

Third Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

| Member | Constituency | Political Affiliation |
|-------------------------|----------------------|------------------------------|
| ALLAN, Nancy | St. Vital | NDP |
| ALLUM, James, Hon. | Fort Garry-Riverview | NDP |
| ALTEMEYER, Rob | Wolseley | NDP |
| ASHTON, Steve, Hon. | Thompson | NDP |
| BJORNSON, Peter, Hon. | Gimli | NDP |
| BLADY, Sharon, Hon. | Kirkfield Park | NDP |
| BRAUN, Erna, Hon. | Rossmere | NDP |
| BRIESE, Stuart | Agassiz | PC |
| CALDWELL, Drew | Brandon East | NDP |
| CHIEF, Kevin, Hon. | Point Douglas | NDP |
| CHOMIAK, Dave, Hon. | Kildonan | NDP |
| CROTHERS, Deanne | St. James | NDP |
| CULLEN, Cliff | Spruce Woods | PC |
| DEWAR, Gregory | Selkirk | NDP |
| DRIEDGER, Myrna | Charleswood | PC |
| EICHLER, Ralph | Lakeside | PC |
| EWASKO, Wayne | Lac du Bonnet | PC |
| FRIESEN, Cameron | Morden-Winkler | PC |
| GAUDREAU, Dave | St. Norbert | NDP |
| GERRARD, Jon, Hon. | River Heights | Liberal |
| GOERTZEN, Kelvin | Steinbach | PC |
| GRAYDON, Cliff | Emerson | PC |
| HELWER, Reg | Brandon West | PC |
| HOWARD, Jennifer, Hon. | Fort Rouge | NDP |
| IRVIN-ROSS, Kerri, Hon. | Fort Richmond | NDP |
| JHA, Bidhu | Radisson | NDP |
| KOSTYSHYN, Ron, Hon. | Swan River | NDP |
| LEMIEUX, Ron, Hon. | Dawson Trail | NDP |
| MACKINTOSH, Gord, Hon. | St. Johns | NDP |
| MALOWAY, Jim | Elmwood | NDP |
| MARCELINO, Flor, Hon. | Logan | NDP |
| MARCELINO, Ted | Tyndall Park | NDP |
| MELNICK, Christine | Riel | NDP |
| MITCHELSON, Bonnie | River East | PC |
| NEVAKSHONOFF, Tom | Interlake | NDP |
| OSWALD, Theresa, Hon. | Seine River | NDP |
| PALLISTER, Brian | Fort Whyte | PC |
| PEDERSEN, Blaine | Midland | PC |
| PETTERSEN, Clarence | Flin Flon | NDP |
| REID, Daryl, Hon. | Transcona | NDP |
| ROBINSON, Eric, Hon. | Kewatinook | NDP |
| RONDEAU, Jim | Assiniboia | NDP |
| ROWAT, Leanne | Riding Mountain | PC |
| SARAN, Mohinder | The Maples | NDP |
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| SELBY, Erin, Hon. | Southdale | NDP |
| SELINGER, Greg, Hon. | St. Boniface | NDP |
| SMOOK, Dennis | La Verendrye | PC |
| STEFANSON, Heather | Tuxedo | PC |
| STRUTHERS, Stan, Hon. | Dauphin | NDP |
| SWAN, Andrew, Hon. | Minto | NDP |
| WHITEHEAD, Frank | The Pas | NDP |
| WIEBE, Matt | Concordia | NDP |
| WIGHT, Melanie | Burrows | NDP |
| WISHART, Ian | Portage la Prairie | PC |
| <i>Vacant</i> | Arthur-Virden | |
| <i>Vacant</i> | Morris | |

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 4, 2013

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.

Good afternoon, everyone. Please be seated.

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 34—The Consumer Protection Amendment Act (High-Cost Credit Products)

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Mr. Speaker, I move, seconded by the Minister responsible for Mineral Resources, that Bill 34, The Consumer Protection Amendment Act (High-Cost Credit Products); Loi modifiant la Loi sur la protection du consommateur (produits de crédit à coût élevé), now be read for a first time.

Motion presented.

Mr. Lemieux: Mr. Speaker, this bill adds a new part to The Consumer Protection Act, addressing existing, emerging and evolving high-cost credit products in our marketplace. It is designed to protect consumers who are obtaining credit from those who are circumventing payday lending legislation. The proposed amendments also clarify certain provisions in the payday loans part of the act.

Finally, the Manitoba Payday Borrowers' Financial Literacy Fund is renamed the Manitoba borrowers' financial literacy fund. High-cost credit granters will be required to pay into the fund, as well as payday lenders. This fund is used to help promote low-cost alternatives to high-cost borrowing and provide financial education to borrowers.

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

Mr. Speaker: Any further introduction of bills?

PETITIONS

Mr. Speaker: Seeing none, we'll move on to petitions.

Provincial Sales Tax Increase—Referendum

Mrs. Bonnie Mitchelson (River East): I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

(1) The provincial government promised not to raise taxes in the last election.

(2) Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

(3) An increase in the PST is excessive taxation that will harm Manitoba families.

(4) Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

Mr. Speaker, this petition is signed by A.M. Camara, W. Mazur, P.J. Manastyrsky and many, many other fine Manitobans.

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

Mr. Ralph Eichler (Lakeside): Good afternoon. I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

(1) The provincial government promised not to raise taxes in the last election.

(2) Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

(3) An increase to the PST is excessive taxation that will harm Manitoba families.

(4) Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

This petition's submitted on behalf of S. Durston, L. Durston, K. Kagness and many other fine Manitobans.

Mr. Speaker: Any further petitions?

East Selkirk Sewage Lagoon Site— Environmental Licence

Mr. Wayne Ewasko (Lac du Bonnet): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) On August 12th, 2013, Manitoba Conservation and Water Stewardship granted a licence for the construction of a sewage lagoon on the former CIL explosives plant site in East Selkirk.

(2) This site is located 1,100 feet from the banks of the Red River.

(3) Local residents are concerned the hydraulic pressure from the lagoon and instances of heavy rainfall could cause contaminants left over from the manufacturing of explosives at the site to flow into the Red River.

(4) Upon the review of a soil study conducted on the site, the Water Science and Management Branch of the Department of Conservation and Water Stewardship noted that effluent from the site could negatively affect aquatic life in the Red River and may result in increased risks of cancer in fish.

(5) The chemical dinitrotoluene is present in the soil at the former CIL explosives site—at the CIL explosives plant site—and is a known carcinogen to fish and other aquatic species.

(6) Soil testing done prior to the environmental licence being issued should have been done at a level consistent with the standards used by the Environmental Protection Agency in the United States, where they have more experience with testing for contaminants at former explosives sites.

(7) The Province of Manitoba has no available guidelines for the assessment of energetic compounds in soil.

(8) There are many other viable, non-contaminated sites in the area which would be better suited for the construction of the sewage lagoon.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Conservation and Water Stewardship reconsider his decision to grant an environmental licence for the construction of a sewage lagoon at this site.

This petition is signed by L. Hofmeister, G. Hofmeister, W. Naurod and many, many more fine Manitobans, Mr. Speaker.

Hydro Capital Development—NFAT Review

Mr. Cameron Friesen (Morden-Winkler): I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

(1) Manitoba Hydro was mandated by the provincial government to commence a \$21-billion capital development plan to service uncertain electricity export markets.

(2) In the last five years, competition from alternative energy sources is decreasing the price and demand for Manitoba's hydroelectricity and causing the financial viability of this capital plan to be questioned.

* (13:40)

(3) The \$21-billion capital plan requires Manitoba Hydro to increase domestic electricity rates by up to 4 per cent annually for the next 20 years and possibly more if export opportunities fail to materialize.

We petition the Legislative Assembly of Manitoba as follows:

To urge that the Minister responsible for Manitoba Hydro create a complete and transparent needs-for-and-alternatives-to review of Manitoba Hydro's total capital development plan to ensure the viable—financial viability of Manitoba Hydro.

And this petition is signed by K. Bergen, J. Fehr and H. Calpin and many others.

Mr. Speaker: Any further petitions?

COMMITTEE REPORTS

Mr. Speaker: Seeing none, we'll move on to committee reports.

Standing Committee on Human Resources First Report

Ms. Melanie Wight (Chairperson): I wish to present the First Report of the Standing Committee on Human Resources.

Deputy Clerk (Mr. Rick Yarish): Your Standing Committee on Human Resources presents the following as—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense? Dispense.

Your Standing Committee on HUMAN RESOURCES presents the following as its First Report.

Meetings

Your Committee met on December 3, 2013 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- *Bill (No. 2) – The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones)/Loi modifiant le Code de la route (sécurité des travailleurs dans les zones de construction)*

Committee Membership

- *Hon. Mr. ASHTON*
- *Hon. Ms. BRAUN*
- *Mr. CALDWELL*
- *Mr. GAUDREAU*
- *Mr. HELWER*
- *Mr. MARCELINO (Vice-Chairperson)*
- *Mr. PEDERSEN*
- *Mr. NEVAKSHONOFF*
- *Mrs. ROWAT*
- *Mr. SMOOK*
- *Ms. WIGHT (Chairperson)*

Public Presentations

Your Committee heard the following ... presentations on Bill (No. 2) – The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones)/Loi modifiant le Code de la route (sécurité des travailleurs dans les zones de construction):

Kevin Rebeck, Manitoba Federation of Labour

Michelle Gawronsky, Manitoba Government and General Employees Union

Wally Fletcher, Private Citizen

Christian Sweryda, Private Citizen

Dave Sauer, Winnipeg Labour Council

Patrick Campbell, Operating Engineers Local 987

Kelly Moist, CUPE Manitoba

Joe Dooley, Private Citizen

Ken Guilford, Private Citizen

David Grant, Private Citizen

Written Submissions

Your Committee received the following three written submissions on Bill (No. 2) – The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones)/Loi modifiant le Code de la route (sécurité des travailleurs dans les zones de construction):

Ron Stecy, Manitoba Building and Construction Trades Council

Neil Murray, Private Citizen

Charlene and Russ Harrison, Private Citizens

Bill Considered and Reported

- *Bill (No. 2) – The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones)/Loi modifiant le Code de la route (sécurité des travailleurs dans les zones de construction)*

Your Committee agreed to report this Bill, with the following amendment:

THAT Clause 5 of the Bill be amended by replacing the proposed subsection 77.1(7) with the following:

When maximum permitted speed applies

77.1(7) *The maximum permitted speed established under subsection (5) applies*

- whether or not workers are present in the designated construction zone or equipment is being used in it; and*
- at all hours of the day and on all days of the week, including holidays, unless a traffic control device states that it applies only at certain hours or on certain days, or both.*

Ms. Wight: I move, seconded by the honourable member for Selkirk (Mr. Dewar), that the report of the committee be received.

Motion agreed to.

Mr. Speaker: Any further committee reports?

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of all honourable members to the public gallery where we have with us this afternoon Bernice Chartrand, wife of Elbert Chartrand, members of the Chartrand family and his friends and co-workers who are here today from the Manitoba Metis Federation and the Manitoba Association of Friendship Centres, who are the guests of the honourable minister of culture, food and rural development.

And also in the public gallery today we have with us students from J.H. Bruns Collegiate, who are the guests of the honourable Minister of Health (Ms. Selby).

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

ORAL QUESTIONS

PST Increase Committees Referendum Request

Mr. Brian Pallister (Leader of the Official Opposition): Mr. Speaker, we don't have to go that far back in time to remember some of the heartfelt testimony at the PST hearings from Manitobans very concerned about the government's decision to increase that tax. And I know the Premier didn't have the benefit of attending the hearings, but I did think it was appropriate to bring to his attention, before this decision is finalized, some of the comments Manitobans had made and share those with him.

The Winnipeg Chamber of Commerce CEO, Dave Angus, had quoted: The Premier believes that increasing the PST is in the best interests of Manitobans and will create a strong and competitive economy. Then his government should be prepared, willing and enthusiastic to engage Manitobans and take their proposal to the people.

Will the Premier listen to the advice of this great business leader in our province and will he agree before he takes this misstep to call a referendum and let Manitobans have a say in their own financial future?

Hon. Greg Selinger (Premier): The Manitobans indicated to us that they wanted us to invest in core infrastructure, being roads, being flood protection, being improvements to sewer and water.

And I did note that the individual that the Leader of the Opposition mentioned has been very supportive of the core infrastructure announcements

we've made and, in addition, attended with us when we announced a special fund for early childhood development in Manitoba to invest in young children and families to make sure they get off to a good start, additional resources from the government of Manitoba, a major contribution from the McConnell foundation. And, Mr. Speaker, it was Mr. Angus from the Winnipeg Chamber of Commerce that came to that announcement and undertook to raise money from the private sector so that, even though the Leader of the Opposition wants across-the-board cuts, the business community of Manitoba believes in investing in children and families, just like we do.

PST Increase

Employment and Business Impact

Mr. Brian Pallister (Leader of the Official Opposition): Well, actually, the business community in respect of the Chambers of Commerce remain strongly opposed to the government's actions, Mr. Speaker.

Now, the Manitoba Chambers of Commerce CEO, Chuck Davidson, testified at the PST hearings as well, and he said, quote: I think the PST has really soured the optimism of a lot of Manitoba businesses. We hear it all the time about how it makes us more uncompetitive, specifically with Saskatchewan.

And to bear that out, the Saskatchewan Chamber of Commerce CEO, Steve McLellan, said, what it will probably do more than anything is send people our way who just say, forget it, we've had enough, we're moving our business. It'll be based on frustration.

And to bear that out, Stats Canada reports that Saskatchewan over the last year has created 12,000 jobs and reports that Manitoba has lost 6,000 full-time jobs.

Now, the Premier sent out a mailer to thousands of Manitobans last week in which he claimed that the PST hike was creating jobs. So who is right, Statistics Canada or the Premier?

Hon. Greg Selinger (Premier): Mr. Speaker, Manitobans were right when they asked us to make sure that the money went into core infrastructure. That was what we have done. When we make those investments, thousands of person-years of employment—one year of employment for thousands of Manitobans—have been created with these jobs across Manitoba.

