

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

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 25, 2009

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

**Mr. Speaker:** O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

## MATTER OF PRIVILEGE

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, Mr. Speaker, on a matter of privilege.

**Mr. Speaker:** On a matter of privilege.

**Mr. Hawranik:** Yes, I rise on a matter of privilege today, and I'd like to put a few facts on the record before I start justifying the privilege both in terms of expediency and in terms of whether or not it meets a prima facie case, as we know the two tests to be.

First of all, Mr. Speaker, I refer to *Hansard's* unedited oral questions on May 19, 2009, at page 2, where the Minister of Justice (Mr. Chomiak), in response to the member from Steinbach in oral questions indicated on the unedited version of *Hansard* on that date, and I'd like to quote from it. It said: ". . . is like to say that a porcupine doesn't have pines—doesn't have quills."

Secondly, Mr. Speaker, I'd refer to the version of *Hansard* that was, in fact, distributed in the House on May 20, Wednesday, May 20, for the Tuesday May 19 oral questions, and on page 2142 the version that is printed and was distributed in this House indicates, and I quote: ". . . is like to say that a porcupine doesn't have quills." So there's a complete—not a complete difference, but there are a few words that are different between the unedited version of *Hansard* and, of course, the edited version of *Hansard*.

I understand and I'm sure all members in the House understand that the unedited version of *Hansard* is proofread and after proofreading it did change from what we can see in the version that was actually distributed in the House, and that was the official distributed version, Mr. Speaker, that came

to all members in this Chamber, where pines was left out and it only printed what the minister said when he corrected himself.

Again, I refer to another piece of evidence, another fact, Mr. Speaker, that on May 22 of this year, just on Friday, last Friday, Tom Brodbeck in the *Winnipeg Sun* indicated, he highlighted the difference, differences between the two versions and implied, he implied in the article that *Hansard* had a preferential policy toward comments made by the Minister of Justice (Mr. Chomiak).

The final piece of facts, Mr. Speaker—and we're not indicating it at this point, and I'm not indicating at this point that that's what, in fact, took place. I'm just indicating what was said in the article. And the other piece of information is that I note, we noticed, at least I'm informed, that there has been a recent change to the Web site at *Hansard* to actually reflect what actually was said in the unedited version of *Hansard*. So there has been a correction that has taken place.

Now, Mr. Speaker, you're aware that, of course, there are two tests that have to be met to have a matter of privilege being made and accepted, and not—those two tests are: No. 1 is, it's whether the matter being raised is raised at the earliest opportunity, and, secondly, whether a prima facie case of privilege actually can be made.

The first test, Mr. Speaker, is the matter being raised at the earliest opportunity? I would indicate that it would be, because we didn't have—we did have the unedited version and we did have the edited version, but we didn't have any third party support for the fact that—we all knew in this House what the minister had said. The minister knows what he had said. However, we didn't have any third party support, and we did get that when we did get the news article on May 22, on Friday, as well as the change to *Hansard*, to the Web site on *Hansard*, and I suspect that, likely, there will be an official version coming forward in the House to change that as well. So until I get that third party support—and there, really, I couldn't have made the matter of privilege before today. So I would submit, in fact, that the first test, in fact, has been met.

The second test, Mr. Speaker, is whether the prima facie case of privilege can be made, and a matter of privilege is a very serious matter because a breach of privilege infringes and limits our ability as MLAs to effectively perform as members of the opposition. And I refer to *Beauchesne's* Citation 24 which defines parliamentary privilege as the sum of rights enjoyed in the House collectively and by the members of the House individually without which they could not discharge their functions or duties.

Marleau and Montpetit in House of Commons practice and procedure, chapter 3, lists individual privileges of members as including freedom from obstruction, freedom of interference, freedom from intimidation and freedom from molestation.

The ability, Mr. Speaker, of members to perform their parliamentary duties is founded on information being brought to this House which is accurate and can be relied on for debate and for questions and for communications to constituents and, of course, communications in this Chamber, whether it be in bills debate or whether it be in questions and answers in question period.

Manitobans expect that *Hansard* is accurate. They expect *Hansard* to reflect verbatim what is said by members who are recognized to speak. Any changes to the verbatim transcript could change the meaning of a sentence or even an entire speech. As politicians, we rely on words to communicate to constituents, to communicate in this Chamber, and one word can change the approaches, even in question period, whether that it changes the approach or a question in question period. It also can change an answer as well in response to any question.

And I'm not suggesting, Mr. Speaker, in any way that this one word, this particular word misspoken by the Minister of Justice (Mr. Chomiak), changed our entire approach to questions or even his entire approach to answers, but words, and can, depending on their context, can do so.

We are concerned, Mr. Speaker, that if we know this happened once, it may have happened other times without anyone's notice. We're also not at all suggesting that *Hansard* staff are in any way at fault. We're instead suggesting that the matter should be referred to a legislative committee to investigate this matter and provide direction from this Legislature and from this committee to *Hansard* with respect to the policy that should be followed in the future in the Legislature.

So, with that, Mr. Speaker, I move that this matter be moved to be considered by the Standing Committee on Legislative Affairs and then reported back to this House.

\* (13:40)

**Mr. Speaker:** On the matter of privilege raised with the—by the honourable Official Opposition House Leader, I would like to deal with the matter immediately.

For information of members of the House, *Hansard* is not the—for the information of members, the *Hansard* is not the official record of the House. The Votes and Proceedings are the official record of the House. *Hansard* is the verbatim of what members say, but is not the—but it is not the official record.

But, I want to share with the House that this was raised to my attention on Thursday, and I met with the Clerk, and I sought further information from the manager of *Hansard*, and this is by no means the fault of anyone that's working in *Hansard*. I was informed that that was always—the past practice was to help clean up statements made, and also if members make a false start or repeat, when addressing the Chair as Mr. Speaker, I'd like to raise this issue, and Mr. Speaker, Mr. Speaker.

So I sent a letter to all the House leaders on Friday, and I had a meeting with the *Hansard* manager and the Clerk, and instructions are that the records from now on in *Hansard* will be verbatim. That means that whatever you say will be printed the way you say it, and if it comes out differently or not the way you intended, it still will come out the way you said it.

So, *Hansard*, in the future, from now on, will be word for word. So, the issue that you have raised, I have already dealt with it, and I've already taken care of it, and I don't think we will see any repeats of what you're referring to.

So I think—and also for the advisement of members that are raising, raising the issues, this would have been a matter of order, not a matter of privilege. But, the issue that you raised has been addressed, and I'm sure that we will, we will not see that happen again.

So whatever you say in the House, be careful, because every word will be printed verbatim, and that's the way it should be. So that's the way it, it's going to be from now on. So, that—hopefully, that should take care of the matter of privilege. Okay?

Okay, routine proceedings, introduction of bills.

### ROUTINE PROCEEDINGS

#### INTRODUCTION OF BILLS

##### **Bill 229—The Manitoba Public Insurance Corporation Amendment Act (Justice for Victims of Serious Automobile Accidents)**

**Mr. Cliff Graydon (Emerson):** I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that the Bill No. 229, The Manitoba Public Insurance Corporation Amendment Act, and (Justice, Justice for Victims of Serious Automobile Accidents); Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (justice pour les victimes du accidents du automobile graves), be now read a first time.

**Mr. Speaker:** It's been moved by the honourable Member for Emerson, seconded by the honourable Member for Arthur-Virden, that Bill No. 229, The Manitoba Public Insurance Corporation Amendment Act (Justice for Victims of Serious Automobile Accidents), be now read a first time.

**Mr. Graydon:** This bill makes two significant amendments to The Manitoba Public Insurance Corporation Act. As to the benefits that the corporation will allow for the victims of automobile accidents, section 131 is an amendment to provide for reimbursement of personal assistance expenses including attendants' care to allow victims to function and contribute to the society or to a labour market; and section 138 is amended to allow victims to receive assistance for any measures that facilitate their functioning and contributing to society or to the labour market after rehabilitation.

The amendments are retroactive to January 1, 2004, and require the corporation to review its files and compensate existing claimants for any additional amounts they have spent since then that are now covered as a result of the amendments to this act. And, Mr. Speaker, I would suggest that it's high time that we've—we take care of the individuals who have been catastrophically injured and are actually making a very strong attempt to become productive in today's society, and this bill will further facilitate that. Thank you.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

Petitions.

### PETITIONS

#### **Seven Oaks Hospital—Emergency Services**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to the petition is as follows:

The current Premier (Mr. Doer) and the NDP government are reducing emergency services at the Seven Oaks Hospital.

On October 6, 1995, the NDP introduced a matter of urgent public importance that stated that, quote, "the ordinary business of the House to be set aside to discuss a matter of urgent public importance, namely the threat to the health-care system posed by this government's plans to limit emergency services to the city of Winnipeg community hospitals." End of quote.

On December 6, 1995, when the then-PC government suggested it was going to reduce emergency services at the Seven Oaks Hospital, the NDP leader then asked Premier Gary Filmon to, quote, "reverse the horrible decisions of his government and his Minister of Health and reopen community-based emergency wards." End of quote.

The NDP gave Manitobans the impression that they supported Seven Oaks Hospital having full emergency services seven days a week, 24 hours a day

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba consider how important it is to have the Seven Oaks Hospital provide full emergency services seven days a week, 24 hours a day.

This is signed by A. Martin, D. Cometa and J. Jaramilla and many, many other fine Manitobans.

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

#### **Neepawa, Gladstone, Ste. Rose, McCreary—Family Doctors**

**Mr. Stuart Briese (Ste. Rose):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

Access to family doctors is vital to good primary health care. Patients depend on their family doctors for many things, including their routine health-care needs, preventative care and referrals for diagnostic tests and appointments with specialists.

Family doctors in Neepawa, Gladstone and Ste. Rose are unable to accept new patients. The nearby community of McCreary has not had a doctor available to take patients in months.

Without a family doctor, residents of this large geographical area have no option but to look for a family doctor in communities as far away as Brandon and Winnipeg.

Residents of these communities are suffering because of the provincial government's continuing failure to effectively address the shortage of doctors in rural Manitoba.

We petition this Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider prioritizing the needs of these communities by ensuring they have access to a family doctor.

To urge the Minister of Health to consider promptly increasing the use of nurse practitioners in these communities in order to improve access to quality health care.

This petition is signed by Collette Gulas, Lucille Lecunff and Bernice Drysdale and many, many other fine Manitobans.

#### **Long-Term Care Facilities—Morden and Winkler**

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

These are the reasons for this petition.

Many seniors from the Morden and Winkler area are currently patients in Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support from their family and friends who live in the community, and they will lose

this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by Beverley Bestland, M. Penner, Michelle Wiebe and many, many others.

\* (13:50)

#### **Traffic Signal Installation—PTH 15 and Highway 206**

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

In August 2008 the Minister of Transportation (Mr. Lemieux) stated that traffic volumes at the intersection of PTH 15 and Highway 206 in Dugald exceeded those needed to warrant the installation of traffic lights.

Every school day, up to a thousand students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

Thousands of vehicles travel daily through this intersection in Dugald where the lack of traffic signals puts at risk the safety of these citizens.

In 2008, there was a 300 percent increase in accidents at this intersection.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH 15 and Highway No. 206 in Dugald.

To request that the Minister of Transportation recognize the value of the lives and well-being of the students and citizens of Manitoba.

Signed by Chuck Reynolds, Darlene Moyses, Doug Moyses and many, many other Manitobans.

### Education Funding

**Mr. Rick Borotsik (Brandon West):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Historically, the Province of Manitoba has received funding for education by the assessment of property that generates taxes. This unfair tax is only applied to selected property owners in certain areas and confines.

Property-based school tax is becoming an ever-increasing burden without acknowledging the owner's income or owner's ability to pay.

The provincial sales tax was instituted for the purpose of funding education. However, monies generated by this tax are being placed in general revenue.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education, Citizenship and Youth (Mr. Bjornson) consider removing education funding by school tax or education levies from all property in Manitoba.

And to request that the Minister of Education, Citizenship and Youth consider finding a more equitable method of funding education, such as general revenue, following the constitutional funding of education by the Province of Manitoba.

This petition is signed by Margit Ponit-Poncik, Don Lischka and Jim Berry, and many, many other Manitobans, Mr. Speaker.

**Mr. Speaker:** Committee reports; tabling of reports; ministerial statements.

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us, we have Alex Berkowitz who is the guest of the honourable minister for Water Stewardship.

And also in the public gallery we have from Van Welleghem School 73 grade 4 students under

the direction of Ms. Brigitte LaCasse. This school is located in the constituency of the honourable Leader of the Official Opposition (Mr. McFadyen).

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

Oral questions.

## ORAL QUESTIONS

### Photo Radar Tickets Refunds

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, as all Manitobans know, thousands of people in this province were wrongly ticketed by the NDP photo radar—under the NDP photo radar fiasco.

Mr. Speaker, some had their tickets thrown out by the court. Thousands of others paid their tickets in order to keep the NDP collection agencies at bay.

Mr. Speaker, some members opposite may think that \$150 or \$200 is not a large sum of money, but for many Manitobans, particularly in this recession, it can make a significant difference.

Mr. Speaker, the government has said that they can't find the resources to provide for these just refunds to Manitobans, but just two years ago, in the lead-up to the election, they mailed out \$60-million worth of MPI rebates to Manitobans leading into an election campaign.

Why, if they can find \$60 million going into an election campaign, can they not find one-sixth of that amount to do right by these Manitobans that have been wronged by this government.

**Hon. Gary Doer (Premier):** Mr. Speaker, the Public Utilities Board ordered a rebate. I want to point out that this continues to make Manitoba Public Insurance the cheapest insurance in North America. We're very proud of that, and we're very proud that the investment dollars primarily stay in the province of Manitoba, as opposed to the old days when those dollars went to Switzerland and New York and other foreign markets.

Mr. Speaker, the decision of the Public Utilities Board is separate from the government. The timing of the cheques being mailed is separate from the government. The only issue of timing that we controlled was the election, and even then we didn't know exactly when we would call the election in 2007, but I want to thank the member for being so

positive about a great Crown corporation that gives benefit to Manitobans every day, including in 2007.

### Support for Proposed Motion

**Mr. Hugh McFadyen (Leader of the Official Opposition):** They have never once said, in connection with photo radar, that the reason they can't issue the refunds is because they weren't ordered to. They've said it's because it's too much work or too much money, Mr. Speaker. In fact, what the Public Utilities Board did is not at all relevant when you consider that the courts in this case were the ones who said that these tickets should never have been issued in the first place. Now we have thousands of Manitobans who paid significant sums of money for their families, and we hear the government saying that they are not going to get refunds even though the money should never have been collected.

Now, Mr. Speaker, the Member for Steinbach (Mr. Goertzen) has put a motion. It appears on the Order Paper today calling on the government to reconsider its position. We are hearing from Manitobans, and particularly people in Winnipeg from all walks of life, who are calling on their MLAs to vote in favour of their constituents.

Will the Premier confirm today that he'll allow his members, many of whom have constituents who are asking for the right thing to be done, will he allow them the opportunity to vote with their constituents on this very fair and balanced resolution?

**Hon. Gary Doer (Premier):** Manitobans were asking me over the weekend, where's that cellular phone bill that you people brought in, the one with text messaging. I said, oh, we introduced it in the House in December. Some other members were asking—just an urban activist was asking me this weekend about where's that tax increment financing bill, and I looked back and it was introduced a year ago, and then it was introduced in December. A firefighter asked me the other day, where is that—

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

**Mr. Speaker:** Order.

**Mr. Doer:** —where is that firefighter legislation? I said, well, I think, it was introduced early April. I hope some day it will go to—

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

**Mr. Speaker:** Order. Order. Order. Order.

**Mr. Doer:** So, perhaps, that will go to public hearings at some point and be determined by the House.

There's another issue dealing with logging in provincial parks. Somebody asked me this weekend, where's that? I said, well, we introduced it in early April.

