traffic Amendment Act (Damage to Infrastructure)

Bill 15—The Climate Change and Emissions Reductions Act

Bill 16—The Child Care Safety Charter (Community Child Care Standards Act Amended)

Bill 19—The Liquor Control Amendment Act

Bill 21—The Advisory Council on Workforce Development Act

Bill 22—The Worker Recruitment and Protection Act

Bill 23—The International Labour Cooperation Agreements Implementation Act

Bill 27—The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)

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

Bill 32—The Personal Health Information Amendment Act

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

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

Bill 36—The Municipal Assessment Amendment Act

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Madam Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

This meeting has been called to consider the following bills: Bill 10, The Legislative Library Act; Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure); Bill 15, The Climate Change and Emissions Reduction Act; Bill 16, The Child Care Safety Charter (Community Child Care Standards Act Amended); Bill 19, The Liquor Control Amendment Act; Bill 21, The Advisory Council on Workforce Development Act; Bill 22, The Worker Recruitment and Protection Act; Bill 23, The International Labour Cooperation Agreements Implementation Act; Bill 27, The Shellmouth Dam and Other Water Control Works Management and

Compensation Act (Water Resources Administration Act Amended); Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Bill 32, The Personal Health Information Amendment Act; Bill 33, The Salvation Army Grace General Hospital Incorporation Amendment Act; Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children); Bill 36, The Municipal Assessment Amendment Act.

We have a number of presenters registered to speak this evening. Please refer to your presenters list.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Written submissions from the following persons have been received and distributed to committee members: Stuart Murray, St. Boniface Hospital and Research Foundation, on Bill 32; Antoine Hacault, private citizen, on Bill 36; Ruth Pryzner, private citizen, on Bill 31.

Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting? *[Agreed]*

On the topic of determining the order of public presentations, I will note the committee agreed to hear public presentations of the bills in numerical

order. We left off hearing presentations on Bill 32 last night; however, since last night, a presenter has been registered to speak to Bill 22.

How does the committee wish to proceed with hearing the order of public presentations tonight?

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I would suggest that we continue at the point we're at in terms of bills, complete the bills and then return to the additional presenter, because I do note that there have been some people here 12 hours. So we should give them the courtesy of hearing them first, and then we can return to any remaining presenters on Bill 22 or other bills.

Madam Chairperson: Okay. Is the committee agreed to continue with the speakers for Bill 32?

Mr. Leonard Derkach (Russell): Well, just to get clarification. In other words, we are going to hear the presenters as they registered, keeping in mind out-of-town presenters first, and then in the order in which they registered and in order of the bills as they appear on the Order Paper.

Madam Chairperson: Agreed.

Mr. Derkach: Madam Chair, is the *Hansard* for last evening's meeting available?

Madam Chairperson: No, it is not.

Point of Order

Mr. Derkach: Well, then, Madam Chair, on a point of order. There was a discussion in yesterday's committee at the outset regarding the availability of the Clerk's office to take registrations until midnight tonight. It is my understanding that the committee agreed that the Clerk's office should be open for registrations to take registrations until midnight tonight. There could very well be presenters who would want to register through the Clerk's office to make presentation tonight if they knew that, indeed, there were not many presenters on any individual bill. A notice posted on the Clerk's door indicates that the registrations will be taken by answering service and then will be dealt with in the morning. There are bills on the Order Paper that have one or two presenters and, given the number of presenters we have tonight that, indeed, those presenters should be given the opportunity to present tonight if, in fact, there is a conclusion of presenters for this evening on some of these bills.

* (18:10)

It would seem to me that this discussion also took place in the other committee room, and I'm not sure that there was a consistent message.

Now, my understanding also is that we were supposed to get information and clarification before the conclusion of last night's meeting. That did not happen, and all we see is the posting of the notice on the Clerk's door. This is a very strange set of circumstances because it would seem to me that when Manitobans want to register, through an office of the Legislative Assembly, to come before a committee, it is up to the Legislative Assembly to ensure that there are personnel available to take those calls.

I know that this committee has limited jurisdiction in that, Madam Chair, but on the other hand, in a democratic process, if we are holding meetings after office hours, then it's incumbent upon us to ensure that we have personnel available to meet the needs of people through an office which is supposed to take those registrations rather than simply having those registrations being taken by an answering service.

Therefore, Madam Chair, I feel that this is a legitimate point of order and one that we need an answer to and a clarification of. I think, for those Manitobans who are attempting to register to make presentation tonight, if they can through the Clerk's office because there is no way that is going to happen tonight if it's just an answering service, and that answering service won't be dealt with till tomorrow. So, if we could have, first of all, a clarification of what the process is, then perhaps we could take the next step in dealing with this issue.

Madam Chairperson: On the point of order, this is not a point of order. For clarification of the committee, it was noted yesterday, at the meeting, that the Clerk's office would accept voice mails after 5 p.m. in order to register, and the presenters, every effort would be made to contact them in the morning to clarify their registration. And another viable option for them is for presenters to come this evening and register with the Chamber branch, as was previously stated last night.

Mr. Cullen: I specifically raised the issue last night at the start of committee here, and it certainly was not my understanding that anyone phoning the Clerk's office after 5 o'clock would have voice mail. My understanding of the discussion last night was that clerk staff would be available to talk directly

with individuals that wanted to register for speaking to any of these particular bills.

I specifically raised that question because I know of an individual from one of my communities who did want to speak to one of these bills who, unfortunately, has been out of town all week and is going to have a hard time in terms of making committee this week. The intent was hopefully to get him registered this evening so that he could speak to the bill next week if that was the case. I guess the expectation that we'd left him with was that there would be someone on the other end of the phone this evening to address his inquiries and to get him registered.

I know he's not on the presentation list tonight so I'm assuming he was going to leave his call to this evening. My concern is if he—I don't know what the process is here in terms of the voice mail, but he may not be willing to leave, not be wanting to leave his message on voice mail because we kind of instructed him that there would someone to give him direction in terms of when he would be able to speak to the committee. So it was certainly not my understanding last night in our discussion that there would be a voice mail and that there would actually be someone answering the phone at the Clerk's office to provide direction.

Mr. Ashton: I would suggest we try tonight on the third night of the committee to limit these kinds of discussions so as not to further inconvenience presenters.

But what surprises me here, by the way, is this committee was announced last week. Under the current rules, unlike the previous rules where committees are often announced on very short notice, we announced the committee hearings on Tuesday, Wednesday and Thursday, if necessary. I think the designation of Thursday, if necessary, was a clear indication that we may or may not have finished presenters, may or may not have gone into clause by clause. That was not presumed; that was the case.

The procedures the Clerk's office have been using have not changed and, by the way, the Clerk's office, I'm very surprised by this line of discussion here, has, I believe, done a very good job. You have to consider they're operating two committees, and at one time. Madam Chair, we're operating two committees simultaneously with the House, which is stretching resources to the limit.

I'd also point out that, when committee hearings do take place, obviously, sometimes people will be in attendance in person. We often have other presentations that are made in writing. It has always been the practice that, if people do wish to present, the best way is, if they're able to attend in person, to come down and register. I think the fact that we have a presenter tonight who has been added to the list, even though we finished dealing with Bill 22 yesterday on public presentation, is indicative of the fact that we're following the same processes that have been in place in this Legislature in terms of committees for many years. The bottom line is, if there are people here and, perhaps, there may be people in the audience who have not registered currently, we will hear them.

It doesn't mean that everyone will be able to attend every committee meeting in any given week. You know, that's always been the case, but the rules haven't changed. The procedures haven't changed, other than, in this case, we probably have had more notice, close to a week now in terms of the fact that these committees were going. Most of these bills have been passed under the rules before the set deadline. That is something, by the way, that was not standard practice before. Often bills were passed through very late in the session. So we have a much more orderly session schedule. I think the fact that there have been presenters, many of them waiting patiently for yesterday and today, shows that, indeed, the system has worked. They've been able to present. We have one additional presenter tonight who's been able to make that contact, and I think anyone here could do it.

So I would suggest that we—you know, if members opposite have a concern about the way committees operate, our rules and procedures, we do have discussions among the House leaders. There are opportunities in terms of the rules itself, but I want to say that I think the Clerk's office has done a tremendous job in running these committees. The fact that we do have people presenting and waiting patiently the last several days indicates that, perhaps, it's not the perfect system, but it is a system where people do want to present and have had the dedication of sticking around long enough, we will enable them.

So my suggestion is, if there is any concern about the ongoing procedures, let's not further delay the public presentations. We can deal with that as MLAs at a later point in time, perhaps even after the remaining presentations. I would suggest that, quite

frankly, the Clerk's office is doing a very good job and is probably gone above and beyond the call of duty in this particular case. I speak, I think, for all of us on the government side where we feel there's been a very good effort on their part. I'm very surprised at the concern and criticism about procedures that have been in place for many years, in fact, procedures that are more open now, have more notice, have more days in which people can present than was the case even a few years.

* (18:20)

Mrs. Mavis Taillieu (Morris): Madam Chair, we recognize that the Clerk's office has a job to do and is doing a very good job. Certainly, that's not the issue. The issue is access to the public to be able to register for presentation. My colleague has just mentioned that, when he raised this yesterday, his understanding was that the Clerk's office would be open for registration until midnight, and certainly that was the understanding that he had. And when we came down to committee tonight and we walked past the Clerk's office there is a sign on the door. Now, if there was no intent to have the office open, then why would there be a need to have a sign on the door saying it's closed? To me that says, well, we were supposed to be open, but we're not now. Because otherwise, if there was no intent for the office to be open, there would be no need to put a sign on the door that they're not.

So, just the fact that there is a sign there saying we're not open suggests to me that there was an intent that they were going to be open and now they're not. So I think there is some confusion here as to the Clerk's office not being open, and when there's confusion there I think that spills over into the public, and perhaps the public, as my colleague has said, there may be members of the public that wanted to register and thought that the office was open and that they could call in, and when they found out that it wasn't, if they didn't come down here, they wouldn't know then how to register and perhaps would then not come down.

So I think that if that has been the case, we have done a disservice to the public in that they would perhaps have been denied the opportunity to register and come down. But, again, I just really wanted to make the point with the sign on the door that when there's a sign saying we're not open, there must have been an intent they were going to be.

Madam Chairperson: Yesterday, the question, just for a point of clarification, I advised the committee

that I would find out the protocol for accepting registrations. I later informed the committee of the means provided in order for presenters to register until midnight.

I rule tonight that this is not a point of order and members have two options: to accept my ruling, or to challenge it.

* * *

Mr. Derkach: Well, Madam Chair. It's obvious what's going on here, and I guess we'll just have to deal with it as the situation unfolds. Indeed, perhaps, this is a matter for the House. But I observe tonight that we are also beginning this meeting without a Vice-Chair, and I'm going to question whether or not there should be a new nomination for a Vice-Chair since this committee does not have a Vice-Chair present.

Madam Chairperson: The Vice-Chair will be here. He was delayed, and my understanding is he will be here shortly.

Back onto our topic here. On the topic of determining the order of presentations, we had a request to continue with where we left off last evening. Is that agreed? *[Agreed]*

As previously agreed to by the House, the committee will sit to 12 midnight, if necessary.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mikes on and off. Thank you for your patience. We will now proceed with public presentations.

Bill 32—The Personal Health Information Amendment Act

Madam Chairperson: I would like to call on George Fraser, Massage Therapy Association. Do you have materials to distribute? Thank you.

You may begin your presentation.

Mr. George Fraser (Massage Therapy Association of Manitoba): On the lead page of the presentation, we give you a very brief background on the association. The association has 650-plus members that are located throughout the province, and our association, which is volunteer based, represents

about 85 percent of the professional massage therapists in the province.

Of course, we're incorporated and responsible as other associations are under The Corporations Act, and we are governed by a board of directors of volunteers.

We've outlined some of the entry to practice requirements for our profession for your information. The education in this province is provided by three private vocational schools located here in the province and registered with Advanced Education.

Our association also maintains compulsory continuing education, the competency program which is equivalent to others found across this country, and it provides a formal complaints and discipline process to protect the public.

It is a supporter of the principles found within privacy legislation, and particularly those of PHIA from a Manitoba perspective. It regularly advises its members on issues related to PHIA.

One important background detail to this presentation is that the profession of massage therapy is not formally recognized by the Province of Manitoba as a regulated health profession although it has been seeking that status for a lengthy period of time. But the profession has in part been required, by way of regulation, to adhere to the requirements of this act, and we've attached a document to our presentation for your reference.

The association appreciates the opportunity to make some comments with respect to the amendment act, and our comments in this time frame will be specifically directed to three areas. The first is the information and privacy adjudicator. First, we want to make it clear the MTAM is ultimately a supporter of the privacy commissioner model for this legislation even though it is not recommended in this amendment process. The model is more consistent with other jurisdictions in Canada and, therefore, is a model of the current and future privacy environment in our country.

Given the introduction of an adjudicator proposed in this amendment, the MTAM recognizes that this new resource to the complaints process, managed by the Ombudsman's office, will provide some and perhaps much benefit to the current process.

This statement does not replace our desire to eventually see a privacy commissioner in our province.

The MTAM foresees the new adjudicator quickly playing an important role in future complaints, and it will likely add flexibility to the Ombudsman's office with respect to more complex issues. Naturally, it will depend on the abilities of the person assigned to this task to define their own presence within the Office of the Ombudsman and the actual role they will play. Obviously, legal training will be an asset in such a position.

Madam Chair, the MTAM recommends that duties for the new position be broadened to specifically include adjudication with respect to complaints between private sector trustees who are in direct dispute with each other on the basis of the act and their role within the act.

Our direct observation in this regard is from within the massage therapy community which operates exclusively outside of institutional medical services and the disputes that arise from time to time between private sector trustees.

In the main, these trustees are independent contractors by definition. They're chiropractors, physiotherapists, massage therapists and some business owners who, by the way, think they are trustees, who have business arrangements with each other and become in dispute as to who is the rightful trustee under the act and in particular in our profession, about who should control massage therapy files within the requirements of the act.

If the adjudicator was to begin to play a role in these disputes, the office would create a body of knowledge within the Ombudsman's office in this respect, and this would be helpful in reducing this marketplace tension and impact the drafting of future agreements between professionals in this regard. Manitoba needs a final authority that can make such rulings. The end result would be a less onerous task than to seek court action on a case-by-case basis based on contract law.

*(18:30)

At present, the Ombudsman's office is hard pressed to, or simply won't intervene in what is usually interpreted as a contractual dispute when, in fact, it is one of status under the act. That status needs to be more clearly defined, either in the act or within the regulations, and supported by decision-making abilities from within the Ombudsman's

office. The present role of trustee in this respect is not clarified anywhere than in the words of the legislation. A place for more formalized dispute resolution process, in this regard, is required and should be encouraged.

Secondary is on the retention and destruction of files. These comments are directed to two very basic daily functions regarding the management of files and patient health information. Neither the act nor the regulations give adequate guidance to trustees with respect to the length of time patient files should be retained, nor when they should be destroyed. There's no mention of this important day-to-day decision required of trustees. The act simply indicates that each trustee should create a policy in this regard and follow it. But our research within our own membership, Madam Chair, and observation of contractual agreements between private-sector health professionals indicate that these policies often don't exist and that they vary from profession to profession.

The MTAM maintains that either the act or the regulation should be utilized to give clear parameters for this important aspect of record keeping. At present, this latitude does not provide the public with consistency, a common benchmark or protection, nor does it provide professionals with a common reference upon which to create their policy, one that should represent the acceptable standard of the Province of Manitoba. Guidance by government in this important area should be similar to that, for example, established by chartered accountants for the retention of financial records, which is set at seven years. By allowing each trustee to write its own policy encourages this ongoing variance and confusion. Many professions have selected six or seven years for retention, and 10 years for those under the age of majority, but such a standard is not required and it's not enforced. The MTAM is certain that consensus on this basic requirement could be established by the government in consultation with regulated health professions, of which we are not one, and others such as ourselves.

Third area of comment is on the designation of health professionals. The MTAM considers the companion regulations to this act equally important to any amendment process and, therefore, makes reference to a sensitivity the profession has had in that regard. The act permits the Lieutenant-Governor-in-Council to designate health professions who are to be trustees, particularly if they not named in this act.

In 1997 with the introduction of this legislation, this occurred for the profession of massage therapy under section 1.2(c) where it was added, persons licensed to operate a business as a massage therapist under the City of Winnipeg Licence By-law 6551/95 or any municipal by-law of similar intent. Since that time, the only other municipality to establish such a by-law was the City of Thompson. This has ensured by regulation an uneven application of the act throughout the province.

Fortunately for the public, the registered schools of massage therapy and the MTAM have continued to educate its students and members to follow known privacy practices required by the act, regardless of where the individual practises and regardless of whether their municipality established a by-law. The public has remained reasonably protected by those decisions.

This 1997 clause was introduced with the intention of it being a short-term solution to a longer-term goal of province-wide regulation of the profession of massage therapy. Unfortunately, after 11 years, that still has not occurred. Recently, the City of Winnipeg, as it completed a review of By-law 6551 of '95, decided it will no longer license massage therapists. The City has concluded that massage therapy is more appropriately regulated within a provincial health-care responsibility. Therefore, Madam Chair, effective June 1, approximately 65 percent of the professional massage therapists in this province will no longer be licensed by the City of Winnipeg. One then has to assume that, based PHIA regulations, they will no longer be required to adhere to the PHIA legislation unless they are updated to reflect the recent change. The MTAM is concerned about this change in status from a public-protection perspective. The MTAM optimistically assumes the government will quickly complete an amendment to the regulations to clarify the ongoing role of massage therapists after the amendment act is proclaimed. This would be important to protect the privacy of Manitobans who use massage therapy services and maintain the important trustee roles in place that are performed by massage therapists. The new wording will have to be carefully crafted to require all massage therapists in the province to be required to play the role of trustee no matter where they practise.

Of course, as the minister knows, the membership of the MTAM would prefer seeing a massage therapy act to clarify and establish the profession within the legislation, but it knows that

this will not occur until the government completes the introduction of the health professions act for consideration by members of this Legislature and, by the way, the MTAM supports this new initiative.

This anticipated act will bring more uniformity to the regulated health profession community and provide broader protection for the public. The protection will be especially found at the time of the public complaints and any resulting hearings or disciplinary action in which, inevitably, PHIA records and the trustees who maintain those records will play a significant part.

We wish to emphasize again that professional massage therapists work side by side with other health professionals on a day-to-day basis. This includes professional and business relationships and consultation with medical doctors, chiropractors, physiotherapists, athletic therapists and nurses, et cetera.

Medical records are often shared during those consultations, especially records that pertain to musculoskeletal and soft tissue ailments and injuries. This sharing occurs more frequently and easily in multidisciplinary clinics which are becoming more popular in all regions of our province. Electronic recordkeeping also makes this exchange even more easy and beneficial to patients and the professions.

Massage therapists are the only ones within this group who are not formally recognized as health professionals by the province of Manitoba, which creates a weak link in privacy protection. Due to the way the regulations are currently written will, except for the city of Thompson, now exclude massage therapy from PHIA trustee responsibilities. This is why it is critical in the short term to provide an amendment to the regulations that accompany this act so that massage therapists can continue their professional service to their shared client-patients, including privacy of recordkeeping.

It is also why it is important to look ahead to the new health professions act that will enable the profession to gain some similar status to others providing health care in this province. It will also stop the reliance on patchwork amendments to maintain important privacy requirements for the patient-client of the local massage therapists. Thank you.

Madam Chairperson: Thank you for your presentation. Do members of the committee have questions for the presenter?

Hon. Theresa Oswald (Minister of Health): I want to say thank you very much for coming, Mr. Fraser, and for going the distance as you have in waiting to make your presentation. As always, the time that you spend with members of the Legislature is very instructive, not only for some sage advice that you have given to us about this bill, but the omnibus health bill that we're working on as a community. I've found our discussions, particularly, in that area of the protection of the public where, as I have been advised in the past, has been a more difficult conversation concerning massage therapy, at least to articulate how that might look in legislation. Our most recent meeting, in particular, I think we've come a great distance and we're going to be ready, I believe, when the omnibus bill comes forward for consideration.

So, for that and for the advice you've provided for this bill, I thank you.

Mrs. Mavis Taillieu (Morris): Thank you for your presentation, Mr. Fraser. I think that what you're describing here is a loophole here which really just emphasizes the fact that we do need to have a body such as a privacy commissioner here in the province to address these kinds of issues that fall outside of the public domain but in the private sector such as you're describing. Actually, it's quite concerning because, as you say, if you're dropped from licensure from the City of Winnipeg very shortly, and the fact that if you're not listed as trustees under PHIA, then, certainly, there is risk of personal information being used in a way it should not have been used. Certainly, we understand your concerns there. Is there opportunity then for us to provide an amendment into the PHIA legislation right now that would make it more meaningful for you?

* (18:40)

Mr. Fraser: Well, the minister knows that, as I mentioned, an act would be very helpful but there's a ways to go from that perspective. The helpful nature of this, of course, rests with the government's side in that the regulations have to be adjusted. The government can probably accomplish that quickly, as I indicated. I think it would be in the best interest of everyone for that to occur.

Again, I say, it's an interim measure and it would return the status of massage therapists. I recognize that there would have to be some careful wording because the other wording was very specific to only those people who worked in the municipality of the city of Winnipeg and any other municipality who

adopted a bylaw. There is some expertise at the table with respect to bylaws of municipalities and they're made on an individual choice basis. I don't personally expect to see any other municipality in Manitoba adopt a massage therapy licence. In fact, municipalities are moving away from that type of licence and have for several years.

Therefore, I think the responsibility comes back to the government's side to look at the provisions that they have at present. Then in the future, if massage therapy is recognized as a health profession, it will not be a factor with respect to how massage therapists interact regarding the maintenance of their own files and the co-operative maintenance of files with other professionals.

Mrs. Taillieu: Thank you very much. I think I'm understanding though, that if massage therapists were classified as health trustees under the act, that would be a step forward in the right direction, at least for now until you get the legislation you're requiring. That could be done now without waiting for the omnibus act.

Mr. Fraser: It could and it would. I don't want to step into the business of legislation but either way, it would be a short interim step, in my opinion. It would be helpful, the two options would be there. Certainly, Madam Chair, an amendment at present would accomplish the same thing as a change in the regulation. There's a choice. The committee could certainly recommend that. I would understand there would be debate and discussion. Government could certainly resolve it by way of amendment to the regulation, absolutely. Either would work.

Madam Chairperson: Thank you. Our time for questions has expired.

I will now call on—sorry, Mr. Derkach?

Mr. Leonard Derkach (Russell): Again, I'm going to request leave of the committee once more.

I just went to the committee in the next room—I think it's 255 if I'm not mistaken. The procedures in the other committee should be very much similar to what they are in this committee in terms of hearing presenters and allowing for questions. In the committee there that's dealing with Bill 37, latitude has been given to members of the committee to go beyond the five minutes of questions and also to go beyond the 10 minutes of presentation. There are has been leave given by the committee to do that.

I think citizens of Manitoba should be treated equally, whether they appear before Bill 37 or appear before any of these bills. It would also allow us more time to be able to pose questions and allow people to complete their presentations. I'm wondering whether there's leave of the committee tonight, as there was last evening at the end of the committee, to allow for some latitude with regard to questions that need to be posed to presenters. I noted that the present presenter has been waiting for a significant amount of time to make his presentation and probably should be given the opportunity to answer questions that members of the committee may have.

Therefore, in the spirit of co-operation that we saw at the end of last evening where there was latitude given, I'm asking for leave of this committee to give some latitude to extending that five-minute time limit for questions and also some flexibility on the 10-minute time limit for presentations.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): What I was going to say, Madam Chairperson, is that we have actually given leave where presenters yesterday hadn't finished their presentation.

We had given leave, when they were making their presentations and needed more time. There was actual leave given yesterday on a couple of occasions where people were allowed to finish their presentations and then questions were given. I think that was very appropriate.

People would like to have consistent approaches. We're giving a consistent approach where people are given 10 minutes. They have been given the protocol of this committee from the Chair at the beginning. They get 10 minutes; we have five minutes that we can make sure that committee can do its business in due time. We also want to be fair, and part of the fairness is that you understand the processes and protocols of the committee and you move through them as appropriate.

As you mentioned yesterday, when there was the occasion where someone needed another minute or two to finish up, we actually did grant leave, as was appropriate. I think we should proceed as we have been. I think we have been listening to lots of people and moving it forward.

I'd rather listen to people than argue over points, so let's just move on and continue the good work of this committee and hear the public.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I was just watching the proceedings next door, and I can assure the Chair and all members that, indeed, the Chairperson in that committee is enforcing the rules: 10 minutes for presentations, five minutes for questions—

An Honourable Member: That's wrong.

Mr. Swan: I understand the Member for Russell (Mr. Derkach) has a different view. I've just been over there and watching what Mr. Reid, who is the Chair, is doing. Things seem to be working quite well tonight next door, which is a positive thing, so that every Manitoban who showed up to present has the opportunity to speak.

Mrs. Heather Stefanson (Tuxedo): I think it should be noted that a precedent was set last night next door. I happened to be there when Mr. Sid Green was delivering his presentation at the committee next door. The Premier (Mr. Doer) was at the table at the time. Mr. Reid did allow some extra time after for Mr. Green to continue through, and the question-and-answer period went on.

I think if you recall, you will go back into *Hansard* once it comes out, and you will see that Mr. Reid said specifically at the end, when there were still some questions left, he said, I've allowed for 22 minutes, and I believe that I've allowed enough latitude here.

That is an example that has been set at the committee next door. I agree with my colleague from Russell, where we start to get into dangerous territory when we've got some people who are being treated differently, who are presenting in some committees and are being treated differently from others.

There is a set of rules and, certainly, when precedent is being set in one committee that is not being allowed in another, we start to get into dangerous territory when it comes to the rights of the individuals who are coming here and spending time out of their busy schedules to come and deliver their presentations to the committees.

I would hope, Madam Chairperson, in considering your ruling on this, that you will also take into consideration things that are happening in the other committee as well as what has transpired here. When you do look back in *Hansard* and see that that precedent has been set, it should be also allowed in this committee as well.

* (18:50)

Hon. Steve Ashton (Minister of Intergovernmental Affairs): Just briefly, the member knows that we have our rules and the rules are very clear. The member also knows that committees do order their own business. We have two committees; we have two very different circumstances in terms of the bills. I just point out, and maybe I'm a little bit sensitive here, being the minister of the last bill here, but I do have one presenter, Mr. Sanders, who has been here for 12 hours and 50 minutes and, you know, quite frankly, these points of order, we probably could have heard him yesterday if we had stuck to the normal rules and the normal way in which we interpret the rules. The rules haven't changed for these committee hearings. The rules have been in place for a number of years now, and my suggestion is this is not a point of order and this committee has, I think, been making some progress, perhaps a bit slower than some of us would have liked to have seen, but that's, again, the committee's prerogative.

The members here opposite have chosen to move numerous points of order, probably spent three, four hours in the last two days on that. That's their prerogative. That doesn't prevent members on the other side from spending no time or spending twice as much on it, that each committee will determine its own business within the rules and whatever the other committee does doesn't set a precedent. The rules are the rules. Committees have some leeway, but the rules are pretty clear and, in fact, all parties have agreed to the rules. My suggestion, again, is if members have difficulty with the rules, we should discuss it amongst ourselves as MLAs. We have House leaders that do that. We have Rules Committee as well. You know, and I thought we were in the middle of public presentations. My suggestion is let's save this discussion for the appropriate time and let's move on so that people that have been sitting here for 12 hours-plus don't have to hear us talking about points of order that aren't points of order, or rules that we would like to see changed. So my suggestion is let's deal with this point of order and then get back to the public. That's what we're here for.

Mr. Cliff Cullen (Turtle Mountain): Certainly, with all due respect to the minister opposite, I think there has been some precedent set over in the other committee, and we certainly would like to have open dialogue with Manitobans when they do come and speak to committee. This whole process, I think,

maybe the minister did hit the nail on the head. We do have to do some looking at how we handle committee and how we put people through the process.

You know, in this committee alone, we've got, how many bills? 15 different bills here. Again, it's because the rules have evolved in the House to the position they have, and all of a sudden we have, in this committee, 15 bills we have to try to deal with in committee. I don't think it's a good way for us to bring legislation forward as legislators, and it certainly impacts Manitobans' ability to come and talk to legislation. I certainly think it's time that we have a look at our rules and how we handle this in committee in particular and these sort of things that have to be addressed.

