

**Second Session - Thirty-Eighth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon	Riel	N.D.P.
VACANT	Minto	
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
VACANT	Turtle Mountain	
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, June 2, 2004**

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

*PRAYERS*

**ROUTINE PROCEEDINGS**

**PETITIONS**

**Alzheimer's Disease**

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

These are the reasons for this petition:

Alzheimer's is a debilitating disease.

Cholinesterase inhibitors are known to slow or even prevent the progression of Alzheimer's.

The provincial government asked for the development of an Alzheimer's strategy in 2000 and was presented with nine recommendations in 2002, none of which has yet been implemented.

In the absence of a provincial Alzheimer's strategy, the Winnipeg Regional Health Authority put in place a policy in November 2003 whereby Alzheimer's patients entering personal care homes are being weaned from certain Alzheimer medications in a move that the WRHA's vice-president of long-term care has referred to as a financial necessity.

The administrative costs of the Winnipeg Regional Health Authority have more than tripled since 1999, to a total of more than \$16 million a year.

In a move that amounts to two-tier medicine, the families of Alzheimer's sufferers in personal care homes may request that the drugs continue to be delivered at the family's expense.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Mr. Chomiak) to ensure that his attempts to balance his department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease.

To urge the Minister of Health to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications.

To request the Minister of Health to consider implementing a provincial Alzheimer's strategy.

Signed by Don Devisser, Nancy Devisser, Terri Rogan and others.

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

**Highway 227**

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

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Submitted on behalf of Jeanette Tkachye, Blake Kendall, May Keen and others.

#### **Minimum Sitting Days for Legislative Assembly**

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans expect their government to be accountable, and the number of sitting days has a direct impact on the issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the government accountable.

\* (13:35)

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Carmen Eisma, Manuel Valle and Angelina Eisma.

#### **Proposed PLA–Floodway**

**Mr. Stuart Murray (Leader of the Official Opposition):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Province of Manitoba has tabled legislation in the Legislature that may result in the \$660-million expansion of the Red River Floodway by the summer of 2005.

The Premier of Manitoba plans to subject all work related on the project to a Project Labour Agreement (PLA).

The proposed PLA would force all employees on the project to belong to a union.

Approximately 95 percent of heavy construction companies in Manitoba are currently non-unionized.

The Manitoba Heavy Construction Association has indicated that the forced unionization of all employees may increase the costs of the project by \$65 million.

The chair of B.C.'s 2010 Construction Leaders Taskforce has stated, "Major industrial projects built under project labour agreements from the energy sector in Alberta to off-shore development on the East Coast have repeatedly incurred cost overruns, labour disruptions and delays."

Organizations including the Winnipeg Chamber of Commerce, the Canadian Taxpayers Federation, the Manitoba Heavy Construction Association, the Canadian Federation of Independent Business, the Merit Contractors Association of Manitoba, the Winnipeg Construction Association, the Construction Association of Rural Manitoba and the Canadian Construction Association have publicly opposed the Premier's plan to turn the floodway expansion project into a union-only worksite.

Manitobans deserve an open and fair competition that protects taxpayers from unnecessary costs and respects workers' democratic choice.

Manitobans support the right of any company, both union and non-union, to participate in the expansion of the Red River Floodway.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier of Manitoba to consider ending his government's forced unionization plan of companies involved with the Red River Floodway expansion.

To request the Premier of Manitoba to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project.

Signed: Kyla Hanec, Irv Hildebrand, Len Perry and others.

### Pharmacare

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

These are the reasons for the petition.

Pharmacare is a drug benefit program for any Manitoban, regardless of age, whose income is seriously affected by high prescription drug costs.

Under the Doer government, Pharmacare deductibles have been increased by 5 percent each year for the past three years. As a result of the 15% hike in Pharmacare deductibles, individuals are facing increased costs ranging from \$36 to \$660 a year. Seniors, fixed- and low-income-earning Manitobans are the most negatively impacted by these increases.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier of Manitoba to consider reversing his decision to increase Pharmacare deductibles by 5 percent in Budget 2004.

To request the Premier of Manitoba to consider reducing health care bureaucracy, as previously promised, and direct those savings into sustaining Pharmacare.

To urge the Premier of Manitoba to consider re-evaluating his government's priorities and to consider suspending his government's plans to spend \$100 million on new VLTs at a time when seniors and fixed-income Manitobans cannot afford medication.

**Mr. Speaker:** Would the honourable Member for Morris read the first three names on the petition.

**Mrs. Taillieu:** This petition is submitted by Grace Fryza, Lorna Nohlgren and Jean Willis.

\* (13:40)

### Highway 227

**Mr. David Faurichou (Portage la Prairie):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services consider having Highway

227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Respectfully submitted by Janet Cuthbert, Dan Cuthbert, T. Ogilvie and others.

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today Ms. Melissa Macintosh who is a student from Winnipeg and she is the guest of the honourable Member for Seine River (Ms. Oswald).

Also in the public gallery we have Mr. and Mrs. Garth Hindle, Bev, Gary, Val and Diane Hindle, John and Freida Melnick, Andy and Edith Alexiuk and Barry Wiebe. These are the guests of the honourable Minister of Family Services and Housing (Ms. Melnick).

Also in the public gallery we have from Peguis Central School 31 Grade 12 students under the direction of Mr. Clarence Haney. This school is located in the constituency of the honourable Member for Interlake (Mr. Nevakshonoff).

Also in the public gallery we have from Souris School 46 Grade 5 students under the direction of Mr. Glenn Wallmann, Ms. Theresa O'Brien and Mrs. Carol Turner. This school is located in the constituency of the honourable Member for Minnedosa (Mrs. Rowat).

Also in the public gallery we have from Churchill High School 16 Grade 11 students under the direction of Mr. Ed Lenzmann. This school is located in the constituency of the honourable Minister of Advanced Education and Training (Ms. McGifford).

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

## ORAL QUESTIONS

### Red River Floodway Expansion Master Labour Agreement

**Mr. Stuart Murray (Leader of the Official Opposition):** It is clear that this Premier's only priority now that he has been re-elected is to pay back his union-boss friends who got him where he is today. He is ignoring the will of Manitobans because he thinks that he knows better than they do, because he finds it acceptable to give millions and millions of their taxpayer dollars to support his union-boss friends. Just as the Premier rightly backed down, Mr. Speaker, from stealing \$20 million from Autopac to fund universities—

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

**Mr. Speaker:** Order. I would just like to remind all honourable members that each and every member in the House is an honourable member, and I would ask members to pick and choose their words carefully.

**Mr. Murray:** Thank you, Mr. Speaker. The fact that this Premier planned to rob \$20 million from Autopac to fund universities, will he back down from his plan now to divert millions of taxpayers' dollars to his union-boss friends by simply saying no to forcing non-unionized workers to pay union dues?

\* (13:45)

**Hon. Gary Doer (Premier):** I am pleased the Leader of the Opposition has referenced the anniversary date of a great, great exercise in democratic participation with the re-election of this government on June 3 last year, Mr. Speaker. I thought for a moment he was going to take the high road but, boy, was I mistaken, was I ever mistaken.

I would like to thank the people of Manitoba on this anniversary evening. I would like to thank the people of Manitoba for voting for a reduction in the waiting list. We see a major reduction from eight weeks down to one week for radiation therapy.

I would like to thank the people for trusting us to reduce the cardiac waiting list by some 47 per cent in the last year. I would like to thank the people of Manitoba in their recognition of us, the government, training 600 nurses a year versus 200 when we came into office. I would like to thank the people of

Manitoba for their appreciation of the fact that we have more doctors here in Manitoba. We would like to thank the people of Manitoba for their confidence, Mr. Speaker.

### Point of Order

**Mr. Speaker:** The honourable Opposition House Leader, on a point of order.

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, Mr. Speaker, on a point of order. I know the Premier wants to make sure he thanks Manitobans for many things. He does owe Manitobans a great deal of thanks for many things but, more importantly, he owes it to the Opposition Leader to answer his question.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, I have given latitude to questions, but I still think we should keep in mind members that ask questions deserve an answer and I would just like to ask the co-operation of all honourable members. We do allow a lot of latitude with the 50 seconds and leaders' latitude.

Have you concluded? Okay. The honourable First Minister.

\* \* \*

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

**Mr. Speaker:** Order. The honourable First Minister was on his feet answering the question when the honourable Official Opposition House Leader got up on a point of order. It is practice in the House, when you have completed dealing with the issue, you revert back to the member that has the floor.

**Mr. Doer:** Mr. Speaker, I will carry on in the first sentence of the Leader of the Opposition's question because there were a number of other sentences dealing with Crown corporations and other terms, and I will wait till other questions to deal with those.

I am pleased that the people of Manitoba voted for health care, education and training, access to education and training for a more inclusive society, and they voted to keep Manitoba Hydro owned by all the citizens of Manitoba. That is what they voted for and that is what they are getting.

**Mr. Murray:** Mr. Speaker, I think it is just cynical if the Premier of the province of Manitoba can talk about a democracy of vote that took place and yet deny non-unionized workers the right to decide whether they should pay union dues.

Mr. Speaker, we now have a federal Liberal government that saw more than a hundred million dollars of taxpayers flow to their friends, dollars that flowed to their friends. We have a provincial government that is now attempting to flow millions of taxpayers' dollars to their friends. Manitobans deserve better. While it was disappointing to learn that the federal Liberal government is supportive of forcing non-unionized workers to pay union dues and is supportive of excluding employers from the negotiating table, this Premier has the opportunity to do the right thing.

Will the Premier not go down the same road as the federal Liberal government did and will he agree today to not flowing taxpayers' dollars to his union-boss friends and say no to forcing union dues, Mr. Speaker?

**Mr. Doer:** Mr. Speaker, I will again get the quote from Mr. Toews from last year where Mr. Toews in this Chamber in 19—

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

\*(13:50)

**Mr. Speaker:** Order. I would just like to ask all honourable members to have a look around in the public gallery. We have a lot of students here. Some of them have travelled a long way to be able to watch Question Period. I would ask the co-operation of all honourable members so that way they can hear the questions and answers.

**Mr. Doer:** On December 12, 1995: "The workers who get the benefits of a collective agreement, whether they are members of a union or not, should also pay for services that the union provides to them. I have no problem defending the Rand principle, the Rand Formula, both principle and formula. It is a historic compromise. In fact it does a great deal of good, generally speaking, for workers who need a collective voice."

Mr. Speaker, this issue was sent to a mediator, a mediator who has a lot of credibility, a lot of skill, a

lot of experience. This mediator recommended other areas that would be normally curtailing rights that would normally be available under The Labour Relations Act. The mediator recommended, for example, that there be no strike or lockout, which is contained in The Labour Relations Act, so the floodway can be delivered on time, on budget in a predictable way. Members opposite should stop cherry-picking one part of Wally Fox-Decent's report. They should not be so extreme. They should look at the public interest rather than their surrogate interest.

**Mr. Murray:** It is pretty clear, Mr. Speaker, that if the Minister of Water Stewardship (Mr. Ashton) and this Premier had not bungled this that Wally Fox-Decent would not have had to get involved in the first place.

The Floodway Authority has blatantly sided with unions. It has repeatedly ignored requests by the heavy construction industry to meet, and while the Premier tried to distance himself from it earlier this week, the authority's spin doctor used to be part of the Premier's communications secretariat just a few short months ago. Manitoba's heavy construction employers should be at the negotiating table, not just the Premier's staff and his union-boss friends.

Will the Premier commit today to having Manitoba's heavy construction industry as part of the negotiation with a seat at the negotiating table?

**Mr. Doer:** The individual the member is citing was hired in 1997 and was working in the Department of Agriculture, so I think we should be careful to draw any conclusions from the member's comments.

Secondly, Mr. Speaker, I find it passing strange. When former Premier Filmon brought Mr. Fox-Decent in to deal with the Meech Lake Accord, did that mean that former Premier Filmon had bungled it? When former Premier Filmon brought in Wally Fox-Decent to deal with the doctors' strike, did that mean that former Premier Filmon had bungled it? When former Premier Filmon brought in Wally Fox-Decent to deal with the health care support strike, did that mean that Premier Filmon had bungled it? When former Premier Filmon brought in Wally Fox-Decent to deal with the nurses' dispute, did that mean he had bungled it? When Mr. Filmon brought in Wally Fox-Decent to deal with the Charlottetown Accord, did

that mean he bungled it? This member has no faith in a qualified, experienced person. Shame on him.

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

### **Family Violence Intervention Program Funding**

**Mr. Stuart Murray (Leader of the Official Opposition):** On a new question, Mr. Speaker. Following the brutal murder of a 16-month-old girl on Saturday, Manitobans have flooded radio talk shows and other media outlets to express their outrage over this horrific incident. We are hopeful that an inquest will be called quickly to find the answers so many Manitobans are looking for.

Family violence is an issue that demands action and its victims deserve adequate support.

Unfortunately, one of the successful support programs is at risk of closure at the end of this month due to lack of funding.

Will the Premier today commit to providing the small amount of dollars needed to keep the Family Violence Intervention Program operational?

\* (13:55)

**Hon. Gary Doer (Premier):** Yesterday, there were allegations that The Fatality Inquiries Act had not been proclaimed. We had thought, the minister had thought, clearly, that the act had been proclaimed. I think the allegation was made by both the Justice critic and the critic for Family Services.

The act was proclaimed on July 1, 2003. The specific question dealing with the program, I will allow the minister to answer subsequent questions.

**Mr. Murray:** Concerned service providers within the field of domestic violence have recently established a committee to lobby this Premier and his government to reconsider their decision to not fund the program. I would like to table their letter of support for the continuation of the Family Violence Intervention Program.

As the letter states, Mr. Speaker, and I quote, "We know that survivors of abuse, their families, service providers and the community at large



recognize serious shortcomings in the response to domestic violence which continues to threaten the lives of Manitobans. The maintenance of the program is a proactive response to family violence that ensures the reduction of financial and social costs."

Mr. Speaker, as the letter states, and I ask this Premier, surely we do not need any more lives lost to reinforce the necessity of prevention.

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, we do appreciate the concerns of the community and are appreciative of the initiative that they are taking around this program. We would like to see the program continue. We have provided the City with some \$4 million unallocated that we would again encourage the City to put toward the maintenance and, if they choose, the further development and growth of this very important program.

**Mr. Murray:** The Family Violence Intervention Program is going to close at the end of June if this Premier does not agree to fund it. This program, Mr. Speaker, is very important. It pairs police and social workers to take a more proactive stance against domestic violence. It plays a critical role in working with those in high-risk situations.

Concerned service providers within the field of domestic violence are extremely distressed that this program will be discontinued. How can the Premier of this province refuse to provide necessary funding to keep this program operational?

**Ms. Melnick:** Mr. Speaker, again, I reiterate that we are very concerned to have this program continue.

This government will undertake to continue discussions with the City of Winnipeg so that we can ensure that the program will continue.

#### **Adolescent Parents Supports and Services**

**Mrs. Leanne Rowat (Minnedosa):** The brutal beating of a 16-month-old baby this past weekend raises many questions. Winnipeg Child and Family Services is no longer an arm's-length agency of the Minister of Family Services. They are her staff.

Mr. Speaker, what has this minister done in the last 24 to 48 hours to ensure that proper procedures

are being followed and that appropriate policies are being followed? What adequate resources for front-line workers are in place to ensure that proper monitoring and supports are there for children at risk?

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, I want to reiterate as I spoke yesterday that this is indeed a deeply saddening event. It is a very concerning event. Certainly, our No. 1 priority is the care of our children. There is both a police investigation ongoing and a Winnipeg Child and Family Services investigation ongoing.

**Mrs. Rowat:** The actions are not sufficient to keep vulnerable children safe and the answer is not acceptable.

Mr. Speaker, I ask the Minister of Family Services if all the supports are there and in place, what went wrong. Why did this baby die?

\* (14:00)

**Ms. Melnick:** As mandated by provincial legislation, The Child and Family Services Act to be specific: Every mother under the age of 18 must be referred to a mandated agency for assessment according to the terms of their parenting ability.

Following the work that was begun by the previous government, a new service model was reorganized in late 1999 and the perinatal service unit was established.

The perinatal service unit deals specifically with the unique challenges for adolescent parents.

#### **Baby's Death Request for Inquest**

**Mrs. Leanne Rowat (Minnedosa):** This child lived in a situation of risk. What steps, if any, were taken by the Winnipeg Child and Family Services to protect this child? Will the Minister of Family Services today call for an inquest as to what occurred and what the role of the agency was in this tragedy?

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, calling for an inquest is an independent action that would be taken by the Chief Medical Examiner. This is the process

that should be followed. This is the process that will be followed and respected by this government.

