

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

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The Honourable George Hickes
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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VACANT	Kirkfield Park	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 27, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

**Bill 9—The Grandparent Access
and Other Amendments Act
(Child and Family Services Act Amended)**

Hon. Gord Mackintosh (Minister of Family Services and Housing): Mr. Speaker, I move, seconded by the Minister responsible for Seniors (Ms. Irvin-Ross), that Bill 9, The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended); Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille), be now read a first time.

Motion presented.

Mr. Mackintosh: This bill is one of five parts of the government's package of family law reforms, both grand-relations. The bill, while maintaining the child's best interest as the overriding consideration and ensuring parents continue to have a voice in proceedings, requires courts to recognize that a child can benefit from a positive, nurturing relationship with a grandparent. It better facilitates grandparent and other family access with creative solutions, allows for the adjustment of orders as relationships evolve and allows for more timely orders.

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

Point of Order

Mr. Speaker: The honourable Member for Russell, on a point of order?

Mr. Leonard Derkach (Russell): Mr. Speaker, on a point of order. As unusual as this may seem, I rise on a point of order because this bill that was introduced today is one that has been before this Legislature for two years, was first sponsored by the member from Souris, who worked very hard with grandparents across this province to ensure that this kind of access to grandchildren could, in fact, be attained.

Mr. Speaker, although we are glad that finally the government has wakened up and has

acknowledged that the bill that was introduced first by the member from Souris has validity, I just find it regrettable that in the introduction of this bill the minister could not even pay a tribute to the member from Souris who sponsored this bill more than two years ago. We look forward to the passage of this bill.

Mr. Speaker: The honourable Minister of Family Services, on the same point of order?

Mr. Mackintosh: Mr. Speaker, on the point of order. I know the member opposite had a well-intentioned but unfortunately a bill that would have some mischievous outcomes. I am sure members will see when they see the bill that the bill introduced by the government has very little resemblance, if any at all, to the bill from the opposition, which the opposition would not let go to debate because they walked out of this House day after day.

Mr. Speaker: On the point of order raised by the honourable Member for Russell, he does not have a point of order. Points of order should be raised to point out to the Speaker, departure of a rule or procedure in the House and not to be used for points of debate.

Point of Order

Mr. Speaker: The honourable Member for Russell, on a new point of order?

Mr. Derkach: Yes, on a new point of order. I just want to correct the record, Mr. Speaker, because I did call the Member for Minnedosa (Mrs. Rowat), the member for Souris. Although she lives in Souris, she is the Member for Minnedosa. I just wanted to correct that for the record. Thank you.

Mr. Speaker: I thank the honourable member for that. Now we will move on to petitions.

PETITIONS

Headingley Foods

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

These are the reasons for this petition:

The owners of Headingley Foods, a small business based in Headingley, would like to sell

alcohol at their store. The distance from their location to the nearest Liquor Mart, via the Trans-Canada Highway, is 9.3 kilometres. The distance to the same Liquor Mart via Roblin Boulevard is 10.8 kilometres. Their application has been rejected because their store needs to be 10 kilometres away from the Liquor Mart. It is 700 metres short of this requirement using one route but 10.8 kilometres using the other.

The majority of Headingley's population lives off Roblin Boulevard and uses Roblin Boulevard to get to and from Winnipeg rather than the Trans-Canada Highway. Additionally, the highway route is often closed or too dangerous to travel in severe weather conditions. The majority of Headingley residents therefore travel to the Liquor Mart via Roblin Boulevard, a distance of 10.8 kilometres.

Small businesses outside Winnipeg's perimeter are vital to the prosperity of Manitoba's communities and should be supported. It is difficult for small businesses like Headingley Foods to compete with larger stores in Winnipeg, and they require added services to remain viable. Residents should be able to purchase alcohol locally rather than having to drive to the next municipality.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister charged with the administration of The Liquor Control Act (Mr. Smith), to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba.

This is signed by Steven Koksar, Tom Major, David Williams and many others, Mr. Speaker.

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

Provincial Slogan

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

The background to this petition is as follows:

That the NDP have authorized the spending of hundreds of thousands of tax dollars to promote the new slogan, "Spirited Energy."

That "Friendly Manitoba" is a better description of our province.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider supporting the slogan "Friendly Manitoba" over "Spirited Energy."

To urge the Premier (Mr. Doer) and his NDP caucus to make public the total cost in creating and promoting the new slogan "Spirited Energy."

Mr. Speaker, that is signed by G. Oleas, S. Maglain, M. Reyes and many, many other Manitobans.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of honourable members to the public gallery where we have with us today 20 Journalism students from Red River College. These students are under the direction of Mr. Duncan McMonagle.

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

ORAL QUESTIONS

"Spirited Energy" Advertising Campaign Private Sector Contributions

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, my question is to the Deputy Premier. Manitobans are becoming increasingly curious about the structure of the financing related to the latest government pre-election taxpayer-funded election campaign, otherwise known as the "Spirited Energy" campaign. We were initially told, this Chamber and Manitobans were told, that this initiative was being led by the private sector. We then learned that the Premier's (Mr. Doer) former director of communications was, in fact, the individual spearheading the initiative within a department of the government of Manitoba.

We were initially told that private-sector contributors were providing a million dollars toward the campaign. We then learned that within that million dollars were private-sector players, according to the government, like Manitoba Public Insurance, which last we checked was a Crown corporation. Then we learned, Mr. Speaker, that much of the contribution, if not all of it, comes in the form of in-kind contributions.

So, Mr. Speaker, after months of stonewalling in response to questions from the media, stonewalling in response to questions from the opposition; contradictions, flip-flops and misinformation on where the money is coming from on this campaign, will the minister today confirm specifically how much in the way of cash, how much cash contribution has been provided by the private sector to the "Spirited Energy" campaign?

*(13:40)

Hon. Rosann Wowchuk (Deputy Premier): I wish the member opposite would indicate to this House whether he really does support promoting Manitoba outside of Manitoba. When he first spoke, the member opposite said: Why are you only promoting Manitoba to Manitobans? Now, when we are advertising outside of Manitoba, he says: Why are you advertising there? You are wasting taxpayers' money.

We are very much committed to having more people learn about Manitoba, Mr. Speaker, and I can assure this House that the private sector is involved. The member opposite is concerned about Crown corporations being involved. The member opposite would rather privatize those Crown corporations than have them contribute.

Mr. Speaker, in-kind contributions are the same as putting money—

Mr. Speaker: Order.

Mr. McFadyen: I see the Deputy Premier is reading off the same evasion tip sheet that the Premier (Mr. Doer) must have left behind as he has gone off on his conference.

The question is this: We are not worried about the brand of Manitoba. It is a great province. What we are worried about, Mr. Speaker, is the brand of this government. This government's brand is turning into a brand that has more to do with stonewalling and evasion than spirited energy, so what we would like from the government today are some clear answers. In the expenditure of taxpayers' dollars, what Manitobans are looking for, what members on this side of the House are looking for are clear answers and direct answers with respect to this expenditure of taxpayers' dollars.

Now, Mr. Speaker, the Premier (Mr. Doer) previously said that this initiative was being led by the private sector. Now we hear the minister saying they're private-sector contributions. Among those

contributions are volunteer times being valued at \$200 an hour by this government. Now even the Member for Kildonan (Mr. Chomiak) can't bill his time out at \$200 an hour. I am sure he would come close, but there are not very many Manitobans who bill their time at \$200 an hour.

So we learned last week that Brandon University hadn't paid a nickel to have the banner placed on the side of their buildings. We have now learned that the government spent \$30,000 putting together the advertising that now appears on the side of the CanWest building at Portage and Main in Winnipeg. In light of the fact that taxpayer dollars, \$30,000 was put out to advertise "Spirited Energy" on the side of the CanWest building at Portage and Main, can the minister please explain how it is that the Premier can count this as a private-sector contribution when the company did not put a nickel toward it?

Hon. Scott Smith (Minister of Competitiveness, Training and Trade): Mr. Speaker, I am very pleased to put correct answers on the record. The flip-flop party opposite wanted to go national in this campaign. When we went national, they did not like that.

The government has put about \$2.4 million into the "Spirited Energy" campaign. The private sector, businesses, the business sector, has put about a million dollars in, and members opposite continue to hammer on. This is good to be a branding process, Mr. Speaker, and then they flip-flop on the other side, and say: Well, now we have to pay for it.

Manitobans and the private sector have led this right from day one, through the Premier's Economic Advisory committee, a group of industry individuals. I am tired of the members opposite belittling the industry and individuals who have put so much time into this. Mr. Speaker, this is positive—

Mr. Speaker: Order.

Mr. McFadyen: On the one hand, the minister gets up and says that this is being led by the private sector, and then he goes on to say that the government, the taxpayers of Manitoba, are putting up \$2.4 million, and he has cooked up this phony \$1-million number to attribute to the private sector.

Now, Mr. Speaker, even if we give him the benefit of the doubt, which we don't, but even if we gave him the benefit of the doubt that the private sector was contributing a million, that is not leading the campaign when we have taxpayers now on the hook for \$2.4 million.

Now, this morning on CJOB, the minister said: Well, it was \$900,000 that we've got in contributions from the business community, he says. He said a million in Question Period. Earlier today, it was \$900,000 on CJOB, coming from the business community. He then went on to say that \$480,000 of that was coming from parties who were receiving funds from the government for ad buys. So this is what he counts as an in-kind contribution to the campaign.

So will the minister today provide clarity to this House and to Manitobans as the individual and the government responsible for the sound administration of taxpayers' dollars? Will he just come clean? Will he explain how much has been contributed by the private sector? Will he provide a line-by-line accounting of how much taxpayers are on the hook, and how much cash contribution, not in-kind? Nothing else, end the evasions; come clean. Let us know what the private sector has put into this campaign, Mr. Speaker.

Mr. Smith: Maybe, Mr. Speaker, I'll speak a little more slowly for the member opposite. We put \$1.6 million in in the initial part of the campaign; \$800,000 from the Province of Manitoba in the secondary part. We're one of the only provinces in Canada to get such a large contribution, about a million dollars from the private sector and business community.

It's something we should be proud of in Manitoba. We are branding Manitoba on the advice of the industries, on the advice of private business, on the advice of the Winnipeg Chamber of Commerce's Dave Angus, on the advice of Graham Starmer from the Manitoba Chambers of Commerce. The Chamber of Commerce in Brandon and many others wanted this branding. We're doing it. We're doing it efficiently, and we're doing it with them on their advice. It doesn't get any clearer than that.

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

Mr. McFadyen: The stonewalling campaign continues under this new minister which goes to show that you can change the chef, but the same old muddled recipe remains the same, Mr. Speaker.

My question is for the minister. The minister has indicated that a million dollars has come from the private sector, and then he goes on to say on CJOB this morning: Well, it's more like \$900,000 from the private sector. Then he goes on to explain that of the

\$900,000, \$300,000 is coming in the form of contributions from the broadcasters.

He hasn't yet made it clear whether this is a discount on the paid advertising that his government is providing to the broadcasters or whether it's a cash contribution; \$165,000 coming from CanWest. They're buying advertising from CanWest. It's not yet clear, and I wish the minister would clarify it. Has CanWest written a cheque for \$165,000 or is this coming in the form of a discount on paid advertising being bought by his government using taxpayer funds? Then he goes on to say: \$15,000 from the *Winnipeg Sun*. So that's \$480,000, Mr. Speaker, out of the \$900,000 that he spoke of this morning.

Will the minister please now stand up and account for the other \$420,000?

Mr. Smith: What is clear is we're getting a buy-in from our industry here in Manitoba and our business community in Manitoba. What's crystal clear, Mr. Speaker, is that we're getting a buy-in from the Chambers of Commerce in Winnipeg, from Manitoba, from Brandon and others.

As the member opposite wants to split hairs on when he's talking about \$1 million, it doesn't get any clearer: the \$900,000, there's about \$100,000 coming from the Crowns. But when the Chambers of Commerce have a business function and they say from the private sector they've raised X number of dollars, they don't sweat out the Crown corporations that are members of that Chamber of Commerce. They're part of the business community. They're working for Manitobans. Quite frankly, he's about the only person in Manitoba that's not in the "Spirited Energy" campaign.

Mr. McFadyen: Mr. Speaker, the minister has indicated \$900,000 in private sector contributions. He accounted this morning for \$480,000 coming from either discounts or rebates or contributions of some kind, in-kind advertising from broadcasters who are receiving public funds under the "Spirited Energy" campaign.

Will the minister today account for the missing \$420,000?

Mr. Smith: The only thing missing is this member's buy-in with the rest of Manitobans. As a person who supports the business community and our industries in Manitoba, it must be extremely frustrating for them not to see this member put a value on their time and their energy that they've put into this campaign.

That does have a value, Mr. Speaker, that has a critical value. The expertise we're getting from the business community and their time they have put into this does have a value.

The member opposite seems to say their time has no value. If you take Hartley Richardson or many of the others who are part of the campaign and the time they put in, they have a high value and they bring to us fantastic views from the business sector. They should put a time frame on that where it does—

Mr. Speaker: Order.

* (13:50)

Mr. McFadyen: Mr. Speaker, I want to thank the minister for confirming that the 900,000 is a phony number.

Last Tuesday on CJOB radio, when asked, the Premier (Mr. Doer), asked about subsequent phases, the government announced an extra \$800,000 last week in advertising, twice what they're putting into the gang task force. When the Premier was asked about phases three and four, the Premier appeared apprehensive about spending more provincial money for a third-phase plan for the new year. The Premier's quote is: I've got some questions about that so we haven't approved that but there could be no more. This is the Premier last week on Tuesday.

Then the minister on Friday says in response: Are you talking about phases three and four, and he says: This is absolutely no secret. This was announced in June. Yes, there's no secret by no means from anyone. So, Mr. Speaker, who has got it wrong, the Premier or the minister?

Mr. Smith: The people have it wrong at the opposition, not the Premier nor I.

Mr. Speaker, when we started this out, the front-end costs brought forward by professionals on bringing forth a branding for Manitoba had front-end costs. That initial cost was about \$1.6 million. Going into the secondary phase, it was about \$800,000.

Members opposite would not like to brand Manitoba, obviously, and that's fine, but it will be continued. It is popular. We're now hitting about 6.3 million people across Canada. Mr. Speaker, we've got a lot to offer in Manitoba. We're going to tell everybody across Canada and certainly into the United States what we have to offer here. If the members want to sit and hole up in Manitoba, we don't. We want to be competitive, and we want to brand Manitoba in the best possible way.

Health Care Volume of Major Surgery Cases

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, in 1998-99, under a Tory government, 58,000 major surgery cases were done in Winnipeg. In 2005-06, under the NDP, only 53,500 major surgeries were done in Winnipeg, a drop of 4,500 major surgical cases.

I'd like to ask the Minister of Health, after she has put 1.5 billion more dollars into the health care system, why she has dramatically cut back major surgical cases by 4,500 cases.

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, let me start off by saying that when we came into government in 1999, the wait lists for lifesaving surgery, the wait lists for cancer and the wait lists for cardiac were unacceptably high. At that time, we made the politically difficult but emotionally appropriate decision to send people to the United States while we got those wait lists under control.

I'm very proud to say, Mr. Speaker, that at this time we have wait lists for cancer and cardiac that fall below the national benchmark. That is one example of what happens when you make health care a priority in contrast to the Leader of the Opposition (Mr. McFadyen) who, on November 1, in the *Winnipeg Free Press* said that it was no longer a priority for him.

Mrs. Driedger: Mr. Speaker, the minister would be much better off, instead of playing politics with her answer, to try to answer the question because she didn't answer it.

A leaked WRHA surgery program business plan a few years ago said that access to surgical services in Manitoba is decreasing, and that because of increasing cancer rates and increasing baby boomers, there was a need for more surgery to be done. Instead, it's grown worse. Compared to the year 2000 when the NDP first formed government, there are a thousand less gynecological surgeries done, almost a thousand less urological surgeries done, over 700 fewer vascular surgeries and almost 1,400 fewer general surgical cases which include cancer.