So I would just like to point out, there's legislation that was introduced a year ago. There's legislation that was introduced in December. There's legislation that was introduced in April. There's legislation that was brought in, in May, Mr. Speaker. Surely to goodness, the public will have a right to speak on it in public hearings.

And, yes, we will deal with the matter raised by the member opposite, but we will deal with all issues confronting this Legislature. We're not a one-trick pony on this side of the House, Mr. Speaker.

**Mr. McFadyen:** Mr. Speaker, it sounds as though the Premier had a far more interesting weekend than most of the members of the House, some of the conversations that, obviously, spontaneously, Manitobans approaching him from all walks of life on these issues.

Mr. Speaker, the fact is that we were calling for a return of the Legislature in early January. They waited till the end of March. We were ready in January to debate these bills. We've been ready for months. They delayed till the end of March. They waited until the last minute to bring in their bill to cancel debt repayments, cancel their minimum payment on the credit card bill. If these bills were priorities for them, they had months to introduce them and they could have moved them through the process by now.

The fact is, Mr. Speaker, their top priorities are made very clear by the order in which they're doing things: one is to cancel their minimum payment on the credit card bill; the other is to hang on to photo radar money that never should have been collected in the first place.

Will he give us a straight answer? Will he give them a free vote on the resolution?

\* (14:00)

**Mr. Doer:** I want to point out that our top priority is the economy, which is the top priority of Canadians and is a top priority of Manitobans.

And I did have a very good weekend. I want to thank the member for recognizing that. I'm sorry he didn't have a more enjoyable weekend, and I also didn't have any questions on the BITSA bill. I don't know why, Mr. Speaker.

But the Conference Board just came out today, Mr. Speaker, still moving forward despite negative headwinds, dealing with the Manitoba economy. They talked about the surplus here in Manitoba, unlike other provinces. They talked about—*[interjection]* Well, you know, every bank and every independent body has the same assessment as we do.

The Conference Board of Canada, in this latest report that's just been made public, says that the GDP in Manitoba—now, hold on—is going to be the highest in 2009 of any province in Canada. There's going to be—

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

**Mr. Doer:** There's going to be—there's going to be—there's going to be four provinces in Canada that will have a positive GDP in 2009: New Brunswick at .5, Nova Scotia at .4, our good friends in Saskatchewan at .3 and Manitoba will have 1 percent. Many other provinces will have a negative GDP, and that's what we get up every day thinking about, the economy.

Remember the old saying: It's the economy, stupid. We get that, Mr. Speaker.

#### **Photo Radar Tickets Support for Proposed Motion**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I think those GDP projections must have included photo radar revenue.

Early last week, the Minister of Justice indicated that he had talked to the mayor of Winnipeg, and the mayor had not given him permission to refund the money from tickets collected that the courts said should never have been issued. A day later, we learned that the mayor, in fact, not only had never said such a thing; he said he never would say such a thing because the City holds no such power over the Province.

Will the Minister of Justice simply admit today that he was not being a friend of the truth when he laid blame for photo radar at the feet of the mayor, Mr. Speaker?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, I indicated last week when I was talking about the conditions in the

House that I had, in fact, stated some facts that were—actually, when I looked at the *Hansard*, it was true that it was Councillor Steeves who had made that statement, and corrected that.

Now, having said that, Mr. Speaker, I want to make it very clear, we delegate the authority to photo radar to the City of Winnipeg. They use it in three different circumstances in which they determine and the police determine. We do not have determination over that.

Because of the difficulties that occurred, the Crown felt that the evidence provided would not support a conviction. They felt, ethically, they wouldn't go forward, the convictions going forward, Mr. Speaker, and in terms of law, the cases that had already been dealt with in terms of law, had already been dealt with.

**Mr. Goertzen:** Mr. Speaker, in fact, the minister is correct. On Thursday, he did throw the court into Councillor Steeves' bailiwick saying that the councillor had said that any money refunded would have to come out of the policing budget. But on Thursday afternoon, that very same city councillor was interviewed by a local radio station, and when asked whether any refunded money would have to come from the policing budget, he responded by saying, I don't know, I would have to take a look at it.

Mr. Speaker, instead of trying to pass the buck and confuse the record, why doesn't the minister just commit to refunding the money that the court said should never been levied through these tickets?

**Mr. Chomiak:** Yes, Mr. Speaker, I was quoting from a letter that mayor—that Councillor Steeves had sent to us, wherein he specifically said that, and so—

**An Honourable Member:** In writing.

**Mr. Chomiak:** —in writing. So they can speak for themselves, Mr. Speaker.

I, again, want to reiterate, the Province and this Legislature and all members, except for the Member for River Heights (Mr. Gerrard), voted for this. The Member for Lac du Bonnet (Mr. Hawranik) wanted us to expand it.

Photo radar only applies in the city of Winnipeg as designated by the police. Signage is taken care of by the City of Winnipeg, Mr. Speaker. We've clarified the regulations with respect to signage to try to clear it up, and if we have to do more in order to do that, we will, and I clarified what the legal

situation is, and I did indicate on Thursday that I had misspoke. It was Councillor Steeves that had said that specifically to us in the letter mailed to us on May 7.

**Mr. Goertzen:** Mr. Speaker, some time before the end of this session, each member of the NDP party will have an opportunity to stand up and be counted, whether or not they think the money that the court said should never have been taken, whether or not they think that's right and just.

Today I received a copy of an e-mail that was sent to the Member for Southdale (Ms. Selby) from a constituent of hers asking her to vote yes for the refunds because he received a ticket driving the normal speed limit in a construction zone where there were no construction workers.

Will this government allow for a free vote on the resolution and allow the Member for Southdale and all members on that side to do what they were sent here to do and vote for the wishes of their constituents, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, views have changed a lot when the member asked me—the first time he asked me this question, he said, will you refund all 60,000 tickets. The next day he said, will you refund those tickets where people were driving within the legal speed limit within construction zones.

I clarified for the member that the delegated authority, the City of Winnipeg, deals with construction zones and signage. We've clarified that, Mr. Speaker. I also was frank with the media on the first day, saying we had these concerns, and the second day, saying it is a concern with respect to those that may or may not have been technically—and I think I used the word "inadvertent." In law, I was advised that, in fact, in law all of those tickets were legal. We had a very difficult decision to make. We weighed the pros and the cons, but in the face of the rule of law and in the face of dealing with issues on this—

**Mr. Speaker:** Order.

**Mr. Chomiak:** —we felt that was the correct decision.

#### **Fiscal Year Economic Statement**

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, this is May 25th. Fiscal year end is March 31st. That's almost two months past. The Finance Minister must have some idea as to what the year-end

financials look like. We know that revenues are much lower in the last quarter, and we know that the government continues to spend like there's no tomorrow.

How is the Finance Minister going to fudge the numbers to show a balanced statement and protect his salary? Is he going to borrow more money like he's wont to do, or is he going to transfer more from the Fiscal Stabilization Fund? Will he tell us today what he's going to do to give us that balance?

**Hon. Gary Doer (Premier):** Mr. Speaker, the Finance Minister is representing Manitoba—well, I might add—at the Finance ministers' meeting being convened—the member opposite may not be aware of it—in Ottawa.

I would say that the draw from the rainy day fund that was projected in the budget for the last three years, the draw has been less than was projected. In fact, a surplus was deposited in the rainy day fund. We've gone from \$226 million when we came into office to over \$800 million up until the budget of this year.

There have been additional expenditures in this fiscal year. The H1N1 flu has required additional expenditures. Obviously, the members opposite would be aware that the flooding situation has created more expenditures, and we'll have to manage that.

**Mr. Borotsik:** Actually, Mr. Speaker, there was a larger draw from the Fiscal Stabilization Fund to balance the previous budget. I assume that there's going to be a larger draw from the fiscal stabilization, as the Premier said there's more expenditures that they have to manage.

Well, why doesn't the Premier and the Finance Minister come clean with Manitobans? Why don't they make an economic statement in the House today, Mr. Speaker, so that we know, as Manitobans, where we stand financially? We know that they have less revenue. We know they have more expenses, and we know they're not going to balance their budget.

Why is it they can't come clean and tell us that it's not going to be a balanced statement and that they should lose their salaries, Mr. Speaker?

**Mr. Doer:** The projected budget surplus in the '08-09 year is a couple of hundred million, if not \$300 million, in the GAAP financial budgeting

system required by the Auditor General. This year, it's projected to be \$45 million.

I would also point out that there's a chart in the budget from Stats Canada that points out the spending level for every province. B.C. was lowest. Manitoba, on a per capita basis, was second lowest in this decade so we take our challenges on financing, both on the revenue and expenditure side, very seriously.

Second lowest isn't perfect in Canada, but we certainly believe it indicates a desire to be prudent with the finances of Manitobans in this province, Mr. Speaker.

**Mr. Borotsik:** Mr. Speaker, prudence, financial prudence, doesn't mean borrowing excessive money. Financial prudence doesn't mean spending excessively, and prudence doesn't mean draining a Fiscal Stabilization Fund.

Will the Premier stand today and tell us that we will have an economic statement before this House rises? Tell us exactly what the financials are for this past fiscal year and what's happening currently in this fiscal year, Mr. Speaker, because they can't depend on the federal government to continue to fund them with equalization payments.

Will he give us an economic statement before the House rises?

\*(14:10)

**Mr. Doer:** The member opposite, in his rambling statement makes—and perhaps a question—talks about the past fiscal year. The past fiscal year will be—under all the rules of GAAP, all the rules of GAAP—will be balanced, Mr. Speaker, and be in a significant surplus.

Mr. Speaker, on the issue of draining the rainy day fund, when we came into office they had put all this money in for the sale of the telephone system and then they drained it down to 226. We took it up to over \$800 million a year, or \$800 million, to deal with the situation because we don't want to fire nurses like they did in the '90s. We don't want to fire instructors in the community colleges. We don't want to cut back grants. We want to continue to build a knowledge economy, and we're going to continue to do it in a very prudent way.

Our spending levels in this decade, according to Stats Canada, are the second lowest in Canada on a per capita basis. We need no lectures from the members opposite, Mr. Speaker.

### **Manitoba Hydro Government Use of Revenue**

**Mr. Cliff Cullen (Turtle Mountain):** Under this government's watch, the Province's finances are certainly in disarray. Bill 30 indicates the government will not even meet its minimum credit card payment. This is a sign of a desperate government.

Mr. Speaker, Manitobans will remember back to 2002 when this government raided Manitoba Hydro to the tune of \$203 million just to balance the books that year.

Mr. Speaker, will the government be resorting to the same tactics to balance the book this year?

**Hon. Gary Doer (Premier):** Mr. Speaker, again on behalf of the Minister of Finance (Mr. Selinger), the biggest raid that ever took place in the history of Manitoba was the raid on the Manitoba Telephone System that was raided from the people of this province after they had promised to keep it in the '95 election campaign.

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

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

**Mr. Doer:** And it is interesting, when you look at the affordability charts provided in the province of Saskatchewan, in their budget in the province of Saskatchewan, an area where we were lower than Saskatchewan 10 years ago on cost to consumers was telephones. An area where we're higher today because of their raiding is in the telephone systems between Saskatchewan and Manitoba after they sold the Crown corporation and Saskatchewan maintains theirs, Mr. Speaker.

**Mr. Cullen:** Well, Mr. Speaker, the fact is since this government's raid of 2002, hydro rates have increased four times. As a result, rates have increased 16 percent since that \$203-million raid. Manitobans have every right to be nervous about this government's intention when they get themselves involved with Manitoba Hydro activities.

Mr. Speaker, we know it's an NDP decision to squander \$640 million on a west-side line. Will it be an NDP decision to raid Manitoba Hydro to balance their books?

**Mr. Doer:** I find it—you know, it's interesting for a member that allegedly represents a rural community to not recall the fact that they used to pay higher

rates in rural Manitoba. They used to pay higher rates in northern Manitoba than they did behind the Perimeter Highway.

What did the rural members under the Conservative government for 11 years do about equalizing hydro rates in rural Manitoba? They swaggered around. They did nothing.

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

**Mr. Speaker:** Order.

**Mr. Doer:** We've equalized hydro rates for rural and northern residents. It cost Hydro \$19 million a year, and they opposed it. We stood up with rural residents in equalizing the rates and stood up with northerners as well, Mr. Speaker.

**Mr. Cullen:** Well, Mr. Speaker, I want to remind the Premier about his history of having the hand in the piggybank over there at Manitoba Hydro.

Here are the facts, Mr. Speaker. This government raided Manitoba Hydro to the tune of \$203 million. The NDP have also doubled water rental fees to the tune of \$124 million a year. They've also doubled the debt guarantee fee to Manitoba Hydro to \$73 million a year. Now, under Bill 30, the NDP can't even make their minimum credit card payment.

Mr. Speaker, the NDP has used Manitoba Hydro to give the appearance of a balanced budget under their summary accounting. Will the NDP be using cash from Manitoba Hydro to balance cash flow this year?

**Mr. Doer:** And it was a Conservative government that introduced the water power rental rates in Manitoba, Mr. Speaker.

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

**Mr. Speaker:** Order. Order. Let's have a little decorum. Order. The honourable First Minister has the floor.

**Mr. Doer:** Yes, and it was, again, the Conservative government of Manitoba that introduced capital tax on Crown corp—[interjection]

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

**Mr. Doer:** Mr. Speaker, the debt ratio, it was 86 percent, the debt-equity ratio, when we came into office, and they didn't have the Centra Gas purchase on the books.

Mr. Speaker, the debt-equity ratio today is 75 percent. Hydro is in a lot better financial shape today under our government than it ever was under the former government.

### **Teen Pregnancy Rates Increase**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, in 2007 a maternal child report was leaked to us by front-line health-care workers who felt that the government was ignoring a very real crisis in maternal newborn care in Manitoba. The numbers were alarming.

Mr. Speaker, through Freedom of Information we have updated numbers which show us that it has gotten worse in maternal child care over the past four years. Teen pregnancies in Manitoba remain alarmingly high. In 2004-05, there were 1,852 teen pregnancies. In 2007-08, there were 1,975 teen pregnancies, almost 2,000 teen pregnancies a year in Manitoba.

Can the Minister of Health (Ms. Oswald) tell us if Manitoba still has the highest teen pregnancy rate in all of Canada?

**Hon. Kerri Irvin-Ross (Minister of Healthy Living):** What we've done working with our interdepartmental and our community partners is develop a comprehensive strategy around healthy sexuality in Manitoba.

We have opened many teen clinics across the province, and in these teen clinics, teens are able to access services in their school settings or in community settings, and this is supporting teens and making positive decisions.

We've had initiatives such as the *Little Black Book*, which has been well accepted across the province, where teens are getting the information that they need. We will continue to work with our partners as we go forward.

### **Neonatal Deaths Increase**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, the number of stillbirths and neonatal deaths point to poor maternity care outcomes in Manitoba. The number of stillbirths over the last four years has remained unchanged. It has not improved. There are between 101 and 106 babies born stillborn every year.

However, neonatal deaths have gotten worse. In 2005, 65 neonatal deaths happened, and in 2007 there was 74 neonatal deaths.

I'd like to ask the Minister of Health to tell us if Manitoba still has the highest stillbirth rate in Canada and the second highest rate of neonatal deaths.