### **Adolescent Parents Supports and Services**

**Mrs. Myrna Driedger (Charleswood):** A baby was beaten to death this weekend and the community said that this death was preventable. The mother of that baby is 15 years old.

I would like to ask the Minister of Family Services to tell us what is her department's normal procedure for assessing the situation when a minor has a baby in order to determine what supports are needed for that mom and baby.

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, as I previously mentioned, we established the perinatal unit for adolescent parents, both mothers and fathers. This unit provides a wide variety of services, including counselling to aid in decision making regarding pregnancy and parenthood, counselling to help prospective mothers and fathers with emotional issues, environmental issues such as financial and housing, with the relationships with each other, with parents and other significant family members. It also helps young people, young parents to make use of their own community resources in making plans about the pregnancy, both in the immediate and in the long term.

**Mrs. Driedger:** Well, Mr. Speaker, the minister did not answer the specifics of how you actually assess a situation to determine that there is risk in that particular situation. What the minister just answered does not get to the direct aspect of that question.

The Minister of Family Services was also assuring us yesterday that the supports were in place to deal with young moms, but one has to wonder, if the supports were in place why did a baby get beaten to death? Can the Minister of Family Services tell us how often a mom and baby would be monitored when that mom is a minor?

**Ms. Melnick:** As the House knows, I certainly cannot get into the specifics of the individual case. We have put in place through the perinatal unit and working in coalition with service providers throughout the province of Manitoba, an assessment process in which there is one-on-one counselling, one-on-one

planning, one-on-one discussion. Again, I cannot get into the specifics of this individual case, but these services are available to each and every one of the young parents in our province.

**Mrs. Driedger:** Mr. Speaker, if all the supports were in place, a baby would not be dead right now. Checks and balances, policies and procedures need to be firmly in place to protect children, particularly when the mother of a baby is a minor. If they are not in place or if they fail, then kids will fall through the cracks.

My questions today are not around a specific case. They are general policy questions of her department. I would like her to tell us what is the normal procedure for monitoring these situations and for reporting what that social worker finds during a visit to that mom and baby.

**Ms. Melnick:** As previously stated by myself today, Mr. Speaker, as mandated by provincial legislation, specifically The Child and Family Services Act, every mother under the age of 18 is assessed by an agency, and it is through the assessment, a one-on-one assessment, that a plan would be put in place to help the mother cope with environmental concerns, housing concerns and parenting concerns, wherever she may live in the province of Manitoba. This is something we do in conjunction with the service providers throughout the province of Manitoba. These services are available to each and every young mother in our province.

### **Adolescent Parents Supports and Services**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, a 16-month-old baby in the care of a 15-year-old mother was brutalized and died. In response to questions, the minister talks about programs and supports, all of which have obviously failed.

Yesterday, she went so far as to brag about reducing deficits in Child and Family Services and even had the gall, Mr. Speaker, and I quote from Hansard, to claim, "This is indeed a very positive day for the province of Manitoba." Where is her focus? What this minister should be focussing on are the failures of her department to provide the necessary supports—

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

**Mr. Speaker:** Order.

### Point of Order

**Mr. Speaker:** The honourable Government House Leader, on a point of order.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, this is a very heart-wrenching and difficult situation for all Manitobans and, I would say, disproportionately for those who are in this House in positions of authority.

I think it is a time indeed for searching for answers, but I am sure that the member opposite would want to correct the record and not mislead the House or viewers that his statement about what the minister said was entirely out of context. It was in answer to a question on a different topic.

I think, Mr. Speaker, he owes the House and the public of Manitoba that element of fairness. Thank you.

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

**Mr. Speaker:** Order. The Official Opposition House Leader, on the same point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, Mr. Speaker, on the same point of order. Yesterday during Question Period, as is always the routine in this House, the eighth question goes to the government and, in a planted question, the Minister of Family Services was asked about a particular program. She stood in the House and she did say, and it is in Hansard, that this was a very proud day for Manitoba, just previous to questions that we had asked about a very serious situation.

Now, Mr. Speaker, any person in this Chamber who would have been listening to the questions that were posed beforehand would have had the respect and the dignity to withhold that kind of a question. If the minister were asked that question, instead of just reading a prepared statement, she could have said, "Yes, that was a good program, but indeed we are dealing with a much more serious issue."

Her response could have been much different, Mr. Speaker, but her response was that we should all be very proud of that day. It was a very sad day in

this House and for some of the families in the province of Manitoba yesterday.

**Mr. Speaker:** Order. On the point of order raised by the honourable Government House Leader, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Loewen:** Mr. Speaker, what this minister should focus on is the failure of her department to provide the necessary supports to this young mother and the minister's failure to protect this infant. This is a terrible tragedy that should have been avoided had the Doer government been doing its job by providing the necessary resources to front-line workers and young mothers in need of support.

I would ask this minister this: When will she refocus her attention on providing front-line workers with the necessary resources to ensure no other infants of young mothers are at risk in this province?

\*(14:10)

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, I can assure you that my focus, my attention, is on the situation at hand, that the care of the children of this province is continually my focus as minister, that the programs we have in place are continually in my line of vision. We have programs I have not had the opportunity to speak to today, but I can assure the House I am focussed on the care of our children, I am focussed on the youth of our province, and I am focussed on their welfare.

I am deeply saddened by this event. There is no doubt about it. Our entire caucus is very saddened about the events that we collectively learned of yesterday morning. I, as the minister of the government responsible for Family Services, am very focussed and I am very concerned and I am working with our department.

### Baby's Death Request for Public Inquiry

**Mr. John Loewen (Fort Whyte):** I appreciate the minister's concern. We are all concerned in this House, but there are fatal flaws in the system that allowed this situation to exist. It was the Doer

government that took direct control of this agency and turned it into a department of government.

The architect of this disaster, the Minister for Energy (Mr. Sale), has since moved on, but the responsibility rests with the Minister of Family Services.

Obviously, we do not know what the fatal flaws were in the system that allowed this mother and her child to be at risk. The minister refuses to divulge how many other infants in the province of Manitoba are at risk.

Mr. Speaker, we need a public inquiry to get to the bottom of this, to get to the bottom of what fatal system flaws resulted in this. I would ask the minister if she will do the right thing and call for a public inquiry today.

**Hon. Christine Melnick (Minister of Family Services and Housing):** There are two investigations currently ongoing. One is by the Winnipeg Police Service, the other is by Winnipeg Child and Family Services. This government will respect those investigations, will respect the proper process through which those investigations will go.

I, as minister, am waiting for the results of those investigations, but until they come in, we will allow Winnipeg Police Service and Winnipeg Child and Family Services to complete the investigations that are currently ongoing.

**Mr. Loewen:** That is not good enough. The investigations she is talking about are investigations into this particular death, as sad as it is and as unfortunate. The inquest, if it is held, will bring those answers.

We need a public inquiry into the operations of her department. We need to find out where the fatal flaws are in your department. We need to find out why that department is in such a state of disarray, why the morale is so low. We need a forum where the front-line staff can come forward and speak their minds and tell the people of Manitoba and tell this minister exactly what is wrong with the system. They need the protection of a public inquiry to come forth and speak their minds in peace.

I would ask this minister to do the right thing, call for a public inquiry. Let us get to the bottom of

this for the benefit of all Manitobans, for all young mothers and for all those infants out there that are at risk.

**Ms. Melnick:** Again, Mr. Speaker, I will reiterate that there are two investigations ongoing, one by the Winnipeg Police Service, one by Winnipeg Child and Family Services. A point made earlier on is that the decision to have an inquest is independently made by the Chief Medical Examiner. We will respect the processes and we await the results of the current investigations.

### CAIS Program Government Contribution

**Mr. Ralph Eichler (Lakeside):** As we sit in this House, farmers are uncertain if they will even be able to get their crops planted this late in the season. Lots of advice is being given from this Doer government. This Ag Minister says sign up for the CAIS program. This minister says sign up for crop insurance. This minister says go out and get a real job.

This minister claims her money is on the table, but will this minister stop wavering and get the money she has promised off her table and onto farmers' tables before it is too late for these struggling farmers?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, I am quite surprised that the member continues to ask the question about CAIS when I have indicated in this House several times now we signed on to the original agreement with CAIS. We have signed on to the amended agreement of CAIS.

With respect to crop insurance, I want to indicate to this House, as we indicated last Friday, we recognize that there is pressure on the farmers, and indeed, we extended the seeding dates in crop insurance by five days to give farmers more time to get their crops in and make their decisions. As well, Mr. Speaker, we are dealing with a wet situation here. I would remind the members opposite that when they were in government, they refused to recognize the issue of excess moisture. It was this government that brought in excess moisture insurance for farmers.

**Mr. Eichler:** Mr. Speaker, as this government has yet to commit to the full funding of the CAIS

program and its amendments and is now telling farmers to go out and get a real job on top of their already stressful lives, yesterday this minister finally saw reality and joined the seven other provinces and signed the CAIS amendments.

Will the minister today fully commit to funding the 40% share and the amendment she signed on to and at what cost?

**Hon. Gary Doer (Premier):** Mr. Speaker, last Wednesday the minister said the amended program has been approved and the money is in the budget. Last Thursday the minister said it. On Monday she said it. On Tuesday she said it. On Wednesday, again, she says it. Perhaps the members opposite should read Hansard and they would understand completely the decision made by the government and the minister.

We are in on the original program. We are in on the amended program. We are in with the money in the budget dealing with the margins. Members opposite, talking about excessive moisture, when we came into office, crop insurance did not cover excessive moisture. It is this Minister of Agriculture that took the leadership to get that covered and you should be—*[interjection]*

This Minister of Agriculture did the right thing, Mr. Speaker, after 11 years of neglect on excessive moisture.

**Mr. Eichler:** Mr. Speaker, it is interesting, the Premier cannot even let his own minister answer questions. He does it to the Minister of Education (Mr. Bjornson). Now he is doing it to the Minister of Agriculture. Where is the minister going to be?

Mr. Speaker, two days ago this Minister of Agriculture stated that farmers should go out and get a real job and should look at the floodway for that opportunity. Is it the position of this government now to abandon farmers and not fully support the CAIS program and those amendments? Simple question: Where is the money, Gary?

**An Honourable Member:** Now we will get union dues from the farmers.

**Mr. Speaker:** Order.

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, the member was indeed misquoting what I did say in the House the other day. I said in this House that some farmers do look for other employment. It happens in many of our families. If I look opposite, there are people in agriculture across the way that consider that.

With regard to funding the APF and the CAIS program, our funding was in place in the budget. Those people, Mr. Speaker, voted against the budget. They voted against funding for CAIS. This government recognizes the importance of that program and we have signed on to the agreement and our money is in place.

### **Flood Compensation Appeal Process**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, democracy exists and is maintained because there is an important system of checks and balances. In the government's approach to democracy, the present NDP appears to be moving to take away some of the important checks and balances in our democratic system.

The government is now moving to take away, for example, any right of judicial appeal in relationship to compensation for flooding. I ask the Minister of Water Stewardship: Why is the government bringing in such an anti-democratic measure?

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, I would hope that the Member for River Heights would also acknowledge on the bill the key principle which is we are bringing in statutory entitlement to Manitobans for compensation, not relying on federal-provincial agreements that may or may not be in place over the next number of years.

So long as that act is in place in this province, there will be statutory guarantee in this case of compensation for flooding above natural levels. That is a huge step forward. It is something that Manitobans in flood-affected areas have been saying in terms of what they are looking to in terms of the floodway. I would hope that the member would support that.

I look forward to the member's comments and his position when this bill reaches committee stage and comes back in terms of third reading. We, Mr. Speaker, think it is a major step forward for Manitoba.

\* (14:20)

**Mr. Gerrard:** Mr. Speaker, there may be statutory compensation, statutory acknowledgement of what has been the practice in essence but there should also be statutory acknowledgement of the need for judicial appeal. Flooding compensation has proved, over the years, to be complicated and fraught with enough difficulties that it is very critical it not be abused in terms of the government's power and that there be a fair and democratic right of judicial appeal. I ask the minister why is he going to take away this right of judicial appeal.

**Mr. Ashton:** Mr. Speaker, I am not quite sure if the Member for River Heights understands that this bill establishes a right to compensation in legislation. That is something that deserves the support of all members, including that member. In fact, the provisions of the act parallel many other aspects of legislation.

I would hope the member when he talks about compensation will recognize that going back to 1997, going back to the IJC report, in all the discussions, whether it be the federal government or the residents of the Red River Valley, the No. 1 issue that people have been saying, in addition to protecting the city of Winnipeg and other parts of the Red River from the floodway expansion, people said, "Bring in statutory compensation."

That is accomplished by that bill. That is a new right for Manitobans, Mr. Speaker.

**Mr. Gerrard:** Statutes are only effective when there are appropriate checks and balances against the unfettered power of the government. Here the government is setting up an appeals board instead of a judicial process, a politicized, political-appointed appeals board which is likely to uphold the government side instead of the citizens' side.

I ask the Minister of Water Stewardship: Why is his government behaving in such an anti-democratic fashion and not allowing for judicial appeal, a very

important check and balance in our democratic system?

**Mr. Ashton:** I am awfully tempted to say that I am not going to take any lectures from people who support the federal Liberals about democracy, given their huge challenge in this election of convincing Canadians that the democratic deficit is something they have not created over the last 11 years.

Mr. Speaker, we have established the compensation in the legislation that did not exist before, and I take exception to the member's references in terms of disaster financial assistance. Appeals are in place.

We have a federal-provincial agreement. We have very good people who report to the Province in terms of the Disaster Financial Assistance appeal board, but this is better than what exists currently

This is statutory entitlement of compensation for flooding above natural levels. We have not had that, Mr. Speaker, for more than 100 years, since there has been a province. We will have it as soon as the opposition joins with us to get this bill through the Legislature. It is a major step forward for Manitobans.

### **Used Oil Disposal and Recycling**

**Mr. Bidhu Jha (Radisson):** Given that the used oil dumped as waste in the garbage can be damaging to our waterways and environment, can the Minister of Conservation explain to the House what is being done to ensure that the used oil is disposed of appropriately?

**Hon. Stan Struthers (Minister of Conservation):** I want to point out to the House that one litre of oil can contaminate one million litres of fresh water. That is why we joined with Canadian Tire and the Manitoba Association for Resource Recovery Corporation yesterday to announce six new, licensed collection depots to facilitate and to enhance an already successful oil recycling program.

Last year, Mr. Speaker, 11.9 million litres of used oil was recycled, 1.51 million oil filters were recycled and 220 tonnes of oil containers were recycled. This success is due to the kind of co-operation that we see happening between this provincial government, the private industry and the

Manitoba Association for Resource Recovery. In this case the private sector was Canadian Tire, and they should be congratulated for the hard work that they have done to help.

### **CAIS Program Government Contribution**

**Mr. Jack Penner (Emerson):** Two days ago the Minister of Agriculture told farmers of Manitoba they should get off the farm and get a job. It is unbelievable this Doer government is telling farmers there is no place for them in rural Manitoba and to get a job on the floodway. Mr. Speaker, farmers are now being asked to buy into the CAIS program. They are being told to buy into crop insurance in order to cover their margins and to pay union dues when they get a job on the floodway.

Can the Minister of Agriculture tell this House today what her commitment is, the amount of commitment that she is making through the CAIS program to the farmers of Manitoba when their income has declined over last year by \$474 million? What is her 40% liability going to be to cover those margins?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** The member opposite is talking about the amendments that have been made to the program. I can indicate to this House that we signed on to the first agreement. We have now signed on to the amendment of the agreement. We have budgeted for the program and we have the money in the program. My hope is that farmers will not have to draw it. I am hopeful that farmers are going to have a good year. They have more moisture this year. Let us all hope that farmers have a good year and have good crops, and will not have to draw on crop insurance and other programs. That is our hope, but should there be a disaster our money is on the table.

**Mr. Penner:** We are really not talking about this year. We are talking about the decline in income in 2003 that this Province will have to supply 40 percent of the margin declines on it. Our figures show that the margins have declined by \$474 million. This Province is required to put up 40 percent of that cost.

Can the minister tell us today that her money to pick up that difference between the 40 percent and

60 percent of the \$474 million will be on the table for the farmers and that they can be secure, or will she also do what Saskatchewan is saying that they will do? They have only got \$99 million on the table in Saskatchewan and that is all that is going to be on the table. They are going to prorate it to the \$99 million. Is that what the plan of this government is?

**Ms. Wowchuk:** Mr. Speaker, when we are negotiating this agreement and working out our costs for the agreement, I believe we have very competent staff within the Department of Agriculture, Food and Rural Initiatives. We came up with a number that we anticipate will cover our costs for the 2003 CAIS, and also that we have adequate money in the budget for this year.

**Mr. Speaker:** Time for Oral Questions has expired.

Order. I would remind all honourable members we have a couple of empty loges here, if they wish to have conversations because the members, when I call members' statements, they have the right to be heard.