Madam Chairperson: Thank you. As Chair, I can only entertain what this committee agrees to, so is there a will of this committee to grant leave for more latitude in the five-minute question period?

Some Honourable Members: No.

Madam Chairperson: No. Leave has not been granted.

I would like to call on Gloria Desorcy, Manitoba Branch of the Consumers' Association of Canada.

Do you have materials to distribute?

Ms. Gloria Desorcy (Manitoba Branch, Consumers' Association of Canada): Yes.

Madam Chairperson: Thank you. Please proceed with your presentation.

Ms. Desorcy: On behalf of the Manitoba Branch of the Consumers' Association of Canada, CAC Manitoba, I would like to thank the committee for the opportunity to make some very brief comments today on Bill 32.

I will confine my comments to one aspect only of this bill, and that is the information and privacy adjudicator.

CAC Manitoba has long been in favour of an information and privacy commissioner or adjudicator for Manitoba that would address concerns and complaints under The Personal Health Information Act. We believe that this commissioner or adjudicator should be the first line of complaint for consumers and should have the power to make orders.

So, Madam Chair, while we see the introduction of an adjudicator with the power to make orders as a very positive improvement, the process outlined in the bill still requires consumers to approach the Ombudsman first. Then, after the Ombudsman's office has made recommendations to the public body and, if the Ombudsman believes it is warranted, a recommendation would be made to the adjudicator. At this point, the process of review by the adjudicator would begin.

We feel that this series of events and reviews is far too cumbersome for consumers. We believe that consumers should be able to go directly to the decision-maker who would have the authority, when their complaint is warranted, to make orders and to provide consumers with the response and the redress that they deserve in a timely fashion.

I did speak in a bit of detail yesterday about our reasons for this and why we felt that some consumers experienced either difficulty or barriers in accessing this type of redress process. So I'm not going to go over those again; they are in the printed outline that I've handed you.

Just let me say that, when you're looking to either protect or access your personal health information, you're very often in a position where you're under a lot of stress. Perhaps you're ill yourself or a loved one is ill. Timeliness is, as you can see, very important. So timeliness of receiving some kind of access or protection is very important.

Let me cut to the chase. While we recognize that the onus to create the information and privacy adjudicator is included in Bill 31, not in this bill, we feel it is important to state clearly the need for a much more efficient, streamlined, redress mechanism for complaints regarding access to and protection of personal health information.

Therefore, CAC Manitoba respectfully urges the government of Manitoba to further amend Bill 32 to include an information and privacy commissioner or adjudicator with the authority to make orders that are independent of the Ombudsman—as I said yesterday, a first responder with teeth—and the removal of the responsibility for PHIA complaints from the already very busy Ombudsman's office.

Once again, on behalf of CAC Manitoba, I'd like to thank the committee for the opportunity to make those comments.

Madam Chairperson: Thank you for your presentation. Do members of the committee have questions?

Ms. Oswald: Thank you very much, Ms. Desorcy, in particular for the time that you've invested in waiting to make this presentation. To be the last one at the gate, before things closed last night, can be disheartening and, to see you here again tonight to make this important presentation, we owe you a debt of gratitude.

We've had a lot of discussion on this particular bill concerning timeliness and the form that it takes. So I take to heart your words about that as well. We're going to do our best going forward to make sure that we do our best for Manitobans in that regard too. Thank you again for your presentation.

Mrs. Taillieu: I think the fact that you have come back again tonight to make this presentation—thank you for that. It shows your dedication to this issue. I think it shows how important it is to Manitobans.

Thank you for coming with the issue because you raise the point that many have raised previously in that we do need to see an independent privacy commissioner, one that the public has access to and can go to first-line. That's the first point of entry.

What we see with the legislation is that this legislation actually blocks that from happening and makes it an extended process. Certainly, when you're talking about timely access, this is going in entirely the wrong direction. So I want to commend you for recognizing the problems with the bill and for coming forward and staying right through yesterday and hearing the presentations and, again, coming today.

Did you—I can't remember if you proposed amendments to the legislation, Bill 31, last night—you did? Okay, so we are looking at those and we'll be bringing those forward.

In terms of this Bill 32 then, are there specific amendments that would need to be made that would satisfy, or would this all still just be related in Bill 31 in the privacy adjudicator, or is there anything in Bill 32?

* (19:00)

Ms. Desorcy: Of course, there are. I know this is only one aspect of the bill, and that's what I said. This is the only one I'm going to comment on. But the amendments we'd like to see are, you know, what

my two points here at the end, under CAC Manitoba's recommendations, which is the creation of the information and privacy commissioner or adjudicator, that is independent of the Ombudsman and that is the first line of complaint, and removal of responsibility for PHIA complaints from the Ombudsman. It's a one-stop shopping thing.

Mrs. Taillieu: Would you outline to us—I know that you're Consumers' Association of Canada, so I'm thinking that you must have interactions with other provinces in terms of their privacy commissioners. Could you explain to us how that process works and if you see it as a better process?

Ms. Desorcy: I have to say that we work pretty exclusively within Manitoba. I am a little bit familiar with the privacy commissioners in other provinces for regular privacy and freedom of information. I'm not very familiar with personal health information specifically, and what kinds of legislation there is in other provinces. But my understanding is that privacy commissioners are usually the first line of complaint and that they may also offer education to consumers for what kinds of services they can provide and how to access them.

Mrs. Taillieu: In your experience, have you found that there's been any confusion with the oversight of information in PHIA, whether that be provincial or federal depending on the body that holds the information? Have you found that there's any confusion there?

Ms. Desorcy: Sorry, I'm not sure I understand the question.

Mrs. Taillieu: Trustees of public health information, whether that's in the public sector and therefore designated under the PHIA act, or if it's trustees in the private sector would be under federal legislation, so perhaps, I don't know if you've had any experience in difficulties in that area with different jurisdictions having different authority?

Ms. Desorcy: Are you asking if we hear more people trying to go under the act with regards to public bodies than private sector bodies? Is that what you're asking—like provincial versus federal?

Mrs. Taillieu: Madam Chair, I'm really just wondering if you've had any confusion with people coming to you and saying, well, I'm trying to access information but I can't get it; I don't know whether it's under the Manitoba government or under the federal government.

Ms. Desorcy: I see what you're saying. Sorry, I'm sort of dense today, apparently.

Mrs. Taillieu: Sorry.

Ms. Desorcy: No, no, it's probably me. Yes, I understand what you're saying. Yes, we certainly have had consumers with some confusion there. Many consumers are very familiar with this legislation, not line by line, but they know, sort of, what their rights are in Manitoba. Then there are some consumers who do find that confusion because they hear about the federal bill and the federal protections, and they're not sure which bill it's under, which level of government administers it, who they call, where they call; that's a large part of what we do at our info centre, is help people sort that stuff out.

Madam Chairperson: Thank you. Our time for questions has expired.

I would now like to call on Pam Brown, private citizen. Do you have materials for us to distribute? Thank you. Please proceed with your presentation.

Ms. Pam Brown (Private Citizen): Okay, thank you. Good evening. I want to thank you all for giving me the opportunity to speak to you tonight about an experience I had with my family last year regarding my father, Raymond Brown. He was a retired farmer from Interlake area, and he had—when he had retired he moved into Carman. In 1999, he was diagnosed with rectal cancer and was treated by his physician in Carman, Dr. Clayden. Since that time, he'd experienced blood clots and things of that nature. Actually, in August of 2006, he was no longer happy with the care he was receiving from Dr. Clayden in Carman, so he sought to get a new family doctor, Dr. Van Niekerk in Winkler, Manitoba.

At that time, Boundary Trails medical clinic that Dr. Van Niekerk had worked for had requested Carman for the medical files. My dad was sent a letter saying that they were requesting \$250, approximately \$1 for each page of administration fees. My father didn't pay it; he was kind of—out of principal, he was angry. He actually kind of wanted answers from the regional health authority to find out if they could actually do that. Then, fast forward to May last year, my father was rushed by ambulance to Boundary Trails in Winkler and hospitalized. We didn't know what was wrong with him. He was weak and disoriented. A few days later, they diagnosed that he had a brain tumour. When speaking to the hospital, I guess within the two days he was there and they didn't have a diagnosis, I spoke with the

nurse and said, I believe that they still have the files in Carman, but my dad never paid this \$250 administration fee, and she said, don't worry about it. We'll get them.

My dad had a very good doctor in Winkler. They contacted a neurosurgeon here in Winnipeg and he was transferred to Health Sciences Centre. They actually removed the tumour on May 16, and the surgery was a success. The following day I had gone to see him. Everything was fine. We were kind of talking about the future, Madam Chair, even with the physiotherapist that was in the room, about how his life would change and shopping and being close to a doctor's office and me having to move to an area that could accommodate those needs. Later that evening, he'd gone up to go to the washroom and had collapsed and couldn't breathe because two blood clots had gone from his leg into his lungs.

The other thing about that, though, is that that was kind of a common thing that would happen to him, ever since the chemotherapy of his previous cancer. However, the doctors, I didn't even know it, but, at the time when he died, speaking to the intensive care doctors, they said they were not even aware they had cancer prior. They had no medical files. They were given absolutely no information. So that's what kind of saddens and angers me. That letter I just presented to you. That was sent to my home the day before my father's funeral service from the Carman medical clinic.

There has to be a need for a person's medical files, for doctors to be able to share that information. I know the doctors in Winnipeg and his doctor in Winkler did everything they could, and they had to start from square one to try and diagnose what was going on with him. He was a 71-year-old man, but, had they known any of that prior information, it could have been a completely different outcome. I don't know and I never will know, but it's something that needs to be addressed. The idea that another doctor can't get vital information on a patient, to me, just makes absolutely no sense at all. Thank you.

Madam Chairperson: Thank you for your presentation.

Ms. Oswald: Well, thank you very much, Ms. Brown, for coming to tell this story. It's a sad story and my condolences go to you on the loss of your dad.

* (19:10)

We've heard a number of presenters on personal health information legislation speaking about the importance of family members being part of the team, being full partners in health care, and that's been articulated beautifully. I think you bring a new perspective to the debate this evening about what we assume happens just logically and that is that health professionals have simple and easy access to information that's critical at the most critical times.

I've been in this chair of Minister of Health for a year and a half or so now and have learned that I should never utter the words, that would never happen. I can say to you today I have never heard of a \$250 photocopying bill before. It's completely unacceptable. I can assure you that we'll be going forward with some really serious questions about this, but, in the main, the importance of people having timely access to health information, whether it's a health professional, a loved one, an advocate, I think that you've made a very important point.

I lost my mom about this time last year and I think we've been on a parallel universe in some ways. A year isn't long enough for it to stop hurting. I'm sure you would agree. So I thank you very much for having the courage to come here tonight to tell us this story.

Mrs. Taillieu: Madam Chairperson, I certainly echo those sentiments and I think what the minister has said is correct. I think perhaps she should maybe have offered an apology to you. We certainly would do that because this is just not acceptable for the information to not flow from one doctor to another; they're both within the system. There certainly should be no problem with that and certainly there should be no—I wouldn't believe that there should be a charge to transfer files of a medical nature from one doctor to another.

Certainly, the issue of photocopying raises some concerns. If you're concerned about the information going to the right place, there have been problems with that before. So we certainly notice that as a red flag too. Perhaps they were photocopied and perhaps they were sent somewhere wrongly. We don't know that but that, of course, doesn't help the situation. We certainly apologize for the systems going wrong in your case.

Is there any way that we can—do you have any recommendations for the committee in terms of what needs to be done?

Ms. Brown: The onus shouldn't be on the patient to have to pay money to have that information transferred to another doctor. Just have information available in a timely manner because, sometimes when it comes to someone's health, time is of the essence. It can really mean everything in terms of the type of treatment that can be provided.

So just more—kind of a streamlined policy. Just the idea that a medical centre can even have a policy like that and what are the patients and the people of that community supposed—they're probably not even aware of it, the idea that it can happen. That's what angers me so much.

Mrs. Stefanson: Certainly I can sympathize with you myself. I, less than two months ago, lost my own father as well, so I know what it's like to go through what you've been through, the hardships and everything that goes with it, that in combination with these types of things and receiving these things the day before the funeral and things like that are very, very difficult. As my colleague said, I'm certainly sorry that you had to face those very difficult times.

Is it your understanding that the information maybe wasn't shared because of this bill not being paid?

Ms. Brown: The first letter was when he had transferred to Dr. Van Niekerk, his new family doctor. That was in the spring, and the first letter he received in August of 2006. Once he was ill in May, early May of last year, that's when Carman medical clinic was sent a second request for the file, and then they just turned around and sent the letter to my father. So that's the thing that makes absolutely no sense at all. I had no idea of what information my father actually disclosed to the doctor, but the idea of how little, how really they knew nothing in terms of what his medical history was.

Mrs. Stefanson: I'm actually in a state of shock that this type of thing would happen. I mean, it's, you know, first of all, there are two issues at hand here: No. 1 there is a fee for this type of service, which, I think, the minister has already talked about. But, secondly, withholding information, vital information to someone's health and well-being and is dependent on their life, like a life and death scenario being withheld because of a bill that should never have had to have been paid in the first place is absolutely unacceptable. The way I see it, disgusting. It needs to be looked into much further than this.

I am so sorry that you had to go through what you had to go through personally, but if this is what's happening out there, just thank you so much for bringing this forward today because this is a very, very serious issue that needs to be looked into much further than it has. An apology is one thing, but this is much more serious than an apology, so I just want to thank you for bringing this to our attention here today.

Madam Chairperson: Thank you. Our time for questions has expired.

Bill 15—The Climate Change and Emissions Reductions Act

Madam Chairperson: For the information of the committee, we received an out-of-town registration for Bill 15, The Climate Change and Emissions Reductions Act. As has been previously agreed to by the committee, out-of-town presenters are heard first, so I would like to call upon Kristal Bayes, private citizen.

I would like to call on Kristal Bayes, private citizen.

Mrs. Heather Stefanson (Tuxedo): I think we got word that she may have just stepped out to the washroom. I'm not sure. She probably wasn't expecting that you were going to go back to out-of-town at this period of time, so I'm not sure what the—

Madam Chairperson: Is there leave of the committee to—*[interjection]*—thank you very much.

An Honourable Member: If we could just wait a second, that would be great.

Madam Chairperson: Do you have materials to distribute? Please proceed with your presentation.

Ms. Kristal Bayes (Private Citizen): Hello ladies and gentlemen, members of the Manitoba Legislative Assembly. My name is Kristal Bayes. I am a full-time student at Brandon University, and I would like to thank you for giving me this opportunity to speak to this committee. This is democracy at its finest, and it's wonderful to see so many presenters.

First off, let me start off by saying that the environment and environmental sustainability are very concerning issues to me, as they are for most young people today. We're beginning to see the impact of years of abuse of our earth and, for this reason, I must commend the government for bringing a bill of such type forward in the first place.

* (19:20)

There are parts of Bill 15 that are highly beneficial to Manitobans as we work together to make our province more sustainable. For example, I believe that standards do need to be established and that government and government-funded buildings should set a precedence for the rest of the province to follow.

However, while I commend the government for making issues of environmental sustainability a priority, I do view Bill 15 as a slap in the face to Manitobans who take the word of their governments when they're fed sound bites about how this bill is going to champion environmental reform.

I've an issue with the accountability of the proposed system introduced in this bill. The person in charge of determining the grading of the government's action on climate change should not be a sitting minister. This would be like my parents grading the papers that I write for my university courses. Mind you, there would be an occasional failing mark when I didn't do my homework or clean my room, but I can almost guarantee myself a nice fat A.

I don't believe that accountability can take hold in a system when the minister of science and energy will be grading the government's actions with regard to emission targets. In a perfect world, we would all hold ourselves accountable, but this is not a perfect world. I know I would sleep easier at night knowing that an independent body was to be grading the government's progress or lack of.

Another concern I must raise is the painfully slow start-up to this process for the emissions reduction under this bill.

Members of the Legislature, the state of our environment is a problem of today, just like health care and post-secondary education are problems of today as well.

Under Bill 15, reporting of reductions is to begin in 2010, a year and a half from today at the earliest. By 2011, only one-tenth of a megatonne of emissions is to be reduced. At this pace we might as well do nothing at all. It is my understanding that, subsequent to 2011, the rate of reduction is to increase radically. Why is this so late?

If it was possibly because 2011 is an election year and that this small amount is easily attainable, if not effective, then I say shame on the government for traveling the easy route instead of that which is most effective. Political agenda should never come before

the issues whether it be health or education or the state of the environment.

Please bear in mind that it is not an intention but the outcome that really matters in matters of public policy. Madam Chair, modest objectives and malpractices of accountability make this bill just another piece of big-talk-no-action, political attention-seeking legislation. It is a slap in the face for those who really want to see change, and I would appreciate it if, in the future, governments strove for substance, instead of increasing their votes, for Manitobans who care about the environment and trust that their government will act in their best interest without scrutinizing their intentions.

With that, I would just, again, like to thank all of you for letting me speak. I am speaking as a student and as a Manitoban. So thank you. This is my first presentation. Please be easy on me with the questions.

Madam Chairperson: Thank you for your presentation. You did very well.

We have some questions.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Thank you very much, Kristal, and I'd like to thank you very, very much for coming here, for making a presentation. We don't see a lot of younger people. I am very pleased that you took the time and the effort to make a presentation. Hopefully, it's not your—although it's your first, hopefully it's not your last, and I'd be pleased to send you our plan of the 60 different projects and programs that are going on. I don't know if you had a chance to look at it on the Web. I'd be pleased to give you the 60 different initiatives that are going on now or undertaken shortly. If you have any questions or concerns about those, I'd be pleased to have a staff member contact you.

Thank you very much. As members of the western climate change initiative, the other different organizations, I can assure you that we will be accountable to those groups, to the public and to the younger people, so I'll give you this, if you want it, okay? We'll just take the page.

Mr. Leonard Derkach (Russell): Excuse me for chuckling, Madam Chairperson, but it was just yesterday that the minister was chastising me about not using the hard copy but using the Web. We have a young individual before us who is very conversant with the Web, and I'm sure that she can access that

information. Your gesture, by the way, Mr. Minister, was incredible, so thank you for that.

An Honourable Member: He's following the Speaker's ruling.

Mr. Derkach: I'm glad the minister's following the Speaker's ruling. On a question, though. Ms. Bayes, thank you very much for your excellent presentation, and it's good to see a young person like you make a presentation on this very important legislation. This legislation probably impacts a lot of young people who are at university, and you indicated you are from Brandon University. We haven't seen a lot of university students present. You're probably one of few.

I would like to know your opinion as to whether or not a bill of this nature that has such a significant impact perhaps shouldn't be given the opportunity to have hearings established in Brandon where university students and young people like yourself would be able to make themselves available to present on the contents of the bill and to give government and us as legislators some serious views as they are the youth in our province with regard to our environment and to the protection of our environment.

Ms. Bayes: I would agree with that fully, and not just Brandon. I think that one thing that large governments such as those of provinces and countries need to bear in mind is that you're not only representing the individuals in the particular area where the government buildings are. Brandon students, Brandon seniors, Brandon population in general would love to have their input before bills go through, before they're even introduced. But it's not just Brandon; it's the northern communities. We have a very diverse province, and I think it's important that all populations are considered before the bills are even put forward.

Mrs. Stefanson: Thank you very much for your presentation today. You did a great job. I know it's your first one, but, and as always, you always get a little nervous, but you didn't seem nervous at all. You did really well, so thanks for being here today.

I think you brought up some really, really good, valid points with respect to this bill, and one of them was sort of leaving until after the next election—the progress that they're looking to make between now and the next election is very little towards the overall Kyoto target. I think you've touched on that a little bit. I'm just wondering, what would you prefer to

see: Would you prefer to see that the government sort of move more quickly in a shorter period of time towards showing that they're serious about maybe reaching those Kyoto targets? Is that sort of what you were getting at in your presentation?

Ms. Bayes: That is actually exactly what I was getting at. Well, we all understand that progress is, of course—takes longer at the beginning than it will once programs are instituted and are up and running, but this is—just looking at the numbers, it's too long and this first until 2011 is a very, very, small reduction in emissions. I think that, if this government is serious about reducing emissions, now is just as good a time as any.

Madam Chairperson: Thank you. Our time for questions has expired. Thank you very much for your presentation.

* (19:30)

For the information of the committee, we have received a few more out-of-town registrations. I would like to call on Trevor Gates, private citizen, who will be presenting on Bill 15, The Climate Change and Emissions Reductions Act, and Bill 31, The Freedom of Information and Protection of Privacy Amendment Act.

Do you have materials to distribute? Thank you.

Mr. Derkach: Just a clarification, Madam Chair, is Mr. Gates presenting on Bill 15 first and then consecutively presenting on Bill 31, which will give him a total of 20 minutes of presentation and 10 minutes of questions?

Madam Chairperson: Technically, yes.

An Honourable Member: Thank you.

Madam Chairperson: Mr. Gates, you may proceed.

Mr. Trevor Gates (Private Citizen): Thank you very much, Madam Chair. Sorry, I'm a bit nervous like I was yesterday. I come into speak yesterday to Bill 37, and I'm to speak tomorrow to Bill 38. I spent an extra night in town here. I started looking at what was going on, and, like most people, I have an opinion. I think a lot of things can be done better and I spent a lot of my days trying to do the things that I do better and I think that this legislation could definitely be better, as I'm sure that's why we're all here.

I really think that the governing party, the NDP, has a chance to hold future governments accountable with stronger legislation, and I don't think that they

need to be afraid of coming out with stronger legislation now. I really think that—and I've spent a lot of time in the Northwest Territories working with Native people, and there are so many projects up there that are partnered with Native people. I don't understand how this Hydro development goes forward without Aboriginal partnership. These hydro lines should be going up with their partnership and their ownership. Really, I really think that the—every time I listen to people speak on the government's behalf, they sound so defensive. It just seems like the wrong decision was made and the wrong route was picked, and they really need to just stop and take a look at that.

The section on off-grid communities, when I originally read through this, I kept thinking unconstructively: like, how come this isn't done already? There's been a government in place for this long with a majority; how come they haven't got a plan for this already? If the NDP try to present themselves as the greener than the Green Party and they just don't seem to be taking action on this—I don't mean to say that unconstructively—I really would like to see more action on this. I think that the federal Conservatives have been dragging their feet too, and I think that you should not follow their lead. I think that they need to do more, you need to do more, I need to do more; it's a climate crisis. If I'd have read this act in 2000 or 2002, or if I'd read this section and this type of planning in 2000 or 2002, I'd be really impressed. I wish it had come sooner.

That being said, it does need an independent reviewer. I don't see how a direct employee of the Premier (Mr. Doer), I can't see how a Cabinet minister can be expected to grade the performance of their own government. Everybody knows that this is way too important to be partisan or for propaganda. It is a crisis and everybody believes it. No single party would be against anything that was towards a greener approach to government and to life in Manitoba.

I also spend a lot of time contracting in Northwest Territories and contracting with Indian Affairs and with the government of Northwest Territories. There are so many jobs that we build based on the cost of things and we wasted so much energy looking backwards at projected expenses. The section in regard to the public transit system, in regard to funding for public transit reads: The grants under subsection (1) must include for each municipality that operates a regular or rapid transit system, a transit operating grant in the amount that is

not less than 50 percent of the annual operating cost of the transit system in excess of its annual operating revenue.

So, basically, whatever its loss, the government will cover half, which seems fair to me. I'm not saying that it's a bad idea. I think transit is the only solution to reducing the commuter emissions. But, if you fund it like that, if you leave it at 50 percent of what they've spent in the past, they're going to spend all their time looking backwards at receipts trying to figure out which ones they can pass on to you. You know, was his truck municipal or was it really a transit truck? They're going to bill you for the transit truck.

It's natural for governments to do that. They're not going to do that in a bad way. That's how we got the \$20 Aspirin in the hospital. This is the way governments have funded things, and it's not smart. It creates inefficiency. I don't want to just stand here and say that this is bad. There are better solutions.

You could offer to fund 50 percent of projected losses and ask people to look forward rather than backward so they can try and focus on next year, rather than on the stuff that they can't do anything about. This is the type of way of funding and planning that, I think, creates the types of inefficiencies that private citizens that come to speak here are very frustrated with.

But, just like in my business, I can do better. I know you can do better, and I really think that that type of funding is not a smart way to fund something.

This is not my most passionate issue, but it's something that I believe a lot. The environment portion of the issue I find very interesting, but the legislation I don't find, to be honest. When I came to speak on it, I was really looking at those sections that I found frustrating, that I seem to see all through government. Every Department of Health bill is based on percentaging up to the federal government, and you just see so many governments wasting their time looking back at receipts trying to decide who they can pass expense on to, rather than looking forward to see how can we do this better, how can we be smarter stewards with this money, how can we do a better job next year. That's an ongoing process.

So I don't understand why the date, the 2011, 2010 dates—as I read through this, it says that the minister's supposed to bring a report forward unless there's reason that he doesn't want to and unless it

says directly that the minister doesn't have to bring this report forward. This would be an easy thing to delay in the Leg with an election coming up. It seems like it's based on an election, not based on the goal of approaching the climate in a more sensible and fair way, in a way that it knows that we're not going to be the last people to use this planet. I don't think that environmental policy should lean in any way towards any party, and I think every party would agree on that. I can't think of any other reason for some of those dates.

There has to be more reporting than every four years. That's one government cycle. No government would ever care about an every-four-year report because they'd never have to face it till the next election. So I think if you're not reporting annually and creating targets—there are very few targets in there—specific targets that are there for everybody to work on, and try to get the opposition involved in it so everybody's working on this together, 'cause it's too important for people to work against each other on it.

I really think that they have to look at partnerships with the native people in the North on the hydro lines, and I'm probably the only person that said that. What I'd read was Manitoba Hydro thought that they had to own the grid themselves for stability and that the native people up North own a lot of companies that run just fine. I'm sure that they could be a partner on that grid. You'd see a much more sensible plan going together based on the people that live there and the people that are going to be living there for a long time.

So that's all I had to say on Bill 15.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Rondeau: I'd like to thank you very much for your presentation and taking the time, and especially staying overnight to make it. I apologize for any delays that you might have experienced because of procedural wrangling.

* (19:40)

But I'd also like to let you know that, if you ever require any information on how we've connected past communities, the grid, or our projects, I'd be very, very pleased to receive information, and, if you have any information and like to see it now, I can make sure that we can provide it to you through the staff.

Is there any information you need?

Mr. Gates: Not today. I'm very focussed on looking forward. Past performances is one way, but I really think that, unless you're happy with what went into those communities and you think you can help with these communities—maybe some places are going to have to have diesel power. It doesn't really leave even an option open for that. I don't understand—the way it's written, you're going to bring us a plan or nothing; there's no or else. It says you're going to bring us a plan on bringing non-petroleum power to these communities. There might be a lot of challenges to putting that together, and that's not really in there either. There is no information that—I'm obviously not a professional that could provide advice in a way that was helpful.

Mr. Derkach: Thank you for your presentation, sir, and thank you for staying overnight. I know that you and your private life have other things probably much more important than staying overnight, but your passion for what you see before as legislation is to be admired.

I want to ask a question specific to Bill 15. You mentioned the hydro line and the involvement of Aboriginal people in the hydro line. There's a section in the act which talks about green buildings and green construction. I'm wondering what your view is with respect to the hydro line as it is proposed to go on the west side of the province, and whether or not you think, from your perspective, whether it is a green approach to structuring that line as is proposed by Manitoba Hydro and the government.

Mr. Gates: My son had to come home from school and he had to use the word "contrast." It just shocked me how he could use contrast in a sentence.

The contrast from the greenhouses to the west side of the lake, they are such opposites. If the goal is to reduce emissions, the west side of the lake is the bad idea. People have to admit that it's a bad idea.

However, they can save face with that, but admit that it's a bad idea and go with the idea that it seems like everybody—the only proponents of the west side that I've ever heard are the governing party. I haven't got a lot of e-mails from the NDP party to be honest. I'm sure that there are proponents out there for the west side, but I have never heard an argument that made the west side sound like it was a green idea. It's the opposite of a green idea.