**Hon. Theresa Oswald (Minister of Health):** We know that this government is very committed to improving maternal care in Manitoba. We know that in the reports that members opposite have referenced in the past, including in the question today, one of the—the single most important thing that that report noted was that maternal care was on a significant decline in Manitoba due to the fact that there were not as many nurses at the bedside helping mothers and families do the best that they could towards a safe delivery with prenatal care and with postpartum care.

One of the single most important things that we can do is build our work force. In addition to that, of course, we launched a strategy in partnership with the Women's Health Clinic to renew our maternal health strategy, a giant pillar of which, of course, is the construction of the new women's hospital, the building of human health resources. We're committed to this, Mr. Speaker.

**Mr. Speaker:** Order.

#### **Maternal and Infant Care Hospital Re-admission Rates**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, we're hearing all talk and no action from the minister. These numbers are getting worse under her watch.

The number of re-admissions for new moms because of complications following delivery have also gotten worse since the warning flags of a few years ago. In '04-05, there were 116 re-admissions for moms. In '07-08, it went up to 137, and the number of re-admissions for newborns who ran into trouble after birth has doubled. It's gone from 147 to 303 babies running into trouble after being born.

So I'd like to ask the Minister of Health: She's—she had the red flags waved in front of her a number of years ago. Why has she dragged her heels? Where's the progress in this? Why are moms and babies continually being put at risk?

\* (14:20)

**Hon. Theresa Oswald (Minister of Health):** Well, Mr. Speaker, our government's record on providing services and supports for expectant moms, for young families, is very significant in comparison to the government, of course, who cancelled and disbanded the Maternal and Child Health Directorate in 1994. We know that, as a result of that, in that report it says on page 4: fewer nurses were available to assist women during labour and childbirth.

We not only brought to the fore Healthy Child Manitoba; we introduced the prenatal benefit, Mr. Speaker, a program which provides financial assistance for healthy nutrition during pregnancy. It's provided to 4,400 families, 25 percent of whom are First Nation. We're working to improve outcome.

#### **Drug Treatment Court Graduation Rates**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, we know that drug addiction is one of the leading causes of the high crime rate that we have in Winnipeg and Manitoba. Drug treatment court can aid in reducing recidivism if it's conducted appropriately and the right type of offenders are referred to that court.

In the Provincial Court of Manitoba report, which was tabled on Thursday, it indicated that in the year 2007-2008, there are 42 participants in Winnipeg's drug treatment court, but only seven graduated that year. Can the minister indicate if this level of success is what he would expect from this program?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes, Mr. Speaker, I think, in general, any individual who's diverted from the criminal justice system into another system and doesn't have to go into the criminal justice system is a success.

Under their drug program, court success is a year, I believe, of non-involvement in drugs, et cetera. That's why the drug treatment court is both a pilot, and we're looking at it with respect to continuance as well as some observations with respect to mental health court possibly and how they might intermingle.

That and the community prosecutor—community prosecutor that keeps people from even getting there are two innovations that've been brought in place by this government to deal with that issue, and I should think the member would applaud the fact that we have numerous examples of success in that area.

**Mr. Goertzen:** Mr. Speaker, there are several drug treatment courts in Canada and hundreds in the United States, and they publish their graduation rates and their reoffence rates of those who do graduate. In fact, one drug treatment court in the state of New York recently held a graduation, and as part of that they indicated that they had a 75 percent graduation rate and only 10 percent had reoffended after graduation.

The Provincial Court report only says that Manitoba success has been fair. It doesn't say anything more than that. Can the minister tell us what the graduation rate is for the drug treatment court and what the reoffence rate is after graduation?

**Mr. Chomiak:** Yes, Mr. Speaker, as the report says, the program's criteria mean a minimum one-year participation period of stability, commitment to personal goals and a favourable recommendation from the drug treatment court. It has six phases and utilizes harm reduction.

The information given in the report is a snapshot of the 42 individuals that are involved at the time. We continue to observe it. We're determining whether or not there should be expansion, whether or not there should be change, how it should be interactive, perhaps, with a mental health court, and how the fact that we have the only community prosecutor in Canada that is a prosecutor working in the community with individuals keeping—keeping them away from the court, keeping them right away from the system is working in relationship to all this.

So we have a number of initiatives, Mr. Speaker, and we don't simply focus on numbers. We focus on people.

**Mr. Goertzen:** Well, Mr. Speaker, numbers in this context do matter, and he has to provide what the graduation rate and what the reoffence rate is.

I also want to know: Can the minister indicate whether there has been any review of the drug treatment court in Winnipeg in terms of the type of offenders that are being accepted, their criminal history, the types of offences they were charged with to begin with and the success they have in the program?

What sort of analysis is being done to determine the success of Winnipeg's drug treatment court?

**Mr. Chomiak:** Yes, Mr. Speaker, in addition to the drug treatment court, of course, we have the FAASD program that provides universal screening and an

AFIS program at Portage la Prairie, Flin Flon, Dauphin, Thompson, and we have programs within the jails.

Mr. Speaker, I, again, want to point out to the member opposite that—I want—the member is not listening to the answer, but I will indicate that the drug treatment court is a pilot that we're doing with the federal government. We're also looking at a mental health court and how that might be intermingled.

That, combined with the community prosecutor, has seen a significant change and we will continue to evolve in that area and not just deal with hard numbers that the member opposite—I doubt, I've yet to see a 75 percent non-recidivism rate in terms of addictions.

**Mr. Speaker:** Order.

### **Rapid Transit Funding**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the Manitoba Liberal Party was the first party to support major funding for the rapid transit here in Manitoba. We're pleased that the government is, after quite some time, moving in the right direction.

Today there is an open house on rapid transit, and there are some important issues which remain outstanding. The government has said that it will support phase 1 of rapid transit financially going from downtown to Jubilee.

Will the government also support phase 2 of rapid transit all the way to the Fort Garry campus of the University of Manitoba? What is the government's plan? What are the time lines, and will there be, as the government has talked about so often, 50 percent funding from the provincial government for the construction costs for phase 2 of the rapid transit to the Fort Garry campus?

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Well, Mr. Speaker, I'm very proud that this government has taken a historic step of committing not only to the original discussion of rapid transit to Jubilee but has already precommitted our support all the way to the University of Manitoba, and we look forward to working with the City of Winnipeg on the northeast corridor, as well, because our vision for rapid transit is very much based on the fact that this is important, both in terms of bus transportation but, also, in terms of active transportation.

So our commitment is there. We're working with the City, and we certainly look forward, by the way, not to just 50-50 funding but to further future potential involvement from the federal government, as well, because Winnipeg is on the map with rapid transit. This government has taken the lead.

**Mr. Gerrard:** Mr. Speaker, there's also a significant issue with the active transportation corridor. Are there going to be separable lanes for bicyclists and for pedestrians for safety, and what's going to happen with the current gap in the active transportation route at the south Osborne underpass? Clearly, as the south Osborne underpass gap is looking at the moment, it would be rather unsafe.

So I ask the government whether they are going to ensure that the design is going to be a safe one and that this gap in the active transportation route at the south Osborne underpass is going to be addressed.

**Mr. Ashton:** I want to stress a couple of things, that our vision for rapid transit, right from day one, included both bus rapid transit but, also, our commitment, our government-wide commitment, to active transportation, it also included commuter bike paths, and that's very much part of the design. The issue in terms of the interconnectivity is something that has been discussed by many people. There is going to be an open house, and we would certainly be willing to work with the City to ensure that happens.

Our commitment, again, is to have Winnipeg in the front lines of rapid transportation, including with bike commuter paths, Mr. Speaker, and we're very proud that this government has taken a historic commitment towards that. We're committed to rapid transit.

#### **Text Messaging Charges Government Strategy**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, could you imagine having to pay for incoming text messages? It's something in which one company is actually proposing and it's told Manitobans that they're going to have to do is to pay for an incoming text message. Even if they don't want the text message, they're going to have to pay a bit extra in order to receive that text message. This has raised a great deal of concern in terms of is there anything that the government can do to prevent text messaging or people being charged in order to receive a text message.

So that's the question I have for the government. What is this government prepared to do to ensure that the rights of consumers are going to be protected so that they're not going to have to pay in order to receive a text message?

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** I would hope that all people are concerned about this and send their inquiries and their suggestions to CRTC that actually has the jurisdiction in this regards.

\* (14:30)

#### **Economy Provincial Ranking**

**Mr. Bidhu Jha (Radisson):** We all know that the world is going through a recession. We all know thousands and thousands of jobs have been lost all over, and I'm really very, very sorry, Mr. Speaker, to see members opposite do not take pride in Manitoba business. They do not take pride that we are doing well.

So I'd like to request my colleague, my minister from sci-competitiveness, trade and technology, to inform the House, particularly the friends that side, how we are doing and what is our standing.

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** In these uncertain times, I am pleased to have a question on the economy to speak to today, and, indeed, the Conference Board of Canada did release its recent provincial outlook, and, certainly, they see the value of the diversity of Manitoba business, the diversity of Manitoba's work force, the investments this government has made in health care, in education, and in training, as well as the—as they put it—the prudent fiscal planning of this government. I'm very pleased their comment is that, while most provinces have fallen into deficit and recession, Manitoba is expected to balance its books and post positive GDP growth.

All of these, Mr. Speaker, have led to the Conference Board of Canada determining that Manitoba's GDP growth in 2009 should be 1 percent, which is twice that of Saskatchewan in second place, and, indeed, they expect this to be the strongest performing economy in all of Canada this year.

#### **Land Value Appraisal Commission Length of Deliberations**

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, on Thursday I asked the minister some questions about the Land Value Appraisal committee, and in his

answer, according to *Hansard*, it was certainly that they didn't want the government to interfere, and I certainly agree with that.

But what I was—what I was asking was if the minister responsible for the Land Value acquisition—Appraisal committee would commit to reporting back to me as to how the LVAC is dealing with the matter between the R.M. of Ellice and the Fouillard family.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Mr. Speaker, I think every minister, every MLA on this side is more than willing to engage in discussions of matters of interest to MLAs, and, certainly, I would be willing. I know my colleagues would be willing to talk to the member about this.

I do want to stress it's important not to try and direct the activities of a arm's-length board or commission, and I don't think the member is seeking that, Mr. Speaker.

But, certainly, as Minister of Intergovernmental Affairs, I'm aware of the complexity of the issue, of this long-standing dispute, and I'm certainly more than willing—any of my colleagues are more than willing—to discuss this matter and would certainly welcome the opportunity to do so with the member.

**Mr. Pedersen:** Mr. Speaker, perhaps I could be—seek clarification on this, but my understanding is that the Minister of Infrastructure and Transportation (Mr. Lemieux) is, in fact, in charge of the Land Value Appraisal committee. So, perhaps, he could tell me if he is going to do this, or is my information wrong?

**Mr. Ashton:** Mr. Speaker, as the Minister of Intergovernmental Affairs, I'm proud to be working with 198 municipalities across the province.

This is a dispute that does involve a municipality directly. That's why, certainly, Mr. Speaker, I was more pleased to answer the question of the member opposite, and I certainly hope that he will continue to pursue any questions he has.

I want to stress, again, members on this side, ministers in this government are always open to members of the opposition on issues, Mr. Speaker, and I'm certainly willing. I know, certainly, my colleague the Minister of Infrastructure and Transportation is more than willing to sit down and discuss matters, whether it involves municipalities or any other matter.

**Mr. Pedersen:** So, again, I'm just seeking clarification. Is either one of them—and I'm not asking the Minister of Intergovernmental Affairs to talk to the R.M.s or to talk to the Fouillard family, because that would be interfering. What I'm asking them is to check with the LVAC to see where this, where this committee is at on in their negotiations and if there are problems. That's all I'm asking.

So which of the ministers is going to report back to me about that?

**Mr. Ashton:** Well, Mr. Speaker, I'm really glad that this exchange is going to be recorded, word for word, accurately in *Hansard*.

Mr. Speaker, we will talk to the member opposite. We're more than open. I want to stress this again; we are more than open to discuss this or any other matter.

So, Mr. Speaker, once again, I want to say that I'm really glad that *Hansard* is going to report, three times, that the member asked this question and the answer is: We're more than willing to discuss this with the member opposite, period.

**Mr. Speaker:** Order. Time for oral questions has expired. Members' statements.

## MEMBERS' STATEMENTS

### Missing Children's Week

**Mr. Doug Martindale (Burrows):** Mr. Speaker, children are some of the most valuable persons in any society. They are also among the most vulnerable.

Today marks national Missing Children's Day, a day to remember the countless names and faces of lost children and their families left behind today. Today, the Minister of Family Services and Housing (Mr. Mackintosh) is proclaiming this week as Missing Children's Week.

There is, perhaps, nothing more frightening to a parent than a missing child. The disappearance of Tori Stafford in Woodstock, Ontario, has pushed the issue of missing children to the forefront of the nation's attention in recent weeks. In 2007, over 60,000 children were reported missing in Canada.

In Manitoba, we can all work together to help prevent and find missing children. Preventing the number of incidences of missing children requires an increased level of awareness among children, families, schools and the larger community. The AMBER Alert program partners the province's law

enforcement community, media broadcasting agencies and the public in locating abducted children.

Organizations like Child Find Manitoba work closely with families to help facilitate the location of their child as well as provide emotional support. Child Find also focusses on educational prevention programs on child safety and sexual exploitation as well as increasing awareness and advocating on issues related to missing and exploited children. Mr. Speaker, let us remember to keep the families of missing children in our hearts today. I would like to recognize organizations like Child Find, local law enforcement and the RCMP for the good work that they do in this area.

Finally, let us each say a prayer for all those missing children that one day they may find their way home.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I rise in recognition of Missing Children's Week, which corresponds with National Missing Children's Day today.

I am wearing this green ribbon in order to show my support and concern for missing children, and I am happy to see many members of this House doing the same.

Mr. Speaker, the issue of missing children is not only heartbreaking to those family members whose child has disappeared, but it is one that touches the hearts of and has a deep impact on all of us in one way or another. Today we join all of those whose lives have been shattered by the disappearance of a child, in hoping for the safe return of their loved ones.

We sympathize and extend our best wishes right now to the family of Victoria Stafford and wish them all the best in terms of moving through this horrible situation that has been forced upon them in the missing of their lovely daughter.

Child Find Manitoba has put together a Missing Children's Month campaign that focusses on public awareness about missing children and about the issues surrounding child safety. Community members can show support for this campaign by wearing the green ribbon, a symbol of hope that was created following the abduction and murder of 15-year-old Kristen French in 1992 which shocked the nation as well as her home community of St. Catharines.

I would like to take this opportunity to thank Child Find Manitoba and all the volunteers that work with them to help locate missing children and educate the public in order to prevent children going missing. A missing child is a parent's greatest fear and Child Find Manitoba works closely with police and other authorities while networking with those organizations to assist in the location of missing children.

So, thank you to Child Find Manitoba for all the hard work you do to protect our children. We stand with you and hope to fulfil the quest for the safe return of all missing children in Manitoba and in Canada.

Thank you, Mr. Speaker.

### **Woman Entrepreneur of the Year**

**Ms. Erin Selby (Southdale):** Mr. Speaker, this past Thursday, on May 21st, I had the privilege of attending the 2009 Manitoba Woman Entrepreneur of the Year awards along with the Member for St. Norbert (Ms. Brick) and the Minister of Competitiveness, Training and Trade (Mr. Swan).

The awards were hosted by the Winnipeg chapter of the Women Business Owners of Manitoba and have been held since 1992. They are an opportunity to recognize today's role models who inspire tomorrow's emerging business leaders. To be nominated for an award, the woman must be an equal partner or sole owner in a business that has been registered and in operation in Manitoba for a minimum of three consecutive years. The operation must be her full-time venture and from where she draws her main source of income.

