

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

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 8, 2004

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Highway 227

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

These are the reasons for this petition.

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

Inclement weather can make Highway 227 treacherous to all drivers.

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

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

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

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

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

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all

Manitobans and all Canadians who travel along Manitoba highways.

Submitted on behalf of Joe Windsor, Will Foth, F. J. Richard and others.

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

Alzheimer's Disease

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

These are the reasons for this petition:

Alzheimer's is a debilitating disease.

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

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

Signed by Alison Edgar, Kim Burnett, Melodie Mazurek and others.

Minimum Sitting Days for Legislative Assembly

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

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

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

* (13:35)

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Bruce Shale, Jessie Carnecer, and Tessie Egonia.

Pharmacare

Mrs. Heather Stefanson (Tuxedo): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for the petition.

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

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

It is signed by Lloyd Jensen, Alice Jensen, Drew Ostash and others.

Proposed PLA–Floodway

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

These are the reasons for this petition:

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

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

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

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

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

Signed by Ken Wilson, Jeff Reimer, Jeff Unrau and others.

Pharmacare

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

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

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

*(13:40)

We petition the Legislative Assembly of Manitoba as follows:

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

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

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

This is signed by Reverend Howson, Tammy Wood and others.

Mr. Ron Schuler (Springfield): Mr. Speaker, I ask for leave to present a petition for the member from Portage la Prairie.

Mr. Speaker: Does the honourable member have leave to present the petition for the honourable Member for Portage la Prairie (Mr. Fauschou)?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Highway 227

Mr. Schuler: These are the reasons for this petition.

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

Inclement weather can make Highway 227 treacherous to all drivers.

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

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

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

Signed by G. Johnson, Allison Thurston, Ken Wistoski, and hundreds and hundreds of others.

COMMITTEE REPORTS

Standing Committee on Private Bills First Report

Mr. Doug Martindale (Chairperson): Mr. Speaker, I wish to present the First Report of the Standing Committee on Private Bills.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Private Bills presents the following as its First Report.

Mr. Speaker: Dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on Private Bills presents the following as its First Report.

Meetings:

Your committee met on Monday, June 7, 2004, at 10 a.m. in Room 255 of the Legislative Building.

Matters under Consideration:

Bill 300– The Winnipeg Foundation Act/Loi sur la Fondation dénommée « The Winnipeg Foundation »

Bill 301– The Jewish Foundation of Manitoba Act/Loi sur la Fondation dénommée « The Jewish Foundation »

Committee Membership:

Your committee elected Mr. Martindale as the Chairperson.

Your committee elected Ms. Oswald as the Vice-Chairperson.

Substitutions received prior to commencement of meeting:

Ms. Irvin-Ross for Hon. Ms. Allan

Mr. Dewar for Hon. Mr. Struthers

Ms. Oswald for Hon. Mr. Rondeau

Mrs. Stefanson for Mr. Maguire

Mr. Loewen for Mr. Penner

Motions:

Your committee agreed to the following motion:

THAT THIS COMMITTEE RECOMMENDS THAT THE FEES PAID WITH RESPECT TO BILL (No. 301)—The Jewish Foundation of Manitoba Act/Loi sur la Fondation dénommée « The Jewish Foundation of Manitoba », BE REFUNDED, LESS THE COST OF PRINTING.

Public Presentations:

Your committee heard one presentation on Bill 300—The Winnipeg Foundation Act/Loi sur la Fondation dénommée « The Winnipeg Foundation », from the following organization:

Rick Frost, The Winnipeg Foundation

Your committee heard two presentations on Bill 301—The Jewish Foundation of Manitoba Act/Loi sur la Fondation dénommée « The Jewish Foundation », from the following organizations:

*David Cohen, Jewish Foundation of Manitoba
Bryan Klein, Aikins, MacAulay & Thorvaldson*

Bills Considered and Reported:

Bill 300—The Winnipeg Foundation Act/Loi sur la Fondation dénommée « The Winnipeg Foundation »

Your committee agreed to report this bill without amendment.

Bill 301—The Jewish Foundation of Manitoba Act/Loi sur la Fondation dénommée « The Jewish Foundation »

Your committee agreed to report this bill without amendment.

Mr. Martindale: Mr. Speaker, I move, seconded by the honourable Member for Seine River (Ms. Oswald), that the report of the committee be received.

Motion agreed to.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to

the Speaker's Gallery where we have with us today Mr. Giordano Alneida who is an exchange student from Brazil. He is also the guest of the honourable Member for Brandon East (Mr. Caldwell).

Also in the Speaker's Gallery we have Mr. Thomas Maracle who is from Ottawa, and Mr. John Hikes of Rankin Inlet, Nunavut, who is also my brother.

I would like to draw the attention of all honourable members to the public gallery where we have with us from J. R. Walkof Elementary School 64 Grade 8 students under the direction of Mr. Gerald Letkeman, Mrs. Allison Hesom, Mrs. Linda Wall and Mrs. Winnie Fehr. This school is located in the constituency of the honourable Member for Pembina (Mr. Dyck).

Also in the public gallery we have students from Collège Louis-Riel. These students are under the direction of Mr. Luc David and are the guests of the honourable Minister of Finance (Mr. Selinger).

Also in the public gallery we have from Glenboro School 16 Grade 6 students under the direction of Mrs. Marilyn Cullen. This school is located in the constituency of the honourable Member for Turtle Mountain.

* (13:45)

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

ORAL QUESTIONS**Red River Floodway Expansion
Master Labour Agreement**

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, it is the Doer government and the Premier (Mr. Doer) that have had the Wally Fox-Decent report for more than two weeks, and for two weeks they refuse to state their government's position. Today we have learned the Premier is in fact going to force non-unionized workers to pay union dues, and while his news release states they have requested the Manitoba Floodway Expansion Authority establish mechanisms for the industry to participate in a meaningful and constructive manner, it is unclear if this means the employers will be at the bargaining and negotiating table.

Mr. Speaker, will the minister explain why he is going to force non-unionized workers to pay union dues and can he tell us if heavy construction employers will be a fully participating partner at the negotiating table?

Hon. Steve Ashton (Minister of Water Stewardship): After due consideration we have indeed recommended to the Floodway Authority the implementation of the Wally Fox-Decent report. I would remind the Leader of the Opposition he, on both April 29 and May 4, certainly agreed with our assessment that Wally Fox-Decent was imminently qualified and had the integrity and credibility to work with all the stakeholders. We felt a report was a balanced approach and, this may be a word that is alien to members opposite, involved compromise. We think that kind of compromise is the Manitoba way, unlike the confrontation we see day in and day out on this issue from members opposite.

Mr. Murray: Well, Mr. Speaker, the Minister of Water Stewardship is right. We understand that Mr. Wally Fox-Decent is qualified, but we think it is just unfortunate because the minister and the Premier could not agree that they had to bring Wally Fox-Decent in, in the first place. It is unforgivable that the Doer government is going to force non-unionized workers to pay union dues, and the very simple question is that the employer group, 95 percent of which are non-unionized, it is important they be a fully participating partner at the negotiating table with the union.

I ask this minister: Will he do the right thing? Will he ensure that non-unionized workers are not forced to pay union dues and will he ensure that the employer group is a fully participating partner at the negotiating table? That is what Manitobans expect.

Mr. Ashton: Mr. Speaker, I think what Manitobans expect is better consideration for a report like the Wally Fox-Decent report than the members opposite gave. Within two hours of the release of the report, they had rejected the report which involved a lot of effort. I would remind the member opposite if he had taken the time to read that report, he would note that Mr. Fox-Decent, himself, said, "It is important in terms of working conditions to determine by negotiation between the Manitoba Building Trades Council and the Floodway Authority, working in close association with relevant employers or employer associations." That was in his report.

We have indicated we want the Floodway Authority to establish a mechanism for the industry to participate in a meaningful and constructive manner. It was in the report. We have endorsed the report. It is unfortunate members opposite did not even bother to read the report before they rejected it within two hours of its release.

Mr. Murray: Mr. Speaker, I think what is unfortunate is the Doer government insists on forcing non-unionized workers to pay union dues. It is a kickback. That is clearly what it is. The fact is the employer groups, of which 95 percent of those employer groups look after the employees' safety, ensure the employees have proper training programs, that is what the employer groups are going to do.

I simply ask the Doer government to do the right thing, to ensure that non-unionized workers are not forced to pay union dues as a kickback and then ensure that the employer groups, who represent 95 percent of non-unionized workers, have a fully participating position at the bargaining table. That is the right thing to do.

Mr. Ashton: The only thing the member knows about is the right-wing thing to do, because when he talks about kickbacks, I would remind him his party is the only party that is opposed to banning union and corporate donations. In fact, the Conservative Party, the national Conservative Party, believes in banning that. Only members opposite are stuck in the past on that. They are stuck in the past on labour relations.

* (13:50)

In the last election the member opposite ran on a platform of repealing the provisions of The Labour Relations Act that involved the Rand Formula. They are against the Rand Formula, which has been in place since the 1940s in Manitoba in terms of labour legislation. The only right thing from that side is the right-wing approach, the extreme right-wing approach. Ours is the Manitoba way of compromise and consensus.

Red River Floodway Expansion Master Labour Agreement

Mr. Kelvin Goertzen (Steinbach): The only thing this minister has stated he is in favour of today is a kickback to his union-boss buddies. Forcing workers

to pay union dues is undemocratic. Workers have made the choice to work in—

Mr. Speaker: Order. I have allowed the word "kickback" to continue and I have accepted it when it is used in a general fashion. *[interjection]* Order. But when it is directed at a minister or an individual in this House pertaining to kickbacks, that will not be acceptable to the House.

In general terms, I have allowed it, so I would ask the honourable Member for Steinbach to pick and choose your words very carefully.

Mr. Goertzen: This government has generally participated in a kickback by accepting to put forward union dues for non-unionized workers. Workers have made a choice. Mr. Speaker, workers have made a choice, a democratic choice, to work in a non-unionized environment, and that means not paying union dues.

This is not about the Rand Formula. This does not have to be negotiated that way. Wages are already covered under The Construction Wages Act. Employees are provided training before. Safety can be done by regulation, but this minister has sold out workers for his union-boss buddies. Can he tell us why he has betrayed workers in Manitoba?

Hon. Steve Ashton (Minister of Water Stewardship): Again, I think we can see how the members opposite are able to reject the report within two hours because they clearly have not read the report. Mr. Wally Fox-Decent, that well-respected Manitoban the opposition talked about, clearly identified in this particular case the provisions for a fee for service. In fact, he made a definition that included a differential between those who are unionized and those who are not.

To use terms like "kickbacks" and "union bosses" and "buddies," I do not know which decade, which century the member opposite is living in, but that kind of language went out of this province decades ago. The Manitoba way is to work towards compromise and consensus. That is what we did with Wally Fox-Decent. That is why we have adopted the report.

Mr. Goertzen: Make no mistake, Manitobans know a kickback when they see it, and this is a kickback. This minister has written a very sad story when it

comes to development of the floodway. First he tried to force unionization on workers, but the Leader of the Official Opposition (Mr. Murray) led the charge against that and, with support of the public, was able to change the minister's mind on that.

Second, he said his opinion was that all workers on the union project should pay union dues. He said that before Mr. Fox-Decent's report was even commissioned. Then he delayed the review and now he is agreeing with his own recommendation he made two months ago that all workers should be paying union dues on the floodway whether they are unionized or not.

I wonder if this minister has given any consideration of what the costs will be to workers who are now forced to pay union dues who are not involved in a union.

Mr. Ashton: I would point out to members opposite, one of the reasons we brought Wally Fox-Decent in is this is the Manitoba way. We took a step back. We worked with the stakeholders through Wally Fox-Decent. Wally Fox-Decent brought in a report that I think is a reasonable compromise. In fact, many observers, many members of the public have indicated that.

I would like to remind members opposite one of the key elements we have stated all the way along is important in terms of the floodway. Perhaps something they do not have the same concern about is to make sure that we do have stability, Mr. Speaker, no strikes, no lockouts. This agreement, the framework that Mr. Wally Fox-Decent has put forward, will ensure that is the critical thing, building the floodway expansion, not playing politics like members opposite do day in and day out in this Legislature.

*(13:55)

Mr. Goertzen: Mr. Speaker, the Manitoba way is to respect democratic choice, the democratic choice of workers who decided to work in a non-unionized environment and to not pay union dues. The NDP way, by contrast, is to first try to find a way to force all workers to join a union, and when they are backed off by the Manitoba public on that, they try to find a way to still get their money to their union-boss buddies through a kickback, through this forced unionization, whereas Manitobans know their way is

not the NDP way, not to force union dues on non-unionized workers. This minister should be ashamed of his kickback scheme.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Just previously I asked the honourable member to be careful to pick and choose his words carefully and I just heard him say, "his kickback scheme." I just cautioned all honourable members about—[*interjection*]

Order. I have let it go when it has been used in a general term. Every member in this House is an honourable member and each and every member should be treated as such. I ask the honourable member to withdraw that last comment.

Mr. Goertzen: I withdraw the comment. I meant to say the government was participating in a kickback scheme.

Mr. Speaker: Thank you.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I just mentioned to the House that I would accept it in a general term and that is what the honourable member has just done and that should take care of the matter.

Mr. Ashton: I think it is rather interesting, Mr. Speaker, that this opposition has spent more time asking questions about this one issue of the floodway expansion than even issues like BSE and many other critical issues.

I would just like to remind Manitobans it is not just on this bill members opposite are extreme. This is the same party that voted against the unanimously recommended workplace safety and health legislation in the previous Legislature. They ran against the Rand Formula in the last election, something that goes back to the 1940s, the labour legislation. They even voted against the compassionate care bill, Mr. Speaker, last year. This is an extreme opposition and the kind of phraseology and the kind of ideology they are talking about went out of style decades ago in Manitoba. The Manitoba way is to work towards the kind of consensus we see, the kind of approach in the Wally Fox-Decent report, the report we have adopted and we will go forward with from here on in.

Winnipeg Regional Health Authority Cost-cutting Measures

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, in 1999 the Doer government promised to fix health care in six months with \$15 million. Well, four years and over a billion dollars later, hospitals may be forced to lay off staff, cut programs and close beds according to an edict sent out by the WRHA. I would like to ask this Minister of Health if he ordered the WRHA to send out that edict.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, the "edict" the member is referring to was the funding letter that went from the WRHA to the hospitals saying this year the WRHA is receiving an increase of 4.4 percent on its \$1.2 billion budget. While not all demands have been met, \$94 million of the \$111 million requested would be provided for and then ask the hospitals to allocate accordingly. I might add, the funding letter indicated an increase of 4.4 percent. I might ask the member opposite to reflect on the fact that her party promised an increase in health care spending this year of 1 percent. One percent is what they asked for. They voted against a 4.4% increase in the budget. I think the facts speak quite clearly for themselves.

Health Care Services Bed Closures

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the facts certainly speak clearly enough through the edict that was sent to the hospitals. The Minister of Health has been adamantly saying over the past few weeks that there would be no bed closures. He has been dancing all around this issue. Dr. Brian Postl, of the WRHA, is saying they are looking at bed closures in that edict so who are we to believe?

I would like to ask the Minister of Health if he would come clean now and tell us: Are they going to be closing any hospital beds?

* (14:00)

Hon. Dave Chomiak (Minister of Health): The member will be aware, Mr. Speaker, that we closed some beds at St. Boniface Hospital in order to allow the cardiac program I thought members supported to move over to St. Boniface Hospital in order to consolidate one program. By virtue of doing that we

have been able to reduce the wait for elective cardiac surgery 62 percent.

We also consolidated and are consolidating orthopedic surgeries at Concordia Hospital, Mr. Speaker, and the wait time for hip and knee surgery is down 20 percent. We have also introduced the gamma knife in which outpatient surgery takes place where an individual used to have to stay in the hospital six or seven days. They now get the surgery on an outpatient basis.

We have also doubled day surgeries at Pan Am Clinic when members opposite asked us to give more funding to the Maples, of which the members have good friends, and Western Surgical Centre. They want us to fund private clinics instead of public clinics, Mr. Speaker. The facts speak for themselves.

Winnipeg Regional Health Authority Cost-cutting Measures

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the facts do speak for themselves. I have been receiving letter after letter and phone call after phone call from people that are on huge waiting lists waiting for orthopedic surgery, and this minister can stand and brag about something like the waiting lists going down when we have some people waiting for two years for orthopedic surgery.

Mr. Speaker, over the past few weeks the Minister of Health has been adamantly denying that hospital programs would be cut because of deficits, yet the edict just issued may force programs to be cut or staff to be laid off.

I would like to ask the Minister of Health to now come clean and tell us: After pumping more than a billion dollars into health care, how many programs are going to be cut and how many staff will be laid off?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, the letter that went from the WRHA to the hospitals indicated the increase from the government would be 4.4 percent. This is to a region—*[interjection]* Will the member allow me to answer the question?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Yes, Mr. Speaker, the members opposite asked for a 1% increase to the health budget this year. That would be a total of \$30 million, which would not even be one third of the increase we gave to the WRHA this year. They put that in their platform. They asked for it, one third of what they are actually getting. That is what they asked for.

Mr. Speaker, the facts of our giving them 4.4 million will mean expanded programs like palliative care, like gamma knife, like the second-lowest waiting list for hip and knee in the country and growing; more hip and knee in this province, more cardiac in this province. Our cancer waiting lists are the best in the country and have been reduced in half since members opposite were in government. The facts speak for themselves. We are innovative and we are giving more money, not less.

Winnipeg Regional Health Authority Administrative Costs

Mrs. Bonnie Mitchelson (River East): In four and a half years, Mr. Speaker, under this minister's watch, the administrative costs at the Winnipeg Regional Health Authority have tripled from \$5 million to \$16 million, millions of dollars that could have been used for front-line health care.

Will the minister now do what he is asking health care facilities to do and find administrative savings at the Winnipeg Regional Health Authority and direct those dollars to front-line health care?

Hon. Dave Chomiak (Minister of Health): The letter that went out from the Winnipeg Regional Health Authority to the regions and to the hospitals that said we are talking about the 4.4% increase or \$94-million increase this year over the increase of last year, and over the increase of the year before, talked about the first issue to be dealt with by the participants, the regionals, the regions, the hospitals, personal care homes. The first area to be looked at is administrative savings, Mr. Speaker. I will take no lectures from a member who had two regional health authorities and thirteen vice-presidents in one city. We cut that in half.

Mrs. Mitchelson: Well, Mr. Speaker, I guess the definition of cutting administration in half, for this government, is having administrative costs for the regional health authority go from \$5 million to \$16 million. I do not call that a cut in administration.

This minister's priorities are all wrong. More money for administrative costs in his bureaucracy at the expense of much-needed front-line health care.

When will this minister get his priorities straight and issue an edict from his department to start reducing administrative costs and redirect that funding to front-line services?

Mr. Chomiak: Mr. Speaker, not only have we asked the WRHA to reduce its administrative costs by 5 to 7 million, but a third-party independent review by the Canadian Institute for Health Information that did a comparison across the provinces of all administrative costs not only found that Manitoba had the third-lowest administrative cost in Canada, but as a percentage of savings, our administrative costs have gone down from when that member was around the Cabinet table to now.

Mrs. Mitchelson: Well, Mr. Speaker, I do not know how—

An Honourable Member: That is not true.

An Honourable Member: Five to sixteen is not up.

Mr. Speaker: Order. I would like to remind all honourable members that when the Speaker is standing, all members should be seated and the Speaker should be heard in silence. I ask the cooperation of all honourable members.

Mrs. Mitchelson: Well, Mr. Speaker, that just says it all. Here we have a Minister of Health that talks about decreases in administrative costs when his own numbers and figures indicate the administrative costs in his regional health authority under his direct responsibility have increased from \$5 million to \$16 million. I guess that is NDP math, an increase of \$11 million, he calls a decrease.

Mr. Speaker, again, 4.5 years under this minister's watch, a billion dollars later into our health care system and we see threats of bed closures, staff layoff and reduced surgeries. When will this minister get his priorities straight, reduce administrative costs and put the money into the front-line service?

Mr. Chomiak: Mr. Speaker, the CIHI preliminary provincial and territorial government health expenditure estimates November 2002, of which members have a copy, indicates that administrative cost across

the board is \$195 million in '99-2000. It is down to \$179 million in '02-03. That is down from the time members opposite were in government.

The CIHI, that is national data. It is put together—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: I would also like to add, Mr. Speaker, when the members put out that same press release the member referred to as her data, last year we indicated that not only has the WRHA expanded its programs, palliative care program, taken over VON administration, has taken over Deer Lodge administration and a variety of services have gone into that particular line.

Finally, Mr. Speaker, any members who closed 1400 beds, laid off 1000 nurses, have no right to talk about layoffs. They are already experts in cutbacks and layoffs and firings.

Adolescent Parents Supports and Services

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, a 16-month-old baby was battered and beaten, perhaps comatose, for up to two days without medical attention. Peter Bradburn, an outreach worker in Oxford House, publicly stated, "It just doesn't make any sense. How do you explain it?"

Mr. Speaker, the Minister of Family Services must show some leadership. She must outline today what steps she has taken in her department to respond to this tragedy. What immediate action, immediate, has the minister taken to ensure resources are in place so no other child falls through the cracks?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, I have informed the House many times of the services we have put in place since 1999 in the perinatal service unit. These services are available to all our teen parents, be they young men or young women. We are continuing to provide those services in partnership with service providers throughout our province.

* (14:10)

Mrs. Rowat: Manitobans are outraged. This government is taking no action. Mike McIntyre on CJOB's "Crime and Punishment," indicated that people are wondering what can be done. What can we do to help the system that would allow a child so young and so innocent to be killed?

The minister has failed. We are hearing from front-line workers that caseloads are unmanageable and may have been a contributing factor in this tragedy.

My question is to the Minister of Family Services: Can the minister today advise what is the average client caseload social workers currently have? What is the current caseload?

Ms. Melnick: The average caseload ranges between 20 to 25 cases, Mr. Speaker. That may vary depending on how the individual worker is working with individual clients. We do work one on one through our perinatal service unit. There are counseling services available on parenting, on financial matters, on working with family members and we will continue to do that.

Mrs. Rowat: My concern is where was the one-to-one worker that was supposed to be working with this mother and this child. Obviously, it was missing. A tragic mistake has happened. Darlene Papiano, a youth care worker with Macdonald Youth Services, publicly stated, "We need to do something more in some way just to be able to stand up for her." Child and Family Services employees need to know they can come forward with solutions to improve the system.

Mr. Speaker, will the Minister of Family Services lift the gag order on her department today and find out whether caseloads are too high and whether the appropriate programs are in place to support potentially volatile parents? How many more babies have to be brutalized before this minister calls for a public inquiry?

Ms. Melnick: Mr. Speaker, there are two investigations currently underway, Winnipeg Police Service, Winnipeg Child and Family. We are watching those closely. We are awaiting the results.

Child and Family Services Accommodations—Hotels

Mr. John Loewen (Fort Whyte): It is unfortunate in our society but it does happen that the minister's

department, Child and Family Services, has to apprehend children from dysfunctional homes and other places and house them in hotels from time to time. As a matter of fact, the Premier (Mr. Doer) when in opposition, stated, and I quote, "We do not believe that in dealing with children in care, hotels will deal with inadequacies of dysfunctional families."

We agree with that statement, but what we have today, what we are hearing today from the minister's staff is these numbers of children warehoused in hotels are at all-time highs, yet this minister consistently refused, in Question Period, in Estimates, through written correspondence, to advise how many children are in hotels. I would ask her today: How many children were housed in hotels last weekend?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, there are substantially less children in hotels today than there were when members opposite were in government.

Some Honourable Members: How many?

Mr. Speaker: Order.

Ms. Melnick: Hotel usage for children who have been apprehended, under this government, is used primarily to keep sibling groups together. I would like to inform—

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Fort Whyte, on a point of order.

Mr. Loewen: Mr. Speaker, on a point of order. *Beauchesne's* 416, "A Minister may decline to answer a question," but it is the common practice of this House that if she does not have the answer for a question, she take it as notice without any preamble, without any explanation. Day after day she refuses to answer these questions in the House. I would ask you simply to advise her if she does not have the answer to a question, just take it as notice.

Mr. Speaker: On the point of order raised by the honourable Member for Fort Whyte, we have in place an agreement and that was agreed to by all parties. [*interjection*] Order. We have an agreement

in place that allows members to state other issues while they have the floor. They have 50 seconds for that. Also, according to the rule that was cited by the honourable member, 416, a member may put a question but has no right to insist upon an answer.

I have a ruling as an example. I just happen to have it, dated December 16, 1992, by then-Speaker Rocan. It was a question that was raised by the House leader at that time about the Premier not answering a question. The ruling stated that, on the point of order raised, *Beauchesne's* 416, a member may put a question but has no right to insist upon an answer. That has been ruled by other Speakers and that will be consistent with my ruling today. The honourable member does not have a point of order.

* * *

Mr. Speaker: Have you concluded your answer?

Ms. Melnick: I would like to inform the House today that hotel usage for siblings will soon be lowered even more. We have recently opened one shelter which will be dedicated to siblings, and we will open a second one in the fall. We believe that children are better placed in a home-like environment which is why we have undertaken to open two shelters which are dedicated to siblings and keeping sibling groups together.

Mr. Loewen: This is totally unacceptable. When in opposition, the Premier (Mr. Doer) referred to the placement of children in hotels as an abandonment of children, yet today he allows his minister to stand in this House, she refuses to answer a very straightforward question. She tells us it is less than before so she must have the numbers if she has done that comparison, but she refuses time and time again to give members of this House, to give the public in Manitoba, an opportunity to see the real numbers.

The question is: Why? What is she trying to hide? What disaster is befalling the children of Manitoba because she refuses to speak up and because this Premier continues to allow her to dodge the question? It is simple. How many children were warehoused in hotels this weekend? Tell us.

Ms. Melnick: I would further like to inform the House we have put out a request for proposal for 50 new foster home beds so that children underage will be placed not in hotels, not in shelters, but again in a

foster setting. We are taking care of the children, and we will continue to put children No. 1.

Mr. Loewen: This continues to be a shameful practice by this minister. While in opposition, the Premier and his party thought they had a policy to get children out of hotels. We see in government they have completely abandoned this policy like they have abandoned so many.

Mr. Speaker, the question is simple. We are hearing from staff that two and three weekends ago, there were 70 and 80 children warehoused in hotels. We hear from staff this weekend there were over 40 children warehoused in hotels. This minister, who can get the answer by one simple phone call, refuses to say. That is shameful.

I would ask this Premier today if he will stand in this House, get his information from the minister and tell the people of Manitoba how many children were warehoused in hotels in the last weekend.

*(14:20)

Ms. Melnick: Mr. Speaker, I can assure the House that children are not put in hotels in the numbers they were when members opposite were in government.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would remind honourable members the clock is ticking. We need to try and get as many questions and answers—

An Honourable Member: It is ticking on the children, too, Mr. Speaker.

Mr. Speaker: Order. We would like to try and get as many questions and answers as we can in. I would ask the co-operation of all honourable members.

Ms. Melnick: Mr. Speaker, we are continuing to work on what we believe is a better placement for a child who is undergoing the stress of apprehension which is why we have currently opened one of the new sibling shelters. Another one will be opened in the fall.

Sleep Disorders Testing Waiting Lists

Hon. Jon Gerrard (River Heights): Mr. Speaker, currently individuals may wait for up to five years

for sleep disorder testing in Manitoba. Studies have clearly shown it is cost-effective to test patients rapidly because medical problems picked up early can be associated with substantial improvements in health and in cost savings.

I table today a study by Dr. Kathleen Ferguson conducted in 1999 which recommended major improvements to sleep disorder testing in Manitoba. Doctor Ferguson's review noted that at that point there had been at least 10 deaths of patients while on the waiting list for sleep disorder testing between 1996 to 1998, essentially signalling then there was an urgent need for action.

I ask the Minister of Health why Doctor Ferguson's recommendations have not yet been fully implemented.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I want to inform the honourable member as I recall now that he has gone back to this issue he raised at the beginning of the session, having spent time on other issues which is his right. I want to point out that, in fact, we spent several million dollars of reinvestment in the sleep lab and in sleep lab waiting lists. Urgent cases are permitted other alternatives.

I might also add to the member opposite, with our negotiations with the federal government they have only identified five areas to deal with waiting lists to give us additional resources on, and sleep lab and sleep testing is not one of them, Mr. Speaker. I have had discussions at the federal level about the extent to which the federal government are assisting us in this regard.

Mr. Gerrard: Mr. Speaker, calling up this morning to the St. Boniface sleep lab, the message on the answering machine is: "You may be waiting up to five years for sleep disorder testing."

Mr. Speaker, this is a problem which is very important. It is time for the Minister of Health to step up to the plate and find some solutions. There is substantial information to show that rapid diagnostic testing and treatment of sleep disorders like obstructive sleep apnea can have a very positive impact on other aspects of health including reducing blood pressure, reducing hospitalizations, and perhaps reducing cardio-respiratory failure, heart attacks and strokes.

Why has the government not acted to improve the situation and to make sure that sleep disorder testing can be provided promptly when needed?

Mr. Chomiak: Mr. Speaker, as I indicated to the member when he first accused the government of, I think, some things that he ought to have apologized in terms of what happened when he got those inaccuracies straight, I indicated to the member opposite we have cut the surgical, lifesaving treatment for cancer care in half and we are the leading in the country.

We have reduced cardiac wait lists by 62 percent. We are the second best in the country for hip and knee replacements. We now have one of the leading neurosurgery programs in the country. We have doubled the number of MRIs we provide. We have tripled the capacity for CT scans in this province. We have done many things. In addition, we have put several million dollars into the sleep waiting program. I admit, Mr. Speaker, there is more work to do but I note his federal partner has not even identified it as a priority issue from the federal government, not even during an election campaign.

Legislative Assembly Sitting Schedule

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Premier. There was a time in which one would say the Premier while in opposition was a great defender of opposition rights. I can recall the Premier at one time saying to Gary Filmon that we need to sit more days.

I can recall the Government House Leader (Mr. Mackintosh) when he was the Opposition House Leader tramping across the floor demanding more rights for opposition members.

Well, what has happened is this government has taken a complete turn, Mr. Speaker, and what we are seeing is an attitude that is going to limit the rights of MLAs to be able to participate fully in terms of this Chamber. At one time, this Premier did support those rights.

My question to the Premier is: Why does this Premier not see it is in the best interests of Manitobans that at the very least this Legislature Chamber should be sitting at least 80 days in any given calendar year? Why does this government

oppose that, Mr. Speaker? At one time this Premier recognized that was important.

Hon. Gary Doer (Premier): Mr. Speaker, the current sitting of the Legislature that started in November, and I did comment in opposition that we would have a Speech from the Throne every fall, I would say since then we have progressed, I thought, to a place where the parties would negotiate a predictable calendar, especially for MLAs who live outside of the Perimeter Highway. I know that is a new concept to members opposite, but people living outside of the Perimeter Highway can be more effective in their representative roles.

The Legislature sat some 102 sittings with the committee work, et cetera, and I can say my criticism of having a fall Speech from the Throne stands. I have tried to correct that, but if we always agreed to break off in other committees, into Committee of Supply and other committees of the Legislature to try to facilitate, first of all, the public's right to present their views on bills, I believe the all-party agreement that was signed by the member opposite, obviously with invisible ink, would allow for the public to participate in the legislative public hearings on the bills. That is good for the public and I think good for this Legislature, Mr. Speaker.

Mr. Speaker: Time for Oral Questions has expired.

SPEAKER'S RULING

Mr. Speaker: I have a ruling for the House.

Following the daily Prayer on Monday, June 7, 2004, the honourable Member for River Heights (Mr. Gerrard) rose on a matter of privilege regarding a government motion that appeared on the Notice Paper. At the conclusion of his remarks, the honourable Member for River Heights moved "THAT this serious matter now be referred to the Committee on Legislative Affairs and then be reported to the House."

* (14:30)

The honourable Government House Leader (Mr. Mackintosh), the honourable Member for Inkster (Mr. Lamoureux) and the honourable Member for Fort Whyte (Mr. Loewen) offered advice to the Chair on this matter. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first condition of timeliness, the honourable Member for River Heights asserted that he did raise the matter at the earliest opportunity, and I will accept the word of the honourable member.

Regarding the second condition, I must advise the House that Joseph Maingot advises on page 223 of the Second Edition of *Parliamentary Privilege in Canada*, that "a breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.

Allegations of fact amounting to allegations that proper procedures were not followed are by their very nature matters of order, and even if valid, would not receive priority in debate as would a prima facie case of privilege." Also, Speaker Rocan ruled on March 12, 1993 that there were precedents from both the Canadian House of Commons and the Manitoba Legislature that would allow for Standing Orders to be suspended or amended by motion on notice.

A motion has been placed on Notice, and is now on the Order Paper, that would outline House business for this week, as well as outlining sitting dates for the upcoming year. The placement of this motion on the Notice and Order Papers is not a prima facie case of privilege, and it will be up to the House to debate and ultimately decide the disposition of the motion. I therefore rule that there is no prima facie case of privilege.

MEMBERS' STATEMENTS

IS-Image Promotions

Mr. Peter Dyck (Pembina): I am pleased to share with honourable colleagues the success of Brad and Gloria Letkeman's Morden-based family business. IS-Image Promotions recently celebrated its tenth anniversary by hosting a customer appreciation open house on June 1. Along with the mayor of Morden, Mr. John Wiens, and the vice-president of Buhler Industries, Mr. Larry Schroeder, I had the privilege

of attending this celebration and I was invited to share a few remarks.

For 10 years the Letkemans have provided quality promotional products to local business organizations and sports teams. Creative decals, banners and signs are but a few of the many products available at IS-Image Promotions. The Letkemans' quality products and superior customer service has been a wonderful addition to Morden's business community. The Letkemans are not only astute businesspeople, they are also actively involved in community.

One example of the Letkemans' generous spirit was during the 1997 flood of the century when they produced hundreds of T-shirts with the proceeds, all \$30,000 going toward Manitoba flood victims. Small businesses like IS-Image Promotions are key to Manitoba's economy. Many women and men have combined their creative ideas and keen business sense to establish such enterprises in the province. Locally owned and operated businesses are especially important to building Manitoba's rural economy and strengthening rural communities.

I would like to take this opportunity to congratulate Brad and Gloria and IS-Image Promotions on 10 successful years in business in Morden and wish them all the best as they continue to provide quality products and service to Morden and the surrounding area.

Prairie Grain Roads Program

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, 24 Manitoba rural municipalities along with 3 towns, 2 cities and 1 secondary highway will benefit this year from funding assistance through the Prairie Grain Roads Program. This year there are 31 roadway construction projects in 2004 with a cumulative value of \$16.76 million.

Since 1999, the provincial and federal governments have provided special support to rural highways through the cost-shared Prairie Grain Roads Program of which the Highway 68 project from No. 8 to Poplarfield was a big project.

The intent of this program is to target and improve roads and highways most impacted by heavy grain transportation. The abandonment of branch rail lines and consolidation of grain elevators

have placed heavy demands on our ageing grain roads system. The maintenance and restoration of these corridors is vital to Manitoba's economy and to facilitate the vital and timely movement of Manitoba grain.

The Prairie Grain Roads Program has allowed Manitoba municipalities to make road improvements that may not have been possible without the commitment of all three levels of government. This is the fourth year of a five-year program.

To date, 95 municipal road projects and five provincial secondary highway projects have been approved for funding assistance in Manitoba. In all, 697 kilometres of Manitoba municipal roads and 122 kilometres of provincial secondary highways have benefited from the program.

I am proud to say that every cent of provincial fuel tax is invested in roads. Manitoba's five-year, \$600-million highway program is now in its third construction season. This year's budget added \$10 million for the upcoming season and a further 10 million for next year.

Over the life of the Prairie Grain Roads Program, the combined funding from the federal, municipal and provincial governments will deliver approximately \$66 million toward the construction and upgrading of secondary highways and municipal roads. Thank you.

Gasoline Taxes

Mrs. Heather Stefanson (Tuxedo): This morning, our leader and 11 of my PC Party colleagues and I joined representatives of the Canadian Taxpayers Federation, the CTF, and concerned members of the public on the steps of the Legislature to sign a petition calling on the federal Minister of Finance to lower gasoline taxes and dedicate 50 percent of federal gasoline tax revenues to municipalities and roadway development and infrastructure maintenance.

I must say that I was extremely disappointed and very concerned with the lack of support shown by this Doer government for what would be clearly a benefit to fix the roads in the city of Winnipeg and rural municipalities in our province. This was demonstrated by the Doer government's conscious decision not to participate in this event. Their absence, as well as the absence of the Liberal

independent members of this Chamber, speaks volumes.

Gas taxes, on average, cost as much as 42 percent of the pump price. For every litre of gasoline that is purchased across Canada, Ottawa collects 10 cents in gasoline tax plus applicable GST. The vast majority of funds collected, however, do not make it back to local communities to pay for maintenance and upgrades into Canada's ageing infrastructure.

This year, Ottawa will spend only \$135 million, or 2.8 percent of its 5.3 billion in gasoline taxes, on highway renewal. To add insult to injury for Manitobans, 99 percent of that money will go to improvements on highways east of Ontario. The CTF petition calls on the federal government to dedicate gasoline taxes to rebuilding Canada's roads and demands that the excess taxes be cut from the pump price.

I congratulate the CTF for this initiative and encourage all members of this House to sign the petition, and demonstrate their support for lower gas taxes and a federal redistribution of 50 percent of gas taxes collected back to municipalities. The city of Winnipeg and rural municipalities in our province will clearly benefit from this initiative.

Mr. Speaker, this is a no-brainer when it comes to supporting what is in the best interest of all Manitobans. Shame on this Doer government, and shame on the Liberal members in this Legislature for not supporting this very important petition. Thank you.

Chief Warrant Officer Frank Emond

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, an extremely valuable member of our Armed Forces community will be retiring this month. Chief Warrant Officer Frank Emond first joined the Canadian Forces on January 9, 1969. Chief Warrant Officer Emond was promoted to his present rank in 1995, and was posted at CFB Borden until his appointment in July of 2000 as 17 Wing Chief Warrant Officer.

It was at this point that the Minister of Healthy Living (Mr. Rondeau) and I met him and the new commander, Colonel McLennan, in our ongoing efforts to work in partnership with 17 Wing to help military families.

It was a pleasure to introduce and pass Bill 9, which extended the rights of service people. I know

that one of Frank's proudest moments here in Winnipeg was organizing the parade at the awarding of the first ever Canadian Peacekeeping Service Medals, April 12, 2001.

In May 2002, Chief Warrant Officer Emond was appointed as member of the Order of Military Merit, and the following year he was awarded the Queen's Golden Jubilee medal.

With the change of command in 2003, Frank also left 17 Wing, accepting a secondment to Veterans Affairs Canada to provide outreach to reservists. He went beyond his job description to help regular service force members in their transition to civilian life. His greatest enjoyment was his role in advocating for members suffering occupational stress injuries. It is, in part, due to his drive and passion that an occupational stress injury clinic will be opening at the Deer Lodge Centre this year, serving members, veterans, RCMP and families.

Mr. Speaker, our community has been very fortunate to have Chief Warrant Officer Frank Emond. His distinguished record of service reflects his dedication to our country and to the many serving men and women under his command. The Minister of Healthy Living and I wish to thank him for all his dedicated efforts in our community. We wish him all the best as he begins a new part of his life. Thank you.

Cam Tibbett

Mr. Glen Cummings (Ste. Rose): It is my pleasure to rise today to congratulate a young constituent from Neepawa, which is part of the Ste. Rose constituency, by the name of Cam Tibbett, who is this year's recipient of the Eddie Belfour Most Outstanding High School Hockey Player Award, sponsored by the Maple Leaf star goaltender, Eddie Belfour, who originated from Carman.

Nominees are judged on their performance and achievement throughout the season, both on and off the ice, and must maintain an academic average of at least 65 percent. Cam Tibbett was team captain of the Neepawa Tigers for the 2003-04 high school hockey season and led his team to the provincial semi-finals.

* (14:40)

This young man scored 38 goals and 55 assists in 49 games in this past season and was named a

league all-star and game star at several tournaments throughout the year.

Cam maintained an 80% average throughout his graduating year at Neepawa Collegiate, active in extracurricular academic and intramural programs. He is expected to add goal-scoring ability, leadership and determination as we hope he will take a regular forward position with the Neepawa Natives in the Manitoba Junior League.

On behalf of all members and certainly on behalf of my family and the constituents in the area, I would like to wish Cam all the very best and good luck throughout his hockey career.

MATTER OF URGENT PUBLIC IMPORTANCE

Mr. Kevin Lamoureux (Inkster): I would rise on a matter of urgent public importance. To that degree, using Rule 36(1), I would move, seconded by the Member for River Heights (Mr. Gerrard), that the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely the impact of the rule changes from 2002 and the subsequent impact it has had on the House.

Mr. Speaker: Before I recognize the honourable Member for Inkster, I believe I should remind all members that under Rule 36(2) the mover of a motion on a matter of urgent public importance and one member from the other parties in the House is allowed not more than five minutes to explain the urgency of debating the matter immediately. As stated in *Beauchesne's* Citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of the motion.

In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

Mr. Lamoureux: Yes, Mr. Speaker, I do truly believe that this is a matter that is worthy of having and introducing a MUPI for debate inside the Chamber. I think it is important that we have a better understanding in terms of how people perceive the operations of this Chamber.

In Question Period I made reference to the Premier (Mr. Doer) and the Government House

Leader (Mr. Mackintosh). When they were in opposition, they seemed to have had a different opinion at that time. What we have to do is we have to put it in the context of the changes of rules that were made back in 2002.

You go back to the rule book. Inside the rule book it allows for an orderly fashion of debating and asking questions of government expenditures. In fact, Mr. Speaker, if you put it in the context of the sessional calendar year, and we are looking at 2(1)(a) and 2(1)(b), where it talks about we could call the session in the first week in February, we can call the continuation of the session in the first Monday after Labour Day, the framework of that discussion was to try to allow for a better flow so that MLAs would, in fact, be able to organize constituency events that much better, that there were a number of real tangible benefits in terms of trying to have more of an organized calendar throughout the year.

But there was at least a feeling in the minds of some, Mr. Speaker, that that was not going to be used as a justification of marginalizing the number of sitting days inside this Chamber for the province. We truly do believe it is to the detriment of the public's best interest by seeing this government not allow for due diligence, whether it is on bills or budget debates or questions.

You have to put it in the perspective of what time, Mr. Speaker, inside this Chamber. We would have 240 hours of Estimates. There were individual government members who would be afforded the opportunity even then to ask questions of the government of the day. You did not have the same sort of pressure on opposition members that were not the critics. They had the opportunity to be able to ask questions.

There were no limitations put on issues such as concurrence. Mr. Speaker, you look at private members' bills. At one time, every private member's bill at least was afforded the opportunity to be able to be debated or discussed through a rotation we saw Monday through Thursday in terms of private members' hour. We had numerous resolutions that were being debated.

Mr. Speaker, I think it is important that we reflect on the purpose of this Chamber and it is very important that we do that today. Ultimately, the government will say to you, as they say to me and the Leader of the Liberal Party, that this is all in the name of efficiencies, that in fact, by having other

committees meet simultaneously that they are able to do that much more work. Well, if you use the logic that the government is using in terms of the expanding or getting into that speed-up, then one could ultimately argue that the government might decide next year or the following year to sit 25 days and have 4 committees going on and sit until twelve o'clock every night.

There are ways around it, and that is why I truly believe for the democrats, the individuals that believe in democracy inside this Chamber, that we genuinely practice it. If we want to genuinely practice it, I suggest to you that indeed this is a matter of urgent public importance, because what is more important in Western civilization than democracy, as far as I am concerned.

The core, one of those fundamental pillars of democracy is what happens here inside our legislative bodies, and I do not think that we should do anything that is going to limit the opportunities of individuals to be able to hold government accountable by taking the types of actions that the government might be taking, whether it is today or tomorrow, at another time.

All we are suggesting to the government is to recognize the value, as they did when they were in opposition, Mr. Speaker, recognize the value of this Legislature sitting, and this is what it is all about. We want the government to see that value and then we can work the rules around at that point. Thank you very much for the opportunity to express my thoughts.

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, we simply see this as another part of a strategy from the independent members to try and slow down public business. The member opposite should be well aware that the sessional calendar that we are working on and the new rules, which is the subject of his motion I understand, were agreed to.

The Leader of the Liberal Party was a party to those discussions, Mr. Speaker, and indeed, he had a veto. He had a veto over what came from those discussions, and he was listened to. Indeed, it was the Leader of the Liberal Party that was a very strong voice for moving toward a long-term schedule, moving toward a fixed calendar. But the words just ring hollow. The member has repeatedly in this House over the last three days turned down time for

debate, even when the debate time was allowed just for the two independent members. That belies the concerns of the member, and it belies the argument that there is some time lines or some urgency to something that is being raised. The only suffering on the part of the public that will occur is if the public's business is not attended to, so I submit there is certainly no urgency.

* (14:50)

There is ample opportunity to debate the rules. A rules committee will be called this fall. He is dealing with hypotheticals. He is talking about some unrealistic scenario. That cannot be the subject, obviously, of a MUPI in this House. So it is apparently part of a strategy from the two independent members to extract some advantage for their status. In fact, I never heard from the members, the two independent members or the Member for Inkster (Mr. Lamoureux), any concern about the time for debate until we said no to their bill for recognized party status. The MUPI is simply about the member's view that he does not like the new rules, new rules which modernize procedures, which makes sure that the Legislature is accountable more on a year-around basis to the people of Manitoba, and not simply meeting throughout the dead of summer and in the pre-Christmas period. There is no urgency to someone not liking the rules.

Mr. John Loewen (Deputy Official Opposition House Leader): There is no reason for this member to be bringing this motion before this House. We have before the House a motion which will debate the points that he has attempted to raise in his speech. It is simply another stall tactic, as we have seen from the independent members throughout the course of the sitting of this House. We would like to get on with the very important business that this House has before it, the important work that is to be done, particularly that pertains to moving along a host of public bills that we have in front of us.

This member and his leader have had an opportunity to be involved in negotiations regarding hours of sitting, regarding the rules and regulations of this House. They took part in those negotiations, and in fact they went so far as to sign an agreement regarding those rules. Now, I guess something has changed. They brought a bill before the House that says, "We would like the limit reduced from four to two in terms of being recognized as a party."

Once again, they seem to want to stand in this House when in fact what they should be doing is getting out and converting some of the people in Manitoba to perhaps consider voting Liberal so that they can get to four seats, but we will be debating all of the issues this member has brought before the House in a short time here when we deal with the motion that has been put before this House.

The Member for Inkster (Mr. Lamoureux) has history. He took the opportunity to look at some rulings, and I will get into that in the debate on the motion, but he knows he does not have a leg to stand on, and this is simply another stall tactic to hope in some way the other members of this House will cave in to their ridiculous request to be recognized as a party.

Mr. Speaker, having said that, I will just close by saying there is no need for a MUPI on this issue.