### **MEMBERS' STATEMENTS**

#### **Miss Caripeg Pageant 2004**

**Mrs. Mavis Taillieu (Morris):** This past weekend the Leader of the Official Opposition (Mr. Murray) and I had the pleasure of attending the 2004 Miss Caripeg Pageant. This pageant is one of the highlights of the carnival celebrations and the Caribbean community.

This year five outstanding young women vied for the honour of becoming this year's queen. There were: Alycia Ali, Victoria Ramgoolam, Kyra Samson, Christa Goolcharan and Lattisha Penniston. All exhibited intelligence, beauty, poise, charm and self-confidence. I know the judges would have a difficult time choosing the one young woman who stood out over the others. But by the end of the evening they had made their decision and the lovely Lattisha Penniston was crowned Miss Caripeg 2004.

The evening was truly an example of the dedication people apply to preserving their cultural heritage. The judges, the sponsors, the costume designers, the organizers, the families and friends who put so much effort into this evening are to be congratulated, along with the pageant contestants and Queen Lattisha. This rich preservation of culture is

the foundation of our multicultural community here in Manitoba. As the critic for multiculturalism, I am pleased and honoured to be invited to many events which showcase different cultures. It is a rich and rewarding experience. The Leader of the Opposition and I were very pleased to attend the Miss Caripeg 2004 Pageant and would encourage members opposite to attend and support these multicultural events. Getting introduced there is not good enough; you have to show up.

\* (14:30)

### **John Hindle**

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, I am pleased today to bring attention to the impressive achievement of John Hindle, a constituent in Riel. On June 5, John will be inducted into the Manitoba Baseball Hall of Fame which recognizes those who have made a substantial contribution to the sport in Manitoba.

John inherited his understanding and love of the game from his grandfather, Dalton Saunders, of Collingwood, Ontario, who used to travel to Detroit to see the likes of baseball greats Babe Ruth, Ty Cobb and Lou Gehrig.

Starting his baseball career at Norberry Community Club in the Optimist Little League, John continued to play baseball for the St. Boniface Legionnaires, the Grandview Lakers, the St. Boniface Native Sons and the Giroux A's. He has also contributed as a coach, executive member and small-business man, founding Home Run Sports in 1988.

In 1994, when Sam Katz announced that he was bringing a Northern League franchise to Winnipeg under the Goldeyes, John became general manager and served with the Goldeyes for eight years. He won the GM of the Year Awards in both 1998 and 2000 and spearheaded the most successful all-star game in Northern League history in Winnipeg in 2001.

John has made a life out of baseball as a player, coach, manager and businessman and, through his commitment, is an inspiration to the community. I would like to extend congratulations to Mr. Hindle on his great achievement.

### **Connie and Curtis Dancyt**

**Mr. Gerald Hawranik (Lac du Bonnet):** I applaud the volunteer accomplishments of Connie and Curtis Dancyt. For the past 31 years, Connie and Curtis have been true to the volunteer spirit of Manitobans, inspiring many in their community of Lac du Bonnet. On April 21, the Dancys were honoured for their commitment with a Premier's Volunteer Service Award in the Individual Category presented at the 21st Annual Volunteer Awards Dinner in Winnipeg.

While I know they both would humbly defer recognition, their involvement in many sporting and recreational activities as volunteer co-ordinators and coaches deserves acknowledgement. Connie has actively contributed in a number of sports organizations, including the Lac du Bonnet Blues Hockey Club, figure skating club, ringette association, curling club and water ski club among many others, while Curtis has volunteered as a hockey and ringette coach for more than 11 years.

In addition to their commitment to community sports, their fundraising efforts for two families in need have touched the hearts of many.

When Raquel Godin contracted meningitis in 2001 and was fighting for her life, the Dancys helped organize a fundraising event bringing in local musicians and others, including Gary "Big Daddy" MacLean and Burton Cummings.

In assistance to another member of the community suffering from Alagille's Syndrome, the Dancys' fundraising brought in \$75,000.

I know that the Dancys are deserving of this honourable award as they were strongly supported by council in the Rural Municipality of Lac du Bonnet and by many others through letters of support in the nomination process.

Today, I would like to congratulate the Dancys on their award and thank them for their unwavering commitment throughout the years to the well-being of many in the Lac du Bonnet community.

### **Northern Buffalo Sculpture Gallery**

**Mr. Gerard Jennissen (Flin Flon):** An impressive new art gallery has just opened in the village of Cranberry Portage at the corner of Highway 10 and



Portage Road, right in the heart of Cranberry Portage. The Northern Buffalo Sculpture Gallery is the first Aboriginal-owned and operated art gallery in northern Manitoba.

Distinguished sculptor Irvin Head has opened this art gallery to feature the works of northern Manitoba's Aboriginal artists. He hopes that the gallery will also provide a focal point for artists and art lovers to gather and connect. The gallery has been open for about a week and the grand opening will be June 29.

At any one time the gallery will have works from many artists. Currently, as you enter the bright and airy gallery space, one is struck by the huge painting of a buffalo by Jeff Monias. There are many soapstone carvings by sculptor Irvin Head, including the award-winning sculpture "Grandmother's Path." There are also carvings and charcoal sketches by Keith Campbell. There are also acrylics on canvas by Theo Head, Kirt Flett, Alan Chapman and Ernie Scoles. I am sure that other famous northern artists such as painter James Morin will be featured in the coming months.

The gallery hopes to showcase and encourage young artists by giving them a place to exhibit their work and learn from established artists. Irvin also plans to offer workshops to teach carving, painting and other artistic skills.

I am proud to note the gallery has received support from the Manitoba Community Economic Development Fund's TEAM program as well as from Manitoba Aboriginal and Northern Affairs Aboriginal business program.

Mr. Speaker, it is wonderful to see the opening of such an innovative and interesting gallery. Congratulations to Irvin Head and all the great artists from northern Manitoba who will be showcasing top quality art in this new Northern Buffalo Sculpture Art Gallery.

### **Flood Compensation**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak about the importance of democracy to this Chamber. It, of course, is the foundation of our society and of our Legislature and checks and balances to our democracy are clearly very, very important.

It is in this context that when we are talking about issues like compensation for individuals, the ability of individuals to challenge and work with government to make sure that things are done fairly, that individuals who have to deal with government in such matters need to have the right of judicial appeal.

Clearly, the past experience in this regard has been very clear, that when it comes to compensation in relation to flooding there are some very complex issues of what are natural water levels, of the precise efforts made by individuals to protect their property and so on and so forth. The putting in place of a disaster assistance appeal board is not a satisfactory solution because of the nature of the political appointees who will tend to defend the government's position, rather than to make sure that there should be and is as fair a process as possible and that there is an adequate appeal to the judicial court when necessary.

### **GRIEVANCES**

**Mr. Speaker:** Order. The honourable Member for Inkster, on a grievance.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, one could say it is as a grievance. You always have to be careful, I guess, when you are in the midst of negotiations. At times things can become somewhat heated. I want to be able to respect the fact that we have to be very careful when we get close to the possibility of sessions winding up but, you know, the other day I did get an opportunity to sit down with a couple of individuals that I have respect for, a member of the government and a civil servant.

I talked about what was important to me as a politician, Mr. Speaker. What it is I, as a Liberal, independent, want to be able to achieve over the next few years. I guess what I would like is to be able to appeal to the individuals inside this Chamber and ask them to recognize the importance of fairness and the importance of this Chamber and the role that this Chamber plays in the whole democratic process.

If you were to ask me what it is that I would like to be able to achieve over the next few years, we all set goals, each MLA sets goals, Mr. Speaker. I have a few of those goals and I would like to share my goals that I have for my constituents and, indeed, the province with members of this Chamber.

One of the important goals for me is in regard to immigration. I truly believe that immigration is the future of our province. I plan on investing a tremendous amount of effort and resources in the area of immigration because I passionately feel that that is something that I would like to be known for, Mr. Speaker, is the effort that I am going to be putting into that issue which is so important to me. I would like to think that it is important to members of all different political parties, but it is important to me in the sense that that is one of my top three issues.

\* (14:40)

Mr. Speaker, the second issue is the issue of accountability on things such as health care, because I recognize the importance of health care, issues like crime and safety, in particular, in our communities.

The third issue, and this is really where I am going to rely on what I would classify as democrats, or people that support democracy inside this Chamber. This is the one where I believe people really need to focus some attention and maybe step out of the political party box.

I have been, as members here all are, in political parties. We all have party responsibilities and obligations, and so forth. I will argue that more important than party responsibilities is our responsibilities to be democrats, to promote democracy inside our province.

I have a great deal of respect for history inside this province and how this Chamber used to proceed. There have been some areas in which it is really encouraging. I am very glad, for one, as an example, that the Speaker today is elected as opposed to appointed. I see that as a very progressive, proactive approach. Manitoba is better for that.

I want to talk about when I was first elected back in 1988. In 1988, you know, we had 240 hours of Estimates. In those 240 hours of Estimates, members and critics were provided the opportunity to ask all the questions that they wanted to be able to ask. Once we got close to the end of that 240 hours, we still found that it was a little bit tight in terms of everyone getting to ask the questions that they were wanting to be able to ask.

I can remember seeing government members asking questions of government ministers. Then we

would go into the concurrence. Concurrence was an endless, endless time for debate. MLAs of whatever political stripe could in fact stand in their place and ask questions endlessly, as long as they felt that it was in the best interests of this Chamber.

Then I could talk about private members' hour. In private members' hour, all private members' bills were in fact being debated. You know, it would go through the cycle. If people wanted their private members' bills debated, they were debated. It did not matter the size of a particular caucus or a collective group inside the Chamber, there was a debate on that.

There are other examples that I could talk about in terms of the direction that this Chamber has been moving towards. I would suggest to you that as a member of opposition when Mr. Filmon was the Premier, much like many of the New Democrats were back then, I did not like a lot of the things that they did not do, but there are some things that Mr. Filmon did do.

He acknowledged the importance of the Legislature and the Chamber and the types of things, the forum the Chamber provided. We had sessions that lasted over a hundred days in any given year. I think we might have gone less than eighty days maybe once, possibly twice, but we had years that went over a hundred days.

There has been a general move of the government to try to become efficient. There were agreements in the past, Mr. Speaker, in regard to how this Chamber could become more efficient. Well, in the name of becoming more efficient, I will argue what we have seen is a Chamber that is not as democratic as it was before.

For some MLAs, that might not necessarily be as an important issue as it is for others, but I truly believe that it is a step backward. The agreement that was agreed to, we could have sat at the beginning of February. The government had the ability to call us back in February. They had a choice to do that. The government has a choice to call us in September. All of that is operating from within the rules.

We are not saying, even though there might be certain aspects, in particular, myself specifically, might disagree with within the rules, but the way in which things are being manipulated, I have never

experienced in my 11 and 12 years in being in opposition prior between '88 and '99.

I am not prepared to go on my knees to get everything that we believe that we are entitled to. I am appealing to members, and those members know who they are, to speak up in their respective caucuses. If you believe in a sense of fairness, you have to acknowledge that the role of this Chamber needs to prevail over party politics.

This is not a flash issue for me. This is going to be an issue over the next few years. I feel very passionately about it. People will say, "Are you filibustering?" You know, I was here when I saw Jay Cowan pace right behind my seat for hours on end. Every speech inside this Chamber has a purpose. For people to impute motives, I believe, is wrong.

It is morally unethical for someone to try to say to me that I am filibustering, Mr. Speaker. I am doing what I believe personally is right and correct. I would challenge any member that would like to take issue with that and take them out to any collective group of people. People have to be careful with the types of concerns that they raise.

I had the issue brought to me, well, what can we do, what can we do here? What I have seen is a reduction of the abilities of independents, not just Liberal independents, I am talking about New Democratic backbenchers and Conservatives. There has been a reduction of opportunities to be able to fully participate inside this Chamber.

That is the reality of it. You can take your party biases and do what you want with them. I can give you some suggestions on that issue if you like. This is an issue of democracy. There are opportunities that can go a long way in trying to rectify some of those issues. All I am asking for is that people be open to it.

That is all I am suggesting. Do not misconstrue. Do not buy what your House leaders might be telling you, because what they might be telling you might not be the whole story. Choose and believe whatever it is that you want. Quite frankly, I know, because I have had members of both caucuses approach me and talk to me about issues of this nature, and I respect that.

I am hoping that common sense will prevail on what is important in terms of the legislative procedures of this Chamber. The flexibility is in fact there, but I do not and I will not lie down and be walked upon or be expected to beg for privileges that each and every one, each and every other 54 members of this Chamber currently have. It is not right. It is not fair. It is not just.

I should be able to have some of the basic rights that MLAs inside this Chamber have. I could talk, you know, there was a committee meeting in which I had indicated that I had further questions on. The government and others made a mockery of it, saying, "Well, we called another meeting of it. You were told about it. It was bulletined."

If people only knew the truth in regard to that. We had no idea. I had no idea that that meeting was there, but to say and to make light of that issue I believe does a disservice to the rights of each and every one of us. Times will change.

\* (14:50)

I was in LAMC at a time in which the New Democrats were the third party. When the New Democrats came to us in LAMC, because they only had one spot, I was part of the negotiations that gave them the generosity of the taxpayers' resources that allowed them to do the things that they needed to do. I did it not because I was a Liberal, because I believed in fairness, and I saw that democracy dictated they be given the resources that they were given.

All we are asking for is to have the respect. I realize that by standing up and using my grievance on this issue, certain members, in fact maybe more members than I think, could get quite upset with it. I would leave it on this note.

As I have indicated I believe all MLAs set both short-term and long-term goals. The operation of this Chamber is one of my goals over the next few years. It is something which I do not take for granted, and is something in which I plan to invest a great deal of energy trying to do what I can to make this Chamber a better place for all members. In particular, for myself, so I can better represent my constituents, and for the Leader of the Manitoba Liberal Party.

At no point in time have I ever asked for anything more than what other legislatures have done in Canada for individuals who are in the same situation that we are in. That is not going to change. If things become somewhat heated up and government needs to try to put some sort of a spin on that, that is fine. That is fair game. I can assure all members that I will not take it personally amongst individuals. We are in a political Chamber. There are going to be heated discussions and I am going to participate fully in those discussions. I give my assurance that I will not be holding grudges and personalities as we go through what could be an interesting time.

**Mr. Speaker:** Grievances. The honourable Member for River Heights, on a grievance?

**Hon. Jon Gerrard (River Heights):** Yes, Mr. Speaker. I rise to speak on a grievance, and my grievance concerns the anti-democratic approach being employed by the present NDP government. To put my concerns in context, I will refer to what was, essentially, a framework agreement, I believe put together in late 2002, which dealt with the operation of our Legislative Assembly. This agreement, as we know, was historic, and it involved some important changes which would allow for improved operation and functioning of the Legislative Assembly.

One of the central components, as we are aware, was the recognition that it was reasonable to reduce the hours provided for Estimates from 250 down to 100. One of the important reasons for considering the change was that this change in reducing the hours for Estimates would allow for more time for due and careful consideration of the bills that are important and before this Assembly. It was recognized by all parties that certain practices as they evolved in our Legislature were far from satisfactory.

For example, it was very clear that holding committee meetings after midnight was not good practice. Both legislators and presenters were tired and the quality of the attention given to the important points being raised was less than it should have been.

As a second example, it has been clear for some time that the very rapid passage of large amounts of legislation at the very end of a legislative session was far from optimal in the attention given to each individual bill.

A major reason for reaching an agreement to reduce the Estimate time down to 100 hours was to allow for the time to carefully consider each bill and the time for committee meetings to be held in ways that we would not have to sit beyond midnight. These are changes which we felt were reasonable. At the time that the new framework for activities within the Legislature was agreed to, consideration was given, at the same time, for better planning for the legislative calendar. It was agreed to hold legislative sessions between the beginning of February and the middle of June, and between early September and early December. Within the time frame agreed to, there was ample time for bills to be carefully considered. Because there was, for the first time, agreement on when the legislative session should end, the government was provided the ability to bring in closure to debate. This was a historic change to the Legislature and allowed for closure. There were certain safeguards put in place to ensure that closure could not be used to unduly quash or curtail debate, that there would be adequate opportunity for people to speak, and so on.

It was very clear to us on this side of the House that the government would have to plan better if it wanted to make sure that its legislation got through by the middle of June, or whenever. Now, as we near June 10 when the present legislative session will recess for the summer, all of a sudden we are presented with a very draconian proposal to ram through a whole lot of bills very quickly, without being assured there will be considered debate and discussion of these proposals. It is this we are so much against. We want to continue to debate these. We believe there is not a problem in recessing on June 10 and continuing the discussion and debate of these bills in September and October if necessary.