With \$1.5 million more spending, can the Minister of Health explain why she has cut back surgical volumes so dramatically?

Ms. Oswald: I want to go on by saying that once we worked very diligently to reduce these unacceptably

high wait times for lifesaving surgeries like cancer and cardiac. Again, I think we saw just last week, Mr. Speaker, the country's *Globe and Mail* citing while other provinces have made progress on wait times, Manitoba is a provincial star in its bid to reduce health care queues, the shortest wait time in the country for radiation.

But, that's not all, Mr. Speaker. We went on to addressing issues concerning quality of life surgeries and, of course, we know that our median wait time for hip and knee surgery has gone from 44 weeks to 24 weeks, a reduction of 20 weeks in just one year. I think it's also a salient point for the member opposite to realize we've moved surgeries out of the Winnipeg centre around the province.

Mrs. Driedger: In reference to the article from *The Globe and Mail* that the minister is just referencing, I would like to indicate that there are some Manitobans who have written a letter to the editor saying that the waiting lists in Manitoba are an embarrassment and that Manitoba is no shining star when it comes to waiting lists. They were very offended because they are on the wait.

This Minister of Health is not answering this question. Mr. Speaker, 4,500 major surgical cases have been drastically cut under her watch, and she is not answering the question. These are major surgical cases. These numbers are stunning, and they are alarming because they also include waits for patients who have cancer.

I would like to ask her why she's not answering the question, why she has slashed back 4,500 surgical cases in Winnipeg. Is it mismanagement, is it incompetence, is it a doctor shortage? What is it?

Ms. Oswald: Mr. Speaker, the member opposite gets very concerned about answers to questions. She simply edits out the answers that she doesn't like to hear, like, for example, if we are going to address the issue of investments in health care, we hear the member opposite citing numbers that our government, making health care a priority, invests in health care.

Let's take the 1 percent promise from the 2003 election campaign for members opposite. Doing some arithmetic back from 2003, we know now that would be a bludgeoning, damaging blow to our health care system of some \$260 million. That would be the equivalent of closing the Grace Hospital altogether, practically every hospital in rural Manitoba or maybe just cancelling home care. Our

government makes health care a priority. Our government makes surgery a priority. Our numbers are clear. The member opposite is just wrong.

Lake Manitoba Water Stewardship Board Board Appointments

Mr. Ralph Eichler (Lakeside): Mr. Speaker, this NDP government made a commitment to form Lake Manitoba Water Stewardship Board as a result of the study on Lake Manitoba. This study was tabled three years ago and is currently collecting dust.

Can the Minister of Water Stewardship inform this House when they will form the Lake Manitoba Water Stewardship Board, be appointed, and when it plans to make recommendations on this lake?

Hon. Christine Melnick (Minister of Water Stewardship): Well, Mr. Speaker, unlike members opposite who ignored the situation with water throughout the province of Manitoba, we have acted on this. We are working to form the Lake Manitoba Water Stewardship Board. We have had great success with the Lake Winnipeg Stewardship Board. We have a comprehensive plan to protect water from source to tap, unlike members opposite who did absolutely nothing for the 11 years when they were in power.

Mr. Eichler: Mr. Speaker, this NDP government has made countless statements about protecting water quality but has only chosen to play politics. There's much more to Manitoba than Lake Winnipeg. The protection of Lake Manitoba is equally important. Where is their plan on protecting this lake? Where is their true commitment to Lake Manitoba?

Ms. Melnick: Mr. Speaker, it would be helpful if members opposite would listen to the answers when they ask a question. I just talked about our comprehensive plan of protecting water from source to tap. I talked about how pleased we are with the Lake Winnipeg Stewardship Board. We are in the process of forming the Lake Winnipeg Stewardship Board. We are in phase 3 of our comprehensive plan. We have brought in The Water Protection Act; we have brought in the water quality act; we have brought in water regulations. Members opposite have not told the people of Manitoba are they or are they not in support of the regulation of water in the province in Manitoba. That's the real question in this House. I dare them to answer it today.

* (14:00)

Mr. Eichler: Mr. Speaker, we can just look at this minister's boil water order. That's enough to put him over the top just on that alone.

Mr. Speaker, the dust is piling up on the Lake Manitoba report from 2003, enough to clog any lake, thanks to the inaction of two ministers. This NDP government has failed Lake Manitoba by the lack of appointments to the Lake Manitoba Water Stewardship Board.

When will the Minister of Agriculture (Ms. Wowchuk) or the Minister of Water Stewardship take definite action and appoint this board before it is too late for this important lake?

Ms. Melnick: Again, we are in the process of forming the Lake Manitoba Water Stewardship Board. It is also interesting that this member is asking questions about the protection of water when his leader has been very clear. On April 28, in the *Brandon Sun*, he committed to remove the new water regulations; but flip-flop, flip-flop, on November 17, the Leader of the Opposition (Mr. McFadyen) said: Mr. Speaker, we believe an environmental review is overdue for the pork industry. We support a review of the environmental implications of what is going on.

So which is it? Do they support the protection of water in this province, or will they continue what they started during the 11 lean years when they were in power and continue to ignore it?

Mr. Speaker: The honourable Member for Lakeside, on a new question.

Ranchers Choice Co-op Status of Project

Mr. Ralph Eichler (Lakeside): Mr. Speaker, the federal government's Loan Loss Reserve Program for Ranchers Choice expires December 31, 2007. If this co-op is not processing cattle by that date it could be out of business permanently.

Can the Minister of Agriculture assure this House that the facility will be in operation by December 31 of '07, or could she tell Manitobans what her backup plan is?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I am very pleased that the member opposite now talks about the need for slaughter capacity in this province, because the Member for Emerson (Mr. Penner) has said that there is enough slaughter capacity in this province. The Member for Lakeside

said that he did not really support the slaughter capacity being increased, but they've changed their mind. They changed their mind, and I am so happy that they are onboard. I can say to the members opposite that we continue to work with all people who are interested in increasing slaughter capacity in this province.

Mr. Eichler: Not even a blade of grass or a shovel has been turned. This minister knows that.

Mr. Speaker, Ranchers Choice has a minimum construction time of 11 months to build this plant, barring no problems. The federal government Loan Loss program demands that it will be in operation by December 31 of next year. The minister has continually dragged her feet on this issue, making this completion date unrealistic.

Has the minister approached the federal government to allow an extension of the federal Loan Loss program, Mr. Speaker?

Ms. Wowchuk: I can assure the member that it was under this government's leadership that we were able to get the changes that were necessary so that the Ranchers Choice program would qualify for the Loan Loss program.

I want to commend the board of Ranchers Choice who have been working very hard, Mr. Speaker, to get this project onboard. Unfortunately, the members opposite certainly didn't help. When we were trying to get producers, and Ranchers Choice was trying to get producers to sign up their cattle, members opposite were speaking against it. They were saying that we didn't need slaughter capacity in this province. There was adequate capacity. The members opposite should be the ones that get onboard and finally start to support this project.

Mr. Eichler: This incompetent minister imposing a mandatory \$2 checkoff that was where the problem started, and by her dragging her feet.

Mr. Speaker, this NDP government has less than seven days to decide if the provincial Treasury will move forward with its support for this only project, Ranchers Choice. Sources have indicated that the co-op is out of money and faces serious financial difficulties. They will not be able to meet their payroll.

Can the minister explain how this project will move forward when they are facing these huge financial hurdles at this time?

Ms. Wowchuk: It is very interesting that the members are onboard. I can assure him that my staff and I have been in discussion with Ranchers Choice, and every effort is being made to make that project move forward. But, Mr. Speaker, this is very curiously strange that the member supports government's involvement in Ranchers Choice when their policy document says that no provincial dollars should go into a plant. They say that the private sector can do this. So their policy says there should be infrastructure, but then the private sector should support it.

On this side of the House, we recognize full well that there is a need for government support and that's why we committed money to Ranchers Choice and that's why we'll continue to work on slaughter capacity. I urge the member opposite, before he asks another question, to read his policy book.

Cattle Enhancement Council Costs

Mr. Leonard Derkach (Russell): Mr. Speaker, the person who should read her policy book is the Minister of Agriculture in this province.

The mandatory \$2-per-head tax on cattle started on September 1, 2006. The council has hired an executive director for \$103,000. The chair, Mr. Bill Uruski, an NDP MLA, is going to pay himself \$340 per day plus expenses, and each member on that committee will get \$200 per day plus expenses. Mr. Speaker, the wages, the per diems, the facility costs, the operating costs will exceed a quarter million dollars per year, and the most this council can collect from the farmers per year is \$1.6 million.

I want to ask the minister if she can confirm that the government is prepared to spend a quarter million dollars on administration when the maximum they can collect from farmers is \$1.6 million.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, when producers were looking for a way to contribute to the slaughter capacity in this province, producers came to us and asked us if we would put in place a levy. We have listened to the producers. The producers wanted a refundable levy. We have again listened to producers, and we've put in place a refundable levy.

The council is being established, is established, and they are putting forward their budget. We are working with them, we are working with producers, unlike members opposite who are trying to strip the farmers of their right to have a position in the

marketplace and take away the single-desk selling ability of the Wheat Board.

Mr. Derkach: Mr. Speaker, four years since BSE hit our province and no one has slaughter facilities yet. Instead of helping existing facilities meet federally-inspected standards, this government is prepared to spend hundreds of thousands of dollars on a politically-appointed council. The entire situation is a mess. The only people benefiting from this program are the politically-appointed people who she has put on the council.

Will the minister scrap this council now and put the money into the facilities that need to be enhanced so they can meet federally-inspected standards, Mr. Speaker?

Ms. Wowchuk: This government has stood behind and put in place funds for facilities that are wanting to expand their slaughter capacity, Mr. Speaker. We've done that. We will continue to work with them, but I find the member opposite is speaking out of both sides of his mouth.

On one hand, he doesn't want the government to make any—he wants the government to make investments, but their own policy says no provincial dollars should go into a plant. Which do they want? We know what we want. We want to see slaughter capacity increased in this province. We want to see producers involved, and I would encourage the members opposite to have producers participate by supporting a slaughter facility rather than speaking out of both sides of their mouth and being critical of the things we have done.

Mr. Derkach: Instead of rambling on, Mr. Speaker, we would like this minister to take some action. We would like to see some enhanced slaughter facilities in this province. That's what the bottom line is.

The government is trying to force auction mart operators to disclose the names and the addresses of the people who are bringing their cattle to market. There is no such requirement under the MCPA checkoff system. Farmers get the money discounted or deducted from their cheques, and the money is then forwarded to the council.

Why is this minister wanting that kind of personal information when it has no use in terms of collecting the money and then refunding the money? Why is it all she wants is information?

Ms. Wowchuk: I think the answer is very simple. Producers contribute money. If there is money to be

paid back, you have to have somebody to pay it back to. You have a list, then you have the ability to refund money. I don't understand what the member finds so complicated about this. We have asked the auction marts to provide that information, and we expect them to provide that information.

Mr. Speaker, it's very simple, and I don't understand why the member opposite should find it so hard to understand. If there are refunds at the end of the process, at some point in the process it's important that you have a list of producers.

*(14:10)

Phosphorous Pollution City of Winnipeg Drinking Water

Hon. Jon Gerrard (River Heights): Mr. Speaker, as this government tries desperately to pull the wool over the eyes of Manitobans with their feeble strategy on phosphorus, I'd like to share some practical ideas with the Minister of Water Stewardship (Ms. Melnick). Each year the City of Winnipeg actually adds between 57 and 70 tonnes of phosphorus into the city's water supply, and a substantial portion of this makes its way into Lake Winnipeg causing further ecological damage and algal growth in the lake.

My question is to the Minister of Water Stewardship. Why has this government chosen to scapegoat agriculture with all the blame, when in seven years this government has failed to work with the City to eliminate the huge amount of phosphorus added to the city's drinking water?

Hon. Stan Struthers (Minister of Conservation): Our friend across the way would probably be glad to know that in 1992, the Clean Environment Commission did come forward with some recommendations, and our friends, just to the right of him in this Legislature, sat on those recommendations. One even has his hand up volunteering to be minister of the day, Mr. Speaker.

So for that side of the House to get up and expect to be treated seriously in terms of protecting water, whether it comes from the city of Winnipeg or from the agricultural sector or cottages or any of the other groups out there that we've been working with to make sure we get and maintain a lower count in terms of phosphorus to the nitrogen, I think, is just bizarre, Mr. Speaker.

Mr. Gerrard: Mr. Speaker, in the December 2006 edition of *Canadian Geographic*, Lake Winnipeg is

called Canada's forgotten lake because the NDP forgot about it and the Tories, when they were in power, forgot about it too.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Gerrard: Mr. Speaker, let me continue. The phosphorus added by the City of Winnipeg to its drinking water is added as phosphoric acid to control leeching and erosion of the pipes, but there are now practical alternatives to adding phosphoric acid which will not cause the problems with algal growth in Lake Winnipeg.

I ask the Minister of Water Stewardship whether she is going to help the City of Winnipeg switch to these practical alternatives and help reduce the algal blooms in Lake Winnipeg.

Hon. Christine Melnick (Minister of Water Stewardship): Mr. Speaker, I am happy to respond because I can set the record straight. The article the member refers to talks specifically about the federal government, in which time, the Member for River Heights was in Cabinet. They promised more money for water monitoring in the 2003 election, but when he was in the federal Cabinet the Department of the Environment was cut by 1,400 jobs, some \$229 million between '95 and '97. The Member for River Heights sat in the Cabinet and supported that decision. In fact, in *Hansard*, he said these were tough, but fair cuts. Shame on him.

NDP Nomination (The Maples) Premier's Involvement

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, there was inappropriate action taken by the chief of staff from the Premier's (Mr. Doer) office that is in direct violation of The Elections Act. It's in direct violation of the code of ethics which all political parties had agreed to.

Over the weekend, I had the opportunity to read the letter, and I read the letter thoroughly, Mr. Speaker. Using the words I read in the letter, it stated, and I would quote: Issues such as political intimidation and bullying; quote: unethical and illegitimate pressure; quote: corruption or bribery.

An Honourable Member: Are you going to resign?

Mr. Lamoureux: In answer to the Government House Leader's question, Mr. Speaker, I'll put my political career on this issue. I would challenge the

Government House Leader to do likewise. My question—

Mr. Speaker: Order. The honourable member's time has expired. It's 45 seconds.

Hon. Dave Chomiak (Minister of Justice and Attorney General): The member has a bit of a reputation for being involved in The Maples constituency, firstly.

Secondly, the member said he had some allegations he learned about in September of this year. September, October, now it's November; it's almost December. I would like to know what action, other than raising innuendo in the House and saying different things in the hallway, the member is prepared to and what action the member has taken. The Premier has indicated, whenever allegations are acted, he has come forward. He forwards it to the appropriate authorities.

What has the member done other than attempt to be misleading in the House and in the hallway?

Public Transportation Government Initiatives

Mr. Rob Altemeyer (Wolseley): Mr. Speaker, my honourable colleague from Inkster is having one of those days where he can't ask a good question in 45 seconds or less. Let me try and demonstrate to provide a bit of a positive role model for his future behaviour.

We all know that positive transportation modes that promote healthy living can also help reduce climate change emissions in our province. I would love to ask the Minister of Healthy Living what initiatives our government is involved in to help that happen across our province.

Hon. Kerri Irvin-Ross (Minister of Healthy Living): Mr. Speaker, I was pleased to represent our government on Friday at the launch of the WinSmart showcase at The Forks with my colleagues from the other two levels of government. WinSmart will include modifications to buses by our offering park-and-ride facilities to Winnipeg residents.