This year, eight women received the awards for their accomplishments in the business community. The recipients of the awards were: Kim Belmont, of Trapeze Learning, for Excellence in Service; Coree Francisco, of Girl One Interactive, for Contribution to the Community; Barbara Chabai, of BC Creative House, for Home Enterprise; Carol Manlow, of Country Connections, for International Trade; Deb Dawson-Dunn, of Get it Dunn, for Emerging Business; Barb Chapman, of Bra Lady Incorporated, for the Lifetime Achievement; and Dr. Rhonda Gledhill, of the Linden Ridge Animal Hospital, for Building Business. Cindy Kinkead of Eriksdale Inn was the recipient for the Impact on the Local Economy award and the Overall Excellence award.

Women are increasingly entering the business work force and becoming leading moguls in

briz-business practices. They are an economic force in Canada. Four out of every five businesses are started by women. Their sense of commitment, detail and organization has led to their success, and I would like to congratulate all the women who were nominated and the recipients of the awards for their achievement and success. Thank you.

\*(14:40)

#### Glenna Beauchamp

**Mrs. Leanne Rowat (Minnedosa):** I rise today to commemorate a special constituent of mine, Glenna Beauchamp. Glenna has provided 35 years of uninterrupted service to the United Church of Canada, and it is my pleasure to congratulate her today for this significant contribution.

Glenna was born and raised in Sarnia, Ontario, and received her Bachelor of Arts in Modern Languages at the University of Western Ontario. She attended Emmanuel College in Toronto after being called to the ministry and moved to Moose Jaw after her graduation.

Glenna was soon transferred to Manitoba and fell in love with the prairies as she worked in various rural communities. Over the years, Glenna served on many commun—committees, mostly in the area of pastoral relations and education, and she has worked for a number of churches including the Northland, Birtle and Assiniboine presbyteries and have often acted as chaplain to the various communities as she served as their minister.

More recently, Glenda has begun to write for devotional publications such as the *Lent 2009 Worship Leader's Guide* and the *Puzzles of Life and our Life of Faith*. She is, she is—she has an admirable ability to transfer inspiration to the written word and has been published in a number of magazines, local newspapers and devotional public booklets.

Glenna is known for her kind heart, her integrity and for her incredible insight. I have been privileged to know Glenna for all of my six years as an MLA and greatly value her input and opinions about the issues that face the Minnedosa constituency. I've also attended church services conducted by Glenna and always find her sermons relevant and inspirational.

The communities that Glenna has been a part of over the years have been very fortunate to have her. Her nurturing spirit and passionate interest in the well-being of those around her, her, ensure that those

who come into contact with her are changed for the better.

I would like to congratulate Glenna Beauchamp on her many years of servitude to the United Church of Canada and wish her all the best as she continues to touch the lives of many. Thank you, Mr. Speaker.

#### *I Believe* Premiere

**Ms. Erna Braun (Rossmere):** Mr. Speaker, I rise today in praise of the world premiere of *I Believe*, and the powerful message delivered by this dramatic musical concert.

*I Believe* is an exceptionally emotional production, with a series of 12 stirring movements reflecting the events surrounding the Holocaust. The movements focus on the events and experiences of individuals during this dark period of history, beginning with the Kristallnacht pogrom and as an exhibition of hatred erupting into violence to the evocative finale reminding us that we must continuously build the moral fabric of our society in the hope for peace.

*I Believe* is a five-year labour of love by Zane Zalis, local composer, lyricist and music teacher at Miles MacDonell Collegiate. It brings together the talents of the full 65-member symphony, Winnipeg Symphony Orchestra under Alexander Mickelthwate, soprano Kelsey Cowie, tenors Marc Devigne and Marko Zeiler, narrator Shelley Faintuch, a 140-voice chorus made up of high school, community and university singers and a 50-voice children's chorus.

I attended the premiere last Thursday and was moved by the stirring performance that illustrated the horrors that humankind can bring on upon others. The chorus and soloists were absolutely incredible. They brought to life the emotions of fear, anger, shame, desolation and hope carried in each of the movements while the narration eloquently complemented the musical progression of events.

In its five years of development, *I Believe* has brought together a wide community of support. Friends of *I Believe* have been monumental in raising support for this production and champyng—championing it as a major production in the Winnipeg arts scene, propelling Manitoba once again into the international stage of artistic development.

I ask the House to join me in thanking Mr. Zalis for creating this amazing and thought-provoking work. *I Believe* is the testament to the power of the human spirit and the fortitude of our collective

memory. I wish all the musicians and singers the very best as they share this musical message in future performances here at home and everywhere the *I Believe* production travels. Thank you, Mr. Speaker.

**Mr. Speaker:** Grievances.

### GRIEVANCES

**Mr. Speaker:** The honourable Member for Springfield, on a grievance?

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I rise on a grievance in regards to the Minister of Education (Mr. Bjornson) and his clear inaction and inattention to the issue of asbestos in our schools.

Back on April 28, I raised with the Minister of Education the issue of asbestos in our schools, and he indicated at that time that he would provide a list of schools in Manitoba that have asbestos in them, and Mr. Speaker, I would like to point out for this House that we have a increasingly growing stock of schools that are aging and are crumbling and are need of repairs and remediation, and this has been an issue that's been facing our province for a long time, and, certainly, over the last 10 years, we've seen no action on part of this minister or of this government.

The schools, of which a lot of them were built, or the bulk of them were built, in the 1950s and 1960s, may potentially have asbestos in them in some form or another. Now, some of the schools may not actually have asbestos in them that would be a health concern, for instance, if it's wrapped around pipes, in crawl spaces, and in areas where there would be no action, no activity of children around, those would not be of as much concern as those schools that would have asbestos ceiling tiles, floor tiles, or pipes, or any other application of asbestos where children might have access to them.

I had a story related to me. There was a school in our city where there was an approximately an eight-or nine-foot ceiling that had asbestos tiles. Now the minister has spoken about encapsulated asbestos, and he's correct. As long as it's encapsulated, it is not the same health concern as if it is not.

In this case, students were jumping up and down and were trying to touch the ceiling and were slowly moving the tiles around and the encapsulation obviously wasn't working. When it was discovered that the tiles were being moved about, the wing of the school or the school was shut down and the tiles had to be remediated.

The other day I got up in question period, and I rose and raised the issue of an event that happened in 2005 in British Columbia. There a school was put up for remediation, for some renovation, I should say, and unfortunately, nobody pointed out to the construction crew or to the staff or to the students that there was asbestos present. Happened to be that teachers started to complain about the dust in the school because dust does build on top of the tiles and so forth and when you construct, as any of us would know, there's a lot of dust involved.

Anyway, the teachers complained and sure enough, they came out and they tested the air to make sure that it was safe and found out that there was in fact asbestos in the school. And what happened was that eight construction workers were exposed to excessive amounts of asbestos, and also so were the teachers. Now it doesn't say if there were students affected. I suspect the students would have been affected as well, and that is the kind of concern we have when it comes to asbestos in schools.

Number 1, there should be a provincial list. Number 2, it should be listed where the asbestos is, and that would protect all of us. For instance, if someone comes in and does some plumbing, we have seen in this very building, the Manitoba Legislature, we've had a problem where a pipe burst and there was damage. In fact, in my office, a lot of the pictures that were up in my office were damaged. Obviously, that evening, somebody had to be called in. The pipe has to be fixed, and I would hope that if there was asbestos involved, that they would immediately be notified that they are in a asbestos-surrounded site. In this case, I understand it wasn't here at the Legislature, but it was the case in British Columbia, and I would point out that in this instance, the school division was charged \$75,000 by WorkSafe British Columbia.

It was the responsibility of those who manage the buildings to let those know who come in and do work on them that there is asbestos present, and we know that we have potentially many schools that will have asbestos in them. We asked the minister. We've asked him twice now in question period, and each time we get a fairly weak, if not a very poor, response.

\* (14:50)

And I understand that the minister's been to over 350 schools. Mr. Speaker, we have no problem with the minister travelling to schools and visiting schools. What we have a problem with is the fact that

the minister isn't in his office doing his job. He should first be doing the job of minister, and the kind of negligence that he's showing by not producing these kinds of lists, by not asking for the kinds of reports that should have been a given, that he should have had at his fingertips, that kind of thing is not on, and he should, in fact, be providing that list immediately. That list should be available. That list should have been available right from day one.

The minister indicated, the Member for Gimli, the Minister of Education (Mr. Bjornson) indicated that the school board should have that list. Well, in that case it would have been as simple as an e-mail going out asking for all the schools with the list and that list should have been provided.

And we want to be careful, Mr. Speaker. This isn't about fearmongering or putting people at ease. It should be a list that shows exactly where the asbestos is located and the safety of that asbestos. And so we feel that there is a real case to be made, a real grievance in front of this Legislature, the fact that the minister is not providing the list. And I wonder why the minister won't provide the list. What is it about it that he doesn't understand is a serious issue?

I would point out to this House that there was a press release put out June 5, 2008. The headline is Asbestos eradication planned for Montréal schools, and it doesn't basically say that these are harmful. It doesn't say that these are encapsulated or not encapsulated, but says that there is an immediate need for it. In fact, it goes on to say there is no immediate danger to students. However, they believe in Montréal that the asbestos should be cleaned out and because I'd like to point to the House that anybody who has their own residence knows that after 15, 16 years, you know, your house starts to show some age. Carpet has to be replaced, the linoleum has to be replaced, shingles have to be replaced and so and so forth and so too is it with our schools that are 30, 40, 50, 60, in some cases 70 years old.

We know that the buildings shift. We know that things change in the building and that it is very important, very important to be on top of this issue because although those ceiling tiles or floor tiles or wherever this asbestos might be, although it might be encapsulated, it might have been in, in, in a very safe place some time ago that may not be the case today because we know that our buildings do age and do shift and do change with age.

We want to be very clear—we want to be very clear with Manitobans, with parents who entrust their children to the care of, of, of the schools. We want to be very careful with those who work in our schools on a daily basis and are involved with teaching or education. And, again, as example from British Columbia, we want to be very careful with those individuals who come in and work in our schools, who do minor construction projects or in some cases major construction projects.

So we call upon the minister to, to do his, his, his best to make this a priority, to get a list and present it to all Manitobans, to present it in this House. We would ask the minister that maybe, maybe he would set this up as one of his main, his main focuses, that he would be, that he, he would view this as being important, not as secondary, not as another one of those projects that, that may or may not get done, that in fact should be done. We grieve this in front of the House and would, would ask that the minister do the right thing, get that list and make it public, which schools might have asbestos and what kind, and what form. Thank you, Mr. Speaker.

**Mr. Speaker:** The Member for Ste. Rose, on a grievance?

**Mr. Stuart Briese (Ste. Rose):** On a grievance, Mr. Speaker.

Mr. Speaker, I want to rise in the House today and put a few comments on the record on the fiscal responsibility and the rural health care of this government.

The government's been an absolute failure of doing anything that even faintly resembles fiscal responsibility, not only of the enjoyed significant increases and their own source revenues, but they have also received huge increases of federal transfers, equalization payments and more recently in—the Brinks truck has arrived in Manitoba with unprecedented amounts of infrastructure funding and we're seeing announcement on top of announcement with federal money—

**An Honourable Member:** Re-announcements.

**Mr. Briese:** —and re-announcements recently and the—we're still not seeing the improvements in the infrastructure that we're, we're hoping at some point are going to be arrived at. Our highways still continue to crumble and deteriorate. Our—our sewer and water systems and our—our urban centres continue to degrade, and, in spite of all the extra money that's coming into this province from various

sources, Manitobans still don't believe their health care is any better than it was 10 years ago. They know that they're—are not as safe on our streets as they were 10 years ago, and most of them are no better off financially than they were 10 years ago. We have a government that is very, very good at making announcements, but equally weak at making something happen that actually has a meaningful impact on people's lives.

Ten years ago, the NDP promised to fix hallway medicine in six months with \$15 million. Well, here we are 10 years later still with hallway medicine. Here we are spending \$2 billion more per year on health care than we were in '99, and here we are with accumulative extra spending in health care of over \$10 billion over the—the 10 years, and what have we got to show for it? Well, we have highway medicine, both in Winnipeg and outside Winnipeg.

I recently talked to a man in Dauphin who has to travel to Brandon for dialysis, even though dialysis is available in Dauphin. There are not enough trained staff to provide the service. So this gentleman must commute to Brandon for dialysis. That really makes a lot of sense. You've got an elderly person that's sick, having to travel down the highway for a couple of hours one way for dialysis and back home, and do it a couple of times a week.

We have many rural emergency rooms closed. After 10 years of supposedly fixing health care and, yet, we have chronic shortages of nurses and doctors, support staff and technicians; 1,500 doctors have left Manitoba since this NDP government was formed. That's a shameful number. We have a government that has no imagination, no ability to get results even when millions and millions more dollars are spent. Money is certainly not the issue. Priorities and results are the issue. The government can make all—the announcements they want, but if they don't carry them through to fruition, we just spin our wheels in the sand.

My area of the province, we are now experiencing another shortage, that being trained EMT and EMS staff. Not only must we travel great distances for our health care, if we can get it at all, but now we were experiencing difficulties in finding trained first responders. That's bec—become even a bigger issue if you're already some distance from a hospital and then you find out that your closest hospital has a closed ER. There simply cannot be any good outcomes to the crisis that this NDP government has perpetrated in rural health care.

I listened closely to the answers the Minister of Health (Ms. Oswald) gave to my questions about availability of family doctors, and what I heard was a litany of we did this, we made announcements, we spent the X number of dollars. Nowhere did she say what the time lines were, when we could expect to see some resolution to the growing problems.

In Neepawa, Gladstone, Dauphin and Ste. Rose du Lac, doctors are not accepting new patients. In McCreary, there are no doctors, so that looks after whether they're gonna accept new patients or not. In Dauphin, just recently, the doctors there have quit accepting new patients, too. The only time you can get on to a doctor's list as a new patient, onto a family doctor's list, is if somebody has moved off it, somebody leaves the area or dies, or whatever happens to take them off—off that doctor's list.

I don't think the people in that area of the province really believe the NDP are doing anything to improve health care. The fact, if you actually listen to the people, I think you'd quickly realize that in spite of the rhetoric, empty promises and many announcements, health-care provision in this province has deteriorated since 1999.

\* (15:00)

Mr. Speaker, you know, saying the same thing over and over again doesn't make it right. We've heard the Premier (Mr. Doer) and the Minister of Finance (Mr. Selinger) say over and over again that we have a balanced budget. Those must be wonderful rose-coloured glasses that they are looking through, because there's no way anyone else in Manitoba can understand how this budget is balanced, and that's in spite of the high-priced media, media blitz that the NDP have authorized. The tired, old spin is just not working as well as it used to. The magic is gone. We have a budget that actually has an \$88-million deficit, even using the numbers that the Finance Minister twists and manipulates.

Far beyond the \$88 million, though, is the fact that the NDP are using \$200 million of Manitoba Hydro profit and another \$110 million out of the Fiscal Stabilization Fund to try and balance their books. In addition to that, the NDP are raising our debt by another 1.7 billion.

Now, Mr. Speaker, even with all the spin, all the smoke, all the mirrors, they have introduced a Bill 30. It relieves them of paying down any debt for the next three years. If the forementioned wasn't true,

why would they not have money around to pay down the debt?

The balanced budget legislation introduced with bill—introduced by the Filmon government called for yearly debt repayment with the goal of retiring Manitoba's debt over a number of decades.