What needs to be done is not to say all these bills must go through by a certain time. We want to adhere to the traditions of the debate and time limits, and so on, and make sure members of the Legislature have adequate opportunity to speak, citizens have adequate opportunity to present to committees, and the legislation which comes through the Chamber has been carefully considered so, where there are needs for amendments or changes as a result of the debate and discussion, that can occur.

What we are concerned about here is that, all of a sudden, we are presented with proposals which would say this must get done by this period of time,

all the government bills designated must be rammed through by a certain period of time. This was not part of the agreement. The agreement is that the government has the ability to handle the legislation. The government has the ability to bring in closure under certain rules, but we have certain time periods that go from second reading to committee stage, to report stage, to third reading. What we are talking about here is that we would like to make sure things can be discussed. That is our concern here, and we just want to make sure there will be adequate discussion and debate and we will not be constrained in terms of the time and there will be an opportunity when bills are not completed to recess and re-discuss and complete the work of the Chamber in September if necessary. Thank you.

\* (15:00)

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

#### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please canvass the House to see if there is leave to deal with bills in the House and concurrence in Room 255, without quorum or vote in the committee only?

**Mr. Speaker:** Is there a unanimous consent in the Chamber to deal with bills, and in Room 255 in the committee to deal with concurrence, and that there be no votes or a quorum count in the committee? Is there agreement?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** No. There is no agreement.

#### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, Mr. Speaker, I rise on a point of order.

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

**Mr. Speaker:** Order.

**Mr. Derkach:** Mr. Speaker, what we have just seen in this House is something that I cannot really fathom or believe. The two independent members who want to be recognized as a Liberal Party officially have just stood up on a grievance, and have asked that they need more time to debate and to discuss issues.

The House Leader and myself have agreed that in order to give members adequate time in concurrence, adequate time in debating bills, that we would put this Assembly to work. We have two rooms, 254 and 255, that are sitting vacant right now that can be used for debate on concurrence issues.

As an opposition party, we have done everything possible to accommodate the two independent members. We have gone way overboard in terms of what is normally given to independent members, recognizing that they do represent a political party.

In addition to that, we have agreed that on Friday there could be an extra session for the two independent members to deal with concurrence, a special session just for the two independent members where we would call ministers of the Crown forward, whomever they wanted to call. The opposition would then not call its own critics forward to ensure that this was a special session that was acceded to by the Government House Leader and myself to accommodate the two independent members.

In addition to that, these two independent members have an opportunity to pose questions in concurrence even when regular concurrence is on. Which means this afternoon, if they had allowed for concurrence to carry on at the same time debate on bills is going on, they would have had an opportunity to go back and forth.

I told the representative of those two independent members that if they wanted to ask questions on a particular bill or on a particular minister in concurrence, we would either hold that bill until such time they were finished asking their questions in concurrence, they could then return to the House, and we would call that bill forward at that time so they would have opportunity to speak on that bill.

I told the independent member that personally. Now how much more accommodation do these two

individuals want from 57 members in this House? I think they are embarrassing themselves.

Additionally, we agreed in the agreement that they just grieved, which they had full opportunity to veto. We agreed to their assertions that they should not have a question every day and that on Mondays and Tuesdays, they should have the opportunity to have both members stand up and ask questions.

This is unprecedented, Mr. Speaker. This is unprecedented for two independent members of the House. The government could very easily have said, "All right, if that's what they want, we're going to stand up on three questions by virtue of the number of members we have got in our House." But in all of these matters there has to be a co-operative effort for us to work together to see to it that the business of the House is done.

As the Opposition House Leader, Mr. Speaker, my motivation here is to ensure that the work of the people of Manitoba is done, not that we waste time here. I mean, we had every Wednesday to debate bills. Where were the Liberals, or the two independent members? Those seats oftentimes, and I should not reflect on this, were vacant when we were debating bills.

Now, Mr. Speaker, this is a serious matter, a point of order, because I think these two independent members have abused their privileges in this House. I think these two members have abused the powers that they have taken unto themselves as two independent members in this Legislature. We all have rights, we all have privileges, but at the end of the day there has to be a co-operative effort to get the business of the people of Manitoba done.

If the two independent members do not like a particular agreement in how we proceed with the business of this House, then raise it at the time. Object to it. Do not agree to it, and then stand up on another occasion and say, whoa, but look at how unfair and how undemocratic this is, because it reflects on every member in this House and on you as well.

Manitobans have no appetite for that kind of thing, Mr. Speaker. The appetite of Manitobans is to make sure that the business of this House and the business of the people is done.

As an opposition party, we do not agree with everything the government brings forward, but we understand that there is a process in place, that that process has been given to all Manitobans. It is public information, and people know that there is a schedule here like there is in other legislatures that we are trying to accommodate and trying to deal with, Mr. Speaker.

I regret that the two independent members today will not allow this Legislature to continue to do its business by having a session in concurrence in one of the empty rooms in this Legislature at the same time having bills being conducted here in this House. Thank you.

**Mr. Speaker:** Order. It is very clear to me on the point of order raised that it really is not a point of order, but to be fair what I am going to do is I am going to hear, if they wish, one member from the government side and one of the independent members. Just to be fair.

**Mr. Kevin Lamoureux (Inkster):** Yes, thank you, Mr. Speaker, and I appreciate your comments. In listening to the Opposition House Leader (Mr. Derkach) one could ultimately carry the argument that, in order to accommodate the government, there is no reason why we could not have both committee rooms going and this Chamber going whenever in fact this Chamber is sitting. This way we would be able to expedite the business of the House. You know, ultimately, if we so chose, we could sit 20 days in any given year, and if the government is able to have simultaneous meetings, what the Official Opposition House Leader has put on the record could be read back to him.

We have rules. The two independent members are not asking to violate one rule. We are asking to respect the rules of the Chamber and to respect the right of each individual member who wants to follow the rules. We should not be blackmailed or have it implied that we are bad people because we want to respect the rules. Everyone in this Chamber knows Elijah Harper. Elijah Harper sat in his seat right beside me on the Meech Lake ordeal and said no, and people who were in absolute opposition to what Elijah Harper was doing still respected his ability to be able to say no to our changing the rules. I did not hear people standing up at that time, yelling at the member or suggesting to the member or imputing

motives of the member. Elijah Harper felt passionate about an issue, and we did not criticize him for that.

Now, this is not a constitutional debate that we are in, but it still is about members' rights, Mr. Speaker. If I listened, and I listened attentively to what the Opposition House Leader was saying, the Opposition House Leader, in essence, is saying what is in the best interests of the public. He has determined the best interests of the public would be if we would allow for other meetings outside of this Chamber to take place. I do not buy that today, for good reason. The government can come back in September. It could have called us back in February. There are all sorts of rationale.

Everything that we are talking about, we are talking strictly about the rules and procedures of this Chamber. All I want to do is to follow the rules of the Chamber and stay out of the personalities of it and do what I believe is right. I am not trying to rule 55 or 54 other MLAs inside the Chamber. I am trying to do the best job that I can in ensuring that I am representing my constituents, to a certain degree my party, and respecting the rules.

If I was in violation of the rules, it would be different. You have two sides, which have the party status, have come to an agreement on something, a possible agreement. I have not talked about the details of the agreement. You might be able to defer some of the things by what I have said, but that does not necessarily mean that we should have to agree to it. We are entitled to our own opinion. We should be able to stand up for our own opinion and not have to be ridiculed for doing that.

I respect the opportunity to be able to say that. With those few words, we would look forward to the Government House Leader adding comment or suggesting our next approach. Maybe before I conclude, if it would assist, we are still prepared to be co-operative. If it would help, maybe we can take a five-minute recess and see what we might be able to do, because I want to be sensitive to what the Opposition House Leader is saying. Maybe we can come up with some sort of a compromise if we take a five-minute recess.

\*(15:10)

**Mr. Speaker:** The honourable Government House Leader, on the same point of order?

**Hon. Gord Mackintosh (Government House Leader):** I am extremely reluctant to get up and speak, because I think that it sickens the public when they hear that members in this Legislature are using valuable time talking about how to get business done, instead of getting business done. That is the job of House leaders, in the offices of this building, to work things out and, hopefully, to work towards a solution, not to see under Grievances matters that are under discussion by the House leaders.

It is unprecedented being raised as a grievance. Outrageous. What does that do for trust and the ability to communicate and talk openly with the other members of this House to make sure that the public's work is done in a way that makes good use of our time but allows for debate and discussion and adequate conclusions and questions being put?

This is a dark day in this House. I regret not only that they would raise matters that are under discussion by the House leaders, but that they would add an element—and I will not even go there, because I will not disclose it, but I am very regretful that they would add, unethically in my view, an issue to the debate that has nothing to do with the scheduling of this House but has to do with their own incomes and their own status in this House. I find it a very regretful day.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, I have to rule he does not have a point of order. I would say it is a dispute over the facts.

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please canvass the House to see if there is leave to deal with the bills, and not see the clock at 5:30 p.m. until 10 p.m.?

**Mr. Speaker:** Is there leave of the House to deal with the bills and to not see the clock at 5:30 p.m., and to sit until 10 p.m.?

**An Honourable Member:** No.

**Mr. Speaker:** No, there is no agreement.

**Mr. Mackintosh:** Mr. Speaker, it is unfortunate that there is a member or two that do not want to make good use of our time here today.

Would you please call debate on second readings in the order that the bills appear on the Order Paper.

### DEBATE ON SECOND READINGS

#### Bill 10—The Gaming Control Amendment Act

**Mr. Speaker:** Resume debate on second readings, Bill 10, The Gaming Control Amendment Act, standing in the name of the honourable Member for Carman (Mr. Rocan).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Carman? *[Agreed]*

Any members wish to speak on the bill? Okay. When this matter is again before the House, Bill 10 will remain standing in the name of the honourable Member for Carman.

#### Bill 19—The Public Schools Amendment Act

**Mr. Speaker:** Bill 19, The Public Schools Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No. Okay. Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 19, The Public Schools Amendment Act.

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

#### Bill 22—The Water Protection Act

**Mr. Speaker:** Bill 22, The Water Protection Act, standing in the name of the honourable Member for Southdale (Mr. Reimer).

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

**An Honourable Member:** No.

**Mr. Speaker:** No. Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading on Bill 22, The Water Protection Act.

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

#### Bill 23—The Red River Floodway Act

**Mr. Speaker:** Bill 23, The Red River Floodway Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No?

**Hon. Jon Gerrard (River Heights):** I rise to state our position with respect to Bill 23, The Red River Floodway Act. First of all, I want to make it very clear that we as Liberals support flood protection for Winnipeg. Moreover, we support the expansion of the floodway as the best option based on the work done to date. This being said, we see that there are, indeed, a number of steps that are critical before the construction begins.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

First, I think we would say, and most would agree, that it is very important that full and adequate environmental hearings occur. Under the Canadian Environmental Assessment Act these hearings must, by law, look not only at the potential environmental effects of the floodway, but also the need for and alternatives to the floodway. Thus, those who have alternative ideas will have an opportunity to come forward with those ideas so that they can be looked at and evaluated one last time.

Second, we see that it is vital that there be an adequate and appropriate compensation plan for the floodway. That, of course, is what this bill is about.



Indeed, we welcome the development of a statutory approach to ensure that there is compensation, but I have some concerns about this. I will be talking about these shortly.

Thirdly, as we have said before, we are opposed to forced unionization and we are pleased that there has been some movement on this. We also see it as important that the operating procedures for the floodway be clarified, and that when last-minute changes to the operating procedures occur there is a reflection in the compensation legislation which will ensure compensation for damages which occur because of the manner of the operation of the floodway.

As one example, for too long the province has indicated it will not provide compensation from flooding for those north of Selkirk because of the operation of the floodway. Rather than having a government which has the view, as the NDP does, that it is their way or the highway, it is time to have a fair and independent approach to compensation which does not rely entirely on political hacks appointed to the Disaster Assistance Appeal Board, who will tend to support the government's position rather than take a fair and independent approach.

Let me discuss certain aspects of Bill 23. It is very important that those who are adversely affected by the floodway and the manner in which it is operated are reasonably compensated. That is the price that we in Winnipeg are prepared to pay for the protection that we receive from the floodway, and we should be ready to pay this willingly.

Mr. Deputy Speaker, I have spent many hours with residents who present credible evidence that they have been adversely affected by the manner of operation of the floodway. Almost without exception, the individuals I have talked to have spent a lot of time in their efforts to understand the reasons their homes were flooded. It was their home after all that was affected. Most of us, I believe, have a pretty strong attachment to our homes and our possessions which we have gathered over a lifetime. It is for this reason, I believe, that those who were adversely affected have gone to great lengths to study the flow of the Red River and the operation of the floodway.

I also want to say that it has become very clear to me that the government and the representatives of government have not always been in the right. There

have been serious mistakes made by government at various times in the past, and in this respect it is very important that whatever compensation program is set up has a mechanism for judicial appeal or something that is very close to that.

\* (15:20)

Let me mention four examples. The first example is from the flood of 1997. In preparation for the flood, the family of which I speak had built an extensive dike and the height of the dike had been set after consultation with staff of the Department of Natural Resources. The height of the dike should have been adequate to protect their home from the flood, but as the water kept coming higher and higher up the dike, the family called in to the government to check. Initially, they were told they were fine. There would be no problem. The dike was plenty high enough.

Two days later, with the water continuing to rise higher and higher up the dike the family called once more. This time the reply was different. The government representative said, "Oh, my God. We have made a mistake. You have to evacuate. You have to do this immediately in about a half an hour." Mr. Deputy Speaker, they were evacuated in the middle of the night. The caller from the government had indicated that the government had made a mistake and their original measurements provided had been wrong, with the result that the dike was not as high as they had thought.

The family had a very short period to fully evacuate their home, a home that they fully believed up to that point was adequately and appropriately protected because of the government's advice with respect to the height of the dike that they had built.

This was a clear example of a mistake made by representatives of the government which led to a disaster for this family. Citizens need to have adequate resource to protection from errors made by government representatives, as this one was, and this includes legal recourse. So I am quite concerned about the measures in this bill which will limit the legal recourse.

In the above case, it was the ability to take recourse to legal action that eventually facilitated, after quite a number of years, a final settlement and a recognition that Manitobans were adversely affected

in 1997 as the result of artificial flooding due to the operation of the floodway.

The second example comes from Mr. Jim Shapiro. Mr. Shapiro and his wife live just south of the floodway entrance in a region that has been flooded on more than one occasion. He has lived there for many years. We have discussed his situation together at some length. Mr. Shapiro makes a convincing case that, for his situation, the most cost-effective strategy for a flood is not to sandbag but to move his possessions away if this flood threatens his home and to repair his home on his return.

He makes a good case and argues persuasively, based on experience with several floods, that for his situation, and this likely will apply to some others, sandbagging is not an effective strategy and that Bill 23 needs to be clear in ensuring that compensation does not depend on whether or not individuals have sandbagged when they have a valid plan of action to respond to the flood.

He argues, and I think it is reasonable, that it makes sense for individuals who are living in an area that could be threatened by a flood to have a plan if a flood should occur and that the Floodway Authority should have the ability to give prior approvals to such plans which are part of the process of becoming eligible for compensation for those living in flood prone areas. I point this out as part of an effort to ensure that the compensation plan has the appropriate flexibility to allow such plans and to provide for compensation for those individuals who are found in Mr. Shapiro's circumstances.

Let me give a third example. This is from a Mr. Gallagher, who lives south of the floodway in a region near where the Seine River Diversion flows into the floodway through a drop structure. He came to me with the observation that the water level at the entry into the floodway was such that there could easily be backflow from the floodway at high water into the Seine River Diversion channel. The result could easily be the artificial flooding of people in the adjacent area. This outlet was constructed since the 1997 flood and has not yet been fully tested at that flood level. I mention this to indicate that even new installations constructed very recently may have unexpected effects, side effects or results and that compensation legislation needs to be able to

accommodate unexpected effects of changes to the floodway.

The fourth example I have is from north of the floodway, indeed north of Selkirk. On April 5th of this year I visited the home of Mr. Allan and his wife. The water level in the Red River rose fast. The ice jammed severely with a timing which was just 12 to 18 hours after the floodway was opened.

Mr. Allan made the case to me, and it is a good case, that the flow through the floodway which resulted from the opening of the floodway came at just a critical time to exacerbate the ice jam and exacerbate the extent of the flooding. I have heard this case made in an even more compelling fashion by others. The Premier has indicated in this legislature that he is sceptical. He was certainly not agreeing with me when I mentioned this in my response to the Minister of Water Stewardship's statement a number of days ago.