I understand the goal with building, I was looking at that thinking, could I put up a building, an

office building and lease it to the government? Well, if I ever want to do that now, I'm going to have to make sure it's a green building. I think that's smart; you're putting your money where your mouth is. Then, you're throwing it all away on the west side because a mistake was made.

Mr. Cliff Cullen (Turtle Mountain): Thank you very much for your presentation. Certainly, thank you for taking the real interest in politics and legislation. I think that's very commendable and wish we had more Manitobans who had the opportunity to partake an interest such as yours.

I think you really encapsulated quite a few of the issues that we see with this particular bill in a couple of points you made.

One was in terms of the reporting period. I think that's very important, and I would certainly concur that an annual report would be beneficial for all Manitobans.

The other thing you talked about was having the minister actually set criteria, set some of the regulations and set the standards.

Have you given any other further thought to who might play or what area might play a better role in setting some of those criteria, some of those standards, some of the emission standards?

Mr. Gates: I own two grocery stores. I've worked at Denny's; I've worked at every type of place you could imagine. The smartest accountants that I've worked with have said, if it gets measured, it gets checked. If you measure it, people are watching it and they will do things about it. The more things that you can do that to, the better. The more measures you can put in, the more things you're going to be looking at.

It's a problem. Everybody's afraid it's going to be bad. Who cares if it's bad? It's going to be what it is and we need to do something about it when it's there, but it definitely—more targets are better, if that answers your question, Madam Chair. I don't know if I misunderstood it or not.

Madam Chairperson: Thank you, our time for questions has expired.

You are also prepared to speak on Bill 31.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I just note we were almost finished with—I think the remaining two or three people have been here since Monday night, and

I'm wondering, perhaps, after—I think we have a couple of out-of-town presenters, if we could hear them. I know there are some new registrants tonight. We'll certainly hear them as well, but I just think out of courtesy, people have been sitting here 13, 14 hours. If we could, perhaps, accommodate some of the out-of-town presenters and then make sure that we do hear them.

Madam Chairperson: Would you prefer a break?

Floor Comment: I would, yes.

Madam Chairperson: Is it the will of the committee to allow another speaker after Mr. Gates? *[Agreed]* Thank you.

An Honourable Member: Give him a break.

Mr. Ashton: There are what, two or three people who've been here since Monday night. I was just going to suggest that we accommodate them after 13, 14 hours, then continue on with the new presenters.

Madam Chairperson: Is it the will of the committee to give leave to continue on with the list prior to the out-of-town presenters? *[Agreed]*

We are now on Bill 33, The Salvation Army Grace General Hospital Incorporation Amendment Act.

I would like to call upon Paul Barsy, private citizen. Mr. Barsy has been called once and dropped to the bottom. His name will now be deleted from the list.

We will now go to Bill 34, The CFS Amendment and CFS Authorities Amendment Act.

I now call upon Harvey Diamond, private citizen. I will now call on Harvey Diamond, private citizen. Harvey Diamond will now be dropped to the bottom of the list.

Bill 36—The Municipal Assessment Amendment Act

Madam Chairperson: If we turn to Bill 36, The Municipal Assessment Amendment Act, I will now call on David Sanders, Deloitte & Touche LLP Property Tax Services. Mr. Sanders, you may begin your presentation.

Mr. David Sanders (Deloitte & Touche LLP Property Tax Services): Thank you, Madam Chair. Honourable ministers and members of the committee, some members of the committee may be aware of the fact that I have been engaged in representing property and business taxpayers in the

appeal of their assessments during the past 13 years, previously, as director of real estate advisory services for Colliers Pratt McGarry and now as a senior manager for property tax services for Deloitte & Touche.

Most members may not be aware of my earlier transgressions, and, if I may stray from my presentation for a moment, I would like to say that sitting through the last three evenings here has been a bit of a stroll down memory lane for me. It has actually been 40 years since I began working in this wonderful building helping the Honourable George Johnson bring in medicare in Manitoba, and 32 years since the Honourable Ed Schreyer appointed me to be deputy minister of urban affairs for the first time. I've enjoyed walking the halls and seeing good friends hanging there, their pictures, that is. I've also seen many good friends here in person continuing to contribute to the making of better laws in Manitoba. I saw the Honourable Sid Green, whom I worked for here 38 years ago. My goodness, we are a persistent lot, aren't we?

* (19:50)

If I can turn to Bill 36. I have provided a brief for you and I don't propose to read it all. There are some attachments. It's not as bad as it looks. But, with respect to my understanding of the legislation, I have enclosed copies of the government's official news release describing the purpose of the bill. There's a copy of the bill itself. There is a *Free Press* story, "Assessment frequency is creaking ahead." I have provided a copy of *Hansard* for the debate on second reading of Bill 36 and I have also provided copies of the relevant existing sections of The Municipal Assessment Act.

I'd ask you to note that the amendment that is before you is stated to pave the way for reassessments every two years instead of every four years, but it doesn't actually do it. In fact, while the news release indicates the government's intention to move to a two-year assessment cycle after 2010, which is our next regular assessment, in fact, what Bill 36 does do is simply authorize the Lieutenant-Governor-in-Council to prescribe the referenced year and the reassessment date by regulation. In fact, the only indication we have that the reference date for value, which is rather critical, is to be April 1, 2008, comes from a news clipping quoting the city assessor who's not in charge of this matter.

So the idea of setting a reference date, a particular date, is a good idea, but everybody needs

to know what that date is long in advance for the purpose of gathering and analyzing relevant market data. This does affect literally everybody who occupies space in this province.

Rather than simply confer on the Cabinet the power to describe assessment years and reference dates, I would suggest that the year of general assessment and the reference dates should continue to be enshrined in the statute. I'm on page 4.

If necessary and in the public interest, those matters can continue to be changed by the Legislative Assembly within a reasonable time—our experience this week, maybe, notwithstanding—with plenty of notice to all concerned, which is the effect of having a statutory change through the process of amending the statute, as now.

If these matters may be prescribed and changed by simple regulation in the future, virtually without notice, because we all know that Cabinet can meet at least once a week, if not every day, and make changes by regulation, then a great deal of additional and unnecessary uncertainty will be introduced in the assessment and taxation of property. Nobody wants additional uncertainty of that nature, and not that I would suggest it would happen, but it certainly could be very tempting for a government to defer a general assessment for a year or more for political reasons or, indeed, to advance the date of a general assessment in order to capture major shifts in market value more quickly. I would suggest better to avoid either temptation now and retain at least some certainty as to the schedule for reassessment cycles.

In a somewhat analogous situation, I would suggest to you, the City of Winnipeg, with due authority, has been placing an annual 15 percent cap on business assessment increases over the previous assessment cycle. The City has been legislating this cap by by-law in the spring of each year, rather than for the whole four-year cycle, leaving all of businesses affected by this in doubt as to their next year's business assessment in taxes every year.

So I would suggest that the dates for the reassessments and the reference date be enshrined in the legislation. I do suggest, on page 5, that the date contrary to the quotation from the City assessor would be better December 31, the calendar year, for reporting purposes, but there are, I understand, differences of opinion there.

If you turn to page 6, there are sections dealing with providing for assessment changes by agreement

without the necessity of going to the Board of Revision. I don't know that that's really necessary, but I am concerned about the legislation as worded. Proposed section 15.1(3)(b) could be interpreted to prevent subsequent owners or, indeed, present owners from appealing a property in the future within a cycle, even though they entered into agreement first.

Mr. Vice-Chairperson in the Chair

I have the understanding that that is not the intention of the government, and, therefore, I have suggested an amendment on page 7 that, if this section is to go ahead, that section 15.1(3)(b) be amended to read: No application may be made to the Board of Revision in respect of the realty assessment, not business, of the property for the year of assessment changed by an agreement under subsection (1).

I believe that would limit the effect of that clause to the intent of the government which would be reasonable.

In that section 15, there's also provision to the guarantee that taxpayer's right to appeal certain things in spite of such an agreement. It mentions certain clauses under which the taxpayer would have that right, but I believe it misses a few which are listed on the bottom of page 7: Section 340, the City of Winnipeg Charter; and section 13(6) or section 14(3) of The Municipal Assessment Act, I believe, should be added to that clause.

Turning to the next page, page 8, pointing out, as I'm sure members are aware, that one of the provisions of this bill is to permit the hearing of residential appeals by a single panel member. I won't comment on that other than to just point that out. My concern is commercial and institutional property owners, but certainly that is a significant change and [*inaudible*] you may want to consider that.

There is a provision for appeals by authorized agents, not exactly clear, although the intent, I think, is fine, and I would suggest that, if not at committee today but in clause-by-clause consideration, the minister at least put on the record for *Hansard* his understanding of the intention on the record for the benefit of the parties and the avoidance of doubt and unnecessary litigation. We do have a lot of litigation to do with assessment, and it's unfortunate. Anything that can be done by committee and the government to be very clear as to what is intended would minimize that.

Turn to page 9. There are provisions with regard to the deferral of reduction penalty. Many of you may not be aware of it, but it is a provision which I would certainly prefer that the government and the Legislature delete entirely. It provides for a penalty for commercial property owners who fail to provide income and expense information to the assessor prior to the establishment of assessment, with a penalty which is virtually without limit. That is, whatever assessment may be placed on the roll in the first year, however exorbitant it might be, will be sustained, and a reduction which may be granted by boards determining a fair assessment, their decisions will be effective only for the following year.

The intent of this particular clause here which I would support is to at least limit that to one year. The previous wording had the result that, because of the idiosyncrasies of the appeal process, it was possible for a penalty to be applied for multiple years or, indeed, to apply it more than once. So I would suggest that, should you support this particular amendment, although I think the whole section should come out, and I would say—refer you on the bottom of page 9. There is a section in the act, section 64, which has been there, and I checked, since 1870, which provides for the assessor to fine someone who failed to supply this information on a daily basis.

If the assessors would simply use that legislation which has been there, I think they would have the desired result, gaining the information that they need and which we would all like them to have in order to produce fair assessments and not leave open these potentially outrageous penalties which have been and would be suffered by people to the working of this particular clause.

There are a couple of other things in the bill, page 10, the Municipal Board pre-hearing conferences—I'm not sure that this adds anything, although I gather the board would like to have clarity as to its authority. So long as it is not the intention that the board have the ability to force a settlement without a full hearing, then I don't think there's any harm done. Again, it would be helpful to have the minister place on the record his intentions here so that there'll be no doubt later on.

The last point on page 11 I am concerned about is the coming into force of this bill. It comes into force on January 1 of 2009, and if the next general assessment and the reference date for value which was suggested to have been a month ago are to be

done by regulation and regulations cannot be passed until January 1, 2009, then I suggest that it provides a considerable amount of difficulty for those who would attempt to administer the process and, indeed, to work within it as, indeed, one way or another every Manitoban does.

* (20:00)

So I would suggest that perhaps if the dates aren't established now, they could be. Indeed, large sections of the bill, if not all of it, could, in fact, come into effect on royal assent and not wait until January 1 of 2009.

Mr. Vice-Chairperson: Please excuse the interruption. Your 10 minutes has expired, and a little bit more. So we'll have to move to the question and answer session.

Mr. Sanders: Well, I had finished so that's great.

Mr. Leonard Derkach (Russell): Mr. Vice-Chair, I know the Minister of Intergovernmental Affairs (Mr. Ashton) is in his place. I'm going to seek, once again, the unanimous consent of this committee to allow Mr. Sanders to continue, because of the importance of this legislation and the impact it has on residents of our province, both homeowners and also people who own businesses and other properties. So, with the unanimous consent of this committee, I know that Mr. Sanders could probably more fully explain the important elements of this bill, and give us some more time for questions as well.

Mr. Vice-Chairperson: Before officially recognizing that, Mr. Sanders, could you clarify, has your presentation concluded, or did you have more left?

Mr. Sanders: I believe I had managed to make it to the last paragraph of my presentation. So I thank Mr. Derkach, but I think I've finished my presentation, other than to say that I will be happy to answer any questions that the committee might have for as long as the committee wishes to ask me questions.

Mr. Vice-Chairperson: Thank you for that.

We are now officially in the question stage, and I will recognize the honourable minister.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I want to thank the presenter. I think your background in this building showed, because, by my accounts, you started waiting to present 14 hours ago. I don't know if that's

a record, but, you know, certainly, I appreciate your patience.

I do want to indicate that I also appreciate the copy you gave me of the presentation earlier. I have asked my staff to look through the presentation. I think you raise some interesting points. We are looking at a couple of amendments.

I particularly want to thank you for your very detailed presentation and your extreme patience. I really appreciate the input today, and particularly the input from the information that you provided on Monday.

Mr. Sanders: I would like to thank the minister.

I would say that, upon agreeing to appear, the staff of the minister did contact me, asked for my suggestions, which, of course, I should have provided long ago. I think they knew my feelings on the matter. But we met and we went through them in detail. I have provided copies to the minister.

I am pleased to hear the minister say there may be some consideration to amendments, and, to me, that suggests that the process is working. I would say that it has never been the case that a department—certainly, the minister's department—has not been open to listening to suggestions for changes.

Mr. Vice-Chairperson: Thank you for that.

Mr. Derkach: Mr. Sanders, thank you for your presentation.

I know we've travelled this ground, or covered this ground before previous times. Certainly, your views are respected with regard to assessment and some of the key elements of assessment.

I wanted to ask another question as it relates to the assessment authorities. Right now we have two, the provincial and the city. Even back as long as 1990—some when I was minister, we talked about a single authority for assessment purposes. I would like to know your views as they relate to consolidating the two authorities into one, perhaps, rather than having two separate assessment authorities in the province.

Mr. Sanders: Could be done. I don't know that it would make much of a difference. The legislation is written in such a way that the provincial municipal assessor can provide direction to the city assessor as to how they do their work.

I think, in practical terms, assessment is a hot potato that no government is anxious to pick up,

which may explain why there hasn't been a change. More co-ordination would be good. The authority is there in the legislation. I'm not so sure it has always been used, but it's there to be done right now. I don't think that spending a lot of time in melding the two organizations would produce much benefit at the end result. At the same time, if there's a desire to do it, certainly it is possible and has happened in other provincial jurisdictions, and would produce a degree of consistency perhaps, which would be desirable, although the power to make big decisions also allows you to make big mistakes.

Mr. Derkach: With regard to the single person appeal on residential properties, I notice that you had a view on that. I wonder whether you could elaborate as to what the danger is in your mind might be with just having a one-person appeal body rather than a three-person appeal panel or a panel of some nature.

Mr. Sanders: Well, I would say that, by and large, members of the board's revision, whether they're appointed or they are municipal councillors, all take the job seriously and then do their best to be fair. I guess the concern I might have from the policy point of view is the perception by the general public that, perhaps, they're subject to arbitrary decision of an individual in a way that it'll be more accepting of a decision of a majority of a panel, and that's just in terms of the public policy of having a system which the public has confidence in. I would say that there are other jurisdictions across the country, for example, Ontario, where a single-panel member will hear a very complicated commercial property decision, so it's not as if a single member isn't used elsewhere. But I would give some thought to that because I think that could be a consequence of a sense on the part of the public that, perhaps, they've been dealt with arbitrarily. Most members of the public may be told they have a right, a second right of appeal to the Municipal Board, but there's an expense involved and it can be years before you get there.

Mr. Vice-Chairperson: Thank you, Mr. Sanders. Your time for questions and answers has expired. We appreciate your input.

Mr. Blaine Pedersen (Carman): One short question. As critic of the portfolio, could I be allowed—could I ask leave of the committee to ask one short question of the presenter?

Mr. Vice-Chairperson: It's not technically a point of order, but I will ask the committee if there's leave to allow it. Is there leave?

Some Honourable Members: Leave.

Mr. Vice-Chairperson: Leave with strong encouragement that the question and answer be short.

Mr. Ashton: Yes, and I think the Member for Russell is a little bit carried away with his enthusiasm for what was an area of his former responsibility. We certainly weren't trying to prevent the critic, the current critic, from asking questions. So I'm sorry. You have time for one brief question.

Mr. Pedersen: Thank you. Mr. Derkach and I will take that up later in caucus.

You've given a very detailed brief. You've been in this business for a long time. You have a great deal of expertise in this. You've pointed a number of what you feel are flaws or misses or things that should've been added or taken out in this. Were you at all consulted about—also, the City of Winnipeg, my understanding is the City of Winnipeg's been asking for two-year assessment periods for the last while. Did the Department of Intergovernmental Affairs consult with you before drafting this legislation?

Mr. Sanders: Let me say this. City Hall, where this matter has been under discussion for some time, not only what's in this bill, but other matters—I appeared regularly at City Hall in various committees and offered my points of view. There are some things that I thought were not good. I don't see them in the bill and so that works. Was I consulted? I wasn't called to say, we have a bill; what do you think of it, before it was made public, but the door has always been open and the department has been aware of many of my ideas and concerns because I talk to them regularly in the course of my business. I think this might answer your question.

I just wanted to say one further thing for those here who stay to watch you go through clause by clause that I have not forgotten the time when Mr. Derkach recommended that a bill be changed on third reading in the House, which was a good thing. Thank you.

Mr. Vice-Chairperson: Once again, we thank you for your presentation.

* * *

Mr. Vice-Chairperson: As for the earlier discussion, we'll now move back to Bill 16 and call Karen Starr, private citizen, to speak to The Child Care Safety Charter.

Is Karen Starr present? Once again, calling Karen Starr, private citizen, on Bill 16. It appears she's not here and, seeing as she was called once previously and dropped to the bottom of the list, she will now be removed from the list.

* (20:10)

Next we will call Mr. Darrell Rankin to speak on Bill 22, The Worker Recruitment and Protection Act. Second notice for Mr. Darrell Rankin from the Communist Party to speak on Bill 22. Seeing that he is not here he will be considered called once and dropped to the bottom of the list.

Bill 31, The Freedom of Information and Protection of Privacy Amendment Act, we call Mr. Martin Boroditsky. Is Martin Boroditsky, private citizen, here to speak on Bill 31? Mr. Boroditsky was also called once previously and will now be removed from the list.

We now call Mr. Harvey Diamond to come speak on Bill 34. That's Mr. Harvey Diamond, private citizen, to speak on Bill 34, The CFS Amendment and CFS Authorities Amendment Act. Not seeing Mr. Diamond, he will also now be dropped from the list as he was called once previously.

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

Mr. Vice-Chairperson: We've had some new registrations. Mr. Trevor Gates was here previously to speak on Bill 31. *[interjection]* I believe he's here. Excellent. Thank you very much for appearing before us once again, Mr. Gates. You may proceed when you are ready.

Mr. Trevor Gates (Private Citizen): Okay. When I mentioned earlier in my earlier speaking—you want to call it testimony, I don't know why; it sounds creepy—I said I had a couple of grocery stores. Yesterday, when I spoke, I started off with this, just so you can know a bit about me and a bit about my experience, and so I don't try to touch on it in stories throughout what I'm speaking, because we'll be here all day.

I am a father of two small children. I own two businesses. I employ 35 Manitobans in my businesses from six different communities.

I moved here from the Northwest Territories in 2003. We used to drive to Manitoba every summer to see my grandma, and there was a store for sale, and I bought it. Before that I was a town administrator,

worked with municipal governments. I worked with Aboriginal governments as an administrator, as a manager, have been an economic development officer. I've managed seven companies from construction to marine services, property management.

I've always had to learn quickly. As I looked through these acts, the things that stuck out to me were just, how can they be better? Does this make any sense? What's the incentive for this? Who benefits from this? How could we make this so it benefits everybody instead of, how can we make it so it benefits more people?

I don't understand the position of the PA. I don't understand the—sorry. I keep on thinking about my experience in other jurisdictions, and there are, from what I've read, nine other privacy commissioners, and they don't really have a lot of power. I don't understand why we need a less powerful, somebody that has less teeth than a commissioner. We already have an Ombudsman. I can't see any benefit of adding another layer in there. The only people that it could benefit would be the government if they wanted to delay. It wouldn't even benefit the government unless they wanted to delay something, but it's the only reason I can think of to add an extra layer of bureaucracy. When you're creating a system—if you create another system and lay it over top of that, and you create another system and lay it over top of that, you're not making a better system, you're just making more work for everybody, including yourselves.

It seemed like the—I don't understand—it seems like all governments universally are afraid of access to information. Conservative, Liberal, NDP, all parties seem to be afraid of access to information. I don't understand why anybody would be working on something that they weren't proud of. When people warned me that somebody could read my e-mails, I say fine, because I'm proud of what I've put in them. I'm proud of the work I do. I'm proud of what I write, what I speak about, and everybody should be. That's all access to information is there for, is so people can get the information that they want if they're wondering things. Nobody on the government's side has to say—has to make anything up at all. They say, well, if you want the information, it's right there, and there's no reason to hide behind vexatious and systemic requests, and those are the best ones. Let them waste their time and money reading through the stuff that you're proud of. Every government should be proud of what they're doing. Every opposition

should be proud of what they're doing. Every business person, every employer, every employee, you should be proud of what you're doing and that's the only reason to be afraid of access to information or to want to create more layers and rules and avoidance to access to information.

It's not the first government to approach it in that way but, to me, I really think that the idea of less access to information, more time between requests and the information being passed on, I can't imagine who that could benefit in Manitoba, you know.

In 1999, the NDP promised to install a privacy commissioner. I don't think that—and they never did, breaking an election promise, which all people do and, normally, probably good-heartedly without wanting to break a promise, but they did. They said that they were going to put in a privacy commissioner in 1999 and they didn't. I really think when I look at the incentive and the benefits of this, it's like this privacy, PA—I can't even remember the name, it's so pitiful sounding—it doesn't fill that promise. It makes it worse. Like, we promise, we think this is important and then you throw a little pebble at it and it doesn't seem to go with what you're trying to show with the act. If you want to show that you're serious about it, then you make a serious position, independent, separate from the government, like an auditor general or like those types of positions that governments feel accountable to, and there's nothing wrong with being accountable. There's nothing wrong with people saying you should have done a better job. There's nothing wrong with that at all. That's how we get better. That's how the world's going to become a better place and that's how we're all going to do better with climate change and with the other challenges that are facing us.

Any job doing is worth doing right. I've already said that. The government's formed three majority governments now. You have the experience to know that without some sort of independence, reports come back biased and cleaned of anything provocative. If you've got somebody that works for the government that's bringing you back reports about your performance, it's not going to say that you're doing a bad job very often.

I think that the other young lady that spoke before me spoke about this position. It's not an independent position. It doesn't have that sort of power control that I think it would need to actually mean what the promise in 1999 was supposed to mean, and if this is fulfilling the promise of 1999, it's

not. If the next election is going to start off with look how we provided a privacy something-I-can't-remember, it's not going to stick with people.

* (20:20)

I think even the privacy commissioners that are out there now aren't being listened to by the governments that they're reporting to, and I think that's pitiful. To be afraid of ignoring a tougher position, I just think that you could do better, have a stronger position if it's what you believe in, and if it's not, get rid of the position, because it's just creating two spots.

You've got—in a business, we take a look at an asset that's working well and we try to make it work better. You've got an Ombudsman that's working very well. You've got a system in place that you could expand on and give more strength to. But instead of working with the assets that you have, you've just ignored that and just added a new one on and that's a waste of money and time. It wouldn't work in my business. You know, I couldn't hire two people to ring your groceries through, you know, one person to scan it and then another person behind them to scan it. I'd lose my store. It just doesn't make any sense to have two people doing the same job or a second person to, you know, just in case the first person was incompetent.

Like, what is the position adding to the government? What is the position bringing to the government's goals? I read the act. I really didn't see it.

You either believe in something or you don't. Do the right thing. Don't waste time and money on effective inefficiency, because that's all it is. It's just making it even more—its inefficiency is—the effectiveness of it is off the charts. It's not even measurable how inefficient that sort of system sounds to somebody looking at it from the outside.

That's all I have to say on Bill 31. I'd be happy to take any questions.

Mr. Vice-Chairperson: Thank you very much for your presentation.

Hon. Eric Robison (Minister of Culture, Heritage, Tourism and Sport): Yes, thank you, very much, Mr. Gates. I truly appreciate you giving your advice on this and being so frank with your comments.

I believe that your experience and mine are comparable in a lot of areas. You worked with a lot

of First Nations governments. I believe that the—what band councils in the Northwest Territories—it's a beautiful part of the world. I think that you and I, the experience that would tell us from working with Aboriginal people would be simply haul us into a talking circle and then we get the truth and reconciliation that we need on some of these issues that we're talking about in this. It's very simple, in my opinion. But that's another world; I have to live within this reality.

Now, let me say that our government held extensive consultations with Manitobans and it was chaired by our Minister of Healthy Living now, the Honourable Kerri Irvin-Ross. Presentations were taken into consideration in developing some of these amendments that we are putting into the bill. The most common request that we came across was for additional order-making power regarding access to information requests. We have responded by introducing the concept of an information and privacy adjudicator. Maybe the term "commissioner" doesn't sit well with others, but, in the meantime, I believe our government is paving new ground here in terms of calling it an adjudicator.

Now, Mr. Vice-Chairperson, I don't want to be too lengthy in here, but I understand that six of the nine provinces and territories who call their review office commissioners do not give them the powers that you are talking about, Mr. Gates. They don't issue binding orders. Furthermore, neither does the federal access commissioner, nor does the federal privacy commissioner have the power to issue binding powers. With this bill, we believe that the Manitoba adjudicator will have the powers to issue binding powers and this is something that's comparable to commissioners in British Columbia, Alberta, Ontario and P.E.I.

I just wanted to offer those comments to you and at the same time, thank you for your very frank presentation to this committee this evening.

Mr. Gates: Thank you.

I agree that I think if everybody could just get together and sit in the circle and be honest about their feelings a lot of things get settled really quickly. But the request that you had was to have somebody that had those powers to bring more to the table, but you've created a new position for that, you could have expanded on what you had. What I'm saying is it seems an inefficient way to—if you're going to take a—to reach that adjudication, somebody could go to court, I'm sure. If somebody was unhappy with

something, they do have a place where they can go to get things settled, but what you've got is a second layer now that's taking the initial request for information on these things and it's creating two places for you to get turned down before you can go to that final step. There should be a reason for that. You know what I mean? Like, there should be a reason for that. It shouldn't be somebody sitting there like the Maytag man waiting for the Ombudsman to call saying, hey, I can't handle this one.

The phone probably isn't going to ring. It doesn't seem like—I understand the idea when you present it like that, but it doesn't seem like it fills the actual goal.

Mrs. Mavis Taillieu (Morris): Thank you very much for your presentation.

I don't know if you were here last night and had the opportunity to listen to some of the presenters on this bill, but a couple of them were quite expert, had shown a lot of expertise in the area. I'm speaking specifically of Brian Bowman who is a privacy and access lawyer, very well renowned, not only in Manitoba but in Canada, and his comments to this bill were that—I would suggest that he would be the expert in this matter. His comments were that nine other jurisdictions in Canada have what's called a privacy commissioner.

He also said that these areas of Canada are looking to Manitoba wondering what are we doing here. What are we doing here with an adjudicator which adds another level of bureaucracy? What this privacy adjudicator does is actually delay the process for access to information, and it's not a front-line service to members of the public to come, first stop, to have their privacy needs investigated or met. Certainly, the idea here is that there would be a delay—

Mr. Vice-Chairperson: Order. Pardon the interruption but the five minutes has expired for questions and answers.

Mrs. Taillieu: Yes, I haven't finished asking my question. So I ask leave of the committee to ask the question.

Mr. Vice-Chairperson: Is there leave?

An Honourable Member: Leave.

Mr. Vice-Chairperson: Thank you. Please continue.

Mrs. Taillieu: I guess the simple question to you would be, in your opinion, should there be a privacy

commissioner as there is in other provinces where members of the general public can go to have their complaints and concerns met without having to go through the Ombudsman and then possibly being delayed, to an adjudicator, but that only on the advice of the Ombudsman and not accessible to the general public?

Mr. Gates: Well, no. I don't think I would say that that's—I think what the nine other jurisdictions don't—I didn't hear the expert but I'm assuming he said that it's still not working perfectly in those jurisdictions either and that I think Manitoba's better off being the leader and pushing forward with more rather than less.