Now, unfortunately, the NDP have more to get rid of—moved to get rid of all semblance of balanced budgets. They are deep—they are dragging every citizen in Manitoba deeper into debt, and it is a debt that until we—that will be carried by our children and grandchildren, and we're in the millions and millions on accumulated debt, the billions of accumulated debt. Every total debt in the province is somewhere around 21 billion, which is something like 20,000 for every man, woman and child in this province.

I think, maybe, you have to watch that people don't start leaving and taking—leaving their debt behind and moving to the provinces that have little or no debt. Accumulated debt in this province is higher than Saskatchewan, Alberta and B.C. put together. I think—I can't believe that they can't see what they're doing to the province by increasing our debt over and over and over again, and not paying any of it down.

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

**Mr. Speaker:** Grievances?

#### House Business

**Mr. Speaker:** The honourable Member for Lac du Bonnet, on House business?

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, on House business, Mr. Speaker. For Thursday, May 28th, I'd ask leave of the House, first of all, for Thursday, May 28th, during private members' business, to switch the order to have 10 o'clock in the morning debate on a—on our private member's resolution, and for 11 o'clock in the morning to have debate on our private member's bill.

**Mr. Speaker:** Is there agreement of the House for Thursday, May 28th, to reverse the order, to do the resolution at 10 a.m. instead of 11 a.m. and, then, at 11 a.m. to do the bill instead of the resolution? Is there agreement? *[interjection]* Okay, there's agreement.

The honourable Government House Leader, on House business.

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, I wonder if you might call the

following bills for debate on second reading, commencing with Bill 30, to be followed by Bill 8, Bill 12, Bill 13, Bill 17, Bill 21 and Bill 11. That's 30, 8, 12, 13, 17, 21 and 11.

**Mr. Speaker:** The order of business will be second—resume debate on second reading of Bill No. 30, followed by Bill No. 8, followed by Bill No. 12, then followed by 13, 17, 21 and 11.

#### ORDERS OF THE DAY

#### GOVERNMENT BUSINESS

#### DEBATE ON SECOND READINGS

#### Bill 30—The Budget Implementation and Tax Statutes Amendment Act, 2009

**Mr. Speaker:** So I will now call, resume debate on Bill No. 30, The Budget Implementation and Tax Statutes Amendment Act, 2009, standing in the name of the honourable member for the Lakeside.

What is the will of the House? Is the will of the House for the bill to remain standing in the name of the honourable Member for Lakeside (Mr. Eichler)?

**Some Honourable Members:** Yes.

**Mr. Speaker:** Agreed? Okay. It will remain standing in the name of the honourable Member for Lakeside.

Is there any speakers?

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, Mr. Speaker, we'd like to have the bill remain standing in the name for the honourable Member for Lakeside. We won't be putting up any speakers at this point, but we reserve the right to have.

**Mr. Speaker:** That's fine. I just have to—when I have a bill remain standing, I just double-check to see if there's speakers, and if no one rises then we'll move on to the next bill. Okay.

#### Bill 8—The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments)

**Mr. Speaker:** So now I'll call resume debate on second reading of Bill No. 8, The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments), standing in the name of the honourable Member for Brandon West.

**Mr. Rick Borotsik (Brandon West):** I'm pleased to rise to speak to Bill No. 8, which is The Civil Service Superannuation Amendment Act, and it's a very

topical point that is being discussed currently with respect to pensions, not only in this House, Mr. Speaker, but pensions throughout the country, both on the public service as well as the private sector, as most members of this House recognize that pensions are in jeopardy, particularly those in the corporate sector.

We recognize names like General Motors and we recognize names like Chrysler and we recognize names like Air Canada, who have what's known, Mr. Speaker, as a defined benefit plan or defined benefit pension, and the actuarial surveys and studies now done on those corporate pensions are indicating that, in fact, the pension fund itself cannot support or substantiate the defined benefit payments that go to the retirees of those corporate pensions.

As a matter of fact, it's at the federal level right now where the federal government used to have legislation in place that said that, if a corporate, or corporation did not have a fully funded pension plan, that they had to make contributions to that pension plan over a period of five years. Meaning that if the actuarial accounting came forward and said that the amount of money in that pension plan wasn't sufficient to pay that defined benefit, based on the longevity of its members as well as the numbers of new retirees coming into the plan, then that corporation had to put in, within five years, sufficient capital to make that plan fully funded.

There is now proposed legislation federally that that five years will be extended to 10 years, and the reason that was done, Mr. Speaker, as most people in this House recognize, that the investment improvements in those plans over this last 18 months has been, not only, not only not sufficient to keep the plan going, but also has lost substantial capital in their pension accounts.

*Mr. Bidhu Jha, Acting Speaker, in the Chair*

As a matter of fact, the case in Québec, which runs their own pension plan, like the, the CPP and OAS for Canada, has lost approximately 25 percent of its capital over the last 18 months, and that, Mr. Speaker, is a substantial amount of money to try to recover over a very short period of time. Now, we hope over the next five to 10 years investment opportunities are going to improve, markets will come back. But, if you read, as I do every morning, different economists and what they feel is going to happen with the economy, you can have a range from some economists saying that the, there will be improvement as early as the last quarter of this fiscal

year, and some economists that I read say that it'll be 10 years before we get back to the levels that the plans had been a short 18 months to two years ago.

So pensions are very, very, in vital, very important. We know. Read the newspapers articles and watch television and you're going to find that there are a number of retirees right now who have depended on their defined pension plans going forward, and a lot of those retirees seeing the erosion, not only of their RRSPs, but also their pension funds, are very concerned as to their ability to retire within the time lines that they had set for themselves. You heard of freedom 55? Well, freedom 55 is basically not available to a substantial number of Canadians and a number of Manitobans at the present time, because they looked and they planned their retirement based on defined pensions. They planned their retirement based on having other monies offset some of those costs through their RSP accounts, which have lost a lot of capital over the last while.

\* (15:10)

They have savings accounts which were put into investment certificates, whether they be mutual funds, Mr. Speaker, or whether they be in the market themselves in equities, and they've lost a substantial amount of that capital. Therefore, they cannot see within the next numbers of years being able to achieve the goals that they set out for themselves only a short two years ago.

Well, Mr. Speaker, pensions are very important to the civil servants that we have here in Manitoba as well, and that's what this bill speaks to. It's called The Civil Service Superannuation Amendment Act, and there are a number of organizations that belong to that fund. Now, not to lecture the House, but, simply put, there are a number of corporations, if you will, or there are a number of entities, government entities, that belong to this master plan, the Civil Service Superannuation Fund.

It includes Manitoba Hydro. It includes MGEU. It includes other entities that are controlled by the provincial government. And these individuals honestly and logically, every month, contribute to a pension fund. They have it deducted from their salaries on a monthly basis, and those dollars go into the fund, and it's matched by the employer, and we hear about that constantly how there's an unfunded liability in the pension funds currently by the Province of Manitoba, but the employer is required to match the contributions of the employee going

forward into those pension funds, and that's what this bill speaks to.

Mr. Speaker, Mr. Deputy Speaker, my light is not on, but my neighbour's light is on. Is that a problem? Can you still hear?

There we go. There we go. We thank the—

**An Honourable Member:** Your light's never been on.

**Mr. Borotsik:** Oh, no, my light's on. Now my light's on. My light has always been on. It's the dim bulbs across the House, Mr. Speaker, that I have some concern with. I know they didn't want to listen to this lecture, but they should because they're going to find out that in fact it's their responsibility to make sure that these pension funds are there when their employees and our employees go out and take retirement up.

Anyway, now that I have my light on, Mr. Speaker, this piece of legislation, for the most part, is very good and that's going to come as a surprise, I'm sure, from members opposite. For the most part, this legislation is proactive which I find really strange 'cause most of the legislation coming forward to this House is quite the opposite. It's reactive and not proactive. But, in this particular case, this piece of legislation coming forward is in fact proactive.

I just talked about the absolute importance of pensions to individuals who are looking forward to their retirement, and it's absolutely vital that they have the opportunity to make sure that they've got something stable that they can look forward to.

That's why I say it's really interesting to see a proactive piece of legislation, but, in saying that, there are still a couple of issues that I think we should be very, very careful about. Before we get to that, I would like to say that what this legislation does is two things. Well, it does a number of things, but two very important things. Number one is it enables—there's an enhanced benefits built into this legislation for Hydro employees.

The enhanced benefits are good benefits. There's not unnecessary cost to it because some of the benefits are just simply options that Hydro employees have when they are dedicating their pension to their spouses, and for anybody who's actually looked at pensions in the past, Mr. Speaker, you'll know that there's an opportunity to get more of a pension for the individual employee if they wish to

only take a two-thirds pension for the spousal pension. What this does is this allows a 100 percent spousal pension for Hydro employees, but what it does is it reduces the amount of pension that the employee will get upon retirement.

So that's just smart business. It's an option for the individual if the spouse has a pension that's fairly large, then the employee, under the superannuation plan, if they retire, or when they retire, they may wish to take more into their pension and give less to the spouse, should that employee pass on.

So that's very positive, Mr. Speaker.

The other thing that's—it's also fairly positive, but also carries a negative at—attached to it, that's an opportunity within this legislation that will transfer \$145 million from the main plan into the COLA account or what they refer to as, I believe, the a—a—*[interjection]* That's indexing; you're right. Thank you very much to the member from—

**An Honourable Member:** Pembina.

**Mr. Borotsik:** Pembina. I knew that as well.

There is an indexing account. So there's a main plan of what there's about—about \$3 billion in the superannuation plan currently. And what they want to do is to have a full COLA and remember that, Mr. Deputy Speaker, because this is a very important part of this piece of legislation. They're suggesting that if they transferred \$145 million from the main plan and put it into the indexing fund, that superannuants going forward could have a full COLA, cost of living allowance.

Now, the cost of living allowance is a special calculation based on Canadian cost of living. But, should that cost of living be one-and-a-half percent or 1.6 percent, then under this legislation they're suggesting that with the transfer of \$145 million there's a 30-year window that full COLA would be applied to the superannuants. That, in itself, is a reasonable thing to expect. We really would like to see full indexation, full COLA, because as we know, Mr. Deputy Speaker, that as costs increase on an annual basis, if you don't have that COLA component, then your real disposable income is eroded, and you're not able to maintain the same kind of a lifestyle with less disposable income coming in than you would have if you were able to offset that increase in inflation or that cost of living by an increase in your pension.

Now, that's—that's sound fiscal management, and I believe very strongly in it that individuals today should not be impacted by inflation of the future. But what has to happen, Mr. Deputy Speaker, is that there has to be an indexed fund that's sufficient to be able to pay out that cost of living, whether it be one-and-a-half or 2 percent or two-and-a-half percent, whichever it may be on annual basis, and right now, the superannuants don't have sufficient funds in that indexation account to be able to go forward.

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

Now, there is supposedly an actuarial study that is out there that says with an additional 145 million that, in fact, the indexation portion will be—will be able to be achieved. I question that. And I think that members opposite have to question that, as well, because I think there are expectations that are being set currently that cannot be achieved.

So we're setting expectations for the superannuants, but I don't believe those expectations can be achieved, and let me tell you why that is, Madam Deputy Speaker, for two reasons. We have the financials for the last four years and, in fact, when there was an actuarial study done in 2005, there was an actuarial surplus.

Now, don't confuse that with an actual surplus in the account, but there was an actuarial surplus. So what the actuary did is he or she went in and said, this is the amount of the fund. These are the numbers of people that are being paid out of that fund currently. These are the retirees that are going to be coming in at these certain time lines throughout the next 20 years. Here is the longevity. Here is how long people are expected to live on average, and here is the actuarial surpluses that we see.

\*(15:20)

As of 2005, the actuarial surplus in the superannuation fund was \$136 million. Sounds like a not a bad thing; \$136 million was the actuarial surplus in the main account for the civil servants. In 2006, that improved, and there was an actuarial surplus of \$149 million in the main plan. In 2007, that actuarial surplus was reduced to \$49 million. Now, we don't have the fiscal year-end December 31st, 2008. We don't have it for the civil servants' pension. We have it for TRAF, and we'll talk about that a little later because there's an inequality here, but for the civil service, in 2008, I'm told that we're

going to have a minus 17 percent return on that main pension plan. Now that's not out of the realm of possibility. I just mentioned earlier that the case in Québec had a minus 25 percent return on their plan. Most plans are running somewhere in the neighbourhood of 14 to 18 percent in reduction of their plan, and I'm told by some rather informed sources that the superannuation plan year ending December 31st, 2008, which we don't have the real numbers for yet, is going to have a minus 17 percent return on the plan.

Well, the plan's approximately \$3 billion and that's a lot of money. That's a lot of money, but there's also a lot of retirees, and there's a lot of people who work in the civil service. So a \$3-billion plan that has a minus 17 percent return will lose, this past year, \$510 million. Now, are you listening to the number? It will lose \$510 million this past fiscal year, but this legislation says that they're going to transfer \$145 million of what's supposedly actuarial surplus into their indexation account. So we now have a loss of \$510 million, which, if you look at the actuarials, they're going to say the existing plan doesn't have sufficient funds in it to fund this defined benefit pension that civil servants have paid into over the last 20, 25, 30, 35 years. So not only is there some difficulty in maintaining the defined payments, there's going to be severe difficulty in transferring, if you will, \$145 million from the main plan to the indexation account that's now going to allow for a full COLA. But this legislation says that can happen. I'm saying it should happen, but if you do the math, it can't happen. We don't have the \$145-million surplus, actuarial surplus, to put it in the indexation account. So the legislation says that they're going to fund 100 percent COLA for the civil servants, for the civil service superannuations.

They say it's going to fund a full COLA, but here's the kicker. The legislation—the amendment says that it will do that, but the legislation itself says that, should the indexation account not have sufficient money in it to fund the indexation, then they can reduce it to two-thirds COLA. Says so right in the legislation. In fact, Madam Deputy Speaker, it says and I quote, on 33, 7, 1 of the act: Whenever in the opinion of the actuary the superannuation adjustment account is not in a state of pre-funding sufficient to ensure its ability to make all required adjustment payments on a continuing basis for the immediately ensuing period of 20 years, the percentage increased used in one of the formula set out in subsection 7 is to be reduced by one-third.

Now what that legal gobbledegook says, that if the indexation account doesn't have sufficient funds in it, the actuarial says, to fund it for 20 years, then that's going to be ratcheted back to a two-thirds COLA, and I think it's important that members opposite listen to this, because in this amendment, there's the suggestion that with the 145 moved over, there's going to be a 30-year ability to pay for a full COLA. COLA's very important in this whole discussion, and I'll tell you in a minute why that is, but they're saying in one place that they can move 145 million—I've just shown you that there's a \$510-million loss in the account. There is no surplus of 145 million, whether it be cash or actuarial, to move across. It's not there. The math doesn't work.

So then it goes back to the main legislation that says, well, if you don't have the amount in the indexation account or adjustment account, then we're going to ratchet back to two-thirds COLA and that's basically where the civil servants are at the present time. They're at two-thirds COLA, so what's going to happen is you've got these expectations built up in this piece of legislation, this amendment that, unfortunately, Madam Deputy Speaker, are just not achievable.

Now, you're going to wonder why I spent a fair amount of time on the COLA clause. Well, there're two main pensions that are held by the provincial government; one is the Civil Service Superannuation Plan and the other one is called TRAF, the teachers' retirement account. Now, I'm sure members opposite remember, not that long ago, committee hearings and legislation that came forward that capped the TRAF account COLA at two-thirds. That was a cap. There was never the allowance to have a full COLA of 100 percent, and in this legislation there is an allowance for full COLA at some point in time. So, in this pension account, the government is saying a full COLA is the way it should be. They're saying it's achievable and they're saying that civil servants should have a full COLA—and I don't disagree. I said that very much earlier in my convers—in my discussion that pensioners, in fact, should have the ability to have a full COLA because you can't erode your pensions that much over years and still have necessary disposable income to maintain your lifestyle. So nobody's arguing with the full COLA.