But I took the time to visit with the man who is called the "mayor" of Breezy Point, Mr. John Shachtay, and with a local farmer, Mr. Duncan McIvor. Mr. McIvor indicated that he and his family have lived at the location where his farm is now since approximately 1849. They have not before this felt threatened by the Red River in the way that they were this year. There are those in government who are convinced that the operation of the floodway has no effect on the ice jams and the water level north of Selkirk. But representatives of the government have been wrong before. I for one continue to be sceptical of the government's position on this.

My point in telling these stories is to indicate that the government does not have a monopoly on truth. We need to have a bill which allows for citizens to take their position to a fair, independent judicial court if necessary. To eliminate the possibility of judicial review is, in our view, anti-democratic in the worst way. We see the NDP government, in putting forward this legislation, as being both dictatorial and anti-democratic. We believe this legislation, as currently designed, with the judicial appeal eliminated, is wrongheaded. We will oppose this legislation for this reason.

Mr. Deputy Speaker, the NDP government is making a big mistake in removing normal, democratic judicial review processes.

*Mr. Speaker in the Chair*

The potential for such judicial review is a cornerstone of democracy. It is particularly important that there be such a process of review in the case of compensation for the effects of the operation of the floodway. This is a very important safeguard to protect citizens against the power of the government. It is vital in our view, given the history of mistakes in relation to the floodway in the past, mistakes made by government, that judicial review processes be maintained.

The government has proposed that there be an appeal solely to the disaster appeal board, but the problem here is that this is set up by government appointees, and we now have previous history of boards where there are appointees and the willingness of appointees in a number of circumstances to defend and stand up for the government instead of standing up for individual citizens. I suggest that this is not good enough.

The cases that are likely to be under discussion, given the nature of this legislation, will have difficult discussions and decisions to make with regard to what is artificial flooding. This is an aspect which is quite considerably debated back and forth, and, if interpreted as it might be all too easily by an appeal board on the government side as opposed to the citizen side, then we certainly could, very easily, have a circumstance in which we do not have a fair decision. That is one of the reasons we are opposed to this legislation.

\* (15:30)

There could easily be some sort of framework for arbitration for small and moderate size claims. Clearly, independent arbitration processes which are acceptable to both sides in the dispute might be one possibility. But I think it is very important that we do not move away completely from the ability for a judicial review.

I would like to talk briefly about certain other aspects of this bill and about the floodway. We are in the process now of having an environmental review. I want to talk about that environmental review and in particular a certain aspect of it that may relate to this issue of compensation.

To be well informed on the issues of the environmental review process and the present federal legislation as well as provincial legislation, I have attended various meetings where the nature of the legislation and its requirements have been carefully discussed. What is very clear is that the government had the option under federal legislation to proceed either with a screening-level review or with a panel review on the environmental aspects. The review chosen by the Doer government is a screening-level review rather than a full panel review.

It is our view and one that I have spoken on previously that the nature of the floodway project would have been far better served through a joint federal-provincial panel review. The floodway project is a major, high-level project for both governments and it should have the high-level review that it deserves. The present NDP government has decided to use a lower-level review, a screening-level review.

We as Liberals believe that a higher level panel review is more appropriate and we believe this for the following reasons.

First. A joint federal-provincial panel would show good partnership between the provincial and federal governments. The expansion of the floodway is to be jointly funded, and it would make sense for the environmental concerns to be jointly reviewed.

Second. Joint federal-provincial panels have proven to be an effective co-operative approach when used by other provinces in conducting environmental reviews. Indeed, I understand that in Alberta they now move all such projects to joint federal-provincial panels for a variety of reasons. But they clearly see the benefits not only in co-operation but in making sure that all aspects are adequately attended to and through this, in this way, also minimize some of the potential complications and particular legal complications.

Third. Calling a joint federal-provincial panel will generate greater respect and buy-in from those with environmental concerns, irrespective of whether the actual review is better than a provincial-only review, because it will be viewed as having a broader base and be less subject to arbitrary intervention by politicians.

Fourth. The Canadian Environmental Assessment Act indicates an enhanced level of federal overview when there is a possibility of significant environmental effects which need to be mitigated. Thus, if the environmental side effects are insignificant, then there is no need for concern for the provincial only review. But the expansion of the Red River Floodway is a major project. If there are major environmental side effects from the construction or operation of the expanded floodway, and there are certainly citizens who are concerned about the potential for such side effects, and if there is not a federal-provincial or federal panel, then there is the potential for costly legal or court delays and the possibility of a court-imposed order to have a federal-provincial panel or a federal panel to deal with the significant environmental effects and their mitigation.

Fifth. The expansion of the floodway, this is my fifth point, does have the potential for significant environmental concerns related to its construction and the operation of the floodway, which accompanies the completed, expanded floodway. In this respect there are a number of important questions to ask. Could the operation of the floodway lead under some circumstances to additional flooding of homes, as it may have done in 1997? Will the deepening of the floodway, although not as much as was discussed at one point, cause significant problems with the water table, as occurred when the original floodway was built? Are there some potential pollution issues from the draining of a sewage lagoon into the floodway?

If the answer to any of these questions is yes, they could represent significant environmental concerns which do need to be mitigated and which could in the final analysis result in the need for a full federal or federal-provincial panel. In our view, it would have been smart to have had a federal-provincial panel to begin with.

We thus see that the Doer government's decision to employ a screening review rather than a panel review could very well be a poor approach in the long run as well as ultimately more costly and take longer. Time will tell which is the wiser approach. We will wait and see.

But certainly some of these environmental issues bring up aspects which are not fully addressed in Bill 23. If there is compensation for problems with wells,

how will this be looked at? Is this fully covered under Bill 23? If there are other environmental problems which are not necessarily foreseen at the moment, will these be considered under Bill 23, and will there be adequate compensation? There remain clearly a number of uncertainties which remain to be addressed.

I want to talk briefly, as I come to a close, about certain aspects of the operation of the floodway. I expect we will hear from presenters at the committee stage with respect to aspects of the floodway operation and how we need to ensure that untoward effects of the floodway operation for the benefit of many is not at the expense of a few who are treated poorly and not appropriately compensated.

I have listened to a variety of discussions and at considerable length in relation to the potential for flooding north and south of the floodway, depending on how it is operated. I suspect even some of the best engineers in the world may not fully predict precisely what will happen during a 1-in-700-year flood. We need to have, during the environmental hearings, the opportunity for careful consideration of what would happen in a 1-in-700-year flood. We need to be sure that in our flag plans for the floodway expansion we are not neglecting options for the floodway which might be better variations than what are proposed in the present design.

I would therefore argue that it is important for the provincial government to undertake a broader initiative to hold back water in the upper reaches of the tributaries of the Red River, as is now being done, for example, along South Tobacco Creek. The impact of holding water back in the upper tributaries will clearly never be sufficient to eliminate the need for expansion of the floodway, but it can help lessen the full height of the flood crest and help us to deal better with floods with less risk to people and with less flooding when there might not need to be.

\*(15:40)

We need to recognize that one of the predictions of models of global warming is increased wet weather in the spring in southern Manitoba and northern North Dakota and Minnesota. If the predictions of the effects of global warming are correct, it is important to take all reasonable measures to reduce the risk of flooding, and this

should be done as quickly as possible, taking into account all these considerations.

Mr. Speaker, I will now bring my remarks to a close. I want to make it very clear that we as Liberals oppose this bill because we see it as anti-democratic. We see that it takes away the rights of citizens to have legal recourse through a court of law if they have not been treated fairly by government and we believe very strongly that there needs to be in place good checks and balances if our system of democracy is going to work well. Thank you.

**Mr. Kevin Lamoureux (Inkster):** I, too, wanted to be able to express some thoughts in regard to Bill 23. Mr. Speaker, it is a bill in which, as the Leader of the Liberal Party has talked about and articulated on and, I thought, quite well by using a number of different examples of individuals that were affected directly from previous floods, the type of a situation, if this bill were to become law that we would be putting these people into.

Mr. Speaker, I know myself, as I suspect others inside this Chamber, have had discussions with people that have had homes unfortunately flooded. Sometimes it happens indirectly because of actions that government takes and the floodway was built for a reason and I want to spend some time talking about that.

But, before I do that, Mr. Speaker, it is an issue in which the member from River Heights raised in Question Period earlier today. The concern is very real and it is very genuine in the sense that what we are hoping for is the government to recognize a major, major deficiency within the legislation.

We truly believe, whether it is a judicial appeal or something that closely resembles that, something that is truly independent in its nature be allowed to be put into place so that we do not see the potential of biased decisions being made from whatever appeal board is put into place if this legislation were to pass.

So, when the Member for River Heights (Mr. Gerrard) asks the question today in terms of that democratic deficit in regard to this specific issue, it was disheartening to see the Minister of Water Stewardship (Mr. Ashton) in essence just kind of gloss over it and if I had Hansard or a copy of

exactly what the Minister of Water Stewardship said, I would in fact be quoting from that.

But what I believe is there does need to be some sort of an independent, ideally a judicial, appeal mechanism that is indeed more truly independent to give confidence to those individuals that this expansion is going to have effect on, which we need to understand is why it is that we have the floodway. There is a purpose for it and I am sure that people in the province as a whole recognize that today. I know back when the floodway was originally proposed that there was a great deal of opposition to it. There was opposition to the original idea of creating the floodway because of water-related issues to the size of expenditure, and the government of the day had articulated as to why it is they felt it was necessary to be able to construct that floodway.

I have had the opportunity, as I am sure others have, to look at many different types of books that have reflected on past floods in our province. I know for a fact, in looking at some of these books, it is truly amazing how much water was in the city of Winnipeg through the streets. There are a couple of them that really, really stand out. One could talk about the sandbags, just the endless piles of sandbags that were being used as people tried to protect their homes and their businesses, communities, public facilities and so forth. In fact, there was one picture that kind of stood out in my mind of a canoe, a canoe on one of Winnipeg's downtown streets because the water had hit so high.

Winnipeg has experienced floods in the past, much like we have in some rural communities. Along with spring comes a lot of water, a lot of floods and a lot of damage. Winnipeg, year after year, had that threat. Far too often the waters would go over the banks of the Red, in particular, but in addition no doubt in certain parts of the Assiniboine, and it would cause just horrendous misfortune throughout the city. The city being the size and the engine it is for the province, and the impact it was having, it was hard to imagine why it would have taken us so long to, in fact, bring the floodway into existence.

People argued at the time that there is the good of the city of Winnipeg, and how we protect the city of Winnipeg. There were ideas that flowed from that. My understanding was the floodway was not the only idea, that there was a series of things, a series of

ideas that were out there that we felt, or the people at the time felt, would have made the difference and protected homeowners and business owners in the city of Winnipeg and other outlying areas also, in part.

The government of the day would have been the former premier, Duff Roblin, who had the long-term thinking. As I say, I know there were even Liberals at the time that opposed it, but had the long-term vision at the time to say, "Look, we need to take a stand here and to dig the ditch." We all know the ditch quite often is referred to as Duff's Ditch. They also say hindsight is 20-20, and if we reflect on the decisions that were made by then-Premier Duff Roblin, we can see the value in a very real way today as a direct result.

When we think of floods, the water comes and eventually it will go, but it leaves behind just a tremendous amount of devastation. The type of devastation goes far beyond just the social component. There is a very serious economic component to it. If we did not have Duff's Ditch over the last couple of decades or number of years, Winnipeg would have had a lot more damage caused as a direct result without that floodway. So it is saved.

One could guesstimate, I guess, the types of monies that it has saved over the years. I would suggest that it would be well into the billions of dollars and, again, that is just focussing on the economics, the actual dollar value of the cost of the flood.

\*(15:50)

Mr. Speaker, it has saved the emotional mind state of Winnipeggers in so many different ways. When you have a massive flood and you have flooding all over the place, in basements, literally going above ground by three or four feet, the pressure it puts on people is just phenomenal. I have had, as all of us have, opportunity to discuss with people the impact of flooding and the amount of stress it puts on a family when they have to start getting rid of the unwanted water. When that water is gone, they have to deal with the consequences of the flood, the layers of mud, in some cases sewage that rests on the bottom of the floor in basements, in even the first levels, the types of costs that they have to endure as a direct result.

If you have a little bit of water in the basement and you start replacing drywall, it is just a horrendous job, because you have to get all of that moisture out of there, and the mould and so forth. Even a little bit of water can cause a great deal of damage. People who look forward to their summers, as we all do in Manitoba, see this come by and all of sudden their summer is virtually wiped out. It is wiped out because not only did they have to endure the inconvenience of having the water, when the water is long gone, they now have to deal with the construction problems and trying to get their life back to order.

These are the types of rationale, and I suspect if we were to do a Hansard check back then as to why it is that we needed the floodway in the first case, these would have been the types of examples that would have been brought up, the social costs, the economic costs. The last flood in which no doubt all of us were involved, and some of us possibly more than others, would have been the big flood of 1997. In that flood there were individuals who needed to get compensation because of the water diversion into the floodway itself. In essence what this bill is really all about is because we had to divert the water in 1997. Mr. Speaker, it is really touching to see how many people, how many Manitobans and people outside of the province, came in 1997 to help Manitoba deal with the flood of the century.

The heavy construction industry was having commercials where they were not asking if people had a union card in order to help us with that flood. I do not want to talk about the union issue. I will save that for another bill, but it was impressive to see all this heavy machinery, in essence, putting together dikes and lights being lit up. We saw campaigns at the time that were redirected to, as opposed to fighting for the vote, they were fighting to hold back and save communities in Winnipeg and in others, because there happened to be a federal election during the time. Then we had the individual Manitobans who really came to bat, and they came as individuals, they came as groups of interest. There was one group that really impressed me, and that was our schools, our young people. The young people were just phenomenal, Mr. Speaker. They came to bat for Manitoba. They saw the water, and they were tossing those sandbags. You know, I spent time in the Scotia area tossing some sandbags trying to help out the best I can, and I can recall, specifically, when

there was a large group of Sisler High School students that came to participate in building up.

Well, there was a need, and one could ask the question, if the floodway did have more capacity would we have had the same need to have had the volunteers that we had to come to protect those businesses and homes back in 1997? Maybe in good part in the flood of 1997 a lot of the water that did get through could have been avoided if, in fact, we had the floodway in place that is being planned today. That is why we know this floodway will be used. It is only a question of time. We reflect very easily on the 1997 flood but the floodway has been used on a number of occasions over the years since its construction. That is the reason why we know it is going to be used. Yet we see the benefits today of expanding, to go, and I believe it is, that extra couple of feet overall.

I was pleased to hear that. I personally thought it would have to go more than two feet, so when we heard of the two feet, I thought that was relatively good news, positive news, for Manitobans as a whole. There was legislation that has followed, and the legislation that has followed, this being one of them, Mr. Speaker, causes just so much concern. That is why the Leader of the Liberal Party asked the question that he asked today. It is because we have been in contact with people that have had the impact of other floods as a result of the floodway and expressing the concerns that they have.

The government's approach to this, as the legislation indicates, is that, in essence, what we are really talking about is the government is saying, "Well look we know best in terms of how it is that we are going to compensate you and if, in essence, do not at the end of the day like what it is that we are going to give you there is an internal mechanism that they actually appoint and fill." That is not good enough. We need to see that judicial appeal mechanism or something that would really and truly give it that sense of independence.

I know of at least one individual that had a huge impact in having to, I do not even know if it is resolved as of today. There are cases that I suspect are still outstanding but at the very least they know that there is some form of recourse. Yes, it is wonderful for government to acknowledge its responsibility. We see the need for the responsibility. We recognize the need and the government says yes, okay, we too recognize the need and that is why we

are going to guarantee some form of compensation. But where we differ is that we believe that the individual that is being offered the settlement, or a potential settlement, has the ability to have some sense of an independent appeal mechanism and that is, in essence, what it is we are suggesting.

Why would government deny that opportunity? The minister who spoke on this bill in second reading did not talk about the importance of that independent, or the need for a truly independent appeal mechanism. That is why a bill of this nature, I truly believe, possibly we could be doing a service to see this bill ultimately pass out of second reading in hopes that the government will allow for genuine participation. Get some of these people, let people know about the legislation that has had that direct impact, and invite them to participate in the second reading. Most importantly, listen to what Manitobans have to say about this particular bill.

\* (16:00)

If the government would recognize the importance of that judicial appeal, or if I can use the word "quasi-judicial" appeal, he might be able to salvage something here, but in its current status there is a fundamental flaw that is here.

As the Member for River Heights (Mr. Gerrard) just talked about in terms of that democratic deficit, this is one of those pillars that are there. It is interesting, you have the NDP, the D standing for democracy. In my seat, as I am listening to the Minister of Water Stewardship (Mr. Ashton), the words that came to my mind were the socialistic party in looking, you know, this Big Brother attitude. "Trust me, we know what is good for you," is not necessarily the way to go. That is why it caused a great deal of concern as a bill that we have a difficult time in terms of supporting.