I really think that it's a—it doesn't matter what you call it, it depends on what powers you give it. I don't mean to be hooked on the privacy commissioner idea, but I don't think it's enough now, and I think it's just almost used now as a tool to avoid things for governments and different ways to avoid what they actually want—everybody wants to hide their embarrassing moments. I think that we need to be less embarrassed and talk about them because we're going to get better from it.

No, I don't think it's working now with the nine commissioners that are out there. I think it has to be better. Two layers can't be better. This does seem innovative looked at from far away, but as you get close up it just seems like red tape. It could be innovative. You know, I think you've got all the elements there that you need if you put them together and took some out; you have an actual opportunity to do better than those nine other jurisdictions.

Mr. Vice-Chairperson: Thank you, Mr. Gates, for your presentation this evening.

* (20:30)

Bill 15—The Climate Change and Emissions Reductions Act

Mr. Vice-Chairperson: We will now move to some recent registrations we have had. Calling Mr. Ken Waddell to speak first on Bill 15, climate change. Is Mr. Waddell here? Very good.

Do you have written copies of your presentation, sir?

Mr. Ken Waddell (Private Citizen): Sorry, I do not.

Mr. Vice-Chairperson: Okay. You may now proceed.

Mr. Waddell: Thank you, Mr. Vice-Chair and members of the committee for the privilege and the honour to be able to present to your committee tonight.

I'm pleased to see that Mr. Lemieux is at the table because when I was the chairman of the Neepawa Lily Festival, I had the honour of coming in with my committee and Mr. Cummings, then MLA for Ste. Rose, and we indeed planted the Neepawa lily on the grounds of the legislature here. And that was—I still have a picture of that event, although I have to admit that I'm in the back row and Mr. Lemieux is in the front row, but I guess that's only fitting, and that's the way it is with politicians. He and Cummings were both in the front row. Well, it's been a year or two, but, you know, it was a good outcome and a good environmentally friendly outcome.

It could have been a lot worse, because the first time that I really heard of Mr. Lemieux I didn't know about his hockey career and I apologize for that. I was told by my good friend Stan Struthers at an event—when I was mayor of Neepawa and also serving as I do today as the editor of the *Neepawa Banner* newspaper—and Mr. Struthers says, boy, you're in trouble tonight, Waddell. And I says, what now? He says, well, Ron Lemieux wants to meet you and he says he's mad.

Madam Chairperson in the Chair

I guess he'd gotten the report and obviously it was a wrong report, that somewhere along the line in one of my editorials it was reported to Mr. Lemieux that I'd been critical of the leader of the NDP party. Now everybody knows that I would never do that, and certainly not in a willing or malicious fashion. I was told Lemieux wants to meet you, he's here tonight, he's mad as hell and he wants to punch your lights out.

Well, I think Mr. Struthers' assessment of Mr. Lemieux needs to be re-examined because—I said, well, please take me to him, I think I'm probably pretty safe, there are 300 people in the room, so he probably won't do that. And, no, he didn't do that. He greeted me with a big smile, a handshake and offered to buy me a drink. But, if he'd talked to Glen Cummings ahead of time they'd have told him, well, this guy doesn't take a drink, but that's okay.

I want to speak directly about the environment tonight and I appreciate the chance to do it. It is a particular concern of mine that the way the

government today is going ahead with the east-side hydro route, I find that very puzzling. I can find very little, if any, reason to pursue that and a lot of reasons not to pursue it. Greenhouse gases which we all, I guess, need to be concerned about or at least mindful of, will be emitted far more by the longer line on the west side. I have, for now, two years been campaigning and I will continue to campaign, both politically and in groups and in my newspaper against the west side route.

I couldn't figure this out but I did a couple of years ago, early into the program I figured out something was going on. I've had the pleasure of being in the north a little bit, and I noticed when I went to Thompson that there were a lot of hydro towers, and on those hydro towers are platforms, and on the platforms nest the bald eagles. So I thought, well, this must be a good thing. Hydro lines must be a good thing for the eagles, right, because there's enough of them there. So I thought, well, if we build the hydro line on the east side, certainly we could have—it in itself is a long line, but not nearly as long as the west side. But we could have a lot of bald eagle towers. And if we had a lot of bald eagles, that certainly should be good for the environment.

So I couldn't figure out what the Premier (Mr. Doer) would have against, or his colleagues, would have against bald eagles. The bald eagles, they glide over that narrow little piece of land that's been cleared out for the hydro line, and I thought they would be beautiful to see, especially if there was a road there so we could participate in the eco-tourism aspect of that area. But, without a road, how are we ever going to see the eagles? I guess we could fly over, but that's pretty expensive.

I thought maybe the NDP have really got something against the eagles, but, no, I realized, no, they've got nothing against the eagles. What they're concerned about is that there will be such short underbrush and undergrowth under those lines, the eagles would be able to have much better access to see the rabbits that will live there. The NDP party is mostly represented by people from the city, and they don't seem to understand that rabbits do reproduce fairly readily. I guess we have to give them some credit. They're concerned about the lose of rabbits along the hydro lines which must be the reason they want to have the hydro line in place.

I find it very, very difficult to understand how you can talk about eco-tourism on the east side in a boreal forest and have no road for anybody to get

there to see it. In order to have tourists, I think you have to have people on the ground.

We need, in all seriousness, we need to do away with this west-side hydro line. We need to put in a proper plan for an east-side line. It's shorter, it's cheaper, it's more efficient and it would provide benefit to far more First Nations communities. A road could be built beside it to service the line, to get people to come to the communities for tourism, for goods, for services, for diesel fuel, to do away with winter roads and to provide employment for the First Nations people. Yes, there might be some difficulties, but isn't there always. Madam Chair, the benefits far outweigh—the benefits far outweigh—the disadvantages of that line.

I cannot, for the life of me, understand why the Premier (Mr. Doer) and some of his colleagues—I presume all—are so wedded to the west-side line and not to the east side. Do we not want to have more jobs? Do we not want to have more opportunity in the First Nations community?

Here's an argument I've put forth before and surely, surely, this will move your hearts. If I were at my home in Neepawa tonight and were to take a heart attack—now Len Derkach quite wishing for things—if I were in my home tonight in Neepawa and took a heart attack, I would be taken to the hospital and dealt with fairly quickly. If there was a blizzard and that happened, I would still get to the hospital.

If I'm in a First Nations community along the east side of Lake Winnipeg and a medical emergency comes up and the weather is bad and the air ambulance can't fly and the hospitals aren't there—and the doctors probably aren't even there—that person's choice is to pray or die.

I think it's a travesty that we do not have a long-term plan for sustainable development of not only the east side, but a road eventually that would hook up with Thompson, Churchill, a long-term plan, that may not come to fruition until a long time after all of us around this table are dead and gone, to have a road into the Northwest Territories. It is a shame that we are arguing about east side versus west side when our environment could be so much better handled, managed, developed, sustained, appreciated and made safe for all people.

My friend David Harper [*phonetic*] tells me, maybe I didn't hear him correctly, but in the group of communities that he comes from, there are 10,000 people, few doctors, if any, no roads, no hospitals, no

care homes. I live in a town of 3,200; we have four doctors. We don't need the air ambulance because we have good enough roads to get the ambulance to the hospital.

* (20:40)

Wake up and smell the coffee, people. You tell me, the people on this side of the table, tell me how much you care about the First Nations communities. Then come back and tell me that we can't have a hydro line and a long-term plan for a road to serve our First Nations people.

Until you can tell me that—until you can tell me that—please don't claim to hold the First Nations people in such high esteem because I am one person who has been mayor of my community, editor of a paper for 20 years, and, oh, pardon me, an owner for 20 years, and I will bend over backwards to do all that I can in that mostly WASP, mostly white, southwestern yellow-dog Conservative country to help the people all across this province.

Quite frankly, Madam Chair, with your view of the environment and your obstinance on this issue, I don't think you can make that same claim. Thank you.

Madam Chairperson: Thank you very much.

Do members have questions to the presenter?

Mr. Leonard Derkach (Russell): Well, thank you for that very strong and passionate presentation, Mr. Waddell. You and I have known each other for a number of years. I certainly read many of your editorials in your paper which, in many instances, are very thought provoking and give us, as legislators, perhaps a different perspective of what things could be like in this province and how we could improve the state of people in this province.

Mr. Waddell, you talk about the hydro line mainly, but as I go through this bill, I can't help but think that there's just a lot of lip service given to things and not really serious consideration. Because when I look at the landfill section and I'm going to—not the hydro section, but the landfill section, it talks about that every owner or operator of a prescribed landfill must submit to the minister an assessment of the potential for mitigating emissions that may be generated at the landfill.

I don't know whether you're familiar with the Brady Landfill site, and if you are, you probably know that most of the offal from animal is buried at

the landfill site. If there's any potential for methane gas down the road, this is probably one of the predominant sites for that kind of thing to happen. Yet, we see nothing happening in terms of mitigating the emissions that could be coming out of that landfill site.

Yet the minister here says that things have to be implemented by 2010. That's not a very long time away, and when you haven't done anything and you haven't done the assessment yet, in your view what should the government be doing, rather than just paying this kind of lip service, to addressing the real issues of landfill sites?

Mr. Waddell: I have long advocated long-term planning, and I feel that in this case, this bill does little or nothing in terms of long-term planning. It's very easy for governments to, as Ralph Klein would have said or did say, to find a parade and get in front of it. That's what this bill is full of. There needs to be some real action.

The Brady Landfill is an obvious. In fact, I believe the offal from the 3,200 hogs a day at Neepawa may in fact be going at times to the Brady Landfill. But, nonetheless, there are slaughter plants all over this province. There won't be as many soon if another bill goes through, but that's another issue for another night.

But, there's no long-term planning here. A number of years ago, not that many years ago, but a few years back when the Neepawa landfill was being inspected, they said, oh, well you can only use this for another year. Next year, they said, well, you can only use this for another year. That happened for about five, six, seven years until finally a couple of years ago, about four years ago, through some initiatives that I helped initiate plus some staff with the Town of Neepawa, we were able to work with other towns and then finally get a new integrated waste management facility.

But, even then, it doesn't capture methane. It doesn't allow for heat capture on clean burn. Every so often the operator gets totally frustrated and has to do something with the lumber, the shingles and the scrap from buildings that have been torn down or whatever. No long-term plan for heat recapturing, methane recapturing. Nothing.

I think that this government, and maybe even a little bit governments in the past, have been lacking in foresight in terms of real environmental benefit. That's certainly apparent here.

Mr. Cliff Cullen (Turtle Mountain): Thank you very much for your presentation tonight and hopefully as presenters come forward they'll give—not only opposition members but government members—some things to think about. Hopefully, we can make some positive changes to this particular piece of legislation.

There're a couple of points that we see as troubling in this bill. I'd just like to get your comments on them.

One is in regard to the reporting time frame and the bill requests a four-year reporting time frame. The other thing is the minister really has the ability to set emission targets, him and him alone. I just wonder what you're thoughts are on those two particular items in this particular bill.

Mr. Waddell: I think it could use the analogy from the newspaper business, and that is one with which I'm very well aware of. When I go to sell advertising to a customer, I tell them, well, we produce 11,000 papers a week, but we are audited by an outside independent auditor twice a year. Something as simple as—never mind the environment—something as simple as the number of newspapers, I could go to a customer and say, I give you 15,000 copies every week. They wouldn't know the difference unless they took a list of towns and did a survey and went through—and most advertisers aren't going to do that.

In the same way, most members of the public are going to say, oh, the minister said this. Well, it must be okay. Well, when they stop to think about it, they're going to realize, no, it's not okay. We overuse the expression, the fox is in the henhouse, but in this case, this really opens up the door and lets the whole family of foxes into the henhouse.

Madam Chairperson: Thank you. Time for questions has expired.

Mr. Waddell, you're also speaking to Bill 31. Did you wish to have a moment or—

Mr. Waddell: Well, if Mr. Robinson can—oh, there's a clean glass there, so we're laughing. No, I wasn't going to ask you to pour me water.

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

Madam Chairperson: Mr. Waddell, you might begin your presentation.

Mr. Ken Waddell (Private Citizen): On Bill 31? Thank you.

I'd like to talk to you tonight a little bit about background and about freedom. In 1912, my grandfather came to Canada with three of his five sons in tow. The other two were not born until after that. During the First World War—I can't determine for sure if my grandfather had military service in the Boer War. I was told he did, but I can't verify that. He did service in the Home Guard in Montréal and I have the badge to prove it, because he was too old to go down to be involved in the regular military.

My father proudly told me that his father, when World War I broke out, that he put on his—what he had left of an army uniform from previous days—and he didn't walk down to the recruiting office, he marched down.

* (20:50)

In 1939, my father was 32 years old, by far old enough to have claimed some exemption from service. He didn't march to the recruiting office; he took the train from a little village called Muir, Manitoba, south of Gladstone.

He was joined by his older brother, who was in the Canadian navy, served on the *HMCS Provider*, a ship that did exactly that; it provided repairs, supplies, protection for the convoys on the Murmansk run in the north Atlantic. The older brother, yet again, served as a ship steward on a ship off the west coast. My uncle on my mother's side, her brother-in-law, served in the Canadian Air Force as an airframe mechanic. He didn't go overseas. My father wasn't allowed to go overseas either because of some chronic health problems. In 1950 my brother, who was only 17, joined the Canadian Navy and he served in battle in the Canadian Navy. The stories he brought home show that he is—now he's 75 years old, and he has never recovered.

The purpose of all that background would show you, though, that our family believes very, very strongly in democracy and have sent our forefathers off to war. They have gone off to war on our behalf, for the protection of freedom.

This bill talks about information, privacy, and freedom of information. To me freedom isn't like the song says, freedom is just another word for nothing left to lose. I don't believe that. Freedom means having nothing to hide. Freedom also means feeling that there is no need to hide.

So, having a privacy commissioner or a Freedom of Information Act or any of these kinds of things doesn't bother me. I do believe that information

should be, wherever possible, made available for the good of the public. I do believe that this bill falls short in that regard. It goes off in a direction that, while it is unique, it doesn't appear to have a lot of worth.

I have published two newspapers for the last 20 years. We deal in freedom; we deal in information; every day, every week; lots of it. The problem with governments—and I have now written editorials on several of them, federal and provincial and municipal, of all party stripes—is that governments like to appear that they're doing good things. It seems to matter less if they are doing good things, but they certainly want to appear to be doing good things. I think this position, this Bill 31, certainly falls into the category where it's a lot more appearance than substance. I believe that if we're going to deal with this at all, it should be as a privacy commissioner.

When a government makes the effort to appear to be doing good things, it almost inevitably ends up costing me more money. The royal me; the royal we. It usually means more bureaucracy, more offices, more rent, more hydro, more support staff, and very little accountability. Make no mistake; this bill does not create a privacy commissioner. A privacy adjudicator is nothing more than a position created to create more bureaucratic delay. It will not increase the release of information. If anything, it will mean longer delays before the public gets their information.

As you can tell, I know my family history. I also know Canadian history, some. I know Manitoba history a bit more. I make the habit, at least in the wintertime, of reading at least two history books a month. I'm a pretty boring person. My wife can attest to that. But governments never seem to shrink. Governments never seem to even stabilize. Holding the line doesn't seem to be part of the vocabulary. Many, many times I've seen this and I've ranted and railed and written and spoken out about this all the time, but I don't see the advantage of creating another layer of bureaucracy to pretend that either we're either dealing with information in a proper fashion or we're somehow protecting people's privacy.

I don't care who has my phone number. I just don't want you to have my credit card number. I don't care who knows even how I vote. There are many, many things that I think are hidden and shoved under a little pile, and they say, oh, we can't

do this because of privacy issues. If you have nothing to hide, what's the problem in a lot of these cases?

So I would submit to this committee that, while the NDP calls this a one-of-a-kind position—and that is true. No other province has deemed to create such a worthless position, and neither should this one.

Thank you, Madam Chairperson.

Madam Chairperson: Thank you for your presentation.

Hon. Eric Robison (Minister of Culture, Heritage and Tourism): Well, thank you very much, Mr. Waddell. I want to thank you very much, first of all, in your earlier presentation about the east side. Certainly, you and I could have a debate about that, probably hours on end. I certainly welcome that sometime down the road to talk about the circumstances that Indian people have to endure in this country, in this country that your forefathers and my forefathers fought for its freedom. I know that my grandfather served in World War I as well as you were describing Donald. My great-uncle Joe Keeper, who was a 1912 Olympian, also served in World War I. My father served in World War II, and many of these Aboriginal veterans from our communities up north also served for this country, hoping to make a better life for all of us as Canadian people. So I'm equally as proud of my Canadian and my Aboriginal heritage as you are.

I want to thank you very much for being straightforward on this bill. As a government, it's often difficult, as Mr. Derkach will attest to, about some of the things that we have to face as being representatives of the people of the province of Manitoba. I just want to thank you for your frankness in how you characterize, through your perception, of Bill 31. That it's more appearance rather than substance, I believe, were the words that you used. I want to thank you for that.

I also want to tell you, Mr. Waddell, that, unlike your wife, I don't find you boring whatsoever. I want to thank you for appearing before this committee.

Madam Chairperson: Mr. Derkach.

Mr. Leonard Derkach (Russell): Mrs. Taillieu was ahead of me.

Mrs. Mavis Taillieu (Morris): Thank you, Ken, for your presentation. It was very, very good to hear. Certainly, we've known each other for several years

going back to the newspaper industry. I know that, when you're talking about information and the written word and the spoken word and information that needs to be accessible very quickly—and it's a turnaround time, certainly—that's really important: access to information is important.

You certainly have a grasp of the bill. You certainly had a look at it and understand the concept of the democracy in the bill and the lack of access to information and the delays that will be provided by the privacy adjudicator, and certainly understand the concept of a privacy commissioner, which is different than an adjudicator. I certainly wish the government could get their head around that. Even after all the presenters we've had on that, they don't seem to understand it.

* (21:00)

I'll just ask you a very simple question. When you reviewed this bill and all of the things you've seen in this bill, do you think that, maybe, this bill should be held over and should go to more public consultation and we should take a longer look at this bill and allow the public more input and redraft a better piece of legislation?

Mr. Waddell: I certainly think that would be good advice. Something like this is obviously very important to many people. As I indicated, it isn't maybe quite as important to me because I feel that, if you want it, the only thing I probably won't show you, like I said, is my credit card number.

Unfortunately, when you have to deal over the phone, a few people have my credit card number too. If you want to see my income tax statement, any one of you is welcome to come to my house and I'll show it to you. I don't really care, but this is not the way it is with many people; it's not that simple, obviously, in some areas, some instances.

It being an important issue, not only to government but to the people of Manitoba, I think it would be very wise to take the show on the road, so to speak. It might not have to be an expensive show but, maybe, the MLAs could travel in a government van, instead of all charging mileage, each for their own car, or something like that. That would be a nice touch.

Politicians used to travel together, believe it or not, in the old days. They didn't have much choice, but I don't see that much anymore.

I just want to say to the honourable minister, Mr. Robinson, thank you for your comments. I appreciate them. You and I have always had a good rapport wherever we meet in public, and I really appreciate that. We know that, to some extent, we're diametrically opposed politically, but we've always been able to work together and I do look forward to having that discussion with you, sir.

Mr. Derkach: Mr. Waddell, this is a bill that causes some difficulty for us when we start to look at the details of it. In many other jurisdictions, there is a privacy commissioner. Manitoba is suggesting we have an adjudicator. You've talked about the useless bureaucracy and, certainly, it's not the individuals you speak about; it's the system that is set up.

What would you recommend to the minister in terms of a commissioner versus an adjudicator, in terms of Manitobans having at least the confidence that there was going to be some action taken on issues as they relate to either privacy or freedom of information?

Mr. Waddell: I think that this is, as I said before, obviously, an important topic to many people. We should take a really serious look at the other jurisdictions that do appear to be ahead of us and learn from their best practices, gather a summary of those best practices together in a short, concise, well-written document and circulate it to people who are directly concerned with this.

For example, I'm sure that the Association of Manitoba Municipalities would have valuable input into this area. I'm sure that some of the people in the city of Winnipeg would have valuable input into this, then, obviously, an opportunity for First Nations communities to have a look at it and say, is this good for us or is it of any importance to us?

That would be the biggest advice I would give on this tonight—is to back off. Let's get the information properly together from the other jurisdictions. I don't see a lot of evidence that that's been done. If it has and I haven't seen it, I apologize, but I think that's what we should do and proceed carefully.

Legislation, as you know, is a heavy, heavy thing. It's like pouring concrete. You better know where you want to put it before you lay it on the ground, because it's going to be a long time before you move it. So let's make sure that we've got this concrete the right consistency and that we are going to put it in the right place before we proceed.

Madam Chairperson: Thank you. Our time for questions has expired.

I will now call on Christine Waddell. She will be speaking to Bill 15, climate change, and Bill 31, FIPPA.

Would it be with the leave of the committee for Mrs. Waddell to speak to the FIPPA act first? *[interjection]* We have leave to address 31 first.

Mrs. Christine Waddell (Private Citizen): Thank you, Madam Chair. I appreciate that. It is with great gratitude, with much gratitude, that we have the freedom to speak. When it comes to government spending, the government that spends the public's dollars, it should be our right to know. The FIPPA is to do that, and it is—it in itself is many-layered and a long, challenging trail to go through. When someone wants to find a piece of information concerning public activity of the House, it is not something where we can just go in and find it, even though it is our dollars that have put those things in place. This Bill 31 with a privacy adjudicator does not eliminate the problem. It does not make the access any more smooth or easier.

It's been noted that even now the government can deny more information requests by allowing bodies and departments to deny these requests they determine vexatious and systematic. What is vexatious and systematic? Something that doesn't agree with you? That's vexatious. But if we are dealing with public policy and public money and public activity, it doesn't matter if it gets under your skin and rankles you. It doesn't matter if it's vexatious. And certainly it should be systematic because we would trust that those who are looking for that information are systematic and very precise in the way they do things. I do envy, as a co-owner of a weekly newspaper, the ability of our daily newspapers in Brandon and here in Winnipeg to be able to get information in a way that it does not seem possible for others to get, and they obviously have staff who understand all the paperwork and all the dealings that need to be handled in order to get information.

My concern about privacy goes to a very personal level. We have created in our society privacy that goes beyond logic. I live in a small community relative to Winnipeg, 3,500 people. As it has been said, we have four doctors. We have a nice hospital. If my neighbour goes to the hospital and I don't realize it, my friend, who's a nurse, who knows I know my neighbour, cannot tell me that that person

is in the hospital, because that is private. They don't even have to tell me that she's, that neighbour has—anything about their situation. That's private, and we end up with breaches of privacy that aren't dealt with. And so it makes me wonder, is a privacy act, is freedom of access to information really working? Can this material, one more layer—and is this an appointment, or is this a position that's going to be filled by someone who is independently appointed with no political direct connections? Although I'm not sure there is anyone who is not political a little bit, and cares about their community.

*(21:10)

I always find it difficult to speak after my husband because, actually, he says that I think he's boring. I don't believe that. I agree with you, Mr. Minister, he's not boring. I think that this bill is—for nine years this government has been in power. It has been hard to tell if they have done much.

Promises have been made but I can remember promises from previous elections under the New Democratic banner, and there's a Highway 361 just in the Westlake area that was to be paved. Pete Adams promised that. A previous government promised that and we're still beating over gravel roads out there. So it's good if promises that have been made to create a privacy commissioner or a privacy adjudicator are trying to be met, and isn't it wonderful that you're doing it early in the mandate so that it is out of the way and people will have forgotten about it by the time we vote in three years or whenever we vote again.

Yes, we need to be concerned that people can get information but this isn't really going to do anything. It will just be another job and, as has been said previously, another job with support staff. It won't be—it says adjudicator, privacy adjudicator. It does not take into account all those other things that are there to support that person, all the paperwork, all the time. If I needed information in a hurry, I know this won't help. If it's a timely thing concerning a lawsuit, if it's things that need to be dealt with in a timely fashion, this will only help sweep information under the rug and keep things out of our hands for longer.

So it's with great concern that we're taking time to create a bill like this that really will do nothing. It'll just be another job for another bureaucrat who doesn't have to meet payroll, doesn't have to worry about making their mortgage payments. They do have to just deal with one little job at a time, one thing at a time, and they haven't put anything

constructive to make our province a truly better place to live.

Madam Chairperson: Thank you, Mrs. Waddell. Do we have speakers?

Mr. Robinson: Well, thank you very much, Mrs. Waddell. I want to, on behalf of our side here, thank you for the presentation that you've made tonight. I do thank you for travelling into Winnipeg and giving us your thoughts, and certainly consideration will be given to the recommendations you've made to this committee. Thank you so much.

Mrs. Taillieu: Thanks, Christine, for the presentation. I know that part of what you're saying—I understand that the bill gives an illusion of protection of privacy with the creation of a privacy adjudicator which really, as I've said before many times, is really not a privacy commissioner as recognized in the rest of Canada.

It also gives the illusion of access to information with opening up Cabinet documents in a shorter time frame but as you said, this vexatious and systematic—those words are very subjective words that people can interpret any way they choose and, therefore, it just allows more discretion to clamp down on access to information. So, as you said, I mean this is a bill that creates a lot of illusions to the public, but when you peel away the onion, you find that really it goes the other way. It doesn't create assurances for privacy with a privacy commissioner and it doesn't create access to information. This is the problem with this bill.

We've seen that with a lot of legislation that this government has brought forward. I mean, I'd like to use the word "vexatious" with some of the bills that have been brought forward because they're vexatious, really, I mean, and you know we can all interpret that however we want. Right?

So I guess I'd ask you the question: Do you think that this should be an independent—in the bill we have an adjudicator so I'll just deal with the question of adjudicator—do you think this should be an independent appointment by the Legislature, answerable to the Legislature?

Mrs. Waddell: If this was to go through and a privacy adjudicator position is created, I would trust that is the only way, the only way that it would be done, as independent.

Otherwise, it would be very subjective. It would only deal with things in the manner they chose to

deal with inquiries. So the only way that it would have any effectiveness, any effectiveness in any way, would be for the position to be independent and chosen by the House, both sides.

Mrs. Taillieu: Of course, we do certainly hope that we will not be going this route and not be going down the road of adjudicator. We would hope that we would go the route of a full-fledged privacy commissioner, as other jurisdictions in Canada have done, in fact, almost all of the other provinces and territories have done, and certainly do not know why Manitoba would not want to look at the best practices across the country.

I know that you've looked at this bill and I know that you, in presenting today, have shown an understanding of what's in the bill. I wonder if you might recommend, or what your thoughts are on allowing this bill to be held back, repealed, or we pull the bill and have some more public consultation on it and look at some future legislation that is more appropriate.

Mrs. Waddell: It would seem in the best interests of democracy and fulfilling a true meaningful debate and formation of a bill, such as this, that many people counselling on this would be a wise decision, people who might not have time to come and sit in the House at a committee such as this.

As was said earlier, one of the presenters had a 14-hour wait. I'm sure his time is worth more than minimum wage, much more. Those people could schedule their time in a more efficient way and present in a way that would lend to the bill being more effective and of benefit to the entire province, not to just one sector.

Madam Chairperson: Thank you. Our time for questions has expired.

Bill 15—The Climate Change and Emissions Reductions Act

Madam Chairperson: You may speak to Bill 15, Mrs. Waddell.

Mrs. Waddell: Again, thank you for allowing me to speak to this bill. The environment is—I'm more passionate about the environment than I am about privacy because, being a rather public family, privacy really doesn't rank very high on our list of priorities, and privacy—if you always tell the truth, you don't have to remember what you said, and there should be nothing to hide.

But, when it comes to the environment and Kyoto—when this bill came up, the conversation around our dining room table was, is Kyoto not an international bill, an international initiative? Our federal government, has it not been looking after legislation and plodding its way towards some solutions and results concerning Kyoto and the deadlines looming for 2011?

* (21:20)

The household agreed that this is really a federal and international initiative. Yes, we need to do our part and, yes, Manitoba has to step up to the plate and reduce our greenhouse gas emissions. Using California standards is not one of those things we should be doing. We are not as populous; we do not have the same climate as California. I understand our Premier (Mr. Doer) has been touting California standards on vehicles as something we should look at.

This defies logic. Why we would look to a state that many miles away, in another country, with totally different environment and geography, to help with our reduction of greenhouse gases? It makes no sense at all.