Mr. Speaker: There are two conditions to be satisfied for this matter to proceed. The first condition has been met in that I did receive the proper notice from the honourable member of his motion. The second condition is that debate on the matter is urgent and that there is no other reasonable opportunity to raise the matter.

Although I understand that this is a serious issue about which the member is genuinely concerned, I am not satisfied that the public interest will suffer if this issue is not debated today. I must therefore rule the motion of the honourable Member for Inkster out of order, because I do not believe that it warrants setting aside the regular business of the House.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

GOVERNMENT MOTION

Debate Time Extension

Hon. Gord Mackintosh (Government House Leader): It would be my intention to move the time extension motion.

Mr. Speaker, I therefore move, seconded by the Member for Fort Whyte (Mr. Loewen), that the following Sessional Orders apply despite any other rule or practice of this House:

Extended Times for Debate

1. On Tuesday, June 8, 2004, the House shall sit from 1:30 p.m. to 10 p.m.
2. On Wednesday, June 9, 2004, the House shall sit from 10 a.m. to 12:30 p.m. and from 1:30 p.m. until 10 p.m.
3. On Thursday, June 10, 2004, the House shall sit from 10 a.m. until 12:30 p.m. on government business and from 1:30 p.m. until The Appropriation Act, 2004; The Loan Act, 2004; and The Budget Implementation and Tax Statutes Amendment Act, 2004, are given royal assent.
4. The Government House Leader or designate shall be empowered to call consideration of concurrence in the Committee of Supply to take place in the committee room simultaneously with the House, and shall also be empowered to call meetings of standing committees to take place concurrently with the House.
5. There are to be no quorum counts in the Committee of Supply meeting concurrently to consider concurrence and there are to be no quorum requirements for standing committees meeting concurrently with the House. There are to be no votes in the Committee of Supply meeting concurrently with the House to consider concurrence until the question is put to dispose of the concurrence motion.

Bills

1. All government bills and private bills and Bill 207, The Medical Amendment Act, and Bill 212, The Pension Freedom Act, not given royal assent at the sitting of June 10, 2004, to be reinstated during the Third Session of the Thirty-eighth Legislature at the stage they are at when the Second Session of the Thirty-eighth Legislature is prorogued.
2. All standing committee reports, with the exception of committee reports from morning meetings, are to be presented on the day following a committee meeting, and set down for concurrence and third reading or report stage (if applicable) on the day the report is presented. Once report stage (if applicable) is concluded, the bill is to automatically be eligible for concurrence and third reading. Committee reports from morning sittings must be presented by 6:30 that evening.

3. Rule 92(8) is to be waived until June 10, 2004.
4. Royal assent on bills that have had third reading disposed of must take place before adjournment on the sitting of June 10, 2004.

Budget

1. The question must be put on both the concurrence motion in the Committee of Supply and the concurrence motion in the House by 10 p.m. on June 10, 2004.

All remaining questions must start being put for the following bills by 11:45 p.m. on June 10, 2004: The Appropriation Act, 2004; The Loan Act, 2004; The Budget Implementation and Tax Statutes Amendment Act, 2004.

If the Committee of Supply, the Committee of the Whole, or the House has not concluded any item or stage described above by the required hour and day, the committee Chairperson or the Speaker, as the case may be, must interrupt the proceedings at the time specified and put all remaining questions necessary to dispose of the required items without further debate.

Subsequent sittings 2004-05

The following are to apply for the next legislative session.

1. Subject to Rule 2(2), the Third Session of the Thirty-eighth Legislature must begin on November 22, 2004 with the Throne Speech, and must rise on December 9, 2004;
2. Subject to Rule 2(2), the House is to return on March 7, 2005, and is to break for spring break commencing March 24, 2005. The House is then to resume sitting on April 11, 2005 and must adjourn no later than June 9, 2005.
3. All government bills introduced prior to April 28, 2005, must have all remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005.
4. The Appropriation Act, 2005; The Loan Act, 2005; and The Budget Implementation and Tax Statutes Amendment Act, 2005, must have all

remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005.

Point of Order

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

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, on a point of order, if we were to look at our rules and orders produced by the Legislative Chamber, we believe that the motion being brought forward from the Government House Leader is not in order.

According to Rule 48(1), the motion being proposed would be deemed a time allocation motion, and as such, Rule 48(5) states, and I quote:

"When notice can be given

48(5) Notice of a time allocation motion cannot be given:

(a) for proceedings on a Bill, until two weeks have elapsed since the Bill was distributed in the House, and the Speaker has called the Bill for debate at least three times; and

(b) for any other government motion, unless debate on the motion has begun."

Mr. Speaker, you will find, I believe, whether it is Bill 40, 42, 43, 45, 46, 48, 49, 50, and in the case of Bill 53, it was not even before us for two weeks. It is obvious that this motion is, in fact, out of order. I would ask, unless the Government House Leader is prepared to say that this is not a time allocation motion.

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

Mr. Mackintosh: Mr. Speaker, this motion is not made under Rule 48. It is not made under the time allocation motion. It is a comprehensive motion dealing with the dealings of House business in the sessional calendar.

Mr. Speaker: On the point of order raised by the honourable Member for Inkster, this is not a time allocation motion. The Government House Leader has not used the provisions of a time allocation motion. Time allocation motions can only be used on one government bill.

* (15:00)

Point of Order

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

Hon. Jon Gerrard (River Heights): Yes, I rise on a point of order. Now that the motion we have is properly before the Assembly, I would like to raise—

Mr. Speaker: Order. I have to stop the honourable member, because the motion is not before the House, because I have not put the motion to the House. Until I do, it is not before the House. That is just for clarification. So do you wish to continue with the point of order or not? Then I will put the motion.

* * *

Mr. Speaker: The motion is moved by the honourable Attorney General (Mr. Mackintosh), seconded by the honourable Member for Fort Whyte (Mr. Loewen),

THAT the following Sessional Orders apply despite any other rule—

An Honourable Member: Dispense.

Mr. Speaker: Dispense? Dispense.

An Honourable Member: No.

Mr. Speaker: No? Okay. You would like to hear? All right. Okay, let us have some order. Order. Let us have some order so all members can hear this.

THAT the following Sessional Orders apply despite any other rule or practice of this House:

Extended Times for Debate

1. On Tuesday, June 8, 2004, the House shall sit from 1:30 p.m. to 10 p.m.

2. On Wednesday, June 9, 2004, the House shall sit from 10 a.m. to 12:30 p.m. and from 1:30 p.m. until 10 p.m.

3. On Thursday, June 10, 2004, the House shall sit from 10 a.m. until 12:30 p.m. on government business and from 1:30 p.m. until The Appropriation Act, 2004; The Loan Act, 2004; and The Budget Implementation and Tax Statutes Amendment Act, 2004, are given royal assent.

4. The Government House Leader or designate shall be empowered to call consideration of concurrence in a Committee of Supply to take place in the committee room simultaneously with the House and shall also be empowered to call meetings of standing committees to take place concurrently with the House.

5. There are to be no quorum counts in the Committee of Supply meeting concurrently to consider concurrence, and there are to be no quorum requirements for standing committees meeting concurrently with the House. There are to be no votes in the Committee of Supply meeting concurrently with the House to consider concurrence until the question is put to dispose of the concurrence motion.

Bills

1. All government bills and private bills and Bill 207, The Medical Amendment Act; Bill 212, The Pension Freedom Act (Pension Benefits Amendment Act), not given royal assent at the sitting of June 10, 2004, are to be reinstated during the Third Session of the Thirty-eighth Legislature at the stage they are at when the Second Session of the Thirty-eighth Legislature is prorogued.

2. All standing committee reports, with the exception of committee reports from morning meetings, are to be presented on the day following a committee meeting and set down for concurrence and third reading or report stage (if applicable), on the same day the report is presented. Once report stage (if applicable) is concluded, the bill is to automatically be eligible for concurrence and third reading. Committee reports from morning meetings must be presented by 6:30 p.m. that evening.

3. Rule 92(8) is to be waived until June 10, 2004.

4. Royal assent on bills that have had third reading disposed of must take place before adjournment on the sitting of June 10, 2004.

Budget

The question must be put on both the concurrence motion in the Committee of Supply and the concurrence motion in the House by 10 p.m. on June 10, 2004.

All remaining questions must start being put for the following bills by 11:45 p.m. on June 10, 2004:

The Appropriation Act, 2004; The Loan Act, 2004; The Budget Implementation and Tax Statutes Amendment Act, 2004.

If the Committee of Supply, the Committee of the Whole, or the House has not concluded any item or stage described above by the required hour and day, the Committee Chairperson or the Speaker, as the case may be, must interrupt the proceedings at the times specified and put all remaining questions necessary to dispose of the required items without further debate.

Subsequent sittings for 2004-05

The following are to apply for the next legislative session:

1. Subject to Rule 2(2), the Third Session of the Thirty-eighth Legislature must begin on November 22, 2004, with the Throne Speech, and must rise on December 9, 2004.
2. Subject to Rule 2(2), the House is to return on March 7, 2005, and is to break for spring break commencing March 24, 2005. The House is then to resume sitting on April 11, 2005, and must adjourn no later than June 9, 2005.
3. All government bills introduced prior to April 28th, 2005, must have all remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005.
4. The Appropriation Act, 2005; The Loan Act, 2005; The Budget Implementation and Tax Statutes Amendment Act, 2005, must have all remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005.

Point of Order

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

Mr. Gerrard: On a point of order, Mr. Speaker, now that the motion is before the Assembly, I would like to raise a point of order to outline why I believe this motion, as it currently stands, violates the rules and practices of the House and therefore cannot be placed before the House in its present condition.

I have two major points: first, the imposition by the House of deadlines upon the Lieutenant-Governor; second, the imposition of summoning of a new session of the Legislature by the way of this motion thereby affecting the prerogative powers of the Crown in relation to the granting of Royal Assent.

Mr. Speaker, I would direct your attention to *Beauchesne's* Citation 756(1), which states the following: "If a bill should receive the Royal Assent and be afterwards discovered not to have passed its proper stages in both Houses or be otherwise not in conformity with the constitutional procedure, it is in such cases so much waste paper."

The process outlined in the motion does not provide the House with sufficient time to ensure that due consideration is being given to the necessary steps within the various processes. Moving business at such a pace really is an abuse of the process and could lead to errors occurring, as has happened in the past when the previous government had a mix-up in the Estimates process when at the third reading stage it was realized that the House was on the verge of passing the previous year's Estimates again.

The second point rests on the following words of the motion as found under the heading Subsequent sittings, 2004-05.

The following are to apply for the next legislative session.

1. Subject to Rule 2(2), the Third Session of the Thirty-eighth Legislature must begin on November 22, 2004, with the Throne Speech, and must rise on December 9, 2004;
2. Subject to Rule 2(2), the House is to return on March 7, 2005, and is to break for spring break commencing March 24, 2005. The House is then to resume sitting on April 11, 2005 and must adjourn no later than June 9, 2005;

* (15:10)

The rule cited in the motion is not correct.

Rule 2(2) states the following:

Recall of House

2(2) If the government advises the Speaker that the public interest requires the House to meet at any other time because of an emergency or extraordinary

circumstances, the Speaker must advise the Members that the House is to meet at the time specified by the government. The House must begin to meet at the specified time.

Mr. Speaker, this rule was based upon similar provisions made in the House of Commons of Canada. It is designed in order to ensure that, should an emergency event or extraordinary circumstances occur that requires the attention of this House, the government is able to bring us back. However, the ability to use this rule can only be done when the House has been adjourned and not prorogued.

I would direct your attention, as Speaker, to Marleau and Montpetit, page 327, where you will find the following:

"Consultation between the Speaker and the government regarding a recall of the House usually begins with a government request made in writing to the Speaker setting out reasons why it is in the public interest to recall the House. The request may be made at any time. When a decision is taken to recall the House, the Speaker advises the Clerk of the House and asks that the necessary steps be taken to resume the session. The Clerk then ensures that all is made ready for the resumption of the sittings."

Therefore, Mr. Speaker, what the Government House Leader (Mr. Mackintosh) is attempting to do in this motion is to use the provisions of Rule 2(2) to effectively commence a new session date by resolution of this House. This is in violation of *Beauchesne's 6th Edition*, Citation 234, which states, in part, "The prorogation of Parliament is a prerogative act of the Crown. Just as Parliament may only commence its deliberations at the time appointed by the Governor General, so it may not continue them any longer than the Crown pleases. But each House exercises its right to adjourn itself independently of the Crown"

So while my colleague and I have no question about the government adjourning at various times during the next session of the Legislature as outlined in the motion before us, we question the procedural ability of the House dictating by way of motion when the next session will commence, thereby affecting one of the prerogative powers of the Crown.

Mr. Speaker, I would draw your attention to *Beauchesne's 6th Edition*, Citation 727, which deals with this issue and the issue of royal consent.

It states the following: "(1) The consent of the Crown is always necessary in matters involving the prerogatives of the Crown. This consent may be given at any stage of a bill before final passage; though in the House it is generally signified on the motion for second reading. This consent may be given by a special message or by a verbal statement by a Minister, the latter being the usual procedure in such cases. It will also be seen that a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given at the last stage, the Speaker will refuse to put the question. It is also stated that if the consent be withheld, the Speaker has no alternative open except to withdraw the measure.

"(2) The procedure with respect to signifying the consent is different from that in giving the recommendation of the Crown. The recommendation precedes every grant of money, the consent may be given at any stage before final passage, and is always necessary in matters involving the rights of the Crown, its patronage . . . or its prerogatives."

Let me cite some Manitoba precedents.

April 20, 1926, page 338 of the *Journals*: "Honourable Mr. Bracken informed the House that His Honour the Lieutenant-Governor, being acquainted with the subject matter of the proposed amendment to Bill 108 to amend The Manitoba Insurance Act, consents to the consideration of this clause by the Legislative Assembly."

Two: March 31, 1927, page 182 of the *Journals*: "The order of the day being read for the second reading of the Bill 121, entitled An Act to Amend The Gasoline Tax Act, Honourable Mr. Bracken, a member of the Executive Council, then acquainted the House that His Honour the Lieutenant-Governor, having been informed of the purport of the bill, recommended it to the consideration of the House." The index to the journal has this under the title of Consent.

Third, the ruling of Speaker Talbot of April 12, 1933, as found on pages 140/1 of the *Journals*, which upholds the principles of *Beauchesne's 6th Edition* when he states, "The consent of the Crown is required in matters involving the rights of the Crown, its patronage, its property or its prerogatives."

Mr. Speaker, this is not a question of seeking your thoughts related to the Constitution or to a point

of law, for that is quite clear. The point of order deals with the imposition of a motion by the Government House Leader (Mr. Mackintosh), with the assistance, I might add, of the official opposition, to have this House adopt a motion which it cannot enforce and which it has no jurisdiction unless it receives the royal consent.

The authorities are quite clear, Sir, as to what your role is in this matter. Citation 162 of *Beauchesne's 6th Edition* tells us that the Speaker is the representative of the House itself and its powers, proceedings and dignities.

I would note in passage Citation 171, which states in part, "The Speaker has the duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order."

I would submit, Sir, that the motion before us now is irregular as it proposes to exercise an authority which could call into question the authority and dignity of this House, which you, Sir, are duty-bound to uphold.

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

Mr. Mackintosh: Mr. Speaker, I would suggest strongly that the two aspects of this point of order are spurious. First of all, the citation in *Beauchesne's 756*, the member was talking about if royal assent was given and it was later discovered that there were some irregularities, the bill may not survive, but that is entirely hypothetical. Having an argument that dealing with legislation could lead to errors occurring is entirely speculative, and there is nothing in the motion itself which suggests that there would be any lack of oversight by this Legislature and indeed the bills that are not passed during this session will go over to the fall.

The second point is related to Rule 2(2). Somehow there is an argument being made that there cannot be a recall of the House. Well, first of all, the words "subject to Rule 2(2)" are in the motion only to signal that there could still, despite the motion before the House currently, be overtaken or be changed as a result of an emergency or extraordinary circumstances leading to recall of the House.

Mr. Speaker, for the member to conclude that somehow we need the Queen's okay to do this is just patently ridiculous, in our view. The Legislative Assembly of Manitoba has full right and authority to set its own agenda, set its own schedule. That is what the whole Rules Committee is about, that is what this House is about. To suggest that we should go and get the Queen's okay flies in the face and belies the fact that this member okayed the current sessional schedule, which was done in a very similar way. It is just spurious. It is just taking up time in this House. To suggest that the Queen has to get a letter from us first is just ridiculous. I cannot believe it.

Mr. Loewen: Mr. Speaker, I do concur with the Minister of Justice on this one occasion.

It seems that the Member for Inkster and the Leader of the Liberals have a rather short memory. I took the opportunity to look through Hansard at some previous occurrences, and in particular, regarding where the Member for Inkster complained about the government changing the order in which the House operates. He raised at that point a matter of privilege as the independent members tried to again in the last day. I would remind him that at that point, it was a very clear ruling from Speaker Rocan that it was not a matter of privilege and that if it needed to be addressed, it should be addressed as a point of order.

* (15:20)

I am glad to see today that they are actually taking the right approach and addressing it as a point of order, but, it is clearly not. It has been ruled previously by Speaker Rocan that it is allowable for the House to change the way it does business by means of a motion. There are several precedents of occurrences in the Canadian House found in *Journals* for March 16, 1883; June 1, 1898; April 8, 1948; April 24, 1961; and May 14, 1964. Clearly, then, both the authorities and our practices allow for our standing orders to be suspended or amended by a motion of notice. That was Speaker Rocan's ruling back in 1993.

So, clearly, there is no point of order here, Mr. Speaker.

Mr. Speaker: I will recognize the honourable Member for Inkster, if he has something new to add to the point of order.

Mr. Lamoureux: Thank you, Mr. Speaker. Indeed, I do. I think that what is important to recognize is that there was an agreement on both the opposition party and the government in terms of what is being proposed. That does not necessarily mean if you have two or whatever number of members that we authorize the actions that might be in violation of rules of procedure.

Mr. Speaker, the Member for River Heights articulated, and articulated well, genuine concern as to this particular motion, made specific references. The Government House Leader was very selective on picking up on one citation. I think that we owe it to this Chamber and ultimately to our rules, whether it is our current rules that we adopted back in December or we can talk about the *Beauchesne's* rules which is, I believe it was the *Beauchesne's 6th Edition*.

Mr. Speaker, we have operated for many a year under these rules and I expected, at least in part, the response that I heard from the Government House Leader. What is important is not necessarily what a political faction within the Chamber would see, but what is more important is that we respect the rules. I think given the amount of energy and resources that the Member for River Heights (Mr. Gerrard) put in to researching this motion and pulling out the citations, that is only with respect that we should be at least, maybe, possibly, meeting with the Member for River Heights. I would suggest to you that before there is any sort of ruling because the response that we got from the Government House Leader or the Acting Opposition House Leader did not address the different citations that the Member for River Heights has raised.

So, until those citations are properly addressed, Mr. Speaker, we do not know whether or not this motion is, in fact, in contradiction of *Beauchesne's*, something which I have cited from and members of all sides of this House have cited and relied very heavily on.

Even though we have heard the position of three other members on the concern, I would emphasize what is new for me in terms of the discussion on this particular point is, given the very nature, the urgency of making a good decision based strictly on the rules, I would suggest to you that there might be an opportunity for you, Mr. Speaker, to work with the table officers to be able to address the different points that have been raised before making a

decision so that we know for sure or we feel comfortable that you are comfortable with what is happening as the Speaker of this Chamber, as the guardian who protects all rights, in particular enforces our rules, whether it be the current rules or the *Beauchesne's* rules.

I would conclude my remarks by just appealing that we take the time to ensure that we understand exactly what the Member for River Heights (Mr. Gerrard) was pointing out with the references. I know the Member for River Heights would be more than happy to meet with you to be able to share the concerns, or table staff, I am sure, so that it can be adequately addressed. We do not want to see a quick decision that goes to the detriment of our rules or *Beauchesne's*.

Mr. Speaker: On the point of order raised by the honourable Member for River Heights, I would like to advise the honourable Member for River Heights that it is the government that establishes when legislative sessions will start and not the Lieutenant-Governor. The House has this ability to establish sitting dates and times according to rules and to arrangements and agreements that the House comes to.

I would also like to point out that the House has the ability to carry business over to the next session. There is the precedent from the anti-smoking bill sponsored by the honourable Member for Carman (Mr. Rocan) that was allowed to carry over from one session to another by motion of the House. Further, there is precedence to use a motion to set specific sitting dates when the House will sit. Such a motion was used for establishing the sitting days for the current session.

The reference to Rule 2(2) in the motion is used to state that the government retains the ability to recall the House in case of an emergency in spite of the sessional dates that are outlined. The reference to emergency recalls in Marleau and Montpetit is not applicable to Manitoba, as Manitoba has its own practices for recall procedures that are not the same as what the Canadian House of Commons does. I would therefore rule that there is no point of order.

* * *

Mr. Speaker: The honourable Member for River Heights, debating the motion?

Mr. Gerrard: Yes.

Mr. Speaker: Just wait. I have to move first. Just wait. I just moved the motion. Normal practice is to recognize the mover of the motion. Then we will entertain members to debate.

The motion has been called, and now the honourable Attorney General.

Mr. Mackintosh: Mr. Speaker, this motion is essentially to put into practice what has been a long sought after objective of members of both sides of this House and indeed all three parties represented in the House, and that is a sessional calendar. That is the big picture of what this is.

It builds on the new rules that have been introduced after considerable discussion among the representatives of the people of Manitoba in this House and as well the all-party agreement that we are still operating under in respect of the current session. I can also advise that the motion is also then the result of some hard and at some times difficult negotiating.

We have to recall that although a government under the new rules is given new powers to curtail debate in order to give effect to the fixed end dates of sessions that are contemplated and of course has the traditional closure rules available. We instead have opted, after consultation, to extend time for debate. Indeed, I am advised that in the current motion the time for debate may be extended by as much as up to 45 hours.

As well and very importantly, aside from the budget, I will deal with currently, the debate on the bills is not in any way curtailed. In fact it is facilitated. More hours are added with the hope that the public business is concluded in large part on June 10, although we have made arrangements as a result of the negotiations for several bills to be moving to standing committee in the fall period, and then with final votes and royal assent presumably after the November recall.

* (15:30)

This is our first attempt in this House at a fixed sessional calendar. I think we have all learned some lessons. I think, collectively, and no way I am going to assign any blame, because I say this collectively, we all have learned some things about how to process and move bills perhaps earlier in the session, but we are learning by experience.

The extended time set out in the motion also helps ensure that the budget pass on June 10. The motion does set out a schedule for votes so that this is dealt with, as of course contemplated by the all-party agreement, to end the spring session on June 10.

I want to deal very briefly with some debate that has been going on and some argument that I have heard from the Member for Inkster (Mr. Lamoureux). In fact, that member alone, when it comes to measuring the work that a Legislative Assembly does, the Member for Inkster has focussed on the number of what he calls sittings, which is the traditional notion of how many times the House comes in for routine proceedings, presumably.

But that is a wholly unsatisfactory and indeed arbitrary way to measure parliamentary work. It does not measure parliamentary work at all. In fact, it is entirely misleading.

We looked at this issue, and we have discovered that since the current session began on November 20, 2003, and until June 10, MLAs will have effectively attended to 102 sittings of the House or its committees. That includes 53 Question Periods; 16 committee hearings, and there could be more depending on the number of committee hearings over the next 3 days; 12 days when the Legislature sat simultaneously in 3 places; and 6 days when it sat simultaneously in 2 places. With the motion passing there will be more of that simultaneous sitting.

We have to get better at measuring our work. We cannot say that our work is measured by the number of the Order Paper publications. Entirely irrelevant and that does no service to the public. It does no service to the people in this Chamber who work on behalf of the public.

I hear the Member for Inkster (Mr. Lamoureux). He likes to give speeches from his seat while others are speaking. I will remind him, the member opposite, the Member for Inkster, has been making an argument that the Legislature needs more time to do work. If he really believed that we needed more sessional time, why for three days in a row has he turned down requests for more sessional time?

So that belies that statement he has been making, making that argument. When he stands up and says the House should be sitting 80 days or 80 sittings, at the same time he is saying, "I do not want to meet

today. I do not want to meet tonight. I do not want to meet tomorrow," not even when time is set aside just for the independent members to question government ministers in concurrence.

What is the purpose of their recent interest, their newfound interest in public bills that began on Wednesday and their interest in speaking to bills to an extent I have not seen before? I can only reflect back on Wednesday morning, when, during discussions on this motion, a new element was introduced. That was the demand that official party status be provided to the independent members and that the private member's bill of the Member for River Heights (Mr. Gerrard) be agreed to.

Now, I understand that the Member for Inkster (Mr. Lamoureux) said they did not want any new resources right away. They wanted official party status now and after the next election they wanted the resources to flow. That creates an immediate demand for resources, quite frankly.

A member from the opposition actually said to me that means they would get disproportionately more supports for their caucus and we have to start discussing right now the new supports for the opposition caucus.

I can tell you that the NDP caucus is going to be next in line to LAMC. We are not just talking about another quarter-million dollars or so for the independent members, or an enhanced salary for the Leader of the Liberal Party, or all the other incidental benefits or perks, however you call them, Mr. Speaker.

To tie in the status of a political group in this House to the processing of public business, I think, and I have said this before, is unethical. I could not support it, and I told the Member for Inkster that I would not couple that demand with what is at stake here, and that is the dealing of public business.

I just want to conclude my remarks. For the first time, a sessional calendar is now laid out for a full year in advance. I think that is a tremendous achievement, and, indeed, was something that the Leader of the Liberal Party had wanted to see. In fact, he wanted us to move more toward the House of Commons model, and our discussions concluded that we will work by way of agreement to try and accomplish that over the next few years.

What is also important is not only that we have a sessional calendar but the calendar now is supporting legislative activity outside of the discredited and pre-Christmas periods. It was discredited by members of the public, who have said time and again that the public generally has not been paying as much attention to legislative activity during that period.

Representatives of different interests and representatives who have wanted to come down and speak on public bills, Mr. Speaker, were often prohibited from doing so, or were having to spend valuable summer time in the mosquito-filled rooms of this Legislature building in rooms 255 and 254.

So I think with this sessional calendar now it provides more time for political strategic planning, obviously, by all members and their caucuses. It allows for the better planning of other MLA business and ministerial business. It also allows, of course, for some planning of some family time in the schedules that we have taken on.

As well, it provides for greater accountability to the public. Indeed, when looking at the sessional calendar, if the standing committees meet in September and October on the bills that are more contentious on the agenda, the Legislature, either the House or its committees, will be sitting in periods of eight of the next twelve months.

So, in our view, this kind of calendar, this kind of planning and this kind of hard bargaining, I think, is good for democracy. I look forward to us getting down to work and making sure that we make more effective use in terms of accountability of this Legislature's time.

You can have 100, 120 sittings of the House as defined by the Member for Inkster (Mr. Lamoureux), but if the Question Periods are all in the months of July and August, I question the real value to democracy in Manitoba. I think by moving the legislative calendar across the months we will have a stronger Legislature and I think the public will be better for it.

Mr. Loewen: Mr. Speaker, we are indeed in a bit of an unusual situation. Your putting a notice on the Order Paper about the change of hours of operation of the Assembly is not something that is used on a regular basis. It is indeed unfortunate that the Government House Leader (Mr. Mackintosh) has had to resort to this sort of method.

The House leaders have attempted to get the unanimous consent of the House to extend sitting hours in order to pass a host of public bills that are on the Order Paper. They have tried on several occasions. Even yesterday, the Member for Carman (Mr. Rocan) asked for leave to sit until 10 p.m. It was denied by the Member for Inkster.

It is unfortunate that the people of the province of Manitoba are being used as pawns by the Liberal members of this Chamber—I should say, the independent members. Their quest to have party status changed from four members down to two members is ridiculous.

As I stated yesterday in the House, if they are so anxious to gain party status, we have two by-elections coming up before the end of the month: one in Minto, one in Turtle Mountain. If they simply put their efforts into going out and winning those two by-elections, their mission will be accomplished. They will have their four members and they will have party status. They should continue to work toward that so that they do, in the normal course of events, by our traditional rules, gain themselves party status and thereby, the perks, the benefits, the extra money that they are looking for will flow their way.

But I would ask them simply to do it the old-fashioned way. Go out and work for it. Do not sit in this House and try to pin every other member of this House up against a wall and try to blackmail us through some type of negotiation to provide you party status when, in fact, you have not earned that status according to the people of Manitoba. They are the real judges at the end of the day. They are the ones that determine who gets to represent them in this House and one day, if the members are ever fortunate to have four members in this House again, then they will realize the benefits of having official party status. Until then, they obviously have their work cut out for them.

* (15:40)

Now, Mr. Speaker, for the independent members to continue to go about denying leave in terms of any requests to enhance the hours of operation of this Chamber is absolutely absurd. We have offered them, as the Government House Leader has mentioned, they have been offered their own sessions where they could go through concurrence on their own, specifically to ask their own questions. As

members of the opposition, I think we have been more than generous in terms of giving up hours of Estimates time so that the independent members could have some questions put to ministers during the Estimates process, but obviously that is not good enough for them.

The Member for Inkster (Mr. Lamoureux) stands in this House every day reading the petition that he wants more time spent in the Chamber. Well, we have offered him more and more and more, and yet, consistently, he rejects it. What hypocrisy. It seems passing strange that the Member for Inkster would have such a short memory.

Reviewing Hansard, I was able to find similar occurrences where the Member for Inkster complained about the government changing the order in which this House operates. This occurred 10 years ago, as he stood in his place and cried foul. I guess what goes around, comes around. He was told on March 12 of 1993, by then-Speaker Rocan, that, in fact, he should deal with it as a matter of order, not as a matter of privilege. Yet they come to this House on the same issue, the independent members, and try to raise it as a matter of privilege when it has already been ruled out of order on that.

There are several other precedents in this House that give opportunity to change the way things are done in the Chamber. As I mentioned earlier regarding the points of order, it was ruled by Speaker Rocan, and the precedents were found in the Canadian House in *Journals* for March 16, 1883, June 1, 1898, April 8, 1948, April 24, 1961, and May 14, 1964. The ruling states that clearly, then, both the authorities and our practices allow for our standing orders to be suspended or amended by motion of notice. Unfortunately, that is what they forced the Government House Leader, the process they forced upon him. He was told in 1993 that the practices of Manitoba practice allow for standing orders to be suspended or amended by a motion of notice. He was told quite clearly then that this is an option of government.

He should have enough ability to remember these rulings as he was directly involved in them. As a matter of fact, back then he even tried to challenge the ruling. He lost that vote 40 to 6. You would think that would be something that would stand out in the member's mind, losing a vote 40 to 6 in this House. Some days the Member for Inkster simply does not

get it. He even tried again on March 15, 1993, to raise the same point. He lost that vote 43 to 7.

An Honourable Member: I was not even here.

Mr. Loewen: Well, the member says he was not even here; perhaps he would like to peruse the ruling given by Speaker Rocan in 1993.

An Honourable Member: March 1993?

Mr. Loewen: Well, March 15, 1993. He raised it on March 12 and he raised it on March 15. He proclaims he was not even here and I guess now I am starting to understand why he cannot remember rulings. He cannot remember where he was 10 years ago. That is unfortunate.

Mr. Speaker, clearly both the authorities and practices allow for standing orders to be suspended. *[interjection]* Sorry, I see the member wants to correct it now. He was here in 1993, he finally admits. Well, that is good to know. I am glad I did not have to serve with him that long.

Both the authorities and our practices clearly allow for standing orders to be suspended or amended by motions of notice. We entered into a good-faith agreement. Our House leader entered into a good-faith agreement with the Government House Leader (Mr. Mackintosh) and others in order to establish a calendar for this House.

I have not been here that long but I was here in the summer of 2000 when, I believe it was Bill 44, was brought before this House. This House sat until almost the end of August. We sat through some committee meetings that lasted all through the evening, and we were asking members of the public to come to committee and sit there all night. I mean, not only is that unreasonable to the members of the public who want to present their information on bills that come before this House, but it is dangerous. I mean we could have had some serious, serious health consequences, not only to members of the public, to the members of the committees that were forced to sit there throughout the evening and into the early morning, and that happened on more than one occasion.

As a result of that, negotiations have been entered into, and good-faith negotiations, to try and set a reasonable calendar, to bring our House rules

and the way in which we operate into the current century. I will say, Mr. Speaker, that I believe we have made some progress. Did we as members of the official opposition get all that we wanted in those negotiations? Well, I can assure you, as in any negotiation you enter into in good faith, you always do not get everything you want. *[interjection]* Well, then the Member for Inkster (Mr. Lamoureux) wants to know what we did not get. We would like to have a question period 365 days a year. I mean this is a government that needs to be held to account, but we have to way that, we have to weigh our demands—*[interjection]* I would ask the Member for Inkster to listen. We have to weigh our demands with the rights of the public and the responsibilities of members of this House to get out and do work that is necessary in their constituencies.

We always have to have a balance. So have we got things perfectly? No. Would we like more Public Accounts meetings? Yes. Would we like more opportunities to call the government to account? Yes. Are we pleased that we have a more reasonable structure to committee meetings? Are we pleased that members of the public no longer have to sit all through the night in order to wait their turn to make presentations? Well, yes, we are pleased about that, but, as in any negotiation, you do not always get everything you want.

We have made progress. We have agreed to a negotiated calendar for this year. We signed that agreement. Unlike other members of this House, we stuck to it. We are proud of sticking to it, and we will stick to agreements that we do make, but we have more work to do. We have more progress to make in terms of setting a calendar, and I am pleased to say that we are going to be sitting in the fall, in terms of some committee meetings, to hear representations from the public. We are not jamming some bills through. Some bills are being carried forward into the fall, and I believe that is a good thing. It will give the people of Manitoba, who ultimately we are all here to serve, the opportunity to gather their information, to gather their thoughts, and to present them to committee in a reasonable fashion.

Having said that, I will end my comments on the motion. As I have stated before, it is a motion that has resulted from a good-faith negotiation. I do not think any party to the negotiation got everything that they wanted. We would like more in some areas. We will work hard, not only for ourselves but for the

people of Manitoba, to ensure that we continue to make progress in terms of how this House operates in the future.

Therefore, Mr. Speaker, I will move, seconded by the Member for River East (Mrs. Mitchelson), that the question be now put.

* (15:50)

Mr. Speaker: It has been moved by the honourable Member for Fort Whyte (Mr. Loewen), seconded by the honourable Member for River East, that questions be now put and the previous questions do not preclude the main motion debate.

So the previous question on this motion, which we will now debate, does not preclude—if it passes, it prevents amendments to the main motion. Okay? If it passes.

An Honourable Member: Mr. Speaker, just on a point of order.

Mr. Speaker: Well, I am putting a question.

Order. For the clarification of the House, the honourable Member for Fort Whyte moved a motion which I am bringing back to the House. It was seconded by the honourable Member for River East that the question be now put. "The question be now put" is a debatable motion and, if it passes, what that means is that then I put the question on the main motion—*[interjection]*—with no debate.

Okay, just wait. I have to clarify this. "That the question be now put" means if it is passed, because it is a debatable one, if it is passed then that means we debate the main motion without any amendments or debate. *[interjection]* We are going to do this over again, okay?

It was moved by the honourable Member for Fort Whyte (Mr. Loewen), seconded by the honourable Member for River East (Mrs. Mitchelson), that the question be now put.

This motion is the debatable motion. If it passes in the House, then the question on the main motion will be put without amendments or debate. It will be put to the House.

I have not read it back yet. Order. Just a minute.

It was moved by the honourable Member for Fort Whyte, seconded by the honourable Member for River East, that the question be now put.

Point of Order

Mr. Speaker: Now, on a point of order, the honourable Member for Inkster.

Mr. Lamoureux: Mr. Speaker, on a point of order, we want to make sure that we have a good understanding in terms of what the rules say in terms of being able to speak, given we did not expect—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. May I remind the House that points of order and privilege are very serious. I have to be able to hear because I am expected to make a ruling. I cannot make a ruling if I cannot hear the member who has the floor. I ask the co-operation of all honourable members, please. The honourable Member for Inkster, on the point of order.

Mr. Lamoureux: Yes, Mr. Speaker, the question that I have is in regard to the main motion the Member for River Heights (Mr. Gerrard) or myself would have been able to speak up to 30 minutes on. At least that was my understanding. Now we have another motion that has been brought forward. Am I to assume then that we still have the 30 minutes to be able to speak on that motion? I seek to get some clarification on that issue.

Mr. Speaker: For clarification, on the motion that is now before the floor for debate, members do have 30 minutes. The only exception to the rule is the leaders of official parties.

Mr. Speaker: So, now I have moved the motion and now it is up for debate. The honourable Member for Inkster, on a clarification?

Mr. Lamoureux: On a clarification, if I may, I just want to be clear. Is it possible then for an amendment in any fashion—when I say in any fashion, for example, you have the six-month hoist. Is that a possible amendment?

I apologize for not knowing whether or not that is possible for the reason, Mr. Speaker, we had no

idea that this motion was going to be moved, so how could we possibly have planned for it?

If you could just give us clarification. Are there any circumstances whatsoever that would allow for us if we wanted to move any sort of an amendment that would ultimately maybe open the floor for ongoing debate?

Mr. Speaker: Okay, on the clarification for the honourable Member for Inkster, it is not normal practice to seek advice from the Speaker for procedures, if a member wishes to consult the table for information. Now that the question has been put out there, for the honourable member's information, once debate is concluded on this motion and the vote has been held, if it passes, only if it passes, then the vote is put on the main motion.

So is there room for amendments? You would have to seek advice. In my interpretation, there is not, because the motion reads that the question be now put. Once you debate this, once it is voted, and, for instance, if it does pass, then we immediately put the vote on the main motion. That is the purpose of this.

So now it is open for debate. Who wishes to rise?

Mr. Gerrard: Mr. Speaker, I want to speak to the tyranny of the Conservative and the NDP parties in shutting down debate on an important issue.

Mr. Conrad Santos, Deputy Speaker, in the Chair

When we were introducing and discussing and considering the rules that were provided for in December 4 and passed December 4, 2002, we were looking at a fine work where there could be reasonable number of days sitting in a year.

We provided in those rules, and I will read them: "During a Legislature, the House may meet from the first Monday in February to Thursday of the second full week in June, except during the week designated under The Public Schools Act as a spring break or vacation."

Last year and this, since these rules were adopted, the government has chosen to not start on the first Monday in February. They have chosen to wait at least a month after that before starting the session. The result has been, when we have come, as

we do this week, to the second full week in June, there is still a very significant amount of business that remains. So, instead of sticking to the rules as we had them, instead of sticking to the rules as we set them out December 4, 2002, what the government and the opposition working together are now trying to do is to change the rules.

An Honourable Member: No, we are trying to use the rules.

* (16:00)

Mr. Gerrard: No, you are trying to change the rules. I signed onto the rules in December 4, 2002, believing that they would be a reasonable way to work, but you and your comrades on the government's side and the opposition have pushed to not start sitting in the beginning of February, and the result is that we are cramming things in toward the middle of June, instead of being able to look at the legislation carefully in a considered fashion. That is all we are asking for.

I would like to look and consider one of the paragraphs in this original motion. That paragraph is under "Bills." It says Rule 92(8) is to be waived until June 10th of 2004.

Well, what that does is to waive the requirement for 48 hours for speakers, for presenters to come and have notice that there will be a committee hearing. What that means is that the normal procedure by which citizens can participate in committee hearings is being changed at the last minute so speakers from around the province, who have been expecting to have 48 hours' notice as to when they would appear before the committee and make a presentation on a substance which may concern them very dearly, now, instead of 48 hours, it could be 10 minutes or an hour or 2 hours; we do not know. But the fact is that the normal procedure is being changed.

I think that all members in this House are proud of the fact that we have a committee process which is open to all citizens of Manitoba to come and present on bills. Well, there needs to be a little bit of due respect. There needs to be a little bit of due respect for people who are presenting at the committee level.

I would like to point out that, at the moment, we have a number of presenters who are lined up to talk in committee stage at various of the bills. Bill 22,

there are 12 presenters: Peter Mah from the Manitoba Pork Council; Ian Wishart from Keystone Agricultural Producers; Stuart Briese from the Association of Manitoba Municipalities; Greg Bruce from Ducks Unlimited Canada; Betty Green, the president of the Manitoba Cattle Producers Association; Jim Stinson, private citizen; Councillor Gord Steeves of the City of Winnipeg; Jonathon Scarth, Delta Waterfowl; Glen Koroluk, private citizen; William Gummer, Prairie Habitat Joint Venture; Robert Rogers of the Manitoba Conservation Districts Association; Gail Whalen Enns of the Manitoba Wildlife.

What this measure does is mean that these people who want to give us their advice, who want to share their expertise and their knowledge as we consider this bill, may not get the normal 48 hours' notice, that their privileges will be circumscribed because that full notice is not given. We must remember that individuals who are there to present, they have to change their own schedules around to get here significantly, may have to come considerable distances and to have less than 48 hours' notice is, clearly, quite unsatisfactory.

Point of Order

Mr. Lamoureux: Mr. Deputy Speaker, on a point of order.

Mr. Deputy Speaker: Will the Member for Inkster state what the point of order is.

Mr. Lamoureux: I was wondering if we could just request a quorum count.

Mr. Deputy Speaker: In response to the member, I would ask that all members present rise in their place and ask that the Clerk at the table call out and record the names of those present.

Madam Clerk: Mr. Ashton, Mr. Maloway, Honourable Mr. Lemieux, Mr. Caldwell, Mr. Sale, Mr. Martindale, Mr. Struthers, Ms. Korzeniowski, Mr. Aglugub, Ms. Irvin-Ross, Mr. Cummings, Mr. Reimer, Mr. Maguire, Mr. Dyck, Mr. Fourschou, Honourable Mr. Gerrard, Mr. Jennissen, Mr. Dewar, Mr. Nevakshonoff, Mr. Lamoureux.

Mr. Deputy Speaker: I rule that the quorum is present.

* * *

Mr. Gerrard: Mr. Deputy Speaker, the motion, which shortens less than 48 hours' notice for people to come to present on this legislation, is clearly taking away privileges not just from the Legislature and us as legislators to listen to this advice, but it is clearly taking away privileges from citizens all over Manitoba.

One only has to look to various other bills, The Planning Act, The Planning Amendment Act, Bill 40. There are a considerable number of individuals who have said that they want to speak. Once again the members have a motion that has the potential to foreshorten the period for notification of a committee meeting.

*(16:10)

The power is given by this motion, whether it is used or not with respect to this bill, but what is clear is that the resolution will take away considerably from the rights and privileges of many who may want to present but do not have adequate notification. Clearly, the names of people who are keen to speak, Stuart Briese of the Association of Manitoba Municipalities; Glen Koroluk, David Sanders and many, many others are pretty darned important, pretty important to this Legislature.

What is a concern here is that instead of following the rules as we laid them out on December 4, 2002, what this government is trying to do is at the last moment of this session trying to bring in some major changes to the rules and procedure in order to rush through legislation under circumstances where it may not have the kind of scrutiny and the kind of attention that it really should have.

This kind of approach to circumscribing democracy, to cutting off opportunities for people to present, to limiting the opportunities, let me give you an example, Question Period. We were talking earlier on about the need for substantial numbers of Question Period sessions during a year. The Member for Fort Whyte (Mr. Loewen) said that he would like 365 Question Periods a year.

I would like to say that from our perspective, we would be satisfied with 80 Question Periods a year. It would appear at the rate that these rules are set out we will have far fewer than that. We will have far fewer than the 80. We will probably have between 40 and 50. I would argue that given the historic

context, it is far less than what is necessary, and clearly pretty important. It is pretty important.

Point of Order

Mr. Deputy Speaker: The honourable Member for Ste. Rose, on a point of order.

Mr. Glen Cummings (Ste. Rose): The statement is somewhat inaccurate, given that the two-member Liberal caucus get more questions than the average backbencher in this Legislature.

Mr. Deputy Speaker: On the same point of order, the honourable Member for Inkster.

Mr. Lamoureux: Mr. Deputy Speaker, on the same point of order, I have a tremendous amount of respect for the Member for Ste. Rose as he has been here for a number of years and has a fairly good understanding of our rules, but he is wrong when he makes the assertion that, in fact, the Liberals have more questions than the opposition does because if you actually do a question count, you will find that even as opposition MLAs, you get more questions than what we get being in the third party.

Having said that, Mr. Deputy Speaker, I suspect that if you look into the rule book, what you will find is that there is a rule that will say something to the effect that a dispute over the facts is not a reason in order to be able to stand for as a point of order. Having said that, the Member for Ste. Rose does bring up a very interesting point and I would be more than happy to discuss it at a greater length at some point in time in the future. I would suggest to you that in fact there is no point of order.

Mr. Deputy Speaker: This dispute as to facts is not a point of order. The honourable Member for Ste. Rose, with respect, has no point of order.

* * *

Mr. Gerrard: Mr. Deputy Speaker, I continue to talk about the orchestrated collaboration between the Tories and the NDP to hold fewer days, fewer Question Periods.

What is clear, Mr. Deputy Speaker, is that we need more accountability in this Chamber, not less. We need more Question Periods than we had last year, not about the same amount.

We oppose this attempt by the Conservative Party to shut down debate, to not even allow for further debate on this particular resolution. It is as if they are treating it without the severity, without the importance that it has because what it is doing is limiting the capacity of all opposition members to hold the government to account in Question Period.

Mr. Speaker in the Chair

The attempt to shut down debate, to move the question in a premature fashion is clearly misguided. The Conservative Party, I suggest, Mr. Speaker, may rue the day when they collaborated with the NDP to shut down the debate and discussion in a proper fashion in this Legislature.

Let us look at what is being proposed, Mr. Speaker. Let us look at what is being proposed next year. The government and the opposition together are suggesting that we should not return to the House until March 7, even though the rules provide for us to be able to come back the first Monday in February. In this resolution, the House is losing a month of time to consider bills well and carefully. The House is losing time to be able to have Question Period on a daily basis all through February.

This is not just for next year. If we look at a schedule for the fall, what we find is that the Legislature must begin November 22. Under the rules which we set out December 4, 2002, the Legislature can commence the first Monday after Labour Day through all of September, all of October and most of November.

We are missing the opportunity for almost three months in the Legislature. Here there is plenty of time without having to change the rules, without having to have a foreshortened period for notification for people.

I would suggest this is one of the real problems, that the government and the official opposition, the Conservative Party, have conspired together to limit the number of days that we will be sitting in the Legislature. They have conspired together so that instead of coming back in early September we will come back in late November. All of September, all of October, most of November, which could have been used for Question Period, for debates and discussions of bills and for other important matters,

committees, Public Accounts Committee, et cetera, are not going to be used for these purposes.

Indeed, what is happening is that on this bill, on this resolution, the government and the opposition are conspiring together to limit the time that we spend in the Legislature, to change the rules that we had set out in December 4, 2002, and to put this Legislature, as it were, in what might be likened to a bit of a straitjacket. Certainly, that is a limit on the privileges of the members of this House. We argue very strongly that the debate on this resolution should continue, as it is proper to do, and as would be the normal procedure instead of debate being shut down by the Member for Fort Whyte (Mr. Loewen) and the Member for River East (Mrs. Mitchelson).