We'll also look at different modes of transportation such as paths. Our government is proud to have committed \$847,500 to this initiative, which will help promote healthier living by developing these paths encouraging people to walk, to get physically active, and while they're doing that they're reducing emissions, fossil fuels. It's very important that we take care of our environment

through these initiatives while taking care of our physical health.

Bill 41

Impact on Pharmaceutical Industry

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, my question is to the Minister of Competitiveness. I wonder now that he is comfortable with his mandate if he has reviewed Bill 41 to see what impact that might have on the pharmaceutical industry in this province.

Hon. Scott Smith (Minister of Competitiveness, Training and Trade): Mr. Speaker, certainly, through the Internet pharmacies that were developed over the last six or seven years, it's been a good growth in Manitoba. We have constantly been there working with that association and with the pharmacists' association to find solutions.

Number 1, efficient and good systems are something that the Internet pharmacy has certainly put out and shown that it's quite viable.

Number 2, when you look at the safety of drugs they've also proven that, Mr. Speaker. The supply of drugs is something they've proven again. We'll continue to support them. We'll continue to listen to the Pharmaceutical Association and their advice.

Mr. Speaker: Time for Oral Questions has expired.

Introduction of Guests

Mr. Speaker: I'd like to draw the attention of honourable members to the public gallery where we have with us Bill and Corinne Gamble [*phonetic*] from Selkirk who are the guests of the honourable Member for Minnedosa (Mrs. Rowat).

MEMBERS' STATEMENTS

St. James Working Families

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, today I have the honour of recognizing the hard work and devotion of St. James' many working families. Many of my constituents work long hours to provide support for their children, making me very proud of both their committed efforts and the efforts of our provincial government to support their raising healthy, happy families.

The recent Throne Speech highlighted our government's commitment in the form of such programs as the Healthy Child Strategy that strengthens child care options and the literacy initiatives that will help Manitoban children grow up

to become successful, productive members of a rapidly changing society. In fact, the Healthy Child Strategy has been recognized by the Health Council of Canada as a recommended strategy for other provinces to adopt.

* (14:20)

Many other groups have recognized our government's progress in making this province a leader in helping children and families, including the Social Planning Council of Winnipeg which noted that Manitoba's child poverty rate is the lowest it has been in 15 years. There is still much work to be done but this significant decrease is certainly encouraging.

The council's executive director credits much of this decrease to the provincial government's decision to end the clawback of the National Child Benefit supplement giving \$14 million a year back to the families who can make use of this support. More than 20,000 people have been eliminated from the provincial income tax rolls since 1999, and the minimum wage has increased by 26.6 percent since 2000.

I know that many of my constituents continue to work hard every day to support themselves and their children despite the long hours, personal challenges and financial difficulties. I am very pleased that our government has the continued privilege of supporting all of you who are committed to working with us to creating a brighter tomorrow for not only yourselves but for future generations. Thank you.

Grandparents' Access to Grandchildren

Mrs. Leanne Rowat (Minnedosa): I am very pleased to learn that there will be a bill introduced regarding grandparents' access, and I was also pleased to learn that the Throne Speech addressed something that we've been working on very hard over the last two years. We've introduced two private members' bills which were rejected by this government, and we were very pleased to see that there's been a bill introduced today that we will work with the government on supporting, Mr. Speaker.

There are many things that can go wrong in a child's life and often grandparents with wisdom, knowledge, love, support and help that they can provide can help a child who is going through a difficult situation, Mr. Speaker. The vast majority of cases that we've learned about, that have been shared, are grandparents who are not seeking custody but are looking at an opportunity to provide simple things in the children's lives. They want contact.

They want to share moments in the lives of their grandchildren that so many other families take for granted, phone calls on their birthday, a visit on their birthday, watching sports activities or just taking grandchildren out for concerts or plays.

Over the past several months, I've had the opportunity and the privilege to meet with grandparents and other people who are just generally supportive of grandparents' access, and I have learned a lot about the issue, Mr. Speaker. So today I'm pleased to see that the government has finally taken heed and has responded to what we've been trying to bring forward for the last several years.

So we hope that the legislation that has been introduced today will do and say what people hoped it would do, and I believe that the main stakeholders, the grandparents, and the ones who are most affected, the grandchildren, have finally had their voices heard, Mr. Speaker. Thank you.

Brandon West Constituency

Hon. Scott Smith (Minister of Competitiveness, Training and Trade): Mr. Speaker, the people of Brandon West are proud of their homes; they're proud of their neighbourhoods; they're proud of their city, and they're proud of their province. You could say they certainly have spirited energy.

Mr. Speaker, I want to thank them for the way that they invest their resources and energy into the upkeep and improvement of their communities. Above all, I want to thank them for their willingness to work together to establish community priorities and their co-operative approach to resolving community issues. It gives me great pleasure to be part of a government that supports the people of Brandon West and Westman through wise, timely investment of public resources in the infrastructure initiatives that ensure our neighbourhoods are the best that they can be.

In this government's recent Throne Speech, Brandon was mentioned no fewer than 10 times in the context of innovative new projects such as upgrades to emergency rooms, the relocation of Assiniboine Community College, increased transit funding, \$15 million to the redevelopment of the Keystone Centre, and most recently the \$17-million commitment to the twinning and the structural bridges in Brandon on 18th Street.

Mr. Speaker, we are building bridges. This funding commitment is part of this government's greater commitment to infrastructure, part of a \$4-

billion commitment over 10 years, with \$400 million being designated for this year alone. Because of this new bridge, the residents of Brandon will be able to enjoy the insurance of protection and, certainly, a 1-in-100-year flood. The designation of this bridge also means a growing community in Brandon with a three-metre wide sidewalk to allow families to enjoy the walking and biking.

The people of Brandon throughout the '90s were slighted by the previous government. The current government, however, has a track record for working with the people of Brandon West, recognizing and acting on advice from their needs in our constituency and city. Brandonites deserve no less, Mr. Speaker. Thank you very much.

Centennial Library (Winkler)

Mr. Peter Dyck (Pembina): I would like to congratulate the city of Winkler on their new Centennial Library which opened on November 21, 2006. The weather was beautiful and the opening was a huge success. The community has come together over the last number of months to help create this new building that will certainly be a centre for learning and discovery for everyone.

As in most projects of this magnitude, the construction of the library could not have been accomplished without the hard work of the volunteers. In the final phase of the move, 40,000 books were moved off the shelves of the old library. They were then transferred to the new site in a human chain made up of students from local schools and others who gave up their spare time to lend a hand.

A portion of Main Street was closed to accommodate what was termed in the local newspapers as a "giant human book brigade." Members of the Winkler Flyers Hockey Club even joined in to help move some of the heavier items. It was great to see these young men involved together with the young children in moving the books.

The new library is a 12,000 square foot building, including new computer work spaces and an archive room for the Winkler Heritage Society. This new facility will be a tremendous asset to the city of Winkler and the surrounding area for years to come.

I am very happy to congratulate Mary Toma, Elaine Dyck and Esther Penner who were instrumental in the organization and all those who were involved in making the new library a reality. They have worked extremely hard and we are very

proud of their tireless efforts as they continue to assist the local community. Thank you very much, Mr. Speaker.

Bernie Wolfe School Snack Program

Mr. Bidhu Jha (Radisson): Mr. Speaker, on November 3, I was contacted by some parents of Bernie Wolfe School students who were concerned that their snack program was in danger of being cancelled.

Nutrition is very important for children. Hungry children do not have the attention span to learn as well compared to children who are not hungry. Research shows that poor nutrition is associated with poorer learning outcomes in language arts, math and general knowledge. It is essential that we give our children at least this much so that they succeed as students.

I have been and will remain a strong supporter of all programs that are important to the well-being of children and students in my constituency. As I learned, there were three main problems affecting the snack program: first, insufficient funding; second, it was difficult to recruit employees to work for one hour only a day; and finally, some parents were not willing to pay for the lunch on the basis of their assumption that it was either the school or the division who should be paying for these funds.

The challenge was to find a solution acceptable to all stakeholders. I am pleased to inform the House, Mr. Speaker, that we came up with a few ideas that may bring lasting solutions. I agreed to make a donation to assist the program with its finances. We also discussed several options, including development of a community-based volunteer program. I am really proud to inform the House about the dedication of most families living in that neighbourhood to work together as caring community members to help each other and volunteer for such programs.

Children are a very precious element in our future, and I know that no one in my constituency would like to see even a single child left hungry and uncared for. I again take pride in my community in Radisson and its commitment to make the snack program work. I most sincerely thank all those who take care and time to help with this particular cause. I would like to emphasize the leadership taken by the principal, Mr. Sapira, the efforts of his staff and many parents and volunteers who work hard to make this program successful. Thank you, Mr. Speaker.

ORDERS OF THE DAY
GOVERNMENT BUSINESS

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I would like to announce that we are going to interrupt Throne Speech debate today and we would like to see report stage amendment of Bill 25, Bill 34, followed by second reading of Bill 2, after which time we will assess and see how much time we can allocate to subsequent dealing with bills. *[interjection]* Second reading of Bill 2.

Mr. Speaker: As advised, we will deal with report stage amendments to Bill 25 and Bill 34, and then we'll move on to second reading of Bill 2.

* (14:30)

REPORT STAGE AMENDMENTS

**Bill 25—The Consumer Protection
Amendment Act (Payday Loans)**

Mr. Speaker: So I'm going to call report stage amendments to Bill 25, The Consumer Protection Amendment Act (Payday Loans). There's one amendment standing in the name of the honourable Member for River Heights.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 25 be amended in Clause 3 in the proposed definition "payday loan"

(a) in clause (a), by striking out "\$1,500." and substituting "\$3,000."; and

(b) in clause (b), by striking out "62 days" and substituting "100 days".

Motion presented.

Mr. Gerrard: Mr. Speaker, I want to put a few words on the record with regard to this report stage amendment. When we in the Liberal Party looked at Bill 25, one of the concerns that we had was the small limit on the size of the loan and the length of the loan. We were specifically concerned that the government, in introducing this legislation, might end up, for example, with loans of \$1,501, which would escape the definition and the regulation of being included as payday loans.

We were similarly concerned that we might end up with a situation where we had a lot of loans which were being made for 63 days, instead of the period of

62 days, so that they would fall out of the category that they would be covered by the payday loan legislation.

The reason for this amendment should be fairly clear and fairly obvious. When one puts in place legislation, you need to be careful that you don't put in place legislation which can have significant loopholes. If we want to have legislation which covers payday loans, we don't want it constructed so that it's very easy to get around the legislation. In this case, you know, the problem is that we could have loan companies writing a lot of loans for 63 days, and they would completely escape the regulation under The Payday Loans Act, and it would completely negate the attempt to regulate the payday loan industry.

We believe that changing this to 100 days at least provides a little better protection than the government's 62 days. The problem that would happen if you got a whole lot of loans for 63 days would be that those loans aren't covered by any of the regulations. They could go back to exactly the way the payday loans were being made before this legislation, and in fact, the government would end up with a lot of egg on its face because people had an easy way of getting around their legislation.

The same thing can apply to the amount of the loan. In the government's legislation the amount of the loan is limited to \$1,500. Now, that's a reasonable amount for today's payday loans, but we are concerned that the moment this bill is passed we're going to have lots of people providing loans for \$1,501, and once again the government will end up with a whole lot of egg on its face because the regulations will be completely bypassed by some companies which have found a nice little loophole to completely escape the regulations that the government has put in place to try and cover this industry.

The result, Mr. Speaker, is not good for anybody. It's not good for the government because the regulations that the Minister of Finance (Mr. Selinger) has put forward in terms of the payday loans act will be completely nullified because there's a nice loophole, escape hatch from the Minister of Finance legislation, but it will also not be good for people who are trying to get the loans, because all of a sudden, instead of a \$300 or \$400 payday loan, they will be getting \$1,501 payday loans, and all of a sudden they'll have more debt than they had meant to have. It is a recipe for disaster because we're going to

have people who can't afford it taking out loans which are bigger than they should be taking out, all because of the loophole in this government's legislation.

It is, sadly, typical of this government that, when they put together legislation, they are all too good at making sure that there's a loophole in it. I think it's probably not by design. I think that, in fact, the reason that the loophole is there is that they haven't really thought through how this legislation would work in the practical world.

Certainly, you know, what we're trying to do is to improve the legislation so that it's less likely to have a loophole. What we are trying to do is to give the Minister of Finance some good advice because, much as we might like to see him with egg on his face, we're trying to help him so that he doesn't have to have egg on his face.

The Minister of Finance can take it or leave it. We're just putting it forward, but we're providing a warning and a suggestion to the Minister of Finance that he might look at this because I think that it is quite possible that, in the legislation that the minister has put forward, we could end up with a lot of loans, either for 63 days or for \$1,501. I mean, they might even put them as \$1,500.01. It would still escape the legislation because it's only \$1,500.

So that is the advice that we are providing to the Minister of Finance. We're trying to be helpful, and if he wants to raise a ruckus or protest, that's his right, but what we're trying to do is do our job as the Liberal Party and look at these loopholes and try to find a way to at least correct them or at least make them a little bit more difficult for people to use as loopholes. That is the reason that we're bringing forward this amendment, Mr. Speaker. Thank you.

* (14:40)

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I just, first of all, want to say that it's the Liberals that have held this bill up and have exposed Manitobans to a situation where they are paying thousands of percent of interest on their bill, 10,000, 20,000 percent.

They had the opportunity this spring to pass the bill. We could be in the implementation stage now. We could have been licensing, bonding and inspecting payday loan companies to protect Manitobans. But, because of the members' foolishness with filibustering this spring and ringing the bells and then refusing to pass the bill, which they allegedly

support, we have left Manitobans without any protection at all, any civil remedies at all. So, first of all, I hope that they will not delay the bill any further, because it's constituents all across Manitoba and citizens that are being affected by this unnecessary delay now.

As to the specific point now on whether the bill should be amended to a larger number, first of all, the federal government has only given permission, through their Criminal Code amendments, for the loan limits which we have in our bill and the length of time which we have in our bill. Even if we passed a higher limit or a longer length of time, the federal legislation would override that, so it would be an ineffective amendment. It wouldn't accomplish what members are attempting to accomplish.

The legislation being put forward in the House of Commons is exactly what we have in our bill, and it's the same legislation for everywhere in the country. So the members, if the members really want to make a change, instead of sitting here with their amendments, they should be getting their counterparts in Parliament to make some changes. I'm happy to say, though, that the NDP, federally, supports this bill, as does the Liberal caucus support this bill in its present form in Manitoba, as well as the federal bill in Ottawa.

The third point that they need to understand is the minute that the loan limit exceeds this amount, or the days exceed this amount, it falls back under the Criminal Code. It's not like it's free territory. It falls under the Criminal Code where they have to not charge more than 60 percent interest or it's a criminal offence. By moving all of the loans below the amount in the bill into civil law, that gives them less territory that they have to police under the criminal law, and they can pay more attention to the larger loans to see if they are charging a usurious rate of interest. So the bill actually facilitates better use of the Criminal Code to stop the bigger, more illegal loans which have a usurious rate of interest.

So the members are trying to create the impression that it'll be unregulated when it goes above the limits proposed in this bill or beyond the deadlines. In fact, if they would pass this bill in a speedy fashion, it would allow the police departments to focus on the larger, more usurious loans and move in on those, while we protect consumers for the amounts that we have in this bill under the guidelines we have in this bill: the consumer protection elements of no rollovers, the consumer

protection elements of no title loans, the consumer protection elements of no wage assignments, the consumer protection elements of having to state the true cost of the loan, the consumer protection elements of allowing period of 48 hours for rescinding the loan if the member has a second thought. All of these measures are being held up by the members opposite.

Finally, I wish to say, if they had read the bill carefully, and all these points were made at committee by the way, they will note that the decision for setting the rate of interest on this loan is recommended and brought down and put in force by the Public Utilities Board.