Some background—other people have given background on why they care about certain bills. I am from a rural background, many generations, rural background. As a child growing up in the '50s, some of you might remember, they were wet years, very wet years.

Our farm was south of the community of Virden; our MLA from Virden-Arthur (Mr. Maguire) is present. One of my childhood passions was to be outside and alone. I loved the environment; I loved to be outside. I loved to be in the trees alone, with no one else around me.

I lived on a farm and it was wet. Some of you may be gardeners and be familiar with the term, tea for your plants, tea that you make by getting manure from the gardening store; you put water through it and then you pour that on your plants as fertilizer, organic fertilizer, environmentally friendly fertilizer.

It wasn't until recently that I really thought about my childhood and the warm puddles that would form with all these wet days that we had. I would walk barefoot in this wonderful organic tea and it did me no harm. Now that will probably deal more with another bill coming later in this session, but pollution-wise, I suppose, I was walking in polluted

water and it didn't seem to do me too much harm—well, maybe a little.

The environment around our farm—we knew as farmers that you built your barn downwind of the house. We knew that you dug your well on a high spot, not a low spot, so that there would be no pollution. Environmentally, we understood those things. On the farm, we know what fecal matter is. Some of the bills, such as ones concerning Kyoto, perhaps resemble fecal matter in some ways.

The environment is very important to me. Some of the things that are put in place to block any kind of progress, any kind of doing something, any kind of doing anything has been very challenging. We have environmental laws not related to Kyoto, environmental laws so you can't put in culverts because it might disturb the fish. Fisheries and Oceans have to approve these things, when there's nothing more than sticklebacks and ducks in that slow-flowing bit of water that only runs in the spring.

We have people who do not know what fecal matter really is, who are dealing with things of the environment. There is so little science involved in these things. And that we would have concerns about greenhouse gases on one hand and Bipole III on the west side of our province, eagles notwithstanding, it is just beyond my understanding why we would spend that much more money on a project that could benefit people on the other side of the province.

This UNESCO, this hope of a UNESCO designation, we have a designation already in our province for the biosphere, the area surrounding our park. That biosphere will be more affected by putting Bipole III down the west side of the province. Again, it's been said that 95 percent of the work to be done to meet these targets will be after 2012 and an election's expected in 2011. How would we hold the government responsible, if anyone even remembers, because who knows what will come up between now and 2011 to distract us?

Internationally, Kyoto is losing ground on the international scheme of things and here we are, after nine years of a green, New Democratic government trying to do something. When the public does try and put input into these things, when people who are scientific, not just emotional, scientific and not just passionate about environment, people who have studied for years to know what global warming really is, not just something the newspapers can write

comment pieces on, people like Dr. Tim Ball, who is respected, people who have studied for years and they are not listened to. I really don't, as a private citizen who cares about the money spent in our province, who cares about the future of our province, who cares about the economy of our province, who cares about the air we breathe in this province, I really don't expect to be listened to, but I do thank our Madam Chair that we still have that freedom, that this process is followed to a degree, and that we are allowed as private citizens of this province to come and speak, and I do thank you for that opportunity, and I do care about the air we breathe. But I do ask you to reconsider whether this will really, really do any good or just make someone feel good.

Madam Chairperson: Thank you for your presentation.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Thank you very much for your presentation and for your discussion. I found it interesting. My question would be, I know that you are very concerned about the environment, so I trust you carpooled with your husband to get here and you were under the speed limit, and I just wanted to check those two facts before we continue.

Mrs. Waddell: I did, Mr. Minister, I did carpool with my husband.

Some Honourable Members: Oh, oh.

Point of Order

An Honourable Member: Point of order.

Mrs. Waddell: None of his business, right? See, I told you privacy doesn't mean anything to me, but I will not answer on the point about speed, although I do drive a fuel-efficient vehicle.

* (21:30)

Mrs. Taillieu: Yes, Madam Chair, I think that question was entirely inappropriate. I think he was harassing the presenter. I don't see what the point—it's none of the minister's business whom she rides with in whose car. It's none of his business and, furthermore, to ask her if she's exceeding the speed limit is outrageous.

Madam Chairperson: Order, please.

Mrs. Waddell: No, I agree.

Mr. Derkach: No, she's not finished yet, are you?

Well, I guess I'd like to speak to the point of order because I think it was out of line, but perhaps the minister would like to tell the presenter whom he carpooled with this morning. He asked whether she carpooled with her husband. Whom did he carpool with this morning?

Mr. Rondeau: Although I don't believe it's a point of order, I'd be pleased to say that I carpooled with my assistant this morning and a little bit later today on my way to The Forks, thank you very much. And I also drove a Smart car. I drove a Smart car at 89 miles to the gallon.

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Mr. Derkach: Well, Madam Chair, I thank the minister for that answer. What he was really telling us was he was chauffeured to the Legislature this morning and to The Forks by a special assistant. That's a little different than carpooling, but nevertheless, the minister's privilege is to have a driver, so I suppose he considers that carpooling.

Mr. Cliff Cullen (Turtle Mountain): Well—

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Mr. Cullen: Thank you, Madam Chair. I thank you for your presentation tonight on Bill 15. Obviously, you've seen some flaws in this particular legislation, as we have, and I just want to clarify for the record here. You certainly made reference to the content of Bill 15 in reference to your statements regarding fecal matter. Is it your view that this legislation is again more perception than anything that is really going to benefit our environment?

Mrs. Waddell: I would say yes to that question. I would say smoke and mirrors, but smoke is polluting, so I would have to find another word to describe it. Hot air is part of greenhouse gases too. Global warming, it all adds to global warming. I find that this bill is for the perception of those who think something is going to happen and really it won't.

Mr. Cullen: Yes, thank you. I guess further to that, one issue that really bothers us is leaving a lot of the power in this particular legislation with the minister. The minister certainly has the opportunity to appoint various advisory committees, and he or she would have the ability to determine certain emission levels and that sort of thing. Is your view that emission

standards, as one example, should be set by an independent body outside of the minister?

Mrs. Waddell: Emissions standards are something that are very scientific, and I understand that some of the research that's being looked at is from out of country, not relating at all to our climate or the number of vehicles that we have. Now, I realize that when you live in Winnipeg, that is more than half the province and so there is more potential for emissions in Winnipeg. But to actually have good scientific reference to that from an independent body would be most beneficial if it is to go forward at all.

Madam Chairperson: Thank you. Our time for questions has expired.

Mr. Derkach: Madam Chair, just not to intend to interrupt proceedings for too, too long, but my colleague, the Member for Morris, Mrs. Taillieu, had a point of order and in all of the confusion that went on, I don't think she had a ruling on her point of order, nor was it considered. I'm wondering whether or not perhaps that's a part of business that should be dealt with.

Madam Chairperson: Thank you. I didn't hear the point of order, but the—*[interjection]* Okay, just for clarification for committee members, with respect to the point of order, members of the public can choose to answer or not to answer questions proposed by a committee member.

* * *

Mr. Cullen: Madam Chair, I just want to clarify. I know we did have that point of order during the question period here, and I just wanted to make sure the complete time was allowed for questions because, certainly, I did have some more questions for the presenter if time would allow. I just wanted clarification on that from the Chair.

Madam Chairperson: We will add two minutes to the question period to account for the time that we spent on the point of order.

Mr. Cullen: Thank you very much, Madam Chair. I'm glad we were able to clarify that point.

In your presentation, you referenced the federal government and of discussions they're having with legislation coming forward. Given that we're all in this game together, we all have to act on the best interests of the environment, I just wonder what your thoughts are in terms of how we balance provincial legislation that could potentially overlap what federal government is trying to accomplish as well.

I know we've heard from other presenters, and I specifically think of people in the automotive business where we, as Manitobans, would endeavour to select a standard which is maybe over and above what other provinces are doing and puts a real onerous burden on the manufacturers of vehicles because they would have to then design vehicles specifically for our relatively small jurisdiction.

So, given that in context, I wonder what your thought is in terms of Manitoba moving ahead on its own, or at the same time we have the federal government trying to move ahead in the same sort of emission standards.

Mrs. Waddell: Not being a person totally conversant with the overlap in power, I believe our federal system overrules our provincial, at least in matters of criminal law. Obviously, concerning things of the environment, it's not totally the same. However, if it was to put a burden on such a small—we are a small province. We're only a million people. We're so dependent on federal transfers; we're the only have-not province. We're not in good financial shape, and we start doing this to our economy.

I would have difficulty finding vehicles that were appropriate, and if my dealer in my community was restricted in what he could bring into the province, that would be a travesty. I'd have to go out of province to buy vehicles. Then I bring them back into the province. Do they have to meet the emission standards that the province has mapped? It would bring another layer of bureaucracy to the whole thing, which would be very convoluted and challenging.

So, Madam Chair, I cannot see moving well ahead of our federal counterparts being productive but rather counterproductive.

Madam Chairperson: Thank you. Our time for questions has expired.

* (21:40)

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

Madam Chairperson: Okay. We have Mr. Ken Waddell on Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children).

Mr. Waddell, do you have material for distribution? Thank you.

Mr. Ken Waddell (Private Citizen): No, ma'am.

Madam Chairperson: Thank you. Order.

Mr. Waddell, you may commence with your presentation.

Mr. Waddell: Thank you, Madam Chairperson.

You are well aware, having participated directly in a debate with me—and many of the other people around the table know fully my political background and my political career—you know, at times, that I can be very outspoken; you know that, at times, I can come across sounding harsh. You know, at times, I can come across sounding very forceful.

I have spent a long time in politics. I was actually—in the early 1970s when I was working with the Department of Agriculture, there was a time when I was asked to run by all three political parties in one provincial election.

I, instead, went farming which maybe shows that, while I might have passion, I may not have wisdom. I want to say tonight that, earlier, if I came across as political, if I came across as biased, if I came across as too strong for some tastes, I certainly do not apologize one little bit. However, on this topic, I can assure you that I lay politics aside.

When I lived in Winnipeg for a year last year, as some of you know, I was involved in the election and the lead-up to the election. I got a little more addicted to my *Winnipeg Free Press*. In the apartment we lived in, the mail slot was just from here to the fireplace there, away from my bedroom door; at 3 o'clock, clunk, I'd hear the paper come through the mail slot.

So I got into the habit of getting up at 3 in the morning, reading the *Winnipeg Free Press*. It doesn't get to Neepawa quite as early, but we do get it by about 6 o'clock in the morning in our mailbox.

There's been a time over the last year, or been several times, when I have been afraid to pick up the paper. I guess I've gotten almost used to the fact that there may be a stabbing or a murder. I look and see, oh, that street's only two streets over from where we lived. Oh, that's on our street; where we lived. It's a sad comment when we—I guess we could say we get used to that, but what I can't get used to is the stories in the paper about the children who have died, many of them in CFS care.

About two years ago, I got a call. This is a fresh, new example for you of how broken the system is. A

lady whom I've known for a long time, whose children, some of whom are contemporaries of our two sons, was somewhat desperate.

She says, Ken, we've called you before when we've had problems. I have literally over the years—literally, hundreds of people who have called me with various problems, and I try to help. It's just the way I'm wired.

She said, you remember, and she said her son's name. I said, oh, yeah—quite a bit younger than my sons. Did you know that he got himself a girlfriend? Actually, they got married. I said, no, I didn't realize that. She told me the background of the young woman. It really doesn't matter, but she told me that. She says they're split up now.

We got together; we talked; she showed me the court documents. The young woman, a drug addict, an alcoholic, non-custodial parent, every second week has visitation rights, no apparent means of support, no employment, lives in Winnipeg, hitchhikes or gets a ride with whoever she can to Neepawa, dead of winter, comes to the door, smelling of alcohol, says, where's my son? They phone the police. Police say, there's nothing we can do. She hasn't been charged. She hasn't committed an offence. She's not drinking and driving. She's not drunk and disorderly. She gets the boy. This happened several times.

Finally, they said to the lady on one of her every second weekend visits, where are you going? Well, Brandon. How are you getting there? We're hitchhiking. Wintertime, with a two-year-old and a diaper bag, which had been filled with supplies by the father and the grandmother, by the way. But where are you going? She did have a cell phone. Where are you going to stay? Don't know. Well, you have to tell us where you're going. Time after time she would go to Brandon, crash with friends on their couch. She had her two-year-old with her. They've been to court numerous times. The last I heard the situation is still going on.

Now this child is not First Nations. This child is not under any Aboriginal CFS authority. This child is in what you would normally think, I guess, a mainstream, if you want to use that term, as mainstream as Winnipeg and Neepawa, suburban Winnipeg and Neepawa can get.

I phoned the, I'll say, social worker. I'm not sure that's the right terminology, and I apologize if I don't have the right terminology. I know the person.

They're a good person, very conscientious. I can't discuss it with you. Okay. I get a letter of authorization from the father and the grandfather: Hereby, Mr. Waddell can speak on our behalf, et cetera, et cetera, signed. When I get those kinds of letters, I make sure that there's a closing date on it so that I don't have that authority, in anybody's mind, in perpetuity. So it was for the end of that year. I tried it again. I can't talk about it. Okay.

I phone the director and asked him, how does this work? Well, what case are you talking about, sir? I said, it doesn't matter. You can't discuss the case with me. So I asked again, how does this work? How can we deal with this? Which case are you talking about, sir? I said you can't discuss the case with me. It doesn't matter. I want to know the system; I want to know the process. I want you to educate me because I want to help. Third time, which case are you talking about? I told him. He said, I can't discuss that with you because we don't discuss individual cases.

* (21:50)

I talked to the social worker again. Stonewalled. You know what happened? The social worker came to the custodial father and the grandmother, who is assisting this boy's mother in raising this child in a solid environment, came down like a ton of bricks on this grandmother and father for talking to Ken Waddell. That angered me. I'm sorry. We are a small community. I'm the former mayor of the town. I'm the publisher of the local newspaper. I auctioneered for 20 years; carried people's lifelong belongings in my trust and in my trust account. Never has my integrity ever been questioned. Ever. But that family was crapped upon by a civil servant because they talked, they dared to get some help from Mr. Waddell.

The system is broken. I don't know what all the issues are, and I would be the last one to say that this young man is of perfect character, but, as a single dad, with the help of his mother, they're trying to raise a child who is now five. Three years have passed since this happened, and the system, the courts, CFS, the bureaucracy, the worshipping at the altar of privacy beyond all common sense runs a severe risk, has run the risk, of that child appearing on the front page or page 3 of the *Winnipeg Free Press* in another story by Lindor Reynolds.

Madam Chairperson: Thank you. Our time has expired.

Mr. Waddell: Thank you, Ma'am.

Madam Chairperson: Do members of the committee have questions for the presenter?

Hon. Gord Mackintosh (Minister of Family Services and Housing): Thanks, Ken, for your insights, as always. I think that what your testimonial speaks to is the importance, though, of people—all people—caring, because you are right. It's not someone else's problem, and any time that you have concerns and you take action, it's commendable. Perhaps, if you want to discuss the case any further in terms of whether—I don't know when this was, Ken, but if there are—*[interjection]*—several years ago, that if there's anything further to this that we can discover from this experience, I'd be interested in having that discussion with you.

Thanks for your appearance here tonight, Ken.

Mr. Leonard Derkach (Russell): Well, thank you for your presentation, Mr. Waddell, and that testimonial because I think that, if we were to canvass Manitobans, we would find that there are many people who have had similar experiences, as you have had. As a matter of fact, I can attest to a similar experience that I have had as an MLA in trying to represent a similar situation, but, with regard to this bill, and we have seen the types of problems that there are in CFS over the course of the last nine years, and certainly we don't wish this kind of situation on any single minister to deal with—or any government, for that matter—because the most predominant issue that is before us is the safety of the child and the well-being of the child.

I guess my question to you is: Having examined this piece of legislation, are you—do you have a suggestion for the minister as to how this bill can be amended to ensure that the proper care and the proper parameters are considered in dealing with a child that is either under CFS or within a family that is supervised through CFS?

Mr. Waddell: I'm not sure that I'm well versed enough in the legalities of the bill to offer line-by-line advice, but I do appreciate the question. I think that I'm long been known as a generalist. Other people would say Jack of all trades, master of none, but in a general way, in a logical way, I think what we need to do is make sure that the bill truly is written in a way, and should have been done years ago, that the child takes precedence.

I don't care whether this young mother would be emotionally distraught if the child didn't go with her

that weekend. That I could care less about, as long as the child is safe. I don't care, and I don't think anybody really cares, whether we meet all the niceties and all the levels of accommodation that we would like to have for ethnicity, for culture, for income levels. Nothing, nothing should take precedence over the safety of the child.

I can pull out a picture right now from my pocket that'll show you the four dearest children to my heart in the world. They're age 6, 8, 12 and 14. I look into the faces and I look into that picture every couple of days, and when I open the newspaper and see almost the same faces looking back at me, I can hardly pick up the paper. So, if we can eliminate the bureaucracy, if we can eliminate the illogical, if we can eliminate the time lines, and you probably never thought you would ever hear those words from the mouth of Ken Waddell, but, if in fact we do have to spend more money to train more people to deal with situations, then we should do it. I cannot see any other solution.

Mrs. Mavis Taillieu (Morris): Thank you for your presentation, Ken. I just had a question. When The Child and Family Services Act was amended and The Child and Family Services Authority Act was created about five years ago, there had been an opportunity, I believe, to put this safety of the child as a paramount, the safety of the child being the very most important thing. You have to put that in the legislation, but it didn't. So I'm just wondering if you feel that if this legislation—it's a good piece of legislation, but if it had been done five years ago, if some of these tragedies might have been prevented.

Mr. Waddell: I think that's quite possible. Certainly, the safety of the child should have been precedent. I hesitate to go further than I did earlier in my description of the things that shouldn't take precedent because I don't want to sound harsh or insensitive to anybody's background, to anybody's culture, to anybody's income level, or anything like that, but if a child is in trouble, we should deal with it.

Just a quick, quick example. Many years ago, probably 30 years ago, we got a call at church, and they said, all the people that can come, come to the Carberry-Spruce Woods area. It was in springtime, spring break up. There's a child missing. We need to go through the bush. So they had us shoulder to shoulder ready to go through the bush, and they spent at least an hour describing the child to us. Then they marched us off towards the bush and we got out of line a little bit. It was military that were in charge.

They called us all back. Start over again, and I said, for God's sakes, if we're out in the bush in Spruce Woods in weather like this and we find a four-year-old, surely we should pick him up and bring it home. The illogical was the master of the day one more time, and it shouldn't be allowed to be in this case.

Madam Chairperson: Thank you. Our time for questions has expired.

* (22:00)

I would at this time like to call on Darrell Rankin representing the Communist Party. I would like to call on Darrell Rankin representing the Communist Party. This is the second time that we have called for Mr. Rankin. He was dropped to the bottom of the list. At this point, he will be deleted from the

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

Madam Chairperson: On Bill 31, The Freedom of Information and Protection of Privacy Amendment Act, I would like to call on Kelly deGroot, private citizen.

Ms. deGroot, do you have materials to distribute?

Ms. Kelly deGroot (Private Citizen): No.

Madam Chairperson: You may proceed with your presentation.

Ms. deGroot: Thank you, Ms. Chair, and good evening, committee members.

Anybody that knows me knows I'm passionate. I'm here to speak against Bill 31. I'm passionate about people, I'm passionate about process and, most of all, I'm passionate about being the best we can be in this province.

Just a little bit of background on myself, I'm a professional accountant. I've worked in many different sectors in this province. I've been in the private sector in senior management roles where efficiency and effectiveness was so important, not only to our stakeholders but to our employees, in everything we did.

I've been a school trustee where the focus was on children's learning, developing good policy, and everything we did around that table as trustees was focussed on kids learning. We didn't have group-think. We discussed, we debated, and when we couldn't come to a conclusion at the end children's

learning focussed us and made us make the best policy decision we could make.

Madam Chair, I've been very proud to work in the civil service in this province. I worked for the departments of Conservation and Water Stewardship. I worked for Finance. In those departments, again, I put my passion for people and process and good effectiveness and efficiency to work as a director of finance in comptrollership. Believe me, in the province, we need people like me who strive to be the best we can be. I'm very proud to work with the civil servants. In fact, some of them I've seen in this room tonight, because I know how hard civil servants work, and I know sometimes they often get a bad rap.

I'm also proud to have run for public office twice. Again, it was my passion. It was my passion to be the best we could be in this province, to represent people, to put good ideas forward, but good ideas that were effective, that were cost-effective, that made sense.

Currently, I'm donor-focused. I'm working for a major foundation in the city. So I know about privacy. I know about the importance of this act and why it needs to be done right. I don't believe creating the privacy adjudicator position is the right way to go. I believe the adjudicator position is really nothing more than to create a bureaucracy. There's nothing more that I hate than bureaucracy, having worked in it. It's going to cause a delay, and it's not going to increase the release of information. If anything, I believe it's going to mean longer delays before the public gets the information.

Now I am so tired of hearing and reading about other provinces doing things better than us. I just came back from Montréal and was amazed at what I saw in that city. I've heard about Saskatchewan. I've heard about Alberta. I've heard about B.C. Other provinces and territories have not only created a privacy commissioner but have created a system that works much better than what is being tabled here.

I believe that this adjudicator position is really just a farce. It's inefficient, and there's nothing more I hate than that. I believe we need a privacy commissioner that can work efficiently and effectively, and that the current privacy adjudicator position is just, really, window dressing.

Under the current bill, government can now deny even more information requests by allowing bodies and departments to deny any requests they

determine as vexatious and systematic. What the heck is systematic?

Mr. Vice-Chairperson in the Chair

Again, I go back to my experience in policy in the school division, or policy in government, and I know how important it is to have policy that's clear and decisive, something that people, not only the public can follow, but that employees can follow. There is nothing more frustrating to see policy from an employee's standpoint that you can't understand and is open to so many interpretations. So I believe the word "systematic" is a very slippery slope.

There are no meaningful privacy protection revisions in this bill, and MLA Mavis Taillieu's Bill 216, in my opinion, is exactly what we need in this regard, and I don't believe there is any reason for the NDP not to pass it, other than purely partisan reasons. Not taking this into account, I believe, really hurts Manitobans.

The privacy adjudicator position was reported by the *Free Press*, in my opinion, incorrectly, where it said that Manitoba is the only province to be installing a privacy commissioner. Well, we know this is incorrect on two counts. This bill does not install a privacy commissioner, an independent privacy commissioner, and almost every other province already has a privacy commissioner. Again, we are being left behind. Why don't we do it right? Why don't we do it the best way we can?

The NDP has spun this through the *Free Press* by saying Manitoba is installing a one-of-a-kind privacy officer. Well, that's true; it is one of a kind. But I believe that this position is worthless, and I also believe that it's unnecessary, because I don't believe it's going to get the job done. Other provinces have much stronger and independent privacy commissioners, and I believe that's the route we should go. The adjudicator has no independent power and is only called in to issue orders when the government ignores the advice of the Ombudsman. Well, we all know the department of the Ombudsman, and we know the relationship there. What government is going to ignore the advice of the Ombudsman? You'd be asking for a public outcry that you couldn't even imagine. So that's not going to happen.

I believe, again, that this is a window-dressing position. They could have given the Ombudsman the order, the power-making order, if that's what they wanted to accomplish. They wanted the optics of a

privacy officer so they created the adjudicator. The question is, why? Why do we need the optics? Let's just do it right the first time. The adjudicator may be called in by the Ombudsman to investigate, not the public.

I'm also concerned that there were no people of expertise that were called in to have some input into this bill. I know Brian Bowman. I've worked with him on another board, and I really value his opinion and his expertise. Experts in this field were not consulted. I believe, and I have experienced in my work, that you need the advice and input of experts. It's valuable and it makes the bill that much stronger, and, again, I reiterate, it makes us in the province of Manitoba the best we can be.

I don't believe there's anything in this bill to increase the protection of privacy, and I've worked with privacy in everything I've done in my work life, whether it's a school division, the privacy of students, whether it's the privacy of donor information, I work in a hospital, the privacy of health information. I know how important it is. But I don't believe this bill is going to do it.

So, in closing, I believe we should have more public consultation. We should talk to the experts in this field. Revise the bill, bring it back in the fall. Thank you.

Mr. Vice-Chairperson: Thank you for your presentation.

We'll now move to questions.

Hon. Eric Robison (Minister of Culture, Heritage and Tourism): Thank you very much, Ms. deGroot, for coming out tonight and making your views known. It's quite obvious that you've given this a lot of thought. You definitely possess a lot of experience in government and outside of government working with our fellow citizens here in the province of Manitoba.

I just have a couple of quick questions, and I'll just tie them up into one. Back in April 2000, this government extended the freedom of information legislation to include public bodies, something that wasn't there previously. Mr. Vice-Chairperson, this was to include 350 municipal governments, school divisions, universities and RHAs. So that would be my first question, how you feel about that?

* (22:10)

Secondly, last year, journalists from across Canada made an identical Freedom of Information

request to governments across Canada, and Manitoba came through pretty well on all three requests made by the media and tied for fourth place for openness ahead of the federal government.

At the very least, I solicit your opinion. Are we at least moving in the right direction with respect to the bill?

Ms. deGroot: To answer your first question, I believe consultation has to be relevant and timely. I work in a profession that there are accounting standards changing all the time, major, major standards in the world. That's great we did it four years ago. We need to do it this year. We hear every day issues and crimes of identity theft, of different security breeches, and I just believe that we need more timely information than four years ago. We can do better than that.

On the second question, in terms of how we did and what my opinion is on that, whenever we come out close to the top, that's wonderful. But that doesn't mean we don't keep striving to make our process, to make our policy, to make how we do things even stronger and even better. I want to be on top. I don't want to be third or fourth or eighth or tenth. That's how I view the world, and that's how I work in the world I am.

Mrs. Mavis Taillieu (Morris): Thank you, and thank you, Kelly, for an excellent presentation. I just want to make one thing clear. I did not ask you to talk about my bill, right?

Ms. deGroot: Right.

Mrs. Taillieu: Thank you. Just wanted to put that on the record.

One of the things we've heard tonight is how the issue of privacy can be very overused and abused in terms of information that would just make common sense to share in families and neighbourhoods. Part of that reason for that is people are really afraid. There's this paranoia about information. All you have to say today is, oh, it's a privacy issue, and people go, okay. They get really scared off by it.

One of the reasons that I believe that people, that this is happening is because we don't have a person such as a privacy commissioner whose job, whose mandate is really to educate people about what privacy is, how to protect their personal information and make sure that people understand what is available, what isn't available, how it should be shared, how it shouldn't be shared. But right now we

have a lot of confusion around that, and that's the reason why I think we have this abuse of the word privacy. I think, as you said, we want to be ahead of the rest of Canada. We want to be really ahead of the pack and do what is right for Manitobans.

So I guess my question would be to you. If we want to do it right, and I think maybe you did allude to this, but would it not be in the best interests of everyone to hold this bill back, do some public consultations, consult the experts and come back with a piece of legislation that really reflects Manitoba as No. 1 in the country?

Ms. deGroot: Yes, I would agree with your comments. When this legislation came out, I was with the school division, and I remember, for lack of a better word, the confusion and the anxiety that was created about what the bill meant and what it would mean to the order of business within the school division. Now, we've come a long way and school divisions have learned and hospitals have learned and private citizens have learned, but they've learned, like you said, no, I don't have access to that or—and they usually learn the hard way. This is a chance to get it right. This is a chance to improve on it. It's been out there for a while, and I would agree that we need to send this back. Let's look at improving it and making it even stronger and better and more relevant and timely to Manitobans.

Mr. Vice-Chairperson: Thank you. Time for questions has expired.

Ms. deGroot: Thank you.

Bill 15—The Climate Change and Emissions Reductions Act

Mr. Vice-Chairperson: We'll now move to Bill 15.

Is Mr. Howard Rubuck—I hope I'm pronouncing that correctly—with us tonight? Do you have a written copy of your presentation?

Mr. Howard Rubuck (Private Citizen): No, just an oral.

Mr. Vice-Chairperson: Just oral? That's more than fine. Please begin speaking whenever you're ready.

Mr. Rubuck: Thank you for the opportunity to get up. I work twelve-hour days, seven days most weeks, because that's what it takes to make a living in this non-business-friendly climate I call Manitoba. I've been trying to stay awake here so I could get myself heard. I can't believe you guys are going to go to

midnight. I don't know why there's a rush to try and get these bills all passed.