* (16:20)

Certainly, one of the concerns here is that instead of following the normal procedures, the resolution is dictating that certain things must be done and that certain things will be speeded up. This kind of attempt to put the Legislature in a straitjacket rather than having us starting in September and starting in February, as the rules say that we can, is a situation where what we have in this House is Conservatives and the NDP limiting the amount of time that we have in the Legislature, constraining the ability, rushing through procedures instead of having the considered time to look and work carefully to look at and consider bills and other matters.

It is striking that the Conservatives were so eager to put the House in a straitjacket that they even appear to have given up their Opposition Day, which was supposed to have been last week. We wonder just what is happening that the Conservative Party are less concerned about opposing and more concerned about not spending time in the Legislature so that they can use the real opportunities which there are here to hold the government to account in a proper fashion and in a considered fashion.

I think that this attempt to shut down debate on an important resolution is despicable, to have this attempt to—

An Honourable Member: Shut down debate on the resolution? What is he talking about? There is no such—

Mr. Gerrard: The Member for Carman (Mr. Rocan) is wondering what I am talking about. The fact of the matter is that we have had a motion, I say to the

Member for Carman, which would call the question immediately instead of allowing debate to continue. What should be done is to allow the debate to proceed, rather than trying to shut things down and to limit debate.

There are, as I pointed out, a variety of presenters. Whether it is on The Personal Health Information Act, The Engineering and Geoscientific Professions Amendment Act, each of these acts needs due consideration. They need due consideration by presenters at the committee stage, and we need to make sure that what happened before this House has the care that it should have, that people have the due time, the 48 hours, in order to have notice so that they can be prepared and make their presentations, and at least have an opportunity to present before the committee.

Therefore, Mr. Speaker, I move, seconded by the Member for Inkster (Mr. Lamoureux), that the amendment moved by the Member for Fort Whyte (Mr. Loewen) be withdrawn.

Mr. Speaker: On the motion moved by the honourable Member for River Heights, one thing, the motion that is being debated is that this question be now put. For one thing, it is not an amendment, and the debate has to pertain to "the question be now put." That is what we are debating right now.

Mr. Lamoureux: Mr. Speaker, on a point of order. I would ask, is it possible, I know the government has—

Mr. Speaker: Order. I have not finished with this yet. What I was saying is that I regrettably have to rule this motion out of order.

Point of Order

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

Mr. Lamoureux: Mr. Speaker, it is just in regard, on a point of order, that—*[interjection]*

Mr. Speaker: The honourable member I am recognizing on a point of order.

Mr. Lamoureux: No, actually, Mr. Speaker, I am prepared to address the motion itself.

Mr. Speaker: You are addressing the motion that the question be now put. Okay.

Mr. Lamoureux: Yes. I am quite disappointed. I do not know if I can express adequately the sense of disappointment that I and the Leader of the Liberal Party have with what the government, in co-operation with the Member for Fort Whyte (Mr. Loewen), is proposing to do this afternoon.

I will tell you that it is a very sad day for democracy in the province of Manitoba. I truly believe that Gary Filmon would never have done this. I can recall some of the heated debates with regard to the Manitoba Telephone System. I can think in terms of our Premier and other members, when they were in opposition, and the response from that party while they were in opposition to any form of a motion of closure.

* (16:30)

I have only been inside the Chamber now I guess cumulatively for 12 years. I truly do believe that the direction that we are moving this afternoon is not healthy for this Chamber. You know, I would suggest to you that even though you have what appears to be 54 members of the Chamber, or I guess it would be 52 members of this Chamber, that obviously or want to be on the record of supporting this motion, it does not necessarily mean that it is right.

I guess that is how I would appeal to all members, to recognize that even though it is just myself and the Member for River Heights (Mr. Gerrard) who are speaking out against this motion, just because there are two of us, it does not necessarily mean that we are not right. I truly believe that we are right. I do not believe that there is an argument that can be presented, and I listened to the Government House Leader, I listened to the Member for Fort Whyte as they gave their explanation as to why this motion is indeed necessary.

I would argue and articulate as to why each and every point that they have raised would not stand any sort of due diligence in terms of basic democratic principles. First and foremost, the Government House Leader and the opposition talk about a sessional calendar. They talked about an agreement back in November or December of 2002. Well, the idea of going on a calendar is not new. It was not new in 2002. The discussions of having a calendar, a more orderly flow of House business has been on the

Order Paper, or the discussions, all the way back since I was first elected back in 1988.

It is interesting to see how the only consistency seems to be coming from the Liberal Party or possibly in the minds of those that do not feel that they can speak out. With the number of changes, like, you know, it was interesting the Member for Fort Whyte said, as he was saying, "Well, you know, there was an agreement. We sat down with the Government House Leader and we achieved an agreement."

Well, that agreement was then given to us and we were told, this is the agreement and, whether we liked it or not, that is the reality of it. I asked from my seat, the Member for Fort Whyte, "Well, did you get everything you wanted?" He said, "No. We wanted 365 days of Question Period."

You know, one could ultimately argue, there is your starting point. So at least we have a sense of a starting point. Well, the Liberals have consistently indicated that we would believe that we should be sitting, in any given year, 80 days. The arguments of un-cooperating, well, we provide leave, and then you get members stand up and they will say, "Will the Liberals agree to leave to do this? Will the Liberals agree to leave for this in order to accommodate more efficiency or more debate on bills or concurrence?"

The reality of the rule changes was to avoid the types of leave so that there would be more order in the way in which we proceeded. Mr. Speaker, if we were to follow the advice, in particular of the Government House Leader and his government, what we would be doing, I would suggest to you, is that we would be sitting 20 days a year. That is all we would need to sit; 8 days for the Throne; 8 days for the budget and a couple of bonus days so that they can rush through all the things that they want to do.

You know what, Mr. Speaker? They can then approach the opposition or opposition members and say, "well, look, what we will do is, in order to work hard for Manitobans, we will start at eight o'clock in the morning and we will work until twelve o'clock midnight. We will have three committees going in each room. This way you will be able to have endless debate on all the legislation that you want, talk until you are blue in the face as far as we are concerned." They can set up the hours in order to do that and then

we would sit 20 days and we would have a wonderful, efficient system.

Well, Mr. Speaker, the argument just does not carry any water, I believe. The government is not doing Manitobans a service by saying, "We only want to sit 37," whether it is 37 days last year or it is going to be 50 days or just over 50 days this year. Manitobans expect more than that. In order to hold government truly accountable you need to be sitting inside this Chamber.

Some might be content with allowing the media to play a larger role in government accountability or more accountability from outside of this Chamber. I, for one, as a parliamentarian, believe that the accountability is held here inside this Chamber, that it is the members of this Chamber, whether you are in government or you are in opposition that you have the rights and opportunities to be able to ask the questions you want of the government, whether it is in concurrence, whether it is in Estimates, whether it is debate on bills and it is absolutely disgraceful, absolutely disgraceful when I see a government con, to a certain degree, members of others inside this Chamber to somehow believe that this is healthy for democracy in this province.

I will make no apology, Mr. Speaker, for doing what I can to prevent this particular resolution from passing. That is because it is morally wrong to invoke closure. You would have to go back to the Howard Pawley days, I believe, before you could find issues of this magnitude being debated and then closure being imposed because the government did not have the patience.

Mr. Speaker, the government might have 34 seats on the government side, or 33 currently, but the bottom line is that they still have to respect the rules of this Chamber. I truly believe that they are not respecting the rules of this Chamber. They are not respecting the role that this Chamber has to play in the province of Manitoba in regard to the whole issue of accountability because I was here when this government was, in fact, in opposition, especially when we are minorities.

You know, the government brings up an absolutely bogus argument in regard to this Bill 212, absolutely bogus. There are no allegations that the Government House Leader (Mr. Mackintosh) can put on the table that could indicate that we have

requested additional financial resources or additional privileges in any sort of negotiations in regard to this bill and to do and imply otherwise is just wrong, absolutely wrong.

You know, Mr. Speaker, when this government was in opposition, I sat on LAMC when Jay Cowan came and pleaded the case for additional resources. If you want to get into the debate on resources I will suggest to you that I would be more than happy to sit in as an observer and let members know exactly what took place that gave the NDP the rights and the privileges they had that they did not have, but the Liberals and the Conservatives at the time acknowledged the importance of democracy and giving them the resources that would, in fact, enable them to be a better opposition. *[interjection]*

Well, Mr. Speaker, the Member for Elmwood (Mr. Maloway) says it worked for them. I guess that is one of the reasons why they are doing what they do. They realize that if you want the NDP to stay in government, minimize the effectiveness of your opposition.

That is the reason why they have done some of the things that they have done. It was this government that is advocating while in government that there is no need to sit inside this Chamber. It is this government that brought in election reform. We support the idea of unions and corporations not being able to contribute to political parties, but the way in which this government brought it in was intentionally done as in a serious attempt to cripple both opposition parties at the time. To a certain degree, they were successful. You can just take a look at the election returns and you will see how successful they were.

* (16:40)

Well, Mr. Speaker, what they are doing with that legislation is not that much further from how they manipulate the usage of this Chamber. I saw individuals like Jay Cowan articulate at great length, and he suffered nowhere near the types of abuse that is given. You know, it is interesting, in committee we had one presenter that came forward and gave a passionate plea about bullies and kids that are being bullied in our classrooms throughout the province. He talked about that there is more than just bullying in terms of the physical bullying. There is also mind games that are played. I would suggest to you that

the Government House Leader is a Chamber bully. If that is unparliamentary, I will withdraw that comment, Mr. Speaker.

Having said that, I am not going to stand idly by and allow the government to achieve a short-term agenda in order to mess up the process. What we are doing is, what we are going to be seeing next year is, we will sit 60 days and then maybe we might get that calendar and, even though two years ago there was an agreement that we could sit at the beginning of February and we could come back in the beginning of September, that was the discussion that happened back then. A couple of years from now, the government of the day is going to be saying that we will come in mid-March, and that is what the calendar is going to be. Why? Because we have not had to come back in February, we do not have to go back in September.

Mr. Speaker, the average over the last couple of years has been 37 days one year, 50 days another year. Who knows how many in 2005? Maybe we will not even hit 50 for 2005. So they now have the justification to try to be able to say, "Here is our calendar."

Well, for members who choose to make light of the importance of sessional days, it is interesting that the area that the Member for Fort Whyte (Mr. Loewen) made quick reference to when I said, "What did you request?" his quick reference was "Question Period." I applaud the Member for Fort Whyte because he recognized the value of Question Periods, Mr. Speaker, as others, as the New Democratic Party recognized the value of Question Period when they were in opposition.

If you want to talk about filibustering, Mr. Speaker, we do not have to apologize. Just take a look at the type of filibustering the New Democrats participated in while they were in opposition. You want to see filibustering, they had it down nailed to an art. So, if I have learned things, I learned it because of members like Jay Cowan, and some of the members that are there. I remember individuals like Don Orchard and others. The rules are there to protect each and every one of us in the Chamber. I do not have to make any apology for being able to use the rules in such a fashion that is in the best interests, as what I believe or the Liberal Party believes is in the best interests of democracy in terms of accountability inside the Manitoba Legislature.

Why would we not? Because there happen to be just over 50 MLAs that say that we should not be doing this, that we should be agreeing. Just because there are over 50 MLAs saying that, Mr. Speaker, does not mean that it is right. Those 50-plus MLAs can be wrong, I would argue.

In fact, you know, the other day I challenged the Government House Leader (Mr. Mackintosh). If he is so confident, if the government is so confident that their Chamber policy is right on, that their elections financing act is so right on, why will they not then come out to Sisler High School, come out to Tec Voc, let us engage some young people and see what the young people have to say?

I put that challenge out and I would anxiously await. I would love the opportunity to be able to debate that in front of some Grade 12 students. But I suspect that no one will call me up on that challenge, and that is because ultimately I truly believe that the government realizes what it is doing would not be accepted by the public.

If there were 25 MLAs or 28 MLAs opposing this closure motion, Mr. Speaker, it would garner a great deal of attention, but because there happen to be only two does not belittle, or we should not belittle the issue any more than what it actually is.

If we talk about the rules, well, you know, we have suggested 80 days, and the Government House Leader and I noticed the Premier (Mr. Doer) even said it today, "Well, we sat for 102 days." If we used the same accounting or the same methods of getting those numbers that this Government House Leader is using during Gary Filmon's era, we would have sat for over 200 days using the same formula that this government is using.

The 102 days, it makes a mockery of anyone that can think on their own in terms of the reality of Chamber politics, of Chamber accountability. I participated in some of those committees and you cannot even compare that to what takes place inside this Chamber. Is that the intention of this government? To say, "Well, we only need to have 20 days of sitting inside the Chamber and we will have 60 days of committee meetings. This way it is more convenient."

Convenient, but at what cost? I would suggest to you that the government needs to be more honest

with the way in which they are trying to portray this issue. It has nothing to do with additional resources for the Liberal Party. It has everything to do with the number of days that we are sitting, and the need for us to ensure that there is due diligence that is being provided.

I could talk in terms of, you know, it was interesting the Government House Leader stated, "Why do I turn down the time that is being requested for by leave?" I know other members of this Chamber have asked that question. It is a good and fair question. It would be wonderful if, in fact, these people that are posing these questions would reflect on what has happened in the past in regard to sessions.

Yes, in the past, we have seen speed-up occur toward the end of a session, and if myself and the Member for River Heights (Mr. Gerrard) wanted to acknowledge this as being the end of the session, we would then be more inclined to agree to leave. But if the purpose from the government's side of getting the leave is so that we would agree that we do not have to come back in until November, and that is the reason for it, why would that be in Manitobans' best interests? The government has not been able to explain that to us. They have not been able to justify how Manitobans' interests would be best served by us being able to agree that we come back in, in November and we stop on June 10, or this Thursday.

When the government stands up and says, "Well, will you give leave for this, or will you give leave for that?" Well, you see to the degree to which both parties are working together on this issue. So it is just to say, well, the Member for Inkster can go into a committee room and then what will happen is we will quickly pass everything, and then maybe even call questions as the Member for Fort Whyte (Mr. Loewen) has done, so the Member for Inkster will not even be able to continue to ask questions. There is reason for not agreeing for leave.

I would suggest to you that the government is not doing a service to Manitobans by saying that, well, the members opposite do not want to work, imputing that that is the reason why we are denying leave. Because, again, nothing could be further from the truth. What we believe, and every day I have been introducing petitions to that effect, every day we have been introducing petitions saying that this Legislature needs to sit at least 80 days a year.

* (16:50)

You know, Mr. Speaker, I have only had one individual that has actually said no to me when I have raised the issue of signing the petition, and it was a member of the Chamber that was not myself or the Member for River Heights (Mr. Gerrard). Outside of that one individual, I have not had anyone say no. Manitobans recognize the value of this Chamber, and it is sad to see that this government does not recognize that very same value.

I wonder what the optics would have been if Gary Filmon sat for 47 days or 50 days, or, in one year, 37 days. I would suggest to you that there is a chance that he might have even been able to survive another election.

Through this Chamber, we are best able to hold the government accountable and if you leave it up to government, especially this government as they have clearly demonstrated, we would not be sitting. The Premier (Mr. Doer) has made very clear indication of that.

Last year, I raised the issue and the Government House Leader (Mr. Mackintosh) and the Premier stood up and they said, "Well, you signed an agreement. You said that we could get out at such and such a time," and that was only 37 days. Well, I was not here for the first part. I did not realize in the beginning of the year that they did not sit. I guess I had taken that for granted. I learned something. I learned a couple of things. One, you do not take things of that nature for granted, and two, you do not agree to something unless you are going to agree to it. That is why I cannot and we cannot agree to what the government was proposing.

Why did the Government House Leader not approach us before even achieving an agreement? Why did the Government House Leader not say to us, you know, we are looking at getting out on June 7 or June 10, and then we are going to be coming back in, in late November? Why did the Government House Leader achieve an agreement and then, as an afterthought, "Oh, yes, we have a couple of Liberal independents here, so we better run it by them," as opposed to it just appearing on the Order Paper or just standing up requesting leave?

An Honourable Member: You signed it.

Mr. Lamoureux: We did not sign the agreement that the Government House Leader and the Opposition House Leader have that is being proposed in terms of us coming back in, in November.

The reality is that we do value more so than this government the importance of this Chamber. We truly do believe that we need to take whatever opportunity we have to ensure that Manitobans are being made aware of it.

I must say it will be a bit tougher of a sell in the sense that we would not have anticipated a closure motion coming from the opposition. I give full credit to the Government House Leader. I do not know how the Government House Leader was able to convince the opposition to move that motion, because that is something which I would have expected the government would have had the courage to do itself. I do not quite understand what would have taken place. Maybe it is because I have not heard the rationale that was being used. I would be very much interested in hearing that rationale.

I am not too sure in terms of how much time, if you can indicate how much time I have left.

Point of Order

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

Mr. Gerrard: My point of order is this: When the original resolution came before the House, I got up and you recognized me. I had the courtesy of standing down so that the Member for St. Johns (Mr. Mackintosh) could move the motion of the resolution and then, as you well know, the Member for Fort Whyte cut off debate so that I was not able to speak to this resolution. Because I was recognized initially, and you recognized me, I think it is only fair that I should have a chance to be able to speak to the resolution that is the primary resolution that is before us today.

Mr. Speaker: On the point of order raised by the honourable Member for River Heights, before any member can speak to a motion, the Speaker has to put the motion. It has been my practice since I have been here as the Speaker where I have gone from government to official opposition, government to official opposition since I have been in this Chair.

The mover of the motion has the right to speak once the motion has been put. I was just following the practices that have been established by me so far in this Chamber. So there is not a point of order.

Point of Order

Mr. Speaker: The honourable Member for Inkster, on another point of order?

Mr. Lamoureux: Yes, another point of order, Mr. Speaker. Given what the Member for River Heights has said, I am sure you will recall when we are in second reading quite often what will happen is a government member will in fact stand up unintentionally, possibly realizing that by them standing up that second time that they would indeed have been closing debate. Then, as such, what you have done is you have indicated and made a very clear indication to the minister that if that the minister continues to talk it would in fact be closing debate. What we saw then was a general willingness of the House to acknowledge that that was not necessarily the intention, because there were other people that were wanting to be able to speak. So I have seen even in this session where a minister has sat down only to prevent someone else from being able to stand up and speak.

I know that the Member for River Heights was in fact standing up, but there was no way that we could tell that the Member for Fort Whyte (Mr. Loewen), as the Member for River Heights had pointed out, we believe he was actually even recognized. Then, out of courtesy, the Member for Fort Whyte had the floor, but we had no idea that he was going to be attempting to close debate.

Given the length and the very nature of the importance of this particular motion, I do think that it would be appropriate for the Member for River Heights (Mr. Gerrard) to be able to, at the very least, speak to the actual motion itself, given what has happened in the past.

Mr. Speaker: On the point of order raised by the honourable Member for Inkster, just for clarification before I go too far, when I have been notified that the minister who is rising to speak was the mover of the motion, it has been my practice to ask if there are any other members who wish to speak before I recognize the mover of a motion.

That is why members who move the motion had to sit down because I always ask is there any other member wishing to speak before recognizing the mover of the motion to close debate. That has been my practice.

Also about the opportunity to debate the main motion, when you are speaking to a previous question, you do have the opportunity to debate the main motion. There are 30 minutes of opportunity to speak to that motion at that time.

As I said earlier, when members rise, I cannot tell what they are rising for. For example, if a member is rising on a point of order, I have to recognize that. So, if a member rises, I do not know until after they rise why they are rising, and my normal practice has been government, official opposition, government.

* (17:00)

In fact, in Throne Speech and budget, if the members remember correctly, when I recognized the independent members, the majority of the time it has been worked out between the official opposition and the independent members to slot them in when there was an opportunity for an opposition member to speak.

Also, for example, if a member rose on a bill and adjourned debate, the member would rise and seek leave. That has happened, where a member would seek leave to speak to it after it has been adjourned. Sometimes it has been granted, sometimes it has not been granted. It is entirely up to the House, but that is the general rule of thumb that I have always used. So I would have to say that the honourable member does not have a point of order.

* * *

Mr. Speaker: The honourable Member for Inkster still has 4 minutes and 19 seconds.

Mr. Lamoureux: Mr. Speaker, I am going to continue just on the point of order.

Mr. Speaker: Order. I am going to make it very clear here, because points of order are very clear in our rule book. Points of order are to point out to the Speaker a departure of the rules or practices of the House. Points of order should not be used for debating.

Point of Order

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

Mr. Lamoureux: On a new point of order, Mr. Speaker, you made reference to practices of the Chamber and, as you articulated, I listened very closely in terms of how you have acknowledged other members who have, in fact, expressed an interest to be able to speak, and members of the Chamber have been able to accommodate that. If you will recall, the Member for River Heights, when you initially had given the motion and read the motion, actually did stand up and was being partially—*[interjection]*

No, I am not. When the member had stood up, he had been acknowledged, but then it was very quickly pointed out that the Government House Leader would like to be able to speak to the motion and tradition showed that, yes, the Government House Leader should be able to do that, but everyone inside the Chamber would have been aware that the Member for River Heights (Mr. Gerrard) was requesting—I am getting right to the point, Mr. Speaker. The Member for River Heights was requesting leave.

What I am doing is to appeal to members of the Chamber and request, as we have done in the past, that the Member for River Heights be given leave to be able to address the motion, because he had clearly indicated by standing that he was indeed wanting to speak to the motion itself.

Mr. Speaker, I would even be prepared to give up the balance of my four minutes in order to allow that to take place.

Mr. Speaker: First of all, I want to make this very, very clear. I explained the rules of points of order. That is clear. The other rule, I pointed out that points of order will stop the business of the House. When I was putting the motion, the honourable member was already standing before I completed it. I did not know what the honourable member was rising on, so I had to recognize the honourable member to see if it was point of order.

He said, "No, I am speaking to the motion." I said, "You cannot, because it is the mover that goes first." I made it very clear. The practice has been

after the government, it is the official opposition. That has always been the practice, but I still have to recognize any member who stands up, because the only time I cannot entertain a point of order is when a vote is being taken.

The vote was not being taken at that time, so I had to stop the business of the House. I cannot judge why a member is standing up, but if the member says, "I am getting up to speak," then I have to say, "Sorry, we have practices that we follow." If it was a point of order, then I have to entertain that member's point of order.

That is what was happening. Also I have already ruled on this. I have already made a ruling on this, and I cannot revisit it twice because I do not think members want to reflect on rulings of Speakers. The honourable member has 4 minutes and 19 seconds remaining.

MATTER OF PRIVILEGE

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

Hon. Jon Gerrard (River Heights): No, I get up on a matter of privilege, Mr. Speaker, because the fact of the matter here is that I had got up, I was recognized by you and did not have a chance to speak because—

An Honourable Member: You spoke for half an hour.

Mr. Gerrard: I have not spoken to the main motion. The main motion is a very important one and I should have an opportunity to speak to the main motion, Mr. Speaker.

An Honourable Member: He just ruled three times.

Mr. Gerrard: No, this is a matter of privilege. We have an important motion, a motion which is trying to put this House in a straitjacket, and I am not going to have a chance to speak to the main motion—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable member has the right to rise on a matter of privilege. I do not know what he is saying until I have the opportunity to hear it, and we all have to hear the honourable member.

The honourable Member for River Heights, on a matter of privilege.

Mr. Gerrard: Mr. Speaker, we have procedures in this House and those procedures are to ensure that we have a normal process for debate and discussion of these matters. In this case, we had a resolution before the Legislature, as you are well aware, and I had risen to speak.

I was recognized but then deferred to the MLA for St. Johns, the Minister of Justice (Mr. Mackintosh), who was not able, because of the way that things were handled by the Member for Fort Whyte (Mr. Loewen) and the way that things were recognized, to be able to speak to the main motion, Mr. Speaker.

I think that it is pretty important for all of us that when we are looking at bringing in motions which are going to make major changes to the rules—

Point of Order

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

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I am trying to listen to the Leader of the Liberal Party and I am finding it difficult because of the heckling that is going back and forth around the leader, so I would ask that people listen to what the Member for River Heights has to say.

Some Honourable Members: Oh, oh.

Mr. Speaker: I asked for order. Order. I mentioned it many, many times. A privilege and a point of order are very serious and I have to rule on that, so I need to be able to hear the member who has the floor. I ask the co-operation of all honourable members.

* * *

Mr. Gerrard: Mr. Speaker, the fact of the matter is that this resolution was judged not to be a time allocation motion, but it, in fact, is a much more severe motion than a normal time allocation motion. What it does is to put the Legislature in a real straitjacket in the ways that the Legislature must push through legislation very quickly, without giving the adequate time for the Legislature to look and consider and to operate. Certainly, when we are

having a motion that is important of this which is setting the schedule not only for this year, but for the following year, for 2005, that it is pretty darn important that the leader of a party, an independent member, be able to talk to the primary resolution before the Legislature.

So I think, Mr. Speaker, that this is a matter of privilege when we have a motion, a resolution before the House which is much more severe than a normal time allocation motion. When a time allocation motion, a closure motion, cannot be introduced until two weeks after a bill has been presented, and here we have a motion which is much more severe than the time allocation motion being presented, the reality is that what is happening is that it is a much more constrained time frame. That is very important that all members have the opportunity, but particularly in this instance, when I had stood up, when I had been recognized, that I should have the ability to speak to the primary resolution.

Mr. Speaker, I think that this is an important matter. It is a matter of privilege with respect to my ability to represent people well. It is a matter of privilege because this motion which I am not being allowed to speak on, even though I was at one point recognized, that, in fact, this is a very important motion. I should be allowed to speak on this motion. I am afraid what I would have to say here is that there is a matter of privilege. This is a serious one. I have, as you have recognized, raised this at the earliest possible moment because I had asked and raised this first on a point of order. After raising it at the first possible motion, I think that this is quite a serious matter. So I have raised this, as I said, as a matter of privilege.

* (17:10)

While we are considering this matter of privilege it extends not only to what happens here, you know, this matter of privilege and what we consider here has implications in other jurisdictions to because of the way that the press and it will sometimes work. So, Mr. Speaker, what I am going to do is I am going to move, seconded by the Member for Inkster, that this matter of privilege, that this issue be looked into by the Speaker's office and reported back to the Legislature.

Mr. Speaker: On the matter of privilege raised by the honourable Member for River Heights, I have to

rule that he does not have a matter of privilege because when I recognized the honourable member I explained that I was not sure what the member was rising for, so I had to recognize the member and then go back to the motion because he was not rising on a point of order.

Also, when you are debating the question put, you have the opportunity to speak to the main motion. That is the purpose of the debating on that, that is, to debate it. The honourable member did have the opportunity to speak for 30 minutes, so I have to rule that the honourable member does not have a matter of privilege.

Point of Order

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

Mr. Lamoureux: Yes, Mr. Speaker, on a point of order, I know in the past others have been able to contribute to a matter of privilege and I would have liked to have been able just to comment on the matter of privilege as the seconder, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I have already given the ruling on it. I looked for members. Nobody was standing, so I gave a ruling.

Mr. Lamoureux: Well, Mr. Speaker, I did stand. The ruling was being read. I would like to be able to address the matter of privilege as the seconder. I would ask if I can do so.

Mr. Speaker: I have already ruled on it, so I cannot. It is too late now.

Point of Order

Mr. Speaker: On a new point of order, the honourable Member for Inkster.

Mr. Lamoureux: Yes, Mr. Speaker, traditionally what has happened was when someone stands up on a matter of privilege, it provides opportunity for other members to be able to comment. I think that you would probably—

Mr. Speaker: Before we go any further, I will clarify what rule I have been using for privilege. I

have recognized the member that rises on the privilege. That was the honourable member who said he did not have the chance to speak to the motion because he stood up first.

Then I usually go to the House leaders. If there is another member that is impacted on whatever the privilege was, and I fail to see how it could impact on any member except the Member for River Heights (Mr. Gerrard) who states that he did not have a chance to speak because he stood up and I thought it was something else, I have to go to the mover. So I do not know how it could impact any other member in the Chamber because it was only the member who was standing up to speak. I do not know how I could entertain other members on that privilege because I do not know how it could impact on another member. I have already ruled on it, and I do not think members wish to reflect on Speaker's rulings.

* * *

Mr. Speaker: The honourable Member for Inkster has 4 minutes and 19 seconds.

Mr. Lamoureux: Mr. Speaker, had the Member for River Heights had the opportunity to be able to speak to the main motion, the Member for River Heights would have been able to move an amendment. The Member for River Heights has been denied that opportunity. One of the things the Government House Leader did say is that he would not deny members the opportunity to be able to speak.

The Government House Leader did make that commitment. When the government constantly calls on us to be able to stick to agreements, Mr. Speaker, what about the Government House Leader? If we truly believe we have stuck to the principles of the agreement, what about the Government House Leader? Is there not an obligation on the Government House Leader to stand up and ensure that he is true to his word?

I find that it is unacceptable. You know, it is unfortunate that the Government House Leader does not see that he is making a serious mistake here. Mr. Speaker, I know that I would welcome the opportunity to be able to speak longer on this, and I would ask in terms of how much time I do have left. Three minutes?

An Honourable Member: A long three minutes, Kevin.

Mr. Lamoureux: Actually, I could always use some more time on it.

Mr. Speaker, I would appeal to the government to indicate very clearly what their position is on the motion from the Member for Fort Whyte (Mr. Loewen). We know that for all intents and purposes there are at least two members inside this Chamber that feel it is not an appropriate amendment. We think that there are other members possibly that would see the value of trying to get a better sense of what other MLAs might have to say about the resolution itself.

That is the reason why it is for us. Maybe the government thought we might introduce amendments and we did have some ideas on the resolution. So let there be no doubt that the government has attempted to be able to prevent the two Liberal members in the Chamber the opportunity to move amendments, because we are not able to move an amendment here. We do think that is wrong, that it is inappropriate, that it contradicts what the government has been telling us. As opposition members, the government has told us that we would be able to speak. It is the government that has decided to have this bill being dealt with in the fashion that it is. It is difficult to have faith with incidents of this nature and other incidents like the allegations.

Having said that, I do believe it is in the best interests of the Chamber that we do adjourn. So I would move, seconded by the Member for River Heights (Mr. Gerrard), that the Legislature do now adjourn at this point in time.

Mr. Speaker: It has been moved by the honourable Member for Inkster, seconded by the honourable Member for River Heights, that the Legislature do now adjourn. What is the will of the House?

Some Honourable Members: No.

Mr. Speaker: No?

Voice Vote

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

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Lamoureux: Mr. Speaker, I think it is important I would ask for Yeas and Nays on the issue.

Mr. Speaker: Does the honourable member have support? You need four members. Four members stand? Okay, I am sorry, the honourable member does not have support.

Point of Order

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

Mr. Lamoureux: I would request that we have a quorum count then.

Mr. Speaker: I would ask all members present to rise in their places and the Clerk at the table call out and record the names of those present.

* (17:20)

Madam Clerk (Patricia Chaychuk): Honourable Mr. Mackintosh; Honourable Mr. Selinger; Honourable Mr. Doer; Honourable Ms. Wowchuk; Honourable Mr. Lathlin; Mr. Santos; Mr. Reid; Honourable Mr. Sale; Honourable Mr. Robinson; Mr. Caldwell; Mr. Maloway; Mr. Martindale; Honourable Mr. Struthers, Ms. Korzeniowski, Honourable Mr. Rondeau, Ms. Oswald, Honourable Ms. Melnick, Mr. Aglugub, Ms. Brick, Ms. Irvin-Ross, Mr. Penner, Mr. Cummings, Mrs. Mitchelson, Mr. Reimer, Mr. Maguire, Mr. Dyck, Mr. Loewen, Mr. Faurshou, Honourable Mr. Gerrard, Mr. Jennissen, Mr. Dewar, Mrs. Rowat, Mr. Eichler, Mrs. Taillieu, Mr. Goertzen, Mr. Lamoureux, Mr. Schellenberg and Mr. Nevakshonoff.

Mr. Speaker: There is a quorum present.

* * *

Mr. Lamoureux: Mr. Speaker, I know we had the issue of a quorum count in the past, and at that time, the question was raised in regard to people being able to come into the Chamber, and—

An Honourable Member: He is sitting on the side, Kevin.

Mr. Speaker: Order.

Mr. Lamoureux: What about the Premier (Mr. Doer)?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. There has been a quorum recorded. The question before the House is the motion moved by the honourable Member for Fort Whyte (Mr. Loewen) that the question be now put.

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

Some Honourable Members: Agreed.

An Honourable Member: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Lamoureux: Yes, Mr. Speaker, I would request that we have Yeas and Nays.

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: No.

* * *

Mr. Speaker: The question before the House is the government motion of the honourable Government House Leader, or Attorney General (Mr. Mackintosh),

THAT the following Sessional Order apply despite any other rule or practice of this House:

Extended Times for Debate—

An Honourable Member: Dispense.

Mr. Speaker: Dispense. Dispense?

Some Honourable Members: Dispense.

An Honourable Member: No.

Mr. Speaker: No, I hear a no.

1. On Tuesday, June 8, 2004, the House shall sit from 1:30 p.m. to 10 p.m.
2. On Wednesday, June 9, 2004, the House shall sit from 10 a.m. to 12:30 p.m., and from 1:30 p.m. until 10 p.m.
3. On Thursday, June 10, 2004, the House shall sit from 10 a.m. until 12:30 p.m. on government business and from 1:30 p.m. until The Appropriation Act, 2004; The Loan Act, 2004; The Budget Implementation and Tax Statutes Amendment Act, 2004, are given royal assent.
4. The Government House Leader or designate shall be empowered to call consideration of concurrence in the Committee of Supply to take place in a committee room simultaneously with the House, and shall also be empowered to call meetings of standing committees to take place concurrently with the House.
5. There are to be no quorum counts in the Committee of Supply meeting concurrently to consider concurrence, and there are to be no quorum requirements for standing committees meeting concurrently with the House. There are to be no votes in the Committee of Supply meeting concurrently with the House to consider concurrence until the question is put to dispose of the concurrence motion.

Bills

1. All government bills and private bills and Bill 207, The Medical Amendment Act; and Bill 212, The Pension Freedom Act, not given royal assent at the sitting of June 10, 2004, are to be reinstated during the Third Session of the Thirty-eighth Legislature at the stage they are at when the Second Session of the Thirty-eighth Legislature is prorogued.
2. All standing committee reports, with the exception of committee reports from morning meetings, are to be presented on the day following a committee meeting and set down for concurrence and third reading or report stage (if applicable) on the same day the report is presented. Once report stage (if applicable) is concluded, the bill is to automatically

be eligible for concurrence and third reading. Committee reports from morning meetings must be presented by 6:30 that evening.

3. Rule 92(8) is to be waived until June 10, 2004.
4. Royal assent on bills that have had third reading disposed of must take place before adjournment on the sitting of June 10, 2004.

Budget

The question must be put on both the concurrence motion in the Committee of Supply and the concurrence motion in the House by 10 p.m. on June 10, 2004.

All remaining questions must start being put for the following bills by 11:45 p.m. on June 10, 2004: The Appropriation Act, 2004; The Loan Act, 2004; and The Budget Implementation and Tax Statutes Amendment Act, 2004.

If the Committee of Supply, the Committee of the Whole, or the House has not concluded any item or stage described above by the required hour and day, the Committee Chairperson or the Speaker, as the case may be, must interrupt the proceedings at the time specified and put all remaining questions necessary to dispose of the required items without further debate.

Subsequent sittings 2004-05

The following are to apply for the next legislative session:

1. Subject to Rule 2(2), the Third Session of the Thirty-eighth Legislature must begin on November 22, 2004, with the Throne Speech, and must rise on December 9, 2004;
2. Subject to Rule 2(2), the House is to return on March 7, 2005, and is to break for spring break commencing March 24, 2005. The House is then to resume sitting on April 11, 2005, and must adjourn no later than June 9, 2005;
3. All government bills introduced prior to April 28, 2005, must have all remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005;
4. The Appropriation Act, 2005; The Loan Act, 2005; and The Budget Implementation and Tax

Statutes Amendment Act, 2005, must have all remaining stages, including second reading, committee stage, report stage (if applicable), concurrence and third reading, and royal assent completed by the sitting of June 9, 2005.

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

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, if you would call concurrence in committee Room 255 and no quorum or votes under paragraph 5, and in the House if we can deal with bills, adjourned debates on second reading in the order they appear on the Order Paper.

* (17:30)

Mr. Speaker: In accordance with our Rule 23(5), the Committee of Supply will meet in Room 255. Mr. Deputy Speaker, take that Chair, and here, in the House, we will move to resume debate on second reading, and also in the committee room there will be no votes and no quorum calls.

DEBATE ON SECOND READINGS

Bill 40—The Planning Amendment Act

Mr. Speaker: We will resume debate on second reading on the proposed motion of the honourable Minister of Intergovernmental Affairs, Bill 40, The Planning Amendment Act, standing in the name of the honourable Member for Arthur-Virden.

Mr. Larry Maguire (Arthur-Virden): It is my privilege to just put a few words on the record in regard to Bill 40, The Planning Amendment Act.

It is a very important bill that the government has brought before this House to try to deal with situations of livestock development in the province of Manitoba, and to provide a fair system for the issue of what has become known as intensive livestock operations in the province of Manitoba, and a balance between that and environmental rulings that will allow the circumstances of this Province to proceed with making sure that we have clean environmental circumstances in the future, as well as allowing our farming community the right to farm in

regard to providing livestock development in this province.

A number of issues in this bill that I will quickly speak to today, and, of course, one of them is the definition of a livestock operation being anything over 10 animal units in the province of Manitoba. That has been put in place, I think, to have a record of where these operations are located, and not as a deterrent to providing livestock facilities. It also indicates that a development plan must be put in place.

Let me back up. I just want to say that there are, I think, some very positive things in this bill. But there are some issues of concern that I have with this bill before we proceed, and I would be most encouraged to see this bill come to committee so that we can hear the debate on it. I know that there are a lot of people across the province that are quite concerned about this.

The Association of Manitoba Municipalities was very quick to adopt some support for the bill, but I understand that many municipalities, from the letters that I have received and the phone calls, have individual concerns with this bill. That is why I believe that it is important that we take it to committee and hear these people's concerns across the province of Manitoba so that we can better ascertain what their feelings are on this bill.

Mr. Speaker, I also have to say that it is discouraging that we have had the House held up here today until 5:30 p.m. We could have done this. It was the first item to be on the agenda today and it would have been about 3 p.m., so it is kind of an abuse of the rules, I think, but actually the rules are very clear in that whole process. It is an individual's right to filibuster in the House if they wish to, but I think that it is more important that we hear from Manitobans. I am very glad to see that we are able to move this bill to committee. I know that there are colleagues that wish to speak on it as well.

But, Mr. Speaker, this bill has been brought up by the government of the day, the Intergovernmental Affairs Minister who has now retired to run for mayor of Winnipeg. Of course, it now falls with the Deputy Premier, the Minister of Agriculture and Rural Initiatives (Ms. Wowchuk) who has been appointed the new Minister of Intergovernmental Affairs and Trade for the province, the member for

Swan River to deal with this bill. So I will say that I am assuming that the bill will still stay in its present form as we move forward with this in committee. There may be amendments that will come forward to it to either improve it as we move forward.

Mr. Speaker, the bill very clearly outlines that a municipal area or planning area in the province of Manitoba is going to have to have a livestock development by-law put in place by January 1st of 2007, with the bill intended to come into effect on January 1st of 2005. Notwithstanding any five-year reviews of livestock proposals and planning for livestock that a municipality may have ongoing right now, that those would have to be reviewed if that five-year review falls anytime between the time the bill passes and 2007, then, of course, that would become their new planning pact, they would have to put in place by the renewal of that anniversary date for those municipalities who presently have one that would expire before January 1 of 2007.

As well in this area, Mr. Speaker, of course a developmental plan is needed. I think one of the positive things in this bill is that nowhere does it mention the term intensive livestock operations. I only see that as positive, because, of course, while it is still talks about concentrations of livestock and animal units, it does not target one particular sector of the livestock industry over another. I think it is somewhat unfair to differentiate between the various types of livestock that we have in the industry today. When we think of lagoons, we think of hog operations and of course there are many other types of livestock that require lagoons, whether they are poultry or dairy operations, or even some feedlots.

Mr. Speaker, there is an extension of a deadline if the minister feels that the municipalities are working in good faith to try and get it in place by 2007, January 1, there can be a bit of an extension there. I think that is only fair that they be allowed to do that. There is also an issue of exempt land. I note that a development plan is not required for land located in unorganized territory, or a provincial park, which is only natural, or in northern Manitoba as that term is defined in The Northern Affairs Act and perhaps we need to look at that.

Mr. Speaker, this bill, while it indicates that an intensive livestock operation, or a livestock developmental plan, I should say, because it does not mention the words intensive livestock operations

anywhere in the bill, that a livestock plan must be developed by a particular municipality or planning area; then, out of that plan, once defined, the application that a producer or a business would bring forward to that municipality would then go to the Technical Review Committee for technical review on a scientific basis by the Technical Review Committee that deals with the jurisdiction of that particular part of the province, as there are a number of Technical Review committees presently around the province. The indication is that that would stay in place.

The Technical Review Committee would report on the issue of the application as it deals with the particular by-laws of that particular planning area or municipality and make the recommendations to that municipality. Those recommendations would have to be published, but the Technical Review Committee does not have to publish the reasons why it came to those recommendations. To some people, that may be a concern. I think we may need to look at that as well.

* (17:40)

The other thing that I think a lot of people have taken for granted in this bill, which is very important as well, is that the overall, when we talk about animal units, the bill reduces the number of animal units down to 300 from 400 that was there in the by-laws of Manitoba before in the guidelines. I think that it has been accepted as a result of the Livestock Stewardship Initiative report chaired by Doctor Tyrchniewicz of a few years ago that the industry has been expecting them to reduce the animal units from 400 down to 300.

I would say that I think that the industry has accepted that somewhat, because most of the operations who have talked to me indicate that they have no problem meeting those standards, whether it is for 300 animal units or 400 animal units, and feel that if you are going to be complying with those levels that it is not a problem which one you comply with.

I think we have to be careful, though, that we are not eliminating some small family farming operations from trying to make a living today. We have to put this in the context that, in the real world out there in agriculture today, it is very, very difficult to survive with even a hundred cows, which, when I

was a youth, was considered a large operation. Today in that area, as this bill refers to hogs and cattle and sheep and bison and elk and all types of livestock, we have to look at what are the numbers of animal units today or animals on a particular type of livestock that will actually allow for a livelihood to be made on a farm.

I think that a couple of other concerns on this bill are the fact that there may appear to be no appeal process in regard to the municipality having to accept the report of the Technical Review Committee based on science in that area. There is some concern, I guess, with that whole idea that they have the last word.

They do in fact have some say that has been left in this bill. That would be that the only things that they can do are to tell the proponent for the livestock operation that they have to either put a cover on a lagoon, put trees around the site, or comply with the actual demands that have been placed on them by the guidelines of the municipality itself in relation to its demands in its own by-law process, which I think is pretty standard, because anyone that is going to make that application will know what those zoning by-laws are before they make the application, and they will also know what is required of them under the other sectors of acts that would be impacting their particular operation.

One of the concerns here, Mr. Speaker, is that like many bills that the government is bringing forward now where they will be allowed to put the regulations in place after the bill is passed and determine what those regulations are, we cannot assume, although the government has given some assurances, that the old guidelines under The Farm Practices Protection Act on sitings and setbacks is what they will use in this new legislation.

I want to remind Manitobans that the sitings and setbacks under the old guidelines under the farm practices review that were brought on by Mr. Enns, our former Minister of Agriculture in this province around 1995, the Member for Lakeside, were the toughest in North America in regard to restrictions and guidelines in those areas. If we are going to develop those kinds of guidelines, I do not think that too many would have a lot of problem with this bill moving forward under those guidelines, becoming rules under this act. As I say, no minister has been able to give me the absolute that those will be used

as guidelines. Even if they are brought in as the new rules, the bill very clearly allows the local governing district to make that decision to make those guidelines more stringent under the rules that would be in that bill and allow them to make those decisions themselves.

I think that one of the strengths of this bill, Mr. Speaker, is that it does allow the municipality or the planning area to determine up front what its own rules in its by-law for livestock development are going to be. While that is a plus, there is no assurance that that municipal jurisdiction will allow livestock in its jurisdiction at all. It does have the right, for those who say that this bill eliminates all powers of decision-making processes from that planning area, the new process or practice will be that the municipality will be able to determine completely up front what its rules are, where it is going to allow livestock and where it is not going to allow livestock, in this bill. It will allow those municipal areas to put those decisions that they have made into effect in their own municipal jurisdiction.

That means, Mr. Speaker, that any particular municipal jurisdiction in Manitoba could decide to have no livestock at all. The minister was very clear, the former minister, when she briefed me on this bill that she thought that was only fair because municipalities that wanted to have the decision to make decisions on land planning and land use in their jurisdictions and she has indicated that that was okay by her.

Mr. Speaker, I guess at first blush that would be a large concern to some livestock sectors, being the hog one that I think that everyone is looking at. I do not think there are many jurisdictions in Manitoba that will make the decision to have no livestock because, if they do that, it means no hogs, no sheep, no cattle, no whatever type of livestock might be out there. So I think that we have to be clear that that would not likely be the practice because most municipalities have many, many inhabitants that make their living from farming presently ongoing, and I think that that would be a concern to certainly have a situation where they were not allowed to.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

It also puts the onus on the farmer to prove that he should have the right to farm in those

jurisdictions, Mr. Acting Speaker. I think that that is unfair when we are dealing with rural circumstances in a rural area. I think that it is very, you know, the farmer is having to prove that he should have the right to farm in those areas.

It is not in his mandate to have an urban person who wants to move out to the country or someone else who wants to just move out to the country for the aesthetics of a rural area come in and develop a home in that area and then complain later about the livestock circumstances that might be impacting them in their day-to-day lives. I think we have to have some protection in there for the farm community as well.

The other side of it is, Mr. Acting Speaker, if a municipality does decide to say no livestock at all, which has been pointed out by the minister to be fair; in my view, what happens to the one young farmer in that whole region who wants to become a farmer and cannot because he is located right in the middle of that municipality? Maybe somebody has made the decision that his land should be in the "no-go" zone and his neighbour is in the "go" zone and he has to go to court as a last resort in Manitoba to decide whether he can have the right to farm, at great cost to him.

In this bill, not likely the courts are going to rule in his favour because it basically says that it is just that they sort of—I forget the proper term, but it is basically that these are kind of conditional circumstances that the hearing would be held in and it is not often, it is my understanding from speaking to lawyers and legal counsel, that these kinds of applications are given positive response in the courts. I think that is unfair in a province that depends as much on livestock and agriculture as we do in Manitoba.