And when it comes to business confidence, Mr. Speaker, the latest report from the CFIB Business Barometer shows that the biggest jump in small-business confidence occurred in years this last month. Manitoba businesses are seeing people go to the stores, get ready for Christmas, make essential purchases at the same time as we're creating thousands of jobs for Manitobans, good jobs that goes with our skills agenda to create another 75,000 skilled workers over the next eight years, 75,000 young Manitobans that will have good jobs and a good future here in Manitoba, not like in the '90s, when the Leader of the Opposition was in Cabinet, cut thousands of jobs, laid off teachers, fired nurses and put Manitoba in a deep freeze.

Mr. Pallister: The Premier's been down so long, Mr. Speaker, the bottom looks like up. The reality of the chamber of commerce agenda the Premier has, it's the agenda of the chamber of commerce of Saskatchewan.

Becky Cianflone said the most troubling part of the government's decision to increase the PST is the fact they're also changing the current balanced budget legislation that had stipulated a referendum of Manitobans be held before increasing it. A higher PST rate will further increase the cost of doing business, leaving entrepreneurs with less money to operate, expand, innovate, hire people and pay higher wages.

To bear this out, Statistics Canada—again, that right-wing think tank the Premier refuses to accept—year over year, reported growth in average weekly wages in Manitoba of zero per cent, Mr. Speaker, the lowest in Canada. Now, the second highest growth was in Saskatchewan.

So, again, I ask the Premier: Is he trying to encourage business in Saskatchewan or in Manitoba?

Mr. Selinger: Mr. Speaker, Manitoba will do well in terms of job creation and the economy, along with the rest of western Canada.

We just completed a \$100-million hydro sale to the Crown corporation of Saskatchewan, \$100 million, which will create jobs in Manitoba. The Leader of the Opposition, his position on exporting hydro: We should not export hydro in Manitoba; Manitoba Hydro should never have export sales. Unbelievable position, the most regressive position ever put forward by a leader of a political party in the history of Manitoba: We should never have export sales.

Saskatchewan is happy to buy our power. Minnesota is happy to buy our power. Other jurisdictions are very interested in our power. It creates jobs in Manitoba, jobs for the North, jobs in the south. Just recently I was at an announcement of a very significant investment on the southwest Perimeter, and the business owner said to me, we can't wait for Keeyask. It'll mean jobs for everybody in Manitoba, Mr. Speaker.

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

PST Increase Committees Manitobans' Right to Referendum

Mr. Brian Pallister (Leader of the Official Opposition): Well, if you're giving it away at below cost, we're all glad he's giving it away to Canadians, Mr. Speaker, and not Americans. Press conferences about an amount of total sale over a decade—which is not even a sale—of one tenth of 1 per cent of the estimated cost of the projects—one tenth of 1 per cent.

* (13:50)

Let's consider the facts. Garth Steek, a fellow—a former mayoral candidate in the city, wrote in his submission: I'm a guy whose grandfathers both fought in the First World War. My dad fought in the Second World War. They fought for democracy, the right to retain the opportunity to vote.

An Honourable Member: So did mine.

Mr. Pallister: That's nice; the member for Kildonan (Mr. Chomiak) has relatives who fought in the war. He should respect their right to vote, then.

Mr. Steek goes on to say: You're unilaterally taking that right away. It is profoundly wrong. And I quote from him: Okay, we don't expect you to be flawless, none of us, but if you expect to be called honourable, do the honourable thing and let us vote.

Hon. Greg Selinger (Premier): Mr. Speaker, just this week we announced an improvement to Highway No. 9; that improvement will create one year of employment for 500 Manitobans. We 'acknowledge'—we announced the highway improvement on Highway No. 10, one year of employment for 750 Manitobans. We announced the upgrades to the south Perimeter Highway, which will connect to Highway 75 and CentrePort, one year of employment for 2,200 Manitobans.

Mr. Speaker, we had a vote in this House last week on the future of the Senate. The Leader of the

Opposition and every member on the other side of the House refused to abolish the Senate. They don't want Canadians to vote on that. They don't want Canadians to have a say over the Senate. They want to protect the Senate because that's where they get their election financing and their election organizing.

We're voting for a future of a strong economy in Manitoba and jobs for Manitobans. That's what we're voting for, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Pallister: Only jobs that this government's creating are for tax collectors, Mr. Speaker, just tax collectors.

Now, Derek Rolstone testified—and, again, I encourage the Premier to think about these comments from people—this government seems to not have a revenue problem but a spending problem. This whole PST raise was poorly communicated, poorly framed. The ministers spoke about it being dedicated to infrastructure. It doesn't seem to be the case.

Selena Bieber said: That's the problem I have with what you're doing. It's not the fact that you're amoral or you're acting criminal, and you know you're clearly demonstrating a lack of integrity, but that's your personal choice. Why are you taking away my personal choice?

So I have to ask the Premier: What possible right does he think that he and 36 MLAs have to take away the right of a million Manitobans to vote on something so important?

Mr. Selinger: Mr. Speaker, Manitobans told us, Manitobans clearly told us, and we listened to them, that if you're going to invest, invest in core infrastructure. So we went out and we announced that we're going to put \$215 million into Highway No. 75, a high priority for Manitobans. That will create one year of employment for 2,500 Manitobans, 2,500 years of employment for Manitobans on core infrastructure, exactly what they asked for.

Mr. Speaker, we announced, with the City of Winnipeg, we're going to proceed on the rapid transit corridor out to the University of Manitoba. That will create one year of employment for 3,900 Manitobans, good jobs for Manitobans, good jobs for our young people.

Manitobans have said, that's our priority, a good future in Manitoba for our children. That's what we're providing. We're voting for that, jobs for the future, jobs for Manitobans, a good economy.

They want to cut. They want to go back to the days when people were leaving Manitobans, employment rate was 2 and a half per cent higher. We have one of the lowest unemployment rates in the country, and they're opposed to it.

Mr. Pallister: I'm not opposed to the Premier trying decaffeinated next time, Mr. Speaker.

Dan Lanyon said this: This law was instituted to keep Manitoba's governments honest, and the idea is that you spend within your means. You make everything fit. This is what I have to do with my budget or else I face penalties. I can't force my employer to raise my wages just because I want to take my kids out for ice cream every night. It's just not going to happen. So, that being said, this government is illegally charging additional taxes by sidestepping legislation, not allowing a referendum and removing the penalties of not balancing the budget. Mr. Lanyon ends by saying: Come on, stand up and be counted.

Muriel Koscielny says: I come here for the short, the tall, the big and the small and for all of us in between. I come to be a voice of every Manitoban that would oppose the oppression being taken today being imposed upon ourselves by our own government. I come to tell our government that we, the citizens of Manitoba, have had enough.

Will the Premier finally, once and for all, listen to the people of Manitoba and stop this ill-advised and illegal action?

Mr. Selinger: Mr. Speaker, the Leader of the Opposition forgets what he said in the Legislature. He said very clearly on the record that the laws that were put in place did not bind future governments from doing the right things for Manitobans, and we listen to Manitobans. Manitobans said invest in core infrastructure, give us better roads.

We are providing that with thousands of jobs. Make sure we protect those communities from floods, Mr. Speaker, a quarter of a billion dollars of investment around Lake Manitoba, Lake St. Martin and the Assiniboine valley to ensure that those communities are protected from future flood events in Manitoba, just like we did in the Red River Valley, just like we did when we built the floodway around the city of Winnipeg.

Why do the members opposite not want to protect Manitobans like we've done in the past? Why do they not want them to have flood protection? What is it about Manitobans in the Interlake and in the—along the Assiniboine valley that they think makes them less worthy of the same investments that we've made in Winnipeg and in the Red River Valley?

Good jobs, better protected communities, a bright future for Manitoba with one of the lowest unemployment rates. We listened to Manitobans and we're delivering—

Mr. Speaker: Order, please. The honourable First Minister's time has expired.

Bipole III—Biosecurity Concerns Government/Landowner Relations

Mr. Blaine Pedersen (Midland): The NDP-controlled Manitoba Hydro has now reached a new low. Hydro survey crews are not respecting landowner concerns regarding biosecurity. Rather than work with landowners, Manitoba Hydro now uses private security to intimidate and bully landowners.

This government gave Manitoba Hydro a licence to build Bipole III, but Manitoba Hydro does not have a licence to bully and intimidate landowners.

Why does this government condone bullying and intimidation by Manitoba Hydro?

Hon. Stan Struthers (Minister responsible for Manitoba Hydro): Well, Mr. Speaker, what's absolutely clear is that within 10 years the province of Manitoba could run out of power; that's because we have a growing economy, we have growing population numbers. This side of the House understands that, takes that very seriously and will work with Hydro to make sure that we meet the growing demand, the growing needs of our province.

What we won't do is what members opposite have said. What we won't do is go to market rates like members opposite have asked us to do. We won't privatize Manitoba Hydro like members opposite have said they would do and, Mr. Speaker, we won't ignore the fact that in 10 years we could run out of power, and we're not going to sit back and do nothing.

We're going to solve that issue. It's going to grow our economy even more and make sure that our population numbers continue to increase.

Mr. Pedersen: It does not give Manitoba Hydro the right to bully landowners.

Mr. Speaker, the Bipole III landowners have formed a committee to address their concerns collectively with Manitoba Hydro. Landowners have legitimate concerns of survey and construction crews spreading serious plant diseases which have—will have a devastating impact on their businesses.

Mr. Speaker, why does this government not take collective bargaining seriously? Will the minister not instruct—will the minister now instruct Manitoba Hydro to begin working with the landowner committee?

Mr. Struthers: Mr. Speaker, we are listening to what is being said by Manitoba farmers. Manitoba Hydro has been listening to what they have to say.

Manitoba Hydro has—does follow practices that stops to—prevents the spread of disease. They do not enter a landowner's land without permission. They are more than intent to work with the landowner to make sure that we make good decisions to grow our economy, to grow Manitoba Hydro, to continue to export the power that otherwise would just run over the dam and off into Hudson Bay.

Mr. Speaker, Manitoba Hydro has practices. They have processes in which they deal and work with and listen to farmers. That practice—

* (14:00)

Mr. Speaker: Order, please. The minister's time has expired.

Mr. Pedersen: Mr. Speaker, since the Manitoba bipole landowners committee met with Manitoba Hydro, the response back from Manitoba Hydro has certainly not been encouraging. It seems Manitoba Hydro would rather divide and conquer landowners than work co-operatively with the landowners committee.

Manitoba Hydro has now threatened expropriation. They use private security to threaten landowners, and now they've even resorted to calling the RCMP to further intimidate and bully landowners.

Why does this minister and this government endorse Manitoba Hydro's bullying and intimidation?

Mr. Struthers: Contrary to that preamble, Mr. Speaker, they do have—Hydro does have practices that they employ that include seeking permission from landowners. They call beforehand. They have

practices in place that does prevent the spread of diseases from one farmyard to the next. That is a serious issue. It's not one that we nor Manitoba Hydro takes lightly.

But what I do not want this to lead to is further calls by the members opposite to not export sales to our customers in places like Minnesota and Wisconsin and, more recently, to Saskatchewan. If this is, as I suspect, a matter of the embers of the opposition trying to poke holes in Manitoba Hydro to prevent them from—

Mr. Speaker: Order, please. The honourable minister's time has expired.

ER Service Provision Rural Manitoba

Mr. Wayne Ewasko (Lac du Bonnet): Mr. Speaker, on the anniversary of the fall of the Crocus, we can't believe a thing this government has to say.

The communities of Pinawa, Powerview-Pine Falls and Beausejour have been going through rotating closures of their emergency rooms, leaving patients in the dark about what ER is open when the need is there. Notice has rarely been provided to my constituents about what ERs can be accessed in an emergency. Now, the default answer for this government has been STARS, which has now been grounded.

Mr. Speaker, with no helicopter and no emergency rooms, how are the people in Pinawa, Powerview-Pine Falls and Beausejour areas going to access medical care when they need it most?

Hon. Erin Selby (Minister of Health): I thank the member for the question, and I would tell him the same thing I tell my parents, who live in Pinawa, that we do know that people need emergency care, that they need health care in every aspect of this province.

And when the tragic incident occurred late last week and medical advisers told us that we needed to do a temporary suspension of STARS, we did so swiftly. We acted immediately upon that advice, but we did so knowing we had a contingency plan in place to make sure that people around the province would be served. We have 24 air ambulances in the air. We have two life jets as part of our medical services that can be dispatched in the same manner as we dispatched STARS.

Now, to be very clear, we know how important STARS service has been to this province. We know

430 people have been transported by STARS, and many of them probably have their lives to be grateful to STARS that they are here today.

Mr. Speaker: Order, please. The honourable minister's time has expired.

Mr. Ewasko: Mr. Speaker, let me be very clear. These answers are not good enough and there was no plan B before this ended up happening.

With emergency rooms closed this government relied on the STARS helicopter, and without that emergency care is not reliable in places like Pinawa—and I'm glad she mentioned it—Beausejour and Powerview-Pine Falls. Without STARS, emergency care in these communities suffer. In emergency situations when every second counts, it is now unclear how these patients are supposed to get the treatment they need.

Mr. Speaker, why is this government without a plan for patients in emergency situations?

Ms. Selby: Fifteen years ago there might not have been a plan B, but there is today.

Mr. Speaker, since we've been in office, we've been training paramedics and they now have a higher standard of training than they ever had in this province. We have added ambulances; we have expanded air ambulance as well. We have put many investments into our contingency plan so that should something like this happen, we are more than prepared to make sure that people will be served.

But, Mr. Speaker, it begs the question: If the opposition were told by medical advisers that the thing they should be doing is temporarily suspending a service, they would not listen to that opinion?

Mr. Ewasko: Twenty ERs closed, Mr. Speaker, 20 ERs closed across the province. Rural ambulances are missing their targets 46 per cent of the time with a helicopter, and it's only going to get worse now. Mere seconds count in an emergency situation, and with emergency rooms closed, the helicopter grounded and the ambulances that are missing their targets, the minister has made it clear rural health care is not a priority.

The people of Beausejour, Powerview-Pine Falls and Pinawa are not receiving the health care they deserve from this government, Mr. Speaker.

Why is patient safety in rural Manitoba not important to this government nor its minister?