Once again, I want to thank you for listening to me tonight. On Monday night, I was in the other room because I'm also going to speak to Bill 37, and I witnessed the discussion on whether people that weren't able to attend should have their presentations read or just put into the notes. It was kind of a disgusting, despicable arrogance shown by a couple of the committee members. So I appreciate here that everybody seems to be listening. Hopefully, we don't have that sort of thing repeated.

Kyoto's important, as are many things. We talk about the environment and Kyoto in our house. We've talked about these bills a lot as we've reviewed them in our house. We have a mixed family. I have a 15-year-old son and a fiancée with two daughters, which, I moved up here three years ago. We dated for some time. My fiancée is from New Orleans. We talked about them moving up here for a better life, to live in a better place. Hurricane Katrina came along and they moved up three years ago this coming September.

You know, with all the discussions over the last few weeks they've come to the realization that it doesn't appear to be any better here. We have crime. We hear about another murder almost every week. We have car thefts. We have shootings. We have stabbings. They look at undemocratic bills like Bill 37 or Bill 15 that really seem to do nothing. They say, you know, why are we going to stay here? So the decision has been made that my girls are moving back to New Orleans. I'm going to be forced to run two households now, travelling back and forth.

I wish that this government would spend more time thinking about Bill 15 and discussing it and consulting before they rush into legislation. You know, I think that this bill is nothing more than a waste of paper at this time. It's just another election bill. We wouldn't send our kids to school and tell the schools to just give us a thumb up or thumb down every now and then, and, if you don't have time, that's okay. Just give me one report card in four years, because there's no real urgency about anything here.

The environment is important, and this government should take the time to really consult some people and really think about this before they rush to having any bill passed. We live close to the

Brady Landfill site. We're in Richmond West. A lot of nights we can't walk very far from our house because we have to smell the stench. I don't know. It seems to me that not much is being done about that. If we walk a block over to Waverley, we witness all the garbage along the ditches from vehicles and garbage trucks travelling to that dump site. There's so much we can be addressing here, and this government does not seem to have any concern, really.

The bipole discussion, there is just another example. We're going to waste all kinds of clean energy going out the west side instead of coming down the east side. We've got a coal plant in Brandon that we probably wouldn't need if we weren't going to waste all this energy.

I'm opposed to Bill 15. We need to sit back and really discuss things a lot more before we rush to try and get this passed. That's really all I have to say.

Mr. Vice-Chairperson: Thank you very much for your presentation.

Are there any questions for Mr. Rubuck?

* (22:20)

Mr. Cliff Cullen (Turtle Mountain): Thank you very much for your presentation. I appreciate you taking the time to join us tonight in this late hour.

I think you probably talked a little bit about some of the issues we share with this particular bill, as well. I just want to go back to your comment about the Brady Landfill. Certainly, we are behind what other jurisdictions are doing. I guess I point to the city of Grand Forks, for instance, with a substantially smaller population than we have, but they've had a program there for a number of years now where they've invested quite a bit of money in their landfill. They're collecting the methane gas from that landfill. In fact, the methane gas they collect there is used to generate electricity for the rest of their city. So it's certainly a win-win situation. In fact, they also have a carbon credit system in United States, and they're actually generating a substantial income from that particular system. Just wonder what your thoughts were on that type of a system if you're thinking that type of a carbon trading system might be something that might be effective here in Manitoba.

Mr. Rubuck: Well, you know, I think generating any income, first of all, is a great idea so long as we don't use it to finance political whims and we do

something constructive with that revenue. Absolutely, you know, collecting methane gas and that are things that we should be considering. This, to me, is a nothing bill that does nothing. It just puts to work to 2011; maybe in the meantime we'll have a few committees, maybe even give some friends a few jobs and have a few discussions. But, you know, we'll work it at some point down the road. The target for 2012 is something we can meet with our eyes closed, and let's just leave it to some point down the road to work. Meanwhile, let's get this bill passed and pretend that we're really doing something.

Mr. Cullen: Mr. Vice-Chair. I appreciate your response. I guess your comment there about hiring some of our friends, if you will; that's probably a reference to the bill where the minister has the authority to appoint different advisory groups. So I'm assuming that you don't necessarily agree with that particular strategy in the bill.

Mr. Rubuck: No, absolutely. You know, I work in the cleaning equipment and supplies business. In our industry, we have a lot of knowledgeable people, but nobody's consulted anybody in our office from the government to ask us any questions. It just seems that that's not the way business is done in this province anymore.

Mr. Cullen: Right. Thank you, Mr. Vice-Chair, and thank you for that response.

The other disturbing part in the bill is that the minister alone has the ability to set emissions standards. So he can basically write his own test, if you will, and nobody at the end of the day really holds him accountable. So he can write the test and mark the test and be his own teacher, if you will. Your thoughts on that part of the bill?

Mr. Rubuck: Well, you know, I think the power should be given to anybody but a minister. This government's not demonstrated a lot of good decision-making, and you know, we've witnessed gag laws and we've empowered our old bedfellows, unions, to run political ads. So I don't just support anything in this bill.

Mr. Vice-Chairperson: Thank you very much for your presentation. Our time for questions and answers has expired.

Mr. Rubuck: Okay, thank you.

Mr. Leonard Derkach (Russell): Mr. Vice-Chair, we've had a number of presentations on this bill, and we, in the spirit of co-operation extended time for

questions on a number of occasions. I'm going to ask leave of the committee to extend the time for this individual to answer a couple of other questions. I know that there were still several outstanding questions on this side of the House—or this side of the table. I'm wondering whether members across the way would allow for another question or two of the presenter. He's been patient. He's waited, and I think it would be appropriate for us to allow that little bit of latitude, given that we still have an hour and a half of time left this evening.

Mr. Vice-Chairperson: Does the committee wish to grant leave for one or two additional questions and answers?

An Honourable Member: No.

An Honourable Member: Agreed.

Mr. Vice-Chairperson: I heard a no. Leave has been denied.

Thank you once again for your time here with us tonight.

Mr. Rubuck: Okay, thank you.

Mr. Vice-Chairperson: We will now, also on Bill 15, call up Mr. Andrew Basham. Andrew Basham, to present on Bill 15.

Do you have a written copy of your presentation?

Mr. Andrew Basham (Green Party of Manitoba): No.

Mr. Vice-Chairperson: Okay, if the committee is ready to listen, please begin your presentation.

Mr. Basham: Thank you. Thanks for being here tonight and for letting me speak to you on this bill, which is, in my view, a good first step in establishing the registry for greenhouse gas emissions, for one thing. I mean, how are we going to reach targets if we don't know what our current emissions are?

I feel that the bill—I do agree with the other presenters who said that the environment is very important. I sort of feel that the term "the environment" allows us to compartmentalize it and separate it from everything else, like the economy. So, on that note, that's one thing.

I feel that this bill is sort of end-of-the-pipe thinking. Like, it's dealing with a lot of the issues at the end of the pipe. It's reducing emissions, but it doesn't talk about a vision of a sustainable society. I don't feel like we really have that, or that the

government has the ecological literacy to develop that kind of plan.

I'll just go over what I wrote down here. I feel that the bill is good, but it doesn't go far enough. It doesn't address the real problem, which is an economic system based on growth not on well-being. As anyone with a grade 6 education should be able to figure out, infinite growth on a finite planet is impossible, and growth is a means to an end; it should not be the end itself of the economic system. The actual end, in welfare economics, is well-being, the well-being of people, and that's based on the well-being of a planet as well, the soil, the air we breathe, the food we're eating, which is grown in soil—it has got to be grown in healthy soil to make us strong and healthy—the water we're drinking. The well-being of humans is based on the well-being of the planet.

Now, just in terms of this bill, I think the idea of mitigating landfill emissions is a laudable goal, but what would be even better would be reducing the amount of organic matter and all forms of garbage, which is a human creation, entering these landfills in the first place. That's prevention. Organic matter can and must be recycled into local agriculture if we're going to have a sustainable agriculture system.

One thing the bill doesn't address, and I think it'll start, it might be able to address that—or it should be addressed at some point by the minister, by government, or by members of the opposition, is the prospect of drought in the prairies. People here have probably heard of David Schindler. They've probably seen him on the national news talking about how there's impending drought this century in the prairies. That's because all of our civilization grew up in a wet period. He's a paleo-ecologist. He's done studies on lakes and on, like, how this eco-system was before any of us were here, and it was a lot dryer. Now all of our civilization grew up in a wet period. Like, normally, it's dryer, and the Dirty Thirties was a small return to that. But he's saying these droughts are going to be much more intensive and of longer duration, like 10 to 20 years duration. That's more significant than anything we've seen before as Canadians.

I don't think that there's any plan in the government to adapt our agricultural system for drought. We don't have those kinds of plans. We talk about organic agriculture as, like, a little niche market, but that needs to be the whole system. The whole thing needs to be organic.

That's another thing. The bill does not mention anything about the potential for localized organic agriculture in: (1) reducing the emissions of transporting food around the world; and (2) in sequestering carbon in soil organic matter. Organic matter is carbon. All this CO₂ in the atmosphere, nobody thinks—we talk about reducing emissions, but what we need to really reduce is the concentration of greenhouse gases in the atmosphere. How is that going to happen? How can we sequester all this carbon? There's nothing in this bill about sequestration. But the only proposals most people are talking about is in old oil wells and things of that nature, sinking it down old mine shafts. That's not going to last. Who's responsible for that? The liability for a lot of those is only 15 years, and the company signs off and they're done. Now, it's just the taxpayers' problem if and when those gases come up again.

* (22:30)

Storing carbon in the soil organic matter, taking the CO₂ out of the atmosphere, is the only sustainable form of sequestration, and that's not mentioned anywhere in the bill. There is a section 5(4) which talks about agriculture and transportation sectors, and I'd just like to suggest to the minister right now that localized organic agriculture is something that has to be looked at. You need to support it, support it more than you're supporting agricultural biotechnology in this province in functional foods and these other technologies. That's not going to save us. In fact, it's—well, I don't want to talk about that right now.

I think natural gas is an issue that's not really discussed in here. There is talk about energy-efficient furnaces and things of that nature, but we need to further explore how to make our houses independent of natural gas because natural gas is a fossil fuel. It's finite in supply and it's running out. The only reason prices haven't gone up in Manitoba is because they're subsidized through Hydro.

But we need to start preparing all Manitobans—like how is this city going to look in 100 years from now? We're not going to have any natural gas left in Canada. We're going to be freezing in the dark, maybe even in 50 years. I looked at Natural Resources Canada's information. They say that we basically have 7.8 years' worth of natural gas left in proven reserves. Then, in unproven but discovered reserves, we have 430 trillion cubic feet, which is about 70 years. Then, in unproven, undiscovered

reserves, there are another 200 trillion cubic feet estimated.

So, all in all, that gives us 95 years approximately. But you divide that in half to get the peak, and that's 47 years from now. After the peak, when supply hits its highest point ever and inexorably goes down, well, that's where the price is going to just skyrocket. It's already going up right now. So 47 years, that's the time line I would put on getting this whole city to be independent of natural gas. If you don't have a plan or you don't have an idea that that's important in your head, well, you're not looking out for my future and you're not looking out for the future of your children either.

That's why I'm here, I guess. It's just to speak on a couple things. This bill's going to be passed. I'm not expecting a lot of these things to be included in it, but I just wanted to raise some awareness of some of those issues that I'm looking at certainly and the Green Party of Manitoba is looking at and developing plans to deal with.

We have a lot of great policies, and I would encourage all of you to take a look at our Web site. You can download our policy book there. We have a policy on drought-adapted agriculture, which I mentioned earlier, the policy on Lake Winnipeg pollution and how to actually deal with that. We have policies on fossil fuel independence, and I'd strongly suggest that you take a look at those and contact me, and we can discuss how to develop real plans for creating a sustainable society in Manitoba. This bill is a good first step, but, really, it's not going to change a lot of things. Like our friend said, yes, sure, pass, it won't change anything. Well, he probably is sort of right, but I mean it's good that you're doing something in a sense. But we need to go farther, and we need to think big and think about all the other problems in there.

So our economy needs to be seamlessly integrated with the earth's natural systems. Our infrastructure needs to also be integrated with earth's natural cycles and processes. One way you can learn how to do that is through developing your own ecological literacy, understanding how ecosystems work and how humans fit into them, because humans are designed to fit in with nature. We're not designed to be incompatible with the earth. That wouldn't make any sense. So look at how your body and the earth's systems line up and how, as a society, we can line up all of our collective bodies with that, with the earth.

Madam Chairperson in the Chair

There are some great institutes and organizations working out there. and I just wanted to bring three of them to your attention. Number 1 is the Institute of Science in Society run by a physicist, Dr. Mae-Wan Ho, who has done research on the amount of greenhouse gas emissions that could be reduced and sequestered through localized organic agriculture. She's done a report on that recently and has written a lot on fossil-fuel-free agriculture, which is the future. Secondly, is the ReSource Institute for Low Entropy Systems, or riles.org. Madam Chairperson, they have a lot of great information on infrastructure, ecological infrastructure and the centre for ecological literacy, or ecoliteracy.org. I don't know if any of that is of any use to you. They have a lot of good ideas for real solutions that are sustainable.

Thank you.

Madam Chairperson: Thank you.

Do we have questions from the committee?

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Thank you very much, Mr. Basham. There are just two quick questions.

There have been some suggestions by some of the presenters, et cetera, that we're going too fast, we're going too fast, we should be slowing down the process, we should be slowing down the bill, we should go slow, because that's the way that we should proceed. I'd like you to respond to that.

Just for expediency, as a source, I'd also like you to elaborate a little bit on the fossil-fuel-free ag and the ag industry, because it's programs that we want to work with things to move forward.

Mr. Basham: Those who are suggesting we're moving too fast, I don't know what planet you're coming from, because it's not planet Earth.

I understand we need well-designed policies and better design. I feel that this policy certainly could have better design in it, but pass it. Some of the same presenters are saying, on the one hand, don't pass it; it's too fast. On the other hand, they're saying it's not going to do anything. Well, then, what are you afraid of? It's not going to disrupt the economy. We don't have to import beaters, 1995 beaters. There are even exemptions for classic cars in here.

I don't know why you're stalling on climate change, stalling progress on dealing with a real

problem. If you have a better proposal, put it forward. Otherwise, get out of the way. That would be my response to that.

In terms of fossil-fuel-free agriculture, look at the landfills. We're trucking food into the city and then trucking garbage out. We need urban agriculture, urban agriculture where we're recycling all that organic matter within the city. Then you don't have trucks driving the food in and trucks driving the garbage out. You're reducing emissions on both fronts.

Also, we could start jackhammering up some of the concrete in this city, some of the surface parking, and turning that into organic agriculture, organic farms in the city. That will start to suck CO₂ out of the atmosphere. Not only could we be just reaching our Kyoto targets, we should realize that we're stewards of this massive ecosystem, this land.

We need to be taking responsibility, not just to not emit so much, but to actually start taking some of it out of the atmosphere and doing more than our share. We could even maybe earn some carbon credits through that type of innovation, and we'll be providing real food security for people, because if food is grown locally and is available locally, and we're not reliant on fossil fuels and any sudden interruptions in supplies or anything like that, unforeseen events, it's always better to be safe than sorry. That's my view.

I guess I'll leave it at that for now.

Mr. Cullen: Thank you very much for your presentation.

It certainly appears, this legislation, the train is leaving the station and it's on the track. Just to paraphrase what you were saying, and I think our view is that we're not sure the train is on the right track, headed in the right direction.

I certainly agree with your statements about looking at the big picture and the total sustainable development. That would be my vision of a bill coming forward in legislation is, how are we as society going to move to where, you know, the ideas that you talked about and the concept you've talked about?

This bill, in my view, is more reactionary. It looks at things that are easy to regulate, things that we can easily regulate. That has kind of been the history of this government is to regulate the things that are easy to regulate. We're lacking that big

vision, that long vision that we need to provide society with some direction in where we're headed.

* (22:40)

A classic example is the whole technology side of things, as you alluded to. There's no mention here about incentives or any cause for people in society to invest in technologies to protect the environment, to reduce greenhouse gas, to recycle, to look after our landfills.

There's none of that in this here; that's my reservation with this bill. Correct me if I'm wrong, but that's what I'm hearing you say too. This bill lacks vision and big-picture vision.

Mr. Basham: You can't really expect one bill to provide a whole vision. I look at things like the Premier's Economic Advisory Council, the economic strategy for the province; that's where I'm looking for vision. The vision I see in those is a nightmare in my view.

Who's crafting those kinds of visions? You need the people involved, not just people who are self-selecting and were coming up here to speak, but all the people who are sitting out there and not coming forward. What do they think? Where do they want to see this province go?

If you're asking me for my vision of Manitoba, look at the Green Party of Manitoba's platform. That's what I agree with. I think ecological literacy provides a framework for developing that kind of a vision.

I think you do need incentives. I'm not sure exactly what technologies you're speaking about. Some of them I'm looking at are ecological sanitation technology, but they're low-entropy technologies. These are not going to be like hybrid cars and biofuels. Those are not the kinds of technologies that are going to help; those are just going to exacerbate the problem because they're false solutions. They're false-fixed; they're quick fixes to a very complex problem.

We do need incentives for people to study these things. Personally, I would like to get my master's degree studying sustainability in Manitoba. I put together a research proposal for a masters' scholarship to do just that, to develop a provincial, sustainability, assessment framework. There's not a lot of money for people.

Madam Chairperson: I'm sorry, time for questions has expired.

Mr. Blaine Pedersen (Carman): I would like to ask leave of the committee for Mr. Basham to entertain some more questions.

The idea of this committee is to hear public consultations. Here we have a young man that comes here and he's actually brought forth some ideas and some real goals that he would like to see for Bill 15.

I'd also remind the committee that, with Bill 37 about to pass, the Green Party will actually be able to get funding and will become a real threat to the NDP. I think it really becomes incumbent upon this committee to hear some more ideas from this gentleman.

Madam Chairperson: Is it the will of the committee to give leave to allow Mr. Basham to answer a few—

Some Honourable Members: No.

Madam Chairperson: Leave has not been granted.

Point of Order

Mr. Ron Schuler (Springfield): I know the intent of NDP members on this committee is to ram the legislation through; we understand that. We understand, in the end, the government has to get its legislation through and, if that means they use closure or whatever, we understand that as a committee.

We have someone at this committee right now who is a leader of a party and—

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Mr. Schuler: Considering that our presenter is the leader of a political party, I think we owe him a little bit of respect, give him a little bit more time.

Last night, we had Sid Green in the other committee, former NDP Cabinet minister. Out of courtesy, we extended to him 45 minutes in committee.

I don't think our presenter is asking for 45 minutes. I think, perhaps, an extra five minutes, 10 minutes to answer a few questions.

We at this committee owe it to ourselves to at least hear what this individual has to say. We've extended it to individuals in other committees; I believe we should extend it to the leader of a political party, another political party here in Manitoba.

I think that's just common courtesy. I would ask you, Madam Chair, to canvass the committee one more time to see if there is leave to have a few more questions of this individual.

Madam Chairperson: On the point of order, there is no point of order. Rule 92 applies and, as Chair, I can only entertain what the committee at this table agrees to, according to rule 92(2).

Point of Order

Mr. Derkach: On another point of order, Madam Chair, we have two bills before us that deal with privacy. One deals with The Freedom of Information and Protection of Privacy Act, and the other one is with regard to privacy in health.

Madam Chair, privacy at this table is also an important element of committee. From time to time, our staff will share notes with us, who are around the table, and those notes are left on the table with the understanding that they are private property and should belong to the person who they were sent to.

I am a little bit distraught because we have a note that has been apparently taken by a member on the opposite side that really doesn't belong to her, and as a matter of fact belongs to one of our staff.

Now, Madam Chair, to take a document like that may seem to be a frivolous matter. However, it is a—

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Mr. Derkach: It is a document that has some sort of message on it. I don't know what the message is, and neither does it matter, but it's the issue that is at stake here. It's an issue that relates to private property and the privacy of an individual.

In this committee, we have always had some respect for privacy, in that I don't go around and snatch papers off the minister's table, and I don't expect that they would do that from us.

Madam Chair, we have an issue. It has to do with privacy. I don't know what's on the note, neither do I need to know, but if it did not belong to the minister then she should not have it in her possession and she should return it.

I think this is an issue that—we can laugh about it and take it in jest, but, on the other hand, what does it symbolize? What does it represent? It represents something around the table that is contrary to the protection of privacy and information and, indeed, I

thought that there would be, we would have more respect for trust around the table and that, indeed, in the spirit of co-operation, that, if I found a note on this table that didn't belong to me, I would probably return it. In fact, if it was Mr. Lemieux's and I saw it, I would say, well, Mr. Lemieux, I think this belongs to you.

Therefore, it is—maybe it's not the most serious matter of the evening, but, indeed, it is a matter that we should be taking account of, and one that we should be cognizant of in the spirit of looking at bills that talk about personal freedoms, personal privacies, and also freedom of information—

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please.

Mr. Derkach: —and property.

With that, Madam Chair, I leave this to you for your ruling, but, indeed, I think it is a transgression of privacy, and one that we should deal with in this committee.

Madam Chairperson: Thank you, Mr. Derkach. I will take your point of order under advisement so that I may pursue *Hansard* and consult the procedural authorities. I will report back to the committee once I have completed that study.

Point of Order

Mr. Derkach: Well, Madam Chair, then, on another point of order, I would request that the note that is in the possession of the minister be returned to the person who owns that paper. It belongs to a staffperson who is working for us at this committee.

Madam Chairperson: Mr. Derkach, on your point of order, I will take this point of order under advisement and I will report back to the committee once I've completed that study.

* (22:50)

Mr. Derkach: Madam Chair, I know that the document is in the possession of the minister. If I have to ask for security of this room until that document is returned, I will, and I think I have the right to do that.

Madam Chairperson: On the record, I will note that the note was returned to Mr. Derkach.

* * *

Mr. Schuler: Could you please ask the committee one more time if they would give leave for a few

more questions, for this presenter to answer a few more questions.

Madam Chairperson: Is it the will of the committee to give leave to the presenter to—

Some Honourable Members: Leave.

An Honourable Member: No.

Madam Chairperson: Leave has not been granted. Thank you.

I will now call on David Enns, private citizen, on Bill 15, The Climate Change and Emissions Reductions Act. Do you have material to distribute?

Mr. David Enns (Private Citizen): No.

Madam Chairperson: Thank you. Proceed with your presentation.

Mr. Enns: I'm coming to you today as a university student enrolled in engineering and as a new-car owner.

To start with, I'd like to say that care for our environment should be an ongoing fight. It should have nothing to do with election dates, political parties, or any one of us. It should have to do with every citizen of Manitoba, Canada, and the entire world. It's our duty to protect this planet.

So, when I read that 95 percent of the work on this project will be done in 2012, after the next election, I would begin to wonder why dates are coming into the matter at all. I'm starting to think that this should start tomorrow, or as soon as this committee lets out. This should be something we all care for in the immediate future. I'm not saying our government is the sole entity that's responsible for this entire problem that is facing us. As I stated before, we are all responsible, but we're responsible right now.

I would like to bring up the fact, again, that I'm an engineering student, mechanical engineering to be specific. I say this because I've taken multiple lectures with professors that have ranted for 50 minutes or 75 minutes straight on how, as young engineers, we're responsible for the environment in what we create and design, and that we will swear an oath when we graduate that we are to protect the public to the best of our abilities. We do that in any way possible, whether you're building a bridge, designing a car that's better for the environment, a biological engineer or a chemical engineer that can design the agriculture or the machines to produce the agriculture that will work to save our environment.

In my specific case, I'm on an engineering team that builds cars, and we are starting to build a hybrid car, which is just one way we can help save our environment. Now, Manitoba Hydro and New Flyer Industries have contributed in excess of \$100,000 to this project, which, to us, is an incredible amount. To some it might not be much, but it shows that everybody's willing to be on board for this and to help out. Now this hybrid car is just one thing we can show that you don't have to be a vegan or drive a Prius to care about the environment. This is a racing team. So we can all be environmentally friendly in our own way.

But, for these types of programs, such as this hybrid car, to grow, they need funding. I'm not asking for money. I'm saying that our government can start right now to help change our province by funding these sort of programs, helping them to grow. Some may ask how we can afford this. All I have to say to this is Bipole III, literally millions upon millions upon millions upon millions of dollars of free energy sitting there that we can tap and use or lose by building on the west side of the lakes. I believe the number is \$400 million, which we could use to fund any number of programs: (1) Like the federal campaign to give a cash rebate for any car you buy that falls under their list of cars that are environmentally friendly, we'll call it, such as what I've bought, a Toyota Yaris. It was a huge reason I bought the car. I got \$1,000 back just for buying the car because it's better than a Hummer, we'll say.

So we could fund these types of projects to rebate citizens of Manitoba to be friendly to the environment and buy a car that performs just as well and is better for the environment, and you won't notice any difference to your daily life.

Other types of things we have are Green Teams that clean up our roads, clean up our streets, our province, and make it look better and healthier for everybody, for us, the plants and the animals. There's no reason we can't fund with, say, \$400 million, projects like this, making committees to form programs and anything to fund these types of things that help them grow and clean up our province.

Places like New Flyer, we could also fund—which is building hybrid buses, which, again, is just a small step in the right direction. Half of western Canada is using our hybrid buses that are bigger, longer; they use less gas to transport twice as many people around the city. So, if you take 12 cars off the road, you're taking 24 and still using less gas. Why

are we not using these? Why are we not funding programs to have Winnipeg implement these types of programs for hybrid buses to be on our streets? They're here, we don't have to transport them; they're already being built; they're already designed. They're there, ready for us to use.

One other thing, with the exceptional amount of money we could be gaining if we built on the right side or the east side of the lakes is that we can sell this energy to anybody. We don't need it right now. We have our natural gas for now—for now, I say. We have the energy from Hydro, from the dams we've built so far. It's working very well, but we could sell this to Alberta, Ontario, the United States. We could run the line straight south through Minnesota, North Dakota, South Dakota and help them clean up the environment. It's not just Manitoba we're looking at; we're looking at the entire world and help them save it.

We can do this and not waste the money. We could easily be guaranteed to have between, I think it's \$400 million or a billion or two billion, or whatever it would be, for years and years to come. This isn't just a right now thing. We have to save it for now, for my generation, for your children, for the next 75, 100 or 1000 years.

Not too long ago, Spirited Energy was brought in. We wanted to be known as a hydro-electric province because of Manitoba Hydro and the land of 10,000 lakes, and the rivers we have and the dams we have. But, if we want to be known as this type of province, you'd think we'd want to produce as much hydro-electric energy as we can and run everything off of hydro. It just stands to reason.

If you'll allow me to go back to points I made before and go off a little here. I'm a student, I write exams, papers, quizzes and tests on a weekly basis. They're graded by a professor, a teaching assistant or a fair third-party that I have no influence over. Say I have a best friend named Derek who is going to grade my paper. There is a serious bias. Why not just give me the A-plus? It's fair, it's legal, it's the mark that counts. Nobody's going to question it. This is not something that can work.

Somebody from a third party, we'll say, has to have the final decision on this, not someone who is directly related to the person making the decisions. This can't work; it never has worked. With a third party, a professor or teaching assistant, it's worked in

universities for hundreds of hundreds of years. They've been around for hundreds of hundreds of years. This can't work.

So, with one person presiding over this on this side of the bench, they have the obvious say. So, no matter what they say, it will be right. If they reduce emissions by 1 percent, that's great, they'll say. It's not helping because we're only getting worse. We're growing and that 1 percent will come off the 5 percent we've grown, so we've still grown 4 percent, which doesn't help anybody.

With this, I'd just like to say thank you to the committee for allowing me to have my say in this. That's all.

Madam Chairperson: Thank you. Do members of the committee have questions?

Mr. Rondeau: Thank you very much for taking the time and effort to present to the committee. I assume it's your first time of doing that. I would also like to thank you for a lot of the ideas. If you would like to look at the plan, it's on-line. We can also provide it in CD or paper form if you need. Look at it and if you have any feedback, I'd appreciate you giving us the feedback because I think some of your suggestions were very good and we'd like to move quickly on those. Thank you.

* (23:00)

Mr. Enns: Thank you.