Mr. Acting Speaker, I think that we have to look at whether or not these municipalities are going to—as we move beyond the conditional use process, there is another concern with existing livestock operations if this bill passes, because if you presently have under 300 animal units and you sell your operation, then the new owner will comply with the guidelines and rules that are presently in place in Manitoba.

However, if you are over 300 animal units and you want to sell your operation to a new owner, obviously, to sell your operation to a neighbour, a son even, or a foreign landowner, or foreign person

who wants to become a citizen of this country, then they will have to comply under the new rules and your operation is not grandfathered. I think that is pretty detrimental in some cases to the value of the asset that you have built up over your lifetime, and I think we need to take a look how those people will be impacted by this bill as well.

* (17:50)

Mr. Acting Speaker, there is a concern I guess in relation to units over 300 animal units in regard to council may impose the following restrictions on the approval of applications and any condition must be relevant and reasonable and that is what I was referring to earlier in the legal terms. Relevant and reasonable in whose view? That is why it is so hard to determine who will be impacted by these proceedings.

The measures that they have to conform by, of course, are those of the Technical Review Committee. They have to comply with any measures intended to reduce odours from livestock operations, as I said, by putting covers on or shelters around those operations, requiring an applicant to enter into a development agreement under subsection 4. This is under conditions under the title, Conditions of Approval, on page 15 of the bill, section 59.5(2) and the (a) part of that section means that "measures to ensure conformity with the applicable provisions of the development plan, by-law and zoning by-law for the municipality."

I have some difficulty with the innocuousness of the term, "measures to ensure conformity," Mr. Acting Speaker, because we do not know if that means that the municipality or the courts could determine that this "measure to ensure conformity" would be like a performance bond, not that those people are going to do anything against the by-laws that are there, but if something was to happen, an accident, a spill or something like that that they could not control within a given amount of time, then perhaps they would end up having to post a rather large bond. We do not know of any levels of these kinds of measures or if that is even the intention of this section of the act. That is why there is concern with this bill. There is not enough definition to some of these areas.

So I think we need a clearer definition of what those "measures to ensure conformity" are in this bill. If it merely means that they have to comply with

the zoning by-laws of a municipality that they establish then it is not as big a concern but if they are going to have to put up a performance bond before anything happens or to be able to go ahead bill over and above what the regular costs of construction are, then I think it certainly is a concern to citizens of Manitoba.

I want to remind the House that issues of manure are not to be dealt with by this act and when I refer to other acts in this House about how livestock developments can be put in place, the manure and mortalities act is still under the Department of Conservation and those are the areas that will be dealing with manure disposal and distribution in the future. They will not be part of the Technical Review Committee's report as it deals with this particular act. It may be a part of their science-based process in determining the soil types and that sort of thing around certain types of livestock, but I think that those are the main issues I think that we have before us today.

There is a hearing process as well in this bill that the applicants must go through after the Technical Review Committee has given its report to the municipal council. The municipal council must post the decisions, the recommendations, at least 14 days before the date of a hearing and give at least 30 days' notice before a public committee meeting can be held on this. But the only things that can come out of that, as I have said earlier, are the recommendations by the council to put the cover on the lagoon or the shelter belts or to make sure that all of their other areas of compliance are dealt with.

Mr. Acting Speaker, I know that there are others who would like to speak to this bill. I know that there are a good number of points to be made on this bill. We could go on at great length in regard to the full discussion on this bill. I think that that pretty much outlines my concerns for it. I would say that when my colleagues are done that I would urge them to move this bill on to committee stage. I am going to stop there and leave it to my colleagues to have an opportunity to speak.

Mr. Jack Penner (Emerson): I take great pleasure in rising to put a few words on the record on Bill 40, The Planning Amendment Act.

I want to indicate to the minister who is currently not serving in this House anymore that

brought this act forward, and I want to say to the new minister that I encourage her and her government to listen very carefully to what people say about this act, because I believe there will be both positive expressions of support and there will also be some negatives expressed on this bill, and that is understandable. I think those of us that serve in this Legislature should expect always that there will be a divergence of opinions expressed on legislation. That is only fair. The general public, I believe, should be encouraged to come in and make their views known on the aspects that are going to be changed fairly dramatically in this bill compared to what they were.

I also want to say one thing, that municipalities might want to take a good, hard look at this bill and accept the fact or not accept the fact or at least make comment on the fact that the changes that are being brought about by this bill are substantively going to change the livestock operations and the operations within given municipalities from what they were before.

In respect of some of the comments I make in this regard, I say to those of you that have worked very diligently, obviously, in drafting this legislation and have probably listened to farm organizations both anti this legislation and in support of this legislation around this province, I think that is commendable.

I want to say that the development, the section dealing with the plan, with any development plan, should have, in my view, a broad enough vision within that plan to allow for the operation of those institutions, be it family farms or other, to be operative within that plan. I believe that the hearing process that has been identified here is probably broad enough to be able to allow for the expression of opinions within this bill and that the legislation is substantive enough to encourage the debate, both within a municipality that has drafted or is in the process of drafting a plan and those that are within three kilometres of a given development outside of a given municipality, in other words a neighbouring municipality, for the notification of this development.

The development plan, as it states within the bill, must include a livestock development plan. The applications for development of livestock may be approved and areas where applications may not be considered or areas may be set aside as a no-

development livestock area. I think therein lies a significant problem. Basically, what this plan allows for is a municipal body or the minister, for that matter, to point a finger at an area and, for whatever the reasons might be that that council or the prevailing minister might choose to use as an excuse or an objection to livestock being held in certain areas, poses some significant difficulty, because you might have, and I would suspect we will have, landowners within those areas and when ministers or councils are given the right under legislation to say, no, you may not do certain things on certain lands within a development process, I think, is dangerous at best.

It does give the appearance that this is a possibility, that this is a will by the minister to serve the best interest of protecting either land or water or, for that matter, any other given reason that the minister might state, Mr. Acting Speaker, and I think therein lies a problem. If a person is a property owner within that area, it might decrease the value of that property very substantially. It has the possibility of doing that. I am not saying it will, but it has the possibility of doing that.

* (18:00)

So the minister under this bill takes the latitude to give the minister enough power to be able to designate that, therefore saying to any landowner or any property owner in this province, "I have the right to determine what value your property will be within certain parameters."

I believe there ought to be enshrined in this piece of legislation the ability for people that live in, for instance, a zone that might be designated a no-go zone, or a no-livestock-development zone, in a given municipality need to be given the right of appeal.

I do not see any provision in this bill that would give an individual the right to appeal, and I would propose to you that we are going to take a hard look at this and probably propose amendments that will allow for individuals and/or an organization to appeal certain sections of this act. I think that is only fair to the people of Manitoba and those that live in municipalities in rural Manitoba and that might be property owners.

I would also suggest that there is a danger within this act that would allow the authority of government

to use the heavy hand of government. Although it talks about the development plan that must include, it also talks about the development plan that may not include, or may designate even a whole municipality as a no-livestock municipality. This bill gives the municipality that right.

The reason I have a concern about that is we have certain areas of the province that might be deemed by a minister to be a natural area that should be maintained in its natural state, even though it has had some development under previous governmental legislation or directive. This minister could remove, for instance, a property or an owner of a property entirely from a piece of land. This bill gives the authority to do that.

Now, put yourself in the place of a landowner that is next to, for instance, a spigot that is used to draw water out of an aquifer and the use of that water might be bottled water for sale, as we have in part of one of the municipalities that I represent, and it has a farm within a mile of that spigot that draws the water for sale, that bottles the water and sells it.

Now, if it may be determined that this aquifer is, in fact, a fairly large aquifer, and it would be in the best interest of protecting the water within that aquifer to ensure that there would be no fertility products applied within a given perimeter of that aquifer or on top of that aquifer, this act allows for the minister and/or the municipality to designate that as an area that would be a pristine area.

The part that I think this act needs to talk to is how a person owning, for instance, an agricultural property next to this, should it be designated a no-go zone, would be compensated for being removed from that area and being designated as an area that should not be used for agricultural activities in future.

Now, let us say a municipality decides that we are going to designate our area as a no-livestock municipality. Well, many of the people that objected to the development of the hog industry in this province were very strong on having the ability to say nay to a hog operation, even though there was no significant proof that there might be any danger to the environment of the area surrounding it. Many would argue, and I would be one of them, that the manure produced by livestock is probably by far the most environmentally friendly fertility products that nature has yet produced. Secondly, it is, in a manner

of speaking about safety, probably one of the safest fertility products that we could use.

Manure always was the product that we put on areas of our farm that we wanted to produce food on for our own selves, because it was the most natural thing to do and the most productive thing to do. Yet, many argued that manure should not be allowed to be used in that manner. So testing was applied and testing was suggested, not only suggested, but actually encouraged by law that you now test all these products before you put them on so that you knew exactly how much nutrients you were putting on.

I could speak a long time about these kinds of things. However, there are certain areas of this bill that I think need some serious questioning. I believe this bill takes away all the rights of municipalities to deal with any manure products. It is now enshrined under the provincial jurisdiction and provincial jurisdiction only. I think that is taking away, again, from the municipality's right. If they choose to say this should be an area where only natural products could be used, they have no right now to be able to make those kinds of decisions, because that has been now taken over by the Province.

There are also some positives on that. I think it is important to note that the frivolous action by some organizations that has been demonstrated before will now be removed. The minister will now take the responsibility for those kinds of criticisms. They can be dealt with by the minister's office and/or her staff.

I think section 59.5(2), where a council may impose only the following conditions, and that is to plant trees around manure storage sites or put a cover on manure storage sites, is something that I believe needs to be considered as well. I am not sure that all municipalities will agree to only those two kinds of conditions being allowed to be applied by municipalities.

Limited restriction of livestock operation, when the by-law does not apply to livestock operations, are areas that, I think, need some further consideration. The one area that I think has not been addressed by this bill in essence or in the area of total municipal planning is that this Planning Act provides for a hearing when a livestock development is proposed; it does not provide for a hearing when an area is designated agriculture and a rural and/or a residential development is being proposed within that design-

nated agricultural zone. There is no provision that the agrarian community can make application to anybody voicing its opinion both positive or negative on a residential development.

I wonder whether it is time, when we have the designations of areas, whether we should not take the initiative and provide also for the hearings to be held on residential development in areas that are zoned agriculture. I know my colleague spoke about that briefly, but these are certainly areas of these bills that we are going to pursue when this bill comes before committee, because I believe there is something to be said for farmers in agriculturally zoned areas to be able to have a say as to whether they want a residential development to take place in their agriculturally zoned area for whatever reason, but they should have the right, the same as any town council, for instance, having a right to zone an industrial area.

* (18:10)

I have often asked the question, "Would town councils under a hearing process allow a residence to be developed with residential development to take place in an industrial zone?" Of course, from every council that I listen to they say, "No, of course not, this would not happen." Well, then, why are we, with open-ended legislation, allowing for or not even questioning the ability of a residential development to take place in an agriculturally zoned area. It makes sense to me. So I think some consideration should be given to this bill in that respect.

I believe that our farm community has seen over the last four years a tremendous amount of policing applied to it. I counted the other day the police forces that farmers had to deal with. There are the oceans and fisheries police that come around; there are the wildlife police that come around; there are the soils police that come around; there are the environmental police that come around, there are the water police that come around; there is the policeman that makes sure that your sewage that you eject into a field is done in a correct manner, and it goes on. I believe there are eight police forces that now just look after the agricultural area and have the authority to look at agriculture. It is unprecedented the amount of authority that farmers have to put up with these days under this NDP socialist government.

So I say to you, Mr. Acting Speaker, we will put more comments on the record when this bill comes

before committee. We will make our views known on this. We will take a very critical view of how this legislation proceeds through the legislative process. Thank you.

The Acting Speaker (Mr. Schellenberg): Any further speakers?

Mrs. Leanne Rowat (Minnedosa): Mr. Acting Speaker, I would like to rise today to put on record some brief comments on Bill 40, The Planning Amendment Act. This bill makes a number of changes to The Planning Act concerning mostly the way in which municipalities will consider applications to develop or expand livestock operations. The limited opportunity for public input is a concern that has been shared by many of my constituents, including municipalities and private citizens alike.

This government must ensure to Manitobans that a five-year review process occurs as regulations are not clear on a number of points. The points of confusion need to be worked on in good faith by this government in consultation with all stakeholders.

The proposed legislation, to some, provides greater clarity. To others, however, it fails to provide either consistency across the province or predictability in land-use decisions. It concerns me that so many different views are being shared across the board depending on who you speak to on this matter.

It is believed that the legislative changes are to improve the planning and approval process for livestock operations in Manitoba. All municipalities and planning districts will be required to adopt a development plan. In addition, a development plan must now include a livestock operation policy that will set out where livestock operations may be considered, where they may be limited to a specific number of animal units and where they will be prohibited.

This may be administratively cumbersome. I am hearing from municipalities that this amendment will null and void any work previously done by municipalities and the jurisdictions they have. The provision of no hearing required if under 300 animal units is a concern to some municipalities that have set by-laws in place for 250 animal units. There may be situations where a council would like to hold a hearing for smaller operations. The current language does not appear to prevent this, so presumably this will be all right.

The then-Minister of Intergovernmental Affairs has indicated that the R.M.s should have a sense of comfort that the decisions they make will not be overturned by government, and I would like to know that this government will stand by those commitments made by the former minister.

The other belief: that the local land-use decision makers will be given more weight under the proposed changes. Clarification and regulations would be appreciated with distinct roles and responsibilities of the Province for environmental matters and local government for land-use decisions. Again, this area is very vague to some.

Municipalities will be required to include provisions respecting the siting and setback of livestock operations in their zoning by-laws. It should be noted that provincial land-use policies have not yet been revised to include siting and setback guidelines, and it is expected that they will reflect the size and distance factors of the farm practice guidelines.

There may be some concern that municipal zoning by-laws may ultimately have to be generally consistent with these numbers. In addition, the new legislation also prohibits municipalities from passing other municipal by-laws such as nuisance by-laws dealing with livestock-related matters. The Province needs to be clear in process and in regulations. I would ask the minister and this government to listen closely to the issues presented by the public.

AMM indicated that they are pleased the legislation protects community input in local decision making, and I urge this government to commit to this belief and to work closely with all who want to have input in any changes or amendments to this bill.

I will close with a comment that if the local policies and the development standards are not being met, then this government must look at inclusiveness from all who present at committee. I look forward to the presentations being shared by committee. Thank you.

Mr. Ralph Eichler (Lakeside): I would like to put a few words on the record regarding Bill 40, The Planning Amendment Act, that my colleagues—and reiterate a lot of what they have said. But there are a couple of issues that I want to make sure that are addressed on the record, and that is the poultry

operators. The 300 units that we are talking about here would not even come close to addressing those issues.

The idea that Stu Briese has come along and said that this is good for all municipalities, I find that through talking to some of the municipalities within my region this is not true. We want to get this through to committee as quickly as possible, so that this bill can be debated and people have their input.

I noticed also here that the hog industry has asked for input. Mr. Fred Tait has stated the dangers of a mishmash of standards, as some R.M.s might enact by-laws that relate to public health, where others will not. There are a number of hog barns in my particular constituency, and we have a part of marginal land where we have extensive livestock operations throughout the constituency.

We also do have a large number of grain operations, which kind of goes hand in hand, whereby manure management and things go hand in hand. We are very fortunate in that way to such a diverse, ideal area for livestock operations. So this bill is very important to make sure we do things right. I know, thinking back to even when, just a few years ago on my own operation I had issues regarding manure management. That, again, was a situation whereby we wanted to make sure we did not over-manure the fields so that there was too much manure on it, so we took great care in making sure that did not happen.

I do not want to limit the livestock operations in any way, but I feel strongly that there should be an appeal process. Once the appeal process is there, then I feel we will be able to have a little more clarity on this particular bill.

* (18:20)

The other thing that I think is important to state is the idea of the regulations. It is going to be interesting to see once the regulations are written where they are going to go. I think that the municipalities will again have another look at it once it gets into the committee stage and, once those regulations come into play, then we will be able to have a better look at this bill.

Having said that, due to the time constraints we are under thanks to the two independent members, I

was hoping to speak a little longer on it, but we will leave it at that and I hope to get it to committee. Once we get it to third reading, we will be able to address it further. Thanks for that, Mr. Acting Speaker.

Mr. Speaker in the Chair

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to Bill 40, The Planning Act. As I see this legislation, there are four important questions. One, is the legislation written and framed so that there is an opportunity for farmers with consistency of approach and a predictable approach to the operation or the management or the approval for various forms of farming activities, including a variety of livestock activities?

The second important issue that is concerned in this act is, is there adequate protection of the environment for farmers, for all of us, because one of the things that we know now, after the sad experience of eutrophication and problems in Lake Winnipeg of the big algal blooms in lakes like Killarney Lake, that we need to be better stewards of the environment and we need to make sure that the approaches that we are taking are going to provide the sort of stewardship that we need.

The stewardship, of course, is an activity which most farmers are very concerned about. There is, of course, a move to environmental farm planning. This is important increasingly around the world because markets are increasingly dependent on the ability to demonstrate the use of environmentally sound approaches. Business people, farmers or others certainly do not want to be faced with environmental liabilities because the environment is not well looked after. You do not want to have problems selling your land or an evaluation of your land because there are environmental problems, for example.

Certainly, the key to the future for many parts of rural Manitoba is the quality of our ground water, our lakes, our rivers, our creeks.

The third major issue as I would see it, Mr. Speaker, concerns the efficiency of the process that is being described here. This concerns of who is to be responsible for what is the principle of subsidiarity; that is, matters should be looked after where they can be best resolved, at which level of government where they are most appropriately

decided and where there is the best balance of overall approach, as it were, and the use of local knowledge to understand local conditions and to be able to adapt and improve the situation locally.

So this is an important issue in terms of efficiency. We have heard, for example, the Member for Emerson (Mr. Penner) get up and talk about the eight police forces. I mean, is this the best way to manage, make sure things are being done well, to have a large provincial government bureaucracy? On the other hand, one of the questions here is, if this were to be managed properly what sort of support in the civil service, what would be necessary to do this? Are there components here which really could be better managed, for example, at the local and municipal level?

The fourth area, Mr. Speaker, deals with the matter of fairness. That is fairness in the way that individual citizens, farmers, corporate owners of livestock facilities are treated and that is that to ensure that there is a level of fairness and, in this respect, concerns with regard to the way the process is approached and the nature of an appeal process or lack of it.

So these are issues which I think are critical for the discussion. This, of course, is quite an important area for legislation. It is very important because these matters of livestock operations and the way that they are approached and regulated has been a matter of considerable debate in Manitoba for some time. In certain municipalities these issues have been very, very, hotly debated.

One of the things the government did was to set up the Livestock Stewardship Initiative, the Tyrchniewicz report. One of the concerns that I have heard frequently is that, you know, this was an issue the government knew about when it came to power four and half years ago and it has taken a long time to bring forward a response to the Tyrchniewicz report which, essentially, this bill is a part of. So they have not moved very quickly and the result is that a number of things could have been, perhaps, done better.

Be that as it may, what I think is important as we look at this legislation and we consider it not only today in second reading, but when we have the committee hearings, that we are looking closely at some of the important issues here that are to be assessed.

One of these issues, Mr. Speaker, is the question of subsidiarity, that is, the question of who does what. The question of what the R.M.s, the rural municipalities, are responsible for and what the Province is responsible for.

The Province is moving to a circumstance where there will be a technical review which has much greater importance and impact under this legislation, and there will be less capacity for local input. This is being done in the attempt to provide greater consistency across the province, but there are significant issues raised with regard to whether, in fact, the balance that has been struck is the best possible balance.

Let me give a couple of examples. One of the concerns that I have heard quite frequently is with regard to the processes for putting manure on, or injected into, the fields. Certainly, when we are dealing with liquid manure, a number of municipalities have moved to have a mandatory injection process for reasons of odour control, in part for reasons of optimum management, having less manure potential to wash off into nearby lakes and creeks.

But the practice certainly is not uniform. There are many municipalities where the manure, the liquid manure is spread on the land. With a provincial standard, one of the questions comes up: Are we going to go to an injection or to a spreading standard?

If we move to a spreading of manure standard, then the municipalities which have already mandated an injection standard of course will have no influence on this, and people will be very concerned, because, as I hear from reeves like Jim Knight of Portage la Prairie, that being able to mandate for their area that liquid manure be injected has been very important in reducing the odour and in facilitating a good, positive environment with the hog producers in the rural municipality of Portage la Prairie.

*(18:30)

There are, I think, issues which relate not only to injection versus spreading, but there are issues which relate to how the odour of the barns is controlled. In discussions, for example, with Jim Knight of the R.M. of Portage la Prairie, one of the things that they

are very vigorous in ensuring is that the barns are washed down very thoroughly.

Well, under this legislation the R.M.s will lose control and influence over this possibility. It raises the issue of whether you are going to have sufficient capacity provincially to be able to evaluate, to monitor these aspects or whether they really should have been better left under local management, in control by the local rural municipality.

Most of the manure at the moment is spread using what is called the nitrogen standard. That is that the capacity of the soil to take up the nitrogen from the manure is the basis of the calculation on the guidelines for the amount of manure being spread on a parcel of land. In some areas of the province and among some individuals, there is considerable concern that over time we are going to have to move to a phosphorus standard based on the relative amount of nitrogen and phosphorus in manures and that as the phosphorus builds up in the soil—we are fortunate for the most part that many of Manitoba's soils are low in phosphorus—that we will reach a point where the limits to being able to spread manure are really the limits of the amount of phosphorus and not the amount of nitrogen. Being able to make this switch, there are issues about whether that change over time, which is likely to be needed, would be better managed, whether you have regulations set by the rural municipality or by the Province.

Clearly, there may be a whole wide variety of innovations in the hog industry which will change the technology and change the approaches. There is a legitimate issue about whether those innovations can be best brought in where there is local rural municipality control versus control, as it were, by the Province.

So there are, I think, important issues. We will look forward to the discussion and the input from the presenters at the committee stage. I gather there are more than 70 people who have already lined up to talk. So we should have plenty of opportunity for input.

One of the concerns that has been raised by a number of people with me has to do with the technical review process and the provincial support for that. The concern, in essence, has been raised is this, that without more resources the quality of the technical review done, from a provincial level, often

is not fully adequate to address and incorporate the local understanding of the conditions of the land, the conditions under the local circumstances. It appears that not infrequently there have been some important local factors which have been brought up at review hearings but which have significantly improved the quality of the land management in the final result.

Certainly, from an industry perspective there are some significant issues. Those significant issues are not only protection from environmental problems but the ability to be able, from an industry perspective, to build and operate and know a livestock operation, knowing what the rules are going to be and feeling that there is not going to be a situation where you have too much uncertainty to be willing to make the investments in improving the facilities in one way or another or making them more economically efficient and so on.

Certainly, the feedback I have had from members of the industry is that there has been some general support for the change in the framework but a sense that there are still some issues and concerns which should be addressed. Therefore, it is going to be quite important to listen to what people say at the committee level in order to make sure that we end up with legislation and with an approach which will really be optimum from the point of view of farmers, from the point of view of the environment, from the point of view of efficiency of who does what, and the point of view of fairness.

I will talk just for a moment or two about this issue of efficiency. Certainly, one of the advantages of having things managed locally is that people's local knowledge can be used in a very efficient way in terms of monitoring and enforcement. People who are living in the rural municipality, the councillors and the reeve, very quickly pick up odour problems and other issues and can address them.

On the other hand, if you have to have a province-wide enforcement unit in order to cover the same sort of ability to make sure that things are being done well, then you may have to have a very large group of people enforcing this legislation. So what is particularly important is that we have some sort of a balance here and that in fact we are able to get a good, local input as well as being able to get a level of consistency in the overall approach that will address environmental issues as well as provide the investment and the growth opportunities for farmers.

Certainly, one of the things which is important in the livestock industry is that one of the critical limits to growth has been looking after the environment well. We have seen this time and time again, that in areas where people are very concerned about environmental issues, the restrictions being put on growth of the livestock industry are major. So one of the critical things that is very, very important is being able to ensure that environmental issues are well looked after because that, in fact, will enable the industry to grow in a way that is good for the environment as well as good for the industry.

These issues which we are looking at and which are important to Bill 40, I think it is important also to say that the need for more research and development and better understanding of where the source of the phosphorus problems are in a number of our lakes is vital. There has been a tendency to be too quick to blame farmers for problems and sometimes the problems may not necessarily be the farmers or the way that farmers are managing the land and there may be other solutions.

So I think that what is important here is that we have, in conjunction with this bill, the kind of ongoing research effort to make sure that the optimum situation is reached for the technical review, for the environment and for farmers.

*(18:40)

The checks and balances under this legislation are clearly a concern. A number of people have raised the issues of some sort of an appeal process. I believe that we should be listening quite carefully to comments and discussion occurring during the committee stage because this is an area which we need to get right. We should not have a circumstance where government has too much power, for example. There needs to be a balance so that people indeed have opportunities.

That, I think, is at this point all I am going to say on this legislation and we will let this go to committee and we will see what the people of Manitoba will tell us at the committee stage. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 40, The Planning Amendment Act.

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

Bill 42-The Mines and Minerals Amendment Act

Mr. Speaker: Bill 42, The Mines and Minerals Amendment Act, standing in the name of the honourable Member for Lakeside.

Mr. Ralph Eichler (Lakeside): I would like to put a few words on the record regarding Bill 42, The Mines and Minerals Amendment Act.

The major amendments were made in the previous administration in 2002. However, this is more of a housecleaning amendments bill. It is to streamline the administration process and give claimholders in the south a greater ability to group claims in order to keep them in good standing.

My main concern regarding this bill was the landowners' responsibilities and whether or not they would be protected under Bill 42 and upon discussing that with the minister in charge and he has assured us through correspondence that those private claimholders would be protected.

The area we are talking about is the southwest portion of the province of Manitoba from west of Winnipeg to the Manitoba-Saskatchewan border down to the U.S. border and up to the Riding Mountain National Park. There is very little Crown land in this particular area. I think this is probably why this area was missed in the original drawing up of the agreements.

The Crown minerals there will also be reduced by the number of reports that the holder has to make a claim. My understanding there is that those claimholders will now be able to make multiple claims similar to what it is in the North which we would like to support and move it on to committee.

Having said that, Mr. Speaker, we would like to see it move forward as quickly as possible.

Hon. Jon Gerrard (River Heights): Just a few words here. Mining is a very important industry in this province, and this bill makes some changes to The Mines and Minerals Act. Certainly, the changes which are to be made appear reasonable. We will look for further comments at the committee stage. We would look forward to this bill moving forward for public discussion. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is second reading on Bill 42, The Mines and Minerals Amendment Act.

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

**Bill 43-The Personal Health Information
Amendment Act**

Mr. Speaker: Bill 43, The Personal Health Information Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

An Honourable Member: No.

Mr. Speaker: No. Okay, it will not remain standing in the name of the honourable Member for Pembina.

Mrs. Myrna Driedger (Charleswood): I am pleased to have an opportunity to put a few words on the record on Bill 43, The Personal Health Information Amendment Act. Bill 43 is going to amend part of Bill 51 with regard to The Personal Health Information Act to change the definition of "health care" from that of a physical or mental condition to recognize the spiritual aspect of health and the role pastoral care can play in the health and care of some patients. This section will now state that "health" means "the condition of being sound in mind, body and spirit."

I have no problem with changing the definition. My training as a nurse supports this approach. This is how we were taught to care for patients in nurses' training, to care for their body, mind and spirit, and 20 years at St. Boniface Hospital and caring for the patient's spirit was integral and invaluable to patient care. It was something that happened on an ongoing and regular daily basis, that body and mind and spirit were all looked after. Pastoral care workers were an integral part of the team, an invaluable part of the team. So, as far as changing this definition goes, in changing the definition of "health" to include "spirit," along with "body and mind," as I said, I do not have any problem with it.

I would note for the record, though, that the Ombudsman, the provincial Ombudsman, Barry Tuckett, has raised some concerns that should be noted. He made comments to the *Winnipeg Free Press* on Saturday, April 17 of this year, where he said that access to patient records by hospital staff clergy has emerged as a major issue at his office over the last two years. I think it is important to note that he has raised some concerns about this. He also questions the Doer government's decision to introduce Bill 43, an amendment to the PHIA legislation that strengthens the concept of spiritual care as integral to medical care independently of mandated public hearings into the impact of the five-year-old law.

I guess I, too, questioned why the government has jumped in front of the PHIA review with this legislation, and I hope that this premature move will not add more tensions to the situation. This legislation does not, in and of itself, address whether the clergy can access patient lists or patient charts, and clarification is going to be needed at some point as to what the clergy are accessing, whether it is patient lists or patient charts. That debate needs to happen to clear any hurdles, and I am sure that it can readily happen, and then a consistent approach will be needed in all of the facilities in the province so that this issue will not create any more further tensions down the road.

This amendment itself of changing the definition of health to include body, mind and spirit, I am fully supportive, and we do look forward to public input at committee. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): I rise to speak to Bill 43, The Personal Health Information Amendment Act. Over the last little while, I have talked with a number of people who are concerned about The Personal Health Information Act, and see that there is need for some changes and some improvements in the act.

This is one change which I would see as reasonable but there are a whole lot of other issues which are not dealt with in this legislation. It is too bad that the government did not look more carefully at this act and look at some larger changes to the act to really improve the act and to bring it up to date. I hope that during the committee stage we will hear from a number of members who have some of those concerns, as well as the issues around just the

spiritual health situation. I think this may be important in terms of when we were including spiritual health, which is a reasonable thing to do, it needs to be within a context of a whole act which is working well, rather than in the context of the whole act where there are still some issues and problems which I believe need to be resolved.

With those comments, I will look forward to the comments at committee stage and the discussions there.

* (18:50)

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 43, The Personal Health Information Amendment Act.

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

Bill 44—The Colleges Amendment Act

Mr. Speaker: Bill 44, The Colleges Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

Some Honourable Members: No.

Mr. Speaker: No. Okay. It will not stand in the name of the honourable Member for Pembina.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 44, The Colleges Amendment Act. Is it the pleasure of the House to adopt the motion? *[Agreed]*

Bill 45—The Engineering and Geoscientific Professions Amendment Act

Mr. Speaker: Bill 45, The Engineering and Geoscientific Professions Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

Some Honourable Members: No.

Mr. Speaker: No. Okay. It will not remain standing in the name of the honourable Member for Pembina.

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I would just like to put a few words on the record regarding Bill 45, The Engineering and Geoscientific Professions Amendment Act. This bill enhances the ability of the Association of Professional Engineers and Geoscientists to promote the professions of engineering and geoscience and to give them the ability to give financial assistance to others.

The engineering and geoscientific professionals have always been very important to the development and expansion of Manitoba's social and economic well-being, and therefore we do look forward to the opportunity to hear what stakeholders and the public have to say on this bill and would like to move this bill to committee.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to just make a few comments with regard to The Engineering and Geoscientific Professions Amendment Act. The engineers and the geoscientists are certainly very important to Manitoba. I think that the changes here are certainly worthwhile and we will be supporting them, but respecting and waiting for input at the committee stage.

I would, also, want to comment very briefly that one of the things that in this particular time frame, in this particular session, we should not forget and that is that we have had on, the engineers of this province, imposed a 7% retail sales tax on their services. This imposition which is really a tax on the efforts of engineers to be innovative, to be creative, has been rather a sad moment in the day and the life of this Legislature because, clearly, one of the things that we want to do in this province is increase the level of innovation, increase the productivity. To tax those things which we need to improve and to increase is not such a smart idea.

So, with those comments, I believe this bill should move forward and be discussed at the committee stage. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 45, The Engineering and Geoscientific Professions Amendment Act.

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

Bill 46—The Teachers' Pensions Amendment Act

Mr. Speaker: Bill 46, The Teachers' Pensions Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

An Honourable Member: No.

Mr. Speaker: Okay, it will not remain standing in the name of the honourable Member for Pembina.

Mrs. Heather Stefanson (Tuxedo): I just have a few comments that I would like to put on the record with respect to Bill 46. Bill 46 implements some recent recommendations of the recent Teachers' Pensions Task Force, a group made up of representatives from the Manitoba Teachers' Society and the Department of Education.

Mr. Denis Rocan, Acting Speaker, in the Chair

This bill has certainly received, to date, no real media coverage, or not much. However, several MLAs, including myself, have received letters from current and retired teachers opposing some of the suggested changes. I think there are some positive aspects to this bill, but certainly I think when it comes to retired teachers, there are many aspects that are certainly missing in this bill.

I think some of those things need to be addressed, and again, I think it is incumbent on the Minister of Education (Mr. Bjornson) to ensure that all parties involved in legislation such as this should be consulted. I think what is unfortunate and what is very typical of this government is that the consultation process is very limited. I think, certainly, when it comes to retired teachers in Manitoba, it is very important that retired teachers would have an ear of this government to ensure that their issues are heard,

listened to, and certainly carried through.
[*interjection*]

I just wanted to say a few words in support of the retired teachers, just the hundreds, well, close to hundreds of letters that I have received, the meetings that I have had with them. I have also met with MTS, with other stakeholders involved, with respect to this bill. Again, I hope and encourage the minister that when moving forward with this bill that he listens to the number of people that I know will be coming out to speak at committee.

A number of them are retired teachers; a number of them will be teachers. But they all have concerns with respect to this bill. I would encourage the minister to listen to these concerns, to ensure that these concerns are addressed. So, having said that, I think we will leave it at that. I am very interested to hear the presentations before committee. I have heard a number of the presentations already from some of these people.

I think that there are a number of others that also would like to sign up and come out and speak about their concerns. I think it is unfortunate, in some ways, that these people have not been listened to so far with respect to this legislation. But I hope and would encourage the minister to listen to these people when they come out in committee. So I thank you for the opportunity to say a few words on Bill 46. Thank you.

Mr. Speaker in the Chair

Hon. Jon Gerrard (River Heights): Bill 46, The Teachers' Pensions Amendment Act, proposes a series of changes. But, clearly, the situation and the amendments being proposed here are, in some respects, quite controversial, particularly among many of the retired teachers with whom I have talked.

One of the feelings of retired teachers is that they should have representation on the board and that clearly would appear to be important, given the increasing number of retired teachers. It is something that clearly should be provided for in some fashion within this legislation.

There are some issues which deal with the nature of the pension contributions and the results of some of the changes that are being proposed and the fact

that some of these may have adverse effects on the pensions of some of the retired teachers. Clearly, there needs to be a reasonable balance in what is achieved here. The concern relates in part to the situation for long-term disability and the nature of the accountability and how it is best managed for the future, because clearly pensions are important to teachers. They provide some security of income after retirement. Clearly, it is important that these matters are managed very well.

We look forward to the presentations to be made at the committee stage and welcome the input that we get from teachers, school trustees and retired teachers in this effort. Thank you.

* (19:00)

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 46, The Teachers' Pensions Amendment Act.

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

Bill 47—The Legal Aid Services Society of Manitoba Amendment Act

Mr. Speaker: Bill 47, The Legal Aid Services Society of Manitoba Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

Some Honourable Members: No.

Mr. Speaker: No. Okay, it will not be.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I would like to put a few brief comments on the record with respect to Bill 47. The bill itself, Bill 47, in fact mirrors the legal aid review report which was prepared by Mr. Perozzo. I question at times whether or not the Justice Minister, in fact, should have commissioned the report. I know he was under a lot of pressure with respect to legal aid and with respect to the Hells Angels, having brought the Hells

Angels here to Manitoba. *[interjection]* He had a personal invitation obviously. I mean, it is very, very easy for them to set up a store in his constituency just down the street from his constituency office.

But, nevertheless, he was under a lot of pressure in terms of legal aid and the review. When I read the report, I can tell you that it sounded very, very familiar. In fact, I think what he should have done is taken our planks in the last election and all of the issues that we brought forward in Question Period where we were pushing this minister to go with respect to the legal aid, because the report, in fact, mirrored that. There were five recommendations, of which four of the major recommendations were recommendations that we have advocated over the last year and a half. He could have saved the public a lot of money and time by just listening to members of the opposition in terms of what to do with respect to the legal aid system.

So I compared the legal aid review report to the provisions of Bill 47 and, by and large, there are provisions in there which mirror the legal aid report. I am happy to say that those items were put into legislation, being items that we have been advocating for a long time.

I still caution the minister with respect to issues that have been brought forward by defence lawyers with respect to Bill 47. They indicate that the basis of the numbers in Perozzo's report are incorrect. They have not given any hard and fast numbers to support that, and I would like to caution the minister just with respect to that. Perhaps, if some of those numbers are incorrect, the report may be discredited by the private bar.

One of the objections brought forward by the experienced defence lawyers who are affected by this report and by this bill indicates that they feel that the up to 10 defence lawyers that may be hired by Legal Aid as Legal Aid staff may be hired on an inexperienced basis, and may not be able to handle the volumes and types of cases that the minister expects them to handle.

I just caution the minister with respect to that, and that he should be ensuring that those who are hired within that 10-person separate law firm to handle the extra cases, the criminal cases under legal aid, that he ensures that experienced lawyers are set within that particular section of the legal aid system.

Another concern brought forward by several lawyers to myself was they felt that the economics of hiring more lawyers within the legal aid system is based on the premise that they would handle at least 280 criminal cases each year. If they do not handle that many each year, the economic model falls apart and the cost of hiring these criminal defence lawyers by Legal Aid may not make any sense.

They quote the fact that prosecutors barely handle 210 files per year. But my concern with that recommendation or that criticism of the legal aid report by the defence lawyers is the fact that prosecutors have to handle the file. They have to do all the paperwork in the file. They have to deal with all of those issues which is more time-consuming than what a defence lawyer might handle in that particular file.

So I believe that 280 criminal cases per year is achievable in accordance with the recommendations of Perozzo.

Another concern that the defence lawyers have had is that the freedom of choice of counsel is taken away. But I point out the fact that was one of our planks in the last election. We did not believe that an accused criminal should be allowed counsel of choice; Legal Aid should, because they are paying out of public money for this defence, have the authority to be able to tell the accused that they will give him or her a very competent counsel. But they will also not only give them a competent counsel, they will have the final choice in terms of who the lawyer will be.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

That was confirmed by Holly Beard, the Judge of the Court of Queen's Bench, who made a decision in the Hells Angels associates trial.

So, with those very brief comments on the record, I look forward to this bill going to committee, and hearing the objections or the comments by defence lawyers within the system, and of course from public interest groups who may advocate on behalf of those who use the legal aid system and users of legal aid. So I hope that many of them will come out to committee to ensure that the debate continues, and in the event that the bill needs strengthening that it is strengthened.

With those remarks, I conclude on behalf of the Lac du Bonnet residents. Thank you.

Hon. Jon Gerrard (River Heights): When it comes to Bill 47, The Legal Aid Services Society of Manitoba Amendment Act, I think that there are some significant issues which need to be looked at quite carefully. I think that there are some positive things in this legislation but I think that there are also some concerns with regard to the approach being taken as to whether it is really as cost-efficient as the government is arguing, as to whether in fact it may limit choice and as to whether when one moves to have much more of the criminal cases handled in-house or by staff whether, in fact, you may have a situation where there are conflicts and sufficient numbers of conflict under some circumstances that this is going to be as workable as is proposed in this legislation.

So I certainly am looking forward to comments and discussion during the committee stage to see the suggestions and ideas that come forward at that time.

* (19:10)

The Acting Speaker (Mr. Schellenberg): Any further questions?

Is the House ready for the question?

Some Honourable Members: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 47, The Legal Aid Services Society of Manitoba Amendment Act.

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

Bill 48—The Human Tissues Amendment Act

The Acting Speaker (Mr. Schellenberg): We resume debate on the proposed motion of the honourable Minister of Health (Mr. Chomiak), Bill 48, The Human Tissues Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

Is it the will of the House to leave the bill standing in the name of the Member for Pembina?

Some Honourable Members: No.

The Acting Speaker: No.

Mrs. Myrna Driedger (Charleswood): I am pleased to have an opportunity to speak to Bill 48, The Human Tissue Amendment Act. I had risen in this House on previous occasions to address this very serious issue and this issue, also, of lack of donors in this province and in this country. Amendments to The Human Tissue Act are meant to increase Manitobans' organ donation rate by streamlining the donation process. We know that organ donation rates nationwide are low but the Manitoba government hopes that the amendments to this legislation will help improve donation rates in order to save more lives and improve the quality of life for Manitobans.

Bill 48 also changes the name of the act to The Human Tissue Gift Act, in order to better reflect the unselfish act made by donors and their relatives, many of whom are still grieving their personal loss when the donation is made.

The amendments themselves were developed in consultation with representatives of the WRHA organ donation program, the Tissue Bank program and the Lions' Eye Bank program. Certainly, Mr. Acting Speaker, I commend them for the work that they do and the challenges they face in their job. I value the contributions that they have made to the changes in this particular act.

We know that an estimated 4000 Canadians are currently waiting for an organ donation and as many as 30 percent of patients die before getting a transplant. In Canada and in Manitoba, there have been difficulties and failures to make inroads to improve organ donations. So, hopefully, the amendments to this act will improve that donation rate.

Mr. Acting Speaker, this act designates agencies that are to be notified when a person has died or is about to die and then those agencies are then responsible for ensuring that reasonable efforts are made to determine if there is a wish to donate organs or tissue. This is one of the areas that I think will strengthen the donation process because people are uncomfortable, doctors and nurses, who are at a bedside where a patient is dying, where the family is grieving. It is a very, very difficult time to put to a patient or to put to a family as to whether or not they would be willing to have a donation made. Having been there and experienced some of that, I can appreciate the discomfort, and you can better

understand why donation rates are much lower. By streamlining this process to have agencies being notified, people that are trained in this area, people that know how to ask for the donation, how to assess the tissue or organ I think will help enhance the donation rate to a huge extent.

I think this is a positive move to be putting into this act. It is a positive amendment that should see some significant changes. This bill also will enable the agencies to obtain and share information required to perform this very role. The other aspect of the bill is that it sets out when it is appropriate to enquire respecting organ and tissue donation. It also includes restrictions regarding when individuals cannot be approached about a donation.

Mr. Acting Speaker, I think that puts in some of the safeguards that are necessary as well around the act and I think will help to strengthen the act. So with those few comments, I am pleased to have had the opportunity to make some comments on this bill. It has been something that I have certainly risen in this House and spoken to before. A former classmate of mine is in charge of the organ donation program here in the province. I have had a number of opportunities to talk to her and to share some of their experiences and hear some of their concerns. With those few words, I look forward to hearing what might be said in committee on this particular act.

Hon. Jon Gerrard (River Heights): Mr. Acting Speaker, I rise to speak to Bill 48, The Human Tissue Amendment Act.

The intent of this legislation clearly is to facilitate the donation of organs following the death of individuals. Certainly from considerable experience it is well known that there has been a shortage of organs and that appropriate and ethical avenues to improve the number of organs donated to help others is certainly a desirable goal.

A look at the changes proposed in this act suggests that the approach that is being followed is a reasonable one, but I certainly wait for presentations at the committee stage and welcome those who present to see if there are further improvements suggested.

The Acting Speaker (Mr. Schellenberg): Any further speakers? Is the House ready for the question?

Some Honourable Members: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 48, The Human Tissues Amendment Act.

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

Bill 49—The Municipal Amendment Act

The Acting Speaker (Mr. Schellenberg): To resume debate on the proposed motion of the honourable Minister of Agriculture, Food and Rural Initiative, Bill 49, The Municipal Amendment Act.

Is it the will of the House to have this bill remain standing in the name of the Member for Pembina (Mr. Dyck)?

An Honourable Member: No.

The Acting Speaker (Mr. Schellenberg): No. Any further speakers?

Mr. Larry Maguire (Arthur-Virden): It is my pleasure to put a few words in regard to The Municipal Amendment Act, Bill 49, on the docket today, before we deal with this bill and moving it to committee, Mr. Acting Speaker, to get it through second reading.

This bill has been brought in place so as to amend The Municipal Act in regards to a few areas, one being, it gives the municipalities the power to put grants, tax credits and tax increment financing in place. Tax increment financing is presently being used by the jurisdiction of the City of Winnipeg and this bill will extend it to all other areas of Manitoba.

It is the feeling of the government that that is an advantage to being able to utilize opportunities to develop businesses in the province of Manitoba that are presently able to be done by the City of Winnipeg. It looks at a number of other financial assistance programs that they would be able to announce as well. It establishes a tax credit program for municipal taxes or grants that can be used to attract businesses to those rural areas by those municipalities as well.

* (19:20)

Mr. Acting Speaker, this bill also, of course, just as importantly, deals with amalgamated municipal-

ities in making sure that the present amount of money that is received by those municipalities from the Province on any communities over a certain size, I believe it is 750 citizens, would not be impacted by any amalgamation with their surrounding areas, the example being a rural town in a municipal jurisdiction that might be around them where, of course, the municipal jurisdiction is presently under the auspices of the RCMP in regard to policing and the town might be under their own areas as well as RCMP. The funds would stay in place for that under any municipal amalgamation and it would not negatively impact those jurisdictions.

It would also like to put in place, like to put more importantly, the area of mobile homes, because the council in those areas want to strike out the definition of a mobile house and change it to mobile home. That is just schematics, Mr. Acting Speaker. The most important part of this bill is that it provides the municipality with the ability to tax mobile homes differently than it presently does. It just gives them the right to presently tax them which they are not taxed at the present time.

A mobile home owner, and there are thousands of them in the province of Manitoba, a lot of those people are paying a rent to a landlord that their trailer is located on today, and I am speaking more precisely in the area of mobile home parks where they have a landlord that owns the property and, of course, he has a lease or a rent that the individuals pay to bring their mobile home onto that property and pay rent, a fee, to him that would cover things like paved streets, snow removal, the lighting of those streets today and a number of the services that you would expect to get if you were in the community under the normal taxation that you would pay. Also, the refuse disposal has been brought up as another one of those areas that you would pay rent for.

The amendment that is most concerning in this whole process is fees phased into approximately equal taxes. That is section 309.1(3) on page 4 of this bill under Mobile Homes.

Mr. Acting Speaker, this allows for the apportionment—this bill not just allows, it gives the assessors of the Province of Manitoba the right or basically the demand to go out and assess those mobile homes according to their value the same as a home on the streets that are already paying taxes to get the services that they are getting.

This same trailer that is being taxed or this mobile home that is being taxed, and I negatively refer to it, I incorrectly refer to it as a trailer, because many of these are much more than what we used to think of as a mobile trailer. They are mobile homes. Many of them very, very nice today, as they all have been, compared to the levels of the income of those who wish to live in them, and perhaps there are many reasons.

Many people have to move from year to year in regard to the work that they have. So this is a much more convenient type of home for them to have than a house, because they do not have to sell it when they move from place to place. They just take it with them. But this act forces the assessment branch of Manitoba to go out and assess these mobile homes at a level that is the same as a house, according to the value of that mobile home. That is at the same apportionment, according to the minister in the briefing that I had, as the present homes are, in that 45% range of apportionment. That, in my view, when they are already paying for services to the land owner, who is paying that tax to the Province for the land that the trailer is on, not for the unit itself, but for the land that it is on, he is already charging them a fee. Part of that fee is the taxes that he has to pay for the taxation of the property that the units are on.