Ms. Selby: Let me remind the House there's only one party in this House that cut \$37 million from rural health care, and they're sitting across from us right now.

Mr. Speaker, we agree that air helicopters are an important part of our EMS service, and that is why we are working with STARS right now to see when we can best restore service. But when medical professionals tell us that we need to suspend service temporarily, because of a critical incident that occurred, we take that opinion very seriously.

But I can tell you, Mr. Speaker, on this side of the House, we don't think that firing a thousand nurses is the best way to provide rural health care.

STARS Service External Review

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the Minister of Health told the media this week that an external review of STARS is under way. External reviews are usually only called in extreme circumstances.

So I'd like to ask the Minister of Health to tell us: When did an external review of STARS begin?

Hon. Erin Selby (Minister of Health): I can tell the member that earlier this month Manitoba Health had 15 cases involving STARS to an external reviewer in British Columbia for outside opinion that STARS is providing the care that we, of course, expect in Manitoba. That is something that was part of the critical reviews of the first two incidents that occurred with STARS, along with many other procedures that were put into place, and, of course, medical opinion at the time was that STARS has been providing a very good and safe service.

But, Mr. Speaker, when the last critical incident occurred over—late last week and medical opinion told us that we should temporarily suspend STARS, we took that opinion very seriously.

Mrs. Driedger: Mr. Speaker, Manitobans find out only this week that an external review of STARS is under way, that a doctor from BC is doing it, but that it has been ongoing for several months. Yet two ministers of Health have been working overtime trying to convince Manitobans that all is well with STARS.

An external review means more is going on than what they are leading us to believe, so I would like to ask this minister: What is she trying to hide?

Ms. Selby: I will again put on the record, Mr. Speaker, that I said that earlier this month Manitoba Health sent 15 cases involving STARS to be reviewed. This was part of the recommendations of the earlier critical incident reviews, something that we do because we do believe in an open and transparent situation in Manitoba Health.

Mr. Speaker, there was a time in Manitoba when problems were hidden, when there was a culture of secrecy, and, unfortunately, people didn't learn from mistakes that happened. That's not what happens here now. Now when something goes wrong, we talk to the family, we do a review, we find out what happened and we put measures in place to prevent those things from happening.

Mrs. Driedger: Mr. Speaker, yesterday the Minister of Health said, up until the third critical incident we were advised by medical professionals that the STARS ambulance service was a safe way to transport patients. Her words and actions are not matching up, and something smells very fishy here. She told people the other day that that external review started months ago, and yet they've been trying to paint a rosy picture over the last number of months.

If it was a safe program up until last week, why was an external review called months ago? External reviews are called under extreme circumstances. Why isn't she being straight up with Manitobans on this answer?

*(14:10)

Ms. Selby: Well, it seems the members of the opposition are willing to dismiss medical professionals' opinions, but on this side of the House we are not.

Mr. Speaker, there were numerous measures put into place, including the addition of physicians for more interfacility transfers, including pediatric transfers, and new oversight. All of these measures came in after the first two critical incidents reports, that STARS, of course, did report to us because we have a relationship of 'openness'—open and transparency.

Mr. Speaker, following those incidents, we had opinion from medical experts—doctors who I feel are probably better advised and better experienced to advise us on this than members opposite—that STARS was safe. We know 430 people were transported by STARS, and probably many of them have STARS to thank that they're here today.

But, Mr. Speaker, when that opinion changed over this weekend and we were advised to temporarily suspend STARS service, we took that very seriously.

Mr. Speaker: Order, please. The minister's time has expired.

STARS Suspension of Service Internal Review Recommendations

Mr. Cameron Friesen (Morden-Winkler): Well, Mr. Speaker, we know that STARS was grounded earlier this week following a deadly incident last week. It's STARS on ice across Manitoba.

The minister has said in a press release that up until now she has been assured that STARS was providing appropriate medical care, but now concerns were being raised so she's grounding the service. Mr. Speaker, that's just not true.

Mr. Speaker, we have raised concerns all along about whether STARS was operating safely. We raised these concerns in June, we raised them in August, and the minister said, I have confidence that STARS is providing safe service. Now she says she acted swiftly on the advice and grounded STARS.

My question to the minister is this: Were there calls much earlier for this minister to ground STARS?

Hon. Erin Selby (Minister of Health): Absolutely not, Mr. Speaker.

Mr. Friesen: Mr. Speaker, my colleagues asked questions today about the 15 incidents currently being examined in an external review that the minister has now admitted. Now, as my colleague says, that is no small matter to undertake an external review; it means there is an issue of seriousness, there is an elevated importance.

Mr. Speaker, if there is an external review, it strongly suggests that there was a previous internal review.

Will the minister today confirm the existence of a previous comprehensive internal review of STARS, and did that review call for STARS to be grounded?

Ms. Selby: First of all, Mr. Speaker, I would just like to say the critical incident that occurred late last week was a very tragic situation and very difficult for a Manitoba family, and I don't really think it's appropriate to make light of that.

Mr. Speaker, when we talk about transparency in Manitoba Health, it's not just about in critical incidents, but it's always reviewing if best procedure has been in place, if best practice has been in place. All our EMS is reviewed on a regular basis because we always want to make sure that we are providing the safest, most efficient, 'mo' timely service that we can. We want to ensure that medical procedure is always being followed, so we continually review and discuss and take out—take the time to make sure that we are doing these things right. We don't bury it. We always want to get to be able to tell Manitobans that they can count on us to listen to—

Mr. Speaker: Order, please. The minister's time has expired.

Mr. Friesen: Mr. Speaker, let's be very clear. This minister is not denying the existence of a previous comprehensive review of STARS.

Now, this minister has delivered a message to Manitobans that STARS was safe.

So I ask her again: Was there a comprehensive internal previous review of STARS, and did the recommendations of that review call for the grounding of STARS?

Mr. Speaker, this is the same minister that said on the 21st of November, we won't hide, we won't bury, we won't keep it from Manitobans. Those are the minister's own words. But did this same minister call for a cover-up on a call to ground STARS while telling Manitobans that the service was safe? What did she know? When did she know it?

Ms. Selby: Mr. Speaker, I can tell the House that when preliminary information came to us over the weekend, we acted immediately to pause STARS' flight. This was not an easy decision. We know how important air helicopter service is to our EMS service, but Manitoba Health and I were assured that appropriate measures were in place so that helicopter EMS transfers were of the appropriate and highest quality.

The incident that occurred late last week did raise some concerns with our medical professionals. They asked us to temporarily suspend flights and we took that opinion seriously, as we always do when medical professionals have an opinion to share with us.

Mr. Speaker, I can assure the House, I can assure Manitobans that until Manitoba Health, myself and those same medical professionals advise me that they

are confident to put STARS back in the air, we are going to listen to them. We are going to take the time—

Mr. Speaker: Order, please. The minister's time has expired.

Diabetes Reduction Targets Government Timeline

Hon. Jon Gerrard (River Heights): Mr. Speaker, the government tried to take credit in the Throne Speech for a decrease in the incidence of diabetes in Manitoba, and they said the number of people being diagnosed with diabetes has declined. However, during the years reported by the Manitoba Centre for Health Policy, according to the government's own numbers, which I table, the number of people newly diagnosed with diabetes actually increased by 1,240.

The fact is that far too many people are getting diabetes in our province.

I ask the Premier: What is his plan to end the diabetes epidemic which is raging in Manitoba, and what are his targets for reducing the number of new cases of diabetes in our province?

Hon. Greg Selinger (Premier): I thank the former leader of the Liberal Party for the question, the member from River Heights, because it is a good question.

Diabetes is a scourge throughout the western world. We're seeing incidence of it growing all over the western world, and here in Manitoba we've taken several measures, several important measures to reduce the incidence of diabetes.

The members will remember when we did the all-party task force on what we could do in schools to have more physical activity, and I can tell you, when I go into the schools now, they have a comprehensive program all the way to grade 12 where young people are not only physically active in the school, but they get credits for being physically active in recreation and sporting activities outside the school. This is a very innovative program. Young people are doing better in school when they are physically active. Being physically active also means that they're more mentally acute and able to do a better job in school. That's one thing we've done.

The member from Keewatinook, who now is the Deputy Premier (Mr. Robinson), has launched over 900 community gardens in northern Manitoba. Those have made a tremendous difference in the northern part of the province.

Our schools have moved away from having sugary beverages and other goods in their schools to more healthy snacks in schools.

We've invested in the nursing—

Mr. Speaker: Order, please. The First Minister's time has expired.

Mr. Gerrard: Mr. Speaker, the number of people with diabetes keeps going up and up and up. Of great concern, the number of Manitobans under age 18 newly diagnosed with diabetes—

Mr. Speaker: Order, please. Order, please. I'm having difficulty hearing the member. I'm not sure if his microphone is turned on. Just give us a moment, please.

Mr. Gerrard: Can you hear me now?

Mr. Speaker: Yes, please start over.

Honourable member for River Heights, to start his question over, please.

Mr. Gerrard: Okay. Mr. Speaker, the problem is that the number of people with diabetes keeps going up and up and up. Of great concern, the number of Manitobans under age 19 newly diagnosed with diabetes rose by 21 per cent during the very period that the Premier said in his Throne Speech that the incidence was decreasing. This is critical. The Premier's approach to reducing diabetes in Manitoba over the last 14 years has been an obvious failure, and yet the Premier tries to mislead Manitobans to believe that they're decreasing diabetes.

I ask the Premier: What is his plan to end the diabetes epidemic in Manitoba, and when will he present it?

Mr. Selinger: Mr. Speaker, I appreciate the question from the member opposite.

We—our stats weren't invented by us. The stats were put together by professional health-care researchers, the Manitoba centre for health-care policy, and they said that there was an improvement in chronic disease incidence in Manitoba, including in the area of diabetes.

But the member asks about young people, and I'm very glad that I started with him on my first response to indicate what we're doing in schools. First of all, it's now the law in Manitoba that young people stay in school 'til 18, and we're seeing tremendous results from that. More people are

staying in school. More people are graduating from school.

* (14:20)

More people are getting the benefit of a curriculum where they're taught to be physically active, where they're taught lifestyle choices and how to remain physically active, where they get opportunities to learn about healthy nutrition. They get opportunities to participate in community gardening programs. They get opportunities to be involved in apprenticeship and learning opportunities where they learn how to have a healthy lifestyle.

All of those things make for healthier Manitobans: jobs, education and opportunities in the community. Those things make for healthier Manitobans. We're doing them. The members opposite always vote against it in the budget.

Mr. Gerrard: Mr. Speaker, the NDP government once had an effort in—a unit in Manitoba Health to focus on diabetes, and even issued a call to action. But the focus on the diabetes epidemic was lost with the closing of the diabetes unit and a switch to a focus on chronic diseases and the removal of diabetes from the government's major public health concerns, which I table.

Diabetes is not identical to other chronic diseases, and the government has thus removed any focus it once had on the diabetes epidemic.

I ask the Premier: Who will lead the central effort to address the diabetes epidemic in our province, and what support will his government provide toward this effort?

Mr. Selinger: Again, I'm going to reiterate for the member this is an important question. Chronic disease is a very serious issue throughout the western world, and in Manitoba diabetes is a very important issue. It needs to be addressed.

It needs to be addressed first and foremost by people having opportunities to have healthy food, by having opportunities to have healthy recreation, by having opportunities to have decent, good paying jobs to motivate them to look after themselves. We're doing all of those things in Manitoba, Mr. Speaker.

Our early childhood development starts with a Prenatal Benefit so that young mothers, young families have access to more resources for better food so a child gets a proper start in life. They then get a visit from a home visitor, a health-care nurse

that goes into the community that visits with those families and helps them get off to a healthy start.

We have a Nourishing Potential program that we funded in partnership with the Winnipeg Foundation. They have launched hundreds, in partnership with the communities' breakfast programs throughout Manitoba.

We are doing things in every community in Manitoba to have people have healthy access to food, good jobs and healthy lifestyles, Mr. Speaker.

Consumer Protection High-Interest Loans

Mr. Dave Gaudreau (St. Norbert): Mr. Speaker, I represent a constituency which is experiencing huge booms in new home construction and purchases. Many areas of Manitoba are seeing thousands of new homebuyers and very prosperous housing market. Despite what the Conservatives say and their love for Saskatchewan, many people are moving home to Manitoba.

Homebuyers want to know that the government is looking out for them and their best interests and to make sure that they are protected from harmful practices. This is why so many of my constituents were happy to see that we made a new home warranty legislation priority yesterday, and they voted against it.

Can the minister of tourism, culture, heritage, sport and consumer affairs please update the House on this government's consumer protection agenda?

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Mr. Speaker, I thank the member for St. Norbert for the question.

You know, Mr. Speaker, with the housing market the way it is and sales in automobiles, Mr. Speaker, and in the world of politics that we live in, there may not be another item that so contrasts the opposition to this government. Yesterday we introduced legislation to work with Manitobans to protect consumers from being ripped off and taken to the cleaners by unscrupulous car dealerships and also to protect homeowners.

Mr. Speaker, when they had a chance to stand up to protect consumers, they voted against it. But what did they do? When they had the chance to stand up to vote to get rid of the Senate, they voted to keep the Senate and their friends in Ottawa.

Mr. Speaker, a direct contrast: This government stands up for consumers and works with consumers to protect Manitobans. The opposition works to keep a deadbeat Senate in place.

Mr. Speaker: Just to ensure that I permit the full amount of time required for question period, because there was an interruption, some difficulty with the microphones, which are now working again, I'm going to add 30 seconds onto question period, so I'll ask the honourable member for Morden-Winkler to place his question.

STARS Suspension of Service Internal Review Recommendations

Mr. Cameron Friesen (Morden-Winkler): Mr. Speaker, my question for this Health Minister is not whether she listened to medical professionals. The question before this House today—the question before this House is when she decided to listen to medical professionals. This is a minister who has said all along to Manitobans that the STARS service was safe, and then all of a sudden, out of the blue, on Monday she says, and now we don't have confidence anymore in STARS.

Mr. Speaker, if this was a minister who had a previous internal review that told her that STARS was safe, she would have said so. There's an external review; it strongly implies there was an internal review.