Mr. Derkach: Thank you for your presentation. *[inaudible]* a young Manitoban. I want to congratulate you for stepping forward on a bill that I think is probably going to have as much impact on you as any of us and perhaps even more, and so, therefore, young people like yourself should have a say. I'm glad that you took the time from your studies and your other activities to come out and make this presentation, and I hope it's not going to be the last one.

What I was impressed with in your presentation was that you were looking beyond just what the bill speaks about. You were looking at areas of our economy and sectors of our economy and our society where changes could be made to enhance the environment and to enhance the quality of life for people in this province. I know that you don't have this presentation in written form, but, indeed, it's going to be recorded in *Hansard*. I would wonder whether you had any objections if we were to take your presentation, once it appears in *Hansard*, and

perhaps share it with other youth in the province to show them that indeed leaders like yourself in our province are making a difference by making presentations to a committee that is going to set the track for future Manitobans.

Mr. Enns: I'd see no problem with that, and I think it's a wonderful idea. I'd like to get every Manitoban involved, whether they be 18, 50, or 95. They all have to be involved.

Mr. Larry Maguire (Arthur-Virden): Thank you very much, as well, Mr. Enns, for your presentation. That was excellent, and I appreciate your interest in the climate change and the issues that have come up.

One of the issues that came forward, and I think one of the reasons why we feel there are shortfalls in this type of a bill, is that if the government was truly concerned about making impressions of their own, one of the presenters earlier in week made the comment that one of the biggest ways that the government could make changes is to take 8,000 of the vehicles that come through Autopac a year out of the system. Of course, they go up for resale and there are taxes collected on those, and that is a concern. The gentleman was from the auto industry and certainly had great expertise in which he presented. So a simple thing like that, the government had forgotten to consult with him in regard to his whole industry, his whole sector of the industry, the auto industry, before they brought in a bill like this that really, you know, gives lip service to wanting to make changes.

We want to make changes; we want to see more changes made and more improvements made to our environment in Manitoba for not only ourselves at that middle age that you talked about, but for people that are 18 like yourself, or you may be a little older than that—I'm not sure. I commend you as an engineer for taking a great interest in this because that is where the future development of not only the auto industry perhaps but many other energy sources that we have will come out of the type of work that you'll do in the future.

So can you comment on the bill in relation to the substance that you see in it, or the substance that is lacking in the bill and can you offer any opportunities for improvement?

Mr. Enns: Any step in this direction is a good step, no matter if it's small or large. You have to start somewhere, which this is, but you need to keep pushing it. It has to be right now. You have this step;

why not just make it a bigger one, make it a bigger stride? So, if you wait and pass it a few months down the road, a few years down the road, and keep awareness up, you could do the same thing, except when this passes, you'll have something even bigger coming in, which is great. If you pass this now, you'll just have to pass something even bigger or maybe of the same magnitude, again, later on down the road, wasting more time, which is what's running out. We don't have that much time to do this. It's coming now and we're at the point where things have to change now or they won't change at all. So this step is good, but it needs to be bigger and needs to be followed by steps like it or bigger. Thank you.

Madam Chairperson: Thank you. Our time for questions has expired.

Bill 10—The Legislative Library Act

Madam Chairperson: Our next presenter is on Bill 10, The Legislative Library Act, and I would like to now call on Ken Waddell.

Do you have materials to distribute? You may begin your presentation.

Mr. Ken Waddell (Private Citizen): Thank you, Madam Chair, members of the committee. I should have brought a change of clothes tonight because you're probably getting tired of looking at this jacket, but anyway it's an environmentally friendly jacket because I bought it at Value Village.

Speaking in opposition to Bill 10 and I think it's quite disturbing that I didn't—I guess I should apologize that I wasn't aware of this bill until this evening. I guess to that extent, shame on me as a newspaper person, someone who is in the publishing business, but I think shame on the government as well because no consultation has taken place that I'm aware of on this bill.

I don't know whether the members of the committee are aware or not but there are 45 community newspapers in Manitoba, all members of the Manitoba Community Newspapers Association, and there is to my knowledge been no consultation on this bill with the association. Now the irritating part, I guess, isn't the fact that it's going to cost association members money. The irritating part is that it's so trivial in its scope and I will explain.

First of all, we are required as a newspaper currently—unless I have the rules and regulations totally misunderstood but I shouldn't because we've been in the business for 20 years—when we publish

our paper we are required by law to send one copy, actually two copies to the Legislative Library. They have graciously, over the years, paid for one subscription, asked us to send the second subscription for free and of course being very generous people that we are, wanting to serve our country well and not get in trouble with the government, we've all complied.

The Legislative Library and the closely related Manitoba Archives have, as you may know or you may not know, a copy of every publication that has ever been published newspaper-wise, magazines, et cetera, in Manitoba since the beginning of the province. It is a vast treasure trove of information. So we don't mind participating. We'd like to get paid for both our copies. After all we are in the newspaper business. I don't think that the Legislature restaurant goes to the beef producers and say we'll buy 10 pounds of beef if you'll give us 10 pounds of beef. They probably don't go to the Peak of the Market people and say we'll buy 100 pounds of carrots from Larry McIntosh as long as you send us 100 pounds for free. So I would wonder why we should actually have to send one copy paid and one copy free, simply not acceptable.

Now, I cannot speak for the Manitoba Community Newspapers Association. I am a member but I am not on the board, nor do I have the authority of the president to speak here tonight. I know the president, Mr. Greg Nesbitt, very well and I would think that he would want to express his concern about this bill as well.

Now the part about the money is not the huge issue. It gets more aggravating than that, because it says, si la publication parait uniquement sous forme 14 exemplaires; we are to send 14 copies now, not two, to the Legislative Library. I find that rather amazing when we're talking about an environmental bill tonight, and we've been required to send two copies of our paper, now we're going to be required to send 14 copies of our paper.

I wouldn't mind if I could have a registered record of the MLAs who duly read the copies of the *Neepawa Banner*. Now I know occasionally they do. I know that Mr. Lemieux has once, on occasion, read my paper. However, I would wonder—I would wonder—why we need 14 copies. I certainly don't want to send the Legislative Library 14 copies and pay the freight on it without compensation. I really don't and I don't think it's fair. But that's not the biggest and most frustrating part of it.

* (23:10)

We're talking about being environmentally friendly. We're talking about moving into the 21st century, even though we're quite a few years into it already. Our newspaper has been totally digital for a number of years. When we make up our pages—when we make up our pages—they're made up as electronic PDFs, portable document files, which are sent via Internet to an FTP site at the printer, and the paper is printed from that. That same PDF file, portable document file, electronic file, is posted to an archive called AWSOM. It's just an acronym, but AW stands for Alberta weekly newspapers. They have a system and we, as an association, have invested heavily in that system so that all our newspapers, every week, the day that they come out, are posted in an electronic archive, and you don't have to handle the paper at all.

We do charge a small subscription fee but it is cheaper than the mail-out subscription fee for our newspapers. You can access our newspapers on a weekly basis or back as far as we have the archives in place. We've never been asked to deal with that.

Furthermore, it is the intention of the Manitoba Community Newspaper Association to ask the government to look at taking the microfiche, the microfilm versions of the paper, converting them to PDFs, co-operating with us in posting them into this AWSOM system, and then, lo and behold, you would have a searchable data base of all the newspapers, all the magazines, that have ever been published in Manitoba right back to 1870.

Furthermore, if Mr. Lemieux wanted to look up and see whether I had written about him in the paper, or Mr. Derkach, they could type in their name and it would search all the PDFs of all the newspapers that have ever been published in Manitoba and come up with all the pages that have ever mentioned a particular name. It would be an invaluable resource for the political offices. It would be an invaluable resource and is, as far back as we go now which is three or four years, for searching family history, community events, whatever.

This bill is really quite ridiculous, because not only is it retrogressive, asking us for 14 copies instead of two, and not addressing the electronic capabilities that we currently have.

So I would ask you to take this bill and pitch it until you've talked to the Community Newspaper

Association and get up with the 21st century. You guys are so far behind, you think you're first.

Thank you.

Madam Chairperson: Thank you very much.

Do members of the committee have questions for the presenter?

Hon. Eric Robinson (Minister of Culture, Heritage, Tourism and Sport): Yes, well, thank you very much, Ken. You're never vague, let me say. Thank you very much for giving your thoughts on this.

What this bill sets out to do, and I'll get further clarification, I'm sure, members, my colleagues, around this table will have further questions of the act. What this continues to be is a non-partisan library service for all members of the Legislative Assembly and their staff as well. It comes in very handy actually, and I've had the occasion of reading your newspaper, and I enjoyed it very much. I've read it more than once, as a matter of fact.

It also maintains the legal deposit provisions of the act by which the library may ask for and to receive, at no cost, at least one copy of all items published in Manitoba. So this is a tremendous historical asset for our province. This provision, as you correctly pointed out, has been in place since after World War I, as a matter of fact, 1919. The publishers of our province have been very co-operative over the last 88 years, and I understand that it is the library's job to preserve what is published in our province so that many years down the road when the newspapers have crumbled away and the books are worn out or lost, that there'll be a place where people can go and find out what is important in Manitoba at any given time.

Although I appreciate your comments, I fail to see where I can agree with you. Thank you very much.

Mrs. Mavis Taillieu (Morris): I'll let Mrs. Rowat go.

Madam Chairperson: Sorry. Mr. Waddell.

Mr. Waddell: It's not the one issue for an archival library that's the issue, Mr. Minister. It's the idea of having to send 14 and not being reimbursed for the cost of doing so, in my personal view. Please excuse me, I'm not speaking for the Manitoba Community Newspaper Association. I don't have the authority to do so. I don't think they even know this bill exists.

The latter points I was making is I was encouraging government—and industry, for that matter—to look very, very seriously at what we have available to you at a very reasonable cost in terms of a searchable document that would be much handier for you to use than the actual hardcopy.

Mr. Robinson: One further point, Ken. Let me just say that for a non-governmental publication, which yours is, on written requests of the Legislative Librarian our requirement is simply one copy.

Mr. Waddell: I apologize if I misread the bill. I was reading in section 8(2) where it said 14 copies.

Mr. Robinson: Yes, that would be for government departments and agencies.

Mr. Waddell: That's under 8(2)?

Mr. Robinson: Madam Chairperson, under 8(2)—

Mr. Waddell: Yes, 14 copies under 8(2).

Mr. Robinson: Yes, section 8 is what my last comment was. My earlier comment is under section 8 or, pardon me, under section 9.

Mr. Waddell: I believe you're correct, sir, my apologies.

Mrs. Taillieu: Well, I just want to clarify. I know that the requirement was previously that there were two copies to be sent in. One was free and one the Legislative Library paid a subscription for. Are now you saying that you have to send in your copies, both copies, free or is it just one copy or—just clarify that?

Mr. Waddell: I believe that, as the minister has clarified, that the publications, non-government publications, are required to send in only one copy, but it is for free. We will not be compensated for it.

Mrs. Taillieu: So at one point you were being compensated for at least one subscription?

Mr. Waddell: Correct.

Mrs. Taillieu: And now you're not being compensated at all, so it's actually—because you have to provide the copy for free.

Secondly, I know that newspapers are, you know—you have to send them in probably every week, and that's cost to you. So, to me, it's just an added cost that you add on to your business and I wouldn't be surprised if other newspapers might take exception to this as well.

Mr. Waddell: I'm sure they will. It's not a large amount of money. We realize it's probably \$45 to

maybe \$55 a year in commercial retail value, but nonetheless, it's an imposition upon us and I think that—I'm sure that the Manitoba Community Newspaper Association will respond to this and will be trying to do something about it in terms of third reading.

Madam Chairperson: The time for questions has expired. Thank you.

Mr. Leonard Derkach (Russell): Madam Chairperson, for clarification, there seems to be—just from the minister's comments and the question from the presenter, I was taking that the issue on how many copies should be sent to the library was one, but then section 11, and I needed some clarification on this, the Lieutenant-Governor-in-Council may make regulations prescribing the required number of copies of publications for the purpose of subsection 8(2) and section 9, which says that by regulation the government may require more than the one copy. Is that correct?

* (23:20)

Mr. Robinson: We will continue, as has been the practice, to continue paying for one copy. So I just wanted to make that one important point clear.

Madam Chairperson: Thank you.

I would now like to call on Christine Waddell, also on Bill 10, The Legislative Library Act.

I will now call on Christine Waddell, also speaking on Bill 10. Okay, Christine Waddell will be dropped to the bottom of the list.

Bill 15—The Climate Change and Emissions Reductions Act

Madam Chairperson: I would now like to call upon Rick Negrych on Bill 15, The Climate Change and Emissions Reductions Act, and Bill 31, The Freedom of Information and Protection of Privacy Amendment Act.

Do you wish to do Bill 31 first?

Floor Comment: Fifteen.

Madam Chairperson: Fifteen?

Do you have materials to distribute? Please begin your presentation.

Mr. Rick Negrych (Private Citizen): Thank you, and I think it's still evening. It's a pleasure to be able to come here and express my concerns about the environment. I've sat through committee meetings on

Bill 37 for a couple nights and tonight I presented and I get a chance to speak out on environment.

There's a number of issues on environment that concern me, and the present government doesn't seem to take any of these things seriously.

To start with, they're going to have their own people grade them on how well or how poorly they're doing on environment, and they don't have to answer to anybody or about anything until after the next election, which is in 2012. So they're going to have a free ride for three, four years, and then they're going to—hopefully, the people will vote them back so they can say, well, we got a passing grade because we checked our own papers and the fox that was put in the hen pen took as many hens, but nobody really knows how many he ate because nobody's accountable to anybody. And it's the same here with the NDP government. They're really not accountable to anybody. They grade their own papers, and they'll give themselves either A-plus or B-plus or whatever they want, and that's fine. And the people out in the public who are paying the taxes are not any the wiser because, first of all, our money sure didn't know there was a bill before the House and before committee to speak about environment.

Some of the things about environment—Mr. Robinson was here earlier, he's not here now. I used to work as a mechanic for the Province of Manitoba and I used to travel up north to the different reserves to fix government equipment. And in the spring of the year it was nothing to see a bunch of snowmobiles lined up on the lakeshores that were waiting for the ice to melt and they sank to the bottom of the lake with the oil and gas polluting the environment and killing the fish and whatever was in the water. And it's still happening to this day, and nothing's being done. There are different organizations trying to go in there and get permission to take these machines before they sank to the bottom of the lake, and they weren't allowed to because it didn't belong to them. It belonged to the government. So, if they're concerned about the environment, clean up these machines in the spring and in the fall. The same thing happened with boats and boat motors. They'd be left in the water and pollute the water.

Then, furthermore, on environment, air conditioning. Back as a mechanic in the early years, in the '80s, they forced us to get tickets and go through a course before you could work on air conditioning. But now you can still work in air

conditioning if you can work in your backyard. You can let the Freon into the air, as long as you don't get caught. But, as long as you have the ticket, it makes it legal. You didn't have to have the equipment to work on air conditioning, just the ticket.

When the small-car owners, they would let two or three pounds of Freon out of their air conditioner off a car, they were penalized the same amount as the big factories which let out tons of Freon into atmosphere. But it was cheaper for the big companies to let the Freon into the atmosphere. It was cheaper for them than to recycle it. It cost them many times more to recycle it and save it than to let it off into atmosphere. So that's what they did. But meanwhile the small-car owner was fined, I think, at that point was about around \$3,000 for letting the Freon out into atmosphere. They were concerned about the ozone layer, but nothing's being done about it. It's still happening this day.

So the minister that's going to be looking after his own grading, he can still give himself whatever passing mark he chooses and nothing will be done because nobody's going to know any better. My daughter just graduated from education. She wasn't allowed to check her own papers. She had to turn her assignments in to a professor and he checked it; he gave her the marks as she needed to pass the courses and graduate and get her degrees to go and teach. Now, as a teacher she's not going to let the students check their own papers. She's going to check them, and she spends hours checking papers so she can give the students a fairer mark that they have earned or haven't earned.

How this present government sets goals for themselves, I have no idea. How can they possibly learn from their mistakes when they don't believe they make any mistakes, 'cause there's nobody to grade them but themselves?

It's like the school system. I think it's changed now, but at one time, not that far back, whether you passed or you didn't pass, you were put into the next grade because of the system which—*[interjection]*—pardon me, of the system that wouldn't hold back a student because it wasn't good for his self-image. You're more worried about the self-image than the fact that the student should learn. It's the same thing with the government. They don't care if they learn or not from what's happening, as long as they get a passing grade. So they go on to the next—as a result, nothing will be done about environment.

Then we get into bipole. The famous west-side line that the present government wants to put through. Mr. Waddell asked what—he doesn't know why they need 14 copies of the paper. Well, that's to use up the trees that they're going to cut by going on the west side. When they go 500 miles—500 kilometres further down the west side than they would on the east side, they're going to cut down a lot more trees. I'm not sure if our Premier (Mr. Doer) has been out in the country lately to know that through the Duck Mountains, which this new west-side bipole would go, there are a lot of trees there. I used to live out in that country and I know that country probably a lot better than our Premier does, when he says they'll cut down less trees by going to west side even though it's 500 kilometres further.

He's worried about boreal forest. Well, there's more boreal forest on the west side than there is on the east side. On top of that, by going on the east side, it would give the First Nation people up north an all-weather road to get in and out. That way it'll be an advantage to them.

* (23:30)

But cutting more trees cuts down the oxygen that's put out into the atmosphere by trees. But that doesn't seem to matter. Forty megawatts of power will be lost because of 500 more kilometres of hydro line that's going to be put out there. So transmission loss turns into dollars, which then turns into costs. But, of course, they're so used to taxing the people of Manitoba, that it doesn't really matter how much more money they lose. All they're interested in is some personal agenda by going on the west side, for whatever reason.

They sold a bunch of power to Wisconsin, and I'm not sure who it makes sense to, for the west side to go all the way to the west side of the province, come all the way back to Wisconsin. If it went down the east side, it will be almost a straight line down south, which would save on kilowatts lost. That's common sense, but that seems to be a foreign thing to the present government, common sense. The more money you can save, the less you have to tax the people.

Environment is a big thing. If we can start saving now, it will be that much better for our kids and the future of our province.

The bipole also—the money that's been spent on studies and yet to this point, they really haven't decided how they're going to do it, or what they're

going to do. The generating plant where this hydro is supposed to come from, it might not be in effect till 2018 or maybe longer before they even start building on it. So I'm not altogether sure if they're that worried about environment, why they're taking so much time and prolonging all this to save their environment. They should get started on it right now and get something done.

Mr. Robinson's here now; he was out when I mentioned about the effect on First Nation reserves up north, about the snowmobiles that are left in the water, on the ice during the spring. They're melting and the gas and oil goes into the water, which hurts their environment. Something should be done about that and perhaps you can maybe look into that.

Madam Chairperson: Thank you. Time for presentation has expired.

Do members of the committee have questions?

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Thank you very much. Your presentation had interesting points to it.

Just wondering whether you believe that we should be—you said something about environment, et cetera, I think during your presentation on snowmobiles, et cetera. I was just wondering whether you liked the program for demand-side management and energy efficiency and the whole geothermal and programs like that that are rolling out in the bill?

Mr. Negrych: Geothermal is a good thing because it helps environment and it's cost efficient. Fuel-efficient vehicles are good things. One, it saves money and second, it saves the environment by not polluting the environment. I mean, our cars today are far more efficient than some of the older cars used to be, and as a mechanic, I know what kind of difference it makes on the type and different type of cars that are out there, and the trucks that are out there. Whether they burn—some of our recreation vehicles which go on eight to nine miles on a gallon of gas. I mean, first of all, it's very costly, and second, it's polluting the environment far more than it needs to be.

Mr. Larry Maguire (Arthur-Virden): Thank you, Madam Chair. Thank you very much for your presentation, Mr. Negrych.

You've put some very frank points on the table and I certainly confirm some of the things that you've said is what we see with some of the bills that have

come forward. One of the things that concerns me most about this is that the government is proposing to only do 5 percent of the reductions of emissions in the first three years. The year after the next election, they are proposing to do 95 percent of some of the reductions that they talk about. That doesn't seem to be a very balanced way of approaching things in my estimation, and I just wondered what you might—what you're offering would be on that?

The second to that, as well, your comments about the wasted hydro emissions that would come off of a line that's 400 kilometres extra longer than it needs to be, somewhere in the neighbourhood of \$2 billion that certainly came forward to my attention when the previous—one of your previous presenters tonight made the comments that tax incentives and some opportunities to utilize funds should be used to promote, perhaps, some tax credits, some tax opportunities, advantages or sponsorships towards some types of business development could be used. Two billion dollars is a lot of money over a period of time, regardless of the period of time.

I wonder two things, then: what your thoughts are on the balance of emissions, the biasness of 95 percent being in the year after the next election and, perhaps, how \$2 billion could be used or whether you think it should be used in incentives to not only attract new business to Manitoba but to help those that are already here.

Mr. Negrych: First of all, on the 5 percent—95 percent, who is to say that they even did a 5 percent by 2012?

You know, I mean, they're grading themselves so whether they do zero or 5 percent, nobody'll ever know. The 95 percent, it's only if they get another majority and if they can deceive the people well enough into voting for them, as they have in this past election; 95 percent, it's a good number, but what does it really mean and will it get done? If they can only do 5 percent between now and then, which is four years, how much longer will it take them to do 95 percent? Divide 95 by four, it goes a long way. Might be 2040 and by then I won't have to worry about it.

The \$2 billion, well, the first thing they could do is cut taxes. I mean, there are a lot of taxes that could be cut in \$2 billion. Then they wouldn't have to rely on Ottawa for the 40 percent of equalization payments that we're—you know, we're the only have-not province west of News Brunswick, is it? Two billion dollars, it would go a long ways to

cutting taxes, paying for some of the—for police to go on a street, for health care, a number of things.

Madam Chairperson: Thank you. Our time for questions has expired.

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

Madam Chairperson: Mr. Negrych, are you prepared to commence your presentation on Bill 31?

Mr. Rick Negrych (Private Citizen): On privacy act.

Madam Chairperson: Bill 31, The Freedom of Information and Protection of Privacy Amendment Act.

Mr. Negrych: Yes, the privacy act.

Madam Chairperson: You may begin your presentation.

Mr. Negrych: There are a number of things about the privacy act.

It seems to me, and the biggest one that really is my concern, is the criminal has more privacy than the tax-paying citizen. If a criminal's picked up—and that's the one that's really hits home with me—and he's incarcerated and he's let out later, he can live right next door to me and I have no business whether I know he's living there or not. For example, two doors down from me is a sex offender that's been let out presently and it's only by means that I can't mention here, that I found out that he was next door. My daughter, who used to go for a walk in the evenings, since we found out, is not free to walk the streets, because he's living next door and nobody has to know about it except him because that's his freedom. But I don't have the right to know, so I can protect my family against that.

* (23:40)

The other thing on privacy, we had a—used to have a rental property that had a pedophile living in it. I had no rights to know. It happened that one of our neighbours living beside that rental property somehow found out that he was a pedophile and let us know. Meanwhile, while he was in there renting, he was having all kinds of kids over there, and he was supposed to be out on bail or probation. So the privacy act seems to be for the criminal, and these things need to be changed.

We'll probably end up saying—the present government probably is saying, well, it's a federal

issue. Well, I think we need to do something provincially to deal with these things. I've heard so much over the last couple of days about why doesn't the federal government do this, or why doesn't the federal government do that? We really need to take account and do the things here provincially that we can do.

The privacy act—we have the banks and different organizations, they can get information from us, any kind of information they want. All they have to do is get in on a computer. Yet, if I need to know something, I can't get it because there's a privacy act. There's no freedom of information, but there's a privacy act and it deals only to protect those that don't even have the right to have that.

There's a privacy act—I guess that's what's coming down with Bill 37, but it's only for the opposition, and only for information that we can get out to the public. As MLAs you can only get information out to the public if it's censored. That must be part of the privacy act that they want to impose.

Freedom of speech in the newspapers, you're really not allowed to put in the newspapers what you want. It's got to be censored. In this case here it's got to be censored by the governing party. If you say anything against somebody that they might think is wrong, they can take you to court because they can say it's slander, or whatever. You really don't have the freedom. It's called privacy, however, privacy is good when it protects you, not when it does harm to you.

If the NDP is going to create a privacy act, will it be out there for the public to look at and to check? When these bills are introduced—Bill 37 was introduced at the last moment. The public really didn't have a chance to be able to look at it and check it out to see whether it was creating privacy for the public or for the government, and who it was going to protect? If we are going to implement these bills, we need to be wise and protect the right people and give privacy to the people that really need it, not create a censorship.

When an Ombudsman gives advice and the government ignores it, what's the sense of having the Ombudsman? He is there for a reason and if the government wants advice—or do they only get a chance to pick and choose what advice they are going to take?

To what extent does this privacy act go? If the privacy act is broken, is it only for the private citizen or is it there for the government? I was working with the government. They instituted a respect in the workplace act, and they brought it in. They spent hours and hours on it, but it only applied to the employees. The management didn't have to abide by it. They could talk any way they wanted to to the employees and use any kind of language, but if you brought the fact up this was respect in the workplace. Well it didn't apply to the government—to the management. On the other hand, if the employee said something wrong to the next employee, respect in the workplace would be the first thing they threw at you. Is this what the privacy act is going to do? Is it going to be used against a private citizen for the government's purpose, or is it going to be used for the protection of the private citizen? As I mentioned earlier, already we know that the criminal's protected and not the private citizen. The person that pays the taxes, lives by the laws, has no privacy. You can find out any kind of information you want about him. But the criminal, he's protected, totally protected and he's got all kinds of privacy.

However, this bill, if it's truly a privacy bill, it'll be good in case of medical records and other personal records that are necessary.

That's all I have to say.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Hon. Eric Robison (Minister of Culture, Heritage, Tourism and Sport): Thank you very much.

First of all, Mr. Negrych, on an area that—I believe it's the first time it's been raised in this committee. Some of the issues you raised, particularly on justice-related issues and matters that you talked about with your own experience. Certainly it's something that I want to further investigate for my own curiosity, first of all, because you're absolutely right. I mean, that is something that is lacking in our society. We just don't know who our neighbours are.

Secondly, I wanted to ask you if you've ever had any direct experience with FIPPA itself and whether or not you've had a positive experience, if you did, indeed, have direct experience with it.

Mr. Negrych: What experience with what? *[interjection]* Freedom of information.

Yeah, I do have some experience with the freedom of information as a landlord at one time. I since have sold our rental property because the tenant could do whatever he wanted and I couldn't find out what kind of a tenant he was. Dealing with the landlord-tenant people, there was only certain things that I could find out about that tenant. In this case, he was a pedophile. We had no access to that information, because that was his own personal life. So we found out what we could about him. But, in that case—and with that lifestyle, he was into drugs and everything else. It took me two years to get him out of there. One of the reasons was because I couldn't get information about him to get him out. It had to be the visible things that he was doing to the property that finally we got him out of there.

Mrs. Mavis Taillieu (Morris): Thank you very much for your presentation tonight.

I think when we see a piece of legislation that actually restricts access to information from the public, which should be public information in the public domain, but it becomes difficult to get that information from government who may have a vested interest in not providing that information. Secondly, when you have a bill that gives the illusion of protecting a person's personal information although it does not do that, and, certainly, having heard from a lot of presenters over the last three nights now, we know that there was not adequate consultation done around the drafting of this bill. There are certainly experts out there that would have been able to provide assistance and certainly would have strengthened—well, I won't even say strengthened. I think that it's not—it's beyond being strengthened. This bill needs to be totally torn apart and restructured, but to do that, would you agree that the best way to deal with this bill would be to go out to further consultations across the province, have more public input from interested people who have been in some way affected by this legislation and from experts who know about privacy and access matters, and after that draft some legislation that would be better suited for Manitoba?

* (23:50)

Mr. Negrych: Yes, I think consultation from the public is what has to take place. However, the present government thinks that just because they've got a majority government, they don't have to listen to the public anymore. By going out and talking to

people and talking to people that know what they're doing and know about things like this, and—for example, like myself, the experience we had with the privacy, and you talk to a lot of people.

There are people out there that their information that's supposed to be private is not being kept private and other stuff is being private. Especially now with the computers and things like that, these hackers and different people out there, they can get all kind of information on you that they want. But for the citizen that lives by the laws, you really don't need a privacy law for them because they'll obey the law and they won't meddle with other people's private affairs. Mind your own business and respect the privacy of other people. Again, it comes back to the criminal having more rights and more protection than the law-abiding citizen.