Mr. Acting Speaker, this ends up being, whether the government indicates to me that it is not, a double tax. They can indicate that all they like. It will certainly be a higher fee than what these mobile home owners are presently paying. I know that the municipal associations of Manitoba have indicated that perhaps this would not be too bad of a bill to pass. I am speaking negatively to this bill because I believe that this one section alone is worthy of making sure that we take a sober second thought in regard to this bill before it is allowed to be passed, either that or this section be eliminated from it at the present time.

Of course the policing and the tax increments, you know, are not as big a concern, but this area where you are paying a fee, paying a rent already, and, yet, the government comes along and forces you to pay a tax on that unit at the same rate as a stationary house in a particular area is to me a tax grab by the Province of Manitoba. That is how it has been described by many of the people in that area.

In speaking to some of the trailer owners in the province of Manitoba, these mobile home-owners,

have indicated that they are willing to listen to discussions with the government in regard to assessment levels on these particular units, but to apportion them the same as a stationary home on a regular street that you are paying taxes on in a town is certainly going to impact them negatively.

This is going to limit the amount of people that want to set up these very esthetically beautiful areas of Manitoba to start businesses to have mobile home parks in the future. It will negatively impact on anyone wanting to make that investment in this province, because they can go elsewhere and do it with much more of an attractive package to offer people.

At a time when we are trying to lower taxes on property in the province of Manitoba, one of the arguments is that of course the kids going to school out of those mobile homes do not pay education tax the same as the people who are in the neighbouring house that is stationary. So part of the reason is to bring that up to the same level. Well, this side of the House wants to eliminate education taxes from property in the province of Manitoba and fund education 100 percent from general revenue. I think the government is going the wrong way if that is the reason that they are using for bringing this bill forward.

At a time when we are one of the highest taxed properties in Canada, we need to be moving the tax levels down to become more competitive across the country in Manitoba with other provinces. The bill is going in the wrong way in regard to its move with this particular section. With that, I will move this bill on to committee, and we will be eager to see if there is anyone presenting to it at that time and we can move forward from there. Thank you.

Hon. Jon Gerrard (River Heights): I rise to speak briefly to Bill 49, The Municipal Amendment Act. I think what is to be regretted in the government's approach here is they have chosen to tinker a little bit with the assessments, rather than proceeding with what people around Manitoba have realized for a long time. There is a need for some fundamental changes in the way money is raised for education. Clearly, it has been most unsatisfactory.

* (19:30)

We saw under the Conservatives that the proportion of education funding, which came from

municipal property tax, fell from 72 percent down to 62 percent, by 1999. The NDP government has basically continued the policies of the Conservative government in seeing a further fall in the proportion of education funding from property tax, which was at about 62 percent when they came into office, and is now down at 57 percent, 56 percent and may be falling down about 55 percent when all is said and done at the end of this year. Clearly the overreliance on property tax for the funding of education has been detrimental to people in Manitoba and detrimental to the overall tax situation in Manitoba.

For some time, we have presented the case that there do need to be changes which would allow for the reduction in the proportion of education funding which comes from property tax down to 20 percent of the education funding, as opposed to the current 44 percent or 45 percent which comes from property tax. This move would be highly desirable in allowing a lowering of property tax rates.

It would be desirable, as property tax is not a particularly progressive tax in the way the taxing works out, in the way it affects people at different income levels. Higher levels of property tax are a detriment to encouraging young people to own homes, because it means there are higher costs of home ownership. This creates, in some areas of Winnipeg like West Broadway, a situation where more than 90 percent of people are renting rather than owning homes. What is needed at this time is a broader approach to looking at funding of education and use of property tax, instead of the tinkering that is being proposed at this juncture by this government.

One of the changes that has been badly needed for some time is the removal of education tax from farmland. It is sad this was not included here. The change in the agricultural situation in Manitoba over a number of years has been such that it is no longer right or appropriate, or just that the education tax, education funding, be raised from farmland.

Clearly, this has been detrimental to farmers. It is a situation that persisted under the Conservative government and persists today under the NDP government, that farmland is contributing a significant amount of funding for education, and this must be part of the change that is accomplished. It is too bad that this government has decided to do some tinkering rather than to bring in the kind of overall

changes which, really, are very much needed, Mr. Acting Speaker.

So I think that when one looks at this in the context of what is needed in terms of the changes to education funding, that the changes to municipal assessment being proposed here are relatively modest. I think it is very important that those who are affected, particularly those who are living in mobile homes, have a chance to come forward and make their case fairly at committee stage.

Of course, that is one of the reasons why we argued strongly that there be a 48-hour period from when this is passed before it is seen at committee stage so that there can be adequate warning to people and the adequate ability for people to turn out at the committee and present their points of view.

The circumstance in terms of how this will affect people who are living in mobile homes and the relative effects on mobile home owners compared with others, certainly, needs to be examined carefully, and we should be provided adequate supporting information at the committee stage and adequate opportunity for people to give us, directly, an insight into how, indeed, it will change the tax base and the relative position for those living in mobile homes.

So I welcome the opportunity for people to be able to present at the committee stage and would look forward also, hopefully, to some more broad discussion, which we all know has been very badly needed when it comes to looking at the situation of how education is funded in Manitoba.

So, Mr. Speaker, with those comments, I will bring my remarks to a close and look forward to the discussion at the committee stage and subsequently.

The Acting Speaker (Mr. Schellenberg): Any further speakers?

Is the House ready for the question?

An Honourable Member: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is the second reading of Bill 49, The Municipal Amendment Act.

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

**Bill 50—The Municipal Assessment
Amendment Act**

The Acting Speaker (Mr. Schellenberg): To resume debate on the proposed motion of the honourable Minister for Intergovernmental Affairs, Bill 50, The Municipal Assessment Amendment Act, is it the will of the House to leave the bill standing in the name of the Member for Pembina (Mr. Dyck)?

An Honourable Member: No.

The Acting Speaker (Mr. Schellenberg): No?

Mr. Larry Maguire (Arthur-Virden): Mr. Acting Speaker, it is my pleasure to rise on Bill 50 and just to move this bill to committee. It is The Municipal Assessment Amendment Act.

It deals with the issues of the Manitoba Recreational Trails Association Inc. or a corporation it controls. The bill limits or eliminates the potential for paying tax on this, basically, part of the Canada trail, the Manitoba Recreational Trails Association Inc. Some municipalities have taken over short-line railroads in the past, and a good deal of that has been turned over to municipalities in the province of Manitoba.

Even though there may be a discussion about who maintains and cuts the grass along some of this trail or keeps it in condition for our travellers as we develop this trail, because a good deal of it has not been across Canada yet, Mr. Acting Speaker.

There needs to be an allowance here that does not allow municipalities to tax this trail, because this trail is being developed out of donations and volunteer dollars from people who are donating to this trail across Canada, who believe that it is a very valuable project across Canada. The Manitoba portion of it would be more beneficial to being developed more quickly if, in fact, those funds were maintained for the development of the trail, as opposed to going to the Province or the municipal jurisdiction in which they are going through.

* (19:40)

So I think that part of it is fairly clear. There is also a section dealing with nonprofit, occupying community halls. That is: organizations that are of a nonprofit nature that presently operate in municipal

buildings that are owned by the municipality and have taken those over will not be taxed as well.

So I want to, with those few words, move this bill on to committee, Mr. Acting Speaker.

Mr. John Loewen (Fort Whyte): Mr. Acting Speaker, I just want to put a few comments on the record while we are talking about The Municipal Assessment Amendment Act. I simply want to remind the members of the government, particularly the Minister of Science, Energy and Technology (Mr. Sale), that they do have an outstanding promise from the 1999 election that he personally made at a meeting of condominium owners, where he personally went to the meeting and promised to reduce the apportionment on condominiums in this province.

I would remind the minister that he made that promise in good faith in 1999 before the election. The condominium owners are certainly going to hold this government accountable for not living up to that promise, just one of the many, many promises that the Doer government has chosen to ignore after the election.

The minister could have dealt with it either in Bill 49 or Bill 50 and lived up to a promise that was made by the Minister for Science, Energy and Technology prior to the 1999 election. He ought to take notice that he has let those people down. He went to that meeting personally and promised them in person, that he would see to it that that was done. I would hope one of these days he would choose to live up to his word and see that it is done. Thank you, Mr. Acting Speaker.

Hon. Jon Gerrard (River Heights): Mr. Acting Speaker, I rise to comment on the Bill 50, The Municipal Assessment Amendment Act. I want first of all to talk about the recreational trails that are being developed across Manitoba. I think that this is a very positive circumstance and one that all of us, in one way or another, will benefit from.

Certainly, from a health point of view, and the Minister of Healthy Living (Mr. Rondeau), that more people getting out and walking and using these trails will certainly be a good thing in terms of exercise, fitness and health. From a point of view of what has happened in terms of local involvement, I have been very encouraged at the level of commitment and community involvement in a variety of areas across

Manitoba, in the development of the cross-Canada trail and the use of the abandoned railways and the finding of roots and the attention and care with which these trails are being looked after.

I can certainly speak with a little bit of experience, because I was involved quite a number of years ago with the development and maintaining of a trail. Certainly it is something which we need to look, not just short-run, that is there tends to be a burst of initial enthusiasm, but we need to look long-run to make sure that the trail not only is set up and in good shape but continues and is well-used.

I would suggest that the nature of the amendment here, which is to provide for the exemption from tax for these trails, is a positive move. It will certainly benefit the development and the further use of the recreational trails across Manitoba.

We, certainly, are supportive of this legislation and certainly supportive strongly of the further development of trails in Manitoba, because we see this as one more way that we in Manitoba can enjoy the outdoors in a healthy way and recognize many of the wonderful benefits that we have in living in a province with such wonderful outdoor opportunities.

I would like to congratulate those who have worked so hard on the many trails that are present in Manitoba. I want to pay a compliment to various individuals and the communities which have participated in identifying the route for the trails, in mobilizing the local individuals and local community resources so that these trails are able to move forward in their development and in their position.

I think what we are doing in this bill is taking one step in encouraging the further development of recreational trails in Manitoba and that as we move step by step forward to this development that the bill itself will be seen as positive and one that is contributing to the development of the trails in our province. Thank you.

The Acting Speaker (Mr. Schellenberg): Is the House ready for the question?

Some Honourable Members: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 50, The Municipal Assessment Amendment Act.

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

Bill 53—The Statutes Correction and Minor Amendments Act, 2004

The Acting Speaker (Mr. Schellenberg): Resumed debate on the proposed motion of the honourable Minister of Justice and Attorney General, Bill 53, The Statutes Correction and Minor Amendments Act, 2004.

Shall the bill remain standing in the name of the Member for Russell (Mr. Derkach)?

Some Honourable Members: No.

Mr. Gerald Hawranik (Lac du Bonnet): I look forward to just putting a few brief comments on the record with respect to Bill 53. The bill is quite a lengthy bill. Certainly it took some time to go through it. I note that it in fact amends 109 pieces of legislation. Fortunately, after the review, when I looked at parts 2, 3, 4 and 5, a lot of what is said within those parts in fact are housekeeping provisions which make amendments because of the changes in names of various government departments, changes required due to the introduction of the Youth Criminal Justice Act and the changes that were necessary because of the references to the names of committees of the Legislative Assembly. Part 5, I notice, validates a regulation.

Really, all I was left with was part 1. By and large most of the amendments in part 1 deal with typographical numbering and other drafting errors and make amendments, but minor ones, to various pieces of legislation. I would like just to highlight a couple of those amendments that it does make.

First of all, under The Court of Queen's Bench Act it is being amended to allow rules to be made to restrict access to documents filed and proceedings intended to achieve the settlement of a case at the request of a court. I think that is important, to ensure that that particular amendment is made, because it certainly is a standard practice in Manitoba in any event, but certainly legislatively it is important that the provision is made within this particular statute.

Often we have noticed these types of omnibus bills. While some of the amendments may seem to be quite innocent, I think it is important that we review

every amendment to make sure that no real, substantive thing is done within the bill. If it is, we certainly may take issue with it, depending on what it does, and we may speak against the bill.

But, in this particular case, I can tell you that we are in favour of the bill. The second thing that this bill does do is it amends The Manitoba Evidence Act to allow affidavits that are shown before a Commissioner of Oaths in another province to be admitted in Manitoba courts. That is the case, in fact, outside the province of Manitoba. In fact, Manitoba Commissioners of Oaths now have the authority to swear affidavits for use in courts outside the province. So what we are doing is a reciprocal arrangement and the bill itself is recognizing that fact.

The third thing it does, Mr. Acting Speaker, is it amends The Real Property Act to ensure that an agreement between a landowner and the utility to erect a wind turbine will bind owners of the property, not just the owners of the property that exists today but subsequent owners as ownership changes on that particular property, much in the same way as agreements do between the property owner and Manitoba Hydro or MTS with respect to the registration of caveats against a particular title. So I think that is an important amendment as well, with respect to the bill, and we would be supportive of that type of amendment.

With those brief comments, I look forward to receiving and hearing any public comments with respect to the bill in committee. Thank you.

Hon. Jon Gerrard (River Heights): Just a few comments on this bill, this omnibus bill, which contains quite a variety of provisions.

I want to speak briefly to the situation with wind power and the type of amendment which is being proposed here. I think that it is important that we are looking and moving in the direction of working with wind power, developing opportunities for wind power in this province. Clearly, one of the things about an amendment like this is that it is important enough that it is a real question of whether it should be buried in an omnibus bill in circumstances where it would be very easy for local landowners, who might be located near an area where there is wind power not to realize that this legislation was being passed.

Although it is a reasonable provision that, certainly, what we need to ensure is that legislation like this omnibus bill gets the sort of screening that it needs and the attention that it needs because of the impact that it may have in one way or another.

I would say that, while we would see this change as reasonable, certainly one of the concerns that we have is that when we have legislation like this which affects the situation of people in rural Manitoba in ways that they are not used to, it is highly desirable that it be brought forward in a bill which focuses on the particular issue and the particular change, in this case, the generation of wind power and the impact that the legislation will have on the people living in the vicinity of wind generation stations, as it were.

* (19:50)

There are a significant number of issues which relate to the development of wind power and I think this is not necessarily the place to be discussing them but I would say that certainly we need to be looking and evaluating, on an ongoing basis, the potential for wind power in our province and looking very carefully at both the positive and the potential negative effects and the economic viability as well. Certainly, in other areas there have been concerns in terms of wind fields and their adverse impacts on bird migrations and there need to be approaches looked at in terms of mitigating some of these problems.

But, nevertheless, let us move this forward and have it looked at committee, but it should be looked at committee with the full knowledge of some of the elements which are buried in this omnibus bill so that they are not moved through without a general awareness of what is being done.

The Acting Speaker (Mr. Schellenberg): Is the House ready for the question?

An Honourable Member: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill—

Hon. Tim Sale (Minister of Energy, Science and Technology): Mr. Acting Speaker, I just want to reassure the member from River Heights that clause 47(4) of The Real Property Act, the minor amendment, is to, essentially, bring the act into the

current world of the kinds of generation assets that are already included in 47 by adding the words "wind turbines." It simply means that when the right-of-way agreements that have been registered in regard to turbine siting may also then be registered as caveats against the property, so that when property transfers the caveat ensuring the right of way is also transferred. That is the purpose of the amendment.

The Acting Speaker (Mr. Schellenberg): Is the House ready for the question?

An Honourable Member: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 53, The Statutes Correction and Minor Amendments Act, 2004.

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

Bill 54—The Budget Implementation and Tax Statutes Amendment Act, 2004

The Acting Speaker (Mr. Schellenberg): We will resume debate on the proposed motion of the honourable Minister of Finance (Mr. Selinger), Bill 54, The Budget Implementation and Tax Statutes Amendment Act, 2004.

Is it the will of the House to leave this bill standing in the name of the Member for Fort Whyte (Mr. Loewen)?

Some Honourable Members: No.

The Acting Speaker (Mr. Schellenberg): Leave has been denied.

Any speakers?

Is the House ready for the question?

An Honourable Member: Question.

The Acting Speaker (Mr. Schellenberg): The question before the House is second reading of Bill 54, The Budget Implementation and Tax Statutes Amendment Act, 2004.

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

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Acting Speaker, I would like to ask if you could call the following items of business: concurrence and third readings for Bill 9, Bill 11 and Bill 26, followed by report stage, amendment Bill 24, followed then by Bill 21, and followed then by Bill 6 and Bill 41.

Hon. Steve Ashton (Deputy Government House Leader): Yes, Mr. Acting Speaker, I know this is rather unusual, but I believe the member from Fort Whyte was attempting to speak and was unable to speak on Bill 54. It was standing in his name. I would like to ask if there would be leave to allow the member from Fort Whyte to speak to that bill. I know we have had a vote on this, but I do believe the intent was not to deny the member the opportunity to speak.

* * *

The Acting Speaker (Mr. Schellenberg): Is there leave for the Member for Fort Whyte to speak to Bill 54? *[Agreed]*

Bill 54—The Budget Implementation and Tax Statutes Amendment Act, 2004

Mr. John Loewen (Fort Whyte): Well, thank you, Mr. Acting Speaker, and I thank the member for allowing me to do this. I do apologize. Sometimes with concurrence and sittings in the House going on at the same time, it is a little challenging to get back and forth. I do not want to take too long on Bill 54. I will not do, as the Liberals did, rehash my budget speech, but I did want to put on the record that, of course, we are opposed to this bill simply because it puts into effect a number of the budget items which we voted against, obviously, which will result in Manitobans paying higher taxes despite the fact that the Premier has said over and over again and repeatedly that he was not elected to raise taxes.

Mr. Acting Speaker, this government has found themselves in a real box, as it would be. Their spending habits have gone unchecked over the course of the last three and a half years, and we see this year with the publication of the year-end numbers for '03, March '04, that this government not only is in a deficit position once again, but, in fact, in order to give the appearance of a balanced budget,

they had to basically decide not to recognize \$75-million worth of legitimate expenses, as well as taking a very, very sizeable draw, which will be in the order of over \$100 million from the rainy day fund. They will not know the exact figure, of course, until we see the final March 31 statements, but it just points to the desperation that this government has—the desperate position that they found themselves in.

The biggest problem with this bill and with the route the government has taken is that they are increasing every little tax that they can get their hands on and, certainly, with regard to fines. In the Department of Justice, they are raising fines and costs by doubling some fines and increasing fees, and that is going to bring another \$10 million of revenue into the government, which, of course, is coming directly out of the taxpayers' pockets.

This bill will also see the doubling of a number of fines with regard to penalties for late filings that Manitobans will have to pay. The government can argue that, well, the way to avoid the fine is to simply make your filing on time, and while there is some truth to that, there is also no need for the government to be doubling these types of fines unless they, of course, are desperate for revenue, which is what they are.

There are increases in The Retail Sales Act as it applies to professional services. The difficulty with this is not so much the increase in the sales tax, but with where it is going to be applied. It is going to be the customers that pay the price. Many of those customers are volunteer organizations; they are people on fixed incomes; they are seniors; people who are buying homes for the first time. This is going to be a situation where those who can least afford these increases and charges are going to have to be the ones that pay it.

In addition, Mr. Acting Speaker, it is going to raise the cost of doing business in Manitoba. I have already heard from some accountants and other professionals that they are losing customers. They are going to lose customers to professionals in Ontario who can provide the same service at 7 percent less.

* (20:00)

So, once again, we have an action by the NDP government, not very well thought out, where they are simply deciding on the basis of the need for more

revenue that they are going to raise the tax without understanding the ramifications, particularly on those on fixed incomes, but also on the business community in Manitoba. We do not need more taxes; we need less. We are already overtaxed. The government is going to take a number of measures to increase revenue, including an increase in the sin taxes, and it is time they maybe looked at education as a better alternative to have a deterrent for some of these issues, particularly as it applies to liquor and gambling, as opposed to constantly raising the bar from tax revenue.

Certainly, the increases in fees that the Liquor Control Commission is going to be applying serve no other purposes than to raise more revenue for the Government of Manitoba, and really acts as a backdoor tax. That is what we have seen from this government all along. That is our biggest objection to this government and to their approach to the economy.

We see again, you know, figures published last Friday regarding job creation. Job creation in Canada is up some 300 000 jobs. Less than one percent of those jobs were created in Manitoba.

So our economy is lagging. There are some predictions that we are going to see some growth, but it is totally based on a rebound in the agricultural sector and more water, more hydro sales, and not based on any increase in our ability to produce and market our manufacturing products, which is one of the backbones of our economy.

So, having said that, Mr. Acting Speaker, again, I do appreciate the opportunity to put a few words on the record regarding this bill. We have stated our opposition to the measures that are going to be enacted by the passage of this bill. We will be voting against it on the principle that it is not a time to be raising taxes in Manitoba. It is a time to be making Manitoba more competitive.

It is a time to be developing a real economic plan for the province of Manitoba that would allow our entrepreneurs and our businesses to succeed on a grand scale, allow our businesses to flourish to create the types of jobs and opportunity and hope that our young people need in order to see a future for themselves in the province of Manitoba.

That, again, is one of the huge challenges that this province faces that we cannot solve simply by

bringing in more immigrants. That is one tiny piece to the puzzle, but unless this government comes forward with an economic plan that involves reducing taxes, it is a zero-sum game.

In fact, it is a negative game because we are still continuing to lose our young people. Our best and, in many cases, our best and our brightest are looking beyond our provincial borders and simply looking because they are looking for opportunity which is what drives young people and what often results in their move. So, with those few words, Mr. Acting Speaker, I would again indicate that we will be voting against this bill. Thank you.

CONCURRENCE AND THIRD READINGS

Bill 9—The Manitoba Immigration Council Act

The Acting Speaker (Mr. Schellenberg): The Government House Leader, on concurrence and third reading.

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister for Water Stewardship (Mr. Ashton), that Bill 9, The Manitoban Immigration Council Act, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Hon. Jon Gerrard (River Heights): Mr. Acting Speaker, I rise to say a few words on Bill 9. The Liberal Party, we are in strong support of improved immigration to our province to make sure that we have the depth and breadth and the skilled labour that we need for the future. Certainly, immigrants have added over the life of our province tremendously to our province, and we are in strong support of immigration and of immigrants to Manitoba.

On the other hand, we have some serious concerns about the way the government is setting up an immigration council without any legislative review of appointments, without a democratic election of people representing communities. We understand, as the minister herself has indicated, she has already decided who is going to be on this council. We think this is a disgrace. We should have the bill passed before you actually have people on the council. That is not the normal procedure.

As I say, we have some very considerable concerns with this act and the way it has been handled. With putting these concerns on the table, I will wait for some comments from my colleague from Inkster as well.

* (20:10)

Mr. Speaker in the Chair

Mr. Kevin Lamoureux (Inkster): I have had plenty of opportunity to express my concerns in regard to Bill 9. We do believe there is merit for an immigration council. We are disappointed the government has chosen not to amend it that would allow for other groups, such as the Law Society, that is one of the groups I had touched base with, that could have made this more of an apolitical council.

Given the incredible importance of good, solid immigration policy for today and for tomorrow in our province, I think the government is making a grave mistake by allowing this bill to be passed as it is being proposed.

I am going to make a suggestion for this bill by moving, seconded by the Member for River Heights, the motion be amended by deleting all the words after the word "that" and substituting the following: Bill 9 be now read a third time, but that it be read a third time from this day six months hence.

Mr. Speaker: It has been moved by the honourable Member for Inkster (Mr. Lamoureux), seconded by the honourable Member for River Heights (Mr. Gerrard), that the motion be amended by deleting all the words after the word "that" and substituting the following: Bill 9 be not now read a third time, but that it be read a third time from this day six months hence.

Mr. Lamoureux: Again, my intentions are not to talk at length on this, just to emphasize the importance of government to really reconsider, given the importance of immigration to our province. Having a council with 12 people would have been far better if these representatives were identified from the different groups that are out there, whether it is the Manitoba Business Council, to the Federation of Labour, to the Law Society. There are ample examples that one could give that would, I believe, the Liberal Party believes, give that much more credibility to the Immigration Council. We are

disappointed. It would appear as if the minister already has the names all ready to put into place. I have raised this issue in terms of a privilege in the past, Mr. Speaker. We are gravely concerned that this minister, our future ministers do not politicize this council, and I can assure the Minister of Immigration that this council and the appointments to this council will be closely watched.

We trust that the minister is going to do the honourable thing in terms of those appointments, and I really underline the importance that the immigration community, or many members within the immigration community, can interpret appointments of some individuals in a way that could imply favours as an example. That is why it is so critically important that due diligence be done.

With those few words, Mr. Speaker, it would be wonderful to see this motion accepted. It is something in which the government could give some thought about and, when we do come back in November, make the necessary change to the legislation, so that is really all the six-month hoist will facilitate, for the government to do what is right in regard to the Immigration Council. We would appeal to the minister to do just that.

Hon. Steve Ashton (Minister of Water Stewardship): We are opposed to this hoist motion. This is an important initiative. Immigration is a critical part of our economic strategy, Mr. Speaker. We have gone from 4500 immigrants a year to 6450 last year. We have a target of 10 000, and we are going to reach that target. I wish the federal Liberal government had as much seriousness in dealing with its target of 300 000 immigrants a year, was more open to the kind of things that we have been open to in terms of family sponsorship.

Indeed, Mr. Speaker, we are proud of the Immigration Council. This is an important part of our strategy to reach our target, so we would urge members of this Assembly to vote against the hoist and pass this very important piece of legislation.

Mr. Speaker: I was just informed that my mike was not on. The amendment is in order. 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.

An Honourable Member: On division.

Mr. Speaker: On division—does the honourable member have support? No, he does not have support. The amendment has been defeated.

* * *

Mr. Speaker: Okay, now we will move back to—where were we? We were on Bill 11, The Manitoba Public Insurance Corporation Amendment Act.

I have just been corrected. We are on Bill 9, The Manitoba Immigration Council Act.

Mr. John Loewen (Fort Whyte): I just want to put a few words on the record just to reaffirm the position that we have taken with this bill since its introduction to the House. Again, while we on this side of the House believe very strongly that immigration will play a significant role in the future of Manitoba. On its own, it will not solve all the problems that this province faces, particularly on the economic front. It is a very expensive way of bringing in workers, particularly skilled workers.

We would be much better off if we had an economic strategy, if the Doer government could create an economic strategy that would allow for growth from within, that would allow our young people to see the opportunity to stay in Manitoba and create a future for themselves. Unfortunately, this government has not been able to create that type of economic stimulus, and, as a result, we are still seeing an outflow, an out-migration of our young people between the ages of 24 and 35. The result is that many of our businesses are struggling trying to get enough skilled trades people to keep their employment levels at the right level.

In that respect, immigration will play a role. We have on numerous occasions identified to this minister that she should have more independence in terms of the appointment of the Immigration Council. If what she truly seeks is to get independent advice from those in the community who can provide the government with sound advice policy strategies on immigration, then she should open up her mind and her eyes to the possibility of having other means of appointing people to the council than simply at the whim of government. We have seen that time and time again with this government.

In particular, the Doer government has a penchant to limiting their vision in terms of council members and board members to those who carry the same political stripe or who are perceived to carry the same political stripe as this government. The problem with that is they do not get the diversity on these types of councils or boards. They do not get the mix of advice that is needed in order to arrive at an all-encompassing and a sound policy as it would pertain to immigration.

Once again, we will request that the minister give careful consideration to the clauses in this bill that give the government sole discretion of making appointments to this council. We would like to see her take advice from those outside of government, particularly those involved in the business community in terms of what qualifications, what mix of qualifications, needs to be sitting around the table when advice is constructed to be passed on to the Government of Manitoba. I would hope that the minister responsible would take that advice in the spirit that it is given. I am sure if she was to go out and consult with those in our community that are most in need from an economic perspective in terms of what their needs are from government immigration policies, they would be a lot farther ahead.

Not only would the immigration policies of the Province of Manitoba be on sounder footing, but in fact we would all benefit from the economic growth that will result from proper strategies that need to be put in place with regard to immigration. With those brief words, that states our position on this bill. Thank you.

* (20:20)

Mr. Peter Dyck (Pembina): I too want to place a few comments on the record. I certainly do support

immigration; as is well known, the Morden-Winkler area that I represent certainly has benefited from the whole area of immigration. Certainly, we have been able to utilize the expertise of those that have come to the area. I also want to thank the employers who have, over the years—and, of course, this was started back in 1996 under the Filmon government. It was our employers at that point who signed job offers. This helped to expedite the movement of immigrants at that time from Germany into the southern Manitoba area.

I, too, have some reservations about the appointment of the council. To cite an example of the concern that I have, it was last week that I asked the Minister of Labour (Ms. Allan) if I would be able to make an appointment for the person who has been keenly involved in immigration in the southern Manitoba area. I thought I was doing my constituent a favour by trying to arrange for a meeting. However, it was denied that opportunity, and indicated that, quote, that "she is a big lady and she can call me herself."

I do not appreciate that comment. I think that is arrogant. I think it is undermining the job of what an MLA needs to do, and so I just do not think it is a proper approach to MLAs trying to help out their own constituents. Now, I do hope that the Minister of Labour has gone beyond that and is, in fact, going to meet with the lady from southern Manitoba.

So, with those few comments, Mr. Speaker, again, I do have some reservations about the appointment of the people on this council. I believe it is going to be very jaded and slanted in one direction, and I think there should be good representation from all walks of life and also from all groups, and so with that, thank you very much.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 9, The Manitoba Immigration Council Act.

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

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Bill 11—The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets)

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Water Stewardship (Mr. Ashton) that Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets); Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (protection des biens de l'État), reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Minister of Water Stewardship that Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets), reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Is the House ready for the question? The question for the House is concurrence third reading of Bill 11, The Manitoba—

An Honourable Member: I am just a little slow rising.

Mr. Speaker: I was just in the process of putting the question and I did not quite look all the way to my left, so we have a member that is wishing to speak, so I will delay putting the question.

Mr. Glen Cummings (Ste. Rose): It is a long time since somebody said they had to look to the left to see if I was going to say anything.

Mr. Speaker, this bill is a disappointing piece of legislation, inasmuch as it assumes that the people of this province do not understand the direction that government is trying to take them with this type of legislation which essentially seems to be designed to tie the hands of future governments and make sure

that there is never any opportunity to make any changes in the Manitoba Public Insurance Corporation without certain parameters being put in place.

On the surface that is fine. Frankly, we will not be voting against this bill. But I want to express my protestation, as I did in earlier phases of this bill, because it does leave an impression that people of Manitoba, through whatever future government may be in this Chamber, are unable to make a better judgment than what a government today is deciding is the correct judgment.

It assumes that, by putting in place a negative piece of legislation, that is what this is; it lays out a path but it is very much like the election campaign that said Hydro will not be sold, well, Mr. Speaker, nobody is talking about selling Hydro. On the other hand, this government might give it away. They are certainly prepared to give away parts of it, or interest in parts of it. But that is a nuance that we can save for another debate.

I simply say that this bill really does very little and it is a political piece of legislation designed to create the impression that it is only the current government that might have the ability and the understanding and the intelligence and all the other adjectives you might want to attach to it to decide what is best for Manitoba Public Insurance Corporation. That, I think, smacks of a certain arrogance, but I think more so it smacks of a certain approach that says that if we scare the public badly enough to have them believe that anybody else besides us would not be capable of being good managers or provide good husbandry, as we would say in the agricultural circles, be responsible for the Public Insurance Corporation, then you should only vote for us in the future. I am getting some thumbs-up signals from across the way, and I assume therefore that my remarks are not too far off the target. Oh, now, they want to step back.

Mr. Speaker, with those few remarks, we are prepared to see this bill proceed.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 11, The

Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets).

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

Bill 26—The Certified Management Accountants Act

Hon. Greg Selinger (Minister of Finance): This one has been waiting for two years, Mr. Speaker.

I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Lathlin), a keen student of accounting practices in Manitoba, that Bill 26, The Certified Management Accountants Act; Loi sur les comptables en management accrédités, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Minister of Aboriginal and Northern Affairs, that Bill 26, The Certified Management Accountants Act, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Mr. John Loewen (Fort Whyte): Mr. Speaker, I just want to put a few words on the record with regard to Bill 26.

Of course, we heard at committee from the Certified Management Accountants, the CMA association, that they have been working long and hard with the government. As the minister indicated, it has been a couple of years in the works. We are certainly in favour of the passage of this act.

I think one good thing that will come of it is that we have heard recently that there is a proposed merger between the CMAs, the management accountants, and the chartered accountants. Of course, the result that they are looking towards, I think they are aiming for January 1, 2005, would be to have the two groups merged and have them all called chartered accountants. While that may mean that this act is somewhat redundant, hopefully, some of the clauses that have been put in this act will move their way forward and update The Chartered Accountants Act as well.

* (20:30)

I think that what we are most looking forward to is the fact that when the merger is accomplished there will be even more chartered accountants in the province of Manitoba putting even more pressure on the Doer government to, once and for all, finally adopt generally accepted accounting practices as five other provinces in Canada are doing.

We would hope that this government would take the advice of all the chartered accountants, take the advice of the Auditor General of the province of Manitoba, and take that painful and difficult step that they have avoided for so long and go all the way to adopting generally accepted accounting principles. Eliminate this habit they have of cherry-picking, of just taking the rules that are convenient for the government at the time and go all the way.

So we are looking forward to, again, as I said, having a much larger lobby group of chartered accountants in the province of Manitoba standing behind this government and pushing them along and urging them to adopt, to the fullest extent, generally accepted accounting principles, which will be a benefit to all citizens of Manitoba and, despite their contrarian opinion, will also be a benefit to the government in terms of providing clear and accountable and responsible presentation of financial statements of the Province of Manitoba. Thank you, Mr. Speaker.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 26, The Certified Management Accountants Act.

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

REPORT STAGE—AMENDMENT

Bill 24—The Travel Manitoba Act

Mr. Speaker: An amendment standing in the name of the honourable Member for Morris.

Mrs. Mavis Taillieu (Morris): I move, seconded by honourable Member for Fort Whyte (Mr. Loewen),

THAT Bill 24 be amended by replacing Clause 13 with the following:

Appointment of staff

13(1) Subject to subsection (2), the chief executive officer may appoint employees necessary to carry on the activities of Travel Manitoba.

Staff appointments after start-up period to be under *Civil Service Act*

13(2) Beginning on the day that is one month after the date that this Act comes into force, employees necessary to carry on the activities of Travel Manitoba must be appointed in accordance with *The Civil Service Act*.

Duties, terms and conditions of employment

13(3) The chief executive officer may define the duties, and terms and conditions of employment, of employees.

Mr. Speaker: It has been moved by the honourable member from Morris, seconded by the honourable member from Fort Whyte,

That Bill 24—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mrs. Taillieu: I was not able to speak to this bill before when it was in committee stages, I was ill, but I would like to speak a little bit to the bill and say that I really do support tourism in the province, tourism and fostering the growth of tourism in the province of Manitoba. It is one of the major economic engines in the province, bringing in \$1.4 billion annually and filling some 60 000 jobs.

There are certainly a number of beautiful spots around Manitoba that we would encourage people to come into the province and see all over—the southern part of the province, the western, the eastern, the northern—the many, many places to see. In fact, even in my own community, we have a new heritage museum opened up which houses automotive memorabilia which was gifted by some people within the community. With it just opening up and being on the Trans-Canada Highway with 20 000 cars going by a day, we certainly hope that this will attract many people to our community.

I think that most communities around Manitoba have something within their community that they hope will attract tourists to come and enjoy the time

in their areas. It is just a bit unfortunate, I guess, that most of the tourists that come to Manitoba are what we call rubber-wheel tourists, and I am certainly hoping that the condition of our roads throughout much of the province will not deter people from coming and travelling around our province and enjoying the many and beautiful sights and locations and tourist activities.

I think this bill does have a wide acceptance within the tourism industry, and certainly we on this side of the House are supportive of encouraging and fostering the growth of tourism. I think that initially we did have some concerns regarding the bill, particularly around the future of Gull Harbour, since it was determined that Gull Harbour was actually in debt about \$8 million, so we had some questions around that. In fact, in the Estimates process, we did get an opportunity to ask the minister about the future of Gull Harbour Resort and golf course and Hecla Island golf course, and we just thought that we would ask the question of what would be the future use of this land.

I know that there is a request for proposals on the future of the Gull Harbour area, and we do not know if that has come into government yet. We look forward to seeing what that has to say because certainly this Gull Harbour is located in park land, and we would certainly wonder if the government might try and take this land out of parkland, or, in fact, if I could use the term "de-park" it, trade it or lease it, or do something to the appropriate buyers, or it might be sold, and I, certainly, think that that would cause us some great concern.

I would just like to speak to the amendment a little bit, the reasons why the amendment is brought forward. In the committee, the terminology CEO, or chief executive officer, as opposed to the word "board" follows a recommendation by Mr. Jim Carr from the Business Council of Manitoba during the committee hearings. As well, in this amendment, I did propose for committee, but, since I was unable to be there due to illness, I am proposing it now.

* (20:40)

So the wording there, changing "board" to "CEO."

Secondly, my concern with bringing forward this amendment and what the wording of the bill is is the

appointment of employees to this new agency called Travel Manitoba. The word "appointment," I think, in Estimates, the Minister of Culture, Heritage and Tourism agreed that staff transfers from the Department of Tourism to the new agency of Travel Manitoba that is exactly what would happen. They would be transferred, and, subsequently, the intent was that new hires would be hired through competition and not appointment. Even though that has been stated, the wording in the act says that all people will be appointed, subsequent to the first actual transfer of staff.

So, in effect, what I am saying here in this amendment, or what I am asking for, is that, in future, after the people from Manitoba Tourism Department are transferred into Travel Manitoba, subsequent to that, rather than people being appointed, I am asking that people be given fair opportunity for competition.

Therefore, I am really just asking that there be fair and equal opportunity for employment. So I think that when you are talking about future employees, being any person that would want the opportunity to have this job, would have equal and fair opportunity to seek employment there through competition rather than appointment.

So I think that members opposite would welcome this amendment and vote for it, that were voting for the rights of all people seeking employment. In fact, I do not think they could vote anything else, but to vote with this amendment, because, basically, it is for fair and equal opportunity for employment of future employees of the Travel Manitoba Corporation. Thank you, Mr. Speaker.

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): What we believe will happen with the employees who are in this area of government currently—we believe that it is anticipated that most of the staff currently employed by the Tourism Division will be transferred to the new corporation, and a small number will remain in government within a tourism secretariat. A pay in benefits of employees will be recognized and maintained, the pay, rather, and benefits of employees will be recognized and maintained.

Pensions will continue to be administered through the Civil Service Superannuation Board. Many of these employees have helped develop

tourism into the thriving economic contributor it is today, and all of us appreciate and respect, including the member from Morris. She and I had exchanged some words on this, and I believe that, indeed, we both agreed that that particular area needed some amending.

We also believe that the staff, through their expertise and skills, is highly valued. However, Travel Manitoba is being created to provide Manitoba's tourism sector with a greater agility and flexibility to respond to the ever changing tourism market conditions. Regretfully, I must disagree with my colleague from Morris. However, we believe that tying the employment of staff for this agency to The Civil Service Act, as proposed by the member from Morris, will directly contradict the very purpose of this legislation. Thank you, Mr. Speaker.

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

Some Honourable Members: Question?

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Morris (Mrs. Taillieu).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Vote 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.

An Honourable Member: Well, Mr. Speaker, can we have it on division at least?

Mr. Speaker: On division. Agreed? *[Agreed]*

* * *

Mr. Speaker: Now, the amendment by the honourable Minister of Culture, Heritage and Tourism.

Mr. Robinson: Mr. Speaker, I move seconded by the Minister of Energy, Science and Technology:

THAT Bill 24 be amended by replacing Clause 13 with the following:

Appointment of staff

13(1) The board or, if authorized by the board, the chief executive officer may, in accordance with the policies and procedures established under subsection (2),

(a) appoint employees necessary to carry on the activities of Travel Manitoba; and

(b) define their duties and the terms and conditions of their employment.

Policies and procedures re employment

13(2) The board must establish policies and procedures for the purpose of clauses (1)(a) and (b).

Mr. Speaker: It has been moved by the honourable Minister of Culture, Heritage and Tourism, seconded by the honourable Minister of Energy, Science and Technology

THAT Bill 24—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Robinson: Mr. Speaker, tourism provides \$1.4 billion to our economy in Manitoba. It is a growing economic sector with government managing its tourism presence through a line department. There are limits on its ability to seize opportunities. With the establishment of this Crown agency, we maintain accountability, and provide the room needed to be flexible and agile enough to respond in a rapidly changing marketplace. In partnership with the private sector, Travel Manitoba will be able to adopt innovative and responsive strategies quickly that keep Manitoba as a prime tourism destination in the marketplace. We have consulted with the industry and have looked at other provinces, many of which have adopted this independent agency model, and we believe, by introducing this legislation, we are taking

the advice of industry, and creating a Manitoba approach to supporting a growing and thriving part of our economy.

This amendment, Mr. Speaker, I believe, addresses concerns brought forward by the official critic of the Official Opposition, the member from Morris and the member from Emerson at committee on her behalf when he raised it. This amendment ensures that the board of the new Crown agency, Travel Manitoba, will establish and follow policies and procedures with respect to hiring the agency staff. We believe that the wording of this amendment is similar to that of other Crown Corporations and agencies of the Manitoba Government, including Manitoba Film and Sound and the Manitoba Centennial Centre Corporation, and, on that basis, I would encourage all members to support this amendment. Thank you.

Mrs. Taillieu: Mr. Speaker, I appreciate the amendment brought forward by the Minister of Culture, Heritage and Tourism; however, the amendment that he has proposed just changes one word, "board" to then say, "or, if authorized by the board." That was a suggestion brought forth by Mr. Jim Carr during the committee hearing.

Again, I reiterate, my concern with the bill is the word "appoint" employees. I think, when you appoint employees, you deny other people the opportunity of fair and equal competition, and, therefore, you are denying people the opportunity to be hired within this new agency. So I take exception to the word "appoint." I think that in almost all cases where people seek employment they are given opportunity to provide their education and their expertise and be interviewed and go through the regular process of hiring. When people are appointed, that denies some people the right to vie for a particular job.

Maybe there is some clarification needed here, but I feel that the way the wording—maybe the intent may be there, that people will be hired through a normal hiring process. That may be the intent, and I am sure that that is the intent, because I have spoken with the minister, and he has assured me that there is intent to do that. I am just uncomfortable with the wording, because the wording has not changed. So, if the intent was not there by a future minister, there is wiggle room here to wiggle around with the wording that a future minister could appoint a person of his or her choosing to this Travel Manitoba agency.

So, even though I do support the intent of what the minister is saying, I do not feel that the wording is succinct enough to support it.

* (20:50)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would just like to put a few words on the record with regard to this bill. First of all, what is clear by bringing forward this bill is that the government recognizes that its tourism policy was a sham, and it has got to do something about it. Clearly, that is recognized by a lot of people in the tourism industry, that there could be a lot better approaches than this government has had over the last little while.

I think that the government is resorting to this because they have realized that the approach that they were taking, clearly, was not working and that they had to do something very different.

We, on this side of the House, have some significant concerns about the legislation; that it is putting up a Crown corporation with government appointees to the board in a way that will allow for some arms-length but significant political influence, and we are just a little bit cautious about the way that this, in fact, will work. I would say that we will wait and see the results, because that, after all, is what is important, is the results. We need to measure whether, in fact, the achievement of this is going to be—but it is said by the minister and, clearly, what is apparent is that there needs to be much better approaches to tourism in this province.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Minister of Culture, Heritage and Tourism.

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

DEBATE ON REPORT STAGE—AMENDMENT

Bill 21—The Non-Smokers Health Protection Act (Various Acts Amended)

Mr. Speaker: Bill 21, The Non-Smoker's Health Protection Act (Various Acts Amended).

Amendment is standing in the name of the honourable Member for Russell (Mr. Derkach).

The amendment was moved by the honourable Member for Russell, and is standing in the name of the honourable Minister for Energy, Science, and Technology (Mr. Sale).

Is it the will of the House for the bill to remain standing in the name of the honourable minister? *[Agreed]*

Bill 6—The Cross-Border Policing Act

Mr. Speaker: Bill 6, The Cross Border Policing Act, the amendment moved by the honourable Member for Lac du Bonnet (Mr. Hawranik), standing in the name of the honourable Minister for Water Stewardship (Mr. Ashton). What is the will of the House?

Is it the will of the House for the amendment to remain standing in the name of the honourable Minister for Water Stewardship?

Some Honourable Members: No.

Mr. Speaker: It has been denied.

* * *

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, could I just interrupt proceedings on a matter of House business?

House Business

Mr. Speaker: The honourable Government House Leader, on House business.

Mr. Mackintosh: I would like to announce that the following bills will be referred to the Standing Committee on Social and Economic Development for the meeting previously called for Wednesday, June 9, 6:30 p.m.: 42, 43, 44, 45, 46, 48, 49, 50, 53.

Mr. Speaker: It has been announced that the following bills will be referred to the Standing Committee on Social and Economic Development for the meeting previously called for Wednesday, June 9 at 6:30 p.m.: Bill 42, Bill 43, Bill 44, Bill 45, Bill 45, Bill 46, Bill 48, Bill 49, Bill 50, Bill 53. It is for information of the House.

* * *

Mr. Speaker: Now we will resume debate.

Mr. Mackintosh: I thank the Justice critic for investing the efforts that he did in looking at this legislation and looking at the issue of police forces that may not be in jurisdictions where there are civilian oversight agencies.

Mr. Speaker, having said that, we are unable to accept the report stage amendment, however, and I will put the reasons on the record.

First of all, the proposal would permit the appointment of an extra provincial police officer only if the police officer is from a jurisdiction that has a police oversight process similar, I put that in quotes, Mr. Speaker, "similar" to our law enforcement review agency.

Now the difficulty with the proposed amendment concerns the meaning of the word "similar." While all provincial police oversight bodies have certain similarities, they also have dissimilarities, some of them quite significant. Our concern is that a judge who may be called upon to rule on the validity of an appointment made under this act could rule that the oversight processes in place in Manitoba are not sufficiently similar to the oversight process in the other jurisdiction and as a result that the appointment made was invalid.

There is a concern that we do not create that kind of uncertainty. If an extra jurisdictional police officer is granted police officer status in Manitoba, we want that officer to know, and the agency to know, that the appointment will stand up in court.

Mr. Doug Martindale, Acting Speaker, in the Chair

Indeed, we have to ensure that we do not have less flexibility for cross-border policing with the new legislation as opposed to the status quo.

Second of all, this legislation is based on model legislation developed by the Uniform Law Conference of Canada. In order for the act to be effective, it is important that all provinces and territories take a consistent approach. Manitoba has undertaken to do so.

The approach suggested by the honourable member, the Justice critic, is not consistent with the model legislation and is inconsistent with the undertaking that we have made. It would be our thinking that there would have to be overwhelmingly

strong and convincing reason to deviate from the Uniform Law model of legislation.