What the argument would be, Madam Deputy Speaker, would be, why is it in this legislation the government sees it's fine to have a full COLA for the civil servants, but on parallel legislation with TRAF, there's going to be a cap of two-thirds COLA. But it

gets worse than that. In this legislation, it says it will be reduced to two-thirds, so civil servants can always expect—and I think it's probably more realistic to expect—two-thirds of COLA than in the TRAF legislation where it is a ceiling, a cap of two-thirds COLA, while we all recognize that the TRAF, or the retired teachers, have in fact been receiving substantially less than two-thirds COLA, substantially less. As a matter of fact, in this particular year, I believe it was .37 percent of the total COLA that was calculated, so they got a third of COLA as opposed to the two-thirds which is guaranteed in this legislation. So my question is, why the inequity? Why would you treat one group differently than another group?

Now, there's another very serious inequity that went forward. We talked about the adjustment accounts or the indexation account. Well, civil servants actually contribute a portion of their—a portion of their contribution is put into the adjustment account. The same is true with TRAF. Teachers today are making contribution to their pensions. We know that. Employees make contributions on a monthly basis—all employees, with the exception of GM and Chrysler, who don't make any contributions, but that's a whole different issue, a whole different ball game and, unfortunately, we have no control over that. However, teachers, when they make their contribution into the TRAF account, a portion of what they contribute goes into the adjustment account. That's a higher contribution to the adjustment account than civil servants make. So, very simply, civil servants now make a contribution to not only the main benefit account, a portion of that goes into the indexation account or the adjustment account. Teachers pay more into the adjustment account for COLA, but they get less. They pay more, but, unfortunately, they receive only a cap of two-thirds COLA.

\* (15:30)

Now, there's an inequity here and I'm sure anybody on either side of the House can see how retired teachers feel put on. This is why retired teachers spoke very passionately to the—their pension bill, when it came forward last year and indicated to all members of the committee that they should be treated equally. And I think everybody in this House believes that; that teachers should be treated as well as civil servants, particularly when they're making a larger contribution to their adjustment account. But, no, the Minister of Education (Mr. Bjornson) decided at that point in time that he wasn't going to listen to

retired teachers and he had the backing of the teachers, Manitoba Teachers' Society. Why they backed that particular piece of legislation is still beyond me because not only is it affecting the retired teachers currently, but it's going to affect them when they decide to turn in their erasers and chalk. Because they are not going to have a protection, an inflation protection to their pensions.

So now we have a piece of legislation that is exacerbating the issue and the problem. Teachers aren't going to complain with this legislation 'cause right off the bat I said this is good legislation to protect pensioners in our province. People who work hard on our behalf on a daily basis, people who work and put away their money into a pension account should have some stability in that pension account. The same thing should be said for not only teachers, but retired teachers.

So, when this legislation comes to committee, be prepared. Be prepared to answer questions as to why one sector of our employment society is going to be treated differently than another sector. Be prepared to give answers and I don't think there are any answers available. I really can't come up with a really good justification for this government to poke a stick in the eye of teachers and retired teachers. But they are, in fact, going to assist civil servants under the superannuation plan, which is good and I'm not unhappy with that.

The other thing that's in this legislation, Madam Deputy Speaker, is enhancements to the Hydro employees. Now, this gets a little bit complicated. But the Hydro pension fund is pooled with the other organizations and it's managed as a pension fund. But the Hydro pension fund is fully funded. The employer, Hydro, has paid its contribution on an annual basis. The employees, Hydro, have paid their contribution on an annual basis and the fund itself, within the fund, has been operating extremely well. If you do just the actuarials on the Manitoba Hydro component of this fund, you'll find that Manitoba Hydro is doing a very admirable job in making sure that the defined benefits are going to be there when the employees would like them. That's laudable and I give Manitoba Hydro full credit for it.

There was a danger that Manitoba Hydro, because of their, their liquid plan, was going to remove that from the main superannuation fund. So the government, this government of the day, decided that they're going to give Manitoba Hydro employees

enhanced benefits, and we talked very briefly on those enhanced benefits and they say that those enhanced benefits aren't necessarily cost benefit, but, regardless, when one group within the plan receives options and abilities to make changes to their benefits, then, then, the others, I believe, are going to want the same options and the same benefits. Doesn't that make sense, that when you have a number of organizations within this one group of plan—this group, this plan, that in fact the other groups are going to say, well, if Manitoba Hydro has the ability to have these options available to them then I think we should have those options available to us and I think that's gonna happen.

Now, never have pensions been a part of negotiations. Never have pensions been a part of negotiations, however, it seems that this may well be the strategy that this government has, Madam Deputy Speaker, is to open it up to the negotiating table to try to look and try to fix the pensions. Remember, in closing, I said we have a \$500-million deficit in the fund. We don't have \$145 million to move over to the adjustment account. We're setting expectations too high in this piece of legislation that can't be maintained—

**Madam Deputy Speaker:** Order, please. The member's time has expired.

The honourable Member for Emerson—

**An Honourable Member:** Carman.

**Madam Deputy Speaker:** Carman—damn.

**Mr. Blaine Pedersen (Carman):** Madam Deputy Speaker, I move, seconded by the Member for Ste. Rose (Mr. Briese), that Bill 8, The Civil Service Superannuation Amendment Act, be now adjourned.

**Madam Deputy Speaker:** It has been moved by the Member for Carman, seconded by the Member for Ste. Rose (Mr. Briese), that the debate be now adjourned. Agreed?

**Some Honourable Members:** Agreed.

**Madam Deputy Speaker:** Agreed and so ordered.

#### **Bill 12—The Residential Tenancies Amendment Act**

**Madam Deputy Speaker:** We move on now to No. 12, The Residential Tenancies Amendment Act, standing in the name of the Member for Emerson (Mr. Graydon). Is it the will of the committee—

**An Honourable Member:** House.

**Madam Deputy Speaker:** House, sorry, to let the member's name for Emerson stand?

**An Honourable Member:** Yes.

**Mr. David Faurichou (Portage la Prairie):** Madam Deputy Speaker, I appreciate the opportunity this afternoon to rise and participate in second reading debate of Bill No. 12, The Residential Tenancies Amendment Act. This act was introduced into the Legislative Assembly by Finance Minister Selinger, pardon me, the Finance Minister, on April the 6th. My apologies, I withdraw the name of the honourable minister, on April the 6th, 2009.

Madam Deputy Speaker, I'm pleased to say that we're looking forward to the—to this bill, as comprehensive as it is to move through to committee, and after second reading debate to offer the opportunity for Manitobans to bring forward their thoughts in regards to this legislation. To date, there are six persons that have registered with the Clerk's office to make presentation on Bill No. 12, The Residential Tenancies Amendment Act.

Now this bill has a—has number of different components to it and I will attempt to debate all of the various components today, although I know I only have a limited amount of time, and in order to do so. As my position as official opposition Consumer and Corporate Affairs critic it is my responsibility to have a briefing by the minister as it pertains to Bill No. 12 which we have—have been graciously provided for by the minister, and it did give us a great deal of material in which to—in which to study.

In fact, Madam Deputy Speaker, the briefing notes as—as maybe noteworthy are—are consuming of 112 legal-length pieces of paper, and it is quite extensive of a modification to the existing residential tenancy act, but, primarily, we here in the province of Manitoba have been listening to Manitobans and do want to support the government in its efforts to modernize legislation and to make the necessary changes that accommodate the current Manitobans' needs.

\* (15:40)

One of the modifications that, in this act, is to provide for tenancy agreements that include tenant services. As we're all aware that persons moving from their own home ownership into apartments when one is a little more seasoned and perhaps does

no longer wants to be tasked with the upkeep challenges of owning their own home, and when one moves into the—into apartment complexes and becomes a tenant would, though, like to be served with various amenities within that complex, and to date there is no ability to have detailed break-out of the charges that are required for various services provided within an apartment complex. This bill does then now allow for an ability to break out these charges so that tenants can take on and make use of the services with the full knowledge of what that service is going to cost them, either by monthly rate or by usage rate or for an annual rate.

And, Madam Deputy Speaker, I think this is definitely the way to accommodate more persons and also, too, to add a greater array of services to tenants in various complexes. I know that in the complex to which I reside here in Winnipeg, when in session, does provide for swimming and hot tub, but not much more in addition to the apartment. But there are amenities that are close by the apartment complex that we can go out and purchase: the health spa, inclusive of weight room and running track and massage therapy and other services. But we want to make—and because it is another business, the charges are well known prior to sign-up. But in some complexes now, those services are part of the complex, and so there is not much opportunity for tenants to know exactly what those services are costing.

Also, too, there is a move to have a greater number of apartments with supportive and assisted living throughout the province so that persons are not having to enter into long-term care facilities until that level of support is truly needed. So, with the advent of supportive and assisted living, there are services that provide for—provide to a tenant. As an example, congregate meal programs and house-keeping services and as well as light chores might be done for the tenant insofar as shopping and for groceries, and et cetera.

So this particular bill does make provision for modification to the tenancy agreement to include these types of services, which Manitobans, indeed, are wanting.

Also, too, this particular amendment act does provide for a separate pet damage deposit to be part of the tenancy agreement, because here in the province of Manitoba, when one, as I said, is moving from their own home that they've lived in for many years into an apartment, that home ownership, in

most cases does, does involve also having a, having a pet. And Winnipeg Humane Society, in 2007, received 5,640 cats and 1,976 dogs, the majority of which came to the Winnipeg Humane Society because of persons moving into apartments from their homes, and the particular apartments had no-pet policies. And, understandably, the landlords here in Manitoba are reluctant to accept pets because we all know that there is significant amount of damage that can be incurred to a dwelling from having a pet, more so with some pets than others.

But, in any event, landlords want to protect their investment and make sure that the rental units are able to be maintained and continue to be made available when vacancy does take place. So this particular bill makes provision for an addition to a tenancy agreement that provides for pet—a pet damage deposit that would permit a tenant to keep a pet within the rental unit. This process for making claims against these deposits is also set out in the legislation.

And I will—I would like to compliment the government at this juncture in time, saying that this is the—a very well-thought-out provision that still allows for a complex owner to say, no, they still do not want pets, but does make the provision for persons that are—want to make a, an agreement, and to provide for a greater damage deposit. And I think this is a well-balanced approach respecting the owner's investment as well as the needs and wants of a respective tenant. So this government has brought forward what I believe is a well-balanced clause as it pertains to having pets within the complex.

I will, though, say that the—that there has to be, also, respect recognized for other tenants within the—that are already existing residents of a complex that may have allergies to particular pets. Also, too, we know that pets do emit, some more than others, noise, whether it be from barking, or birds chirping, or cats meowing, and these are, are things that need to be considered. And we all must remain mindful and respectful of persons that have come to appreciate the living in a rental complex that is without these type of noise, and I should maybe not—there's a definition of noise, and what one person might consider music might be noise to someone else. But we will just say that—

**An Honourable Member:** Why are you making noise?

\* (15:50)

**Mr. Faurshou:** It might be considered, perhaps, to just a level of sound that persons are not familiar with.

Also, too, I would like to, like to say that the—this particular legislation does provide the director the authority to determine claims related to guarantors' liability under guaranteed agreement that relates to a residential tenancy agreement. And you will respectfully acknowledge that sometimes persons are renting for the very first time and do not have a track record that can be drawn upon to see whether or not the individuals or parties that want to rent the facility as to whether they have the ability to pay, and this expands the provision that allows for the director to make a determination as to when and if a guarantor is responsible for paying for the charges due and owing to a landlord from a tenant that has incurred charges and not yet paid for them.

Also, too, this legislation gives authority to the director to impose administrative penalties on landlords and on tenants for failing to comply with orders under the specific sections of this act and if so, if they are in contravention of those acts. This is a provision which I as well support because we do need teeth in any legislation in order to be able to see that the legislation which we, as members of the Assembly, would like to make certain that the law is enforced that is passed through the House, and now, also, the director and the Residential Tenancies Commission are authorized to correct and amend typographical and numerical and other errors within their orders, and it's—we're all human and anything that is generated by individuals has potential for error, and at the present time, the legislation does not give allowance for an error, and it is an extremely cumbersome and onerous to retract an error in an order that has been sent out, and this recognizes that sometimes errors do take place and we do have to have a mechanism in which to correct them.

And, also, too, Madam Speaker, Madam Deputy Speaker, we want to always have the opportunity to resolve issues between landlords and tenants in a most cost-effective and expedient fashion, And this legislation, and I once again will compliment the government on the urgings of Manitobans and myself included to attempt to streamline the hearings that take place to resolve matters between the various parties, and this particular amendment will make proviso for a single commissioner hearings that can take place, and,

instead of the panel of three commissioners, which, as we can all appreciate, will be a cost saving and to co-ordinate one person's schedule with the landlord and tenant or the parties concerned with one commissioner rather than three is much more availing than to try and co-ordinate three commissioners' schedules in order to hold a hearing.

So, once again, the provision that we see in the Bill No. 12 is one that we, on this side of the House, can support. So, Madam Deputy Speaker, for the most part, we are supportive of Bill No. 12, although we are anxious to hear further debate in the House. We've only heard from the Minister of Finance (Mr. Selinger) in regard to Bill No. 12, in second reading. I look to members on the government side of the House to participate in second reading debate. I think we need to take that opportunity prior to going on to committee, and I know that members opposite have been listening to my dialogue this afternoon, and I'm sure that there are members in the government side of the House that are anxious to rise and debate Bill No. 12 prior to committee. But it also, I do believe it's important that we see Bill No. 12 move on to committee for the Manitobans that have registered to participate in presentation through that committee. And as I mentioned earlier, there are six, currently, currently registered to allow, to make their presentations.

So, Mr.—or Madam Deputy Speaker, I will say that, though, this, this legislation is also in keeping, though, with the government's prior track record in wanting to impose heavier, stiffer fines and penalties upon whether—to whomever they might assess them. It looks like this government is always looking for an opportunity to secure more money from Manitobans for their insatiable thirst for expenditure and, once again, the penalties have been significantly increased or enhanced in this legislation so that, so that that will, in fact, take place and this government, no doubt, I don't think will be too hard-pressed, as their track record speaks for itself, to find areas where they would like to spend more of Manitobans' hard-earned, hard-earned money. So we look to, hopefully, that this government, though, does not follow through and impose the maximum limits that are spoken about in the case of the director being able to impose a penalty now up to \$5,000 about breaches of the residential tenancy act.

Now, we want to, also, though, say that the—that this legislation could very well be looked upon from other jurisdictions as one that they might want to reflect upon and potentially duplicate within their

jurisdictions. As we are aware, Ontario has moved on this type of legislation, but I believe is one that could cause problems and to some landlords in the province of Ontario. Also, too, we've seen that B.C. has moved in favour of legislation that does allow pet guardians the right to keep companion animals in their rental units provided they do not cause unreasonable damage or noise.

\* (16:00)

A petition was created in 2008 to urge the B.C. Legislature to further amend their residential tenancy act to, to allow for greater latitude and provisos for pets within, within rental, rental agreements. And I will say that, though, this government does, does like to have comprehensive legislation that does challenge the, all members of this Assembly in order to be able read and to digest the full—with full understanding of what is being asked of elected members to, to endorse, and this particular piece of legislation does, indeed, do just that, because, as I mentioned earlier, 112 pages of legal-length paper is explanation. But I will say that to the director and—of Residential Tenancies Branch in the Department of Finance that she did indeed prepare, along with staff support I'm certain, a summary of the amendments, encapsulated those into four pages and made it a little more easily digested for others in the Chamber that appreciate some perhaps *Coles Notes'* version of legislation to make certain that you understand what is taking place with—without having to completely look to every legal ent—detail within the—within the legislation itself.