Will the minister stand up today and say: Was there an internal comprehensive review on STARS? Did that review call for STARS to be grounded? Did she sit on that knowledge until now, and did a woman in this province die as a result?

Hon. Erin Selby (Minister of Health): Well, Mr. Speaker, I can tell the House the external review was done following recommendations from the second critical incident review. It did not call for STARS to be suspended at that time.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Mr. Speaker: It's time for members' statements.

CP Holiday Train

Mr. Dennis Smook (La Verendrye): Mr. Speaker, on Monday night I was proud to join the residents of Whitemouth, representatives from Canadian Pacific Railway and many special guests when the CP Holiday Train rolled into Whitemouth to support the drive to end hunger at Christmastime.

As part of the festivities, musical guests Melanie Doane and Crystal Shawanda performed from the stage car. The train was brightly decorated to celebrate the season. Hundreds of people from Whitemouth and surrounding communities attended, bringing food and donations to help the Lions Club with their food drive for the holiday season.

Christmas is a time of year that families get together and enjoy great company and great food, but many families in this province go without the food they need. Christmas is a tough time for some, and programs like this can help us all step up and make sure everyone has to eat at this time of the year.

The need for food banks in Manitoba is growing, and I am proud that CP, their sponsors, stepped up to help and make sure everyone gets enough to eat. In the past 15 years CP has donated over three million pounds of food to local food banks across the country, and I'm sure this year will be one of the biggest ever donations.

As part of their efforts this year, CP donated \$4,000 to the Whitemouth Lions Club to help their food bank for the Christmas season. Over the last nine years, the Whitemouth stop for the holiday train has resulted in the collection of 12,365 pounds of food and over \$20,000 in donations.

On behalf of all the constituents of La Verendrye and all the members of this House, I would like to thank CP and all the residents of Whitemouth that came out to donate food and enjoy the show. These efforts will make sure everyone has enough to eat at this important time of the year.

Thank you, Mr. Speaker.

Albert El Tassi

Mr. Jim Maloway (Elmwood): Mr. Speaker, I'm pleased to take this opportunity to congratulate a fellow Winnipegger and good friend, Mr. Albert El Tassi. Already a recipient of the Order of Canada and Order of Manitoba, today we congratulate him on his recent appointment to the official rank of Honourary Lieutenant-Colonel of the Royal Winnipeg Rifles. He is here in the gallery with his son, Mohamed.

The installation ceremony at Minto Armouries on November the 9th was impressive in every respect with its formal parade and ceremony. My colleague, the member for Assiniboia (Mr. Rondeau), can attest to that.

At the ceremony, Albert paid tribute to his family: wife, Samira; son, Mohamed; and daughter-in-law, Lina El Tassi; his daughters, Mirriam, Omaiya and Aiche; and his sons-in-law, Samir Tassi, Mohammed Souied and Terek El Tassi; and, of course, his 16 grandchildren. Albert always makes it clear his family is his greatest blessing.

Albert is also the CEO at Peerless Garments, a local garment manufacturer that employs a hundred Winnipeggers.

Albert works tirelessly to promote understanding, tolerance and respect. His community commitments include serving as a board member of Winnipeg Foundation, the Winnipeg Chamber of Commerce, the Canadian Forces Liaison Council and the Addictions Foundation of Manitoba. He's also a major fundraiser for the Children's Hospital Foundation and also the co-founder of Alhijra Islamic School. Albert has served on the Royal Winnipeg Rifles' board for the past two years. In October of this year, Albert was awarded an honorary doctor of laws from the University of Manitoba.

*(14:30)

Born in Lebanon, Albert considers it his honour to have the privilege of making Winnipeg his home for his family.

Mr. Speaker, on behalf of all members of this House, I would like to congratulate Albert on his continuing contributions to making Manitoba a great place to live.

Movember (Joey Johannson)

Mr. Ralph Eichler (Lakeside): Every 'nomember'—November, men across the country lay down their razors and allow moustaches to grow in support of a great cause. This campaign has been tokened as Movember and raises money for research to find a cure for prostate and 'testular' cancer, mental illness and research related to early detection.

This year, Joey Johannson from Warren, Manitoba, raised more than a hundred thousand—\$130,000 worth of donations for this worthy cause. The donations that Joey received were matched by the company he works for, MEG Energy, an oil sands producer in northern Alberta.

The amount of money that Joey's raised to date is not only the largest in Manitoba or Canada, he raised the most money for prostate cancer research

around the world during the month of Movember this year.

Mr. Speaker, it is estimated that, in 2013, 96,200 men will be diagnosed with cancer. Prostate cancer continues to be one of the most common forms of cancer among men, and will account for roughly 26 per cent of new cancer cases among men this year. A major factor in fighting prostate cancer is early detection. It is important for men to get early exams done, and is equally important that awareness continues to be raised.

Awareness is raised annually through the growing of moustaches in the month of November across the country. Many men grow their moustaches in the fashion of Burt Reynolds, Tom Selleck, Albert Einstein and many other fine 'mustached' men.

The annual growing of moustaches signifies the single solidarity across prostate cancer, who knows no borders, no boundaries or divisions.

Mr. Speaker, I ask all members to join me in congratulating Joey on raising such a large sum of 'mun' to fight prostate cancer, and thank you all Mo-bros and Mo-sisters in continuing the fight against prostate cancer, and all members of the House that contribute.

Thank you, Mr. Speaker.

Elbert Chartrand

Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development): Mr. Speaker, I rise today of a memory of a man who made a huge impact in the lives of many people in Swan River. Elbert Chartrand passed away, unfortunately, September the 24th, 2012, leaving a—behind a lasting legacy of a proud Metis statesman, a dedicated community leader and a 'dential' teacher and a friend.

Elbert dedicated his life to the service of others. He began his career as mayor of Duck Bay in 1970 and then he put in 37 years of service in the Swan River Friendship Centre, 29 of them as executive director. In his capacity he helped develop social, housing and recreation programs for our community.

As a president of the Swan River federation community housing corporation for 26 years, he was very instrumental for several local affordable housing projects. His guidance also led to the creation of the Swan River Youth Drop-In Centre and to the partnerships, and with the valley—Swan Valley School Division, which resulted in a friendship centre adult education program.

Elbert was an inspiration to many—us over the years. A strong supporter of educational, recreational opportunities for youth, and he attended sporting activities, from hockey games to baseball. He was a role model for young and mentored many past, current and future community leaders. His quiet confident and manner allowed many of us to take advantage of his wisdom and his advice with free judgments or questions.

Mr. Speaker, Elbert is also used his talents and passion in representing the Metis nation. He was first elected to the board of the Manitoba Metis Federation in 1984. At the time of his passing, he was serving his fourth term as vice-president of the Northwest Region of the Manitoba Metis Federation, where he also served as finance minister.

Mr. Speaker, it is a wonderful and rare occasion who acts as a source of strength and wisdom and guidance to so many, and to know Elbert for the short time I did, truly a friend. I know that those who remember him have the great utmost respect for those in the Swan River area will remember him as a legacy of an individual on behalf of all individuals.

Thank you, and thank you, Mr. Elbert Chartrand, for many years of service to the Metis Federation and the people in the Swan River area. Miigwech.

Education System—PISA Test Results

Hon. Jon Gerrard (River Heights): Mr. Speaker, it's a good thing that international comparisons are being made in our children's education, because otherwise this NDP government could live on in their bubble world of self-deception.

To the NDP, all has been going well in education until the OECD reality check showed that young Manitobans are doing poorly in math, reading and science compared to children in other provinces and other countries. As John Manley said of the slight dip in the Canadian PISA scores, this is a national emergency. And so in Manitoba, where we're among the worst performing of all provinces, this is a provincial emergency and it needs to be treated as such.

This government loves to make spending announcements, but they fail to adequately engage those direct—most directly involved in educating our children in developing an effective curriculum. Instead, this NDP government and its nanny state creates a new unproven educational strategy, tells teachers to implement it and has no plan in place to assess its efficacy.

Mr. Speaker, we need to bring together in an integrated way those involved in teaching, those involved in overseeing our schools as school trustees, as superintendents, as principals, and those involved in educational assessment and research to work with parents to seek solutions. It will need a better understanding of where our strengths and weaknesses are. We need in particular to focus on the weakest areas. Bringing together people from these areas and measuring year by year, the results of our efforts are vital components of a meaningful approach to improvement.

Under the NDP, critical elements have been lacking. For 14 years under NDP leadership, the Province has been going in the wrong direction: education and learning on the decline for our children; more kids in care; more people with diabetes; bigger deficits and debt; long overdue infrastructure needs still to be addressed; promises being broken; and a province increasingly wrapped up and strangled with orange tape.

The inability of the NDP to govern effectively is striking. It's time for a better approach, a Liberal approach.

Mr. Speaker: Grievances? No grievances.

ORDERS OF THE DAY GOVERNMENT BUSINESS

Mr. Speaker: We'll move on to orders of the day, government business.

Hon. Andrew Swan (Government House Leader): On government business, will you please call for third reading Bill 29, Bill 35, Bill 4, Bill 28 and Bill 45.

Mr. Speaker: So we'll now call bills in the following order beginning with Bill 29, followed by bills 35, 7, Bill 22, Bill 4, bill—one moment please.

I'll begin over to read the bills that were under consideration this afternoon. We'll begin with bill—for concurrence and third reading the Bill 29, followed by Bill 35, followed by Bill 4, Bill 28, and then finally Bill 45.

CONCURRENCE AND THIRD READINGS

Bill 29—The Land Surveyors and Related Amendments Act

Mr. Speaker: We'll begin by calling Bill 29, The Land Surveyors and Related Amendments Act.

Hon. Andrew Swan (Government House Leader):

I move, seconded by the minister of culture, heritage, tourism, sport and consumer protection, that Bill 29, The Land Surveyors and Related Amendments Act; Loi sur les arpenteurs-géomètres et modifications connexes, reported from the Standing Committee on Human Resources, be concurred in and be now read for a third time and passed.

Motion presented.

* (14:40)

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection):

Mr. Speaker, I am pleased to add a few comments to the record with regard to the land survey and related amendments act. Essentially, the bill replaces the existing Land Surveyors Act to provide updated legislation for the governance of the land surveying profession and includes the following provisions: continuing the Association of Manitoba Land Surveyors as a self-governing profession; establishing a governing council with the public representatives; allowing members to provide land surveying services through professional corporations; and requiring the registration of members and professional corporations; and creating processes for complaints and discipline.

Now, Mr. Speaker, why is this bill important? Land surveyors are important professionals who needed to develop new subdivisions and highways to protect the public by allowing them to establish their property boundaries and locate buildings within those boundaries.

The governing statute for land surveys—surveyors in this province requires updating, which is what Bill 29 does. The current governing statute dates back to the 19—sorry—1890s and requires updating.

What are the goals of this proposed legislation, Mr. Speaker? There are several goals of this bill. This bill will modernize the governing statute for the profession of land surveying in Manitoba. Secondly, the bill protects the public from unauthorized practice by unqualified persons by providing a clear definition of land surveying to remove doubt as to what actions constitute the practice of land surveying and better reflect the practice of land surveying in other provinces. Thirdly, it'll allow the—for public participation in the governance of the association; streamline administration, administrative

and disciplinary processes; and better define the practice of land surveying. Fourthly, the bill will 'perpetuate' the incorporation of land surveying forms. And, lastly, the bill will specifically deal with the compliance with obligations under chapter 7, Labour Mobility, under the Agreement on Internal Trade. The present statute is substantially overridden—the present statute is substantially overridden by The Labour Mobility Act.

And, Mr. Speaker, many of us who have either purchased property or built on their land truly count on professional land surveyors to ensure the accuracy and the legitimacy and the legality of the land that you have and where you want to build. Many municipalities have conditions with regard to building so many feet—having a building so many feet from the property line, you know, where can hydro poles go, also determining exactly one's property. Many—we hear many examples of where people have built structures that either infringe or encumber on other people's land because it wasn't exactly done the way it should've been, and so what this is doing is really updating the land surveyors and—act and related amendments act and really bringing it into this modern century. It's been a while since it's been looked at.

So, Mr. Speaker, taking a look at the—why professional incorporation is being allowed, this legislation is based on Manitoba legislation regarding governance of professional bodies and will modernize the field—as I presently commented on—and the land surveyors in other provinces are able to incorporate their practices and this legislation harmonizes the profession with other provinces, which is really important. The bill continues the self-governance of the land surveyor profession and provides a modern model for the operation of the Association of Manitoba Land Surveyors. The bill puts Manitoba land surveyors on a level playing field. Professional incorporation does not limit or remove liability for professional liability of the land surveyor, and one third of the governing council will be public representatives who are not and never have been land surveyors.

So, Mr. Speaker, when you take a look at who will be govern—who will govern the profession of land surveying, the Association of Manitoba Land Surveyors is continued as the governing body. As a self-governing profession, the association will work in the public interest by governing admission to the profession. Education and admission standards will

be established. Furthermore, a code of ethics of the profession must be established.

And, Mr. Speaker, the public—if the public—will the public have any participation in governing the profession of land surveyors? We mentioned that there will be participation from those that were never land surveyors, and it's important to note that land surveyors protect the public by ensuring property boundaries and buildings are located correctly, as I mentioned before, and new subdivisions and highways cannot be established without them, quite frankly. And we know how much highway work is going to be taking place in Manitoba, a \$5.5 billion of infrastructure investment. And to be able to have new highways and highway construction and a lot of that take place, yes, there are surveyors within the Department of MIT, but on many occasions you have to go to the private sector as well, as I understand it, to ensure that some of the work is done.

So, Mr. Speaker, the association will operate through a governing board called the council, which will work with a registrar to govern the association. And, as I mentioned, one third of its members will be public representatives, and these public representatives will be people who are not and never have been land surveyors. So you have a direct input from the public of Manitoba, which will ensure that this association takes into consideration what the public is saying and what the average Manitoban is also commenting about.

So, Mr. Speaker, with these comments, I really look forward to the passage of this bill to modernize the profession of land surveyors into this—into law—sorry. And I know members opposite, even though they voted against consumer protection legislation yesterday, I'm sure they will recognize that changes that we're making to protect the consumers and to work with consumers dealing with land surveyors today, and I have another piece of legislation later, but we really anticipate passage of this and we look forward to the members opposite finally supporting consumer protection.