So I just want to add a further point. The only jurisdiction that does not have a police oversight process in place, to my understanding, is Prince Edward Island. If a police officer from PEI were to obtain police officer's status in Manitoba, and if, while working in Manitoba, the PEI officer was the subject of a citizen's complaint, it is true that the officer would not be subject to discipline by a law enforcement review agency-type process. However, the complaint from the citizen will nonetheless be acted on. All police forces have an internal discipline process and the officer will be subject to that process.

Now my understanding is that, in Prince Edward Island, there are only four municipal forces. I think that, just as a matter of practicality, it is a long shot that this circumstance as contemplated by the Justice critic would arise but, as I have just said, there is nonetheless a process.

Now the act requires that when our Law Enforcement Review Agency receives a complaint from a citizen, the commissioner of LERA must notify the chief of police of that employing police force about the complaint. This ensures that the internal disciplinary process is triggered. In addition, if the complaint reveals that the officer has committed a criminal offence, criminal charges can be laid. The member opposite can see that an extra-jurisdictional police officer who misconducts himself while in Manitoba will be subject to discipline.

* (21:00)

I just want to add as another footnote that other than those four jurisdictions in Prince Edward Island, the RCMP have jurisdiction there. There is, of course, the official complaints commissioner of the RCMP to deal with complaints against such an officer. I will just add in conclusion, that this legislation was developed in close consultation with the law enforcement community, including the Canadian Association of Chiefs of Police and the Canadian Professional Police Association.

The department has made contact with a representative of the Canadian Association of Chiefs of Police and has authorized us to say that the CACP does not see this amendment, as proposed, as being helpful.

The department also spoke with the Canadian Professional Police Association and they are of the view that the amendment's lack of clarity would unduly complicate the process, in other words what definition would be assigned to the word similar given that the civilian oversight processes in each province vary. The CPPA are of the view that the legislation should not be amended.

So with those comments it would be our position to not support this amendment, but I do certainly support the critic's efforts to study the legislation in the detail that he has and come forward with positive ideas even though they may not be appropriate in the circumstances. Thank you.

Mr. Ralph Eichler (Lakeside): Thank you, Mr. Chair, Deputy Chair, Deputy Speaker, I guess we are in the Chamber. I got corrected over there calling the Deputy Speaker the Chair, and the Chair the Speaker. Anyway, we will get it straight here. I would like to speak to the amendment that has been proposed by the member from Lac du Bonnet and put a few words on the record.

The amendment, I think, is probably something that the government should have a long look at. I know in The Cross-Border Policing Act that has been proposed by the government is something that probably is lacking just a little bit of finish and polish. This amendment will definitely do that. The amendment that has been proposed by the member from Lac du Bonnet definitely makes sure that The Cross-Border Policing Act will be able to work towards better policing within the jurisdictions across the different provinces and throughout Canada.

Though my understanding of it is that it makes sure that once the policing act comes into power, we will be able to make those amendments as they move forward, I know in our particular constituency right now we are having several problems within our area. We are just trying to keep our local RCMP within the constituency. They talk about moving from Teulon. They moved from Teulon to Gimli and now they are talking about moving from Stonewall to Selkirk. We are down to one police officer for all of Stonewall, which is a growing community, a growing area, which now is looking after all types of problems. Hopefully, we will have that solved here quite quickly.

The other thing that I know we do have a problem with is our policing. We do not get so much

in our area about cross-border, but with the lack of those resources for our area, that is where we are going to run into problems. I mean, with one officer, it does not matter what we do in the House here as far as the acts are concerned as long as we do not have those resources available. I know it has been a hardship on the municipalities trying to bring enough money and enough officers into the province, not only just in the constituency of Lakeside, but across the province. I know as you get farther north up into the Interlake and over into Ste. Rose area and up in the Russell area, I know they are facing those same hardships there, Mr. Acting Speaker.

The concern that I think all of us need to make sure of is that once we are in pursuit and these acts are in place that we have the legal technology and the legal jargon that needs to be put forward to make sure that these acts that we proclaim are indeed workable. Having said that, we would like to see the amendment adopted, moved forward into committee, and I would like to leave it at that. Thank you very much.

Mr. Glen Cummings (Ste. Rose): I notice the Acting Speaker did not have so much trouble looking to his left, but the amendment, I would suggest, is not introduced frivolously. I think it would be reasonable for the government to give some serious consideration to this amendment. Unlike the amendment that went through the House a few minutes ago on Tourism, changing the structure of how we deliver tourism services in this province, for whatever strange reason government decided not to accept the amendment as proposed by this side of the House and by our critic but chose instead to accept a one-word amendment as put forward by their own minister.

I would hate to see the same sort of lack of interest displayed relative to this amendment, because, first of all, policing is a serious matter. Secondly, the minister has claimed to be prepared to take some rather forward looking position in introducing this legislation in co-operation with other jurisdictions. For that he probably deserves his fair mark of credit.

But it seems to me only fair and reasonable to the citizens of this province and to the police forces that their men and women in the Manitoba police service will feel that they are at least operating on a par with those who might come from other jurisdictions to do investigations here. This

legislation makes it so that there would indeed be uniformity relative to civilian oversight, independent bodies where they can review questions, complaints that can be brought forward. That in itself is not a huge, overpowering part of police work, but in terms of trans-border or cross-border relationship, I would suggest that in order to encourage those other jurisdictions to move the same way the majority of provinces have relative to independent bodies that provide some oversight for complaints that it would be appropriate that this amendment be put in place.

The jurisdictions that it would impact are small in population. One of them is relatively close to Manitoba, but, beyond that, I do not think this amendment would cause very much difficulty in the administration of justice. It does, I think, put this minister, this government and this bill in a better position to say that they want to co-operate, work closely and receive reciprocity. That might not be the right word, but to have ability to work closely with, exchange services and to do investigations in neighbouring jurisdictions. This would give them a strong position from which to negotiate. I would encourage the minister to take a good look at the amendment and, hopefully, support it in the form and in the manner in which it is presented. Thank you.

Mr. Speaker in the Chair

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Lac du Bonnet (Mr. Hawranik).

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, say nay.

Some Honourable Members: Nay.

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

* (21:10)

Bill 41-The Profits of Criminal Notoriety Act

Mr. Speaker: The amendment moved by the honourable Member for Lac du Bonnet (Mr. Hawranik), standing in the name of the honourable Minister of Water Stewardship (Mr. Ashton).

What is the will of the House? Is it the will of the House for the amendment to stand in the name of the honourable Minister of Water Stewardship? No? Okay, it has been denied.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I had to admit to some agonizing over this amendment at report stage, because it certainly is attractive that fines may in certain circumstances, in whole or in part, under this legislation, go to the victims' trust fund, but this amendment, which allows the government to pass a regulation requiring some or all fines collected under the offence provisions, has to be rejected at this time.

First of all, when you look at the scheme and the likely circumstances, it does not appear that it is needed. As well, though, it creates a very dangerous precedent in the law of this province and, indeed, in this country, Mr. Speaker.

The Province's law already creates an appropriate balance between compensating the people of the province as a whole, who bear a significant burden in terms of the financial and social costs associated with unlawful activity and compensating and assisting crime victims. This is done through the province's victim fine surcharge of 15 percent on fines paid under provincial offences, a surcharge that already goes directly to the Victims Assistance Fund. That amount is enabled by the Criminal Code.

The amendment would create a difficult precedent. How can we allow this and not add such a provision to every single piece of provincial legislation that creates an offence?

If we do this, do we really want to place the government in the position of using all of their resources from provincial fines for victim services and none to catch criminals, to prevent further

victimization through crime or address the root causes of crime.

I would also draw the House's attention to section 11(3) of the bill, which states that paying a fine under the act does not relieve a publisher of the duty to pay the consideration due to the Director of Public Safety for distribution to the direct victims of the crime and to the Victims Assistance Fund. This duty is legally enforceable in a civil court. So under this bill the contract money must still be paid even if someone is successfully prosecuted. This money must then be distributed not only to the fund but to the direct victims of the criminal. Even if an offender pays a fine under this bill, his or her victims must be compensated.

While we believe that wholeheartedly we must compensate and support crime victims, in fact that is a key purpose underlying this legislation and others. This amendment simply is not the way to go at this time without very careful and further consideration. It would set a precedent for any legislation that creates an offence and would disturb the important balance that I have just described.

This was put forward in a spirit of attempting to strengthen the legislation. We appreciate the contribution of the critic on this bill, but, for the reasons stated, we are not in a position to accept this kind of amendment at this time, given the regime in place for dealings with fines. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the amendment moved by the Member for Lac du Bonnet (Mr. Hawranik).

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: No? 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.

Formal Vote

Mr. Leonard Derkach (Official Opposition House Leader): This is an outrage, Mr. Speaker. Yeas and Nays.

Mr. Speaker: Recorded vote having been requested, call in the members.

Order. The question before the House is the amendment moved by the honourable Member for Lac du Bonnet (Mr. Hawranik).

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Cummings, Derkach, Driedger, Dyck, Eichler, Faurchou, Goertzen, Hawranik, Loewen, Maguire, Penner, Reimer, Rocan, Rowat, Stefanson, Taillieu, Lamoureux.

Nays

Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith, Struthers.

Madam Clerk (Patricia Chaychuk): Yeas 17. Nays 32.

Mr. Speaker: I declare the motion lost.

* * *

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call third readings of Bills 24, 6 and 41.

* (21:30)

CONCURRENCE AND THIRD READINGS**Bill 24—The Travel Manitoba Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 24, The Travel Manitoba Act, reported from the Standing Committee on Legislative Affairs and subsequently amended, be concurred in and be now read for a third time and passed.

Motion presented.

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

Some Honourable Members: Question.

Some Honourable Members: No.

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I would just like the opportunity to put a few words on the record today about Bill 24, The Travel Manitoba Act, which establishes Travel Manitoba as a corporation, and it does, indeed, foster the growth and diversity in the tourism industry in Manitoba.

As I said before, the tourism industry is a \$1.4-billion economic engine within the province of Manitoba and does employ some 60 000 people, so we are encouraging travel within our province to the wide-reaching areas of the province to enjoy all of our beauty and nature and—

An Honourable Member: Lakeside.

An Honourable Member: Steinbach.

Mrs. Taillieu: Steinbach, of course, Steinbach, Lakeside, Clear Lake, going up to Churchill to see the polar bears, Fort Whyte Centre. There are many, many places throughout rural Manitoba and Pembina Valley Park to see within our province.

An Honourable Member: Delta.

Mrs. Taillieu: And, of course, Delta Marsh as well.

This bill has wide acceptance within the tourism industry, and we are supportive of the bill. It encourages economic growth within the industry. I think the intent is to partner with private business to allow growth and more opportunity within the

tourism industry, and I know that the government has finally recognized that the private sector has much more to offer in terms of business opportunity than the public sector.

We initially, as I said before, did have some queries about what would be happening with Gull Harbour, the resort Gull Harbour and Hecla Island Golf Course, being that it is in parkland. In Estimates, the minister did not deny that they might look at doing something else with this land.

We asked the question, would there be any thoughts of de-parking that land or transferring that into some other, and the minister did not deny that. I know that there is a request for a proposal for future uses and opportunities for Gull Harbour and Hecla Island Golf Course, and we certainly await the report on that.

I did want to speak a bit on the amendment. I felt that it was important to bring an amendment to allow future employees of the Travel Manitoba agency to have opportunity, fairly equal opportunity to vie for a position for a job the way most people would get a job. They would apply, cite their credentials, their education, their experience and go through the interview process and be hired.

I know that the minister's intentions are to do that. It is just that the wording was, I felt, a little bit cumbersome, and it would allow this minister or future ministers to interpret that wording in the way that they so choose to do.

I think that there are some concerns originally, too, as to how this new agency would, what would be the revenue source for the agency. This agency has been described as anything from a Crown corporation to an arm's-length agency and with other Crown corporations there is a revenue source. It is unclear as to what the revenue source for Travel Manitoba will be. I suppose that they will be partnering with the private industry and private industry will provide advertising, I am told, into some of the travel magazines and whatnot. I know that in B.C., for example, there is a hotel tax and that hotel tax supports the stand-alone tourism agency in British Columbia.

I would just like to again advocate for tourism within our province. As I said earlier, a lot of the tourists that come into our province are rubber-wheel

traffic which means they come by car or RV and travel the whole province that way. It is just a bit unfortunate that our roads and our highways are not conducive to long travel. I think we almost have to be embarrassed as a province, in many cases, of the condition of some of our roads. When you come up from the States and you hit Highway 75, once you cross the border, you instantly notice the difference in the condition of the road.

Speaking to the Minister of Transportation (Mr. Lemieux) just earlier today, he was telling me that his daughter had some car difficulties travelling through the town of Morris because of the roads and so, you know, he is actually looking at that now and I think that maybe I will have to get him onto some more roads.

We have so many things to offer within our province. We mentioned some of the things already, but there are so many things and I would just hope that we could put some more resources into our roads. This is how we get to see all of these wonderful places.

I just have to mention a few places in my own home town. I did talk about the Heritage Museum, but there is also Thunder Rapids Amusement Park and, of course, the drive-in which we still have in the municipality of Headingley.

An Honourable Member: Mennonite Heritage Village Museum, Prairie Dog Central.

Mrs. Taillieu: The Member for Lakeside (Mr. Eichler) says Prairie Dog Central, and it is in his constituency, a neighbouring constituency. In fact, the Prairie Dog Central did run back and forth to Headingley at one time when that railway was operational.

I could go on and say more, but I think that with these few words I will lend my support to the Travel Manitoba bill. Thank you, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 24, The Travel Manitoba Act.

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

Bill 6—The Cross-Border Policing Act

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Attorney General of Manitoba (Mr. Mackintosh) that Bill 6, The Cross-Border Policing Act; Loi sur les services de police interterritoriaux, as reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Attorney General (Mr. Mackintosh), that Bill 6, The Cross-Border Policing Act, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I am pleased to add a few comments, a few brief comments with respect to the third reading of Bill 6. We have supported The Cross-Border Policing Act in second reading. We have supported The Cross-Border Policing Act in committee. Of course, we have introduced an amendment, which we are quite disappointed in the fact that members opposite, including the Minister of Justice, did not support.

We think it was a very good amendment, but, regardless of that, we are willing to support the bill in any event in third reading, and for the fact that it does add another tool in law enforcement, for law enforcement officials, for our police, with which they can compete with criminal organizations and do proper investigations, particularly when it comes to criminal organizations which exceed the boundaries of our province.

I think what we are finding over the years is the fact that criminals are becoming more sophisticated. Criminals are organizing into criminal organizations and gangs, and these types of organizations know no provincial boundaries. They do cross the border into Manitoba from other jurisdictions.

I think we have to allow the tools under this particular legislation to allow more tools to our law enforcement officials to ensure that there is a continuity of investigations to ensure that people who are engaged in criminal activity are in fact properly investigated and properly charged.

I note that other jurisdictions are, in fact, looking at passing similar legislation across the country, and

I think it is incumbent upon our Province to pass that legislation to ensure that there is a continuity, not only from police coming into our jurisdiction and investigating crimes, but also our law enforcement officials, if they are going across the boundary of Manitoba into other provinces, that they have a similar tool available to them.

Criminal organizations are becoming more sophisticated. Crime knows no borders. They know no boundaries, so it is important, I think, to recognize that fact and to support law enforcement officials in that respect.

Criminal organizations are, in fact, becoming more sophisticated, as I mentioned before. In fact, they have even opened a retail outlet just down the street from the Justice Minister's own constituency office. So they are getting into retail business as well and I think we need more tools to combat those kinds of things that are happening in our constituencies and in our province.

I am disappointed, though, as I mentioned earlier, that the Minister of Justice (Mr. Mackintosh) did not support our very important amendment to Bill 6, Mr. Speaker. Our amendment, in fact, was properly thought out and I note that when the minister did speak about our amendment, they did congratulate myself, as the Justice critic, for the work that I did and the thought that I put into the amendment.

* (21:40)

But having said all that, I cannot understand why he did not fully support it by instructing his caucus and members opposite to vote for the amendment. In fact, I am very surprised they did not, because the amendment really spoke to, I believe, a shortcoming in the bill that was really addressed and really was not anticipated, I believe, when the bill was drafted.

The bill itself allows police officers to be disciplined in their own jurisdiction. So if, for example, a Saskatchewan police officer came into Manitoba and did something incorrect, did something untoward in their investigation after they were approved under this particular legislation to come in to investigate a crime, if they did something incorrect in Manitoba, if a Saskatchewan officer did that, we know that a Saskatchewan jurisdiction, and many of the other provinces in Canada, has a public

body to which people who are affected by that injustice or the wrongdoing by the officer they can make a complaint to.

There is a public body which will actually discipline an officer. What the Justice Minister does not realize, I think, from that particular bill, is the fact that Prince Edward Island and all of the territories, Nunavut, Yukon Territory, and the Northwest Territories, all four jurisdictions, in fact, do not have a public body to whom someone can complain about wrongdoings of a police officer committed in Manitoba by an officer from those jurisdictions.

Because of that, I thought the amendment would have been a perfect amendment in the sense that that is one of the factors that should be considered before allowing a particular officer from another jurisdiction to come into Manitoba. Of course, we do not have a problem with the RCMP if they come in from those three territories or Prince Edward Island. We do not have a problem at all, because they have an integral disciplinary body that the public can complain to. The RCMP is not what we are concerned about.

What I am concerned about and, I think, members opposite, the Justice Minister, should be concerned about, is officers coming from Aboriginal police forces or from municipal police forces in those four jurisdictions, because those four jurisdictions do not have a public disciplinary body that people can complain to.

So that was what the amendment was addressing, and I am quite disappointed that the minister, after having heard my arguments for the amendment and the pros and cons of that amendment, in fact did not support it and did not relay those concerns that I have, I believe, to his caucus. I am not sure why they would not have supported it because it certainly was a proper and just amendment and something that should have been supported by members opposite.

With that, Mr. Speaker, I conclude my remarks on Bill 6. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, very briefly, we just want to add a quick comment in regard to the reason why we have this bill, because of the uniform lock on prints. We recognize it enhances the opportunity for our police services here

in the province, and it is just one more of those things that, I think, in terms of nationwide, it is very positive when we see that sort of co-operation amongst our police services, no matter what province they might happen to be in. With that, we absolutely support the legislation. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 6, The Cross-Border Policing Act. Oh, we are not ready for the question.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I just want to thank the members and the participants in the Uniform Law Conference that developed this prototype. I also want to thank, in particular, the officers and members of the Canadian Association of Chiefs of Police and the Canadian Professional Police Association for their contributions. I have appreciated, as well, the advice, even face to face, with the Canadian Professional Police Association. We look forward to spreading the word about this legislation being passed in Manitoba.

This legislation, Mr. Speaker, along with the next bill, I am pleased that it is in the Manitoba Legislature where this groundbreaking legislation is first being passed. I think it is an important tool for law enforcement. It is something that has been very important to them, and I am glad that this Legislature was able to contribute to the ability of law enforcement to be more effective in this country.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 6, The Cross-Border Policing Act.

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

Bill 41—The Profits of Criminal Notoriety Act

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Attorney General

of Manitoba (Mr. Mackintosh), that Bill 41, The Profits of Criminal Notoriety Act; Loi sur les profits découlant de la notoriété en matière criminelle, reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Attorney General of Manitoba, that Bill 41, The Profits of Criminal Notoriety Act, reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

Mr. Gerald Hawranik (Lac du Bonnet): I welcome the opportunity to say a few words on third reading with respect to Bill 41 on behalf of my caucus and on behalf of the residents of the constituency of Lac du Bonnet.

Bill 41, we have supported in second reading. We had some concerns about it. We supported it again in committee and we, of course, presented an amendment to the government. Again, I am quite disappointed in their non-support in that amendment and I was quite surprised at members opposite standing up and voting against that amendment. I think they should be held accountable for that, and they probably will be.

We support the bill in general terms because the bill follows the longstanding principle of law, that criminals should not profit from their crimes. And in this particular case the bill really does not prohibit but it certainly does not allow criminals from profiting from their crimes by recollecting the crime. In other words, selling the story of their crime, whether it be to any form of media, whether it be television or radio or in book form, or whatever. But what it does, it does not prohibit them from selling it; what it does is it takes away the profit that they would normally make under this bill.

The bill itself is really as a result of the culmination of litigation that has occurred as a result of the Son of Sam legislation in the United States in New York. That was really groundbreaking legislation in the United States which did similar things to this bill, but because of the constitutionality in the United States, the constitutional challenges that occurred as a result of the Son of Sam legislation, the legislation slowly evolved in New York and it continued to spread throughout most of the states in

the United States to the point where amendments and different versions of the bill then became acceptable to the constitution of the United States. This bill takes into account most of the concerns, in terms of constitutionality, that were advanced under the Son of Sam legislation in the United States and takes a lot of that into account.

I believe the Justice Minister has looked at the constitutionality of the bill. I believe that the bill is constitutionally sound, I have said that before. I have made comments with respect to other bills that the Justice Minister has introduced in the past. With respect to constitutionality with this particular bill, because it does take into account the comments that are made about other bills with respect to the Son of Sam legislation, in my view it is constitutional.

* (21:50)

However, I did mention earlier that I am really quite disappointed in the minister and all members opposite that they did not support my amendment to this bill. The amendment itself dealt with the fines that are collected under this particular bill. The fines are substantial. They are not nickel-and-dime fines like you normally find in provincial legislation. The fine could be a minimum of \$50,000 or the amount that is paid under a contract to recollect a crime. That fine could reach into the millions of dollars, hypothetically. It could reach many millions of dollars, depending on the kind of crime that is involved and the notoriety of the crime, and the interest of the media in telling the particular story.

So this could be an incredible cash cow for government in the event that this legislation was invoked and a certain kind of crime was committed, which was of interest to the media. So it is not a small fine. We are not talking about a \$25 or a \$15, or a \$20 or a \$30 surcharge that the minister speaks of, in terms of having a surcharge on provincial fines going to victims; we are talking about a fine that could be in the millions of dollars. It has a minimum fine of \$50,000. This is a substantial amount of money that is directly going into the general revenue of the government. Now, the bill itself allows the amount that is paid under the contract to go to the victims of the particular crime or to the Victims Assistance Fund. Yet, the fine is equal to the amount of the contract and is a minimum of \$50,000. If the contract is less than \$50,000, the fine will be \$50,000. If the contract is \$1 million, the fine is \$1

million. That, Mr. Speaker, under this bill goes directly to government coffers.

My view is that that fine is an incredible amount of money that goes into government, and who should it go to? That amount of money should go to victims or to the Victims Assistance Fund. Absolutely. Why should the government profit on the backs of victims? They are re-victimizing the victims. I could not believe it when I saw members opposite, every one of them, stood against my amendment, every one of them. They want to re-victimize the victims, including the Minister of Justice (Mr. Mackintosh) and including the Minister of Family Services (Ms. Melnick). I could not believe it. They stand up in this House day after day after day saying they stand up for victims.

Well, I can tell you, by voting against my amendment, you did not stand up for victims. You stood up for more government money coming into the general revenue, not for victims. It certainly is a cash cow for government. Absolutely. I just could not believe it when I saw member after member after member not supporting this amendment. I think government should have really thought about this first before they in fact followed their minister's lead. They should have really read the amendment. In fact, I am not even sure if half of them read the amendment. If they had listened to my debate on the amendment, they would have heard that this is really for victims, it is not for government.

For government to profit on the backs of victims is totally wrong. While we are in support in the general principle of the bill, that criminals should not profit from their crimes by selling the recollection of their crime, we are very disappointed that government, in fact, voted down the amendment which would have in fact supported victims across this province and supported the victims of this particular type of crime for which the story is being sold. With that I would conclude my remarks on behalf of our caucus and the constituents of Lac du Bonnet. Thank you.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I, too, was wanting to put just a few words on the record in regard to Bill 41. In second reading I did get the opportunity to express some concerns that we had with the government in regard to Bill 41, the concerns primarily being of the nature of why it is the minister would be introducing this particular bill.

Are there other things that could have been done that would have had a more positive outcome for all Manitobans? We talked about the history of the province and when this legislation would have been able to be used if in fact it would have been law a hundred years ago.

The principle of the bill, I do not think a person can say no to it. So we will support the legislation, but I think what Manitobans want more than just the legislation is to see action from government. In regard to the amendment, if you take a look at the legislation, what I really do not understand is why it is the minister would not have supported the amendment, because the amendment has just as much value, I would even suggest to you even potentially more value, than the legislation itself, because it does recognize the Victims Assistance Fund.

We acknowledge how important it is that special consideration be given to victims. I do not necessarily understand—the Mennonite Heritage Village Museum—[*interjection*] Let the record show, Mr. Speaker, I am not accepting anything for saying that. No.

The bottom line is that the amendment was a good amendment. There is no real reason why the government could not have supported it. So it was a little bit disappointing that they did not support the amendment, especially given we are supporting the bill itself. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 41, The Profits of Criminal Notoriety Act.

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

* * *

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I am just wondering if there is leave to deal with the two private foundation bills that were reported earlier today.

Mr. Speaker: Is there leave to deal with the two private foundation bills? [*Agreed*]

Bill 301—The Jewish Foundation of Manitoba Act

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale), that the fees paid with respect to Bill 301, The Jewish Foundation of Manitoba Act, be refunded, less the cost of printing.

Motion agreed to.

Bill 300—The Winnipeg Foundation Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale), that Bill 300, The Winnipeg Foundation Act, reported from the Standing Committee on Private Bills, be concurred in and be now read for a third time and passed.

Motion agreed to.

Bill 301—The Jewish Foundation of Manitoba Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale), that Bill 301, The Jewish Foundation of Manitoba Act, reported from the Standing Committee on Private Bills, be concurred in and be now read for a third time and passed.

Motion agreed to.

COMMITTEE OF SUPPLY

Concurrence Motion

* (17:40)

Mr. Chairperson (Conrad Santos): The Committee of Supply has before it for our consideration the motion concurring in all Supply resolutions relating to the Estimates of expenditure for the fiscal year ending March 31, 2005.

On June 1, 2004, the Official Opposition House Leader (Mr. Derkach) tabled the list of ministers of the Crown who may be called for questioning in debate on the concurrence motion.

The ministers listed are as follows: Minister of Health (Mr. Chomiak), Minister of Justice (Mr.

Mackintosh), Minister of Agriculture (Ms. Wowchuk), Minister of Transportation and Government Services (Mr. Lemieux), Minister of Education, Citizenship and Youth (Mr. Bjornson), Minister of Water Stewardship (Mr. Ashton), Minister of Family Services and Housing (Ms. Melnick), Minister of Advanced Education and Training (Ms. McGifford), Minister of Conservation (Mr. Struthers).

The floor is now open for questions.

Mr. Gerald Hawranik (Lac du Bonnet): I would like to ask the minister a number of questions relating to the Family Violence Intervention Program, and the fact that it has been terminated. It looks like it will be terminated at the end of June. I know I have asked him several questions about the program prior to this date in the Estimates section, but there are certain things, I think, that need to be clarified.

I guess my first question to the minister is: Why is the Province not funding the Family Violence Intervention Program? Is it because the Province did not start the program in the first place?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): First, I would argue that we have made a proposal to fund it. So first of all, that is one misconception that is out there. By letter dated February 23, 2004, to Jenny Gerbasi, the Province proposed the following.

I will quote from the letter: "This laudable initiative launched as a project of the City of Winnipeg has benefited community safety and has likely provided cost savings to the City though reduced calls to police and other emergency responders. We understand that Mayor Murray committed in the 2002 election to make this pilot a permanent project in recognition of these benefits and his objectives on public safety."

I will just deviate from the letter for a moment to quote from the Glen Murray campaign 2002 policies under the heading "The Safety Agenda: Our City, Our Century, Building on Success." It states there: "We enhanced domestic violence training for recruits and we introduced a pilot project that pairs social workers and police officers to work with families in order to prevent domestic violence."

In bold letters, it says: "This pilot project will now become permanent over the next year." And this going back to the letter: "As a result of a decision by the Province to adjust fine levels for certain offences, it is anticipated that an additional \$1.45 million will flow to the City of Winnipeg in our 2004-05 fiscal year. Of this, approximately \$900,000 will flow due to photo enforcement and must be applied to public safety and policing initiatives. We believe these new revenues provide the City of Winnipeg with an opportunity to consider continuation of its Family Violence Intervention teams."

We go on to say, and we conclude: "We hope the above-mentioned provides a solution to this issue in your upcoming budget deliberations."

So we made monies available. It was a decision made by the Province, announced publicly in late December, that there would be enhanced fine revenues. This was a projection for the '04-05 fiscal year. That is the Province's '04-05 fiscal year. It provided not only money to enable the program to continue, but expand.

So, in other words, there were new monies made available to the City that had to be used for public safety in policing initiatives anyway. It was an ideal fit, and, indeed, in response to this announcement and the description of what we had proposed to the City, the urban affairs critic endorsed this approach, said this is a good way to use that money. It is the kind of direction of resources that was supportable. With the support of the opposition, that was the proposal made to the City, not only to keep the program going, but expand it. That is why I started by answering the question that we have made the funding available.

Mr. Hawranik: In that letter you quote that this is one of the mayor's objectives to public safety, this particular program. Having said that, that it is one of the mayor's objectives for public safety, is this not an important program for the Province as well?

Mr. Mackintosh: Yes. The former mayor made a commitment to make this pilot project a permanent city initiative. We trust that future mayors will as well. Is this an important project to the city? The mayor said so; others have said so; some service providers are telling us so. We think it is important the City continue this initiative. I would urge the City to use the money that the Province has made

available through photo radar that has to be used for safety purposes. The increased fine revenues was a decision made by the Province, but as well we might add that in addition to that—I think it is in addition. If not, I can say that there is \$4 million provided to the City in unallocated dollars that could also be used if they were uncomfortable for some reason in allocating this amount. The Province has made funding available.

Now, this is a city initiative. It was started by the City, it is evaluated at the city level, it is a response by the City to some reports and recommendations, and it is a program that is triggered by calls to Winnipeg Police Service and is in large part a police response. It does have a social work component attached, but it is essentially a police program, for the reasons I just said. We commend the Winnipeg police and the City of Winnipeg for having done this. We would commend them further if they would continue it. They can use the money that the Province has made available. We would welcome that.

I see some people saying, well, this is provincial jurisdiction. No. City policing is Winnipeg jurisdiction. The province shares responsibility along with every other level of government, dedicated organizations and individuals to reduce and prevent domestic violence. We are part of that continuum. The province of Manitoba is recognized for having the strongest continuum of services, arguably, I am told, in the country when it comes to domestic violence, but this is an initiative unique to the city of Winnipeg, and one that I hope they will continue with, using the money from the Province.

Mr. Hawranik: Yes. The minister had indicated that the research indicates that it is an important program, others think it is an important program, the city police think it is an important program. Now, if the City does not fund the program, does the Province intend to provide funding for this program, or is the Province just intending that the program be lapsed and die?

Mr. Mackintosh: Well, we have made funding available. It is the City that has so far not harnessed those dollars for this initiative. But that might change. I understand that two and perhaps three candidates for mayor have said that they would continue this program. I certainly welcome that and I think that is the right direction. I would think that a

mayor looking at this initiative, like the past mayor, would support this becoming a permanent city initiative.

By the way, down the road, I would welcome discussions in a positive way, not just statements through the media, with the Province to make sure that there is no duplication, that the Women's Advocacy Program or Domestic Violence Prevention programming through Family Services is linked to this kind of initiative.

I can also tell you that we have had indications from other cities in Manitoba that if the Province is going to step in and fund this program in the city of Winnipeg, then they will be expecting that kind of investment in their communities from the Province. So what the Province is looking at, as responsible for all citizens of the province, is an enhancement and stabilizing or levelling of services, particularly to women, survivors or victims of domestic violence and their children and to child victims, and making sure that services are provided in the North and in rural parts of the province as they are in places like the city of Winnipeg.

One has to be careful that we invest resources where they are needed. Indeed, we have identified that there is a need for additional resources to support child victims and victims of domestic violence in parts of the province outside of the major urban areas. We have to be mindful of that. Indeed, there is money in the budget to address that. So that is why I think it is important that municipal governments look to see what they can do and the Province will look to see what it can do.

We have to make sure that we are connected and perhaps with this program continuing after the end of June, if one of those mayor hopefuls is elected, we can ensure that the program is well connected. I remind the member that, in general, the Justice Department becomes involved with the trigger of a charge being laid. That is expanding now, though, with the enhanced role of the Women's Advocacy Program to provide assistance for people to obtain the protection orders under the Domestic Violence and Stalking legislation. So there is some enhancement that is moving in the direction of what the city program is providing.

I will just leave it at that.

Mr. Hawranik: Now, if the City does not harness the funding that the minister has stated is available to the City to do so, if the City does not do that and given the fact that the research shows that this is an effective program, curbing domestic violence within the city of Winnipeg and if it were applied throughout the city of Winnipeg it would, of course, curb domestic violence throughout the whole city and, if applied throughout the province, it would similarly do the same, does the minister feel that this is an important enough program given that if the City does not harness that funding that the minister says is available and the City does not continue to fund the program and it lapses or discontinues, will the Province take charge and fund this program?

* (17:50)

Mr. Mackintosh: Well, I think it is entirely hypothetical. In fact I think it is starting to look like that may not be what comes from this. Like I say, we have two and I understand perhaps three leading candidates for mayor that are taking the position that the City will continue this program as it has started it.

There are two issues here. First of all, should the City continue to fund it? I think the answer is yes, of course it should, because it should make a concerted effort to reduce domestic violence and, on a cost-benefit basis, reduce calls to Winnipeg police and other emergency responders, which is one of the reasons that the program was brought in the first place.

Second of all, should the City use money provided by the Province? Well, since they are trying to put the ball in the Province's court, I say, take the money, take the provincial money and do it. It is available to them. It is new money. I think I would be very disappointed and I think it would be unfortunate if they said no. Now, I understand that much of the dollars are directed to policing. That is a municipal responsibility.

Mr. Hawranik: I would remind the minister that that is part of the problem. I think during the last Estimates process the minister had advised me that the money, he was told by the City of Winnipeg that the money is directed into policing. Now, in accordance with the legislation, they could direct it any way they wish, whether it is public safety and policing or public safety or policing. There is no

specific direction as to where the City would put the funds.

So, again, if the City does not harness that funding, and, in fact, in my view there is no funding available, because the City has told the minister already that they are using it for policing, given that fact, and there is therefore no money left over because the money is used for policing, is it important enough a program for this minister and for this Province to fund the program if the City does not do so on their own?

Mr. Mackintosh: The photo enforcement funds go to public safety initiatives, as required by the legislation. My read of that is it is not necessarily policing initiatives, but this is a policing initiative. I understand the majority of the costs are associated with the police component of it.

I understand there are two social workers with regard to this position, but I think clearly their job descriptions would enable them to be construed as elements of public safety, and therefore the dollars that flow from the new fine levels can rightly be applied to this initiative.

In other words, the money is there, new money is there, and if it is not the new fine levels that could be used, there are other unallocated fundings provided to the City of Winnipeg to apply to any priority that they wish. If this is a priority for the City of Winnipeg, they can use that money as well.

Mr. Hawranik: Can the minister confirm that during the last Estimates process he threw out several numbers, one of which was \$900,000, which would have been available to fund this program. Is that the number that he stands by?

Mr. Mackintosh: The estimate was a total of \$1.45 million from the new fine levels that the province brought in, and, of the \$1.45 million, \$900,000 had to be applied to public safety and policing initiatives, but the whole \$1.45 million could be used, but that is way in excess of what the programs currently cost on an annual basis. So that money could be used to expand the program, certainly could be used to continue the program.

It could even be used in part to continue the program pending further discussions with other partners, but those are dollars that before our budget-

related decisions were made were not even available to the City and are now. I think that is an ideal way to use the fine revenues.

I also understand that those figures may be on the conservative side. Indeed, there may be dollars in excess of that because of the expansion of photo radar, but I think, too, just in terms of photo radar, we are still in the stage of determining what the patterns are and whether behaviour has changed to the extent that revenues go down significantly for certain sites. But we do know that there are many new sites that are coming on-stream which should certainly enhance revenues. But we will see, over the longer term, the long-term fluctuations and experiences of this revenue source.

Mr. Hawranik: Would the minister confirm that across Canada and different jurisdictions that have photo radar over the years what has happened is that that source of revenue has decreased over time, as opposed to increased? Because people, of course, after getting a fine, learn that is obviously not the thing to do.

They learn from that, and the fine revenue decreases. Simply because we have more photo radar machines out there to catch people going through red lights, or whatever, does not necessarily mean that there will be increased revenue, because there are increased costs.

Mr. Mackintosh: There are a number of factors that will go to this. The number of sites is one, and I think, too, the change of sites is another factor that would mitigate against a reduction of revenues for the reason the member suggests. As well, fine revenues being adjusted will make a difference and there are even issues of weather that can make a difference on an annual basis.

So I think the experience here in Winnipeg will have to be determined over some time. But we do know right now, even just from enhanced fine levels, there are dollars available to the City so that the former mayor's election commitment can be fulfilled. If one of the mayoral hopefuls that have made a commitment to continuing this program is elected, the money is available to bring home the election promise.

Mr. Hawranik: Will the minister confirm the statement he made at the last Estimates that we had

together that the City has told him that the fine revenue, the \$900,000, is going to policing?

Mr. Mackintosh: That was my recollection. But I would remind the City that this is a policing initiative and that police officers are assigned to this initiative. So I am not sure that there is a significance to that reply.

Mr. Hawranik: The program has been touted as an effective program by researchers at the University of Manitoba. In our view, there is no reason for the Province not to fund it separately and apart from the fine revenue that the minister and the City of Winnipeg expect to get this year, \$900,000 as noted by the minister.

The program is certainly effective at curbing domestic violence. Why not spend \$500,000 to save this program to ensure that the program continues?

*(18:00)

Mr. Mackintosh: I would argue that we have. We have adjusted fine revenues. Monies flow to the City for safety purposes. It is there. This is not an initiative that can be anything but a Winnipeg Police initiative, because first, it is triggered by calls to police and there is a police response. It is largely a police program. So, for all those reasons, and for one further one, is that all these arguments I hear from the City of Winnipeg about their wish to have more flexible funding given to them, I think, is consistent with them exercising their priority setting and tapping into the dollars that we have made available to the City.

Mr. Hawranik: During this session, and the minister knows full well, he has introduced legislation to toughen the domestic violence and anti-stalking legislation that currently is on the books since before 1999 by widening the scope of that bill to include others than just spouses but would include relatives and friends and so on. On the one hand, the minister is taking a tougher stand in terms of widening the scope of that legislation in terms of stalking, yet he will not separately fund the Family Violence Intervention Program. I might ask him why.

Mr. Mackintosh: Well, we have taken a strong position across the board on a number of initiatives, and I can go through them, but my answer would be that the Province has provided the funding and so

far, at least, the City has not accepted that for whatever reason. I only assume that the landscape may change significantly during this mayoral campaign and after. So I think we may be prejudging the outcome of this initiative.

Mr. Hawranik: The research shows that the program works. Research was done by the University of Manitoba. The police think it is a worthwhile project, it is a worthwhile program. The social workers involved in the program and others think that it works. In fact, the Justice Minister even mentioned that others have touted the program, but I have not heard from the Justice Minister whether he thinks it works. Can the Justice Minister advise me whether he believes that the program works and whether it is worthy of funding?

Mr. Mackintosh: One of the problems, of course, is always proving numerically or statistically how many crimes you prevent. If you prevent a crime, there is not an incident to count, but, having said that, the study looked at it and thought it was a laudable initiative, that it held out promise. We do not quarrel with the findings of the report, and that is why we think the City should continue it with provincial money and money that we are flowing.

Mr. Hawranik: Just by the minister's response, it seems as though he feels that perhaps the research was not done correctly or perhaps the research could be done differently to prove the effectiveness of the program. In that regard would the minister be open to funding research in terms of whether or not the program effectively delivers what it says it does, and to determine that if the City does not fund it, whether the Province would find it worthwhile to do so to curb domestic violence?

Mr. Mackintosh: Well, we do not quarrel with the particular study. I just say that is just the nature of trying to measure the success of crime prevention initiatives, whether it is an area of domestic violence or otherwise, but we are prepared to accept this. It is a laudable initiative. We are prepared to accept that it has benefited community safety to some extent and likely has produced a cost benefit to the City of Winnipeg. So, now in terms of the details of the program, can it be delivered more cost effectively? That is something that I cannot answer at this time. It is a city initiative. You know, is there any overlap, any duplication? That is something I cannot answer at this time, but the Province is certainly prepared to

recognize the report, accept it at its face value and urge the City, in light of that report, to tap the dollars that we have made available for safety initiatives.

Mr. Hawranik: In my view, the program obviously works; the research shows that it works. It is not just a benefit to the city of Winnipeg. I think the minister has to realize that there other benefits to the province as a whole. It clearly diffuses family violence. I think the research shows that, and it clearly shows that it is in demand because the rising numbers of responses that the police and social work team has to deal with.

While the minister may say that some of the candidates have committed to funding the program, and if the City does not because of a lack of funding, we have got nine candidates, there are three that I think he mentioned that would fund the program. If one of the other six does become mayor of the city of Winnipeg, they may not fund that program. Clearly, I think it is a program that is worthy of funding. Will the Province commit to separately funding, as I understand, the \$500,000 each year of operation in order that the program does continue? I think there are, clearly, some benefits not just to the city, but to the province as a whole.

Mr. Mackintosh: One better, I would be committed to spending \$900,000 through the enhanced fine revenues on the program.

Mr. Hawranik: Clearly, there is a huge demand for that \$900,000 and, obviously, the City has prioritized the \$900,000 towards city policing. I do not think that there is any argument that policing initiatives, the police certainly need that funding in whatever way, shape or form they can get it, whether it is in control of gangs or whether it is in control of other issues that they have to deal with on a day-to-day basis. Clearly, if the City does not commit any part of that \$900,000, will the minister commit to separately funding a \$500,000 commitment from the Province to ensure that this program continues?

Mr. Mackintosh: Well, if the City does not want to take the dollars from the \$900,000, then there is still about \$550,000, it appears. I will check my math on that one, but there still is money from enhanced fine revenues that I would urge them to use. If they did not want to use that, I would then urge them to use money from the unallocated funding that has been provided to the city of Winnipeg. In fact, I have a note here that says the Province has increased overall

funding to the city of Winnipeg over the last few years by \$10 million, and within that there are significant monies way in excess of the cost of this program that is entirely unallocated.

Mr. Hawranik: The minister raises an interesting topic in terms of \$10-million increased funding to the city of Winnipeg, but does the minister believe that that \$10 million is not committed and not used by the city of Winnipeg?

Mr. Mackintosh: Well, hearing the former mayor's commitment and knowing the importance of covering domestic violence in the city of Winnipeg and, I am sure, the importance that the city politicians recognize, I trust that the City will prioritize dollars that have been forwarded from the Province to the City for this initiative. So I trust that the City will see that this is a program that is important for them to continue.

* (18:10)

Mr. Hawranik: I will ask the minister: Has he ever met with any of the front-line workers, the police officers or the social workers in the Family Violence Intervention Program personally?

Mr. Mackintosh: No.

Mr. Hawranik: Has the minister ever had any calls or e-mails or letters from those who are the front-line workers in the Family Violence Intervention Program?

Mr. Mackintosh: There has been a handful of letters in the last week about the program from some who are concerned about it, letters that I understand that have directed to city and provincial officials.

Mr. Hawranik: What were the natures of those letters? What were the requests made of the minister?

Mr. Mackintosh: Well, I just recall one letter saying, alleging that it was unfortunate the Province and City were cutting this program, cutting funding to the program, and, of course, that was erroneous. This has never been a provincial initiative whatsoever; it is entirely a city initiative. The Province is not cutting a nickel from it. In fact, the Province is providing new money for the City to keep it going and expand it.

Mr. Hawranik: Did any of the letters reveal how much funding that they required, or that they would require from the Province, in tandem with what the City was providing or would provide?

Mr. Mackintosh: I cannot recall that kind of correspondence, but I could double-check.

Mr. Hawranik: Has the minister spoken to the Minister of Family Services (Ms. Melnick) about this program at all and when and how many occasions?

Mr. Mackintosh: Oh, I have spoken on several occasions to the minister, and we think it is important that the record and the misconception be corrected in the sense that this is not an initiative that the Province has been associated with, has not cut funding to and, in fact, quite the opposite, has made funding available to continue and expand.

Mr. Hawranik: Did the Minister of Family Services indicate that there could possibly be funding from the Department of Family Services toward this program?

Mr. Mackintosh: Well, the Minister of Family Services is of the same view that not only is there unallocated money provided to the City, but there are actually monies that have to be targeted to public safety that are available to the City if the City took a robust and continuing proactive view of this program.

Mr. Hawranik: Did the Minister of Family Services have any thoughts regarding, or share with you her thoughts, regarding the worthiness of this particular program for funding?

Mr. Mackintosh: Well, the discussions have been along the lines I just described. I cannot speak for the Minister of Family Services.

Mr. David Faurshou (Portage la Prairie): The other day we had opportunity to discuss the items that concern the Portage la Prairie constituency that pertain to youth corrections and provincial support and recognition for hot spots, as I term them, when officers are getting an inordinate amount of files that are unmanageable at times, and we also spoke in regard to the situation that is still facing the Waterhen residents.

Are there any points that the minister has that he would want to expand on that came to mind in regard to those points before we press on to other items? I am just refreshing the minister's memory that we left off as a grave concern regarding the residents, who did number 307, that came to reside in Portage la Prairie after the barricade was dismantled at the Waterhen First Nation. It has now come to be known as Skownan.

Mr. Mackintosh: Actually, just coincidentally, this morning I was making some notes to the department on some questions we needed answered from our dialogue last time, but it has not gone further than that, perhaps because of House business or something that has been around, but the member had some valuable contributions. I would like to find out more about this Bismarck program, as one of the notes that I was making this morning, so we will discover more about that. I think I said this to the member last time that it was just also coincidental that in my office we were looking at the programming opportunities being provided not only in youth, but in adult corrections and the facilities. There are also some issues, lately, that have come to my attention. I was at a powwow with the youth centre in the last couple of weeks having discussions there with staff. In the area, for example, of young female offenders, the need to have a better bridge between the programming in institutions and in the community, particularly under the YCJA where there is an earlier release generally—it is a two-thirds release.

The frustration that I know some staff were feeling when they just get started with a youth or, indeed, in the adult side, any resident or offender, and then that program is discontinued. Even if the person continues to be in the system under a court order and supervised by Manitoba Justice, because they are not on the institutional side, they go over to the community side and there is a disconnect. I think there are greater opportunities there to try and bridge that gap but, as well, I think the member raises a valuable point about how we are providing some basic skills so that these people, when they leave, are kept busy, for lack of anything else, and have some basic skills.