That is why I think that it was important that we try to put things into some sort of a context in which people will recognize the value and the importance of our floodway, and more than that to recognize the importance of us taking it the next step, but when we take it the next step I think that we have to ensure that we are following some sort of process that is going to protect the interests of the people of Manitoba.

I do think that there are shortcomings. Those shortcomings do need to be addressed. It is good to

see that the government has acknowledged the need for the expansion. We have a federal government that has also seen the benefits of expanding it. That is most encouraging, that the amount of money, you know, we are talking well over a half-billion dollars is going to be required in order to do this project. That is a great deal of money.

We can imagine in terms of just the size of government, which we know has grown quite a bit over the last few years, but in terms of the amount of money that we spent on an annual basis, some just over about \$7 billion, here we are talking about one project. The numbers will be, we know, somewhere likely between \$600 million and, by the time it is all said and done, I suspect it might even be closer to \$700 million.

I do not know for sure. I think that there are still some things that we need clarity on. Issues of the union dues, as an example, could have a huge impact on the ultimate cost of the floodway, but we have to do due diligence in ensuring that there is a wide variety of stakeholders in issues that need to be looked at when we talk about the expansion of the floodway. The issues that I see that are worthy of debate and discussion in most part I have made reference to, but in short is that of value for the tax dollar in terms of that construction. When I say the value of the tax dollar, I am not just talking about the actual construction. What I am talking about is potential compensation, the amount of dollars that we would have to send out in compensation, or are there some things that we can do that might drive up the cost a little bit more, but at the end of the day we might be able to protect more communities. So, you know, when I talk about due diligence of our tax dollars, we are talking more than just the tax dollars that are going to be used for the actual digging in the current project. We have to think of the other issues such as the compensation issue and that is something in which this bill deals directly with.

I do not know, Mr. Speaker, in terms of total dollars that have been allocated from the government coffers from the past. What I do know, as I pointed out earlier, is that the floodway has been used on numerous occasions, the current floodway, and whenever you open the gates or make use of the current floodway, unfortunately, at times, there is a result that quite often is not necessarily positive for other smaller communities or individual homes that are either up or downstream of the floodway itself.

You know, it would have been interesting to hear from the Minister of Water Stewardship (Mr. Ashton) in terms of some of those costs. All we can do, I guess, in essence, is to speculate. I do not really have those numbers, Mr. Speaker, and I do not know to what degree the Minister of Water Stewardship would be able to provide the dollar value but I think there would be some interest, at least in part, to get a sense of what past compensation dollars and particular government compensation dollars have gone out. I truly believe that there is some value to that and, again, when we do that due diligence the tax dollar is very important.

Manitobans, as we know, want us to be able to spend tax dollars in a very responsible fashion. You know, I often indicate that we need to spend tax dollars in the same way in which we would spend our own personal money because we often do things in order to prevent damage to a home, whether it is insurance packages or whatever it might be, and we will invest some of our dollars. Well, what is really the difference here, on behalf of Manitobans and what is in the best interest of Manitobans? We have to get a sense of what sort of financial obligations we are really talking about and the financial accountability of compensation, I think, would be of interest.

How many dollars have actually been spent from the government coffers in regard to previous floods, Mr. Speaker? I would ask that, you know, if the minister does have a sense of how many dollars that is, that I would appreciate the minister providing that information so that if I am asked by a constituent of mine or anyone else that we can give a bit of a sense, a bit of a history, so at the end of the day when we see the new improved floodway built we might then be able to get some sort of a sense of what we might be able to expect into the future.

I suspect that this information might have already been provided, Mr. Speaker, but I would appreciate, you know, what other communities, the communities that this bill would most likely have an impact on and suggest that it would be wonderful to be able to have that list prior to the bill going before committee so that as a member of this Chamber, if I want to be able to advise some of those communities that the bill is in committee, that they are made aware of it because it is important that they be very clear in their minds that this is what the government



is wanting to do and do you feel that this is the best way to go.

I suspect that that type of support would not necessarily be there for the bill. That is why, Mr. Speaker, you know, ultimately, if this bill does go to committee, we are hoping that the government will listen to, whether it is myself, the Member for River Heights (Mr. Gerrard) or other Manitobans, and see the wrongs in this bill and make the changes, at the very least, that will make it more independent. You know, that judicial appeal sense, or at least something that would, at the very least, give claimants, individuals that want to be able to put in a claim, a sense that there is some fairness through the system, that they are not necessarily going to a government-appointed body, which is appointed and they would perceive as being biased toward the government.

I see that my time has expired. With those few words we are prepared to see the bill ultimately pass or whatever members of the opposition would like to see. Thank you.

\* (16:10)

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 23, The Red River Floodway Act.

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

#### **Bill 25—The Amusements Amendment Act**

**Mr. Speaker:** Bill 25, The Amusements Amendment Act, standing in the name of the honourable Member for Springfield (Mr. Schuler), who has 19 minutes remaining.

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

**Some Honourable Members:** No.

**Mr. Speaker:** No. It has been denied.

**Mrs. Mavis Taillieu (Morris):** I would like to put a few words on the record in regard to Bill 25, The Amusements Amendment Act, and its intent to look at the video game legislation.

These video games that we are speaking of have evolved over a few years to be, I think, very violent and very explicit. Not only that, they are very interactive. I am at a bit of a disadvantage, because I have never played a video game in my life, but I have watched my children play some games, none like this. But the fact that they are so interactive, it is really different than watching a film or watching a movie or a video, because that way you are just looking at the action on the screen. In these particular games, you are actually making the action happen. You are the director and producer of this film, and you direct the outcomes of it. Some of these outcomes are very, very violent in nature.

What is interesting, though, is the NDP, when they were in opposition, railed at the government about these video games.

**Mr. Speaker:** Order. It has just been drawn to my attention that the bill had been standing in the name of the honourable Member for Morris, and leave had been denied at that time, so the honourable Member for Morris will have to seek leave to now speak to the bill.

Does the honourable Member for Morris have leave? *[Agreed]*

**Mrs. Taillieu:** Thank you, Mr. Speaker. It was interesting when the NDP in opposition railed against the government for not bringing in legislation to look at these violent video games. But in a report from November of 1999, it showed, commissioned by the then-NDP government, that children were very vulnerable to these games and in fact they were having access to these games.

It was the critic, the member from Lord Roberts, who ranted on and on about the rating of these video games and then, horror of horrors, she became the Minister of Culture, Heritage and Tourism and then she did nothing. She sat on the report and did nothing. She, I guess, cried foul in opposition but was chicken in government. *[interjection]* Well, the members opposite can take that however they like.

Yes, chicken applies. If you are asking the question, chicken applies.

They had this report for five years, and then they did not do anything about it. Then there was a complaint in Ontario about the game *Man Hunt*. At that time, the minister was quoted in the paper as saying that, well, he was not going to really do anything about it until there were some interest groups complaining. There was at least one interest group that did complain, and rightfully so, I think.

The Retail Council of Manitoba had also asked to have a meeting with the minister but was told they really did not have time for that. Then the very next day the proposed legislation was announced. Also, at the same time, the media had been doing FIPPA requests delving into the department's workings and then found that immediately after that things started to happen. So I suppose that was very coincidental.

Presently, Ontario and B.C. are changing their legislation to adopt these video game ratings. Manitoba is likely going to adopt the video game ratings established by other provinces. There has been some great work done by the commitment to Parents Program, the Retail Council of Manitoba, and I think that they are doing a good job of monitoring the sale and rental of these games. They have taken some admirable steps to ensure that children are protected. There is an intergovernmental working group working with the provinces, Ontario, B.C. and Manitoba, and likely all three will enact similar legislation.

How they plan to deal with this, if there is any young person who is able to go into a video store and actually get a hold of one of these games, the plan to take steps to intervene in that is that it is first and foremost a parental responsibility. Parents will then be offered an interaction with the offending video outlet in which they can resolve the difference. Why did they get this game? Perhaps at that point things may be resolved. If that does not happen, the next step of course would be for the parents to get involved and go to discussions with a regional manager to see that they cannot resolve this issue about why this child was rented or sold the game when they should not have been. Thirdly, that would go to a national level. After that and only after that would government have to step in and enforce this legislation, which likely would not come to that.

There has been some question in the media, I guess, in regard to whether or not this legislation is

necessary. Is this just Big Brother type legislation? Some of the media would agree that this is legislation that really is not necessary. Of course, these games are very extremely violent, sexually explicit and aggressively stimulating. Because of the interactive nature of the game, I think that to err on the side of caution would be the best. I guess the fear that I would have is that some of this aggression that could be stimulated during the watching and interaction with these video games could really spill over into real life and result in aggressive behaviour at school or in the workplace or at home.

I think there always needs to be a balance. Of course, it is a parental responsibility to monitor their children. That is first and foremost. In no way should legislation take away that responsibility or that role. We also know that parents can monitor what happens in their own home. We do not know what happens in the homes of others. We also know that games can be readily downloaded from the Internet. We do not know when and where these young people may get these games, but there has to be a balance between civil liberties and protecting the best interests of children.

Just a few comments in regard to the licensing. If a separate licence is required for a video game retail outlet, that will amount to an additional cost for people renting these games. Secondly, I understand that the licensing for retail outlets and rental agencies for these video games, whether it be Blockbuster video or whether it be the local convenience store in country areas or whether it be the gas station in country areas where there is no real big Blockbuster video or Rogers Video—to be fair, whether or not there should be the same price for licensing for these types of things.

\* (16:20)

Blockbuster video, on the one hand, is there as a business dedicated to the rental industry for video games, videos. On the other hand, a small convenience store or outlet in a small community that is just doing this as a service to people because of the distance and time it would take to rent a game otherwise, should they actually have the same licensing?

The other concern is if this material needs to be segregated in another area or room of the rental facility, then that would increase the cost to the

retailer and that would be cost-prohibitive and I think that the industry itself would have a problem with that. They do not have a problem with this material being put on another shelf or put behind the counter, but if they have to build a separate room so that it is segregated from the rest of the material, then I think that would be cost-prohibitive.

I think that there has been a very quick reaction to this matter. We do support the idea of rating these video games. We simply need to ask the question though, with the haste with which it was brought in. Is this simply to appease the interest group, or does this government really have the best interests of the child in mind? However, Mr. Speaker, with that said, I am prepared to close my comments and move this to committee.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 25, The Amusements Amendment Act.

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

#### **Bill 27—The Agricultural Societies Act**

**Mr. Speaker:** Bill 27, The Agricultural Societies Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** No. It has been denied? Okay.

**Mr. Jack Penner (Emerson):** I rise today to put a few comments on the record regarding the Ag Societies amendment act, and I want to pay some tribute to the minister for bringing forward and modernizing a major portion of this act.

There are a few areas that we have some concerns about, but basically I want to commend all the ag societies that have been involved in these discussions and especially the president and the

board of the ag societies, Manitoba Ag Societies association.

Truly, I believe the act, as it stood before, that has stood for 40 some-odd years, has demonstrated the longevity of an act that was well written in the first place to provide a legislative framework for a group of organizations that were dedicated to helping communities in rural Manitoba, individuals better their farming practices and therefore contribute in a substantive way to the betterment of the province of Manitoba.

I believe the ag societies and many of the fairs that they used to put on in rural Manitoba added a measure of demonstration of how vibrant a community could really be, and how you could celebrate their successes during the fair days and the agricultural exhibition days and all those kinds of things. I think we still have quite a number of ag societies today that become quite involved in educational matters such as plot demonstrations and all those kinds of things. I believe this act actually expands in some ways the ability for those ag society boards, local boards, to initiate not only those activities that are prescribed under the old act, but will expand it and broaden the scope of what can be done and what kind of projects can, in fact, be initiated by ag societies in much of Manitoba.

We believe, in the Conservative Party, that the ag societies played a very significant role in building the economy of rural Manitoba, demonstrating the diversity that could be achieved if and when it was encouraged by local people by getting together and forming an organization that would allow them to be involved in the decision-making process of what could happen in a given area such as 4-H beef clubs, such as the 4-H seed clubs and many other kinds of developmental activities. I think we have seen the development of new varieties that were, in fact, initiated by the ag societies in many of the communities.

In the town of Altona, at one time, the ag society became quite involved in educational process by offering higher levels of education. Many people might not know this, but the Mennonite community of southern Manitoba that came out of the Ukraine into this area were strong believers in providing adequate education to their young people. The ag society in that Rhineland area, the Rhineland Ag Society, became quite involved in building and

promoting advanced education in that southern Manitoba area. I think the Mennonite people have always been seen by some other communities from afar that have not been that much involved as a community, that would restrain from education. That is, by far, the farthest thing from the truth.

What I am going to say now has very little to do with the ag societies, but members of the ag societies were quite involved in initiating the Mennonite collegiate at Gretna which is currently promoting and building an entertainment centre the likes of which we are not going to see in any other community. CBC has been very involved in booking time in that new entertainment centre for the sound that is going to be provided in that centre. It is going to be second-to-none in the province of Manitoba.

I think that is an indication of what can happen when local people get together and form an organization such as the ag society to demonstrate the diversity, to encourage better genetics in livestock such as breeding practices and all those kinds of things, even being at the head of promoting genetic manipulation of some of the materials.

When I look at the significant involvement that the board of directors at CanAmera Foods, which is now Bunge, what used to be CVO, Co-op Vegetable Oils, some of those board members were quite involved in ag societies at the same time and became very involved with Baldur Stefansson. When Baldur Stefansson was encouraged to start a new breeding program to actually manipulate the rapeseed plant into a new kind of a plant and plant material, which gave the world a brand-new vegetable cooking oil that is second to none in the world.

I think that, again, is a demonstration of the involvement of an ag society or members of an ag society that had the foresight to recognize the ability of being able to use the universities and their programs at the universities to actually devise a brand new material which could produce a cooking oil that is now recognized as a top-quality cooking oil around the world.

I sometimes worry that we place far too much emphasis, or allow far too much emphasis to be placed on those that are the naysayers in society because of Monsanto's move toward genetically manipulated wheat and a Roundup-ready wheat or others. We allow ourselves to be manipulated to the

point where we oppose these kinds of things. I think it is only fair to say that the decision of Monsanto to withdraw the Roundup-ready wheat currently from its breeding program is probably the right thing to do at the right time, but we should not allow ourselves to be convinced that the manipulation of the genes to create better products and safer products should not be continued.

\* (16:30)

I believe firmly that we must move in that direction to ensure safer food supplies and better quality food supplies. I think ag societies could play a very significant role in that if they were given the opportunity to start testing some of those engineered foods for the safety of human consumption and those kinds of things. I think therein lies the support that I would give to this bill. However, there is one area of this bill that I would suggest we will probably be putting forward an amendment to, and that is where a society may be organized. It says here, "A society may be organized in any part of the province, as long as its headquarters is not closer than 100 km to the headquarters of another society."

I think it is unfortunate the minister allowed that section to stand in this bill, because what it means is that the community of Altona and the community of Winkler, for instance, or the communities of Morden or Carman would not be able to have ag society offices in their areas, or each of their areas, if this act were allowed to stand in place. Other communities that currently have not got ag societies would find it very difficult, I think, to start new ag societies. We should not as legislators put impediments such as this in place to restrict the ability of groups of people in communities to get together.

I would strongly suggest to the minister that she should take a hard look at that clause and maybe recommend that it be removed and allow it to stand as it is currently. I think there is some validity to that, and I do not think there is any harm in communities having an ability to have an ag society within a short distance of each other. I would say that I am prepared to move this bill forward, with the understanding that this clause is a clause that we are going to take a hard look at and probably have an amendment drafted for consideration of removal of this to allow the act to stand as it was and in how it was stated previously under the act. Thank you very much.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I just rise to put a few words on the record with regard to The Agricultural Societies Act. We certainly are in general support of this legislation. We believe that there may be an opportunity of the committee to deal with some of the issues that have been raised, but, certainly, what I wanted to say is to recognize the contribution that the ag societies have made to Manitoba and the importance of their continuing role.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 27, The Agricultural Societies Act.

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

#### **Bill 28—The Agrologists Amendment Act**

**Mr. Speaker:** Bill 28, The Agrologists Amendment Act, standing in the name of the honourable Member for River East (Mrs. Mitchelson).

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

**An Honourable Member:** No.

**Mr. Speaker:** No. It has been denied. Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 28, The Agrologists Amendment Act.

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

#### **Bill 30—The Safe Schools Charter (Various Acts Amended)**

**Mr. Speaker:** Bill 30, The Safe Schools Charter (Various Acts Amended), standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

**An Honourable Member:** No.

**Mr. Speaker:** It has been denied.

**Mr. Kevin Lamoureux (Inkster):** I do have a number of things that I would like to say in regard to Bill 30, The Safe Schools Charter act.