Mr. Cliff Cullen (Spruce Woods): I appreciate the opportunity to speak briefly this afternoon on Bill 29. Clearly, the land surveyors across Manitoba do a great job in their capacity, and we appreciate all the work they do.

Clearly, the land surveyors have been looking for this rewrite in legislation for quite some time. In fact, they have been lobbying the government for years and years to have a rewrite of this particular

legislation, and I'm happy that the government has finally come to the table and provided this change in legislation. And, certainly, the legislation will now modernize the activities associated with land surveyors, and I know they're very appreciative of having this legislation passed. We certainly, on this side, are fully supportive of passing this legislation as well.

It does speak, though, to the priorities of the NDP government. Clearly, they failed to listen to the lobbying efforts over the years of land surveyors. We understand where the NDP are coming from on the last few years. Clearly, their priority is raising taxes and raising taxes on behalf of—on Manitobans, Mr. Speaker. And, certainly, land surveyors will be impacted by the increase in the provincial sales tax, and—as all Manitobans will be impacted by the impact of the increase in the provincial sales tax.

Clearly, yesterday, yes, we did—we did vote against an amendment to The Consumer Protection Act, and, really, what our point we were trying to make yesterday was that this government was not transparent in their discussions with Manitobans. They did not tell Manitobans. They did not run on increasing provincial sales tax and broadening provincial sales tax. They were not transparent with Manitobans. So it's ironic that they would try to bring in legislation saying that this would be more transparent for consumers, Mr. Speaker, when, in fact, they were not transparent and open to Manitobans, and that's the point we were making yesterday in voting against that particular piece of legislation.

The government, under that legislation, even chose to ignore having provincial sales tax listed on sticker prices, Mr. Speaker, and, you know, I think if you were going to be transparent, that's something that you would include. They would be included in there, would be the provincial sales tax included in sticker prices.

So you can talk about being transparent, but your actions, the NDP actions, are anything but transparent, Mr. Speaker, and it's quite shameful. I know the NDP love to get their headlines. They love headlines, but we're not sure whether it's actually going to protect Manitoba consumers, and that's the point we were trying to make in terms of that legislation yesterday.

But, in terms of Bill 29, we're happy to have this legislation before us and we look forward to it passing. I know land surveyors will be very happy

once this legislation's passed, and we're happy that the government has finally woke up after many years of lobbying by the land surveyors to get this legislation passed.

Thank you very much, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to pay a tribute to the land surveyors of Manitoba and the important work that they do for all of us. I also want to pay a tribute to the land surveyors who were working very hard in order to get this legislation passed, in terms of making sure that the terms and the clauses that are in this bill are the right clauses and of making sure that, after a long time, we have this piece of legislation now, and it should be passed and into effect very soon.

I want to pay a particular tribute to Wilson Phillips, who was for a while the president of the land surveyors, and I know he was one of a number who worked very hard on this particular piece of legislation, and so I just want to say thank you to Wilson and to others who worked hard to make this province a better place to get this legislation. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I want to just say a few words in support of the legislation. I also want to thank our critic for the work that he's done on this bill, on the land surveyors in terms of ensuring that this bill was appropriate in terms of the things that they needed and the things that they were asking for and requesting. We took a hard look at the bill, as we do all pieces of legislation. It's important that we look at them to look for the things that are said and look for the things that aren't said.

Yesterday, and the minister referenced it in his comments, we had the opportunity to vote on a particular bill that he declared was the all-in, the all-prices-in legislation, and then when we actually looked at the bill, what he meant was the all-price-in, well, except for the provincial sales tax. He left off the provincial sales tax in the all-in the bill, and that's why we would look at the surveyors bill with a close eye, as all legislation. It is ironic, of course, that the government would leave off the one tax, the significant tax that they've just raised and that has caused so much ire and consternation among Manitobans and businesses. And so on the one hand, a bill comes forward yesterday, and the minister says, well, this is important for consumers because the price you see is the price you get. Well, except that you're getting hosed on the PST, and that doesn't

show up in the actual price. So we, of course, said that, well, we want legislation that actually is the price you see is the price you get.

So on this legislation, of course, we did our due diligence to make sure that what we were seeing was actually what we were getting, because the honourable member for Dawson Trail (Mr. Lemieux) has clearly shown that not everything is as transparent as we'd like it to be when it comes to legislation. And to try to convince Manitobans or others, Mr. Speaker, that you're getting a particular price that's actually what you're going to pay when you get to the register or when you sign on to purchase that vehicle, and then you find out that there might be an additional several thousands of dollars because the government didn't disclose the PST, it's not fair to Manitobans. It's not transparent. That's why we did our due diligence on this particular piece of legislation, and why we're prepared to support it.

Mr. Speaker: Is there any further debate on Bill 29?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is bill number—concurrence and third reading of Bill 29, The Land Surveyors and Related Amendments Act.

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

Bill 35—The Consumer Protection Amendment Act (Compliance and Enforcement Measures)

Mr. Speaker: Now, proceed to call Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures).

Hon. Andrew Swan (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Tourism, Culture, Heritage, Sport and Consumer Protection, that Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures); *Loi modifiant la Loi sur la protection du consommateur (observation et exécution)*, reported from the Standing Committee in Human Resources, be concurred in and be now read for a third time and passed.

Motion presented.

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Mr. Speaker, it gives me an opportunity to put a couple of comments on the record with regard to Bill 35,

Consumer Protection Amendment Act, and prior to making comments with regard to the legislation, just want to preface my comments by saying, you know, yesterday the opposition had an opportunity to sponsor or to certainly support the legislation we put forward with regard to consumer protection. We believe we're on the side of Manitobans with regard to protection, consumer protection.

We want the opposition to certainly support this. We look forward to it. I was disheartened, you know, when the members opposite voted against it and yet voted for supporting the Senate. I think, quite frankly, Mr. Speaker, it really shows a contrast between the opposition and the government, when you have the opposition supporting the Senate in the way it does.

This is not to take away that there are very good senators, Mr. Speaker; Maria Chaput, for one example in Manitoba, a strong advocate for francophone language, francophone rights, and there are many other senators, I'm sure, across the country. But it—the time has come with regard to the Senate and abolishing the Senate and I really—I think all of us hope that this—it would be unanimous in this House that members opposite including the Liberal member and the Conservative members would have voted to abolish the Senate.

But, having said that, Mr. Speaker, the second piece of this is important to note that consumer protection—we're talking about the protections put in place to protect our brothers, sisters, uncles, aunts, friends, relatives from untoward salespeople, individuals who look to take advantage of people, no matter what they're—what and where they may be in Manitoba, and this applies to all. So we've listened to Manitobans and Manitobans have told us they want the government to stand up with them with regard to ensuring that they're getting what they're paying for.

So, Mr. Speaker, with that, The Consumer Protection Amendment Act (Compliance and Enforcement Measures), really what it's about—and again I mention it's a shame yesterday that members opposite decided to vote against two very important pieces of legislation that'll ensure that people are buying—when buying new homes, buying used homes and cars, whether they be used or new cars, would be treated fairly. Manitobans believe in fair treatment and it's clear that the Leader of the Opposition and his party are out of touch with Manitobans because Manitobans really want to ensure that their government is out looking—you

know, out for their best benefit and on their behalf, and I'm proud to stand on this side of the House to be part of a government which believes in protecting consumers in the marketplace.

Clearly, members opposite do not think that consumers' interests are a priority. I mean, that's clear, you know, that the fact that we want to ensure that there's transparency, openness and that they're treated fairly is important to the government, Mr. Speaker, and I know that this bill amends The Consumer Protection Act, the one we're talking about today, and various compliance measures are enhanced and consolidated within a single part titled compliance and enforcement and they will apply generally to the businesses related under the act.

The key enhancements are as follows: The director may, with or without a specific complaint, request records and information from a business. This seems fair. This seems to be okay. I'm not sure what the opposition would have against something like that, where someone is requesting information without having people filling out a long letter—sending a long letter of complaint. And, you know, Mr. Speaker, again, we don't know what they would have against this—it seems like motherhood and apple pie to protect consumers. But again the director can request records and information from a business, authorize a person to inspect the business premises or other place where records or information may be kept and apply to the court for an entry and inspection warrant, if necessary. The director may issue a compliance order, apply to the court for an injunction and, for certain types of businesses, issue an order for pay—for the payment of costs related to an inspection or records or practices review.

Now the legitimate businesses in Manitoba, which are overwhelmingly the majority in Manitoba, have no concern and don't have concerns with this, because they know they're running a legitimate business. And, Mr. Speaker, we hear of all the great businesses that we have and companies we have in Manitoba, and this is not—and legislation on consumer protection is not to deal with all the legitimate car businesses, with all the legitimate lenders, with all the legitimate house builders and the sale of homes, and all the legitimate roofers in Manitoba.

* (15:00)

And, to correct the Liberal member, no, the comment was never made—I won't use the—it's borderline unparliamentary, the term that was used

to apply to some disreputable roofers yesterday. But there are 'meh'—there are hundreds of companies that are absolutely legitimate. Good, upstanding corporate citizens donate their time and energy to many non-profit organizations and contribute in a way that is really—quite frankly, is laudable, but it sets an example for others across the country

No, this consumer protection legislation is not to deal with those companies that we're very proud of in Manitoba and many of our family members work for and many of our friends work for and contribute every day towards the betterment of Manitoba. This is to deal with companies that are trying to shirk their responsibilities and are trying to skirt the law, and are trying to do things that untoward and are trying to rip off consumers and are trying to do things, Mr. Speaker, that every member in this Chamber wouldn't agree with.

And I mentioned yesterday the example, that car dealerships, for example, in Steinbach—and I know the member from Steinbach would agree with this. And I personally know many of them in Steinbach, and Funk's Toyota, to use one example, upstanding company, do many for the community, many things for the community. Those aren't the companies we're talking about. We're talking about, and we want the opposition to be supportive of this, where we're talking about the companies that are ripping the public off. They know that they're skirting the law and are just on—and, quite frankly, the open and transparency of doing business is not there.

So, Mr. Speaker, this particular Consumer Protection Amendment Act is to give authorities, certainly, as we mentioned to the director and to the Consumer Protection Office where they're able to certainly look into and apply for if they need to, to have an inspection warrant or look into businesses and take a look at their records and information on how they do business. So for certain types of businesses a issue of an order for a payment of cost related to an inspection of—or records of practices review.

If a person does not comply with the compliance order, the court on application by the director may order the person to comply. A person must not knowingly provide false or misleading information to the director or a consumer services officer. The maximum administrative penalty that may be imposed on a corporation is increased from \$5,000 to \$20,000, and a regulation making powers related to the service, record keeping and cost orders are added

to the act, as well as the ability to make regulations that apply differently to different classes.

You know, Mr. Speaker, Bill 35, members opposite were commenting about, well, did you, you know, just dream this up or where did this come from? You know, this bill enhances and consolidates—the answer is no because this has been looked at for a while now. But the bill enhances and consolidates the compliance and enforcement provisions in The Consumer Protection Act and clarifies how and when they could be used by the Consumer Protection Office in the administration and enforcement of the act. The amendment will benefit consumers and businesses by making it clear what steps the Consumer Protection Office can use to remedy a marketplace issue and complaint.

Well, Mr. Speaker, often we hear from businesses that they don't want the goal post moved in the middle of the game and they want to know what the rules are. So we're trying to address that by telling them here are the rules with regard to the Consumer Protection Office and the administration and enforcement of the act.

So you—here—so you know up front what the rules are. This bill continues the commitment that the government made in its five-year consumer protection plan for stronger enforcement provisions to ensure consumers are protected and all businesses compete on the same level, and that's what businesses want. We've heard them loud and clear, and so the purpose of this bill is to clarify the authority again of the Consumer Protection Office and streamline and standardize the compliance and enforcement provisions in the act.

Mr. Speaker, various amendments have been made to The Consumer Protection Act over the years to keep pace with new products, services and businesses practices in the marketplace, and we've heard the MLA, for example, for Elmwood, talk about consumer protection. He has stated his views strongly on protecting consumers. Going back to 1999, I can recall when I was minister of Consumer and Corporate Affairs and the MLA for Elmwood at the time was a critic when members opposite were the government, and he made many proposals with regard to protecting consumers. And I—even recently, I believe, when he was a Member of Parliament he talked about protecting people who fly on—in—with regard to airports and the protection of consumers with regard to flights.

So some of the amendments introduce new compliance to enforcement approaches that have been effective. However, in some cases these enforcement provisions were only applicable to a new part of the act and not to the act as a whole; so that's what we're trying to do today. This bill proposes to apply these provisions on a broader basis to support more effective enforcement of the act overall.

The Consumer Protection Office itself, Mr. Speaker, the bill will clarify the duties of the director of Consumer Protection Office, to support the effective and efficient administration and enforcement of The Consumer Protection Act. In particular, the bill amends the authority of the Consumer Protection Office as was mentioned before. Authority will no longer be limited to situations where there has been a complaint, for example. If information of concern about potential non-compliance by a business is raised by the media, the Consumer Protection Office will be able to follow up.

Often, you see stories in the news and the media about the public have registered a complaint with one media source or another and you see it on the news, and they haven't directly come to the Consumer Protection Office, but we've heard it via the media, and so the Consumer Protection Office will then be able to certainly look for information about a particular business and a concern that's been raised about that business in the media. This broadened authority is consistent with consumer protection legislation in other parts of Canada, what's important to note, and the need is to—and the need—and is needed to ensure the integrity of our marketplace.

Mr. Speaker, the opposition—earlier in the session, the opposition proposed a misguided amendment to limit inspections only of payday lenders, direct sellers and credit granters, in cases where formal complaint has been made to the Consumer Protection Office. However, inspections would not be allowed for other types of businesses, unless a complaint had been made. It's a shame to see the opposition Conservative members propose such a short-sighted change to this legislation, given that it would have weakened the bill considerably. We are protecting consumers and all Manitobans, while the opposition leader and the Conservatives opposite are proposing short-sighted changes that would only benefit a few and let companies that are taking advantage of Manitobans off the hook.