I can tell the member that, currently, in my office, there are some proposals being considered. I do not think this is any big top secret. I may have been speaking publicly about this the last two or three months anyway, about the need to focus better

on literacy skills, which I think is an underpinning of even some of the other trade skills that could be enhanced. When it comes to literacy skills, there is a program, for example, that has been offered by the John Howard Society that teaches not only literacy, but, at the same time, is teaching crime reduction. They teach victimization, for example. They teach anger management by using the literacy programming. So I like that combination because you are hitting two birds with one stone, basically, then.

So I have asked to see how that can be enhanced and what the costs are because there will be costs. That would be with a view to the next budget year, so that is under consideration. But, as well, there are other things under consideration in terms of how we can make sure that our correctional institutions are effective places of behaviour change.

On a related issue, there is another issue in my office right now. We are looking at options to enhance the ability of inmates to provide community service even in the institutions, and how we can produce some products that may be of benefit while not displacing those who are in the work force currently.

Mr. Faurschou: Yes, I appreciate the minister's comments. I was leaving the building and I was thinking whether the program involving the Youth Job Corps, was it Bismarck or Minot? I know it was on the western side of North Dakota. So I will clarify that for the minister because I know the minister is relying on me for that information, so I will provide that to him. My apologies on not seeing the minister at the powwow at the Agassiz Youth Centre on the past week, but just simply because of the number of young men in that institution at this point in time, even though beautiful weather, significantly down in numbers attending that event although it was very, very well organized this year.

*(18:20)

The staff really went out of their way to have a very broad array of entertainment, in addition to the normally scheduled powwow. They had horses and others. I thoroughly enjoyed the afternoon. I will say that, in regard to linguistic skills, the literacy program that has been ongoing at Agassiz Youth Centre has been federally funded over the last number of years.

The teachers, effectively, had to be extraordinarily creative in order to qualify for federal funding year over year because the federal program is designed that it cannot fund the same project year over year. In order to benefit from the literacy program that the federal government was offering, they had to change the theme of the program every year. They were getting pretty hard-pressed to keep rejigging the program to qualify. So much time and effort by the instructors were being required for this rewriting of the curriculum, I think it was getting to a point where the federal funding for that particular programming was almost being offset by the additional time and effort by the teachers.

They do not have as intense a literacy program this year as they have in years past. That is a concern, although the numbers are down and there is a little more one-on-one time allowed for this year than when there were 120 participants. Mr. Chair, 48 are all that are in the Portage institution at this time.

It is of concern to all. What we talked about last time is looking to the Crown attorneys to research the young offenders and see where they could benefit. In testing of their grade skills, if they are only functioning at a Grade 4 level of literacy or they are at a Grade 6, then it is, potentially, saying to the justices that this individual has only Grade 4 literacy skills and have that be tied to the sentence. If the individual is going to, say, come to the institution, the Agassiz Youth Centre, this person has to be in there, whether it takes him six months or whether it takes him eighteen months, to achieve a fundamental Grade 6. I use this only as an example, but that is part of the sentence. It is not solely time based. It is achievement based. That is something I hope the minister will consider through the Crown attorneys. If the minister will comment, I will move on to another question.

Mr. Mackintosh: I think we might have had this discussion briefly the other day, but I know the concern is just the basic case law, which has relied on sentence length being determined by, of course, the law and the evidence, the nature of the crime, the background of the offender and so on, and has not, as a major factor, relied on the length of a program that may change the behaviour of the offender. I think that, quite frankly, is something that should have more consideration. It might be that it is not the length of incarceration but rather the length of the sentence so that can be dealt with by way of both a

custody portion and a community portion of the offence. That is where the issue of closing the gap comes in.

Mr. Faurshou: I do appreciate it does not necessarily have to be in one venue or another. It is what we are looking to achieve. What the Crown attorneys have to instil in the thought patterns of our justices is that education is the foundation of everything the young person can achieve in their lifetime. If they do not have those fundamentals, they are not going to find their way out of the rut or out of the pattern of behaviour that has seen them into the justice system in the very first place. So we have to provide the young people with the skills in order to change their ways.

I would like to let the minister know that currently the Portage la Prairie School Division is experiencing an inordinate amount of vandalism. It is of grave concern to the community, as the school division board of trustees has discussed that they have installed about all that they can do as far as lighting and other deterrents to prevent vandalism.

Needless to say, it is still occurring, and I once again want to leave with the minister the thought that, when youngsters are convicted of a crime, there be a component of restitution, because when the Portage la Prairie School Division has broken windows and other items that cost money to replace, damaged, the courts have to recognize that the taxpayers are paying three times. We want that to be recognized within the courts that these young people have the opportunity or are required to forward some restitution.

If the minister has a comment on that, otherwise I will move on to the next point.

Mr. Mackintosh: I certainly agree, restitution is critical. I know the judges, though, they are constrained sometimes by the ability to pay of offenders, and perhaps you have seen a recent story in Winnipeg where the restitution payment was negligible compared to the amount that was ordered, and although there are 10 years to pay and civil remedies available, there is that balance. I would say that, on a basis of principle, I would like to see more emphasis placed on restitution as part of a consequence. That is where I see youth justice committees and justice forums and community justice being very effective in delivering on, and

there is the restitution that the victim actually requests. Perhaps there is some negotiation, if you will, or some back and forth with the offender in terms of how it is paid and so on, but it is something that I think we have to continue to pursue, particularly through the venue of community justice.

Mr. Faurschou: I know that the young offenders, when they are placed on probation or conditional discharges given, and these conditions of probation or conditions of discharge are not adhered to, there is significant paperwork required by law enforcement officers. I would like to leave with the minister the thought that he evaluate every administrative responsibility of the police officers at present. I have had opportunity to go out, ride along with police officers, and, in the cases that I have been out, half the shift has been occupied by paperwork. These are experienced, talented law enforcement officers, and they are tied to the desks for half their shift in doing up paperwork.

It was an off-the-cuff remark by an unidentified law officer, "Sometimes when we know that there is an inordinate amount of paperwork with that particular young offender, then we will just look the other way. We did not see him running down the street because we know he has got to be at home, but we saw him on the street. But, if we pick him up, we are going to end up with three hours' paperwork." So the thing is gone.

* (18:30)

The paperwork, is it really all that necessary? I know that right now, the police officers have to basically cover off the entire waterfront of possibility by the defendant's legal counsel. It gets to a point where who, really, is the loser in all of this, and so far, I think, society is. When we are paying for a law officer for half the time to be tied to a desk for a lot of paperwork that, when it gets to court, never even sees the light of day—the folders are not even cracked. So I wanted to ask the minister for his commitment to, really, within his department, evaluate the necessity of this experience.

Mr. Mackintosh: When I did a ride-along, I was, likewise, horrified by the amount of time it took to process the paperwork. At that time, I began asking some questions about those procedures, and what had just come into force. I understand, or what was starting to be developed was a voice-entry system, a

new method of getting the necessary information into the file at the City of Winnipeg. I know that each police service, Winnipeg police for sure and certainly the RCMP, is always looking to see how they can reduce paperwork, and look to see what efficiencies can be introduced.

I know that the City of Winnipeg has recently brought in another information management system, and that was with a view to making the system more efficient. Whether that will bear out, I do not know. I know that there have been some significant challenges, I understand. We will see how this all unfolds, but I can say that our department is dedicated, and is working tremendously hard at the expense of other matters, to make sure that the Winnipeg police system, indeed, is an improvement. So we are doing just what the member said. In fact, I am sure today there are many people in the department who have worked full-time in the last number of hours, as they have over the last three or so weeks, to make those improvements.

There is one other area that has come to my attention that I have raised a question about and I am looking for answers on, and that is whether it is necessary that motor vehicle accidents at the limit that are currently required to be reported to police continue, because I have heard, anecdotally, concerns that the threshold is too low. If you have had a fender bender, you know that it is nothing, that there is very little damage, that can cost \$2,000 nowadays. We have to look to see what the needs of the courts are, what the needs of MPI are and DVL, and so on. That is something that I am looking forward to seeing looked at. That is all I can say at this point. I do not know, because I am not sure of all the different information needs, whether the threshold should be changed or not, but it is a question I have raised.

Mr. Faurschou: I appreciate the minister's response. One item that I hope that the minister can, potentially, talk with his colleague in Transportation on, because we are looking at a system of identification now, one that will be recognizable not only in Manitoba, but in other jurisdictions, because even our driver's licence, our photo IDs right now, do not have enough background information required to recognize that piece of identification for international travel now into the United States. The Department of Transportation is looking at identification for not only driver's licence holders, but also the rest of

society, and how, potentially, we can use the cameras and the infrastructure already there by the Department of Motor Vehicles. I would like to ask the minister to look broader than just what the transportation is insofar as the school systems all issue student cards. They all have their photos on there, but with the student cards that is all they are, a card with a photograph.

If we can look really truly at an identification system that would potentially be of dual or triple or quadruple purpose, that would benefit everyone. Where I am going with this, Mr. Minister, is essentially we all have the swipe cards. If there is an identification bar on the student cards, for instance, which is very doable—we all know that youngsters have student cards—here is a student card, and it is swiped right in the patrol card with the technology on board. That gets away from a lot of writing right there because you have the person's name, address and identification parameters. So I would encourage the minister to look at this because identification cards and/or identification is problematic in a lot of cases with young people.

Moving on to the Lighthouses program, I would like to ask the minister if there has been any further consideration in regard to Portage la Prairie qualifying for the Lighthouses program vis-à-vis the current influx of persons from the Waterhen as an example.

Ms. Bonnie Korzeniowski, Acting Chairperson, in the Chair

Mr. Mackintosh: I have encouraged the member, the mayor, and some representatives of council—I was just trying to recall; I had a meeting last August with the mayor and some representatives of council or from the economic development committee, I cannot recall—to do what is necessary to make an application for Lighthouses. The department has done, I think, an excellent job of cutting down the red tape, making it very clear as to what kind of work should be done to make a good application for a Lighthouse.

I can say that there has to be support from the community. There has to be involvement of youth, I think, two youths. There has to be involvement of law enforcement which could include probation, for example, in the committee. In other words, it has to be a community-driven, community development

initiative, but the youth have to have a key role. Now, there may be an application in. I do not know and the department has some criteria that they judge applications against. I think there are about 24 Lighthouses right now, and we are committed to 40 over this mandate. So there may be a good opportunity for Portage to get a successful application.

It was my read, from not talking only to the member, but to others in Portage la Prairie, that there certainly would be a need. As I recall at that meeting with the mayor and other representatives of the council or economic development committee, there was a program in place where Lighthouses could append to, to enhance the programming and hours. That, by the way, is very attractive to the Lighthouses' people. In fact, the first number of Lighthouses were enhancements or conversions of other programs to make sure that the program began in a stable way and we had a good experience to learn from.

So, just in conclusion, I would just urge the MLA to help to mobilize some people locally to make that application, but they could contact Richard Kennett, the program manager of Lighthouses, and he would provide to them all of the necessary information needed to make an application.

Mr. Faurschou: Well, we do have a lot of programs already ongoing. I think what we are looking for is a little bit more financial support in running the programs. We have utilized all of our schools. The lights are on until midnight in virtually all schools every day of the week with the exception of Saturday and Sunday nights. It is also the neighbourhood—

An Honourable Member: There is a gap.

Mr. Faurschou: There is a little gap on the weekend but, then, again, when we look to the additional costs of janitorial services and everything, it gets cost-prohibitive. The Neighbourhoods Alive! program is another one that we would like to access, but that has a federal funding component I understand. Oh, pardon me; it is provincial funding based upon federal statistics of homeless.

* (18:40)

I do not know how the other three centres that are funded here in the province are designated more homeless than in Portage. We just take very good

care of our persons, the people that come to Portage la Prairie, but I would say that we are no less needy when it comes to that type of support that that program affords communities. I would hope that the minister would revisit that and look to his own department as assessing communities, rather than relying on the federal government's statistics to make the determinations as to whether a community qualifies or does not qualify.

I will leave this with the minister. I was just studying a case that dismayed me significantly. A Justice ordered a person who has had a medical, mental condition that prevents him from working—he is on income assistance—and he was ordered to pay child support. The break up of the family was essentially why this person is now in the state that he is, requiring income assistance, and now to be ordered to provide some of the very, very scant dollars that income assistance provides for a person to provide for child support, in my mind, is really kicking somebody when they are down.

Mr. Mackintosh: I will not comment on that because I think it is best that that be dealt with on a case-specific basis. As you know, the department, I think, is quite responsive with any of those concerns that the MLA might have. He can get that to my office and we will get an answer to him from the maintenance enforcement staff in terms of the background and so on and whether that order is contingent on future employment, or whether it actually requires diversion of welfare money. So I think that there is an issue that should be addressed.

Mr. Faurshou: Yes, I just brought it up to make the minister aware of it. I was looking for a generic response insofar as I thought that income assistance monies were monies of last resort and were not available to the court.

I thank the minister for the opportunity this afternoon, and I would like to yield the floor to my honourable colleague from Lac du Bonnet.

Mr. Hawranik: I just have a fairly quick question to the minister with respect to the \$1.45 million in funding that we talked about earlier in response to some of my questions; that is, apparently, fine revenue.

The minister had indicated there is \$900,000 or, in fact, fine revenue from photo enforcement. Now,

we all know, and the minister has said, and I know as well that that funding is allocated by legislation toward policing and public safety. Now, he indicated that the \$550,000 difference—the City could possibly tap into those funds to fund the intervention program.

Can the minister advise whether or not that particular portion of the funding—the \$550,000—is allocated to any program or service to date?

Mr. Mackintosh: As far as I know, because that money was just recently announced, that money presumably is subject to the priority setting of the City of Winnipeg. This is only an add-on to other photo enforcement revenues, including other fine revenues that go to the city. I mean, these are just new revenues from the increased fines that the Province brought in.

Mr. Hawranik: Okay, that was my only question in any event. I would like to thank the minister for his responses. I have no further questions at this time.

Mr. Kevin Lamoureux (Inkster): Maybe I could come up with just a bit of dialogue. I was listening to the minister talk about the, is it the Lighthouse program? If he could just give some sort of an indication—I am not as familiar with the program, maybe, as well as I could be—as to how one would go about starting up a Lighthouse program in a local community.

Mr. Mackintosh: Is Maples West, or Meadows West in yours?

Lighthouses came in as an election commitment in 2000. It is designed to keep the lights on in schools after hours, community centres, friendship centres, other community gathering places for youth. First of all, we keep youth busy to provide a safe place, role models and mentors, and to enable youth to design programs themselves. So it is seen as a community development model. So that is an important prerequisite for obtaining funding.

So far there are, as I recall, 24, and I could be off by 1. Either way, 24 Lighthouses across Manitoba. The majority are in Winnipeg. They are application-driven. They would, if successful, be able to access \$12,000 a year, representing \$1,000 a month. That contribution from the Province is seen as just that, a contribution to what has to be a stake made by other people concerned about safety in the immediate

community, whether it be a school division, could be a police service. It could be a friendship centre, another service organization, city of Winnipeg or another municipality.

I can go on because with all the Lighthouses there are different funding partners, some just funders in kind. I have seen a Lighthouse over on the east side where there were contributions from the private sector, which I am very interested in seeing developed further. We will see if we can develop that because I think we all have a stake in this kind of initiative.

Some of the Lighthouses are enhancements of existing programs. I can give, for example, the example of Rossbrook House where the Lighthouse there enables them to keep the lights on longer. In the last election we announced the doubling of a number of Lighthouses from 20 to 40 at that time. Since then, we have brought, I think, a net of four on. There may be some that do not continue because of changing local dynamics or some local politics perhaps. There is an opportunity for communities that are interested in crime prevention and focussed on youth to make an application.

* (18:50)

There has been a recent study done by Kaplan and Associates of the Lighthouse initiative over the first three or so years. They discovered that there were, in a one-year period, 8000 youth, disproportionately at-risk youth, that were accessing Lighthouses in Manitoba. It is showing that it is successful. Indeed, the whole study showed that this was a successful initiative. It did recommend that Lighthouses start to be focussed more on communities that were at greater risk of youth involvement in the criminal justice system. I support that because we have Lighthouses, actually, in some suburban communities but we have also discovered that in some of these suburban communities there are pockets of greater need. There is no community that is immune from at-risk behaviour but there certainly is that focus.

So I think in future the applications will have to demonstrate that there is a crime challenge that this could assist in addressing. I might just add that in terms of as a local component, that the manager of Lighthouses, Richard Kennett was seconded into this role because, I believe, he was principal or vice-principal at Meadows West and was involved in the

design and delivery of a youth program which was the model of a Lighthouses initiative. We look for that kind of experience in delivering. As I recall, there was a very successful youth initiative at that school that was keeping kids busy. It was a model. It was brought to my attention and so that is the kind of expertise that we harnessed to move ahead on this initiative with.

But I would recommend that if the member is interested in spurring a local interest, which I think is the role of an MLA, as the member has done with the youth justice initiative, to find out from the department what is needed to deliver a good application. But he is in competition, I can tell you. I hear, and I go out and I talk to communities, especially at-risk communities, I would love to see more Lighthouses, particularly, in some of these older neighbourhoods in Winnipeg where there are serious incidences of youth offending. That is where I would like to see them concentrated.

These applications are all assessed on the basis of criteria and I know that the member's constituency is not immune to serious concerns and problems of youth crime, like other communities. So I would urge him to find out what he has to do to make a good application and see if that fits.

Mr. Lamoureux: Madam Acting Chairperson, I appreciate the comments. I will have to make that enquiry because in the area that I represent there is a very high percentage of children. It is one of the smallest constituencies geographically in the province and there are a lot of kids at home. I think the Lighthouse is fairly recent, but I realize the program has been out for a while. I do think that the government is going in the right direction by supporting a program of this nature.

The justice committee that the minister made reference to, which I derive a great deal of satisfaction in being on—an organization of that nature, I take it, then, would be eligible to at least put in an application if there is a local facility that we believe we could use. The association does not have to be a parent council, for example; it can be a free-standing, if I can use that word, association like a justice committee, because the justice committee actually bridges more than one constituency in itself.

Mr. Mackintosh: I do not recall there being any stipulation as to what kind of organization applies. It is just the nature of the community development

proposal. In other words, what have you got to youth that are going to play a key role in the design and oversight of the program by participation on the community committee?

Do you have a law enforcement official like, for example, a local police liaison officer or, perhaps, a probation officer? I think that the criteria was expanded to include not only police. And, yes, do you have a facility, and where are the dollars going? Are they all going to a custodian, or are they going into actual programming and materials and so on? Who are your other partners? What is the community going to put up?

Those are all looked at. This is not top down. This is not, well, we are putting in a program in your neighbourhood. This is the neighbourhood saying that we are going to get money to fund a program that we want to do, that works for us and is unique in the world, if you will. So that is the nature of it, and I think the member appreciates that is the way to go. It is not one size fits all, at all. So I would urge him to look into that program.

They say that he is up, I guess, a lot of applications. I know. I have heard that. The problem has been, I think, getting applications from communities that really are at risk, and ones that then often disproportionately do not have the capacity to put together a good application.

It is too bad because I think a lot of communities that need Lighthouses just have not so far had the capacity to put them together, but I think that is coming around. I think the Lighthouses staff too is, you know, dropping hints to local people who are out there that they should consider this. I think there is a role for MLAs to do that, and I have said the same thing to Portage la Prairie.

Mr. Lamoureux: Again, I do appreciate the comments. I think what the minister is saying is quite accurate. There are areas which are maybe in higher need; yet, the participation is not maybe where it is that we would like it to be in order to ensure that we have those programs being implemented where the need is the most for them.

During the Estimates, we did get a chance very briefly to comment about the Turnabout program. Given that we do have some time here, I am

wondering if maybe we can just have a bit of a dialogue on it.

I have always felt that, in particular, justice committees could play a role with dealing with young offenders under the age of 12. I am wondering to what degree is the minister aware of justice committees today that would be dealing with youth under 12. Is that, in fact, happening with any of the committees?

Mr. Mackintosh: I think it was I who personally wrote; at least I signed off on the letter. I think it was from myself to the chairs of the youth justice committees urging them to consider taking on Turnabout offenders, for lack of a better word. I will have to get back to the member on that response, but I can say to the member that it would be one option for Turnabout to use the infrastructure of the justice committees to provide the offender-victim component that I hope will be a vital part of Turnabout.

Turnabout is not only about consequences. It is an important part of the initiative that there be victim satisfaction and making right the wrong. That depends, of course, on the victim and the victim's consent because some victims do not want anything to do with it. It also depends on some of the circumstances, for example, if the child has to be brought into child and family care, and there are all kinds of other issues. There are issues of capacity there that may come into play. The only program like this anywhere in Canada is in the Toronto area. It is called Earls court program. My understanding is the Turnabout differs in that we do have a consequences component to Turnabout.

So how do you deliver, then, the consequences in terms of the restorative justice aspect of it? It is being done with the co-ordinator. It is being done through a number of forums. I think there has been some youth justice committee involvement already, but I think that there is a good potential there still lying ahead. So I agree with the member. I know that Keewatin had dealt with one of these going back a number of years, so it is not as if this is all brand new in terms of youth justice committees being the infrastructure as one option.

* (19:00)

The other side of Turnabout is the help side, and that is to get this red flag dealt with when a youthful

offender attracts the attention of police because, otherwise, they have broken a law but cannot be charged. It is just amazing that with just one co-ordinator—Isabelle Lewis is the person there now. She comes from what used to be a mediation services program dealing with youth called CP1879. She has come into this to bridge the youth and the family with an existing agency or program. It was not a matter of creating a whole new office of social workers, and Turnabout is not a bureaucracy. It is one person. It just says that, hey, all across this province there are all these fantastic initiatives, all these programs that work, and we just have to connect them.

So it has provided, I think, some predictability or some consistency for the police in terms of what they do when they pick up one of these youthful offenders. It has provided some statistics. We did not even know how many there were when we started this. We did not know what we were up against. Now there is a protocol for getting some interventions to get it into their heads and change their behaviour, deal with what is often some family issues, so I am just thrilled with the way that this has been going. I thank the federal government for helping us to get this going. I mean, I was able to make the argument to the federal government, "Look, if you are not going to have some flexibility in the lower end, under 12s, in the Youth Criminal Justice Act, well, then, let us work within our own jurisdiction of child welfare. We can stop pointing fingers at the federal government, and we can do something here provincially to deal with offenders under age 12."

By the way, I would still maintain that, for the very, very serious offences, I think there should be an opportunity to make an application to have a youth brought into the youth criminal justice system in extraordinary circumstances, both in the interests of consequences, and for due process protections for that child who might say, "It was not me; it was Eddie." Well, what system is there to apply rights?

I am not going to sit around pointing fingers at Ottawa about under 12s, I said to myself when we came into office, and so the federal government fairly gave some money to get Mr. Sangster to canvass the lay of the land and see how this program can be put together, brought together, the police and child care people. I remember even Yude Henteleff was involved at an early stage in some of these

discussions in terms of how this program might unfold.

We have done a made-in-Manitoba initiative. We are the only ones in Canada with a province-wide initiative like this. This is a great link to Firestop, for example, for these young arson offenders. They are dealing with auto theft now in a specialized way. I mean we are moving ahead with something that I think is tremendous. The cost is manageable. I think the budget is something like 70 some thousand a year, which is largely the salary of Ms. Lewis.

So, it is good, but you are right. The member is darn right. Yes, the justice committee I think will increasingly become an important part of the consequences part of this initiative.

Mr. Lamoureux: I noted that. We are just waiting for someone else to come before committee so I will maybe ask one more or two more questions. The Keewatin Youth Justice Committee, which I happen to be the chair of right now, and because of the interest, so I will put on that hat if you like, and I would indicate to the minister that our committee has had discussions about young offenders under the age of 12 and we are definitely indeed interested in pursuing it.

The other thing that I would make a suggestion, you know there are many different issues in which I might take exception within government in terms of the types of things that it is doing. I do think that there is some forward movement in this area. There has been some concern in terms of some of the strengths of some of the justice committees and maybe what is happening with some of the justice committees, but I do think that these things can be overcome. I think there is a wonderful opportunity.

I can say to the minister, you know, when I first got involved, it was Gary Kowalski that got me interested in justice committees. We heard cases, and there was just, I would say, eight out of ten cases, it was minor shoplifting or something of that nature. Recently, over the last few years, those shoplifting cases have kind of disappeared. No doubt the shoplifting still occurs but as a justice committee we have not been dealing with it. A couple of meetings back I had raised it at one of the justice committees and now we have actually received a couple where it is shoplifting.

Whether it is coincidence or whatever I was actually quite encouraged. The reason being is that you have to have the different types of cases for justice committee members. At one time, as a justice committee I can recall we had 18 members and there was more people that wanted to be on the board. We were dealing with 40 to 50 different cases. At the time we were still looking at the possibility of how we might be able to expand.

The numbers have gone down significantly. I am speculating here, but I suspect a lot had to do with just the number of cases being reduced to a significant low and, in essence, they were the car thefts, joy riding, that type of cases. I do not know if it has been healthy. I do not know what has happened with other justice committees. We now have had two of our committee members that are going to be going to the joint chairs' meeting, and I think that that is a good way to make sure that there is consistency throughout the province under this particular program.

Mr. Chairperson in the Chair

But I do think that there is benefit in having some form of, maybe it is a workshop in which we have some of the civil servants being with the joint chairs, I do not know to what degree the civil servants participate with the joint chair meetings. But there might be some benefit just to kind of get an overall review of the status and the future. For some justice committees, they might want to pursue with young offenders under the age of 12, as I indicated we do. I can recall the minister even earlier making reference to maybe the possibility of dealing with cases over the age of 18 and, again, I think that that would be a positive thing. These are quasi-judicial types of groups that can play a positive role with community-based justice.

As much as possible, in a political fashion, I am quite prepared to meet with members from the department if there is an interest in terms of just trying to get a sense of how I and possibly others could think that it would really make a difference. So I just extend that to the minister.

Mr. Mackintosh: I will sort through how the member may be able to assist in the development. I want to tell you this. This is a desk-thumper for me, this issue. In my office I am absolutely determined to do whatever a minister can do to expand community

justice in Manitoba, to leave more offences with communities, leave courts to deal with the not-guilty pleas and the more serious offences in a more resourced way.

* (19:10)

Let communities provide greater victim satisfaction and stronger lessons to offenders from this kind of justice, is what I am saying. So we established in the department a Community Justice branch, and I think that we are looking at how we can strengthen that branch to make sure that there is continuity of staffing and real insights into how community justice can develop, and how the seeds can be planted for community capacity.

I know that his committee will have supports from the Community Justice branch. I hope that he has maybe met some of those people there. There is more to do. It has got to grow, and at a time when there are some indications of fewer offences going to youth justice committees because the police are dealing with more, at least in parts of the province, that is fine. Whether that will continue is another issue, too. We will see how those numbers bear out. But it is very important right now that we do what we can to—yes, there may be some, I think it would be a low number, but there may be some under 12. I think we have to expand the use of these committees to deal with what, I think, most people still call young offenders.

But those who are 18, 19, perhaps 20, maybe 21, that is where the change has to become emphasized and I have made that clear to the department. I have given them clear direction. We have a new policy in place in terms of the kinds of issues that a community justice committee should be dealing with, what they should not be dealing with. I will be doing whatever I can over the time that I have left in this office to make sure that we empower and grow community justice. I am a firm believer in it, for every reason. We have to do an even better job recognizing that Manitoba has done a relatively good job of community justice.

We have two recent initiatives that have shown some good promise and show that we are moving ahead.

Number one, the second largest city in Manitoba now has a justice committee. It just started work a

couple of months ago, in Brandon. Never had one. I went down there myself, and got up and used the bully pulpit to challenge the community to put together such an initiative and it is there now. It took a little time to pull together, which is fine. It was sure-footed in its development, but it is off and running and they have excellent people there.

Now, in Winnipeg, we have Onasheewin, which is dealing not only with youth but adult Aboriginal offenders in the city. In just a number of months, we have some positive developments. But on the youth justice committee side, the member has heard where I want to see this go and I think the member shares that vision.

We have also benefited over the last year and a half, no more, from Achieving Justice, and that was an initiative that was federally funded. The funds ran out and we were able to keep some of the essential core aspects going this fiscal year. They put together just some tremendous programming, really bringing the justice committees in Winnipeg together, making sure that there are issue-specific consequence initiatives. For example, there is a graffiti removal program that they put together. There are a lot of training initiatives. So I trust the member is aware of that as well. So I am seeing the development in a positive light, but I will be the first to say that I am rather militant about this. We have got more to do. I will do what I can.

Mr. Chairperson: Is there leave that, instead of the Minister of Agriculture (Ms. Wowchuk), we have the Minister of Transportation and Government Services (Mr. Lemieux)? *[Agreed]* The floor is now open for questions.

Mr. Glen Cummings (Ste. Rose): I will start with a current situation that has arisen in the community close actually to where I live, Mountain Road being the name of the community, which describes pretty much the situation. It is a community on the edge of the south escarpment of Riding Mountain. It is a historic community. At one time it contained the largest wooden cathedral, I believe, in Canada, certainly in Manitoba, until lightning struck it, but it has been replaced. The community still functions as a community, although the store is no longer there, but there is a church and a hall.

The centennial celebrations are occurring on July 24, 25. The community had written asking if it would

be possible to reduce the speeds on PR 357 that goes between these two facilities. To compound their concern, there is actually a rise, a hill, if you will, or two valleys on either side of where these facilities are situated. There are going to be 400 or 500 people congregating there for a homecoming and centennial celebration. They were looking for some assistance from the department of highways, not on a gratis basis, but in terms of permission to reduce the speed.

There is a fair bit of traffic that goes through there, taking the shortcut on the way to Wasagaming. They would come out at Erickson. The letter that has been just recently received says there is no provincial mechanism that exists to establish legal temporary speed zones within Manitoba for these types of event. Therefore I am unable to support your request. That was signed by the Deputy Minister, Mr. Horosko, for whom I have considerable respect, but I have trouble accepting that there is no mechanism that could be used to assist this community. He suggested that they could help by putting up some snow fencing in order to keep the pedestrians off the highway.

One of the problems is that there will be excess parking that will likely have to go on the opposite side of the highway, particularly during church services on Sunday and vice versa when there are events and food being served on the other side of the highway. The surplus or spill over parking will be on the north side. But, in their effort to be helpful, the department, in the opinion of the local organizers, has made things more difficult because what they are saying is that the staff will install no stopping signs on both shoulders for a distance of 500 metres east and west of the church access for the weekend of your event. So for half a mile on either side or close to half a mile on either side of where the event is going to be held there will be no stopping signs erected so the traffic will not be able to park on the shoulder.

It is always a case, or very often the case during funerals, large funerals, weddings and community events that there has been shoulder parking. I can appreciate that there can be some danger associated with that. The community is willing to put out their own trained volunteers to assist with some kind of traffic control, provide some warning to slow down the traffic. The suggestion that has been put in this letter as well is that they could put up some signage on private property warning the traffic as they

approach the event to slow down. That means off on the fence lines on either side of the highway. It would not be very useful later in the day and strikes me as a little bit difficult to substantiate when the best way of getting the attention of the traffic to slow them down for safety reasons is either have a flag person there or signage right on the shoulder adjacent to the where the traffic flow is and ask them to slow down.

* (19:20)

When I first read this through, and after talking to the local organizers, my first thought was to come in here and raise a ruckus with the minister. So far, I hope I have kept my arguments logical. It seems to me that this is a problem that could be dealt with in a fairly straightforward way if there was some support from the department. The letter states that there is no provincial mechanism that exists to establish legal temporary speed zones. This is not the same as construction but we do slow down traffic for a variety of reasons out there, Mr. Minister. It seems to me, particularly when the community is volunteering to try and deal with the safety issue, that there should be some way that they could do this. If it means flagmen on the road with appropriate reflective gear, they have people who act as Citizens on Patrol and they have people in the community who are, I believe, they have at least a couple of retired RCMP officers that I am aware of that would be more than willing to assist in making sure that something was properly set up.

So I am appealing to the minister to take a serious look at this and see if there is a way that between his obvious interest and concern in this and my concern that this community is going to have a problem. At one time the speed limit was 70 kilometres through this community, when there were residents there. There are no longer any residents right on the highway and the speed limit has been eliminated. So this is a two-day situation; it is of serious local concern. Just to add to that and to, I hope, support my argument, likely during the church service, the preponderance of people that are going to be around there are going to be elderly.

(a) They are not going to want to walk half a mile if they parked beyond the fence boundary or may not even be able to; or b) if they are walking on the shoulder of the road, they are certainly not going to want to be dodging high-speed traffic.

I know that the community will do everything that they can to keep the people and the traffic off the road, but we have a people gathering around that on an uncontrolled highway through the middle of where the function is occurring. It is a recipe for disaster. I just wonder if the minister has any ideas.

Hon. Ron Lemieux (Minister of Transportation and Government Services): I guess what was coming to mind as the member from Ste. Rose was raising this point is that I am familiar, well, somewhat familiar, with where the community is. I was just wondering how many people are expected. I am not sure if you had mentioned that in your earlier comments.

Mr. Chairperson: The honourable Member for Ste. Rose, for the record.

Mr. Cummings: Mr. Chair, 400 to 500.

Mr. Lemieux: I thank the member for that. Let me start off by saying or preface by saying, I know that some members that are here this evening were former Cabinet ministers, and no one likes to undercut their department because they are professionals in their department, and they want to do the best job possible for the citizens of Manitoba.

So, as ministers, you really do not want to undercut or downplay the decision that is made by your department. Having said that, though, the reason why we are elected and the reason why you are Cabinet ministers and the reason why you are, why I am in the position that I am in is because I have the confidence of my Premier and our government to do a job.

Having said that, as well, we are responsible to the citizens of the province and also to the elected representatives that are here. This is something that I am not familiar with, this particular example. But I can tell you that I understand the point that was being made about no temporary mechanism to address short-term speed limits. Because I understood that at lakes, for example, where you change the speed limit near lakes or cabin areas throughout Manitoba, the speed limit is changed somewhat for that particular summer traffic. The speed may change from 80 kilometres an hour to 100 kilometres an hour during the wintertime when there is no traffic at the lake, for example. It varies. So there is that kind of a mechanism in place. But for

special events like this, I understand that there is not anything in there that just says, for a weekend you change the speed limit.

When I take a look at the options that you raised about a lot of the people that would be elderly, I think it is unreasonable to expect people to be walking a half-mile or farther to try to reach the church or reach the picnic area. I do not think that is reasonable. I think people are trying to be reasonable in any way you can, and even when they are prepared to have flagmen or flagpersons. I am not sure what politically correct term is used these days—

An Honourable Member: Out on Mountain Road we do not care.

Mr. Lemieux: A comment was made that the people that are attending this event may not care what they are called. As long as people are there providing safety, they do not care what they are called. There are people out there that are volunteering to make sure that traffic slows down, and that people are safe crossing the road or trying to enter the church or get close to the church. I tend to agree with that.

I feel in an awkward position having to kind of undercut a staffperson, but what I can commit to, though, is that certainly I will raise it with the department and I will ensure that I get back to the member quickly on this issue. I mean quickly, because I believe he said that this event is in July and that is a month or so away. That is not that far away. So I know these organizers are depending on their MLA to raise this and try to get some answers quickly. So I will guarantee that I will get back to the member with possible suggestions on how we can make this work.

Throughout Manitoba, there are a lot of festivals and events and we are very proud of that fact. We are very proud of reunions and we want to encourage them. So we will have to take a look at this and see what can be done. I mean, there must be a way to deal with this issue. I am not familiar with all the particulars. There are always two sides and sometimes more to every story or to every situation.

So I will endeavour to ask my deputy minister, as well as others, to get back to me very, very quickly, within a matter of days, to find out what else can we do. I certainly take the member's word on this issue. I do not have any reason to doubt him, what he

is saying, what he has laid out for me and the scenario he has laid out for me. Having said that, I will pursue this and find out what can be done. Because if, indeed, all the facts are correct as he has portrayed it to me, it is not reasonable.

When you have a reunion of 400 or 500 people and you are asking people to put up fences, whether they be winter fences or snow fences on either side of the road, or have people park a half a mile away, as far as I am concerned, on the surface of it, that is not reasonable. People want to enjoy themselves.

There has to be a way to slow that traffic down. But you know the other side of slowing traffic down. Just because you have a sign there does not mean that the traffic will slow down, especially when the sign has been removed and it is probably at 90 kilometres an hour through there. So people are used to driving 90 right through the community.

There would have to be some kind of signage put up there, I would think, on behalf of the department, to make sure that happens. Not to say that the police have to sit there to monitor the traffic, but people do not always observe signs. Even though if you have a sign that says slow down to 50 or 70, they will not always pay attention to it. So something has to be done there to ensure that people are aware that the speed has been changed for the safety of the people there.

Mr. Cummings: I appreciate what the minister is saying, and I hope that when he raises this with the department he will be comfortable with referencing them to what we are saying on the record here. Because I understand his response about not wanting to make promises that he cannot keep or to undermine people who have written letters in good faith. But I think he and I can agree that perhaps there is more we can do.

There is a reference here to contact Doug Struthers, there is a familiar name, Technical Services in Brandon, and perhaps he could be of further assistance to this community. There is a suggestion in the letter which is—certainly suggestions are welcome, and there is a suggestion here that some kind of a vehicle to help transport people would be helpful.

Off-highway parking, of course, would be desirable, because as the minister said, walking along

the shoulder is not a good thing. But getting them back and forth from where there is parking to where the events are occurring is important.

Look, there are people who will want to enjoy the sun and go for a stroll, and they will walk down the highway whether their vehicle is down there or not. It is an area where traffic would not normally expect to find a lot of pedestrians, therefore the community felt that they had put a good proposal forward, as much as they were prepared to assist with the control of the traffic.

* (19:30)

I just hope the minister would agree with me that this would be better if this were not a situation where we beg forgiveness rather than ask permission. I mean, we will control traffic one way or the other. It would be better if we could do it with the support and co-operation of the department and the law enforcement people.

Again, it was not the expectation that either law enforcement or highways people would be tied up for long and expensive hours. The community recognizes it is a one-time event, and not likely to be repeated next summer or the summer afterward.

But it is one of those things. I think all of us around this table have at one point or another been connected to communities from where an awful lot of people come, and they all come back when you have an event like this. I mean, a town of 250 will go to 2500 pretty quick sometimes when you have a homecoming or a reunion. It is all relative, but there will be a pile of people there and expecting up to 500 people.

I will commit this to the minister to see if he can come up with something that would be more aggressive in dealing with this. I assured the reeve of the community, whose name the letter went back to and who is also part of the centennial committee, that we will work together and try and come up with a workable solution for this. He will look forward to hearing from the minister or from Mr. Struthers and try and work something out, I am sure.

I also have some concerns I would like to raise with the minister, and raised it this morning at the signing of the petition out in front of the Legislature, raised it with at least one person in the media. Now this is such an easy argument to make about

returning taxes on gasoline for support of infrastructure.

But there are times for decisions about making our infrastructure function so that commerce can occur. I know my colleague from Emerson has been on this on a number of occasions. I have had an increasing number of concerns and calls from both ends of my constituency, from the Eddystone-Ste. Rose-Rorketon area where they are literally boxed in, in terms of moving livestock in the spring, moving feed to the livestock, to recent calls that have occurred south of Gladstone.

Between Gladstone No. 1 highway there are a couple of three-number roads in there, where you have to take 300-horsepower, 4-wheel drive tractors with duals on to put them on the front of trucks to get them down what is a PR road.

Now you cannot do much commerce under those circumstances. There are people who still have deliveries to make, on delivering potatoes to processing. But what is really concerning is that they are trying to put crop in, and they need to get some of this equipment into the fields and they end up finding that their municipal roads are more serviceable than the PR.

And PR 350 is the one that I received a very discouraging call from because, basically, they said that they took their equipment out and pulled a truck out of the mud. They did not know who it was; it was not a neighbour. It was somebody who was travelling on the road, and they went down and got him out, and said, "You know, in hindsight, we probably should have left him there so that by the time he got back to Winnipeg, he would be so mad that he would call the *Free Press* and send out a photographer." Or the *Sun*, take your pick.

But at any rate, the owner responsible for the farm, the business that is trying to do business in the area, you know, is saying this is a deplorable state for a three-number road to be in. And this was before we started facing all of the rainfall that we have had. This was in the early stages of the spring operation. Had to be that there is just no top on that road, and cannot take the weight, and cannot take any—put restrictions on, you cause even more grief. Because then everything will be on the side roads.

But I cannot emphasize too strongly to the minister that these types of situations—as MLAs

representing the area or councillors representing the councils in the area, they can take on these issues and try to do something about them. But, eventually, these types of roads need some real dough put on them to make them so they are functional.

Maybe I am making the minister's speech for him, but this is absolutely crying out for infrastructure investment. There are certain areas like the ones that I have pointed out, and this one in particular, this 350, this is not backwoods. From an agricultural perspective, this is a highly concentrated business area in terms of agricultural endeavour. There is a lot of taxes being paid in those areas, both municipal and, of course, education.

I heard my colleague from Emerson go through the argument on behalf of other businesses that, perhaps, are more of a service industry as opposed to the basic production part of the industry. I want to make the case on behalf of the production side of the industry as well. The spin-off that we get from potato production in parts of this province is huge but it requires the movement of a lot of weight, a lot of weight associated with potatoes, fertilizer, chemicals and big equipment. It is a joke in some areas about one large farmer out my way was rolling down a three number road a few years ago with a 45-foot air seeder and happened to have the grain tank full on the seeder that he was dragging behind him. The tractor made it over the bridge, the air seeder bounced over the last part of the bridge and the air tank ended up in the hole.

If this had not been a large operation with access to large equipment in order to salvage himself, this would have been a real disaster for others, but it was a disaster on its own because it demonstrated the state of the infrastructure. In that case I honestly cannot recall whether it was on the PR or not but those are the kinds of things that where close shaves occur. We can laugh about them afterwards but it demonstrates how, in this case, a quarter of a million dollars' worth of equipment, probably more like a half a million dollars' worth equipment, was tied up for a day at a time when every hour costs and every hour is critical.

We in the government owe it to the industry to try and keep the infrastructure sound so that they can generate the jobs that go with that. A good-sized potato operation out there needs a quarter-million-dollar potato shed in most cases, and the taxes that

are associated with the construction of that. They need a dozen to two dozen people working seasonally. Too often, the public says well, it is a farmer so it is an old man, a son and a hired man maybe. Those types of farms are still very predominant but there are commercial operations out there that are very dependent on being able to do high volumes of business and they need the infrastructure to support them. The discussion we had out there today I would have hoped that the current government would have been a little bit more flamboyant and up front about being on board.

I know it is the middle of a federal election but I do not think that the current government would ever want to be considered in bed with the current government out of Ottawa and we might as well seize the opportunity to—

An Honourable Member: Well, I am not sure.

* (19:40)

Mr. Cummings: Well, my colleague says he is not sure, I am making an assumption perhaps that cannot be supported, but we should not miss the opportunity to drive home the concerns about the infrastructure in our area. The three-number road, the 350, that I just pointed out, I hope the minister will take that as a direct complaint and enquire with the region if they are prepared to do something on that road.

I double-checked just now, ten minutes ago, to see if the condition of the road had improved much and it has not. Obviously, with all the rain it would not, but once that top is broken on those roads, they are hard to deal with. I have to emphasize that the solution is not just putting restrictions on the roads. The problem at the other end of the constituency is that where restrictions are imposed and enforced, we either force people to dodge the restrictions, or hope that they can go down there in the middle of the night.

I want to put on the record a complaint that came to me from a businesswoman who was running a store. She was not even looking to move heavy product, but she could not get the Coca-Cola truck to come in to deliver to her store because his front axle was overloaded. She could not get the bread truck to come in because his front axle, an empty truck, a standard tandem, was not able to be on the road because of the level that the restrictions were brought

down to. What happened was one of the suppliers decided that he would take a shortcut over to Highway 50. He ran into the weights and measures officer, the highways person operating the restriction. He got caught because he knowingly went on a restricted road at the other end, but he was delivering groceries. This is not north of Pukatawagan. This is alongside Lake Manitoba.

I suggest that the minister needs to have a serious discussion with his department officials about the length of time that restrictions are put on the roads. The Member for Arthur-Virden (Mr. Maguire) and the Member for Emerson (Mr. Penner) have both emphasized that some restriction may well be necessary, but it seems that Manitoba keeps the restrictions on two to three weeks longer than they do in Saskatchewan. I would suggest greater permitting for specific situations is important.

Going back to that grocer, she raised a very good point with me. Where that highway leaves Highway 16, there are no restrictions for the first 30 miles, and there are no signs that indicate that if you went 32 miles that you would be on unrestricted road.

There are a lot of people go up there and get trapped. I would not suggest that this is intentional, but I would suggest that there is a moral obligation to the department to put a sign up. This came to her attention when this delivery truck driver said, "There was no sign at the other end of the highway. I do not know where it changes." He may have been playing innocent in order to try and talk down his fine, but it raises a good point in my mind. If he had come the other way and driven in, he might have been able to beg forgiveness, but, because he came the other way, he could not. As far as the highway was concerned, it did not make a darn bit of difference.

Those are issues that have become increasingly apparent. Mr. Minister, I have to ask: Has the policy changed in the last while with respect to what your government has done in terms of restrictions? Have you suggested in any way to your department that they have to do a better job of protecting the roadbed and that, ergo, being translated into making the restrictions tighter?

Mr. Lemieux: This question and the comments that were made from the member from Ste. Rose probably hit at the crux of the whole issue around transportation.

This afternoon, I understand, there was a gathering in front of the Legislature. To the best of my understanding I certainly was not invited to attend. I do not believe anyone from our caucus was invited to attend. I was not even aware this was happening. I want to put that on the record. I just want to make it clear that no one invited me nor my caucus to attend this rally or gathering, whatever you want to call it.

The point I was going to make is that our transportation infrastructure system is not in good shape. This just did not happen overnight. I am not going to get into the politics of it and get into how much more we put into transportation than the previous government, or anything like that. It has reached a stage now right across the country—there was a federal-provincial-territorial minister's meeting with Tony Valeri, I believe. I stand to be corrected, but it was about two months ago or so, and every minister pleaded for the federal government to come forward to give some assistance to the transportation infrastructure system.

If the federal government truly believes that transportation is an economic enabler, not only for the agri-business but all kinds of other businesses, especially in Manitoba where you have so many different trucking companies here and we are very proud of the fact that it is a huge business for us and provides a lot towards our GDP, but I have to tell you that when I came in as the minister, and I tell this story often and I just want to be able to take two minutes to repeat it, the deputy minister put a stack on my desk of requests from different municipalities and communities and it is over a billion dollars. I took a look at it and said, "Well, what kind of money do we have to put towards—what is our budget?" Well, it is just a drop in the bucket.

So how do you access then more dollars because you have a system that is falling apart? So either you can do a couple of things. You can put more restrictions on roads to watch what is happening on those roads to ensure that they are not getting beaten up and torn apart more than they already are. You can try to access more dollars somehow, to put those dollars into the system. A lot of letters that I have sent out have said that the federal government takes out of their motive fuel tax or road tax on gasoline about 165 million, anywhere from 150 to 165, arguably, out of the province and puts back essentially 10 to 15 million every year on average.