The issue of safe schools has always been important to Manitobans. We like to think that our public schools are, indeed, a safe environment. There are some basics when people think about public education. What they think about is an environment in which it is conducive to our children being able to attend the classrooms and feel that they are not only safe but, some would ultimately argue, ensure that they are fed and safe and in an environment in which they can actually learn.

Far too often we hear of incidents that cause concerns for people, the public as a whole. We see that in terms of a lot of parent councils where the issue of safe schools is debated time and time again as governments both today and in the past try to address this issue.

At my last committee meeting that I had on education, I had brought up the issue of safe schools and there was one individual in particular who had indicated that most school divisions, most schools, do have some sort of a policy already today in regard to safe schools. I do recognize the value of having some province-wide, if you like, standard.

You know, I go back. I think it was the 1990 election, where I had effectively, I believe, lobbied the internal workings of our party to support the idea of taking a more progressive approach at dealing with safe schools. At the time, we were talking about student codes of conduct and so forth, and it was actually fairly popular, and that is going back to, as I say, 1990.

The individual that I worked closely with at the time was, in fact, our current senator, Sharon Carstairs. She had a passion for education, as many members might recall her being with education as a background, and felt that it was very important to the party at the time that we have a very progressive

approach to dealing with educational issues. I would often have the opportunity to be able to discuss education issues and they really varied, I must say: everything from your core curriculum to boundary redistribution. In fact, I think we even introduced resolutions on school division boundary redistribution to codes of conduct within our schools.

What I found is, there was a very, in my opinion, short time span in which I was actually the Education critic for our party and, during that time, there was a great deal of interest. You know, I have had many different critic portfolios in the past, and, with this particular portfolio, what I found was that there was just a great deal of interest on people's parts to express themselves and to give their opinions. I can recall having a meeting, I believe it was in the committee room 255, and we had sent out a number of letters inviting people just to come out. I was the Education critic, and I was interested in hearing what they might have to say about education, public policy on education. What I found, much to my pleasant surprise, I must admit, because I have had meetings of that nature in other critic portfolios, but what I found on the Education committee was that there were an overwhelming number of people that actually showed up. The room was literally packed with individuals, to the degree in which we thought it might be best if we break it into different workshops. We had school trustees; there were probably councillors; there was rural and urban representation. We had members from parent councils, individuals, lay people, if you like, we had administrators. There was just a huge, huge interest in our public education.

\*(16:40)

I can recall the discussions of codes of conduct. Student conduct was one of the major issues that was talked about. Again, we are going back, maybe not as far back as 1990, but definitely in the mid-nineties when we had this. People really have an interest in terms of behaviour in our schools.

I go back to the 1990 election. In the 1990 election there was Sharon Carstairs, myself and, I think, Iva Yeo at the time, who was our Education critic. The three of us had come up with the idea of having safe schools. What we were proposing was that, on a pilot project, we implement this. The details of it I cannot recall offhand but it was something that was truly unique in the sense that

what we wanted to do was we wanted to have it as a pilot project in one of the schools. The school that we were looking at is actually in the member from Burrows' constituency, Shaughnessy Park School. At the time, I am not sure if it was Principal Orin Cochrane that was there. I think it might have been that particular principal. And we were going to make that as part of an election platform.

The reason why I say that, Mr. Speaker, is even back in 1990, we recognized the value and the importance of ensuring that the environment in which children are learning needs to be safe. This is something that has not changed over the years. We still believe that there is room for improvement. There have been a lot of things that have happened since 1990. I talked about the short time in which I was Education critic, but there are issues, at times, that really generate a great deal of public awareness.

I can recall that there were events, and not necessarily even in Manitoba, where bullying was a huge issue, classroom bullies, where there were other issues that were brought through the media and the public responded to the degree that, I think, at one time Mr. Filmon acknowledged the need to try to get some sort of a consensus or provide some form of a vehicle to try to capture some of that interest. Again, we are talking about probably the mid-nineties to the latter nineties. He had educational forums, and I went to one of those educational forums and, like the much smaller forum, we had not as much resources as the government did, obviously, but what we did see is almost like a duplication of what it is that I had hosted, in the sense that it was really overwhelming with the number of people that participated.

What we saw was literally hundreds of Manitobans coming from all spectrums of society to participate. I believe it was just a morning/afternoon event, Mr. Speaker. I think it was one of a series, and I do believe that the government was using it at the time as a way to try to find out what the relevant educational issues were, so that they would be able to, ultimately, attempt to implement or possibly bring into a part of their own policy platform for change.

I can recall one minister, it was Clayton Manness, who had brought forward his little blue book. There was stuff on parent advisories. There was stuff on councils or bullying, Mr. Speaker, and there was no shortage of information at the time. There was no shortage of information, and I suspect

that a lot of that information, as we had copies of it back then, the government, in fact, would have retained that information.

It would have retained, Mr. Speaker, you know, some of those hearings in, possibly, minutes. I do not know what all government would have kept but there has been a great deal of public consultation on education and issues facing education today, and that is why, you know, it is interesting that we see this particular bill when we do today, four and a half years since the government has been in office.

It has taken them a little while to recognize what Manitobans have known for years, and I would argue, even when they were in opposition, they would have had access as I did in opposition, when I was Education critic, and afforded the opportunity to meet with many of the different stakeholders where they shared the issues of the day and we were able to do things, we were able to incorporate ideas and bring them into part of election platforms and policy and so forth.

We recognized it years back, and I would have thought we would have seen the New Democrats, even while they were in opposition, doing their homework and trying to gauge what are the important issues facing education, so that if, by chance, they were to form government they would have some ideas on what it is they would like to be able to do, Mr. Speaker.

What we saw when they did take office, Mr. Speaker, is they had some priority issues. School board amalgamation was one of those issues. The way in which it was done is questionable at best, and that is giving them the benefit of the doubt. We know that they did create a number of disturbances and messes, and some have even implied unfair compensation in certain areas or why some compensation was given to some over others as we approached an election.

We have seen where the government has taken some action on education, but the real credit does not go to this government, especially when we talk about the code of conduct or the whole issue of making our educational facilities a safer environment.

The real credit, I would argue, Mr. Speaker, goes to the parents, the parent council, the school trustees, the teachers of our province, the administrators, or

the bureaucracy, if you like, that are at that grass-roots level, because, in essence, a lot of the stuff that we are really talking about or a lot of the stuff that this bill is attempting to put into place in good part has already been recognized and, in fact, in many areas have already been somewhat enacted.

\* (16:50)

So it is safe to say that the government has not played a leadership in terms of making our schools safer, Mr. Speaker. They brought in the legislation and we hope that the legislation, in fact, will ultimately get to a committee stage so that stakeholders, some of the stakeholders that I have made reference to, would be able to participate in. But, before the government starts patting itself on the back, they should realize that this particular issue is not a new issue. It has been there and has been there for years.

I can go back, as I did, to 1990. The governments have not been able to address what the public back then was wanting to see. This government has been asleep at the switch. Education, as I say, the safe schools is one very important issue, but there are others. If we talk about safe schools and you go out and you talk to some of those same stakeholders, what would they have to say in regard to the issue of some of the kids that are going into our public schools that have not really had the opportunity to have a proper meal. Again, and the reason why I say meal, I will go back to 1990, in fact, it might even have been back in 1988, but if I go back then I can tell you, I can recall, again, Sharon Carstairs talking about that issue. She talked about safe schools a lot. She talked about having food in our children's stomachs. I am sure if I did a Hansard search we would probably hear her say something to the effect that a child cannot learn on an empty stomach.

One might ask, "Well, why would I bring up that particular issue?" Well, much like we talk about safe schools and the lack of action by this government in really being able to deal with it in any sort of a fashion that would show that they were sensitive to the concerns in education. This is another issue that I can date back to the same time. One could ask what is the government really doing to address that issue. Are they going to approach it in the same fashion that they are approaching this legislation? Wait until, in essence, the parents, the parent councils, the school trustees, the administrators, and everyone else but the provincial government, have the opportunity,

or those individuals have the opportunity, to resolve that issue. Once it is resolved, then we will see a government being a little bit more proactive at making statements.

Mr. Speaker, the government has a choice, the choice being they can either decide to act today or they can act once other levels of government, once other stakeholders, have already done, in good part, the job that they want to be able to see, but do not necessarily have the vision to be able to implement. We can drive around. I am sure I could get a great deal of sympathy from you, from the member of Burrows and others that recognize the importance of ensuring that our children are, in fact, fed, that they have a meal prior to sitting in the classroom and having to learn what is being taught to them, as opposed to sitting back and doing nothing. I would like the government to actually take that particular issue, that they do not have to wait like they have with this legislation. The government can be more proactive. I make reference to just a couple of constituencies. I have had opportunity, especially when I was Education critic, to talk to what would have seemed to be endless educators, but the knowledge that is out there is just phenomenal.

What we would like to be able to do, Mr. Speaker, is to tap into the knowledge that is out there. To Gary Filmon's credit, and when they were in government, I must say, I was quite critical of the government, but periodically they did do some good things, and at one point it looked like they were going to be more progressive on education because they had this huge public meeting and we saw a number of ideas. A number of them we disagreed with as a party, but at least they were trying to generate the discussion.

I would like to see the government, because the issues that we are talking about are there, and I want to challenge the government. Here, you know it is good that they are addressing the issue of code of conduct, but we want to see them address other issues too, Mr. Speaker, as opposed to waiting until the issue has been addressed at least, in good part, by other stakeholders and then try to state claim to the success of it which would not be appropriate.

That is why I think that the government should really make a very strong statement on this particular bill, a very strong public statement, and that is something to the effect of that we do not, we being the government, deserve the credit that others have

worked for years, because they do not deserve the credit when it comes to the issue of safe schools. They really and truly do not deserve the credit. I think we need to give the credit to where credit is due. They had their chance and they have decided to squander that chance and because they did not jump on it, I think that what we need to do is we need to get the credit going, in particular, to the parents of the children, even those children that have graduated.

There are a lot of parents that, even though they do not have children in the school system today, were very strong advocates for safe schools. In fact, there are individuals that were not parents, stakeholders that we might not necessarily think of right at the beginning, police officers as an example, other groups that you would not naturally think of, that do deserve the credit, because it is those parents, it is those others, it is the school trustees, it is the administrations, it is the parent councils. Those are the individuals that have constantly and persistently attempted to pressure government in coming up with a policy that would protect our children in our schools. Whether it was a meeting or meetings that I had when I was Education critic, or whether it was the government of the day that, in the nineties, had these huge public forums on education, the ideas, those were the people that participated in those types of meetings in order to try to make a difference, where they tried to influence the provincial government in recognizing what other levels of government were recognizing, what other lay people were recognizing, what other interested stakeholders were recognizing as an important issue at the time. They have persistently continued to try to make our schools safer.

Well, Mr. Speaker, I am very much interested in knowing to what degree the government is prepared to take the next step. What else are they prepared to do to make our schools safer? To what degree has the government, the Minister of Education (Mr. Bjornson), and other members of the caucus met with the stakeholders to see what would you believe the government should be doing. I say that because, even though I am not currently the Education critic for our party, maybe there is another need for us to be a little bit more proactive in the same fashion in which I know Sharon Carstairs was and come up with more suggestions on education, because it would appear as if they have dropped the ball.

\* (17:00)



Hopefully, and we will watch the government and the types of policy decisions that it makes, the types of budgetary decisions that it makes related to education and see what sort of actions they come up with. We are aware that they have done some studies, that there have been reports brought to the Legislature. I can recall the one in which the tax issue was brought up, the whole issue of financing public education. The financing of public education speaks volumes in terms of what priority the government is prepared to give and there have been reports on it.

What is the government prepared to do on the broader issue of financing education? When you think of that environment, that school environment, whether it is your special needs kids that are in there, if you do not provide the adequate resources that are necessary to provide good classroom programming, you are asking for problems within the classroom. Quite often the problems that occur as a direct result cause that classroom to be an unsafe atmosphere. That happens. That happens today. During the Estimates I had asked the Minister of Education a question in regard to what is that ideal class size. The Minister of Education was actually fairly careful and I applaud him.

I see I only have two minutes to go, Mr. Speaker. The essence is that the make-up of the classroom is critically important. We have to make sure that there are the proper resources in order to ensure that there is harmony within that classroom. I will, I trust, get another opportunity in which maybe I can pick up on that particular point because—*[interjection]* I did appreciate the comments. Members are suggesting that maybe I can. Maybe I should ask if I could have leave to continue the—

**An Honourable Member:** Try it.

**Mr. Lamoureux:** No, I will not do that, even though I would love to be able to continue, because the Minister of Education and I had a fairly good, I thought it could have been a very good dialogue, if we had more time, but maybe we will get that dialog in concurrence.

Hopefully, we will get that opportunity, and maybe the Minister of Education will remind me if, in fact, other things prevent me from being able to be there at the moment, but I would welcome the opportunity to be able to continue, because the way

in which you resource a classroom combined with the size of that classroom can go a long way in ensuring that we are building that safe environment in the individual classroom, let alone the school.

There are so many things, so many ideas that are out there, Mr. Speaker. What I would like to be able to see is more direction coming from the government. Here are the types of things that we see are necessary in order to make our classrooms and our schools that much safer. That is what I would like to see from the Minister of Education. I anticipate, in fairness to the current minister, that this minister, once he has been in there for a little longer will—

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading, Bill 30, The Safe Schools Charter (Various Acts Amended).

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

#### **Bill 31—The Floodway Authority Act**

**Mr. Speaker:** Second reading, Bill 31, The Floodway Authority Act, standing in the name of the honourable Member for Steinbach, who has 27 minutes remaining.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, it is a pleasure to conclude the comments that I started to make on this particular act. I have enjoyed listening to comments from my colleague, as it were, colleague in the Legislature, the Member for Inkster (Mr. Lamoureux), on the previous act.

I noted he made a number of comments regarding Senator Sharon Carstairs and some of the comments that she made when she was an MLA in this Legislature. I certainly remember some of the comments about abolishing the Senate and reforming the Senate and changing the Senate. I think it was ironic, when she was appointed to the Senate, I think she said she was going to work from within for reform and for change of the Senate. That was, I think, 12 years ago and I wonder how that quest is going. Maybe I will leave it with the honourable Member for Inkster (Mr. Lamoureux) to check with

Mrs. Carstairs to see how her quest is going in terms of abolishing and reforming the Senate. I would think after these 12 or 13 years there will have been some progress to report to this Legislature.

The current bill before us regarding the Floodway Authority, of course, is a very timely bill to be debating. Certainly, Manitobans are well aware of the controversy that has been caused by this act.

*Mr. Deputy Speaker in the Chair*

Not the explanation or the substance of the act, per se, the issue about expanding the floodway in Manitoba. That itself is not a controversial one in that I think the vast majority of Manitobans would say that the expansion of the floodway is something that will benefit our province and will certainly give greater flood protection to our most populous city in Manitoba.

We will not canvass the House, but I would be surprised if there were any members who would suggest that that, in itself, is a negative thing. I think the vast majority or all members of this Legislature would say that it is a positive thing that we will be looking to expand the floodway.

I think it was, certainly, something members who were involved in the previous government were looking at at the time following 1997 because of the significant strain that was placed on the existing Winnipeg Floodway because of water levels in 1997.

When we look at it in this particular context, that the actual expansion of the floodway is not in controversy, many issues surrounding the expansion of the floodway have become very, very controversial in the last number of months. Probably the most disappointing thing about that is that it need not have been so. I think that the vast majority of Manitobans would agree that there was a better way to proceed in terms of the expansion of the floodway, in particular, and we are talking about the labour component that is on the floodway.

Manitobans learned one late night on a local radio show that the particular government of the day was going to ask all workers on the floodway project to join unions as a prerequisite to working on the site: forced unionization. It is something that was discussed this late night on a radio show on days that are colder than we have today. There was a very

quick reaction to the comments that were made, I believe, by Mr. Gilroy, the CEO of the Floodway Authority, about this forced unionization plan. I think it behooves me to commend Manitobans who quickly responded to what they saw as an injustice. What they saw is something that is very, very undemocratic in what we consider to be a democratic society.

Certainly, members, I think, on both sides of this House would not question the right for unions to exist within our country. That, certainly, is not in dispute, but there are often debates regarding how it is that they come into formation, Mr. Deputy Speaker. We have seen the debate rage over how the certification process is invoked.

I know that in the 1990s there was a secret ballot in terms of certification for unions. I think that the majority of Manitobans saw that as a democratic measure. I think very few Manitobans would have spoken out against a secret ballot. It certainly protected the rights of workers in terms of ensuring that they were not kind of coerced or intimidated into joining unions, but it also allowed unions their democratic right to organize within the province. That changed, of course, in 1999, or after 1999, when the current government came to power with the introduction of Bill 44, where the secret ballot was removed from labour negotiations and from the certification process, where we now have an automatic certification process. There have certainly been concerns raised by Manitobans and by industry representatives about the impact of having automatic certification.