Their amendment would have restricted the ability of the Consumer Protection Office to be flexible in responding to marketplace issues to protect consumers and ensure a level playing field. And that's what we're talking about with this piece of legislation, is leveling the playing field but also to ensure that we're not going to let companies off the hook. And, Mr. Speaker, I don't think members opposite, if they really gave it a thought and take—and read the legislation, they would see that that's what we're attempting to do here, is to try to treat everyone fairly. We want consumers treated fairly and we want also companies treated fairly.

And yet, you know, members opposite have proposed amendments and they've even repeated that today, saying, well, you know, the reason we voted against this—because we proposed some amendments. Well, if they proposed an amendment that would gut the bill and weaken it so much that's there's no sense in even having the bill, Mr. Speaker, those amendments, we don't adhere to and we're not looking for those type of amendments that would just totally get rid of legislation and have the members opposite say, well, that's the reason why we voted. I'm not sure why they voted to keep the Senate but, having said that, they have never told us really why, and I'd sure like to hear from members opposite as to why they didn't vote to protect consumers but are voting to protect the senators that are currently in Ottawa.

So, Mr. Speaker, the opposition doesn't want to work with the Consumer Protection Office in the sense to empower it to look into concerns raised in the media or otherwise about a business that is not a payday lender, a direct seller or credit granter, unless a complaint has been received. It is only logical that Consumer Protection Office would be monitoring compliance with other businesses, such as businesses selling cell phones and contracts, fitness clubs and lawn-care businesses, collection agencies, or collection agency businesses, automotive sales and services, restaurants and sore—and stores selling prepaid gift cards, for example. And, as we're entering into the Christmas season, a number of the above that I've mentioned is certainly going to be taken advantage of by consumers in Manitoba.

* (15:10)

Other provinces, like Ontario, BC, Quebec and Saskatchewan, have authority to inspect with or without complaint. Now, we hear from members opposite often about Saskatchewan and how

Saskatchewan is so tremendous, and yet many—well, all of us on this side are very supportive of the Winnipeg Blue Bombers and, of course, our new stadium we have. But members opposite—sometimes you wonder exactly where they are, with regard to their loyalties, and soon, I'm sure, we'll be seeing their caucus come in with all green jerseys because of their comments they often make about Saskatchewan, how wonderful it is in Saskatchewan. *[interjection]* Yes, you know, our minister with—for Jobs and the Economy has pointed out that where do we hear the compliments made from Saskatchewan with regard to what's going on in the economy in Manitoba? It's coming from Saskatchewan and it's Saskatchewan that's saying how well Manitoba is doing.

So, Mr. Speaker, with doing well in the economy, with the increased housing sales—and I have to commend the MLA for St. Norbert on the question he raised today. He is seeing a housing increase in St. Norbert, but it's not only St. Norbert where you see all the housing increases. You see them in River East; you see them in Steinbach; you see them in Spruce Woods; you see them in Tuxedo, in Charleswood, in Lindenwoods and Fort Whyte, and you see them outside the Perimeter. And what the question be—or the question being raised by the MLA for St. Norbert was, why is the opposition not looking around and listening to their constituents that say: We want to ensure there's home warranty and that we're protected and we're not ripped off whether it's a used home being sold and resold, or a home—new home being built, or an automobile that's being purchased.

The public of Manitoba is wanting their government to stand beside them with regard to consumer protection, and Prime Minister Harper and the federal government have heard consumers loudly. They are introducing legislation and making—or proposing initiatives to protect consumers in Canada, taking a look at whether it's at cable channels, taking a look at media sources that the public is demanding that someone step up and someone step forward to ensure that they're not being taken for a ride and ripped off.

So, Mr. Speaker, this government on this side wants to work with consumers. As well, Manitoba municipalities, towns, villages, RMs and cities all have the authority right now to inspect businesses without complaint to monitor compliance with municipal by-laws. So municipalities are doing it, yet

members opposite do not want to give the Consumer Protection Office that kind of authority to do it.

So, Mr. Speaker, because our government believes in protecting consumers against being taken advantage of we will not be supporting this short-sighted amendment that members opposite have suggested. And, you know, the Consumer Protection Office applies to the general act, but this bill will consolidate the compliance and enforcement provisions throughout the act into one part so that they apply generally to the act overall.

So, Mr. Speaker, there are several new provisions, which I know members opposite can't wait to hear this, but this bill also introduces several new provisions which I should mention at this time. The director will now be able to apply to the court to order compliance when a person does not comply with an order issued by the director, which is new, and the director will also be able to apply for an injunction and apply provisions that have been included in the bill for businesses that have been issued compliance orders.

So, Mr. Speaker, again, in conclusion—*[interjection]* Well, you know, maybe I—you know—let me take that back. I know members opposite, because—members opposite are so keen to know how we're protecting consumers in Manitoba in working with them, that I know they want to hear more because maybe they just need a couple more comments to be convinced that they should protect consumers in Manitoba as opposed—*[interjection]*—yes, and maybe actually vote for it once in a while, to actually show Manitobans, show the constituents that we don't want you to be ripped off by un reputable car dealerships or ripped off by home builders. So actually stand up and vote and support it.

So, Mr. Speaker, most businesses operate within the law and treat consumers fairly. We know that. This is not what this legislation's about. It's important for the Consumer Protection Office to have a range of enforcement options and, in summary, Bill 35 does modernize the inspection powers and makes them consistent with legal developments regarding administrative law. This bill broadens the authority that already exists in the act on a limited basis, including inspection authority. Authority will no longer be limited to situations where there has been a complaint. This will enable the Consumer Protection Office to be proactive and responsive to marketplace issues. This level of inspection authority is needed to ensure the integrity of our marketplace. In fact, all

legitimate businesses want a level playing field and the integrity of the marketplace to be upheld. In the event an officer is refused access to a business or its record, the Consumer Protection Office must obtain a warrant through the court in order to enter and inspect.

These amendments are good for the consumer, good for business, and I all urge—all I urge all members—I'm sorry—of this House to support the bill that helps to further develop a fair and prosperous marketplace in Manitoba. And I know, Mr. Speaker, members opposite regrettably voted against consumer protection. And I know my critic opposite often comments about how he cares about consumers. But, when they had a chance to vote, to support it, this is—voting in the House to support it, and then we're going to move forward and then, and work through it, and through the challenges that are in any bill put forward—they voted against it. And that speaks volumes as to where our government stands on consumers and protecting consumers in Manitoba, keeping life and—life affordable for families here. Consumer protection is only one piece of that. Keeping hydro rates low is another. Keeping fuel prices low, you know, and there are many pieces to this puzzle that our government is working on.

And members opposite, when you hear their suggestion, and I know, member—the MLA and minister for Seine River, the member responsible for—the Cabinet minister responsible for Jobs and the Economy certainly has mentioned, repeatedly, with questions thrown at her, that, you know, we are doing very well in Manitoba. We've got some work to do, as was mentioned. We're certainly not perfect, Mr. Speaker. And yet, the economy in Manitoba seems to be holding its own through a worldwide recession. And, I mean, you hear comments from the United States about Manitoba, and Maclean's magazine tops it—talks about the miracle in Manitoba and how Manitoba has done so well.

But with doing well means that you have people purchasing more, building more, and you also have people who are not reputable coming in and trying to take advantage of good, hard-working Manitobans. And our consumer protection legislation is there to be standing side by side, by consumers, to let consumers know, your government is with you. Your government wants to ensure the integrity of the workplace. And we want to ensure, where there are companies that are going to try to take advantage of hard-working Manitobans, that we'll stand with you and we're there to work with you to ensure that the

marketplace is legitimate and that you can count on your government to be there.

Mr. Cliff Cullen (Spruce Woods): I welcome the opportunity to speak to Bill 35 today. You know, clearly, the minister went on at length today. I know he's probably trying to convince himself that this is a good piece of legislation, Mr. Speaker. The reality is—I want to speak about our concerns in regard to this piece of legislation. It's good to see the new minister for consumer affairs and heritage—now, I see they found that department of Heritage; it's been resurrected. Someone obviously forgot that there was a department of Heritage, and now the new minister has found that department again. So, hopefully, he will have a look at the legislation he's proposing in more detail. And he says, you know, the government is going to be with us and here for Manitobans.

Well, this legislation is all about compliance and enforcement, Mr. Speaker, and what this bill does, it gives the government more powers than ever before. Sure, the government will be there for you; the government will be now showing up at people's doors and on business doors, knocking on the door, asking for files without any complaint from anyone. They have the powers now, under this legislation, to show up at your business at any point in time, knock on the doors, ask for any files they want. Is that really what we want? Is that really what we want? Where is the protection for the business community? Where's the protection for consumers in this thing? There isn't any. The government can show up at the door and ask for anything they want at any given time, without a warrant, even.

You know, other provinces—now, let's talk about Saskatchewan, where Saskatchewan is. And, you know, they've got a government there that likes business. They like to do business with businesses. They're open and welcoming to business communities. That's why businesses are moving to Saskatchewan, Mr. Speaker. That's why they're leaving Manitoba, because they've got a government they can work with, while the government here in Manitoba is sending the signal that—is that, you know, you can set up shop here in Manitoba, we're going to stop by any time we want, have a look at your files and see what you're doing. That's why we're concerned about this legislation.

* (15:20)

Now, I don't know who asked for this legislation, Mr. Speaker. I—we haven't got any answers from the government who came up and

asked the government for—to provide the government themselves more powers to come and do inspections on businesses. Who asked for this legislation? Clearly, the NDP want more powers to go out and do inspections on honest businesses in Manitoba.

Now, Mr. Speaker, Saskatchewan doesn't have any legislation like that. Ontario doesn't have any legislation like that. In fact, in Ontario you have to have a complaint and also—a complaint and an inspection and a warrant. So you have to have in Ontario both a complaint and a warrant before you go do an inspection. Well, here in Manitoba the government officials will just show up at your door and ask for your files with not a complaint or not even with a warrant. So it gives them all kinds of additional powers that they've never had before. That is why we're concerned about this legislation.

Now, there's—this opens the doors to abuse by inspectors within the government, within the department. They have no, you know, without any warrant or any authority from the courts, they can go and knock on the doors, ask for files from Manitoba businesses, Mr. Speaker, and there's really no checks and balances in the place—in place there in regards to these inspectors.

To me it's another sign of the NDP bully tactics, the bullies on Broadway here; they want to have their way with everything. You look what they did to—the minister talked about municipalities, look how they're treating municipalities. They're basically—they're telling municipalities that they have to amalgamate and they're getting rid of municipalities that have been in place for over a century, Mr. Speaker, and that's the way the NDP operate. And that is exactly what this legislation does, it gives them more and more powers.

There's no discussion with consumers about this legislation. There's no discussion with businesses about this legislation. They are just giving themselves more powers to go in and look at the books of businesses. Mr. Speaker, where is the protection for Manitobans?

You know, we did have legislation, in fact, to protect us from the NDP government in terms of raising taxes. It was the, you know, balanced budget and—balanced budget act, Mr. Speaker, and part of that was a check in there that they would have to have a referendum before they raise provincial sales tax. But they chose to ignore that legislation. So, clearly, they're ignoring legislation.

And no one that we've talked to actually wants to have this legislation brought in, and the legislation says the—it gives the government the authority to take whatever action they consider appropriate under given circumstances, Mr. Speaker. Well, that to me looks like a pretty wide-open statement and it's unbelievable that the government would give themselves this type of all-encompassing power, and there's no recourse for the business community to stop them from coming in and looking at their files. It's clearly a heavy-handed, Broadway-bully style of government. That is why we are concerned about this particular legislation and we hope that the government would take some serious looks at this.

As far as we know, BC is the only province that we have found that has similar legislation to this one, Mr. Speaker. BC is the only province that we can find that has similar legislation to what is being proposed by the NDP, and surely that's a sign of the times and this is what the NDP are up to.

And the other issue here is they're—again, they're increasing the penalties and the fines under the legislation. We've seen that trend in other pieces of legislation. They're—want to get their hands in the pockets of all Manitobans and generating more income. So that's clearly a signal that we're finding in other pieces of legislation as well.

And, Mr. Speaker, again, the devil in the detail; there's regulations that can come forward under this legislation and we don't know what those regulations will look like. And, obviously, that's a concern when you pass a framework such as this to allow for regulations, we're never sure, consumers are never sure what those regulations will look like and how they will impact consumers and the business community.

So, Mr. Speaker, I think that's fairly clear why we're opposed to this legislation, and I look forward to other comments on this Bill 35.

Thank you very much, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to Bill 35. I'm prepared to support this legislation. I do believe it warrants close monitoring, in terms of how it's implemented, and that it's important that it be effective but not be intrusive, and so we'll be watching very, very closely how this is implemented and be particularly vigilant. But, at this juncture, we're ready to support this legislation passing.

Thank you.

Mr. Dave Gaudreau (St. Norbert): Mr. Speaker, I was listening intently to the comments from the opposition and I found it very interesting that he asked who's going to protect the business community. I guess that's exactly where they would go with this, is that they wouldn't protect the workers, much like they tried to delay Bill 2 and like they denied Bill 31. They voted against that one, which was legislation to protect workers. We know where they're going with that. You know, I heard them put more false information on the record, saying that no other jurisdiction has this, other than BC. It's not only BC; Ontario has it, Quebec has it and the homeland for all the Conservatives—Saskatchewan—has it, the place that they love and talk about so much that they have it.

You know, the member opposite also spoke about how, you know, for over a century, municipalities have been the same and that we shouldn't change them and that we shouldn't do anything about them. Well, you know what, Mr. Speaker, I mean we need to modernize and we need to move forward and that's part of what we—doing with all—with legislation that we do in this House and this is part of that. And, you know, for them to suggest that, you know, that municipalities are fine the way they were, that just suggests—what I read in the paper was an interesting article from one of the members, actually one of the town members from out of town saying that, you know, only a Luddite wouldn't want to merge and move forward.

So, you know, it's very interesting that they talk a big game about, you know, wanting to support workers and consumer protection but, when the rubber hits the road, they vote against it. They voted against it yesterday when we talked about new home warranty. You know, Mr. Speaker, I take it very seriously when I'm spending, you know, two to three hundred thousand dollars on a house. I want to know that there's going to be a warranty behind it. You buy a car for \$20,000 and nowadays you get, you know, a three- to five-, even 10-year warranty on that car. There should be some protection for consumers when they're buying the biggest purchase of their life.