Madam Chairperson: Thank you. Our time for questions has expired.

Bill 22—The Worker Recruitment and Protection Act.

Madam Chairperson: It has come to our attention that Darrell Rankin, who was speaking earlier on Bill 22, his name was called twice and has arrived now. Would it be the will of the committee to give him leave to make his presentation.

Some Honourable Members: Leave.

Madam Chairperson: Leave has not—*[interjection]* Has leave been granted for Mr. Rankin to make his presentation?

Some Honourable Members: Of course. Yes.

Some Honourable Members: Leave.

Madam Chairperson: Leave has been granted. However, we do have one out-of-town presenter. *[interjection]* I'm being advised by the out-of-town presenter that she will defer to Mr. Darrell Rankin. Thank you.

I will now call on Darrell Rankin on Bill 22, The Worker Recruitment and Protection Act. Do you have materials to present?

Mr. Darrell Rankin (Communist Party—Manitoba): Well, thank you for granting me leave tonight to present on this bill. My concern—and I just mentioned it to your guest from out of town—actually concerns foreign temporary workers more than children in this bill. It was just something that struck my attention more than anything else.

Before I begin, though, I do want to ask if someone would please tell Hugh McFadyen that there's a Communist in the Legislature. I heard he was interested.

Floor Comment: A real one.

Mr. Rankin: Yeah, a real one.

Madam Chairperson: Order, please.

Mr. Rankin: The Manitoba Committee of the Communist Party welcomes this opportunity to present our views on The Worker Recruitment and Protection Act, Bill 22.

The Communist Party's history since 1921 has been inseparably connected to the struggles of the working class in Canada, particularly its most class-conscious and advanced sections. That means we have been in the struggle not only to organize the unorganized into unions, we have fought for jobs, education, peace and disarmament, full self-determination for Aboriginal and other nations in Canada, for the sovereignty of Canada and for socialism.

The laws of labour relations in Manitoba are hardly different from other jurisdictions. They also protect the corporations. They are used to crush worker struggles and to impose undemocratic measures on workers such as banning contributions to political parties by unions. Every existing legal right of workers to organize and to establish legal protections from unscrupulous bosses has been won only after a struggle. These rights have never been given from on high by a benevolent government.

Bill 22, in our opinion, will do next to nothing to improve the terrible conditions, vulnerability, and destitution of foreign temporary workers in Manitoba. The bill contemplates one main reform for these workers, banning recruitment charges from being paid by workers themselves, but because we are dealing with recruitment in other countries, this practice will be difficult to enforce.

Also, if companies in Manitoba will pay higher fees for workers to be hired and brought to Canada instead of taking charges directly out of the workers' pockets, then what is stopping these companies from simply lowering the initial offer of wages, especially since employment standards do not give minimum wage protection to these workers? The answer is nothing can stop these companies from following this practice, and we have to consider that

corporations desperately do want to import more foreign temporary workers today.

The bill should clearly state that foreign workers have the right to grieve illegal charges imposed by their employer for hiring them to work in Canada. It should state that foreign workers have equal rights and employment standards compared to all other workers. It should state that foreign workers have a special right to have their grievances heard swiftly to ensure they will qualify for compensation. It should mandate and require employment standards and health and safety officials to put foreign temporary workers at the top of their priorities because of the vulnerable situation they are in. These are big failures of Bill 22.

The number of foreign temporary workers is likely to increase dramatically in the next several years especially if the federal bill, C-50, passes into law. That bill gives the federal Immigration Minister sweeping powers to slash immigration and to grow a giant pool of temporary foreign workers, especially eliminating labour laws and protection for an ever-larger part of the working class.

It is one of the most reactionary measures of the Harper Conservative government. What we are witnessing in Ottawa is an entirely new approach to the working class by big-business parties. It will replace immigration with a huge pool of temporary, super-exploited workers, injuring immigrant and Canadian workers alike.

Other countries serve as an example of what lies ahead for Canadian workers if C-50 is passed. For example, the United Arab Emirates, also an oil-producing country, has a population of 4.1 million people. Only 20 percent are citizens. In 2005, the UAE had 2.7 million foreign workers.

Last week, the chief of international affairs at Mexico's labour secretariat estimated that the number of potential job placements in Canada could be as high as 800,000. There's a citation from the *Globe and Mail* there.

Bill C-50 is dangerous also because it would create racist divisions. The Immigration Minister suddenly would have the power to impose a 1923 Chinese Exclusion Act on every ethnic group in the world without calling it such.

Is this a time for the NDP government to act as if foreign workers need no large increase in protection? No. It is time, finally, to recognize that the working class in Canada is facing one of its most serious

challenges. It is time for laws that unite workers, not laws that perpetuate and entrench double and triple standards of protection. It is time for the provincial NDP government to help raise the alarm about the reactionary agenda of the Conservative government in Ottawa and help expose the dangerous big-business plot to weaken the bargaining position of the working class.

Harper wants to roll back rights for all other workers by increasing the number of foreign temporary workers. He wants to force all other workers to compete with the low wages, long hours and abysmal conditions forced on these workers, even with protections.

Aboriginal and immigrant workers already suffer discrimination, lower wages and hardship. That would increase substantially. The big shortcoming of Bill 22 is that it does nothing to stop this from happening. It does next to nothing in the larger picture to protect all workers from what is likely to happen if the federal Liberals vote for the federal budget to which C-50 is attached. Even if C-50 was not part of the picture, foreign temporary workers need to have full rights now. Such laws are long overdue in Manitoba, especially since their numbers have tripled in a decade to about four and a half thousand workers.

The Communist Party recommends sending this bill back to be rewritten with all this in mind. Thank you.

Madam Chairperson: Thank you. Do members of the committee have questions for the presenter?

Hon. Nancy Allan (Minister of Labour and Immigration): Thank you very much, Mr. Rankin, for your presentation. I just wanted to clarify what our bill is about. Our bill actually is going to provide protection to temporary foreign workers. This is a shared responsibility between the federal government because they are responsible for recruiting temporary foreign workers, and we're responsible for providing basic minimum protections to workers when they are here working in Manitoba. The problem is that the whole industry is not regulated at this time so we have no ability to know who the employers are, who the workers are, or who the recruitment agencies are.

So what we're going to be able to do with this particular piece of legislation is we're going to be able to work with the employer so that we know who the employers are. We're going to license the recruiters and we're going to have a data base for the

workers so that we know exactly who those workers are when they come into our province, and we're going to be able to provide protection to them.

I just wanted you to know that the federal government is supportive of this legislation. Immigration is a shared responsibility between the Province and the federal government, and we had two presenters here that were with us particularly from CSIC who spoke in favour of the legislation. We think it's going to be a very important piece of legislation for protecting workers and providing a level playing field for employers.

Mr. Rankin: Well, I'm not sure if that's a question or—but thanks very much for the information. As I say, there's one reform that I can see in this that might be of some help, but not too much else.

Madam Chairperson: Sorry, as previously agreed to by the House, the time being 12 midnight, committee rise.

Members, please leave your bills for subsequent meetings, if possible. That would be greatly appreciated. Thank you.

COMMITTEE ROSE AT: 12:03 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 32

The St. Boniface Hospital and Research Foundation Presentation to the Standing Committee on Social and Economic Development on Bill 32

Thank you for the opportunity to present to the Standing Committee on Social and Economic Development, specifically on Bill 32, The Personal Health Information Amendment Act.

Thank the members of the Legislature for their hard work for listening to those who will be benefiting from the amendment to the PHIA. Recognize the hard work of Sue Skinner and Val Coward. Although there was a team of people working to make recommendations for change to PHIA, these two should get special recognition.

Philanthropy comes in all shapes and sizes. Twelve-year old Keelin Antonichuk raised \$53 over the summer in 2006 to help St. Boniface purchase a \$250,000 laser-image-guided surgical piece of equipment for one of our ear, nose and throat specialists.

We know people give when asked. And it has been proven that their initial gift turns into a repeat donor. This is how legacies are created.

Define Role of Foundation

We know philanthropy underpins many of the capital and equipment programs of health-care organizations. It is the role of the foundation to create the relationships with these potential donors. We know that philanthropy is what makes the difference in supporting medical research breakthroughs.

There is a well-known comment: "If you think research is expensive, try disease."

Ontario introduced legislation similar to Bill 32, which essentially allows foundations to approach patients, requesting them to consider making a donation to support that hospital. Research shows there is some criticism in Ontario. Of 20,000 people contacted, 2 percent had a complaint. Therefore, 98 percent of the people indicated they did not mind being contacted or appreciated the contact with the foundation.

Define Ethics and Respect

We know that is incumbent on the foundation to respect the concept of privacy of any patient. We know that there can be no relationship associated with care and donation. We know that the vast majority of donors are individuals. How this gets communicated is very important.

We have met with our Ethics department and our Privacy Officer to discuss Bill 32. We must have a process to inform, educate and allow potential donors to opt out, if they choose.

What is the process around regulations, once the bill passes? If appropriate, there are many professionals in the province, affiliated with professional philanthropic organizations—AFP and AHP—who could lend their expertise on developing regulations.

To Conclude

We know that dollars available for philanthropy are obviously finite. We know that our board and donors are concerned about the costs/expenses to raise money for patient care and medical research. An acquisition/direct-mail piece can be expensive; we all do it, but Bill 32 will allow foundations to create a natural relationship with potential donors,

i.e., grateful patients. This link has not been available for foundations. Bill 32 will create this bridge.

Two points: (1) Philanthropy is critical to the future of health care and medical research; (2) Fundraising with any donor must be done in a respectful and ethical context.

Thank you for listening to this presentation. The other presenters today and to those who have in the past years made presentations to improve the opportunity to allow foundations to do what they do best, work with all strategic funding bodies to improve patient care and support medical research.

Stuart Murray

St. Boniface Hospital and Research Foundation

* * *

Re: Bill 36

Good afternoon, honourable members of the Standing Committee on Social and Economic Development. My name is Antoine Hacault. I am a partner at Thompson Dorfman Sweatman LLP. I have over 20 years of experience in municipal assessment matters and compensation matters related to flooding and expropriation.

The explanatory note to Bill 36 indicates that the existing exemption for property owned by legions is expanded to include legions occupying leased space.

As a result of court decisions, there is some uncertainty as to whether ownership of property also includes leasing of space. This is creating a number of anomalies and hardship on not-for-profit organizations. For example, Work and Social Opportunities Inc. owned its property for a number of years. It benefited from a school tax exemption pursuant to clause 23(1)(e) by virtue of being a charitable organization giving relief or assistance to aged, indigent or sick persons. Specifically, it is a charitable organization that provides access to recreational, social, volunteer, educational and/or employment opportunities in the community for mentally challenged adults.

Upon moving to leased premises, the assessment department for the City of Winnipeg had initially advised that there would be no change in the exemption status. However, after this organization sold its property and moved to leased premises, the exemption was removed and this charitable organization has had to commence legal proceedings. This is counter-productive. This money should be

used to carry out its mission. The reason now given for the eliminating the exemption status is that the property is being leased.

Recommendation: Instead of doing piecemeal amendments to ensure that these charitable organizations continue to receive their exemptions if they choose to occupy leased space, it is recommended that a definition be added as follows: "owned" means owned, beneficially owned, or leased by a person.

Over the years, there have been piecemeal amendments such as the amendment proposed in Bill 36. For example, in 1998, clauses 23(1)(h) and (i) were amended.

Failure to provide information: Over the years, a number of amendments have been made to The Municipal Assessment Act to enhance the ability of assessors to obtain information with respect to assessment. There are sections reversing the burden of proof where an owner does not co-operate; see subsection 53(3). There is the ability of an assessor under section 16 to obtain information or documentation that relates or might relate to, or affects or might affect, the value of property being assessed, or that is, or might be, relevant to assessment of the property. There is a penalty provided under subsection 54(3.2) if an owner fails to comply with a request for information under clause 16(1)(c), which relates to income or expenses related to the use or operation of the property.

All of these sections have been added over the years without considering that owners also have to deal with the issue of non-production of information by assessors and non-cooperation by assessors in certain circumstances.

It is therefore recommended that subsections 16(1) and 16(2) be amended to provide that "an assessor or any owner." The change is underlined.

With respect to subsection 53(3), it be amended to read as follows: "Where an applicant or the assessor fails or refuses" . . . "a board shall, at the hearing of the application, place the burden of proof on the applicant or the assessor on all matters at issue".

With respect to subsection 54(3.2), add a subsection 54(3.3) which reads as follows: "Where the assessor failed to comply with a request for information or documentation under clause 16(1)(c), the board or panel shall specify in its order that any increase in the assessed value of the person's

property is not to take effect until the year following the year to which the application relates."

With respect to subsection 59(6), it be amended as follows: ". . . a property owner or the assessor fails or refuses . . . the Municipal Board, on an appeal under subsection 56(2), shall, at the hearing of the appeal, place the burden of proof on the property owner or the assessor on all matters at issue."

Subsection 60(2): Add a new subsection 60(2.3) which reads as follows: "Where the assessor fails to comply with a request for information or documentation under clause 16(1)(c), the Municipal Board shall specify in its order that any increase in the assessed value of the person's property is not to take effect until the year following the year to which the application relates."

Conclusion: It is fundamental in an assessment process which seeks to arrive at a fair and just relationship between property values that there be full and fair disclosure by both parties to this process. The amendments which have been made over the years are one-sided and limit an owner's ability to obtain and test the information used by assessors in arriving at their assessed value.

Given the mass appraisal approach, it is often only at the Board of Revision and Municipal Board that a more detailed analysis of the value of a person's property is carried out. Full and complete disclosure of this information in advance of the hearings should enhance the ability of parties to have meaningful settlement discussions.

Once again, I thank you for considering the comments which I have made. I would be pleased to answer any questions which you may have.

Antoine F. Hacault

* * *

Re: Bill 31

Bill 31 is a step backwards in the democratic process.

It has long been recognized that public access to information in a timely fashion is central to the operation of the democratic process. In the book, *Nemesis: The Last Days of the American Republic* by Chalmers Johnson, Metropolitan Books, New York, U.S.A., 2006, Johnson writes: "James Madison, the primary author of our (the U.S.A.) constitution, considered the people's access to information the

basic right upon which all other rights depend." (p. 244)

Johnson goes on to say:

"In 1798, in a resolution in the Virginia legislature defending the first amendment against an act that the Congress had passed the previous year, Madison denounced 'a power [in the law] which, more than any other, ought to produce universal alarm, because it is leveled against the right of freely examining public character and measures, and of free communication among the people thereon, which has ever been justly deemed the only effective guardian of every other right.'" (p. 245)

It is because of a recognition of the vital importance of this principle that information access is incorporated into contemporary statutes, e.g., Environment Act, Municipal Act, Sustainable Development Act.

Bill 31, which amends the provisions of the FIPPA, represents a step backward in the democratic process. Because it erects new barriers to access to information by the public, its passage will further undermine and compromise the public interest in decision making.

There are several difficulties with this bill. While I do have concerns related to privacy issues, I will speak primarily to issues around access in the mere 10 minutes that I have been granted to express my views on a significant and complicated Act and process.

Generally speaking, the amendments to the FIPPA fail to incorporate many of the recommendations advanced by the public, the primary users of the legislation, in accessing information. This signals that the intent of the bill has more to do with meeting government's needs rather than the needs of the public and electorate. I draw your attention, first, to section 13(1) of the bill.

This provision will have a direct effect on citizen research and the right to participate in meaningful ways in the public review processes. As you may be aware, when the Clean Environment Commission received the mandate to conduct "a review of the environmental sustainability of those operations in the province, pursuant to the minister's referral to the Commission dated November 8, 2006," I asked myself, "What do we need to know to determine whether or not hog operations in this province are operating in a sustainable manner?"

Subsequently, I submitted about 3500 access to information requests to Manitoba Conservation and Water Stewardship. I made my requests lawfully, in accordance with the provisions of FIPPA. I sought information in six categories per each hog operation in the province. The CEC was to review "those operations in the province." What I sought was the information I needed to answer the essential question before the CEC.

I have, and continue to, face significant problems in getting information under the existing FIPPA legislation. I have a right to request this information and a right to receive a response within 30 days, or the request is considered to be a refusal of access. 13(1) (Bill 31) proposes to formalize the practice of this government's departments and the Ombudsman in having failed to develop an information management system that respects and facilitates the public's ability to fulfil their rights.

When confronted with the very real disconnect between how the law reads, government rhetoric about the public right to know and participate, and the practice and practical application of the law, the Ombudsman's solution was to unilaterally (without consultation with me as applicant), make a recommendation that solely met the department's needs. Later, the problems the department was experiencing in dealing with my situation was used by both the department and the Ombudsman as an excuse to delay the processing of other people's requests. This occurred in spite of the fact that the Ombudsman granted Conservation 13.5 years to provide me with information in order to help the department attend to others' requests. The fact is that others seeking similar information, having submitted a single request, waited over a year to receive their information.

13(1) makes reference to the "abuse of the right of access." What nonsense! How can the exercise of a right a member of the public be abuse of that right? We either have the right or we don't, and, if we have a right, then exercising it simply cannot and should not invite punishment, or this government's response—to abolish the right. The very introduction of this concept raises questions about the integrity of this government. It certainly demonstrates a lack of commitment to structures and policies that protect people's rights and, through this, the public interest.

In introducing the bill in the May 15, 2008, *Hansard*, MLA Kerri Irvin-Ross described the provision as a response to the "small number of

occasions when applicants make inappropriate use of FIPPA" and, "accordingly introduced a provision that could assist in dealing with requests when their systemic and repetitive nature unreasonably interferes with the operation of the public body."

This perspective fails to address the real problem. Her response is essentially an act in blaming the victim. All government departments should have a system already in place where information is readily available, properly cross-referenced and easily accessed by the public. In other jurisdictions, such as the U.S., public access to many of the types of information I systematically sought is a matter of course, readily available on the Internet and/or in public places. It is not hidden away in department files, requiring a FIPPA application to try to get it. In fact, the FIPPA and its process has become a barrier to accessing information, particularly by the public.

Ms. Irvin-Ross also assures the public that applicant rights will be protected under this new clause. She states in *Hansard*, "However, I want to underline that if the applicant feels this provision is not used fairly, the applicant has the right to make a complaint. This complaint can proceed all the way up to the information and privacy adjudicator. So there is assurance that rights under FIPPA will be appropriately protected." I draw your attention to the nefarious qualifier, "appropriate" and ask, "Who is the minister trying to kid?"

What does section 13(1) of the current FIPPA say?

Repetitive or incomprehensible request.

13(1) A head of a public body may refuse to give access to a record or a part of a record if the request is repetitive or incomprehensible or is for information already provided to the applicant or that is publicly available.

The proposed change reads:

Public body may disregard certain requests.

13(1) The head of a public body may disregard a request for access if he or she is of the opinion that

- (a) the request is incomprehensible, frivolous or vexatious,
- (b) because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the public body

or amount to an abuse of the right to make those requests, or

(c) the request is for information already provided to the applicant.

The word "disregard" has a very different meaning than the word "refusal."

Disregard means "to pay no attention to, treat as unworthy of regard or notice, neglect."

Refusal means "the act of refusing or denying the opportunity or right of refusing or taking before others."

Refuse means "to express oneself as unwilling to accept, renounce; to withhold acceptance, compliance or permission; decline."

The head of the public body is not required to take any action to be in compliance with this proposed section. The term "disregard" is a passive activity, one that requires no action, whereas "refusal" imposes a lawful duty to act. The head of a public body is required to actively express an opinion and take a position, actively deny or withhold permission.

The change in language is not a mistake. It is not an example of sloppy drafting. It has a deliberate meaning and intent.

Further, the FIPPA, as amended, fails to guarantee the applicant the existing right to file a complaint with the Ombudsman. No response by the head of the public body is required for the passive action of disregarding. A response is required only for the positive action of refusing. Indeed, the head of the public body need not even tell the applicant if they have disregarded their requests. They are only obligated to advise applicants if access has been refused.

13(2) reads: In the circumstances mentioned in subsection (1), the head shall state in the response given under section 11

- (a) that the request is refused and the reason why;
- (b) the reasons for the head's decision; and
- (c) that the applicant may make a complaint to the Ombudsman about the refusal.

Even section 11 in the existing FIPPA does not provide the right of notification of a "disregarded" request. Section 11 reads:

"The failure of the head of a public body to respond to a request within the 30-day period or any extended period is to be treated as a decision to refuse access to the record."

It is only when the act of refusal is taken that the law requires notification and rights to complain are available. Disregarding requires no action. The Act lacks the specificity that guarantees the right to complain.

Public body may disregard certain requests

13(1) The head of a public body may disregard a request for access if he or she is of the opinion that

- (d) the request is incomprehensible, frivolous or vexatious;
- (e) because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the public body or amount to an abuse of the right to make those requests; or
- (f) the request is for information already provided to the applicant.

13(2) reads:

In the circumstances mentioned in subsection (1), the head shall state in the response given under section 11 that the request is refused and the reason why, the reasons for the head's decision, and that the applicant may make a complaint to the Ombudsman about the refusal.

The current Act requires that reasons be provided for a refusal of access. My experience has been that often a simple recitation of the Act or an assertion of departmental belief is sufficient. I continue to await the results of several investigations by the Ombudsman on complaints I have made on this point. I have been advised by the Ombudsman to ask the department for reasons. The department then refuses to give me reasons, informing me that the Ombudsman often sought reasons within the course of the investigation of a complaint. The department may or may not provide the Ombudsman with reasons.

In this regard, I had an astounding discussion with the Ombudsman on February 22, 2008. I was told that there is a difference between the way in which legislation reads and how it is practically applied. How can this be? Already, there is an acceptance within the system that rights are discretionary and subjective depending on who the

individual interpreting the law may be. So, for example, if a department says no, an applicant can complain. If the department says no to the Ombudsman, the Ombudsman can only "cajole" and "recommend" to the department and/or agree or disagree with the applicant.

The objective effect is the power to say no, as understood by all two year olds, prevails and access is denied. This is after waiting for a response from the department which could take months or years and then a lengthy investigation by the Ombudsman and the writing of a report. The Ombudsman is required to maintain confidentiality and cannot be brought into a court action to provide evidence or provide reasons for refusal.

A simple departmental no means that the public's rights under FIPPA simply are denied, that rights under the Ombudsman Act are denied and the right to go to court is denied. It is pointless and simply stupid to go to court without evidence. Without, for example, reasons for refusal, there is little basis for a successful outcome in an application to court.

The proposed addition of an adjudicator merely compounds the problem, the time frame for resolving disputes, and is contingent upon the Ombudsman requesting that a review be conducted by the adjudicator. My experience will illustrate the point. In making a number of requests for access (part of the 3500), the department failed to provide a response within 30 days as required by FIPPA. In fact, I have yet to receive a response for a significant number, hundreds, of requests. I complained under section 11 where the Act states that the non-response is to be treated as a refusal of access. However, the Ombudsman refused to process my complaint under section 11. Instead, my complaint was processed as a failure of the department to respond in 30 days. I am told that this is the proper way to proceed.

At significant public expense, the Ombudsman investigates and writes me a letter supporting my complaint in order to tell me something that I already know, namely that I did not receive a response from the department! I then must submit another complaint under section 11, deemed refusal of access and await another Ombudsman investigation and report. Meanwhile, the reason why I made the request for access to the information—a public hearing, the issuance of a permit, et cetera, has passed, any period for appeal has passed. As a result, participation in these public processes, based on the lawful right to do so has been rendered objectively

meaningless, because information and facts are necessary to make the participation meaningful to decision-makers. How will the addition of an adjudicator solve this problem?

The participation of an adjudicator in the process is contingent upon the Ombudsman asking the adjudicator to conduct a review. I do not expect, nor would be surprised that the Ombudsman would refuse or fail to have involved an adjudicator to resolve my situation if one existed now. After all, the Ombudsman would be asking the adjudicator to review the Ombudsman's own decision to allow the department 13.5 years to attend to my requests.

Given that the Ombudsman has already agreed with the department, and can do so under the current Act, that my systematic and voluminous requests interfere with the operations of the department, could the public reasonably expect the Ombudsman, under the proposed change, to even consider a complaint about a department "disregarding" applications? This is assuming the Ombudsman would have the authority to conduct such an investigation, which clearly is absent in the proposed changes.

The Ombudsman consistently splits hairs and advises me that they can operate only within the framework of the legislation. The discretionary provisions and authority within the current Act are further enhanced by the proposed provisions. Already, the discretion has been used to create further barriers to the public accessing information. Information that once was made available (such as nutrient levels in soil test results) is now being severed as a result of a discretionary re-interpretation of the Act and a failure on the part of the department or the Ombudsman's office to determine the reasons why.

In addition, my experience has shown that there have been repeated demonstrations that the public interest override that does exist in the FIPPA is weak. Other provisions of the FIPPA take precedence over the public interest in processing and complaint decisions taken by departments and the Ombudsman.

The role of the Ombudsman is central to the involvement of the adjudicator in the complaint process. This is problematic. The Ombudsman, as stated before, will be reluctant to ask for a review of its own decisions. Under the existing FIPPA, the Ombudsman can take matters regarding refusal of

access to the courts if it is in the public interest. I have asked the Ombudsman to prepare and advance a court application relating to my situation. It has been several months without a response or even an acknowledgement of receipt of this request.

While the Ombudsman consistently admits there are significant problems with government departments in providing information to the public and that these problems negatively impact the public interest, there has been little offered to resolve this. I expect that situations such as this will not change with the creation of an adjudicator whose involvement is contingent upon action by the Ombudsman.

Minister Robinson, in addressing the Legislature on May 25 stated, "We're simply listening to the recommendations of Manitobans, Mr. Speaker, and also the recommendations of the Ombudsman. As I said in my earlier response to the question, to the member, we believe the adjudicator model is the best option we have at this time." And earlier he said, "We also believe that we are building upon 20 years of experience with the Ombudsman's office."

How will the problems with the Ombudsman's office be resolved by the adjudicator in this context?

Without having lawful access to Cabinet documents, ombudsman policies, etc., we will never know for sure why the proposed changes to the FIPPA, particularly section 13(1), to allow heads of departments and the Ombudsman more ability to disregard even more information was chosen as the solution to the "small number" of problems. Could it be that the matter, when publicly exposed by myself, became a source of embarrassment for the government and the Ombudsman? Rather than putting the public interest first, the actions taken were to protect the government, the minister, the hog industry (promoted by the government) and the office of the Ombudsman itself from those who the government now deems to have "abused the right of access."

The proposed removal of the requirement to maintain a public registry will further impair the public's ability to access information. For example, I sourced the names and locations of hog operations primarily from the public registry in order to make applications for access under FIPPA. Where will I be able to find the basic information in order to make similar access requests in the future?

The Ombudsman tells me that I am responsible for doing this research. It is not up to the department to cross-reference information in requests with its files. The Ombudsman is making the information required by applicants more onerous and taking all responsibility from the department to assist. Applications must be specific. How can they be specific without specific public registry information?

Was this, too, a recommendation for the Ombudsman? I would like to be able to confirm this but when I asked the Ombudsman for a copy of their recommendations to the minister on FIPPA, I was told I couldn't have them.

These proposed changes to FIPPA render citizen research an illegitimate exercise (not to mention investigative reporting by the press). Research opportunities are made available only to "bona fide," government and "public body" approved researchers. This provides the government with more control over the information and its public use. It gives the government greater political control over the democratic process. It places economic barriers to citizen research. It practically eliminates the political hazard to the government of non-controlled research

results and information becoming part of the public debate. It is contrary to the public interest and truly democratic decision-making processes.

The wording of legislation isn't merely an academic exercise. These are not academic discussions. The law impacts real people and real people's lives. Without information and facts, public participation in hearings and decision making at all levels becomes reduced to an expression of simple opinion rather than the opportunity to present a factually supported argument. We must always remember that democracy is not merely an intellectual concept that doesn't require people's active participation or defence of it. The message of this legislation is that as long as we all just think we live in a democracy, we should all be content.

Bill 31 is unacceptable, should be withdrawn and next time the recommendations of the public must be the starting point for any revisions. After all, it is the public who understands how the process fails us and what is needed to make it work.

Ruth Pryzner

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

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