\* (17:10)

Well, we have moved now from a mid-1990s model of a secret ballot to an early millennium model of automatic certification to a new model by the New Democratic Party of forced unionization. We can clearly see what a quick movement that has been from a model that allowed workers a secret ballot. They could express their own conscience, their own will, without fear of threat or intimidation, to one where now there is not any choice at all. The government comes in and says, "You are going to have to join a union," and that is it. Your democratic choice that you have made in your individual workplaces is not going to be respected.

But I give credit, certainly, to the Leader of the Opposition and to Manitobans who rallied around the

charge of the Leader of the Opposition to ensure that this issue was raised forcefully and that it was raised clearly. I think it was successful in getting that particular provision removed off the table. The thousands of Manitobans who wrote and made petitions and faxed in petitions to the Legislature and, I know, to the Premier (Mr. Doer) and to the Minister of Water Stewardship (Mr. Ashton), are to be commended for taking an active role in ensuring that that was the outcome to this particular—or what we think will be the outcome to this particular issue.

*Mr. Speaker in the Chair*

However, we still debate issues of forced union dues, and I would think that the vast majority of Manitobans would find that is reprehensible, that it is forced unionization. Here again we see now that the government is certainly contemplating, that they have not rejected a recommendation, that would see all workers on the floodway expansion project be forced to pay union dues into the union. I find it difficult when the Premier stands up in Question Period and spews off about the Rand Formula and says, "Well, this is all because of the Rand Formula."

Clearly, Mr. Speaker, I do not know that the Premier has a clear understanding about the application of the Rand Formula. We know that the Rand Formula within our province and other jurisdictions is intended to ensure that those who are working under a type of collective agreement or a mass bargaining unit will have to pay the dues, that they do not get benefit from those negotiations without paying the dues.

That is a very clear distinction from what is happening in this particular situation. We see, in fact, the issues that are being debated in terms of the floodway expansion, whether it is the wages for the employees, which is covered under The Construction Wages Act, whether it is training for the employees, which is usually in the construction industry provided by the employers, or issues of safety, which, again, are usually negotiated with the industry or covered under legislation or regulation. Those are all issues that could be dealt with in another way, a way other than having the union come in and determine those situations.

So, Mr. Speaker, the Rand Formula simply does not apply in this particular situation because those who would be receiving this particular benefit of

wages, of training and of safety standards would receive them, regardless of the union intervention. So they would not be receiving any particular benefit that they would not have gotten without the union being there.

So the argument the Premier puts forward on the Rand Formula simply does not hold water. I know that he shoots it off as a quick one-off in Question Period and refers to former members of this House, but I would suggest that if he would actually canvass the former members that he refers to, he would find that they would substantiate what I am saying here today, that, in fact, the Rand Formula is not applicable in this particular situation and that the Premier has his facts wrong.

I see that the Minister of Energy (Mr. Sale) gave me a kind of a furrowed brow there and wondered if that was so. I would issue the challenge to the Minister of Energy, as well, to reach out and to speak to the former member of this Legislature that the Premier refers to so often. I think that he will receive the same answer, and then perhaps he can do the research on behalf of his Premier that the Premier clearly has not done.

So, that argument put aside, we are left to wonder what is next on this particular hit list for the Floodway Authority or the current interim Floodway Authority. The Floodway Authority is operating on an interim basis. Already there have been significant issues about forced unionization and now forced union dues that we are dealing with in this Legislature here today. Manitobans have been subjected to this particular conflict over the last two or three months.

The other issue that has been raised, of course, in this House is that business seems to be shut out at the table, regardless of the nature or the substance of the negotiations, that industry, that employers will not have a position at the table. In essence, these issues of discussions are going to be left between the interim Floodway Authority represented by Ernie Gilroy and the unions. One wonders who will be there to protect the interests of the taxpayers. Who will be there to protect the interests of those many, many employees who have already said that they do not want to work in a unionized environment and that they do not want to pay union dues? We are left to hope, I suppose, that the Floodway Authority, which has already proven, I think, to have somewhat

of a cozy relationship with unions, or that the unions themselves will take that responsibility. It seems doubtful that, given the events that have transpired over the last three months, that, in fact, will occur.

So we have clearly been asking that employers have a seat at the table, that they have that particular interest to the extent that members opposite want to force union dues. The costs of those union dues will be a direct result of the negotiations that happen between the interim authority and whichever other bargaining participants are at the table. So to leave employers off of the table, to leave employers off of the ability to speak just seems to be particularly unfair.

So, Mr. Speaker, I want to wrap up my comments by saying that we on this side of the House clearly are in favour of the expansion of the floodway. There are no disputes about that. There is no dispute about the fact that we all want the floodway expanded. I do not think anybody on this side of the House would dispute that, but there are questions certainly about this particular body that the government has put in place. The question is whether or not the government really needed to put in place a floodway authority, whether or not this could have been done simply through the mechanisms of the Department of Water Stewardship.

There is a lot of mistrust, of course, when this particular government raises issues about creating new Crown corporations. We have seen what they have done with Crown corporations in the past, whether it is transferring debt to those corporations, or whether it is trying to take revenue from those corporations. One wonders in the future when we look at the interim Floodway Authority and the Floodway Authority when it takes its more permanent form, what this government will do to it, whether or not its existence will distort the actual books of the Province. That is clearly a concern. Members of this Legislature raised on a number of occasions what has happened with Manitoba Hydro in terms of taking revenue from Manitoba Hydro. It has been raised many times what happened with Manitoba Public Insurance Corporation and the attempt of this government to take revenues from that Crown corporation.

So we have very clear concerns about the creation of this authority, and really wonder if it is necessary to achieve the ultimate goal of providing flood protection to the residents who live within the

protection of the Red River Floodway. We know that the CEO of the now-interim Floodway Authority has made a number of comments on the record that are alarming to us. Certainly, at one point, we understand that he was advocating for industry, for employers, to have a seat at the bargaining table. Now we hear nothing on that particular issue as the government contemplates shutting out employers from any type of negotiation on labour issues.

We also know, and I believe I do not have it in front of me, I believe it was the March 4 meeting, where Ernie Gilroy, the CEO of the Floodway Authority, stated that he did not believe it was the mandate. It was not the mandate of the Floodway Authority to concern itself with the economic impact of a labour agreement. That is clearly a very alarming comment to suggest that the CEO of the Floodway Authority need not be concerned by what impact a labour agreement, a master labour agreement, would have on the broader economy. This will be the individual and his body who will be negotiating with the unions.

If it is not the Floodway Authority, who is going to be looking out for the broad economic impact of a labour agreement? Who else is going to do it, Mr. Speaker?

There are not many options left. We will have to turn to the unions and hope that the unions will be hoping that they will be looking out for these broad, economic impacts into the community, but I do not think that that is truly their mandate. I will not question their motives in terms of what it is that they will be trying to do in the negotiations, but is it truly the mandate of the union negotiators to look at what kind of economic impact a labour agreement will have on Manitobans.

Ultimately, the Premier (Mr. Doer) and the Minister of Water Stewardship (Mr. Ashton) like to hide behind the veil of this particular project in the House during Question Period. They like to question motives of members, here, when we stand up and ask valid questions about the project in terms of its budget and in terms of its cost. Those are reflective of the fact that we are here as opposition members to ensure that the public purse is protected.

\*(17:20)

There have never been questions or disputes about the validity of this particular project. I am

confident in the fact that if my colleagues were still in government, the project would still be moving ahead, but I think it would be moving ahead under a different forum. The expansion of the floodway, I believe, would really be taking place, but we would not have this dispute between labour and industry that we have been suffering through now for the last several months.

It certainly does a disservice, I think, to all Manitobans when the Minister of Water Stewardship and the Premier stand up and rant and rave and flap their hands about whether or not members on this side are concerned or in support of the expanded floodway. I say very clearly, Mr. Speaker, that they are in support. We are clearly in support of providing flood protection to the city of Winnipeg greater than the flood support that we had during the 1997 flood. But, that alone, does not mean that we cannot ask questions about the financial impact.

When we are talking about a project that presumably will cost \$660 million, we have to ask those questions. I say presumably because the budget of the particular project seems to be somewhat in flux, depending on whom you ask and which day you ask it for. I remember asking a number of questions in this House when I saw that there was a media report. In fact, the same media was consistently reporting that the project would cost \$700 million, but we know that the original news release, as it came from the interim Floodway Authority, said that the project would cost \$660 million. Then, in questioning by the media, the Minister of Finance (Mr. Selinger), we learned that, in fact, there was no line-by-line budget for the floodway project. Later on, when we asked the Premier, he said, "Well, there was really \$240 million that was allocated that could specifically be pointed to in terms of a budget. That was the agreement between the federal level and the provincial level." Then, on subsequent questioning we learn, Mr. Speaker, that the Minister of Water Stewardship said, "Well, actually, there could only be \$8 million," I believe it was, "that could be attributed because that was what was in this particular budget."

We see the range of budget numbers that we are talking about from \$8 million, to \$240 million, to \$660 million, to \$700 million, to no actual budget, according to the Minister of Finance. So, when we hear the Premier stand up repeatedly and say that the

project will be on time and on budget, those words ring hollow, Mr. Speaker. To say that something is going to be on budget when you do not seem to have a budget is not a very high standard or a high bar to set for yourself. I think that Manitobans expect more. Manitobans expect a very clear projection of what the costs will be on this project. It is not enough to stand up day after day and say, "Well, it will protect Manitobans from a 1-in-1000 or 500-year flood." That is not enough.

Manitobans deserve to know what the costs will be so that they can measure those costs as we go along. That is what we consider to be accountability in government. I know that accountability is not a word or a virtue that this particular government wants to hold true to their hearts, Mr. Speaker. In fact, they want everything to be based on the substance of a decision. The fact that the floodway expansion is a good project, the fact that we support it as a caucus and, I think, the other parties support the expansion of the floodway, that should be enough. That should end any other questions. That should end any other accountability.

I say that is a very poor position, respectfully, Mr. Speaker. I say it is a damaging position for Manitobans to take because accountability, when it comes to the finances of the floodway, is crucial. We have a dual role in terms of providing flood protection for Manitobans, which is clearly important for those living in the city of Winnipeg and north and south of the floodway gates, but we also have a responsibility as legislators to ensure that the financial purse of the public is protected and the taxpayers are protected.

So, when we talk about the interim Floodway Authority, it is with a great deal of concern, Mr. Speaker, not on the substance of the bill in terms of its rationale. Its rationale is to ensure that the floodway be expanded, and we are in agreement with that rationale. But we do clearly have concerns when we talk about the actual operation of the authority, of the Floodway Authority.

That, I think, needs to be clearly stated for the record, Mr. Speaker, because I know members, as is their typical tack, will be running around and trying to ascribe any kind of questions about the floodway in terms of support of the project. That is their political maneuver, and I guess that is just the way they like to do business on that side of the House.

But that certainly is a misrepresentation, and I think it is very unfair to all members in this House.

We have seen them try to do it on other pieces of legislation, I think, regarding ethanol, where any kinds of questions that were raised or any kind of clarification that was raised was considered to be an attack on the actual substance of what was being debated. That is unfortunate, Mr. Speaker.

So, when we talk about the floodway expansion, we will make it very clear to Manitobans, we will make it very clear to our constituents, that this is not the issue in terms of whether or not the floodway should be expanded, but that the real issue is how the process takes place, how it is that the project will move forward, Mr. Speaker.

So the Floodway Authority under Mr. Gilroy, as it presently stands, or any other body, I would suggest, if it has not already, it certainly is in danger of losing the confidence of Manitobans, Manitobans who have had to suffer through the debate, have had to suffer through the conflict that has happened between labour and has happened between employers.

I think that they are concerned about how this project will proceed, not whether or not the project should proceed. I think that is clear enough for the vast majority of Manitobans. There might be differences in terms of design and of those sorts of things, but those are certainly differences that get discussed and debated in the various forms that I believe will be had, but in terms of whether or not there is confidence in this authority, Mr. Speaker.

So, with those comments, I would like to thank you for the opportunity to speak on this bill, and I look forward to hearing the comments that will come forward in committee.

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Just briefly, I would like to announce that the Standing Committee on Legislative Affairs will meet on Monday, June 7, 6:30, to consider Bills 19, 23, 25, 27, 28, 30, 32, 36.

**Mr. Speaker:** It has been announced that the Standing Committee on Legislative Affairs will meet

on Monday, June 7, 2004, at 6:30 p.m., to consider the following bills: 19, 23, 25, 27, 28, 30, 32 and 36.

\* \* \*

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak to Bill 31, The Floodway Authority Act.

First of all, I want to make very clear that we as Liberal Party support flood protection for Winnipeg and that we support the expansion of the floodway based on the work done to date. It is the best long-term option for protecting Winnipeg.

Accordingly, we support Bill 31, The Floodway Authority Act. We see that the Floodway Authority is critical to moving forward on the expansion of the Red River Floodway. It is not to say that we do not have a number of issues, which I will talk about one by one.

I do want to put on the record that I think it is a positive fact that both the provincial and federal governments are providing financial support for the expansion of the floodway; and, thirdly, it is going to be very, very important to have good collaboration at both the federal and provincial level in order for the floodway expansion to proceed in an optimum kind of context.

I want to talk about a number of steps which, I think, are important that need to be resolved, as it were, before the construction begins. First, we see it as very important that there are full and adequate environmental hearings. We note that Bill 31 provides for the Floodway Authority to obtain all the approvals required for the floodway expansion, and we look—

### Point of Order

**Mr. Speaker:** Order. The honourable Official Opposition House Leader, on a point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** Yes, Mr. Speaker, on a point or order. Seeing that the hour is 5:30, and that the leader of the third party, the Liberal Party, is in full flight in his comments, I am wondering whether there is agreement in the House not to see the clock so the leader could continue.

**Mr. Speaker:** The honourable Member for Inkster, on the same point of order.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I am sure if members want to allow the member to finish his speech, we would be prepared to do that, but not to sit past the member's finishing his speech. I am not too sure; you would have to see if the member is prepared to finish his speech. At 5:30, I would suggest we rise.

**Mr. Speaker:** Order. That would be a whole brand-new point of order. I can only deal with one at a time.

The first point of order was from the honourable Official Opposition House Leader, asking leave for the members to not see the clock. Is there agreement for the members—

**An Honourable Member:** No.

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

**Mr. Speaker:** Okay. Just wait. Just hold on. Was that to not see the clock so the honourable Member for River Heights could complete his speech? That was the request? Okay. Is there leave?

**An Honourable Member:** No.

**Mr. Speaker:** Okay, all those—*[interjection]* Okay, I heard a no, so it has been denied.

#### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on a new point of order.

**Mr. Derkach:** Mr. Speaker, just on a new point of order. We have just taken the vote in the House and there was an audible no. It was the member from—

**An Honourable Member:** Inkster.

**Mr. Derkach:** No, no. River Heights, who was speaking.

Mr. Speaker, I think I noted that it was the member from Inkster, a member of the Liberal Party, an independent, his own party, who said no to give leave. I just want to understand whether that, in fact, is the case.

**Mr. Speaker:** The honourable Member for Inkster, on the same point of order.

**Mr. Lamoureux:** Yes, Mr. Speaker, out of courtesy to my leader, I had asked him if he would like to

continue. He had said, "No. It is 5:30." So we had said no to sitting past 5:30. So it is quite simple.

We do consult with our members, Mr. Speaker.

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

**Mr. Speaker:** Order. On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order. I will rule that it is a dispute over the facts.

\*\*\*

**Mr. Speaker:** We are getting past the hour here. *[interjection]* Okay. I have just been informed that there has been no leave to sit beyond 5:30, so I have no choice but to adjourn the House.

#### Point of Order

**An Honourable Member:** On a new point of order. I think we cannot adjourn the House on a point of order, can we? *[interjection]*

**Mr. Speaker:** Very, very quickly. The honourable Official Opposition House Leader, on a point of order, very quickly.

**Mr. Derkach:** I just wanted to make sure there was some clarification on this matter, that it was not the member from Inkster who denied leave. It was the member from River Heights who was up speaking and denied leave to have the House sit past 5:30. I just wanted to make that point, Mr. Speaker.

**Mr. Speaker:** The honourable Member for Inkster, on the same point of order.

**Mr. Lamoureux:** Mr. Speaker, you know what? It is past 5:30, and I would just suggest that leave was denied. It is as simple as that; do not try to read motives. Thank you.

**Mr. Speaker:** First of all, on the point of order. There is no point of order because it is a dispute on facts.

\*\*\*

**Mr. Speaker:** When this matter is again before the House, the honourable Member for River Heights (Mr. Gerrard) will have 28 minutes remaining.

The hour being 5:30, this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 2, 2004

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