But here in the province of Manitoba—before my time is done—is I believe challenged insofar as various areas within the province are significantly lacking in—in rental—rental accommodations. I will say that with a younger family now looking to look—to move out of our home, they have been looking for rental accommodations in different parts of the province and have been extremely disappointed to—to see what selection they had to—had in various areas, and I look to the honourable colleague from Pembina where our daughter has recently secured employment at the Boundary Trails Regional Hospital and has now been looking for accommodations in close proximity to that facility and found it rather difficult to—to a find rental unit. But I will say, as of this past weekend, she did manage to secure a rental apartment in Morden, but it was a rental unit that—that had, to my understanding, four applications received within the span of 24 hours of that rental

property coming available, and which speaks volume for the demand for rental units, especially in that region of our province.

And I—and I—I looked at government and—and asked: Why is it so? If there's that great a demand for rental properties here in the province of Manitoba, why is there not more construction taking place? Is it because investors are—are—are leery of coming to Manitoba? Or even if they are Manitobans leery of making further investments under the existing climate that the NDP government is—is offering investors, because I know the government has a—has a true talent for spinning their thoughts into media and not exactly addressing the issues, and the issue being that there is a deficit of—of rental units here in the province of Manitoba, especially in the—in the Pembina area, and this government has to take—to take credit for it, because it is their policies for now a decade that have—have pushed investors away, made investors very uncertain of spending their money in—in new—new investments here in the province of Manitoba, especially with the NDP not recognizing that it is important that we see a greater building for rental units and for accommodations for persons that are starting out in life, their working career, and also, too, on the other side of one's lifespan, when one is retired and wanting to downsize in their accommodations, that will see lesser need for strenuous activity to keep a—keep up there with the chores that come with opening—owning a home.

So, Madam Deputy Speaker, I see that you are signalling me that there is little time left to myself to debate Bill No. 12, The Residential Tenancies Amendment Act. I hope that members opposite will take the opportunity to be engaged in second reading debate. I look very favourably towards hearing what the members for the government side of the House have to say about the honourable Finance Minister's legislation that has come forward to the Assembly.

And, with those concluding remarks, I appreciate the opportunity to have participated in second reading debate of Bill No. 12, The Residential Tenancies Amendment Act, as proposed by the honourable Minister of Finance (Mr. Selinger). Thank you.

**Mr. Cliff Graydon (Emerson):** Thank you, Madam Deputy Speaker. I move, seconded by the member from Pembina, that the debate on Bill No. 12, the residential tenancy amendment act, be adjourned.

**Madam Deputy Speaker:** As previously agreed, this matter remains standing in the name of the honourable Member for Emerson.

### **Bill 13—The Medical Amendment Act**

**Madam Deputy Speaker:** We will now go on to the proposed motion of the honourable Minister of Health (Ms. Oswald), Bill No. 13, The Medical Amendment Act.

Miss—the honourable Member for Charleswood.

**Mrs. Myrna Driedger (Charleswood):** I'm pleased to rise today and put a few words on the record with regard to Bill 13, The Medical Amendment Act and to indicate support for this legislation.

This bill amends The Medical Act to provide for the regulation of physician assistants. It also establishes an educational register to more clearly provide for the regulation of residents and medical students and to provide for the regulation of physician assistants.

Physician assistants will now be registered as associate members of the College of Physicians and Surgeons in the same way that medical students, residents and clinical assistants are.

Madam Deputy Speaker, certainly, the goal of regulation is primarily to protect the public and that's an important part of our health-care system. Through regulation, the various colleges of the regulated health-care professions can enforce codes of ethics, training requirements and practice standards.

The colleges oversee the training programs that regulated health professionals go through becoming licensed registered members of the professions.

The colleges also oversee the complaints and discipline process. If a member of the public is unhappy with the care they received from a member of a regulated health profession, they can make a formal complaint with that profession's regulatory body, and the regulatory body will investigate and administer discipline as they deem appropriate.

Medical students and residents are already registered as associate members with the College of Physicians and Surgeons, so it makes sense to extend this to physician assistants as well.

Bill 13 will create an educational register for students in residence, a clinical assistant register for clinical assistants and a physician assistant register for physician assistants.

\* (16:10)

Now physician assistants might not be something that Manitoba patients are used to hearing about, and that's because there aren't that many of them in Canada. The notion of physician assistants first came about in the United States in 1965 when doctors and the government realized that there was a shortage of family doctors. Now, it's—it's interesting that here we are in 2009 in Manitoba, many years after the American system went to physician assistants in 1965, and it does show how long it sometimes takes to move innovation forward in Canada and in Manitoba.

The recognition of physician assistants in the United States has been long standing and actually they're highly, highly recognized as a profession. Here in Manitoba, the idea was proposed by a military officer stationed in Winnipeg who ran the physician assistant program for the Canadian military. Now, physician assistants are very common in the military and have been a very, very successful profession within the military, and it's interesting that that is where the idea arose from in the province that a military officer that was stationed here, who actually ran the physician assistant program for the Canadian military, was the one that actually brought it forward, and we have to say kudos to this person because I think what they've done is certainly put forward an innovative idea for something here in Manitoba.

In Winnipeg, there are only about 12 currently practising physician assistants, and they began working here in 2003. Most of the practising physician assistants in Canada were trained through the military, and both the U.S. and Canadian militaries have for many years trained and employed physician assistants.

Manitoba is unique in that the University of Manitoba offers a Physician Assistant Education Program which is a Master's level program. Applicants to this program must have a four-year undergraduate degree, a background in health sciences, whether that's a nurse or a paramedic or another profession and 2,000 hours minimum of direct patient contact in a health-care field. The first class of students from this program will graduate in 2010, and we hope that the NDP government has a plan to hire and retain all of our physician assistant graduates, rather than letting them leave for greener pastures as they have done with doctors, nurses, lab

technologists, nurse practitioners, and other much needed health-care professionals.

And this is certainly something that raises quite a lot of concern for us because what the government is going to need to do is to start now to address how to retain this group of graduates, and this government does not have a great record of doctor retention. Tim Sale, a number of years ago, even acknowledged that the NDP government has a poor record for doctor retention. So I would certainly urge the government not to sit on this and wait until it is the time to graduate these physician assistants, that, in fact, they have some specific plans in place well before graduation, so that well before graduation these people already have a job.

You know, certainly, in my day, when we graduated from nursing, we knew, prior to graduation, where we would be getting jobs. There wasn't this big running around, applying here and there trying to get a job in nursing in the province. It was a—there was a much more aggressive recruitment that went on, of all of our nursing students and medical students so that, you know, towards the end of your training, you already had a sense of where you were going to be working.

Unfortunately, a lot of that hasn't been in, you know, been obvious in the last number of years, and we find that nurses are graduating right now and don't have jobs, have never been approached and offered a job while still in training. And I think that's one of the current weaknesses in our system, that we haven't taken a more proactive approach to how we can take our—our students and—and work with them while they are still students and encourage them to—to have a job and—and offer them a job prior to graduation. And I think that would go a long way to addressing some of the challenges we see right now. So, because we are only graduating 12—or we've got 12 physician assistants now, and then we will be graduating a few more, hopefully the government will be much more proactive to ensure that these physician assistants are going to be employed.

We see with nurse practitioners a very, very valuable asset and a group of professionals that could be much better utilized in Manitoba. We see other provinces being much more proactive in training them, in having opportunities for funding, and for some reason this government has been really slow on the uptake to take the nurse practitioners that we are graduating and—and ensuring that they have positions.

There are a lot of places in Manitoba where nurse practitioners do not even have a— or regional health authorities do not even have a nurse practitioner, but also a number of nurse practitioners are not even working full time and that is such a waste because certainly that is a group of highly, highly trained professionals that can do a large percentage of what physicians do. They can work under the— the direction of a— of a physician, but they can also work, you know, quite independently in, you know, prevention and, and health promotion clinics and where we should be putting a priority in health care is much more in the area of health promotion and illness prevention.

And for some reason, rather than proactively addressing that issue, the government has not seen to embrace nurse practitioners as much as they should be and certainly not as much as we would like to see them do that. Nurse practitioners have many, many skills as do the physician assistants. In fact, they are very, very similar in many ways and would be an absolute bonus to our whole system if there were adequate numbers of both and, you know, a full embracing.

So I hope the government isn't just, you know, putting forward this idea of the physician assistant program, and then its going to fall a bit by the wayside as we've seen with the northern midwifery program. The Minister of Health (Ms. Oswald), when the midwifery program was brought forward, made this grand announcement and was grandstanding about it— about the first year of that midwifery program in northern Manitoba that there would be an intake of 10 students and every year thereafter there would be an intake of five students to the midwifery program. And, instead, what we've seen with the midwifery program, according to midwives who were on our Legislature grounds the other day having a picnic, trying to get the government's attention, that enough wasn't being done for midwifery in Manitoba.

They were telling me that that first group, that first intake of midwife students has now dropped to five and in fact, in the ensuing years, there is no further intake, and it tells me that that program is in serious trouble and is definitely far from meeting the needs of what the government made a huge commitment to.

And I think the government has really been stringing along the midwives and stringing along the public in terms of what they say about midwifery in

Manitoba. And I really hope that the physician assistant program isn't going to end up in the same boat. And when I look at the, you know, the announcement that the minister made, and there tends to be a lot of health-care announcements by this government, but there tends to be more talk and less action than what we have seen from this government consistently in health care. And I really hope that that's not what we're going to see with the physician assistant program because there's certainly merit here, but if we look at what happened with the midwives, we are seeing a profession that is crumbling because they are burning out. They are not able to fulfil their job requirements or, you know, there's a lot of effort that needs to be maintained to keep the profession active in Manitoba, because it's the same few people that are being expected to do everything for midwifery, and a lot more people are wanting to access the services of a midwife. In fact, somebody very well known to us, on this side of the House, just had a midwifery birth in Boundary Trails, and they indicated that it was an absolutely fabulous experience and would recommend that highly to anybody in the province.

\*(16:20)

And it's unfortunate that the government bungled the whole issue of midwifery, and the whole area of midwifery was something that was established in the '90s, and there was a lot of grass-roots work in those days by obstetricians, by midwives, by nurses, and others, and family physicians, to take the whole issue of midwifery and to put all of the framework and foundation together so that we could move it forward.

I was very honoured when I first became an MLA to be able to be a part of the tail end of all of that activity, and I was very impressed with the level of support from the community and from families that were so committed to wanting this to become, you know, a very viable option here in Manitoba. Unfortunately, many families are being turned away. Hundreds and hundreds of families are being turned away because this government has really dropped the ball on moving forward in this province in terms of fully embracing midwifery.

So a lot of that work went on in the '90s, and we took the time to build the foundation. We took the time to build the framework, and a lot of credit certainly went to the front-line people that were working on it at that time. So, when I became an MLA, I was very, very fortunate to have been there

when that legislation was passed in this Legislature, and I was very, very pleased to see the debate. And I was very comfortable with the whole issue of midwifery because, as a nursing supervisor at St. Boniface Hospital, I had the opportunity, on many occasions, to work beside midwives and watch them in action, and certainly developed a real respect for the level of knowledge, and their abilities, and their expertise, and their ability to work in a collaborative environment and work with families and moms and dads and children to try to ensure that this delivery was what a family wanted and expected.

A lot more families are certainly interested in having children and birthing babies through a more normal process rather than this medical model process, so I was very pleased that all of that groundwork was put into place in the '90s. And, while the Minister of Health trivializes and takes credit for the whole midwifery scenario in Manitoba, she really does a disservice to all those people that did the work in the '90s, and, you know, there were about five years of a lot of hard work. And then, when the legislation was passed by our government, it took several years before the regulations were put into place, and the regulations were coming along very, very well under our government, and the NDP had the privilege of being able to proclaim that legislation once all of the hard work had been done before them.

But you would never think about all of that work that had been done when you hear this Minister of Health, because she likes to take credit for the whole midwifery program in Manitoba. And that's really too bad because, certainly, we—we think that a lot of front-line workers had a lot to do with what happened to get it to where it was. And it took several years, as it does with some pieces of legislation like this, for regulations to be developed, and instead of the Minister of Health giving credit where credit is due, she certainly trivializes the work that was done by, you know, midwives and obstetricians and others from the '90s to make this legislation what it was and to ensure that the regulations were fully in place.

Now, had the minister taken more time to put in a proper midwifery program in the north, then maybe we wouldn't see the program in northern Manitoba in such trouble right now. But you almost get the feeling that—that the government tends to have a knee-jerk reaction to what is happening around them, and I really hope that's not what's happening with physician assistants. I certainly hope that it's going to

be a solid program. I hope that the government will have done its homework and ensured that all of the proper aspects of this are put in place because, certainly, the government did not do that with the midwifery program in the north, and we have to wonder how premature the announcement was because with that number of dropouts, with the lack of intake in the next several years, we are not anywhere near having the number of midwives in Manitoba. We don't have enough mentors now to mentor those midwives which could certainly account for some of the problems—*[interjection]* oh, sorry—

**An Honourable Member:** I wonder if that's in *Hansard*.

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

**Mrs. Driedger:** —and I apologize for that. That was, that was my son calling me, and it's still really nice when a mom gets a call from her son.

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

**Mrs. Driedger:** Yeah. Yeah, and he did text earlier and I did respond. But I guess he didn't like my earlier response so now he's phoning.

But, certainly, I hope that with the physicians' assistant program that the government has ensured that it is going to be problem free and I expect that with the College of Physicians and Surgeons involved and with the University of Manitoba medical school involved, that hopefully we don't see the same problems evolve with the physician assistant program, that it, indeed, will be a very successful program and that when these physician assistants graduate, that they have a place to land even before graduating.

So the physician assistant program, as it's been set up, has both classroom components and practical hands-on training. In fact, physician assistants work under the supervision of a doctor or a group of doctors and their scope of practice varies depending on their experience and their supervising physician's experience.

Now it's interesting to note that physician assistants can do about 85 percent of what a doctor can do, and nurse practitioners can do about 80 percent of what a doctor can do. So, if we're looking for innovative opportunities to address our doctor shortage in Manitoba, especially our family doctor shortage, you know, here are two professions, you know, fairly new, very innovative, very exciting

opportunities that could certainly work in collaborative teams to address this physician shortage.

The very disturbing thing about our GP shortage, our family doctor shortage right now and access to care for a family physician, is, again, Manitoba keeps coming up at the bottom of the heap across Canada in being compared to other provinces in terms of access to a family doctor. We do not fare near the top at all in that particular area, and I think the government has to do a lot better in ensuring that we have better accesses, access to our family doctors. If other provinces who are working with the same shortages of doctors can somehow resolve that issue and have better access to their doctors, their family doctors, then Manitoba is not doing all of the things that they can obviously be doing because other provinces are way better than us in making access to a family doctor possible.

The broad scope of practice for a physician assistants includes writing prescriptions, assisting in surgeries, ordering and analyzing diagnostic tests, writing treatment orders and other procedures that provide care to patients and free up a doctor's time for the tasks that only a doctor can do. Physician assistants can further specialize and have the option to complete a residency program in his or her chosen specialty.

\*(16:30)

Now some people may be aware of clinical assistants, and these are different from physician assistants. This bill makes an important distinction between physician assistants and clinical assistants, and there are more clinical assistants in our health-care facilities than physician assistants. And I can recall when I was still working in special projects at St. Boniface Hospital where a colleague of mine was put into the position of a clinical assistant and it really made a significant difference in the hospital, at St. Boniface Hospital, when in order to, you know, assist the physicians in being able to, you know, do their specific roles that there was this—this openness to looking at this innovation and an embracing of it at the hospital, that there was an opportunity for clinical assistants to become part of it.