Now I know that on their side of the House, you know, one—\$2-million houses aren't unheard of, and maybe it's not a big deal if something goes wrong with that house because they have the kind of money that they can afford to fix that kind of stuff. People that are on our side of the House, you know, they don't have that kind of money to fix a house, in the

event that something goes wrong with it. I mean, Mr. Speaker, in my area there—since the last election, over 800 new homes have—has popped up and been built and almost all of those homes are in the four- to five-hundred-thousand-dollar range, if not higher.

Now I find it odd that the opposition would speak against a bill that would protect people from that kind of investment. I think it's actually unbelievable that they would've voted against it, because I mean if we're talking four or five hundred thousand dollars of hard-earned money, a mortgage that you're going to have for 25 or 30 years. But maybe, because the Leader of the Opposition doesn't live in the normal realm of things, and doesn't need to have a mortgage because he has his million-dollar mansion and seven-car garage, maybe he doesn't need to worry about, you know, if something comes up and a foundation cracks or if roofs—you know, if the roof of his house happens to leak, Mr. Speaker.

I mean, you know, they want to talk about trying to be the champions of consumer protection. I mean everything that we've done for consumers, they voted against. We've been bringing forward legislation that's progressive, to help people in this province and we heard from the member opposite that he wants to know how we're going to help the businesses, how we're going to protect the businesses. Well, we are protecting the businesses because this legislation, despite what they think on their side of the House, that there's some shooter in the grassy knoll, I mean, the Consumer Protection Office is going to look at complaints and address them when they're serious, and they're going to look into things that are serious. There is no alternative ulterior motive that is going to come across and they're not going to go after companies for any reason. They're going to go when they have a tip and that there's a reason to go and investigate the company, and this gives them the power to do so, rather than let the companies hide behind legislation that, up until this has been introduced, they could apply for many ways to stop this—the investigations into the legislation.

* (15:30)

So, you know, Mr. Speaker, we have great rules in this province and we're just adding to that—to these rules that protect the consumers and protect people of the province. I'm not sure why the opposition is so against protecting consumers in the province. I mean, I guess they want to go after—[interjection] Yes, they're against everything. I mean, it's very negative on that side of the House. You know, this

bill is just going to enhance things that we are already doing in this province to protect consumers.

It also clarifies duties of the director in the Consumer Protection Office, and that is important too, and they want to talk about, you know, being able to just go in and do something. Well, it talks about—in this bill it's laid out that the reason behind investigations would have to be—you know, there has to be things behind it and they also have to have the authority to go in and enforce this, and without this bill they wouldn't be able to enforce it. So, you know, we can make up rules as they—I'm sure they would do on their side—but if you don't put teeth to them and there's no enforcement allowed, then, really, what's the point in having these kinds of laws in place? So we're making sure that we have both. It's a balanced approach, Mr. Speaker. You know, inspections would not be allowed if it was up to them and up to the businesses. They would just say no, flat out, and that wouldn't protect consumers.

It's a shame that the opposition proposed that, you know, some short-sighted changes to this legislation that would weaken the bill. I'm not quite sure why they're against protecting Manitobans and that they would have changes that would let companies take advantage of Manitobans and let them off the hook. I mean, their amendment would've restricted the ability of the Consumer Protection Office to be flexible in responding to the market issues to protect consumers and ensure a level playing field of businesses.

Now, I'm—all—not all businesses are going to be in this category, and those businesses that are very upstanding good businesses in this province have absolutely nothing to worry about because those businesses are going to be adhering to the law, and there's not—anybody's not going to have to worry about those. We're talking about the businesses that are not adhering to the law and that need—that some consumers will need protection from. And, you know, I mean, it's only logical that the Consumer Protection Office would monitor compliance with other businesses such as, you know, the cellphones and contracts, fitness clubs, lawn-care businesses, collection agencies, automotive sales and restaurants and selling prepaid cards.

I mean, the opposition, if it was up to them, businesses—these unscrupulous businesses—and like I said, it's a very small percentage we're talking about, Mr. Speaker. They would be allowed to damage people and families without any consequence. We're

not talking about all the good businesses, and the Consumer Protection Office isn't going to waste their time looking into businesses for no reason. They're going to look after—look into businesses that have issues that have been raised by people and that are maybe not so scrupulous in Manitoba that are going to—they're going to look into them.

I mean, I hear the opposition talk all the time about—he actually just raised the fact. He said that Ontario doesn't have something like this, but Ontario actually does have something like this. You know what else Ontario has, Mr. Speaker? They have a 33 per cent increase in their hydro rates. That's 11 per cent a year. You know, obviously, on that side of the House protecting people from things like that isn't an issue and protecting them from unscrupulous businesses isn't an issue either.

I mean, they talk about another—other province not having this legislation. Well, BC has legislation much like this, but BC also is raising their hydro rates by 28 per cent, which is going to damage consumers.

So, you know, in the end, Mr. Speaker, we know where our side of the House stands. We stand with the consumer and with Manitobans, and we stand to protect them. We know where they stand on their side of the House. They stand with businesses that are maybe not so scrupulous and want to damage people and not allow them to be investigated. And I think, any day of the week, our side of the House, I will stand with them any day of the week. Thank you.

Mr. Speaker: Is there any further debate on Bill 35?

An Honourable Member: Question.

Mr. Speaker: The House is ready for the question.

The question for the House is Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures).

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

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Speaker: I hear a no.

Voice Vote

Mr. Speaker: All those in favour of the motion will please signify by saying aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the motion will please signify by saying nay.

Some Honourable Members: Nay.

Mr. Speaker: Opinion of the Chair, the Ayes have it.

Mr. Kelvin Goertzen (Official Opposition House Leader): On division, Mr. Speaker.

Mr. Speaker: On division? On division.

Bill 4—The Personal Health Information Amendment Act

Mr. Speaker: Now, proceed to call, under concurrence and third readings, Bill 4, The Personal Health Information Amendment Act.

Hon. Andrew Swan (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Health (Ms. Selby), that Bill 4, The Personal Health Information Amendment Act; Loi modifiant la Loi sur les renseignements médicaux personnels, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Hon. Erin Selby (Minister of Health): Mr. Speaker, when we discuss details about our health and health care with a doctor or nurse practitioner or any other health-care provider, we have a right to know that that information will be kept confidential. Our government also has a responsibility to protect patients' rights to privacy. Bill 4 will further strengthen The Personal Health Information Act to provide improved protection of patients' private and confidential health information.

The Personal Health Information Act, or PHIA, already provides strong protections for patient privacy. Under the current legislation, an employee can be charged with an offence and subject to a fine for wilfully disclosing personal health information without authorization. However, if they wilfully access or otherwise use personal health information inappropriately but do not disclose it, no such penalties currently apply under the act. It is what is commonly known as snooping. And, Mr. Speaker, it is unacceptable.

These amendments represent a swift response to recommendations made by Manitoba's Ombudsman. The Ombudsman looked at an issue because it

happened; an employee at CancerCare Manitoba accessed the personal health information of a patient when they had no business to do so. It was a clear violation of the patient's privacy, and it was unacceptable. Once the 'amendeds'-'mendments' are enforced, employees will have to ensure that they have proper authorization before accessing somebody's personal health information, better protecting people across the province.

In addition, Mr. Speaker, we are also making it a fineable offence to knowingly falsify personal health information. This has been implemented in a number of jurisdictions and will contribute to providing better protection for patients. Instituting penalties for snooping and falsifying information sends a strong message throughout our health-care system that such actions will not be tolerated. Under the amended act, individuals will face a fine of up to \$50,000 if convicted of an offence.

However, we also must recognize that there are many instances when it benefits a patient for someone else to know certain details of their medical situation. Mr. Speaker, the obvious example is the need of front-line health-care professionals to access information that affects their patients' individualized care and treatment plan. We don't want a doctor or a nurse or any other health-care provider to hesitate when they legitimately need that information, especially in an emergency. And that's why our health-care facilities are required to provide orientation and ongoing training to all staff on appropriate ways to handle personal health information. The legislation continues to strike that delicate balance between individual privacy on one hand and health-care providers' need to access relevant information on the other.

The legislation covers all types of personal health information, including information stored in electronic health and medical records. Increasing the use of technologies like these are helping to provide better care for Manitoba families and patients, and privacy considerations are key. By making these changes now, they will be in place in use of electronic health and medical records as they increase throughout our health-care system.

In addition to this legislation, amendments to the PHIA regulations are being pursued to entrench other Ombudsman recommendations on health record snooping, including further requirements for staff training on PHIA.

And, with these comments, I hope, Mr. Speaker, it is clear that—why this is an important bill and it is going to better protect and support Manitoba families.

Mr. Cameron Friesen (Morden-Winkler): Mr. Speaker, it's my pleasure to rise and put some words on the record at third reading with respect to Bill 4. We've been clear from the outset with regard to this bill. We were so pleased that an individual, a Manitoban, a brave, courageous Manitoban, took it upon themselves to act, to bravely come forward to force a system to respond to her concerns, that the privacy of her child had been breached at a health institution. It was because of the courage of one Manitoban, acting unilaterally and often without the support of the system, that we are here today.

* (15:40)

And, Mr. Speaker, I've had the opportunity to meet with this individual. I've met privately with them. I brokered a meeting with this individual and the former Minister of Health, and this individual had a chance to tell the minister her terrible story of how, along the way, she was let down. There was—she was let down when it came to the system safeguarding the information of her child. She was let down again when the security—or the, I should say, the privacy officers of the institution with whom she was dealing did not disclose to her that breaches had taken place, did not indicate to her what her rights were, were slow to respond to the nature and the depth of her concerns. And I appreciate the former minister of Health taking the time to meet with this individual. I know that this individual appreciated that opportunity as well.

And, Mr. Speaker, we welcome the reforms that are being made today. We welcome them. We have said, as we've listened to this individual, clearly, there are more protections that need to take place and be put in place to make the system safe. As the Auditor General herself has said, when it comes to IT and this government there is not a culture of security, and we know that every effort must be made to safeguard the security of the health records of Manitobans. It was clearly not the case in this circumstance.

Mr. Speaker, there were two separate breaches. There were two separate complaints to the Ombudsman of Manitoba. That second breach is still being investigated. The report from the Ombudsman is still forthcoming. I know that this minister would like Manitobans to believe that there were two

breaches in total in the province of Manitoba when it came to health record keeping, and so she has neatly tied off any kind of concern.

And, Mr. Speaker, we know that simply is not the case. We know that in this case it took heroic efforts on the part of one determined individual who was able to move mountains to get to the information, study the information, insisted that she be given the same information that the employee accessed. It was because of that that the individual was able to contact the Ombudsman, share the information, relay her concerns, and the Ombudsman shared those concerns.

Mr. Speaker, we know that there's more to be done. It's why, even with respect to this bill, our party brought in an amendment to say not only is it troubling to Manitobans and not only should it be troubling to Manitobans that people within a system can, without authorization, access the personal health records of others, and before this bill, with impunity.

But, Mr. Speaker, beyond that there are additional concerns. There was no mandatory disclosure to this individual, no mandatory provision that an individual be made known of the fact—be made aware of the fact that their personal health records had been breached. That is a provision we tried to bring in. It was a provision that this government did not support.

And I know that the way that these amendments were introduced, I understand there was some limitation to the ability—to our ability to amend the bill just because of the scope of the changes that had been brought in. But we did bring in an amendment to demonstrate that there was more to do and that it was necessary—and it will be necessary going forward for there to be a provision that would require health entities to disclose to an individual when health information has been accessed without permission and in a way that was malicious or in a way that was intentional.

And, certainly, we've invited this minister and the previous minister to look at this bill, to strengthen it and to go there next, and I would challenge them that this is the next place that we need to go. I would invite their co-operation when it comes to working on those kind of amendments that will further strengthen health information records for Manitobans. Clearly, this is a concern that the Auditor General of Manitoba has already articulated, clearly, is a concern that my own colleagues, including the member for Brandon, have put on the

record when it comes to privacy, because it's not the first time the minister's hearing it.

So, Mr. Speaker, we know there's more to do. We know this is an important step. We know that it's one that will give some degree of confidence to Manitobans, but, clearly, Manitobans deserve more when it comes to privacy and the safe record keeping of their health information. So we challenge the minister to go there soon and we will be there to work with her as she goes in that direction.

Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I stand to support this legislation which is a valuable contribution to improving the safety and privacy of personal health information. And so I think it's a good step forward and we will certainly support it.

Thank you.

Mr. Speaker: Is there any further debate on Bill 4?

Some Honourable Members: Question.

Mr. Speaker: House is ready for the question. The question before the House is concurrence and third reading on Bill 4, The Personal Health Information Amendment Act.

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

**Bill 28—The Health Services Insurance
Amendment and Hospitals Amendment Act
(Admitting Privileges)**

Mr. Speaker: Now, further under concurrence and third readings, we'll call Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges).

Hon. Andrew Swan (Government House Leader): I move, seconded by the Minister of Health (Ms. Selby), that Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges); Loi modifiant la Loi sur l'assurance-maladie et la Loi sur les hôpitaux (privilèges d'admission), as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for the third time and passed.

Motion presented.

Hon. Erin Selby (Minister of Health): Mr. Speaker, the changes proposed in Bill 28 are intended to streamline the hospital admissions process, save time for patients and make the

health-care system more efficient by granting nurse practitioners and midwives hospital admitting privileges. Currently, legislation permits only doctors and, in some cases, dentists, to admit to hospital. However, in practice, we know they aren't the only health-care professionals qualified to do so.

Nurse practitioners and midwives have proven themselves in the Manitoba context and these proposed changes recognize the fact that they possess the high level of training and qualifications necessary to admit to a hospital in a safe and appropriate way that benefits patients and streamlines the process.