But the Public Utilities Board also has the right to hear other concerns about the payday lending industry. If they believe there are other public policy recommendations that are required to be made to government, they have the authority, under this legislation, to recommend to us other measures that we could take to better protect consumers. All of these things are being stalled by the members opposite because they want to play games in this Legislature with this bill. They want to stall it instead of moving it forward. If we moved it forward, we could protect Manitobans as quickly as possible.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I want to say a few words on this particular amendment, and I don't share the same opinions as the Minister of Finance has. The Minister of Finance, as he tries to give this Chamber the impression, he tries to give the public the impression that if this bill would have passed back in June, that—

An Honourable Member: Which it should have.

Mr. Lamoureux: —which it should have, he says from his seat, Mr. Speaker. He gives the impression that it would be the law of the day in the province of Manitoba, that the police would be able to take action on it. That's the impression he tries to give this Chamber and he tries to give Manitobans.

The reality is, the reality is, without the federal legislation passing, this bill can't go—*[interjection]* Now he's blaming us for stalling the federal legislation—from his seat, Mr. Speaker. Well, I think he's stretching it to imply that the Leader of the Liberal Party and I are stalling it in Ottawa.

Mr. Speaker, I believe that the Minister of Finance (Mr. Selinger) needs to recognize that the federal legislation hasn't passed yet, that if this legislation would have passed in June, it does not

mean the federal legislation would have passed and it would be the law of the land. But, quite often, this is one of those symptoms for a serious problem this government has, and the problem is this is somewhat of a lazy government. They don't like to provide for adequate sitting days to ensure that there's debate and proper procedure in passing bills through this Legislature. Instead, what a minister does is they bring in the legislation at the last minute, and then they say, well, this legislation better pass or the province is going to fall apart, or, if it doesn't pass, we're going to blame you.

Well, Mr. Speaker, if you want someone to blame, look in the mirror, I say to the government. They've got to take responsibility for their *laissez-faire* attitude in terms of sitting inside this Legislature, in terms of bringing forward and allowing for proper and adequate debate, in terms of allowing for standing committees to be able to sit and see if there is public input on those decisions, as opposed to constantly being critical of opposition for raising concerns. The Leader of the Liberal Party has raised valid concerns. He's done it consistently, in this particular case, through an amendment at the report stage.

But, instead of taking the amendment seriously, we have a Minister of Finance who insists that the Liberal Party is the reason why the federal legislation hasn't passed in Ottawa, because of the Leader of the Manitoba Liberal Party, because of myself. We're holding up consumer legislation across this country because of the two of us. *[interjection]* Mr. Speaker, I understand it has only recently been introduced in the federal House. I don't believe the Minister of Finance knows what it is he's speaking about, which causes a great deal of concern on my part, which calls me to question his rebuttal as to the practicality of the amendment that is being brought forward. If what he is saying doesn't make too much sense on one aspect, how can I believe that he has any credibility when he talks about how the \$1,500 should remain \$1,500?

Mr. Speaker, we want to ensure that the legislation that passes this Chamber is, in fact, done so in an orderly fashion. We will go out of our way, where we can, to accommodate the government, and I think that our actions in the past have demonstrated that. The government even knows, even last June—and I remind them because I think it's somewhat potentially pertinent to other amendments, this particular amendment and others, that if you demonstrate a priority for legislation—especially with

a majority government; you do have 35 members—you should be able to get it passed.

Where you run into problems, Mr. Speaker, is when you start doing things without working with members of the opposition, and you start trying to ram things through in a short time frame. That's what caused the problem for this government. The bell ringing is something that ultimately didn't cause them not to have those bills passed; it's the actions of the government. The moment that they realize that their actions work to the detriment of Manitobans and their behaviour inside this Chamber works to the detriment of Manitobans, the sooner that they will start to change their attitudes and their respect for what takes place here, then I would sense you'd get more co-operation and Manitobans as a whole would benefit.

So, with those few words, we're quite prepared to see the amendment hopefully pass, but given the Minister of Finance's (Mr. Selinger) attitude, I suspect that it might not have a very good chance that it's passed. Thank you, Mr. Speaker.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

* (14:50)

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

I declare the amendment lost.

Bill 34—The Public Interest Disclosure (Whistleblower Protection) Act

Mr. Speaker: Now, we'll move on to report stage amendments for Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended in the definition "government body" in Clause 2 by adding the following after clause (a):

(a.1) a public school, school district or school division within the meaning of The Public Schools Act, or a college, university or other educational institution;

(a.2) a crown corporation;

(a.3) a municipality;

(a.4) a non-profit organization that receives money from the government;

Motion presented.

Mr. Gerrard: Mr. Speaker, I want to explain why we are putting forward this amendment to The Public Interest Disclosure (Whistleblower Protection) Act.

Mr. Conrad Santos, Deputy Speaker, in the Chair

What we are seeking, Mr. Deputy Speaker, is to ensure that people who want to bring forward concerns about the way that government is spending money have an opportunity to do so. So we want to make sure that public schools, school districts, school divisions, colleges, universities, other educational institutions are included within this legislation. We want to ensure that Crown corporations are included within this legislation. We want to ensure that municipalities are included within this legislation, and we'd like to ensure that non-profits receiving money from the government are included.

Let me give you a reason why. The easiest way to understand why this legislation, this amendment should be supported is to go back to the situation that we faced with the Aiyawin Corporation. In the Aiyawin Corporation, we had a non-profit which was receiving money from the government. It was not a government body in the normal sense of the word. Therefore, we suspect that it would not have been covered by the legislation as the government has put it forward.

We all witnessed in this Legislative Chamber the situation with individuals who had worked in the Aiyawin Corporation bringing forward issues and problems in the way that government money was being spent. As you will recall, Mr. Deputy Speaker, the Auditor General took a very careful look at this situation, and the Auditor General reported on the problems that were raised. Out of that, we have an understanding, now, of the fact that there was a lot of money which was misspent under the Aiyawin

Corporation, that the sort of investments that the money that the reserve funds that the Aiyawin Corporation, when it had been led by responsible people, had built up, had been dissipated, that the Aiyawin Corporation, as a result of the lack of oversight, was in poor financial circumstances and eventually had to be disbanded.

In this circumstance, Mr. Deputy Speaker, as you will remember, there were, I think, at least three individuals who came forward with information, Don Dorion, Sandra Moore [*phonetic*] and others, and that these individuals provided very helpful information to all of us that there were major problems with the way the government's money was being spent. It was very important that this problem at the Aiyawin Corporation was cleaned up, that the waste of government dollars stop, and it was very important that there was protection for the whistle-blowers. The problem is that this government never provided protection for the whistle-blowers. Sandra Moore [*phonetic*], for example, was left without any support from this government or the minister responsible, and, as a result of those circumstances, as a result of the lack of whistle-blower protection under these circumstances, a grievous wrong occurred to Sandra Moore [*phonetic*]. This is what we are trying to prevent. We want to make sure that people who come forward and provide disclosures in the public interest, where it concerns non-profits who receive money from the government, that they will be protected. This government in its current legislation is not protecting such individuals. We want to make sure that they are covered.

Mr. Deputy Speaker, the reason that we are including educational institutions, Crown corporations, municipalities is that they receive, in the case of municipalities, in schools, very significant amounts of public money. Therefore, it is important that, if there are problems, people can come forward and understand that they have some protection. There have been, as we know, problems from time-to-time in the way that certain—fortunately, it's a very few or rare case—but, in the case of certain municipalities, then it is very important that individuals who are ready to come forward can be protected, that they are not abandoned by this government, that it is very important that this legislation provide the protection to whistle-blowers, and that it work to cover those areas where people could come forward and talk about the problems of misspending of government money, problems of money going where it shouldn't be going, or issues

which may relate to comments or suggestions for wiser spending. The people should not be inhibited, should not be prevented from coming forward with suggestions about how public taxpayers' dollars should be better spent because they are not protected.

Mr. Deputy Speaker, we support this legislation. We believe that it can be improved, and that is why we have brought forward this amendment to The Public Interest Disclosure (Whistleblower Protection) Act.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the amendment?

Hon. Greg Selinger (Minister of Finance): I'd like to just respond. On this amendment, I'd like to just say that the legislation is very clear. Section E allows any other body designated as a government body in the regulations to allow for the further expansion of already the broadest legislation for whistle-blower protection across the country, and that should allow for the concerns the member has to be put in place. In addition, we already, under the service purchase agreements, will be covering many of the non-profits—I've answered that question in the House already—that get a substantial portion of their funding from the Province of Manitoba to put in whistle-blower legislation, so this is part of the implementation plan. In other words, the amendment is redundant, Mr. Deputy Speaker. We can cover it under the existing provisions of the bill.

* (15:00)

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, just very briefly. It's nice to hear the comments from the Minister of Finance. It seems that, in principle, he supports what it is that we're asking. What we're suggesting through the amendment is that it be more explicit, and the best way to do that is actually to incorporate it.

Mr. Speaker in the Chair

This way those individuals, who would be affected by this amendment, will feel that much more assured that they're able to do what they believe is the proper thing to do in terms of reporting an instance of inappropriate behaviour in regard to spending tax dollars.

Thank you, Mr. Speaker.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the amendment has been lost.

* * *

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended by replacing Clause 14(1) with the following:

Public disclosure if situation is urgent

14(1) A disclosure that an employee may make under section 10 or 11 may be made to the public if there is not sufficient time to make a disclosure under that section and

(a) the employee reasonably believes that the subject-matter of the disclosure is an act or omission that constitutes

(i) an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment, or

(ii) a serious offence under an Act of the Legislature or of Parliament; and

(b) the employee

(i) has first made the disclosure to an appropriate law enforcement agency or, in the case of a health-related matter, the chief medical officer of health, and

(ii) complies with any direction that the agency or officer considers necessary in the public interest.

Motion presented.

Mr. Gerrard: Mr. Speaker, I would like to talk to the Chamber briefly about the reasons for putting forward this amendment. This amendment will make sure that there is an opportunity for urgent or immediate public disclosure where there is not only an imminent risk of the substantial and specific danger to the life, health and safety of persons or to

the environment, but also where there's a serious offence under an act of the Legislature or Parliament.

Mr. Speaker, the reasons for putting forward this amendment are, first of all, that we think this is a responsible amendment, and, second, we have found, in other whistle-blower protection acts, that there is this sort of coverage included for urgent disclosures. The problem with the whistle-blower protection act as the government has put it forward is that there is a lot of opportunity for the government to cover up information, for the government to make sure that the information actually doesn't get out publicly. As a result of this, we lose one of the very important mechanisms for public accountability, because, if the government can get away with hiding stuff, as this government is wont to do, then what happens is that we don't get the normal or appropriate mechanisms for good accountability.

In this case, we believe that, where there is a serious offence under an act of the Legislature or Parliament, there needs to be an opportunity for public disclosure done in a responsible way, as we've outlined it in this amendment; or, if there is a criminal offence, that that criminal offence not be covered up by government or sequestered by government, that the information that there has been a serious criminal offence be able to be brought forward into the public domain at a stage before, there's not necessarily here a charge, but the individual clearly will have to have serious information to be able to bring this forward and make such accusations. We want to make sure that individuals who do bring forward and disclose publicly are not harassed or are not in trouble for bringing forward this kind of information.

We believe that these terms of the whistle-blower protection act need to be able to cover such individuals and that if what happens is that an individual is not covered because he mentioned something publicly and that got out, then this is a disservice to everybody. There needs to be adequate protection of individuals and that individual needs to be protected, particularly under circumstances where there is a serious offence under an act of the Legislature or Parliament, as well as there being an imminent risk of a substantial and specific danger to the life, health and safety of persons or to the environment.

This is a responsible approach. It provides some certainty that individuals are not disadvantaged or put in very difficult circumstance if they talk to

people after having gone through the proper procedures about what has happened. Certainly, in the case of MLAs, we have people coming forward with information to us. We want to make sure that if somebody comes forward with information about a serious problem, that they would be protected. I'm sure that the opposition, or the government when they were in opposition, would have wanted similar protection to people who bring them forward serious information so that, in fact, this information can be dealt with in a proper fashion and that these individuals have some reasonable level of protection under the whistle-blower protection act.

We are concerned that, if this is not done, you may end up with circumstances where information is dismissed or where people are badly treated because of what has happened. There has been some, you know, even inadvertent disclosure that was not necessarily intentional that leaked out after people had followed proper procedure.

I think this is an important amendment, and I would hope that the government would give consideration to supporting this amendment, which we believe will improve the bill and be one step in making it a better bill.

Mr. Selinger: Yes, Mr. Speaker, if I understand this amendment correctly, he wishes to expand the provisions of this section from imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment, to include an additional time when public disclosure can occur. That would be when a serious offence under an act of the Legislature or Parliament is reasonably believed to be occurring. I would just say that, if that serious offence under an act of the Legislature or of Parliament, if there is a reasonable belief that that offence poses an imminent risk of substantial and specific danger to the life, health or safety of persons or to the environment, then of course that could be brought forward under the existing bill. In that sense, it would be redundant. Under the cases of imminent risk, any piece of legislation could be publicly disclosed or any inappropriate practices under that legislation can be disclosed.

* (15:10)

However, to take it beyond imminent risk and to allow reasonable belief that an act or omission constitutes a serious offence, to go directly public on that without imminent risk opens us up to the counter problems of a lack of due process. People would be making public disclosures, potentially naming

individuals, without them having first had a chance to know what that concern is, to be able to respond to it, to have any due process attached to that. In other words, it could be a form of smearing people by saying, I reasonably believe there is a threat; I reasonably believe that there is a serious offence under this legislation, and because of my reasonable belief I thought I could go public and smear that person. That is not due process. That is not the rule of law that we have established under our democracy and that is why it is not included in this bill.

The only area in this bill where public disclosure can be brought forward is if there is an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment. In that case, the proper procedures of working it through the system, of due process can be overridden because of the imminent, immediate risk to individuals. Anything else allows for people to ignore due process, to smear other individuals and to actually make the functioning of democracy further discredited.

I therefore recommend against the amendment.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

I declare the amendment lost.

* * *

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended by adding the following after Clause 17:

PUBLIC ACCESS TO INFORMATION ABOUT WRONGDOINGS

When chief executive must give public access

17.1 If a wrongdoing is found as a result of a disclosure made under any provision of this Act, the

chief executive of the department, government body or office in which the wrongdoing was committed must promptly provide public access to information that

- (a) describes the wrongdoing, including information that could identify the person found to have committed it if that information is necessary to adequately describe the wrongdoing;
- (b) includes the recommendations, if any, set out in any report made to the chief executive in relation to the wrongdoing; and
- (c) describes the corrective action, if any, taken by the chief executive in relation to the wrongdoing or the reasons why no corrective action was taken.

Motion presented.

Mr. Gerrard: Mr. Speaker, I rise to speak to this amendment and to provide an explanation for bringing it forward. The whistle-blower protection act that the NDP have brought forward has been described by some as a government cover-up act in that it will tend, if it's not carefully used, to cover up information that should be in the public domain and that it could be used to cover up problems that are occurring and that it could be used to cover up recommendations for change which the government is not implementing, that it could be used to cover up what the government is doing or not doing in terms of corrective action taken as a result of wrongdoing or problems brought forward by whistle-blowers.

So what this amendment does is to provide that where a wrongdoing is found as a result of a disclosure made under any provision of this act, the chief executive officer of the department, government body or office where this was committed must provide public access to a small amount, a limited amount of information, that there must be information so that there is public disclosure that there was a wrongdoing. There must be public disclosure not only that there was a wrongdoing, but what the recommendations are needs to be public as a result of finding this wrongdoing and what the corrective actions being taken are as a result of this wrongdoing which has been disclosed by a whistle-blower.

Mr. Speaker, I think that it is fundamental to the democratic process, to the improvement of the performance of government, that wrongdoings and corrective actions and recommendations are not

covered up and sequestered and hidden and put away in a vault where nobody can find them because the government is afraid that something they do or something done by somebody in government or a public body or a government body—[interjection] Clearly, this is an important step forward in responsible government.