According to a recent WRHA publication, clinical assistants are hired into their positions from a variety of other health-care provider roles, for example, nurses, international medical grads and allied health professionals. And clinical assistants

perform many of the same tasks as physician assistants, but they have not completed formal training in the same way a physician assistant has, so, as a result, clinical assistants must be supervised differently. But, certainly, there's opportunity for a lot of collaboration in health care and as we look at our human resource challenges that are before us and getting worse before us, certainly there are many opportunities to look at how we can embrace physician assistants and clinical assistants.

I note that when the Grace Hospital ER was under siege a number of years ago with an ER doctor shortage and that nursing shortage—that, sorry, that ER doctor shortage was very, very significant. They were at half ranks. Doctors were calling me, which is surprising, until they were actually threatened that if they talk to the media any more or if they talk to me any more, their jobs were on the line. And that actually happened, Madam Deputy Speaker. The doctors were so worried that they did call. They were concerned about what was going on there. Nurses were also doing the same, but these doctors were actually threatened that if they spoke any more to the media that their jobs were going to be affected by it.

But thank goodness the community also got onside with this because it was a huge community effort that raised this issue before this NDP government, because this NDP government certainly likes to play fast and loose with their comments about the ER shortage at the time, and it was very significant, and the Grace ER was certainly at jeopardy and this government liked to play fast and loose with it and I don't think they understood the significance of that position shortage. Through the city, it was absolutely critical and in crisis and that's what the doctors were telling us, that the ER doctor shortage at the time was in crisis. And I think if it wasn't for the uprising from the community at the time—the rallies, the Web site, the petition—that who knows what might have happened to the Grace Hospital ER because, certainly, the way it was functioning did not allow for patient safety to be a priority, and that's what this government didn't seem to understand at the time. Patient safety was being compromised under those circumstances and this government, instead, played very fast and loose with that whole issue.

But I do note that—that one of the innovations that did come out of that is it did force the government to make a promise to hire five clinical assistants to support the Grace Hospital ER doctors, and I understood that after the public outcry about

the Grace Hospital ER possibly closing that, in fact, this government finally acted. But, as with many other issues in Manitoba, whether it's patients dying in ERs, whether it's patients dying after being bumped waiting for cardiac surgery, this government has been slow to act to a lot of crises and, again, the ER doctor shortage turned into a crisis before this government did what they shoulda done.

And there are probably several more examples, but I'm—I'm probably going to run out of time.

But, Madam Deputy Speaker, what we have in Manitoba right now is a poor retention rate of doctors; 1,471 doctors have left Manitoba since the NDP came to power. That is very, very destabilizing and disruptive to a health-care system. Imagine almost 1,500 doctors leaving Manitoba. The percentage of that, and one looks at the percentage of that, that is—makes it even worse. There has been a 60 percent turnover of doctors in this province. That is catastrophic in and of itself. You cannot have a stable health-care system when you've got a 60 percent turnover rate in doctors.

And, and that's why this government has got to do a better job—got to do a better job of retaining doctors, have to do a better job of getting rural students trained as doctors. We have to do a better job of keeping new grads, new medical grads in Manitoba.

We have to deal with a nursing shortage that is 1,300 right now—1,300 nurses short in Manitoba—and 700 health-care aides short in Manitoba. This government came into power based on their promises to fix health care, and instead what we're seeing are continuing challenges of very slow action by this government to address a baby-boomer time bomb. This government has had a long time to address it, recognize it, act on it, and yet, here we are, 10 years later, looking at physician assistants, looking at clinical assistants, when this government should have been there much sooner, and they've really dropped the ball on being able to project and predict what was happening.

And so I would urge them to look further at innovative change, and do indicate that this is legislation that we will support. Thank you, Madam Deputy Speaker.

**Mrs. Leanne Rowat (Minnedosa):** I move, seconded by the Member for Brandon West

(Mr. Borotsik), that we now adjourn debate on Bill 13, The Medical Amendment Act.

**Madam Deputy Speaker:** It has been moved by the Member for Minnedosa, and seconded by the Member for—

**Some Honourable Members:** Brandon West.

**Madam Deputy Speaker:** —Brandon West, that the debate be now adjourned. Agreed?

**Some Honourable Members:** Agreed.

**Madam Deputy Speaker:** Agreed and so ordered.

#### **Bill 17—The Workers Compensation Amendment Act**

**Madam Deputy Speaker:** We will now move on to the proposed motion of the honourable Minister of Labour and Immigration (Ms. Allan), the work—Bill No. 17, The Workers Compensation Amendment Act, standing in the name of the Member for Lac du Bonnet (Mr. Hawranik).

Is it the will of the House to leave the bill standing in the member's name?

**Some Honourable Members:** Agreed.

**Mrs. Mavis Taillieu (Morris):** Thank you, Madam Deputy Chair—or, Speaker—and I'm pleased today, actually, to—to speak on Bill 17, The Workers Compensation Amendment Act. I think that this is a good bill, and I would look forward to supporting this legislation.

What this bill does is it adds two new cancers to a list of injuries under section 4(5.2) in The Workers Compensation Amendment Act that are occupational diseases linked to firefighting, and this applies both to full-time and part-time firefighters. I think it's very important that we acknowledge the work that—that our firefighters do, whether it be full-time firefighters in the city of Winnipeg, city of Brandon, city of Thompson or any city that employs full-time firefighters and, also, for the many volunteer and rural fire departments in rural Manitoba.

\* (16:40)

The bill adds two cancers to the presumptive list, which are esophageal cancer and primary site testicular cancer and, I note that in—in some of the notes that I have seen, that studies have shown that firefighters are four times as likely to contract testicular cancer than the general public. So that, that's a very significant num—increase in predominance, I guess, with the firefighting

occupation and, certainly, people in this occupation can and are, can be and are exposed to a number of dangerous situations where there can be nauseous fumes, dangerous chemicals and any number of things on a, in a site that is burning, Madam Deputy Speaker. So there's certainly things that they would be subjected to that the general public would not be subjected to which can or would and might and I guess does, contribute to the incidence, the higher incidence of some kinds of cancer.

I know that many, many of the rural fire departments—I'd just like to speak about them for a while because I live in a rural area and I'm familiar with many of our rural volunteer fire departments, whether that's in Morris or Rosenort or St. Pierre, Macdonald, Cartier, St. Francis Xavier and Headingley. Some of these people have been volunteers on their local fire department for 20 years, some even longer.

But I can recall in the early '90s when Headingley seceded from the city of Winnipeg to form its own municipality, one of the things that Headingley had to do at that time was set up a volunteer fire department because they would no longer receive the services from the City of Winnipeg, and that was a very interesting thing because they had to set up a fire hall, they had to get volunteer people to become firefighters and purchase fire gear, fire trucks, train people, and they had—they did that in a very short time, primarily due to the fact that many people in the community came forward to, to be volunteers. They wanted to be part of the volunteer fire department. Many of them now have been there the whole time since it first began in 1992, so a long time. Many of them have their full firefighting courses. Many of them are first responders, and the ambulance are the first responder unit, and the fire trucks do attend to many incidents along the Trans-Canada Highway where Headingley is located.

I also know that in many of the rural areas, such as Morris, for example, where those firefighters also are in a position to be called to cases, fires or incidents where they would be first responders because they are along a major—a major route as well.

I don't think I can say enough about the men and women who work as firefighters, whether that's in the rural area or within cities in our province for the work that they do because they put themselves at risk

with never knowing when you get a call what you are going to be faced with.

I know that, just again, just speaking about my own community, when the people are on call, and they get wakened in the middle of the night to go to a call where they have to respond, they don't know immediately what they're going to be faced with. It may be something not very serious or it may be something that escalates into a situation where they are immediately put into extreme danger with absolutely no warning.

So I think it's very important that we acknowledge the occupational hazards that they encounter every day that they are on the job fighting fires and situations that are very risky, and if, in the course of their duties, they are subjected to things within the environment, whether that be chemicals or nauseous fumes or what have you, that, and this could lead to an increase in the number of cancers, and particularly certain kinds of cancers, then it, it, it, it is a very good thing, I think, to, to recognize that and allow them to be—and their families to be compensated for this.

I have a number of friends, actually, that work within the fire department, not volunteer fire departments, in my community or the communities that I represent, but that live outside of the city of Winnipeg and actually are full-time firefighters within the city, and a couple of them I know quite well. Both have been with the department over 25 years and are recently both been promoted to captains, both of them, and, unfortunately, one of my good friends is not working right now, and he is at home waiting for a quintuple bypass, and he is being advised that he cannot work because it's a very precarious situation for him, and he's waiting for this bypass, and he's been waiting for three months already, and he will probably—he's been told he'll be waiting for at least another three months, which is an awful long time to wait when you are faced with a quintuple heart bypass. It's very, a very difficult, certainly for someone that's put in so many years of work with the fire department and who wants to be at work and has been newly promoted within the last year to captain and now is unable to resume his duties.

I did have the occasion to go to a—an area meeting, which involved the different volunteer fire departments in the central region, which many of the people represented at the meeting were from my constituency and some from further afoot than that,

but what was extremely moving for me at that meeting was the two firefighters that survived the fatal Gabrielle Roy fire of two years ago, spoke at that meeting and spoke about their experiences that fateful night. They also spoke about the long, long road to recovery that occurred and is still occurring for at least the one firefighter who is still not fully back to work. It was a very moving story of people doing their jobs and being involved in an escalated situation which we all know the outcome of that fire where two, two, two firefighters lost their lives in that fire, and very tragic event.

What was particularly moving was how this man described his recovery process and the many, many, many, many hours he would—well, of course, he was in the burn unit at Health Sciences Centre for over a year, but the many hours of dressing changes and the pain, the ultimate pain that he had to go through on a daily basis just for dressing changes, and how he described it was unbelievable because even no matter how much of painkilling drugs were given to him, it never worked. It was not only the physical recovery to, to be able to recover from, from this fire in which he also explained about skin grafts and how he had to—skin was taken from every non-burned part of his—part of his body, and transplanted to burned areas, and he didn't have very many non-burned areas, and that part was also very excruciating to actually do the skin grafting, which he had to endure.

\* (16:50)

But not only the physical recovery was, was significant here, but, but the, the, the emotional and mental anguish that, this, was suffered through, throughout this, as, as one would have to relive the situation over and over again, and not even fully recalling exactly what had happened. But, certainly, this fellow talks about these supports that he has in place to help to deal with the events of the night and his recovery. So, having listened to him, both of them speak, I was very moved to do something, so every year I put on a charity golf tournament, and I choose a charity where the money that's raised from the golf tournament gets given to the charity that I choose that year, and so I was moved this year to choose the Firefighters Burn Fund as the charity that I would like to support this year and have invited both of these firefighters to come and be speakers at my tournament.

I just want to say also that I think, you know, this is a bill that is a non-partisan bill. I think there's nothing that we would want to say negative about the

bill itself. I did speak to Alex Forrest about the bill. I called him, and I know Alex through friends of mine whose daughter he is married to, and I just wanted to see what the fire department, the firefighters had actually requested of the minister.

He explained to me how this works. They do studies. They keep an ongoing study going as to what cancers would be attributed to exposures and if the incidence is higher in firefighters. Once they see these trends, then they ask for these cancers to be included on the presumptive list. He also said that in the future there will be more, because as more studies are done and as more cancers, hopefully, aren't occurring, but we know that they likely will be, not only in the general population, but with people in the occupations of firefighting and paramedics, that as we see the incidences in other forms of cancer increase, then those, too, will be brought to the government of the day to legislate into the list of presumptive cancers under The Workers Compensation Act.

So I want to commend the minister for bringing the legislation, because this was something that the firefighters wanted, and I know, too, that when speaking with Alex Forrest he did say that he knows this is a non-partisan issue, and he always gives credit to all the parties in the Legislature when support is offered for a bill and he recognizes that we all support the legislation.

*Mr. Speaker in the Chair*

I should also mention—well, I have talked about the volunteer fire departments in many of the communities, and I know from listening to my colleagues around me, they are saying the same things about their communities and the volunteer firefighters in the communities and around, such as in Arthur-Virden and Carman and, of course, the Member for Brandon West is speaking very glowingly about the fire department in Brandon.

And I'm—I'm very happy, actually, to see that this bill does include the part-time firefighters or—so it's important that we recognize that people that—I mean, there's—there's people that do this for a living and—and—are—are—are fighting fires on a daily basis, and there are—are people that are—are volunteer, and—and, as I say, when they get a call to go, they may not know exactly what they are going to be faced with.

And so I think it's really important that we—we recognize the dangers that this occupation brings. I know at one time my—one of my sons was

considering going into the fire college in Brandon; he did not. He's chosen something else, but he certainly recognized the importance and—of being in that profession and—and as—as an area that I think young men would do well to pursue that profession, and certainly I—I believe that there was a—a—I don't know if I'd call it a study or just an opinion poll on the occupations most desirable, and I believe that the firefighters were ones that were recognized as an occupation that was recognized as being one of the desirable professions, certainly above doctors and lawyers.

So—I just want to—I just want to also say, I mean, I think I've said it, but it is a fairly non-controversial bill, The Workers Compensation Amendment Act, to—to provide coverage for these two new cancers, and it—it—I—I just feel that perhaps the—the government could have moved this a—a bit faster. I think that they—if they—if their legislative agenda had been to pass this bill early on in this session, we could have already had it passed to committee, and we could've—we could've already dealt with it, and I don't really understand why they want to hold it up here, but—but, certainly, they—they haven't put this as a priority, unfortunately, because I think it is important.

And—and, you know, they—they can say what they like over on the other side, but they are the government, and they have the legislative agenda, and, you know I—if they want to move this bill forward, I don't know why they haven't done it quite a long time ago. I—quite strange to me that they would be holding up their own legislation. However, that's—I guess they have some—some reasons that they may want to do that.

Also like to note with this bill that, as I've said, though, I mean, it's an important bill, and I—and I—I recognize the government and the minister for

bringing it forward, but it's quite easy to bring forward legislation that you don't have to pay for. This is something that the cost will be borne by the municipalities, by the City of Winnipeg and other municipalities. So—so, I just—I think that it's important to recognize that they can take credit for the bill, and—and certainly that's—that's fine, and we support the bill. But we also need to recognize that the costs are going to be borne by someone other than the provincial government.

So, Mr. Speaker, I think adding these two more cancers to the list is admirable. I hear the other people on the other side of the House saying maybe that I'm not right in saying that. But, I—I think it's a really important that these two cancers be recognized, and I know that this is what the fire department has, the firefighters themselves, have asked for. I don't know why the—the people on the other side are—are making comment about that because this is exactly what the firefighters have been asking for and—and certainly I don't know why it's been taking so long for the government to—to bring this legislation. And do you know, I—I think that they—if they—their legislative agenda should have been such that this was a higher priority—

**Mr. Speaker:** Order.

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

The time being 5 p.m., this House is adjourned and stands adjourned till 10 a.m. tomorrow morning.

#### **CORRIGENDUM**

On Tuesday, May 19, 2009, page 2142, second column, fourth paragraph should have read: To say that the Tories have been a little bit political on this is like to say that a porcupine doesn't have pines—doesn't have quills.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 25, 2009

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Bill 12—The Residential Tenancies  
Amendment Act

Faurschou 2288

Bill 13—The Medical Amendment Act

Driedger 2291

Bill 17—The Workers' Compensation  
Amendment Act

Taillieu 2296

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>**