Nurse practitioners and midwives play an increasingly important role in health-care delivery in Manitoba. Today, more than 100 nurse practitioners work in various health-care facilities across the province, including hospitals, QuickCare clinics, primary care clinics and personal care homes. I was very pleased to recently join the Nurse Practitioner Association of Manitoba, the Manitoba Nurses' Union and the College of Registered Nurses to celebrate the first Nurse Practitioner Day in Manitoba. And thanks to the 'legislation' introduced by the member for St. James (Ms. Crothers), Nurse Practitioner Day will be recognized in a on-going basis in Manitoba.

Nurse practitioners can diagnose illnesses, treat conditions, prescribe medications and order diagnostic tests, offering patients and families more choice and convenience.

The proposed amendments will grant nurse practitioners hospital admitting privileges similar to physicians. As well, there are now 54 funded—full funded midwife positions across Manitoba, compared to zero in 1999.

Midwives can order tests, prescribe medications for maternal and newborn care, diagnose and treat minor problems and attend births as the primary attendant.

The majority of care midwives provide to women and newborns takes place outside of the hospital, in settings such as community health centres, patients' homes and the Winnipeg Birth Centre. However, giving birth remains one of the main reasons why women are hospitalized. After further consultation with the midwives college and associations, the amendments were made to Bill 28 at committee to reflect the long-standing practice of allowing midwives to admit to hospital in accordance

with the privileging definitions set out by their employer, rather than the definitions of these conditions and regulation. We made these amendments in consultation with midwives but the members opposite tried to undo these changes and put further restraints on midwife admitting privileges.

Unlike the member for Morden-Winkler (Mr. Friesen), our government values the advice and expertise of front-line health-care professionals, and takes their perspective into account when drafting legislation.

When Bill 28 went to committee a few weeks ago, the president of the Midwives Association of Manitoba waited until 1 a.m. to make her presentation in support of amendments that our government made to the bill that night. We made the amendments after consulting the midwives to enable the long-standing practice of allowing midwives to admit to hospital in accordance with RHA rules, without an additional layer of regulation.

*(15:50)

In the early morning hours, well after the midwives in attendance had left, the member for Morden-Winkler (Mr. Friesen) proposed a subamendment which would have undone the changes the midwives had requested and put an unnecessary layer of regulatory restrictions on their admitting privileges. He disregarded the perspective and expertise of midwives and called this additional regulation a necessary constraint.

Nurse practitioners and midwives are trained and qualified to take on this added responsibility. Indeed, the regulatory colleges, our regional health authorities, as well as practitioners themselves have all told us these additional privileges not only make sense, but are good for the system as a whole. These proposed changes are consistent with our push to see all health-care professionals working to the full scope of practice, and we have been working closely with professional regulatory bodies towards this goal.

Through The Regulated Health Professions Act and other legislative changes like those proposed in Bill 28, we continue to modernize health-care delivery in our province by ensuring that our front-line health-care workers can help patients in the way they are trained and qualified to do so while maintaining our unwavering commitment to patient safety. Having the right provider deliver the right

care at the right time and at the right cost improves patient care while making our health-care system more efficient.

These changes are also consistent with our plan to ensure Manitobans can access a family doctor by 2015. Nurse practitioners and midwives are already helping us meet that target by providing patients and families with more options to get the care they need while freeing up doctors to spend additional time with more complex cases and to take on more patients. Authorizing nurse practitioners and midwives to admit patients to hospitals helps to continue to maximize their contribution to the health-care system and ensure consistency across the province.

These ongoing improvements to the way health care is delivered ensure Manitobans have the access to front-line services they need, when and where they need them.

Mr. Cameron Friesen (Morden-Winkler): It's my pleasure to stand up and put some words on the record at third reading with response to Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act, and, again, once the MLA for Southdale has put words on the record, I welcome the opportunity to stand and set the record straight, as I often had to do.

So, if the member was—would trouble herself to actually go back and read through the transcript of the proceedings we had at committee, she'd find out that we were very effusive in our praise of: nurse practitioners, their contribution to the province of Manitoba; the midwives in Manitoba, who are practising all across our communities, in all the communities where the current NDP practices have shorted communities, have resulted in ER closures, have resulted in doctor shortages, have resulted in ambulance off-load times that are escalating, the policies that have led to the lack of PCHs where they are needed. Mr. Speaker, in all of these communities, nurse practitioners and midwives are making a difference, and with my colleagues, we stand together in thanking these hard-working front-line professionals, as we do all hard-working front-line professionals when it comes to the medical field for their contribution on a day-in, day-out basis.

And, Mr. Speaker, I have to say that in all my conversations, my meetings with nurse practitioners across the province, I have been impressed with this group, both with their commitment to their area of expertise, but also with their ability to advocate for

themselves. And in many communities right now, nurse practitioners are standing in that gap created by the policies of this government and they are there working in community, providing front-line access to people to be able to meet and see a medical practitioner.

As a matter of fact, to set the record straight for the member for Southdale (Ms. Selby), the concern that I expressed on the record in committee was exactly that this government may not be proceeding with enough haste to advance the model of nurse practitioner and midwifery across Manitoba. This government that built a stand-alone birthing centre in south Winnipeg that is chronically underused while the vast majority of requests to use the services of that facility go unheeded or denied, that creates concern for us that perhaps the government is not doing enough to advance the model. When the government builds QuickCare clinics, but seems to only articulate that one idea as the be-all and end-all to advance the model of nurse practitioner care in Manitoba, we question whether they are doing enough, whether they are being flexible enough, whether they are considering all the options.

We continue to look at the research from jurisdictions from outside of Manitoba, and it would seem that there are great practices and great approaches there if a government does not demonstrate that they are ideologically entrenched. This government has seen fit to identify one service delivery mechanism in principle, and, Mr. Speaker, we think that far more could be done. Far more could be done right now to advance the interests of nurse practitioners and midwives.

Now, Mr. Speaker, with respect to this bill, this is a good next step. I had to question the previous minister of Health, though, when she was too quick to bring in and expand a particular privilege for nurse practitioners only a few months ago, that had to do with the ordering of diagnostic testing like MRI. I just thought her timing was a little ill-advised because it wasn't more than a week or two after that, that a major study came out and this major study from across Canada said that in every jurisdiction of Canada, the issue did not seem to be access to diagnostic testing as much as it seemed to be, from one end of man-Canada to the other, the over-prescription of diagnostic testing. In other words, that we were being flooded with diagnostic testing requests, but what was needed across the system was for a far more and a better approach to diagnostic testing. It was one of those oops cases

where they were quick to come up with an idea, but seemed to be slow when it came to actually doing the research. For all of their resources, for all of their assistance, for all of their communications staff, you would think that they'd get their homework right; you'd think they'd do their homework.

And, Mr. Speaker, when it comes to this bill, this is clearly a good next step. We have no quarrel, and I want it on the record when it comes to saying we have no quarrel. As a matter of fact, we support NPs and midwives having the right to admit to hospital—makes sense.

The next step clearly for this minister is going to be this: What next? Clearly, this has been a kind of a first step without an indication of where we go next. Clearly, when you talk to midwives, if this government will trouble themselves to talk to midwives, if you talk to nurse practitioners, they say what is needed now from this government very quickly is an understanding of what happens when a nurse practitioner or midwife can admit a patient to hospital. Where does the ultimate responsibility for that patient lie? Because there is no mechanism in this government's approach for a nurse practitioner to see, in a professional capacity, her patient on ward in hospital that she has just or he has just admitted. That professional has no access to that patient. It's a bit of the cart before the horse, or at least, at the very least, the government has not articulated what is the next step.

So, clearly, somehow this government hasn't had their ducks in a row. We call on the minister to quickly say: What comes next? How does a nurse practitioner then, how does he or she see the patient on ward? Who has ultimate responsible for the patient? The nurse practitioner cannot discharge the patient because she has—she or he has no professional capacity or ability to remunerate for services to see a patient on ward. That will clearly be a case—a place where this government needs to go next. So we know this is a bill that stops short.

We know that the minister was carefully reading her notes today, even when it came to saying what I was putting on the record, she was carefully reading the note that had been prepared for her by who knows which political staffer had that job. Mr. Speaker, I need no such prompt this afternoon. We know where we stand when it comes to nurse practitioners and 'midwif'—midwives in Manitoba. We know we support the model. As a matter of fact, I have meetings lined up—coming up with nurse

practitioners. I'll be happy to hear what they think of the minister's comments today. I know they don't share her view. I know that they are anxious to work with any party and any group who will listen and respectfully proceed with them, and that is a commitment that we, as a party, make to midwives and nurse practitioners across the province of Manitoba.

Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to pay tribute to the important work that nurse practitioners and midwives are doing to improve health and health care in Manitoba.

I rise to support this legislation and I look forward to it being implemented fully as soon as we can.

Thank you.

Mr. Speaker: Is there any further debate on Bill 28?

Is the House ready for the question? The question before the House is concurrence and third reading of Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges).

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

* (16:00)

Now, proceed to call bill—okay. Order, please.

In accordance with the sessional order passed by this House on September the 11th, 2013, the hour being 4 p.m., I am interrupting proceedings so that the House may resolve into the committee to consider Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013. Therefore, the House will now resolve into the Committee of the Whole.

Mr. Deputy Speaker, will you please take the Chair.

COMMITTEE OF THE WHOLE

Bill 47—The Budget Implementation and Tax Statutes Amendment Act, 2013

Mr. Chairperson (Tom Nevakshonoff): Order. The Committee of the Whole will come to order to consider Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013.

As the hour is past 4 p.m., it is in accordance with the sessional order passed by the House on

September 11th, 2013, we will proceed with clause-by-clause consideration of this bill without debate and without seeing the clock.

The honourable member for Charleswood (Mrs. Driedger) has filed two amendments to this bill, which have been distributed to the committee in accordance with the sessional order. For the information of the committee, when we call the clauses relating to these amendments, I will recognize the honourable member for Charleswood to move them. The question on the amendments will then be decided without debate.

During the consideration of this bill, the table of contents, the enacting clause and the title will be postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, I will call clauses in blocks that conform to the parts of the bill, with the exception of the clauses where members have amendments. Is that agreed? *[Agreed]*

Mr. Chairperson: We'll now proceed.

Shall clauses 1 through 3 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Shall clause 1 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clause 1, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it. Shall—clause 1 is accordingly passed.

Mr. Kelvin Goertzen (Official Opposition House Leader): On division.

Mr. Chairperson: Clause 1 is passed on division.

Mr. Chairperson: Clause 2—pass.

Shall clause 3 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of passing clause 3, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it. Clause 3 is accordingly passed.

Mr. Goertzen: On division.

Mr. Chairperson: Clause 3 is accordingly passed on division.

* * *

Mr. Chairperson: Clauses 4 through 7—pass.

Shall clauses 8 through 14 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Shall clause 8 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clause 8, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Mr. Goertzen: On division.

Mr. Chairperson: Clause 8 is accordingly passed on division.

* * *

Mr. Chairperson: Clause 9—pass.

Shall clauses 10 through 14 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Shall clause 10 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clause 10, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Mr. Goertzen: On division.

Mr. Chairperson: Clause 10 is accordingly passed on division.

* * *

* (16:10)

Mr. Chairperson: Clauses 11 through 14—pass; clauses 15 through 31—pass; clauses 32 through 39—pass; clauses 40 through 49—pass; clauses 50 through 59—pass; clauses 60 through 62—pass; clauses 63 through 66—pass.

Shall clause 67 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: The honourable member for Charleswood.

Mrs. Myrna Driedger (Charleswood): Mr. Chair, I would like to move

THAT Clause 67(4) of the Bill be replaced with the following:

67(4) Subsection 1(2.3) is repealed.

Mr. Chairperson: It has been moved by the honourable member for Charleswood

THAT Clause 67(4) of the Bill be replaced with the following—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order.

Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of passing the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Mr. Goertzen: On division.

Mr. Chairperson: The amendment is defeated on division.

* * *

Mr. Chairperson: Clause 67—pass.

Shall clause 68 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: The honourable member for Charleswood.

Mrs. Driedger: Mr. Chair, I move

THAT Clause 68(3) of the Bill be replaced with the following:

68(3) Section 12 is amended by renumbering it as subsection 12(1) and adding the following:

Deduction for harness racing promotion

12(2) In addition to any amount that may be deducted under subsection (1), the commission must deduct from the levies remitted to it by an operator an amount equal to 15% of those levies, or such lesser amount as may be determined in accordance with the regulations, and pay the amount deducted to the Manitoba Great Western Harness Racing Circuit Inc. for the promotion of harness racing in Manitoba.

Mr. Chairperson: I must respectfully inform the committee that the amendment proposed by the honourable member for Charleswood is out of order and cannot proceed because it contravenes our rule 65. This rule requires that any vote introduced for the appropriation of any part of the public

revenue, or of any tax or impost to any purpose whatsoever, must be recommended by a message from the Lieutenant Governor-in-Council.

Bill 47 would require that certain funds be deposited to the Consolidated Fund. The proposed amendment would appropriate those funds to another purpose.

Mr. Goertzen: Mr. Chairperson, I ask for leave, despite the legislative deficiencies of the amendment, to have the motion voted upon.

Mr. Chairperson: The honourable Opposition House Leader has requested leave.

Does he have leave?

Some Honourable Members: No.

Mr. Chairperson: Leave has been denied.

Shall clause 68 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of passing clause 68, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Mr. Goertzen: On division, Mr. Chairperson.

Mr. Chairperson: Thank you. Clause 68 is accordingly passed on division.

* * *

Mr. Chairperson: Clause 69—pass; clause 70—pass; table of contents—pass.

Shall the enacting clause pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of passing the enacting clause, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

The enacting clause is—*[interjection]*

Recorded Vote

Mr. Goertzen: Recorded vote, Mr. Speaker—or Chairperson.

Mr. Chairperson: A recorded vote has been requested.

Call in the members.

Order.

The question before the committee is the enacting clause of Bill 47.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 30, Nays 18.

* * *

Mr. Chairperson: Enacting clause—pass; title—pass.

Shall the bill be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of reporting the bill, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Ayes have it.

Mr. Goertzen: On division, Mr. Chairperson.

Mr. Chairperson: It is agreed the bill shall be reported on division.

* * *

Mr. Chairperson: That concludes the work of the committee.

Committee rise. Call in the Speaker.

IN SESSION

Mr. Speaker: The hour being past 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

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