Let me give the Member for Ste. Rose (Mr. Cummings) an example in terms of where we are now going with—well, what we are doing with airplanes. If there is a crash or a problem, we know about it and there is an investigation and we know about the recommendations because we are interested in improving the quality of the airplanes. We are interested in improving the safety of the flight experience of people, and we are interested in improving the whole aviation industry. That is why information about problems needs to come forward.

We in this Legislature brought forward and supported, all of us, similar measures in the area of health care, that where there is a medical error, it needs to be reported and that there is a process of making recommendations and corrective action and that through this process we improve the quality of health care. Through this process, we improve the quality of the experience people have with the health care system, and through this process, we decrease the likelihood of medical errors happening in the future.

It is important that we apply the same principles to the way government works. I know that's a very difficult concept for the Member for Ste. Rose to understand. It is where we need to go to improve the performance, the openness and transparency of government, and part of the reason is that if there is a problem in one area of government, it's not just that area of government that can learn, but all of government that can learn from mistakes.

So what we have is a process. We are trying to put in place a process which will be more open and transparent, and we are trying to put in place a process which will, in fact, provide for what one can call continuous improvement in the way government works.

It will happen if we support this amendment. I hope the Member for Ste. Rose will stand up and speak on this question which is an important amendment. I think that, before he leaves the Chamber to head back to his constituency and not return, it would be most helpful to get his wisdom on these matters.

The fact is that we can improve the way government works, but it will take determination on all parts to do this. It will take a greater degree of openness and transparency and a greater degree of responsiveness and willingness to open up the recommendations, to open up the corrective action, so that not only one section can improve but the whole government and other departments can improve as well. Thank you.

* (15:20)

Mr. Selinger: Yes, I would just like to respond to the proposed amendment by the Member for River Heights (Mr. Gerrard).

The member would, in effect, have immediate public disclosure of wrongdoings once they had been identified, and that is very similar to the Federal Accountability Act. I think that the intent of the member is good here; I think it might have a perverse outcome.

One of the things that I think would happen is that the prompt investigation of disclosures of wrongdoing by officials in government departments might actually be slowed down by the immediate reporting upon conclusion of the investigation because people would shy away from the immediate disclosure, and slow down the investigation or drag it out. What we want is prompt investigations of allegations of wrongdoings. That's why we've made the accountability mechanism a once a year report through the annual report of the government department in question so that the investigation can proceed without any calculated decisions about when it would be disclosed. It's going to be reported on an annual basis. It's going to be made available to the public, and we want no disincentive to the prompt investigation of an allegation under the whistleblower legislation.

The member needs to know that the Federal Accountability Act, also, would limit access to information regarding disclosures of wrongdoing to the procedures and provisions under this new act. In other words, it would limit the ability to get access to the federal Access to Information Act. In Manitoba, we will continue to make sure that everybody has the right to make an application for access to information under our Freedom of Information and Protection of Privacy Act, otherwise known as FIPPA. So we're not restricting under this whistleblower legislation any access to the FIPPA legislation, the ability to seek out information.

We are requiring our regular reporting procedure on what the outcomes of investigations are, and we are providing no disincentives to the speedy, efficient conclusion of an investigation.

With those comments, Mr. Speaker, I would recommend against this amendment.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, the Member for River Heights seemed to be unduly concerned about whether or not I would be addressing his amendment. I feel compelled, given that he is so concerned, to put at least a couple of observations on the record, but I'm not so sure he'll be pleased with what I'm about to say because this bill could already have been in the works and part-way towards implementation if the Member for River Heights and his colleague had been willing to allow it to proceed as we had anticipated at the end of the last session. So we are now a further six months away from what would be the proclamation of, at least, partial protection, I would suggest, for those who might be whistle-blowers within government.

This bill is, and my colleague and I will be making comments further, but I just wanted to point out that, in putting forward these amendments now, the Member for River Heights probably would have done the public a lot more good if he had done this at the end of the last session. The government would not then have the excuse for being tardy in implementation of the functional part of this bill.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it. I declare the amendment lost.

Mr. Gerrard: Mr. Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended in Clause 22 by striking out "and 39 to 41" and substituting ", 40 and 41".

Motion presented.

Mr. Gerrard: Mr. Speaker, I rise to speak briefly on the reason behind this amendment.

Mr. Conrad Santos, Deputy Speaker, in the Chair

This amendment deals with clause 22, and this deals with the Ombudsman, and the fact that the Ombudsman and persons employed under the Ombudsman have the powers and protections provided for in The Ombudsman Act when conducting an investigation of a disclosure under this act.

Section 22 also refers to the fact that sections 12 to 14, 24 to 35 and 39 to 41 in the present act of that act apply to the conduct of such an investigation, with necessary changes. What we are proposing, Mr. Deputy Speaker, is that there can be a review of a decision made by the Ombudsman. We would suggest that an Ombudsman decision, well-meaning and well-intended, guided with all the best intentions in the world, you know, sometimes merits process for review, and section 39 says: "No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court."

What we are suggesting is that there is a possibility, we should leave open the possibility, that decisions by the Ombudsman made under this act could, in fact, be appealed to a court. I think that is responsible. It will happen very rarely. But it does provide for review of decisions made by the Ombudsman. I think that for individuals, whistle-blowers who come forward, this is reasonable and responsible protection for the wrongdoing that they have brought forward. It is reasonable and responsible that there be some mechanism if the Ombudsman says, I don't think that you've got a case here, or, I'm not going to pursue it, that the decision of the Ombudsman not to pursue this can't be a final one, that there would be an opportunity for another further review where a person is really convinced that it needs to happen, and that there is a problem that needs to be corrected. That's the reason for this amendment.

Mr. Selinger: Yes, Mr. Deputy Speaker, if I understand the Member for River Heights' amendment correctly, he basically is, by the numbers being

rearranged in the bill, providing for an appeal of an Ombudsman's recommendation to the courts. I would like to suggest that there could be some problems with that.

First and foremost, Mr. Deputy Speaker, there is an appeal of a department decision on whistle-blowing. In other words, there's an appeal of a department decision to the Ombudsman. So what's being proposed here is an appeal of the appeal. The appeal of the appeal might actually work to the detriment of the whistle-blower because the government, if there was a government not wanting to follow the recommendation of the Ombudsman, could then appeal it to the courts and delay it even longer, the recommendation made by the Ombudsman. This government has never not implemented the recommendations of the Ombudsman. We've always taken their recommendations seriously and followed through on them, which would allow them to be more expeditiously implemented. If there was an appeal of the Ombudsman's recommendations, government could then stall further in the courts, consume resources to do that and put the onus on the employee to have to find resources to fight it in court, which they may not have access to. So it could actually be a situation that reduces and slows down the ability for whistle-blowing recommendations to be followed up on in a way that addressed the concerns of the employee.

The other point that's really important here, and there are two additional points that are important. First of all, if there's a criminal wrongdoing that has been uncovered by the whistle-blowing, of course they can go to the courts where the Criminal Code is enforced, with all the appeal mechanisms which are already available in the courts right up to the Supreme Court. So it's already available to people through a criminal prosecution.

* (15:30)

Thirdly, Mr. Deputy Speaker, we allow right now in the case of a reprisal, if an employee who acts and takes a whistle-blowing activity, or acts as a whistle-blower feels there has a reprisal against them, they have direct access to the Labour Board. They don't have to make an appeal. They can go to the Labour Board right now and say that they believe a reprisal has been visited upon them by their employer. The Labour Board, being a quasi-judicial body with many of the powers of the Court of Queen's Bench already, would be able to rule on that, and would be able to provide relief or recompense or

compensation or whatever remedies are available under The Labour Relations Act to the employee without having to go to the courts. It's a less costly, more direct, more timely mechanism to protect people if they believe reprisals have been made against them and, for those reasons, I do not believe this amendment is necessary.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Deputy Speaker: Those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In the opinion of the Chair, the Nays have it. I declare the amendment lost.

* * *

Mr. Gerrard: Mr. Deputy Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended by adding the following after Clause 25:

Application to court re investigation of report

25.1(1) An employee may apply to the Court of Queen's Bench for an order under subsection (5) if

(a) the Ombudsman decides not to investigate the employee's disclosure, or decides to cease investigating it, and the employee believes that the decision is not justified under section 21(1); or

(b) the employee believes that the investigation of the employee's disclosure is insufficient or that the findings or recommendations set out in the Ombudsman's report are unsatisfactory.

Application within 30 days

25.1(2) The employee must file the application within 30 days after the employee

(a) learns of the Ombudsman's decision to cease investigating or not to investigate; or

(b) receives the Ombudsman's report;

or within any longer period that the court may allow in special circumstances.

Ombudsman may intervene

25.1(3) The Ombudsman has a right to intervene as a party to the application.

Court to take precautions against disclosing

25.1(4) The court must take every reasonable precaution, including receiving representations *ex parte*, conducting hearings in private and examining records in private, to avoid disclosing

(a) the identity of the employee or of the person who is alleged to have committed, or to be about to commit, the wrongdoing; or

(b) the alleged wrongdoing.

Powers of court on Application

25.1(5) After hearing the application, the court

(a) may, if it determines that the Ombudsman's decision to cease investigating or not to investigate is not justified under subsection 21(1), or that the Ombudsman's investigation is insufficient or that the findings or recommendations set out in the report are unsatisfactory, make any order that it considers necessary to carry out the purposes of this Act, including, but not limited to, requiring the Ombudsman

(i) to investigate the employee's disclosure, to reinstate the investigation that he or she ceased or to reinvestigate or further investigate the disclosure or any aspect of it, or

(ii) to reconsider and revise his or her report, or to add to the report any finding or recommendation that the court considers appropriate; or

(b) must, if it determines that the employee's application is not warranted, dismiss the application.

When disclosure is referred to the Auditor General

25.1(6) Subsections (1) to (5) apply, with necessary changes, to a decision or action of the Auditor General when a disclosure is made to the Auditor General under section 11 or is referred to the Auditor General under subsection 21(2).

Mr. Deputy Speaker: A little discrepancy here. Did the member mean subsection 21(1), instead of saying just "section" on (a)–21(1), (a)? Agreed?

Mr. Gerrard: Yes.

Mr. Deputy Speaker: Agreed.

It has been moved by the honourable Member for River Heights (Mr. Gerrard), seconded by the honourable Member for Inkster (Mr. Lamoureux),

THAT Bill 34 be amended by adding the following after Clause 25:

Application to court re investigation of report

25.1(1) An employee may apply to the Court of Queen's Bench for an order under subsection—

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense.

Mr. Gerrard: Mr. Deputy Speaker, what this amendment does is provide a mechanism, under very limited circumstances, for review of decisions by the Ombudsman or by the Auditor General. These are limited circumstances, but they would provide, I believe, an important improvement to the act, and I would remind the Minister of Finance that what is being proposed under this act, the whistle-blower protection act, are new abilities of the Ombudsman to get involved and to make recommendations. Under this circumstance, I believe, this review of the Ombudsman's decision is reasonable.

Mr. Selinger: Yes, Mr. Deputy Speaker, I'd like to just reiterate the comments I made under the previous section that these kinds of reviews by the courts are not done under any ombudsperson's legislation across the country and, as a matter of fact, may cause more delay on implementing the Ombudsman's recommendations.

I want to underline, again, if an employee feels that there has been a reprisal taken against them because of their whistle-blowing disclosure, they have direct access under our bill to the Labour Board to protect their rights as an employee, and that does something that is a more efficient process, a more cost-effective process, and we believe will give better protection to the employee than the case of reprisals. So, with those few comments added to my previous comments, I think this amendment is not necessary. Thank you.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Agreed.

Voice Vote

Mr. Deputy Speaker: Those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: Those opposed, say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: The Nays have it. I declare the amendment lost.

* * *

Mr. Gerrard: Mr. Deputy Speaker, I move, seconded by the MLA for Inkster,

THAT Bill 34 be amended by adding the following after Clause 33(5):

Extension of deadline for commencing prosecution

33(6) When a prosecution takes place as the result of information obtained by a person under *The Freedom of Information and Protection of Privacy Act* or *The Personal Health Information Act*, the time period between the time the person made a formal request for access to a record or other information under either of those Acts and the time access was provided is to be excluded from the two-year period referred to in subsection (5).

Motion presented.

Mr. Gerrard: Mr. Deputy Speaker, I rise to talk briefly about the reason for putting forward this amendment. This amendment deals with the two-year period that the prosecution needs to commence under this act. What we are concerned about is that two years really means two years, and that it is not eaten away by time that the government has taken to provide information under The Freedom of Information and Protection of Privacy Act or under The Personal Health Information Act.

* (15:40)

In our experience under The Freedom of Information and Protection of Privacy Act, there have been some real problems under this government. While there is a clause which indicates that one should have information under The Freedom of Information and Protection of Privacy Act within 30 days, the government has been very good in avoiding such 30-day periods, either by asking for a deadline extension or, in some cases, requests have not been fulfilled, not in one month, not in two months, but are still outstanding months or years

later. This is a problem. It would hardly be fair if the government were to delay for one year and 11 months to provide the access to information that an individual would only have one month, or that the commencement of prosecution would only have a one-month period to occur.

So, surely, there needs to be some reasoned approach here in which the time that occurs because of the delay of government providing information under The Freedom of Information and Protection of Privacy Act or The Personal Health Information Act that that time is not included in the time that is available for commencing prosecution.

I would add that this problem of prompt response is a sufficient problem that I have had quite a number of people come to me with examples of FIPPA requests which have not been fulfilled long after they are due. Therefore, I think that this amendment, based on our experience with this government, is an important amendment. If you don't have this amendment, then you could have a real problem that the time has expired, and far too quickly.

Certainly, we want to make sure that it is not government, whichever government or whatever government it is, that is responsible for the delay, that they are not the cause of the fact that there is not the ability to prosecute. So I would suggest that the government look carefully at this, and consider incorporating this amendment into the legislation.

Mr. Selinger: Mr. Deputy Speaker, if I understand the Member for River Heights' amendment correctly, he proposes extending the time frame for initiating or commencing a prosecution from two years to five years—oh, I see. No. It actually isn't that. Actually, he's just excluding the FIPPA time from the two-year time frame. Okay. Thank you.

So I would say this, Mr. Deputy Speaker. First of all, this amendment is much more generous than the normal time frame for prosecution under The Summary Convictions Act, which is six months. We put in a period of two years, more than four times what is normally allowed under The Summary Convictions Act.

Secondly, I would say, Mr. Deputy Speaker, that the time limit for responding to a FIPPA request is 30 days, with an additional 30 days extension, so a total of 60 days when you have two years to commence a prosecution. We believe that 60 days would lapse and still leave another 22 months to

commence a prosecution. So, even though the spirit of this amendment is to provide that additional two months at the maximum, we believe the two-year time frame is more than adequate to commence a prosecution. There's no reason that that two years, which is quadruple the amount of time normally available under The Summary Convictions Act, should not be an adequate period of time.

With the greatest respect, Mr. Deputy Speaker, we think this amendment is not necessary.

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

Some Honourable Members: Question.

Voice Vote

Mr. Deputy Speaker: Those who are in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: Those who are opposed, say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In the opinion of the Chair, the Nays have it. The motion is declared lost.

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Deputy Speaker, it indicated that, following report stage amendments, we would proceed to deal with second reading of Bill 2.

I wonder if we could now move to concurrence on report stage and third reading of both Bills 25 and 34, having done with all the amendments.

CONCURRENCE AND THIRD READINGS

Bill 25—The Consumer Protection Amendment Act (Payday Loans)

Mr. Deputy Speaker: We are now moving on concurrence and third reading on Bill 25, The Consumer Protection Amendment Act (Payday Loans).

Hon. Dave Chomiak (Government House Leader): Yes, Mr. Deputy Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 25, The Consumer Protection Amendment Act (Payday Loans); Loi modifiant la Loi sur la protection du consommateur (prêts de dépannage), as amended and reported from the Standing Committee

on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Gerald Hawranik (Lac du Bonnet): Yes, Mr. Deputy Speaker, I would like to put a few brief remarks on the record on third reading of Bill 25. We regulate banks. We regulate credit unions and their activities. Of course, we don't have at this point, until it's passed, we don't have any regulations concerning payday loan companies, and we're concerned that there are regulations. In fact, we've met with the industry itself. The industry wants these regulations to legitimize their particular loan industry. We want to ensure that there are standards, that consumers are protected. The industry not only wants it, but when we were at committee we heard from a number of consumer groups, and we heard from individuals who also support the bill, and so we should.

I think last year, I can tell you, Mr. Deputy Speaker, there was an Ottawa judge, and the small claims court ruled that two payday loan companies suing clients who had defaulted were exploiting the vulnerable and charging interest rates that were unconscionable. I researched the case, and in one of those cases, a loan of \$280 rose with interest and penalties to \$551 in just one month, which grew at an annualized interest rate of 2,000 percent.

So it's important, I believe, for the protection of consumers that we do pass Bill 25. We've indicated our support in the past. We've indicated our support during committee and during second reading debate, and I know that the minister has consulted with the payday loan industry, because he indicated so. Every presentation at the committee spoke in favour of the legislation. It may be a small loan that we're regulating or it may be a short-term loan that we're regulating, but for the consumer who's desperate for cash it's important to ensure that they're not taken advantage of.

I note, as well, Mr. Deputy Speaker, that the federal government, in fact, took this seriously, and, of course, they are allowing provinces to pass this type of legislation, and to regulate the industry.

So, for those reasons, on this side of the House we are in support of this legislation.

* (15:50)

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Deputy Speaker, just very briefly, I want to acknowledge, as

I did in third reading, that this is a bill, in principle, of which we have been supportive. I suggest to the government or remind the government that we still have pending federal legislation to pass before, in fact, the consumers here in the province of Manitoba would benefit. We look forward to whenever it does pass Ottawa, and hopefully it does. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, I, too, want to speak on this bill, in support of this bill. We have suggested some improvements earlier on which the government didn't listen to. We will see what happens in the bill which is in Ottawa.

The Minister of Finance (Mr. Selinger) was rather disingenuous earlier on when he suggested we were in any fashion holding this up because this legislation clearly depends on the passage of the bill which has not yet passed in Ottawa. The minister is certainly free to have—and we hope he has done all the work to implement this bill so that when it is passed not only here but in Ottawa, it can be implemented.

We hope that the concern that we raised does not come to fruition. We suspect that the Public Utilities Board, in working with consumers to look at rates and so on, may end up with rates which are less than the 60 percent that would be referred to for loans which are above \$1,500 and that there may well be a window or an opportunity for people to escape these rules under the payday loans with loans which are too long or too high.

We will see how it turns out, Mr. Deputy Speaker, but we will support the legislation in its current form in spite of the fact that the government did not see fit to adopt our amendment.

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

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before the House is the concurrence and third reading of Bill 25, The Consumer Protection Amendment Act (Payday Loans); Loi modifiant la Loi sur la protection du consommateur (prêts de dépannage).

Is it the pleasure of the House to adopt the motion? *[Agreed]* I declare the motion carried.

**Bill 34—The Public Interest Disclosure
(Whistleblower Protection) Act**

Hon. Dave Chomiak (Minister of Justice and Attorney General): I move, seconded by the

Minister of Finance (Mr. Selinger), that Bill 34, The Public Interest Disclosure (Whistleblower Protection) Act; Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles), as amended and reported from the Standing Committee on Social and Economic Development, be considered in and be now read for a third time and passed.

Motion presented.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Deputy Speaker, I welcome the opportunity again to put a few words on the record on Bill 34, having been at the committee in June of this year, and noting that in June of this year we had a number of presentations from different groups and individuals.

By and large, people were in support of Bill 34, support that they felt that Bill 34 would provide to them in the event that they blew the whistle on government with respect to gross mismanagement in government and so on.

So they were quite supportive, in spite of the fact that they didn't really realize what the legislation really had to offer. In my view, there are a number of shortcomings to the legislation which I brought forward at the committee, and I brought forward in the second reading. We've had four substantive amendments to the legislation in committee, and not one of which passed. I take note that the Member for River Heights (Mr. Gerrard) has given six possible amendments for this bill. In my view, they weren't very meaningful, those amendments. They didn't really deal with the real issues, I think, of the weaknesses in the bill that our amendments would have done in committee. It's important for us, I believe, that Bill 34 be passed in its present form. I know that the government, obviously, isn't open to any amendments to strengthen the bill. We want to get it through.

In terms of the Crocus scandal that's happened over the last couple of years, Mr. Deputy Speaker, we're looking to have any kind of legislation. Any kind of protection is better than none at all, so we're going to support this bill. The amendments that we had at committee were all voted down. They were four substantive amendments. All of them would have strengthened the bill.

One amendment in particular, Mr. Deputy Speaker, caused us some concern when the NDP did

not pass it at committee. The amendment I'm speaking of is the amendment that would have ensured the bill would be effective on Royal Assent, not on proclamation. The Minister of Finance (Mr. Selinger), I noted at the committee, argued that it would take some time for the civil service to make the adjustments to implement the bill. It's been six months since we've been at committee, in June. Certainly, during those last six months, hopefully, the civil service is now ready to implement the bill, and my concern is that they are. In fact, over those six months, the Minister of Finance has been preparing them to ensure that they could implement the bill.

I would ask that the Minister of Finance commit today to, in fact, proclaiming it in force on Royal Assent and not waiting, perhaps, until after the next election, maybe the next three or four months or five months or six months, whenever the election is called, to ensure that we do have protection for whistle-blowers in this province.

The other thing that really is of some concern to me is where was this government when they introduced the legislation five days before they ended the last session? If they were really concerned about protection for whistle-blowers, you'd have thought that it would have made it a priority to ensure that it was passed. But, having said that, I can say we are in favour of some protection rather than no protection at all. I'd like to challenge the minister, to ask the minister if he's serious about protection for whistle-blowers, he certainly would proclaim this legislation in force on Royal Assent, and I'll challenge him to do that.

* (16:00)

Mr. Kevin Lamoureux (Inkster): I move, seconded by the Member for River Heights (Mr. Gerrard), that debate be adjourned.

Motion presented.

Mr. Deputy Speaker: What is the pleasure of the House? [*Agreed*]

The debate is adjourned.

Hon. Dave Chomiak (Government House Leader): If we can move to second reading of Bill 2, The Employment Standards Code Amendment Act.

SECOND READINGS

Bill 2—The Employment Standards Code Amendment Act

Mr. Deputy Speaker: We now move on to second reading of Bill 2.

Hon. Nancy Allan (Minister of Labour and Immigration): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 2, The Employment Standards Code Amendment Act, be now read a second time and be referred to a committee of this House.

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

Mr. Deputy Speaker: It has been moved by the honourable Minister of Labour and Immigration, seconded by the Minister of Finance, that Bill 2, The Employment Standards Code Amendment Act; Loi modifiant le Code des normes d'emploi, be now read a second time and be referred to a committee of this House.

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

Ms. Allan: The legislative amendments proposed in Bill 2 implement the consensus recommendations of the Labour Management Review Committee, and I would like to take this opportunity to publicly acknowledge the important work they carry out on a volunteer basis to ensure our labour legislation is sound and balanced.

The LMRC is a panel of employer and labour leaders chaired by Michael Werier. It is unique in Canada and it has been providing the government of Manitoba with advice on labour legislation for over 40 years.

Mr. Speaker in the Chair

The Employment Standards Code is one of our most fundamental pieces of legislation setting out the minimum rights and obligations for all of the province's workers and employers. It is of particular importance to people in non-unionized workplaces who rely most heavily on the code for protection and guidance.

To be effective, it is imperative that employment standards legislation keep pace with our ever-changing social and economic realities. However, up until now, Manitoba's code has not undergone significant review or revision in about 30 years. While the 1998 Employment Standards Code

consolidated the acts that existed at that time, it made no substantive change to the rules governing the workplace.

In the time since the code last underwent major revision, there have been significant changes in the nature of work and in labour markets, including a shift away from the standard eight-hour day and 40-hour week toward alternatives such as incentive-based pay and more temporary part-time employment relationships; the entry of increasing numbers of women into the paid labour force and the many implications that has for issues such as work-life balance; and an increasing need for flexibility in such areas as scheduling on the part of workers and employers.

In responding to new developments, however, it is imperative that we preserve and improve basic protections, particularly for our most vulnerable workers. It was in this spirit that in November 2005 we launched the first public review of the province's Employment Standards Code in approximately 30 years, seeking input on ways to modernize the code to reflect the realities of the modern economy by increasing flexibility and modernizing protection, coverage and compliance, reflecting the changing face of today's labour force and the demands on today's families.

That public review included extensive province-wide newspaper advertising, distribution of a discussion guide, five public meetings and the receipt of written submissions from November 2005 to January 2006. The review generated 100 public and written presentations from large and small employers, unions, advocacy groups and individual workers throughout the province. The extent of the response is evidence of how important people consider this legislation to be.

Based on the feedback to the review, the department submitted a number of balanced proposals for changes to the code to the LMRC. During subsequent months, the committee discussed and debated the legislative proposals, engaged in consultations with the respective stakeholders, stood firm when they felt they had to, and gained ground when they saw it was for the common good. The LMRC has presented me with a package of consensus recommendations requiring both legislative and regulatory changes. Members of the committee should be especially proud that they have once again reached consensus recommendations in what we all know can be difficult issues. I know I am proud to

say that the legislative amendments proposed today implement every one of the LMRC's recommendations requiring legislative amendment.

The amendments would provide clear direction on whether managers are excluded from hours of work and overtime provisions. Employment standards legislation in most jurisdictions makes specific reference to managers for this purpose, and up until 1998 Manitoba's code did also, but that was removed during the consolidation of the legislation carried out under the previous government. The change proposed in Bill 2 would provide clear guidance on this issue by defining what a manager is. This amendment would formalize the policy that has been followed by the Employment Standards Division, and would have the benefit of a substantial body of case law built up over the years through decisions by the Manitoba Labour Board concerning the status of managers under The Labour Relations Act.

It is important to note that under this provision it is what the person actually does and not what they are called that is the determining factor in whether they are deemed a manager. Those whose activities do not meet the definition would continue to be covered by hours of work and overtime provisions. In many cases, the non-traditional employment relationships we have seen evolve in recent years call for a high degree of flexibility when it comes to such matters as scheduling. Those in higher-paid positions often exercise a degree of independence in their scheduling, while at the same time responding to special demands when the need arises. Therefore, in addition to managers, those whose earnings meet a minimum threshold of twice the industrial average wage, approximately \$68,000 in 2005, and exercise substantial control over their own work schedule, would also be excluded from hours of work and overtime.

The changes proposed also include introducing a system of graduated notice, under which the notice of termination required from employers and workers, is based on the worker's length of service. This would bring Manitoba into the Canadian mainstream, and replace the current system under which employers and workers must provide notice of at least one pay period, meaning that in Manitoba a worker with 20 years of service can be provided with the same notice period as one with two months of service. It would also eliminate the system unique to Manitoba that allows employers to unilaterally establish their own notice period, including a no-notice policy.

Bill 2 also responds to the increasing number of part-time and casual workers in the labour force by improving the holiday pay provisions for part-time workers. This change would eliminate the requirement for a worker to earn wages for 15 of the 30 days prior to the statutory holiday in order to qualify for holiday pay, and replace it with the prorated system used in other jurisdictions under which statutory holiday pay is five percent of the worker's gross earnings in the four-week period leading up to the holiday.

* (16:10)

Another important area addressed in the bill is the employment of children. In Manitoba, the director of Employment Standards must follow certain general criteria in considering whether to issue a permit for someone under 16 years of age to work, including the safety, health, education and social development of young workers. Fortunately, over the years, our directors of Employment Standards have placed great importance on the welfare of children at work, and have been extremely prudent in considering applications. However, we recognize that such an important area requires more specific provisions to guide decisions. The changes proposed in Bill 2 would specifically prohibit those under 16 years old from working between 11 p.m. and 6 a.m., and from working more than 20 hours during the week of school. The director would still have to issue a permit for those under 16 and would have the ability to override the limits in exceptional circumstances. In addition, individuals under 18 would be prohibited from working alone between 11 and 6 a.m. This restriction regarding working alone would be unique to Manitoba and is a response to a growing concern with the issue of young workers being exposed to violence in the workplace, particularly at night.

In recognition of the changing face of the workforce and the increasing demand for work-life balance provisions such as maternity, parental and compassionate care leave have become standard features of employment standards in all Canadian jurisdictions, including Manitoba.

However, where Manitoba falls outside the Canadian mainstream is with respect to other types of leaves such as those for illness, family responsibility and bereavement. In fact, Manitoba is one of only two provinces that do not provide unpaid leaves in some or all of these areas. The amendments introduced today would provide workers with three

unpaid days for their health or for family reasons. Workers would have to provide as much notice as reasonable and practical of their intent to take the leave, and the employer would be entitled to reasonable verification the leave was necessary under the circumstances. The act provides for three unpaid days for bereavement for the death of a family member. These provisions strike an appropriate compromise between workers' need to balance the demands of work with family and other responsibilities and employers' needs to plan and schedule.

Today's proposed amendments would also address the anachronism in the Manitoba code that entitles a worker to a minimum of three hours' pay when called into work outside of scheduled hours but no guarantee of any pay when reporting for a scheduled shift. A worker reporting for a scheduled shift can thus be sent home with no pay if it is decided he or she is not required to work that shift. The proposed legislation would guarantee any worker who reports to work, three hours of pay or pay for the regularly scheduled shift, whichever is less.

The vast majority of Manitoba's employers willingly comply with employment standards. When issues do arise regarding violations, the Employment Standards Division attempts to resolve them through dialogue and voluntary co-operation, but periodically an investigator has to take some course of action. Currently, however, when confronted with blatant or persistent non-compliance, the tools at the division's disposal are limited in scope and power. The employer may in response to an order simply pay what they owe to the worker. Prosecution is expensive and rarely pursued, and there are effectively no sanctions for violations of non-monetary provisions.

Bill 2 would allow for administrative penalties to be issued for repeat violations of specific provisions of the code after an employer has received a warning and continues to engage in the violation. It is anticipated that the possibility of receiving these penalties will provide a deterrent to potential violators such as the administrative penalties introduced under The Workplace Safety and Health Act did. The potential threat for such penalties would also contribute to a level playing field among employers as it would deter the small minority of employers who may seek to gain a competitive advantage by compromising on employment standards.

In addition to the recommendation for legislative change which are reflected in the proposed amendments under Bill 2, the LMRC also made a number of recommendations requiring changes to the regulations that accompany the code. Briefly, the recommendations deal with such matters as: calculating overtime pay for workers paid on an incentive basis, the specific violations that could warrant an admin penalty and the amount of those penalties, which deductions from a worker's wages are permitted or prohibited, specific occupations in which those under 18 years old and those under 16 may not be employed, improved protection for domestic workers and live-in nannies, the definition of family for the purpose of leave provisions, and the process for continuing consultations regarding coverage of agricultural workers.

It should be noted that Manitoba currently has the lowest employment standards coverage in the country for ag workers. The LMRC has been discussing this matter with the agriculture industry's stakeholders, and has recommended these consultations continue so that any changes provide appropriate protections while reflecting the unique circumstance in the agriculture industry. Meanwhile, the legislative changes proposed today under Bill 2 are designed to reflect the realities of the modern economy by increasing flexibility and modernizing protection, coverage and compliance, and reflect the changing face of today's labour force and demands on today's families.

They're based on extensive public and stakeholder consultations, and implement the consensus recommendations of the Labour Management Review Committee. They bring Manitoba's employment standards into the Canadian mainstream in many areas, while taking innovative approaches to reflect the changing nature of work. They contribute to our ability to attract and retain the workers that we need now and in the future by ensuring we have modern and responsive labour laws, and reflect a significant improvement of the basic protections for those who need them most, while providing the flexibility required in today's workplaces and employment relationships.

In closing, Mr. Speaker, I would like to once again thank the LMRC for its work and the many groups and individuals who contributed to the review process. I am pleased to be part of the most significant change to Manitoba's labour legislation in over 30 years.

As Minister of Labour over the last three years, I've had the privilege and the opportunity to introduce a number of pieces of legislation, which I believe have been balanced and have contributed to harmonious labour relations. They've also made for safer workplaces, and they have brought our province's labour laws into the Canadian mainstream. *[interjection]*

Well, you know, Mr. Speaker, I'm being heckled by the opposition because I have actually taken about 14 minutes to talk about this bill. I think we can talk about this bill for 14 minutes after we've waited 30 years for it, 30 years. You had 12 years to do it. You did nothing. You blew your opportunity. I'm almost finished. You can just chill.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Allan: So thank you, Mr. Speaker. We're pleased to bring in this legislation. It is actually, out of the seven pieces of legislation I've had the honour to deal with out of the last few years, the one that I am actually the proudest of. I commend this bill. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I move, seconded by the honourable Member for Springfield (Mr. Schuler), that debate now be adjourned.

Motion agreed to.

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I wonder if now we could just continue for the rest of the day on second readings of Bills 3, 4, 5 and 7.

Bill 3—The Healthy Child Manitoba Act

Hon. Kerri Irvin-Ross (Minister of Healthy Living): Mr. Speaker, I move, seconded by the Minister of Education (Mr. Bjornson), that Bill 3, The Healthy Child Manitoba Act; Loi sur la stratégie « Enfants en santé Manitoba », be now read a second time and be referred to a committee of this House.

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

Motion presented.

Ms. Irvin-Ross: Mr. Speaker, I'm sure we can all agree that Manitobans have a responsibility to work together to give our children a solid foundation, and

that, by doing so, we are ensuring the province's social and economic future and success.

* (16:20)

We understand that no single government department, agency, community or sector can meet the holistic needs of children as they grow and develop. Working together is essential. This includes working across government departments with community departments to develop and implement and evaluate policies, programs and services to help our young citizens and their families achieve their fullest potential.

In 2000, our government established Healthy Child Manitoba and the Healthy Child Committee of Cabinet. Healthy Child Manitoba is the government's prevention and early intervention strategy to achieve the best possible outcomes for Manitoba's children with respect to their physical and emotional health, safety and security, learning success, social engagement and responsibility.

The Healthy Child Manitoba strategy is directed and guided by the Healthy Child Committee of Cabinet, which was announced in March 2000. This is the only Cabinet committee in Canada dedicated to the well-being of children. Currently, the committee consists of eight ministers whose portfolios impact the well-being of children and adolescents. They include the Minister of Aboriginal and Northern Affairs (Mr. Lathlin); the Minister of Culture, Heritage and Tourism (Mr. Robinson); the Minister of Education, Citizenship, and Youth (Mr. Bjornson); the Minister of Family Services and Housing (Mr. Mackintosh); the Minister of Health (Ms. Oswald); the Minister of Justice and Attorney General (Mr. Chomiak); the Minister of Labour, Immigration and the Minister responsible for the Status of Women (Ms. Allan); and I have the privilege to chair the Healthy Child Committee of Cabinet.

The committee has worked across department lines to set policy direction and work within the strategy. The Healthy Child Committee of Cabinet is supported by the Healthy Child deputy ministers' committee and the Healthy Child Manitoba office.

Since April 2000, Manitoba has increased investments in early childhood development by over \$64 million. As a Province, Manitoba understands that investing in young children makes sense for today and for tomorrow. What practitioners and professionals in the field of early childhood

development have known, leading neuroscientists and economists are supporting with evidence. The early years are unique, an optimal period for investment, because it is during a child's earliest years that the brain is most active, connected and flexible, more so than at any other time in the life course. It is the period when all the neurons that children and adults will ever have become hardwired through experience. By the age of three years, a young child's brain is apt to be more than twice as active as that of his or her pediatrician or any other adult.

Leading economists have shown that investments in early childhood development have high rates of return, up to \$17 for every dollar invested. This level of return is almost triple the return on investments from most stock markets. Investments in the very young pay dividends over a longer period of time, enrich the return and subsequent investments such as public education, reduce pressures on other systems, reduce the need for costly, less effective interventions later in life and contribute to the long-term economic growth of our society.

We must intervene early to reduce risk factors and promote protective factors. When we get things right early in the child's life, we improve our ability and capacity to get things right later. In other words, when we invest in the healthy development of children through various means, such as providing support to parents, we are, in effect, investing in the prevention of crime, drug and alcohol abuse and promoting the healthy development of children. We know that the health and wealth of Manitoba tomorrow is directly related to the quality of our investments in early childhood development today.

A successful healthy child development strategy does much more than improve the outcomes for children. It is also pivotal to the achievements of other government-wide priorities such as healthy living, community and economic development, Aboriginal and northern development, innovations, crime prevention and healthy communities.

The best minds in Canada and around the world have used science to conclude children should be at the centre of public policy. While this includes prioritizing investments for children, it includes much, much more. Child-centred public policy needs flexible, dynamic, collaborative, horizontal networks that are empowered by the hierarchical authority and mandate from the highest level of government.

In Manitoba, this is precisely what we've created over the last 12 years through the establishment of the Healthy Child Committee of Cabinet, the Healthy Child deputy ministers' committee and the Healthy Child Manitoba office. We have created the necessary child-centred government structures and mechanisms. Equally as important are child-centred community structures and mechanisms which Manitoba has ensured through the establishment of parent-child coalitions, a council of coalitions and an advisory committee.

Currently, there are 26 parent-child coalitions across Manitoba: one in each of the 11 rural and northern regions, one in each of the 12 community areas in Winnipeg and three cultural or language-based coalitions. Using government funding, coalitions offer an amazing range of activities focussing on parenting supports, nutrition, literacy and building the capacity of the communities to support healthy families. Activities vary by region depending on local needs and priorities. Setting goals and achieving results in child-centred public policy requires the availability of and the capacity to use data on children's development.

In Manitoba, we're building that research capacity within government and the community. We know that a community-based, cross-departmental approach is the best way to support children, and the proposed Healthy Child Manitoba Act strengthens these foundations. It's based on our belief in the importance of working together to achieve healthy child development. Manitoba's approach to developing child-centered public policy is evidence-based and reflective of both community strengths and needs, and has resulted in a number of successful programs, supports and strategies for Manitoba's children, including Healthy Baby, Families First, Triple P Positive Parenting Program, Healthy Schools, prevention of fetal alcohol spectrum disorder and Healthy Adolescent Development.

Through a combination of financial and community-based family supports, Healthy Child Manitoba works to help families and communities raise children who are healthy, safe, secure, successful at learning, socially engaged and responsible. The Healthy Child Manitoba Act is the Government of Manitoba's commitment to the well-being of children as an ongoing priority. Therefore, The Healthy Child Manitoba Act builds on our work, and commits Manitoba to permanent child-centre structures and mechanisms in government and community for children and youth. For governments, The

Healthy Child Manitoba Act formalizes the roles and responsibilities of Healthy Child Committee of Cabinet, the Healthy Child Deputy Ministers' Committee and the Healthy Child Manitoba Office.

Under the act, the Lieutenant-Governor will appoint all ministers whose portfolios or departments directly impact the lives of children to the Healthy Child Committee of Cabinet. For community, this legislation ensures the ongoing involvement of parent-child coalitions and formally establishes the provincial Healthy Child Advisory Committee. Under the act, all coalitions and the advisory committee are essential partners in the Healthy Child Manitoba strategy to promote community development and help identify, assess and communicate local strengths and needs relating to children and families. An important part of working together effectively is sharing information.

Manitoba needs good information to make good decisions and making their investments for children and families. Therefore, The Healthy Child Manitoba Act facilitates effective cross-sectoral information collection, uses disclosure analysis and reporting by the Healthy Child Manitoba Office by breaking down government and community silos and better connecting the dots regarding our children, while still protecting individual privacy. We can increase policy coherence and co-ordination, reduce program fragmentation and duplication, evaluate cross-sectoral impacts, make better choices regarding our limited public resources and, most importantly, over time improve outcomes for all of Manitoba's children.

Under the act, the Healthy Child Manitoba Office must provide a report to the public on the status of Manitoba's children in relation to achieving the outcomes of the strategy. This report must be provided at least once every five years, and is envisioned to follow in the footsteps of the health of Manitoba's children. Released in March 1995, commonly referred to as the Postl report, The Healthy Child Manitoba Act strengthens the foundation that our government has established to achieve healthy child development.

The Healthy Child Manitoba Act is an important next step in this long-term agenda for our province. Through enabling this legislation, Manitoba will continue to be recognized internationally as a leader in putting children and families first. More importantly, Manitoba will be in a better position to determine the right policy mix, supports and

investments for children and families and, ultimately, and most importantly, improve outcomes for children in our province.

As the Minister responsible for Healthy Child Manitoba, I am very proud to table this legislation. I encourage all members of this House to support it and move it on to committee. Thank you.

* (16:30)

Mrs. Heather Stefanson (Tuxedo): I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that debate now be adjourned.

Motion agreed to.

Bill 4—The Consumer Protection Amendment Act (Prepaid Purchase Cards)

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Minister of Family Services and Housing (Mr. Mackintosh), that Bill 4, The Consumer Protection Amendment Act (Prepaid Purchase Cards); Loi modifiant la Loi sur la protection du consommateur (cartes prépayées), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: I am pleased to speak to amendments proposed to The Consumer Protection Amendment Act in Bill 4, to address issues with prepaid purchase cards such as gift cards and gift certificates. These amendments will ensure that a gift card or certificate does not lose its value simply because it is not used within a pre-set time. The amendments will address expiry and information disclosure. Additionally, Bill 4 contains regulation-making authority that will allow for the prohibition of restriction of various fees and terms of conditions.

It is clear that prepaid purchase cards have become an extremely popular method of gift-giving for all occasions and by many consumers. This part of the retail industry has seen a tremendous growth in both the amount of money consumers spend on gift cards and in the availability of these cards. Retailers like gift cards because they are relatively secure, easy to use and can be displayed and marketed throughout a store. Consumers like these cards because they are a convenient method to give a gift that allows the recipient to buy something they really want.

The rapid growth in this type of marketing has been accompanied by the rise of many different

terms and conditions. One of the more common, and we believe more problematic conditions, is the expiry date that is attached to some cards. Many consumers buy a gift card believing that it is as good as cash, who believe that like the loonies and toonies in our pockets the card will never expire. Unfortunately, this is not the case for many cards, that if a gift recipient currently attempts to redeem the card after the expiry date, often two years, they often find themselves holding a valueless piece of plastic. The frustration and unfairness of this situation was recently brought to my attention in a letter written by a consumer in Manitoba. This consumer had received a gift card from her family for use with a large retailer. Obviously a prudent shopper, the consumer put aside the gift card and saved up additional money so that she could buy a large-ticket item. When enough money was saved, this consumer went to the store to make her purchase, but to her great surprise and disappointment she was not allowed to use the card because it had expired.

Mr. Speaker, this government believes that when consumers pay money for gift cards, the use-it-or-lose-it approach should not apply. Accordingly, this legislation will assure that prepaid purchase cards do work the same as money and do not expire. The amendments proposed to this bill will also allow the government to prohibit or limit fees that may be associated with gift cards. Certain fees such as dormancy or inactivity fees are basically alternate ways to create expiry dates on gift cards. The legislative amendments in Bill 4 will allow the government to ensure the proper balance between the rights of consumers and the interests of the retail industry with respect to fees and conditions.

There are currently no laws in Canada that specifically regulate gift cards. Ontario has recently introduced legislation to deal with similar issues. Staff in my department have been and will continue to consult with officials from Ontario to ensure fairness and consistency in the legislation. This will be of benefit both to consumers and businesses who straddle our eastern border.

Mr. Speaker, with these comments, I am pleased to recommend this bill for consideration today. Thank you.

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, I move, seconded by the Member for Steinbach (Mr. Goertzen), that debate now be adjourned.

Motion agreed to.

Bill 5—The Personal Investigations Amendment Act (Identity Protection)

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Chomiak), that Bill 5, The Personal Investigations Amendment Act (Identity Protection); Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Selinger: I'm pleased to speak about amendments proposed to The Personal Investigations Act in Bill 5, which will provide consumers in Manitoba with an additional tool to protect the information held about them by personal reporting agencies.

On a daily basis, a large number of consumers apply for and receive credit. The businesses they deal with may be banks, credit unions, finance companies or retailers. This personal credit information is collected and stored by personal reporting agencies such as credit bureaus. It is extremely important identity information, as it speaks to who we are, our current financial situation and our capacity to enter into credit arrangements.

Identity theft has been a growing problem in the last decade. One of the ways that thieves can steal a person's identity is to apply for a loan, a mortgage, a credit card or another line of credit using the personal information of an innocent victim. Before disappearing or moving on to the next victim, the successful thief will borrow as much money as they can using the stolen identity. At the end of the day, it is the victim of the theft who must deal with angry creditors, collection agencies and law enforcement officials in an attempt to re-establish their good name. It is an expensive, frustrating and arduous process.

Fortunately, in Canada, the personal reporting agencies that provide credit information have established protocols and procedures to protect this valuable information. The purpose of this bill is to ensure an additional measure of legal protection that will not only provide further safeguards to consumer credit information but will also give a greater level of individual consumer control over this data.

The security provisions in Bill 5 will provide a consumer who may have concerns about the security of their personal and credit information with the right to take steps to protect their information.

Specifically, the consumer will have the right to have a credit-reporting agency place an alert on their credit bureau file. This alert will serve as a notice to any business who requests credit information about the consumer. When there is a security alert on a consumer's file, a credit granter who calls to do a credit check must verify the identity of the person applying for the credit by phoning the consumer at the number specified by the consumer in the alert. This measure will reduce the risk of identity theft, as it will decrease the opportunity for a thief to attain credit in another person's name. A personal reporting agency will be obligated to place, amend or remove an alert on a consumer's file as soon as possible after the consumer has made a request. These agencies will also have to maintain a 24-hour toll-free line to ensure the consumers can file an alert at any time. The legislation will also prohibit fees for placing, amending or removing an alert, unless these are allowed by regulation.

Mr. Speaker, the Ontario government has recently introduced a bill that provides for similar levels of protection to consumers. Officials in both provinces have consulted with each other in an effort to provide a consistent approach to improving the rights of consumers to protect their credit information.

Mr. Speaker, Bill 5 also proposes to increase the penalties and offence provisions in The Personal Investigations Act to be consistent with other consumer protection legislation.

For individual offenders, the current provisions range from \$50 to \$500. These will be increased to a range of \$10,000 to \$50,000. Current penalties for corporate offenders range from \$500 to \$2,500. These will be increased to a range of \$25,000 to \$100,000.

Mr. Speaker, with these comments, I am pleased to recommend this bill for consideration.

Mr. Kelvin Goertzen (Steinbach): I move, seconded by the honourable Member for Tuxedo (Mrs. Stefanson), that debate now be adjourned.

Motion agreed to.

* (16:40)

**Bill 7—The Real Property Amendment Act
(Wind Turbines)**

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): I move, seconded by the honourable Minister of Finance (Mr. Selinger),

that The Real Property Amendment Act be now read a second time.

Mr. Speaker: It has been moved by the Minister of Science, Technology, seconded by the honourable Minister of Finance, that Bill 7, The Real Property Amendment Act (Wind Turbines), be now read a second time and be referred to a committee of this House.

Mr. Rondeau: Mr. Speaker, I am very pleased to bring this bill forward. This bill will simplify the registration of wind turbine titles.

The turbines are currently recognized as a right analogous to the easement under The Real Property Act, and interests pertaining to the wind farms are being registered on the title of the adjoining surface lands where the turbine is located. Members opposite might know there is a new wind farm in the province. It was one of the largest ever created in Canada, and what we're trying to do is we're trying to grow the wind industry and by doing that what we want to do is make sure there's security of title.

This bill will expand the provisions of subsection 112(3) of The Real Property Act. What it's doing is, this is the part of the act which currently permits a pipeline easement upon registration to have a title issued to include the ability to issue title for the pipeline, but in this case it's going to be for a wind farm easement.

So what it's trying to do is it's trying to take the original mortgage, et cetera, and tie it to the wind farm not to the property owner. This amendment would permit supplemental interests that affect the easement itself, such as a mortgage of the easement, other security interests, assignment of the easement itself or other charges on the wind farm to be registered on a separate wind farm title and not on a surface title.

So, in other words, what it's doing is just like a pipeline or something else. What it is, it's shown as a separate part of the title. A party searching the surface land will be able to determine that there is a wind farm easement on the property; however, all subsequent interests that only affect the wind farm easement will be shown on the title itself.

So, in other words, Mr. Speaker, what'll happen is that there's a mortgage on the wind farm. That'll be on the wind farm, and if you're looking for it or someone's looking at purchasing the property, they will look at the property search, and that will have a note that the wind farm has an easement on it and the

easement will have the mortgages or whatever statement on the farm itself.

So what we're doing in this bill is twofold. One, we're moving forward on the wind farms to create the jurisdiction where we're showing that they have proper property security. We're making sure that there's proper identification in the property, the easements and making sure that the property owners can conduct business in a very effective and timely manner.

So, as we're expanding into the future with more and more wind turbines, as we're looking at developing a 300 megawatt proposal in the near future and up to 1,000 megawatts in a very short period of time, what we want to do is make sure that the road is indeed clear for this development to occur.

With those few words, Mr. Speaker, I am very pleased to present this bill for second reading for consideration by the House. Thank you very much.

Mr. Kelvin Goertzen (Steinbach): I move, seconded by the honourable Member for Ste. Rose (Mr. Cummings), that debate now be adjourned.

Motion agreed to.

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, as I indicated earlier, we're going to continue down the Order Paper on second readings.

Bill 8—The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)

Hon. Dave Chomiak (Government House Leader): I would like to move Bill 8, The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended); Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative), seconded by the Minister of Finance (Mr. Selinger).

Mr. Speaker: We will now be dealing with second reading of Bill 8.

It has been moved by the honourable Attorney General, seconded by the honourable Minister of Finance, that Bill 8, The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended), be now read a second time and be referred to a committee of this House.

Mr. Chomiak: Mr. Speaker, this bill was introduced into the Chamber as a result of I'd say some difficulty with respect to the setting of dates dealing with the Public Accounts Committee. Now, I don't want to attribute blame or malfeasance on anyone's part—

An Honourable Member: Or cast aspersions.

Mr. Chomiak: —or cast any aspersions, so the bill is a straightforward bill that sets up, by statute, Public Accounts Committee dates of the committee that didn't meet during the 1990s, virtually didn't meet, Mr. Speaker.

We came into office and tried to put it into a pattern of meetings, Mr. Speaker, and we concluded that probably the best way to resolve the issue would be to have statutorily designated dates that required the committee to meet on a six-time-a-year basis, every second month. By putting it in statute, we'll ensure that the government will be kept accountable and the opposition MLAs will be kept accountable and we will all be part of the solution.

So, with those very few words, Mr. Speaker, I bring forward this bill for review by the House and speedy passage. Thank you.

Mr. Kelvin Goertzen (Steinbach): It's a pleasure to speak to this bill today, Mr. Speaker, and, you know, I don't want to sort of cast aspersions either on the honourable Attorney General. I'll leave that to the independent Member for Inkster (Mr. Lamoureux) to cast those aspersions.

You know, when you look at how this bill came forward—and even the Premier (Mr. Doer), himself said that it was sort of a rush job—you could envision the Premier opening up the *Free Press* a few days ago and getting to page 4 and realizing the problem that he had, the political problem that he had because of the difficulty that surrounded this committee.

There are, in relation to dates, issues, I think, on both sides of the House. I recognize that all honourable members in this House have difficult schedules at times. I certainly wouldn't suggest otherwise, but I think that the Government House Leader, the Minister of Justice (Mr. Chomiak), has missed a golden opportunity here with this particular piece of legislation. Instead of sort of having the Premier write down a bill on the back of a napkin over the breakfast table as he was reading the *Free Press* because he was upset because of the difficulty getting dates set, I think it would've been a great

opportunity for members of all parties—and I would've even included the non-party, the independent Member for Inkster, to have come forward at this meeting if he wasn't otherwise engaged in Montréal trying to get former NDP premiers elected into Ottawa, if he wasn't otherwise engaged, Mr. Speaker. *[interjection]* Apparently, old NDPers don't die. They never go away. I would say—*[interjection]* They become Liberals, that's right.

I would say what a good opportunity for all of us to have gotten together and discussed the difficulties that were happening with PAC, and I would say to the Minister of Justice that there's more that would have come forward than simply dates. I think that there probably is a place for set dates within the context of PAC, but I think there'd be more than six. I would suspect that, if we sat down and talked about it and if we would look at other jurisdictions, we would find that we're far out of line with the number of dates that PAC has. So, by setting into legislation the fact that you're only going to have six dates, it almost does the opposite, maybe, of what we're trying to achieve, in some ways, in terms of accountability.

It legislates the fact that our system isn't working well, and if the minister would have read the *Free Press* article very closely and also the editorial that accompanied it a few weeks back, he would have seen the criticism there. Of course, not everybody reacts to editorials within newspapers, but the criticism that came forward from there was that there were not enough dates. There weren't a significant number of dates coming out of PAC. So to legislate, to put into legislation, the fact that we're going to have an inadequate number of dates I think is problematic from the get-go, Mr. Speaker.

* (16:50)

But it's more than that. I think we've missed a good opportunity to look at a variety of other issues and problems that come forward with PAC. Why, for example, wouldn't the minister have included new powers for the PAC committee? Again, we're totally out of step, and maybe it's because the government has something to hide and they're not really interested in having PAC be a fulsome, sort of empowered committee.

But, if we would look at other jurisdictions, if we would look at whatever provinces in the federal government do, I think that we would find that those PAC committees are among the most powerful committees in the Legislature or in the federal House

of Parliament. In fact, those individuals, I think, have the ability to have research done, to call witnesses from a variety of different areas and expertise so that individuals can really delve into the issue.

We know that the PAC committee is unique. It's a special committee because the chair is actually an opposition member. But we are doing ourselves a disservice, I think, as members of the Legislature, by not using this opportunity, by not using this clear opportunity to really make this committee work.

I've heard the member during Question Period, when asked questions about PAC, and he was referencing this legislation as this legislation was going to be coming forward. He said that you needed to walk before you could run, or some sort of analogy. Well, I would say that we've been crawling along on this particular issue for far too long, and that it wouldn't take a significant amount of time or discussion to find a way that not only could we stop crawling and start walking, we could start running on this particular issue. I think it would reflect well on all of us.

Certainly, the Member for Russell (Mr. Derkach) raises the fact that there needs to be government will. I give credit to the Member for Russell who, on many occasions, has raised this issue about PAC and not being enough authority and enough jurisdiction in there. He has been backed up, or had spoken with the auditor general, who, in the past, the former auditor general has raised concerns about the PAC committee and the fact that it didn't really operate as a powerful committee able to get to the bottom of it. So members like the Member for Russell and the Member for Lac du Bonnet (Mr. Hawranik), who have raised these issues in the past, are to be credited because they know that some day, and probably some day soon, they'll be members of the government. *[interjection]*

As members of the government, they will have to live under those jurisdictions, those rules as well, and they'll have to be accountable. I give credit to them because they're saying: We're willing to live under those rules. We as a government or a future government, perhaps in a few weeks or a few months, we as a future government are willing to be—you know, the Member for Gimli, the Minister of Education (Mr. Bjornson) laughs at that. That's sort of premature arrogance from him and from the Member for Brandon East (Mr. Caldwell), who used to be a member of the government before he was removed from his position.

I would say, Mr. Speaker, to those individuals that we should be joining together and saying, we can improve something for all governments. Then, if you have nothing to fear, then you have nothing to hide from making PAC into a powerful and effective committee. You know what? The good thing about the legislative process, even though we're having sort of a brief or a blip of a session because the government hasn't wanted to come back to the House and have that accountability, even though we're having such a small and such a short session, there is still time that we could get together and amend this legislation to make it more meaningful.

If nothing else gets passed in this Legislature, and there's certainly that possibility because of the short amount of time that we're dealing with, probably only four days to deal with legislation, if nothing else gets passed, this might be something that we can all walk out after the session as we go into holiday season or an election season, whatever the case might be, we could all go forward and say that we accomplished this together. We accomplished it on a bipartisan basis; we accomplished it not just for this Legislature, but for future legislatures, for governments that'll come in the future, whether it's the Conservative government, the New Democratic government or, possibly, even a Liberal government at some point. *[interjection]* I'm being generous on that issue, Mr. Speaker, but I feel for the Member for Inkster (Mr. Lamoureux) who, I know, is probably going to be sorely disappointed this weekend with the results that are going to happen in Montréal.

I would say, Mr. Speaker, it's not too late. In all seriousness, we really should come together and have a good discussion about how we can strengthen this legislation. Then, you know, all the sort of political maneuvering that's happened around the PAC committee could be set aside because we can all have agreement. I think that we would all get some praise from those beyond this building in saying this is what we expect from government.

We expect parties, whether they're independent, in opposition, or in government, to work together to try to achieve something. But to come forward with a bill that's—I don't even think it's a page long, Mr. Speaker; I don't think it covers half of a page. To come forward with a bill that just says, this is when we're going to have dates of a committee. How does that improve the system? Or does it make it worse? Because you're putting in legislation in a system that already doesn't work. And in fact, I would say, and I

think I said it in the House before, it would seem to me to be far better to have 50 meetings, for example, of a committee that worked and was effective than to have 150 meetings of a committee that didn't have any sort of ability or any sort of power, let alone six meetings. So to have us meet a half a dozen times a year to deal with a committee that in fact isn't operating—I think again if you look at the criticisms, and I would encourage the members opposite to truly look at the criticisms that were brought forward on this committee from the various different points. If you look at the criticism, I think that the dates and the number of meetings was only one small part of that criticism.

There were far greater and a far wider number of issues that needed to be looked at, so I would certainly encourage the Minister of Justice, the Government House Leader (Mr. Chomiak)—who is somewhat new to his position, but I'll take him at his word when he says that he wants to achieve certain things within this legislative context, and perhaps even with the issue of PAC—to go back to his Premier (Mr. Doer) and say, Mr. Premier, we have the ability here today to do something special, to do something unique, and then we can all walk out proud in this Legislature and say that we did something that was worth a notable even in this very, very short session that we have with us here today.

I know, Mr. Speaker, that this is a sore spot, and, unfortunately, when you talk about PAC, you can't separate it from the issue of Crocus. I know that the government would like to see them as two solitudes, to see them as something different, but we know that one of the challenges and one of the reasons why we haven't been able to make advances in terms of PAC is because the government simply doesn't want to be exposed, they don't want to have that exposure to Crocus. They know that the more power that a committee like the Public Accounts Committee receives, the more likely it is that certain issues are going to come forward because eventually, if you have the ability to call witnesses or to do research, you can't avoid having people who had knowledge regarding Crocus to come forward to that committee here in the Legislature and answer difficult questions. So, while I would like to give the benefit of the doubt to the government and say that there is a separation between Crocus and Public Accounts, I don't think that there is. I don't think that the public would believe that there is in fact that sort of a separation. They would see the two issues as married together.

That, I think, is particularly the concern that I have regarding the legislation, Mr. Speaker, because, with six committee meetings, whether they're all scheduled in January, whether they're interspersed throughout the year, I don't see what would change. So we would meet as a PAC committee, even though we would know the dates in advance, we still wouldn't have the ability to call forward the people we needed to get answers, whether it's regarding Crocus or some other sort of issue that was happening within government. We could meet six times a year with set dates, but we still wouldn't have the ability as the people on PAC who sit on that committee, who wouldn't have the ability to get the questions out and the answers that they needed. They wouldn't be empowered to go forward and have a budget, perhaps, or get third-party advice, or to have reports brought forward to that committee. So setting the dates is a very small and a reactionary way to deal with what's a much, much larger problem, and it's a frustration, I think, that's shared, not with just members of my caucus. I know the independent Member for Inkster (Mr. Lamoureux) also shares that frustration and has shared it publicly and in many different forms.

So, again, we're glad that this is an early stage for this particular piece of legislation, because it means that it can be changed. It means that

something meaningful can happen with it in terms of amendments, and I suspect that amendments will come forward on this legislation. I suspect that if it makes it to committee, whether it's this session, or perhaps in a session in February or whenever the government wants to call the Legislature back to deal with legislation, it might make it through on this blip of a session, this very short session that we have here. Whenever that session is, I suggest that there are people from the public who are going to come forward and say, this would be a way that we could improve PAC. In fact, there's a lot of different ideas. We could in fact bring forward people from other jurisdictions. You know, it might be worthwhile actually to have individuals come forward from the federal side, or from other provinces in Canada to come to that committee and to say, you know, if you really want an effective PAC committee, this is what you should do. So why should we, in fact, limit ourselves—

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Steinbach (Mr. Goertzen) will have 18 minutes remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 27, 2006

CONTENTS

ROUTINE PROCEEDINGS			
Introduction of Bills		Grandparents' Access to Grandchildren Rowat	287
Bill 9—The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended) Mackintosh	277	Brandon West Constituency Smith	287
Petitions		Centennial Library (Winkler) Dyck	288
Headingley Foods Taillieu	277	Bernie Wolfe School Snack Program Jha	288
Provincial Slogan Lamoureux	278		
Oral Questions		ORDERS OF THE DAY	
"Spirited Energy" Advertising Campaign McFadyen; Wowchuk	278	GOVERNMENT BUSINESS	
McFadyen; Smith	279	Report Stage Amendments	
Health Care Driedger; Oswald	281	Bill 25—The Consumer Protection Amendment Act (Payday Loans) Gerrard	289
Lake Manitoba Water Stewardship Board Eichler; Melnick	282	Selinger	290
Ranchers Choice Co-op Eichler; Wowchuk	283	Lamoureux	291
Cattle Enhancement Council Derkach; Wowchuk	284	Bill 34—The Public Interest Disclosure (Whistleblower Protection) Act Gerrard	292
Phosphorus Pollution Gerrard; Struthers	285	Selinger	293
Gerrard; Melnick	285	Lamoureux	293
NDP Nomination (The Maples) Lamoureux; Chomiak	285	Cummings	297
Public Transportation Altemeyer; Irvin-Ross	286	Concurrence and Third Readings	
Bill 41 Cummings; Smith	286	Bill 25—The Consumer Protection Amendment Act (Payday Loans) Hawranik	302
Members' Statements		Lamoureux	302
St. James Working Families Korzeniowski	286	Gerrard	302
		Bill 34—The Public Interest Disclosure (Whistleblower Protection) Act Hawranik	303
		Second Readings	
		Bill 2—The Employment Standards Code Amendment Act Allan	304

Bill 3–The Healthy Child Manitoba Act Irvin-Ross	307	Bill 7–The Real Property Amendment Act (Wind Turbines) Rondeau	311
Bill 4–The Consumer Protection Amendment Act (Prepaid Purchase Cards) Selinger	309	Bill 8–The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended) Chomiak	312
Bill 5–The Personal Investigations Amendment Act (Identity Protection) Selinger	310	Goertzen	312

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