That kind of money, though, goes to the roads that they want the money to go into, whether it is the No. 16, the Yellowhead, or No. 1, or 75 south and the other part of it is, of course, through SHIP and through Prairie Grain Roads. It is a real dilemma because when it comes down to looking at dollars that are used in the whole area of transportation infrastructure we do need—*[interjection]* A comment was made about the road. It is that great poet Jim Morrison, "Keep your eyes on the road, your hands on the wheel." But I just want to say that this is a huge challenge.

This has not happened overnight and we are trying to address it in the best fashion that we see by putting, I believe, sufficient pressure on our federal counterparts to anti-up, to be an equal partner or certainly be a partner in what we are trying to do here because at one time there was a vision across the country that stated that the railway was the link from east to west and north to south to a certain degree.

What has happened over the last while with the loss of grain elevators, with the rail lines closing down, the highways have become our link essentially in the country. It has come to a point now where I believe each Transportation Minister in each province is getting to the point where it is beyond being frustrated.

* (19:50)

The calls that come into my office, either e-mails or phone calls or into each—I would be willing to venture a guess or certainly state that every MLA, especially this spring, I mean I will not just blame it on the snowfall and then the rains that we have had. I mean, that is fine. There is some pressure on the roads because of that but I have to tell you that every Transportation Minister, every MLA in this province must feel the same way, that no matter where you go, the roads are really becoming and getting to the point where you are not left with a lot of options.

I can tell you that, as a government, we are very proud of the fact that we are looking at putting more capital dollars in this year and next year. Many of the R.M.s have said, "Well, that is just a drop in the bucket." But the fact of the matter is that health care, education, and there are a lot of other priorities in the province and there is also balanced budget legislation.

Just to conclude, my point, though, is that if the members sitting here this evening have any suggestions as to—and I am certainly open to any suggestions with regard to the system that we have—how to improve our transportation infrastructure system, I am certainly open to any kind of suggestions. Because I can tell you that you have a deputy minister who has been in that department now over 10 years, and he has dealt with all kinds of issues and he dealt with a lot of issues that the previous government faced, and he is dealing with a lot of issues that our current government has faced.

The member from Thompson was the first Minister of Transportation of the province under our government since 1999, then the member from Brandon West and then myself. The deputy minister has dealt not only with three ministers in this particular area, but also the previous government had three or four as well, I believe Mr. Driedger, Mr. Findlay, Mr. Praznik, I am not sure if there were any others since Mr. Horosko came to Manitoba.

But the point I am trying to make here is that this does not happen overnight. I believe the previous government was just as much under pressure as we are financially. You are trying to take a look at a system that is badly in need of repair, and you only have so many dollars to try to address that. I make no apologies for that, but it is a fact. So you try to address the challenges that you have before you with the dollars you have.

Now, everyone in this room is aware that the moment you start to look at large projects, large capital projects, like the northeast Perimeter that costs \$65 million, I stand up proudly and say, "Look, we are building it, we are doing it." But the fact of the matter is, when you start taking about roughly \$5 million out of this year's budget and then another 19 next year and so on to reach that \$65 million over five years, it puts so much pressure on the maintenance side and the side of keeping what you have now in decent repair.

I do not know what the answer is to that, yet the public demands it. There is a need for it for safety reasons and also for tourism, but also as assisting in this being an economic enabler where you have transportation trucks and so on taking that northeast Perimeter. It is needed. But, when you take a big chunk of cash like that and you drop it on one project, \$65 million, it puts pressure on the whole system.

Then you have another \$21 million or so, on Highway 59 south, and then you have many more millions of dollars put to twinning No. 1 highway to the Saskatchewan border, going through Arthur-Virden. So it just states that the needs are everywhere.

There is over a billion dollars' worth of requests. The roads are taking a tremendous amount of pressure, especially this year where we had the snowfall. The snowfall sat on a lot of those roads. It was bedded into the roads and then, of course, then you had a rainfall a few weeks later which really added to the challenges.

So I would venture that, for most rural MLAs anyway, as I am, outside the Perimeter, we are all facing huge challenges around our highway systems and our transportation infrastructure system in general.

I appreciate the comments and I have to comment just briefly on the event in Mountain. The reason I say that is because the people that should be commended for seeking permission and not just going ahead and doing it and then begging forgiveness later and saying, "Oh, well, we did it," which my understanding is that sometimes this happens. But they should be credited for contacting the department saying, "We want to work with you and let's find something reasonable."

So I just want to put that on the record that I really want to commend the people for really following the steps that they should and being prudent about it, wanting to ensure that the guests that arrive there are going to be safe, but making sure that the Transportation Department is working hand in glove with them to make sure that happens.

So we are going to try and address that as well as the other challenges that we have in transportation.

Mr. Cummings: I have one brief question related to the Prairie Grain Roads grant process. Perhaps I am the only one at this table that does not know what that process is. I wonder if the minister would put on the record the decision making it goes through in order to allocate that money.

He probably knows why I am asking the question. There is some suspicion on the part of various people that this is a highly politicized process, and that perhaps people hauling agricultural

product, particularly grain, are not always the first ones at the table to suggest where the need is.

I am going to excuse myself. My colleagues are every bit as much up on that as I am. I am going down to the Chamber, but I would like the minister to put that information on the record.

Mr. Lemieux: I thank the member from Ste. Rose for that question, as well as the previous questions with regard to transportation.

The whole area of providing a decent infrastructure system with regard to agricultural products and agribusiness is truly important to this province. The dollars that are also made available through the Prairie Grain Roads, as well as SHIP, are a partnership that has arrived with another level of government. I stand to be corrected on this, but I understand that this is done in consultation, somewhat, certainly with the other funder. You take a look at not only traffic and the use of the road, and so on. But it does have a very, very important role to play because agribusiness is important to the province and it is always nice to get 50-cent dollars, or to work with other levels of government to be able to split the costs.

The federal government should be congratulated, because we know the pressure after the Crow rate and the pressures that, with rail lines closing down and grain elevators closing down, it puts on the transportation system, primarily highways. And now you have farm vehicles getting bigger and larger, and carrying more weights, and becoming extremely—let me put it this way, it puts a great deal of pressure on our highway system. That is not to say that agribusiness is not important; it is, as I have repeated. But it is important to note that dollars coming from the federal government in different programs are, indeed, important to us.

But we want the federal government to ante up a few more dollars. I mean, they take a lot of gas tax out of this province. We do not want it all; we are not asking for it all. I have repeated many times over that it would be nice to get at least half of it, but you know there is an election taking place right now, and it is not something that I want to get into. That is for another time.

But it is imperative, I believe, that all the political parties put their cards on the table. Let us

see where they stand with regard to gas tax, and what are they going to do with those dollars that they are looking at putting into the provinces, and what strings are attached to those particular dollars if they, indeed, plan on putting them into the provinces. I mean, if you are looking at going to X amount of dollars or cents just to municipalities, what are they expecting from the provinces?

* (20:00)

I do not only speak just for Manitoba, but I am also talking about provinces to the east and west of us who have similar concerns. I can tell you that, with regard to prairie grain roads, there is a Prairie Grain Roads' management committee that reviews and approves funding for roads. There are three federal reps, three provincial reps, including a KAP rep, and two municipal reps that look at these decisions and make these decisions. The Prairie Grain Roads' management committee, as it is called, is a very, very important part of this process and they are the ones who take a look at the priorities and where these dollars should be expended that are being shared with us.

Mr. Jack Penner (Emerson): I am going to defer to my honourable colleague from Lac du Bonnet.

Mr. Gerald Hawranik (Lac du Bonnet): I thank the member from Emerson for allowing me to ask the question. I have one question of the minister, and that is with respect to Provincial Road 313, located to the east of Provincial Road 315. There is a section of road there that is badly in need of repair. It connects the community of Pointe du Bois with Lac du Bonnet. The road winds in and among swamps, through granite outcroppings. It is very narrow, has few if any shoulders along the road. It creates a great hazard not only to the people who visit that portion of the Whiteshell Provincial Park, it is quite a heavily travelled road that also services the now-Manitoba Hydro generating stations at Slave Falls and Pointe du Bois as well as the residents of the community of Pointe du Bois.

I presented a petition to this Legislature last year with respect to that road, and I would hope that the minister has taken notice of that petition. In fact, it should be a priority for this minister to deal with that particular road because there is a safety concern there. Even this morning I received a call from one of the residents in Pointe du Bois as to where the

status of that road is with respect to the priorities of the Transportation Department.

I would like to have the minister update me in terms of what priority this road will be in terms of reconstruction. I know that he has said in the past that there are many needs in the province of Manitoba and there is not enough money, but my simple answer to that is, "make it a priority." This particular road should be repaired and reconstructed on behalf of those residents and the tourists that frequent the area. I would like the minister's comments in that regard.

Mr. Lemieux: Well, I thank the Member for Lac du Bonnet for the question. It gives me the opportunity to, I guess, expound on the idea that this province feels that transportation and highways indeed are an economic enabler. In that particular region of the province, not only does 313 go to Pointe du Bois, at least that is their road and, not only that, but for tourism. Tourism is something that is very important to the Whiteshell, very important to that region.

I can tell you that, and this may be a consistent theme with regard to the questions this evening and the questions from all MLAs, I had the opportunity to speak to the MLA this afternoon from Morris, talking about some highways and the challenges she faces, an MLA, trying to answer the questions with regard to the roads in her area. I mean, I do not certainly have all the answers, I do not pretend to. We certainly not perfect.

But what came to the surface was, even though the additional monies that we put in this year and next year, the challenges that we face with those dollars, with the huge projects that are also needed, there is a balance between keeping the system together that you already have and also looking at some new projects that also are needed, like the northeast Perimeter, have put a lot of stress on the budget within Transportation.

I cannot commit on doing something with 313, but I can tell you that 313, not only because of the member's petition, but also because of the region, looking at the highways and looking at the needs throughout the province, it is something that the previous government had to face because these are things that just do not happen overnight. The fact of the matter is that what we are trying to do is we are trying to address it in a prudent way and trying to

address the challenges that we have on a year-by-year basis and trying to look at ways to solve a lot of the challenges we have.

I regret I do not have the easy answer for the member and saying yes, here is the cheque and I am writing it out, but there are many, many capable staff within the Department of Transportation who are truly professionals. I do not mean just the engineers in that professional way but people who operate graders, people who operate the equipment, whether it is gravel trucks and so on. I believe we have one of the most, not only efficient but some of the best civil servants working in our Transportation Department. The ones whom I have encountered are receiving a tremendous amount of pressure these days from local citizens. I can tell you that the fact of the matter is I would sooner I receive that pressure than them. They are doing the work out there. They grade the roads. They put the chemical on for dustproofing and so on. They are not the ones who should be at the brunt of—"attacks" might be too strong a word, but they are getting a lot of pressure these days because the roads are not in great shape this spring.

It is one of the worst springs that we have had for a while because of the snowfall and also, just a few weeks after that, torrential rains. So I guess what I am trying to say is that if I had the ability today to say yes, I would be able to fix all the roads, 305 or 205 and 313, 227 and be able to do something with them. We could go through a long list. I just feel that there is no perfect answer to this. It is truly regrettable in a sense.

Yes, money is not the only answer. You have to look at what kind of precautions you can put in place with regard to restrictions, and yet you have to be reasonable. I know there is some leniency with regard to particular industries that need to have the roads, and that is done. For example, there is a cheese plant just in southern Manitoba off Highway 59 that had to have access to their plant, and the department was able to work with them to ensure that happened, the New Bothwell cheese business. You try to do what you can with the dollars you have but also trying to be reasonable because what you have to do, you have to protect the transportation infrastructure system itself.

I just want to conclude by saying that I appreciate this issue being raised by the Member for Lac du Bonnet. He feels very passionate about it and

his constituents should feel good about the fact that he is concerned about their safety, but he also wants to increase tourism and have better roads for his area. He should be commended for that. But I can tell you that I just do not have a huge wheelbarrow or a large Brink's truck that I can go around the province to repair all of these roads, because it just has not happened overnight.

I think with the 2020 Vision committee and what they were able to extract from a lot of the meetings they went to, a lot of important points were brought out with regard to having a five-year plan, for example. I know right now we are in road works. It is a five-year plan. We are looking at the \$600 million over five years, and we are in year 3 of that now, but I think what we have to do is we are going to look ahead a little bit. I think you have to look ahead and say that maybe it is time to have truly a five-year plan which lays out the projects that you are looking at in the province of Manitoba. You always have to give yourself some flexibility because you do not know what emergency is going to take place. You have to give yourself some flex someplace, but I think this is something that deserves a lot of merit and deserves a good look at.

* (20:10)

Mr. Penner: In regard to the Grain Roads Program, I wonder if the minister could give us an overview as to which projects have been designated over his tenure as Grain Roads Program.

Mr. Lemieux: I would certainly take that as notice. I would have to get back to the member.

As Minister of Transportation, I believe, and I can stand to be corrected, but I believe that Highway 20 from Dauphin to Fork River or that stretch of road towards Winnipegosis is the one prairie grain road since I have been minister, which I was appointed in November, but I can get back to the member with regard to the specifics, but in my tenure, that is one that I believe was decided upon by the Prairie Grain Roads committee.

Mr. Penner: I wonder then whether I could ask if the minister is going to look into this, whether he could give me a complete rundown of the Prairie Grain Roads programs that have been done, all the projects that have been done under that program during the last five years.

Mr. Lemieux: This committee, the Prairie Grain Roads committee that is in place, I already previously mentioned the makeup of that committee, but my understanding is that this is public knowledge with regard to the Prairie Grain Roads and where the dollars went so I do not see that as being a problem at all, but I will check with my Deputy Minister. In other words, I do not have those items at my fingertips.

Mr. Penner: I wonder if the minister could tell us whether any of the Prairie Grain Roads Program has gone into roads in northern Manitoba for such projects as building roads to Indian reservations and/or bridges to Indian reservations.

Mr. Lemieux: Well, again, I do not have that information with me at my fingertips. My understanding is that this particular committee that makes those decisions takes a look at a lot of criteria and a lot of examples, but there are a lot of First Nations reserves in southern Manitoba. I am not sure, I do not know if the member is referring to southern First Nations reserves in Manitoba.

Mr. Penner: I think we are all aware that the Prairie Grain Roads Program evolved out of a process that the federal government announced to support and distribute a major portion of the Crow benefit, as it was called at the time, when the Crow benefit was done away with, and that the programs that evolved out of that were designated towards putting in place a road grid on the prairies that would take up the slack created by the lifting of many of the spur lines and railways and the consolidation of the rail lines within the provinces and to compensate municipalities for the additional road work that would be needed to bear the heavier traffic that those municipalities would have to carry.

My information tells me that much of that money has been taken by ministers and/or departments and moved into other projects that have very little or no involvement with the grains community in either Manitoba, Saskatchewan or Alberta.

I know you cannot speak for the other provinces, but you certainly can speak for the province of Manitoba, and I would suspect that if we took a hard look at that—that is why I would like the programs that your government has been responsible for designating under those programs. I would like to

know a specifically what they are, what the amounts are that have been designated for the given projects, where they are and what purposes they serve, because I think it is time that we as legislators took a hard look at that and reassessed whether that program was really directed towards what it was intended to be directed at.

I am very serious about this, because the deterioration of our road system in the southern part of the province, and when I say the southern part of the province, Swan River south, is serious. I believe that because we are what we are, we live in areas that we live in, and the economies of which are mostly carried by the agricultural community and generated by the agricultural community and that under this NDP administration we have seen very little road work done in those areas. I think it is time that this government applied at least a proportionate amount of its budget towards that.

I know that the minister is going to try and enunciate this, but the only highways project that he has been able to name that is south of No. 1 highway that has taken a significant amount of money is Highway 59, which was designated, put in place and budgeted for by the previous Conservative administration. You only finished, sir, what they initiated. The only part of it that is being initiated by the NDP government is what you announced this year as a continuation of the 59 project that was designated by the previous Conservative government.

Nobody needs to think about that. We can go back when those programs were announced and that will indicate clearly the planning, when it was done and who finished it. We know that your government finished it. We appreciated that part of the 59. What we do not appreciate, sir, is that the designated portion, from 201 north to St. Malo, which was designated and budgeted for, was lifted by your government and not finished and not acted upon. That we do not appreciate, because that was needed as well. That was upgrading of shoulders or building of shoulders on that road and upgrading that portion of the road, because there is a lot of heavy traffic on that road, as you know, specifically during flood years such as '97 and others. Yet, other than that, we have seen no work at all in anything south of the city of Winnipeg or south of No. 1 highway.

I think that is unfortunate that a government would attempt to govern in that kind of fashion, that

would see the total abandonment of the road system in southern Manitoba, which carries a huge amount of the commercial traffic that is directed at the city of Winnipeg and at the city of Brandon through two such plants as the Maple Leaf plant in Brandon, two such plants as the potato processing at Portage la Prairie and along No. 1 highway. Much of the processing is done of the speciality crops, such as bean plants, in southern Manitoba, and yet not one dime has been spent to recognize the advancements that have been made by those industries. Yet, especially during weight-restrictive times, they virtually have to shut their doors and/or sneak around other municipal roads to get to the marketplace. They do this on a daily basis.

I think it is unfortunate that communities and municipalities have to bear the cost of a government that is simply not spending its total amount that they had budgeted for and make a big to-do of budgeting a large amount of money. I only refer in that respect to the last two years of this minister's administration where, in 2002-2003, almost \$14 million was left on the table not spent on capital that was designated for capital. If those \$14 million would have been spent in some of the communities in building roads to the bean plants and those kinds of things, we would have seen at least some action, but it was given up. I do not know where the money went or what government did with that money.

*(20:20)

In 2001-2002, there was \$14.2 million left on the table from the highways construction budget. I honestly do not know why our government would want to do that. If you look at the previous year of 2000-2001, their first full year of governance, there was just over \$3 million left on the budget. The previous year, 1999, the last year of the Tory administration, highways and transportation overbuilt, overspent by almost \$3 million of their budget. The previous year to that it under spent by \$4 million, and the previous year to that it under spent by \$1.5 million. Never had that government left almost \$14 million on the table, as this government has.

People in Manitoba are not silly. They know how to look at budgets. They look at what has been expended. So the ministers can say anything they want, but these are the public records, and people read the public records. So I would ask the minister

to give at least some consideration and use at least the amount that was designated as Grain Roads Program to upgrade our grain roads that our people at least can take their products to market when the market demands.

As you know, Mr. Minister, today's marketplace is an on-time delivery system. If we cannot deliver on time, we do not deliver. You can take a huge kick in the ass on prices if you do not deliver on time. Can we recoup that from the minister of highways' budget? I do not think so, because when I lose 20 cents a pound on commodities I was supposed to deliver the month before and only can deliver a month later when there is no market for it, the minister will not compensate me for that.

So I say to the minister, spend the money where it was designated to be spent. Spend your total budgets and do not blame the federal government for not coming to the table when you are not even spending the money that you have delegated to spend.

Mr. Chairperson: Before I proceed, although it may be very colourful, if it is unparliamentary I have to point it out and caution everyone around, every member at the table, "kick in the ass" is unparliamentary, I was told.

An Honourable Member: I am sorry, that is what I get, an economic kick in the ass. Sorry about that. That is what it is.

Mr. Chairperson: We are supposed to be civilized here and we avoid that kind of language if we can.

Mr. Lemieux: Well, I thank the member for his questions, but then I guess some of his statements I do not. I have to try to address a couple of comments that he made with regard to Highway 59 south, which is a highway dear and close to me because it is part of my constituency, but also it leads to the southeast region. The member may say, oh, yes, that they had all good intentions and they planned on doing it but they also planned on building the Brandon Hospital and planned on doing all kinds of other things which never did take place. It was our government who delivered it. The public will judge who is delivering it.

I saw a lot of stakes, I can tell you, even before I got involved in politics, a lot of stakes were set up

along Highway 59, and then for about roughly 10 years stakes were put up along that road that did not lead to anything. I can tell you that \$14 million we spent on that phase, just after 1999, \$14 million for that phase that helps for flood proofing Grande Pointe. Then the next phase is going to be around \$20 million for the twinning of Highway 59.

Now, I know the members want to take credit for this, and even the member, lo and behold, hallelujah, on the road to Damascus, I hear the Member of Parliament for Provencher is saying, "Oh, I always wanted that Highway 59." Well, if he wanted it so bad when you were in government, why did you not deliver it and do something about it? So now I start to see pamphlets going around that, lo and behold, everyone is wanting this to take place. Well, I will leave that for a different argument and a different time, but I can tell you, just like Brandon Hospital, we are the ones who are delivering it and doing it and the public knows that.

I want to say just with regard to a couple of other issues that the factors leading the actual level of expenditures from year to year fluctuated and have fluctuated for a long time. This is nothing new. Members opposite know this, that due to a number of different factors, whether they be the weather conditions for example. Late wet spring conditions have an impact on spring break up and could influence maintenance expenditures, as well as early fall impacts the construction and enhancement program as contractors are required to shutdown early. They cannot pave when it is freezing out and sometimes it happens in October. Mild winters impact the winter road program, requiring the development of land based roads and impacts expenditures to keep the road network open.

All of these things happen. It is not anyone's doing. It is just the fact that the weather sometimes does not co-operate. I know some of the members opposite are involved in the agricultural business and farm and they know the impact that weather has on them. No one wants it, no one asks for it, sometimes it works out, sometimes it does not. Also, you have to take a look at the shared costs agreements that we have. The projects funded under these agreements that I talk about are like the Strategic Highway Infrastructure Program, the SHIP Program, or the Prairie Grain Roads Program are dependent on approvals from both funding partners, the federal government.

So here we are looking at delays in approvals and timing of approvals that can result in fluctuation of expenditures. Having said that, all being fair and equal, the highway infrastructure-related expenditures since 1999-2000 have totalled to about roughly \$840 million. This represents an increase of about, roughly, almost \$60 million over the period from 1994-95 to 1998-99 where expenditures total about \$780 million. So, everything being equal, we have put in \$60 million more than the previous government did over that five-year period.

I am not trying to politicize the argument, and we recognize that this did not happen overnight, and it did not happen overnight either for the previous government, but what we are trying to say is that we want to move ahead and try and do something with regard to whether it is bridges, or the roads that need a great deal of help. So when you take a look at either preservation or maintenance or capital investment that we have, and taking a look at the whole total infrastructure related expenditures, we are going to be putting more than \$10 million in this year than we were last year and we will be putting in \$10 million more the following year, which is an addition of \$20 million.

So it is a real challenge. I do not shy away from that challenge. I know members opposite know that, to be totally fair, if they really want to be fair about it, they will point the finger at the feds somewhat and say look it, you need to ante up here. We do not expect half of that \$165 million necessarily, but you have got to give us something more than just \$10 or \$15 million, because it is not going to work if this truly is a country and a nation and you want roads and highway infrastructure, or transportation infrastructure, to be a nation-building exercise, you have to ante up and put more money in. Otherwise, this is just not going to work.

We cannot keep our roads together just with duct tape and crazy glue. We are trying to do the best we can. We are not perfect, but we have made some inroads in certain areas. No, I will not comment on it. I commented on it before, I said that the deputy minister that currently works in the department has been there for over 10 years with the previous administration as well as ours and knows what has happened in those previous years. Thank you.

Mr. Penner: I know the minister put on the record just about a week and a half ago that the amount of

money spent in the constituency of Emerson, five years prior to him becoming a minister, was \$41 million. I think that tells the whole story about commitment to those areas that generate the economic activities. Nothing more needs to be said about that, because the last five years it has been zero. No question. You cannot deny that. So I think that just demonstrates how committed the NDP government is to recognizing the economic drives and engines that generate revenues for this province. I think we can go across southern Manitoba and tell the same story, that the economic engines just are not recognized by this NDP government. That is a sad tale, but that is the way it is.

I want to ask the minister whether he has at least given some consideration, since he and I last spoke, to upgrading a short piece of road of 201 from Letellier to St. Joseph.

* (20:30)

Mr. Lemieux: I thank the member for raising that in the Estimates process, as well. The department and the deputy are certainly looking at that stretch. The member could look at that \$40 million going into Emerson in a different way, but heaven forbid, I know there is no politics involved in that, and the department and the people within the department make those choices because there are certain needs in different areas. But that \$40 million that went into Emerson was \$40 million, possibly less in northern Manitoba where they just put a drop in the bucket.

I mean, not much money was put into northern Manitoba by the previous administration. But you know what? I am not critical of that in the sense of being politically critical because they had challenges and they had to address them, and I understand that, as we do. But what we are trying to do is we are trying to spread the money out by giving 25 percent to northern Manitoba. And that 75 percent then, as the member stated, in the southern region is going someplace because 75 percent of the budget is being spent in southern Manitoba, 25 percent in the North. So the member's argument about nothing is being spent in southern Manitoba is absolutely incorrect; 75 percent of the money is in southern Manitoba, 25 percent is in the North.

We can debate the merits of where the money should go, why it should not go in certain areas. That is why we depend on the department. The

department has professionals there that are the ones with the experience and the knowledge of determining where the challenges are. There are certain bridges in certain regions that are 50 years of age and they need some work. The department has engineers and staff that make those decisions, and they have been very good at doing that with the limited funds that they have had. Even though I have said that we have increased the amount of money over the last five years, they still are faced with that challenge.

If I might, Mr. Chairperson, I made a commitment to I believe it was the member from Emerson that asked about the Prairie Grain Roads Program. I am sorry. The member from Emerson but the member from Ste. Rose also, I believe, touched on it. As he was asking his question, I was looking for the numbers and possibly the highways that received the Prairie Grain Roads funds. I found some here. I do not know if this is the whole list or just a partial list. But I can tell you that the following is the current status of all provincial projects that have been approved by the Prairie Grain Roads Program management committee.

The first one is resurfacing of PTH 68 from Arborg to Poplarfield. PTH 7 to PTH 68 is essentially completed. Resurfacing of PTH 68 from Arborg to Hnausa is essentially completed.

Resurfacing of PR 248 from PTH 1 to PTH 2, Elie to Fannystelle, is essentially completed, and the upgraded structures on this section will commence in '04-05.

The resurfacing of PTH 3 from PTH 5 to east of South Junction, PTH 18 is essentially completed, and some shoulder widening on PTH 3 between East and South Junction, PTH 18 and Killarney, is completed, which the member from Arthur-Virden would be familiar with. Surfacing of this section will commence in '04-05.

Also, the resurfacing of PTH 20 from Valley River bridge to south junction PR 269, I understand, was approved as well and the work is supposed to commence in '04.

An Honourable Member: To south junction?

Mr. Lemieux: To south junction PR 269. I believe that is the Winnipegosis road. That is the one north of Dauphin. Is that the one north of Dauphin running

from 269 north to, I think, Valley River? So I respect the honourable gentleman from Emerson and his comments that he makes. He has been a member here for a long time and is passionate about what he speaks.

But I do take offence when he states that, and we can agree and disagree on this. But this government has put money into southern Manitoba, and I have just gone through some of them which we partner with the federal government. I would not want anyone to paint a picture that somehow rural Manitoba or southern Manitoba is being excluded. That is incorrect. Incorrect.

I just want to state for the record that we care deeply about rural Manitoba, as we do any other part of the province, even though the city of Winnipeg, for example, has the largest population base. Certainly, over 55 percent of the province lives here. They have their challenges, too, but as a government I believe we have done a very good job of servicing all of Manitoba, and it is a challenge for any government. I think the proof is in the pudding and we have been able to show that.

Mr. Penner: I just want to make one final statement. That is the minister of highways in the province of Manitoba over the last two years has left \$28 million in his budget which he did not spend, that he could have spent and should have spent on road construction. He could have spent that where it was most needed. But he chose not to.

He chose to give it up because, I would believe, his Treasury Board, probably, or his Treasury Board chairperson, or his Premier (Mr. Doer) probably tapped him on the shoulder and said, "We need that money somewhere else to balance our budget." I suspect that is why it was left there, \$28 million.

That would have built an awful lot of roads, would have upgraded an awful lot of roads in rural Manitoba in those areas where the roads are falling apart. This minister chose to leave it on the table. Leave it, not spend it, and I do not for the life of me understand why.

Yet this same government took the Prairie Grain Roads Program and spent it on roads that see very little grain roads traffic. If you compare it to where the real grain travels on roads in municipalities, you

have very little grain going down many of those roads that you have identified.

So I say to you, Mr. Minister, that you have federal-provincial dollars going into some of southern Manitoba. Yes, I will admit that, but that is a federal-provincial program. Under your own highways program, you have designated very, very little of your money to southern Manitoba, and all I am saying to you, sir, is be honest with the people of Manitoba. Shoot straight with them and they will shoot straight with you. Do not tell them something that is not there.

The least we can ask is for honesty from our ministers, and I believe you are an honest person. I know you obviously are going to have to defend your government and Gary's monetary requirements—

Mr. Chairperson: With due respect, I have been noting down you use "you", "your" and direct confrontation. That is not the way to do it in committee or in the Chamber. It has to be in the third person. Otherwise, we will be fighting here, and we do not have any swords to fight, only by mouth, but we should be following the rules. Thank you.

The honourable Member for Emerson; after you are finished, then the honourable Member for Lakeside, and then the honourable Member for Portage.

Mr. Penner: Thank you very much, Mr. Chairperson, and I apologize. The minister and I have known each other for a few years and we are used to talking to each other. So I hope he does not take offence to the approach I have taken, but I want to maintain that ministers need to be straightforward with our people.

* (20:40)

People in my constituency appreciate a yes and a no and they appreciate an honest answer. All we are asking for is a straightforward, honest answer. The records will eventually show what is correct and what is not correct. The records will show that and so we have no reason to not be straightforward and tell the people that, yes, we did not spend \$28 million over the last two years. It was given up for some other reasons to stay with government. We did not spend it on roads, and the people are saying to me,

then why did you budget? If you are not going to spend it; then do not budget.

All we want are some pretty straight answers. People respect that. People have a lot of appreciation for being straightforward. I think you know that. So with those comments I say to the minister, pay a bit of attention to southern Manitoba. Politically, you might reap some fairly significant rewards there if you do.

Mr. Lemieux: Well I thank you very much, Mr. Chairperson. I know sometimes when we are in concurrence or we are in Estimates, sometimes we forget the decorum and we do not do it through the Chair, or through the Speaker, or Deputy Speaker, in your case. I know that the member from Emerson, I am sure, was not doing this in any way to disrespect you or our system and there was no disrespect taken on my side. So I appreciate his comments.

He talks about being a straight shooter, which I am known for, and I think he has acknowledged that, but I just want to tell the member that he knows as well that a lot of the challenges the department has had with regard to, it can be either the spring, can be the summer, can be the fall and sometimes even winter, that affects your budgets. I mean you do budget with the intention of spending that money. You do, and there are a lot of impacts on you that you do not necessarily control.

The member from Emerson made comments about the Premier (Mr. Doer) or the Minister of Finance (Mr. Selinger), somehow having an impact. I can tell you that it is, yes, the Minister of Finance and the Premier that put an additional \$10 million into transportation infrastructure and an additional \$10 million next year to increase it by \$20 million. That is the Premier and that is the Minister of Finance that did that.

Mr. Ralph Eichler (Lakeside): The question I have for the minister is in regard to, I believe it was 1947, going way back in history, on the routes for Western Canada and as a result of that article that was written regarding the Trans-Canada Highway and the Yellowhead Route, the Conservative government and the NDP government, we have built Highway 44 and we also built the Pawley bridge, which is famous, to nowhere.

I would like to know what the status is of that report on Highway 16, is that plan still in progress? I know there is construction at the end of Highway

227 to complete that. Is this part of the plan? Could the minister enlighten us as far as what is happening with route 16? Is this part of the plan or where are we at with it?

Mr. Lemieux: Mr. Chairperson, actually I am not sure, Mr. Deputy Speaker, if I should be calling you Deputy Speaker or Mr. Chairperson. I guess this is supposed to be the Chamber, as such, but I think it is maybe Deputy—

Mr. Chairperson: No.

Mr. Lemieux: Mr. Chairperson, I thank the member for the question. I know that we have poured a lot of money and put a lot of money into the Yellowhead Route, not only the stretch between Neepawa and Minnedosa but, also looking, of course, at the stretch between Binscarth and Russell and other sections. The Yellowhead Route and Highway 16 is tremendously important to the province of Manitoba. In fact, when you take a look at the highways that are designated by the feds and what the feds want to do, they take a look at dollars that they want to expend in Manitoba. They want to look at No. 1 highway, No. 16 and No. 75, the ones they have designated. We have had people make the argument about how wonderful it is to have No. 16 designated by the federal government as a key highway.

The fact of the matter is that this can be a detriment in a way because any federal dollars, and very few federal dollars that there are, have to be put towards those roads and the provinces are not given the discretion to look at other roads that might need it. Today we have heard the argument and you have made the case of 227. I heard the petition that you raised, an important issue for you, but I can tell you and your constituents, I should say not just to you personally but to your constituents, there is a huge challenge because we are being restricted because of the designation of these particular roads, No. 1, No. 75 and No. 16. It does not mean they are not important. They are. Those are three of the major routes we have in our province, but we are not given a lot of leeway to do much with it with the dollars we get.

Again, I am asking all the members in the Legislature, whether it is the member from Portage la Prairie or Arthur-Virden or yourself from Lakeside or Emerson to support our government's move, which we have been doing since 1999, pressuring

and pushing the federal government to ante up and give us more of the dollars that are taken from the province in motive fuel tax. We do not expect it all, 165 million or thereabouts, but we do expect a better portion of it. Having said that, the federal government has put money into the province in Prairie Grain Roads and other SHIP programs, but we do feel that, if you are really going to make inroads with regard to fixing up our transportation infrastructure system, we do need more dollars and the dollars we feel, rightfully so, should be coming from the federal government and being shared from the feds.

I think that is what also came across in the 2020 Vision consultation process, that people said there has to be more sharing of dollars from our federal government because, once again, if you want a nation built by using highways, we need our national government involved. Now, I have not heard much from the Conservative Party in this federal election as to where they are coming from on gas tax, but if they form the government, if they are fortunate enough just to squeak by somehow and form a government, I would certainly want to hold their feet to the fire and say, "You ante up, Mr. Harper, and put some dollars on the table. Where are your dollars with regard to the gas tax and how much are you going to give the provinces for the roads?"

But I know that the federal government has been there, the federal government to this date, and I am not of the same political persuasion, but they have stepped up and said, "We are going to help our cities, we are putting money on the table, we are there." To be fair, let us hear where all the parties stand to help the provinces out because the provinces need assistance here. We are not begging and pleading for dollars, but we certainly are acknowledging the fact that we cannot make a difference how we want to make a difference without that assistance.

Mr. Eichler: I want to go back and ask specifically, to the minister, Mr. Chairman, where are we at with the discussions in regard to the Yellowhead Route? Is that still the intent of the federal government and the Province of Manitoba to make the Yellowhead Route go through Beausejour, Selkirk, Warren, Stonewall?

Is this still the intent of the provincial-federal governments that was established back a number of years ago? Is that still on the table?

Mr. Lemieux: Mile zero, Mr. Chairperson, with all due respect, is at The Forks, is in Winnipeg. I was very fortunate to be Minister of Culture, Heritage and Tourism, and we dealt with the different trails and the trail system. But for the record, my understanding, this has not changed. Yet, there are many, many individuals who would advocate that it go through using No. 44 and make its way through Beausejour and also through the Whiteshell and actually down towards No. 1 highway towards Falcon Lake-West Hawk area.

We have heard the argument being made, but right now I understand that there is no intent of changing mile zero and moving it unless the member has some information that I am not aware of. But that has always been the concept and idea. Yet I know, because the Yellowhead Route is so popular for tourism, I can see why the people of Lac du Bonnet and Beausejour would like to have the Yellowhead go through their community. But with all due respect, mile zero is at The Forks. I certainly have not heard of any changes or any intent to change that.

* (20:50)

Mr. Eichler: Thank you. I get a little flak from my colleagues here. But that is good. I am glad that that is on the record and it is quite clear, because it has come up a number of times in the past from my predecessor in regard to Highway 227 being paved. The previous government did not do it, and the current government has not done it.

But is there a plan for rural Manitoba to perhaps look at developing Highway 227 so that it can become an alternate route to the Yellowhead and boost that rural economy. Is there a plan that has been brought forward as far as the minister knows of, Mr. Chairman?

Mr. Lemieux: I thank the member for the question. Highway 227 is one that the member from Lakeside has brought to the attention of the House and the Legislature through petitions and has actually mentioned it to me personally as well. I respect that.

Once again, it is something that I know seems like a constant theme or that I am being repetitious with regard to the challenges that we have and the amount of requests that come in.

I had the opportunity of speaking today to the member from Morris. She was very passionate about

the roads that need work in the Morris constituency. But the fact of the matter is, I have also spoken to two thirds of the MLAs in the Legislature, and they all have those challenges. I appreciate it. They are all very, very passionate. You have many New Democrats, you have the independent members of the Legislature who are extremely passionate about their issues, no more, no less passionate than members of the opposition. But I have to tell you that there are no easy solutions to this.

I do not want to make light of 227, because it is an important issue. The challenge that the department has is that you have over a billion dollars of roadwork, I should not say just roadwork, because there are bridges in there too and culverts, being requested from the department, and yet you just do not have the dollars there to even come close to meeting that.

So I respect the fact that you, as an MLA, an elected official, bringing this forward, but I cannot give you an answer today that would assist you. That is not to say, and I want to make sure and I want to be clear about this also. The member from Emerson raised this earlier.

I have to tell you that the department has a lot of professionals that know the roads like the back of their hands, and they have a mechanism now. There are actual programs. The engineering department has a program that actually is able to monitor the quality and the endurance left in roads and how much life it has left. They are trying to develop this by working with the United States and other provinces to try to get some process in place where they know what needs to be addressed, whether it is a gravel road or a paved road. I mean, 19 000 kilometres of roadway is what the province of Manitoba is responsible for; \$7 billion in assets we have in total, counting roadways, bridges and so on. It is quite huge for a smaller province like Manitoba and we have a lot of challenges.

I do not mean to back away from that and I am not meaning to skirt the issue. It is just that there is a process and the department follows it through. They bring recommendations forward on how to deal with them. Again, the 2020 Vision process was very important, I think, because what it did was it came up with suggestions as to what we might look at after the road works program, what we might be looking

at into the future, maybe laying out a five-year plan as to transportation infrastructure projects, actually. Looking at that and saying, you know, here it is and we are laying it out and saying that you may not have a project today but four years down the road your project will be addressed. A lot of the participants raised those kinds of issues and I have had the pleasure of talking also to the heavy construction industry as well as the trucking industry representatives too and they have raised the same issues. So I respect the MLA for raising the question. I respect your point of view, but I am sorry, I do not have an answer for you on the particular stretch of road that you raise.

With regard to, I should say, the Yellowhead Route itself and mile zero being Winnipeg, it does not mean that there may not be any hope down the road, sorry to use that pun, but currently, as I know it, there is no intent to change that. It does not mean that it may not happen down the road sometime.

Mr. Faurshou: I do appreciate the opportunity to ask the minister a couple of questions and recognize that my honourable colleague from Arthur-Virden (Mr. Maguire) is the official opposition critic and has allowed the Member for Lakeside (Mr. Eichler) and myself from Portage la Prairie as well as the Member for Emerson (Mr. Penner) to ask a few questions.

Understanding the concept of concurrence is basically to ask conceptual, ministerial type of direction, guidance rather than specific, and so I will ask in that line of questioning.

The concept of partnering with municipalities throughout the province of Manitoba to improve roads, and I will speak specifically of the experience that was just done with the rural municipality of Portage la Prairie, and that was the previous administration but actually was carried over into the current administration, the first program was Provincial Road 331 which heads east of Southport and it was an upgrade of 331 east of Oakville that the municipality received funding from the province to do, but recognizing that to bring a provincial road now up from some of the conditions that they are in right now to the standards that we have for provincial roads now is an immense investment, but if the roads are turned over to municipalities and they upgrade the roads with investment dollars from the province, they can do a superb job and the road will be

adequately rebuilt, acknowledging it will not be to the provincial standards.

But what we have running around out there, and pardon the reflection upon makes of cars, but we are looking at the Volkswagen Beetle in a lot of roads now. We are looking to bring them up into the Cadillac Seville type of condition where, perhaps, just a standard, ordinary Caprice or Malibu would serve fine in regard to models of vehicles.

This road now, the former 331, was decommissioned as a provincial road east of Oakville. But it was rebuilt using provincial funds and it is an excellent, excellent road at the present time.

So the bottom-line question is to the minister: Are you looking at partnering with other municipalities in this regard? Because there are other partnerships that I know have taken place.

* (21:00)

Mr. Lemieux: Well, the question that the member from Portage raises is really quite an interesting question from a philosophical point of view, because, in my short tenure as the Minister of Transportation for approximately seven months, I have had the opportunity of meeting with many, many rural municipalities.

A lot of the municipalities, I can tell you, are quite frustrated in a sense, because they just feel, they understand that there is just not enough money in the pot. It takes, approximately, I think it is around \$300 million to keep our transportation system kind of at the level it is at right now. I mean, this is just a ballpark figure that people within the department have thrown around. Whether this is accurate or not, I do not know.

I think many municipalities also understand that there is some reality to that, that there needs to be a lot more money put into the system to bring it up to where it was a number of years ago.

They also understand that if we do not have the money, and the federal government is currently not putting the money in—but I believe they will. After this election, I believe no matter who forms the federal government, there is sufficient pressure from the public that people recognize you have to do something about the transportation infrastructure system.

So the municipalities right now and others within the communities are facing the fact that they feel, if we contribute some money toward a project, or match it, or 60-40, will the Province okay their project?

Here is the philosophical problem I have with it, if we are just speaking philosophically. Should a community that has the financial wherewithal be able to put \$10 million on the table, or \$5 million on the table and say, "Okay, there is our 40 percent, you do our project." Then two years later, they come up with \$10 million and they say, "Well, here is another project we want you to do." Then, all of a sudden, the Province is tying up all its money with certain communities that have the financial wherewithal to do it.

What happens to other communities that do not have that tax base or the businesses there? It is a real dilemma because on the surface of it, it looks like a good thing. They are saying, "Well, you know what? The local taxpayers are willing, through their politicians, to put the dollars on the table." That may be fine for a community that has the bucks, but what about the other communities that do not have those kinds of dollars by virtue of not having that tax base?

I know I am not supposed to speak personally once you are in government as a minister. I just want to say that it has not caused me sleepless nights or anything. I do not want to go that deep, but it is a problem. It is a real problem that I am having concern resolving, and how do you do that? There are many—and I am not going to mention them here, but there are many, many, many cities and towns in Manitoba and R.M.s that have come forward and said, "We are willing; we will put our money right on the table today if you will match it."

On the surface of it, it looks fine, because you say, "Why would a province not want to look at \$60-\$40? I mean, what a deal that is." There are some problems related to that.

Mr. Faurschou: I appreciate the minister, and we will know where all the dollars are not coming from, and that being the federal government. I want to emphasize to the minister that this scenario to which I speak of was a win-win scenario for everybody concerned. To take 331 and build it to provincial standards of a provincial road was going to run close to a million dollars. I believe there was just under

\$300,000 turned over to the municipality of Portage la Prairie, and they redid the road. It is an extraordinarily good road right now. Granted, it is not as wide, and the hydro poles are not as set back as the new standards of provincial roads must be, but the road is one that all residents that use the road are very happy with.

Yes, you decommissioned it. But the province won insofar as getting to unload the road that was maintenance heavy duty time. The municipality won because they upgraded the road, which the residents were all happy with.

I was on a provincial road today, travelling the Lakeside constituency, heading out to a government office at Grosse Isle. The provincial road I was on did not meet municipal standards. The encroachments of obstacles there made me concerned about travelling the 90-kilometre speed limit that was posted on there. I would say that you were driving rather dangerously if you were adhering to the speed limit. But we know the limit is there only as guidance. You are to drive to condition, and I would say that the 90 kilometres was excessive for the road condition.

I would suspect that in the R.M. of Rockwood that this particular road, if one partnered with them, and then it comes back to the minister's desk as to whether or not you want to look at certain roads as to whether they are integral or vital parts to the provincial network of highways. If some of the roads are not fitting into that, then I suggest that they should be considered.

Then it leads me into the next area which I would like to see, which has been cut back this year, the program where you grant in aid or grant in assistance to municipalities. You shared cost. I would suspect that that is an extraordinarily good program, because you are working at 50-cent dollars as far as the province is concerned. The province gets to put up all the signage in all the various, respective communities around the province, that here is the Province of Manitoba's road. Yet this program is being cut back. I would like to ask the minister's thoughts on that program, because I do believe it is one that served both the province and municipalities well.

Mr. Lemieux: I guess maybe a point of clarification more than anything from the member from Portage.

Is the member asking that we should, if we are repairing the roads or doing something with roads throughout the province, that somehow the engineers or the Department of Transportation should not have, or take a look at their standards, maybe their standards are too high? Is that what the member is saying? Maybe you do not need to build them. Maybe you do not need that Cadillac road, you are saying that, because it does cost big bucks? I am not sure if that is what he is saying.

Mr. Faurschou: Recognizing that the province has a highways standard that they must adhere to and have adopted over the years, but it is a case where we have got roads that are so substandard now, it has cost so much money to go from the substandard condition that they are in now right up to the provincial standard that we have adopted. It has made for an impossible situation as far as the finances we have now to accommodate all the situations. So now we are faced with, we do not do any of the projects or we do not do the projects because it is going to cost so much to rise to such a high standard. But I do recognize with those roads that if we are going to keep them within the provincial highways network that we are going to have to go to those standards.

Are they necessary to the highways network? That is the question I am asking. Is the minister looking at the network as it exists right now as to where it could be in the future adopting this type of partnership to decommission some roads?

Mr. Lemieux: Thank you very much for the question. I guess, not I guess, but I know that the department has a great deal of pride in their professionalism and they want to ensure that the quality of roads that they do—I can tell you they do not want to lessen their standards, to put it into a nutshell. They just feel that you need, for example, our federal partners contributing more. There has to be a way to do this. We have been around the block a few times on this already about more contributions, but the department really does not want to lower their standards or lessen their standards with regard to roads, because we hear this often about, well, just cut a few of these little trees out of the way here and put some gravel down and that will be fine, you know, to put a new road in.

That is just totally not acceptable to the department. They have repeated this to me because

they have heard people come into our office saying, we want a new road here, just cut that bush out of the way, it would not cost very much just to bulldoze it and just drop the trees, put some dirt in there, put some gravel on it and that is all you need. The department is not looking at lowering their standards, nor would I want them to. We want to ensure that we have the best quality roads and infrastructure that we possibly can have with the dollars that we have to expend.

Mr. Faurshou: I recognize all of what the minister is saying. I am going to go back to Provincial Road 331. Instead of spending a million dollars on that stretch of highway, the department ended up spending only less than \$300,000, less than a third, and the road went from an extraordinarily hazardous roadway to a very, very good roadway. The year that this was done was in 1999-2000. Everyone appreciated the outcome.

We do have provincial roads and we do not have to look very hard to find that they are not even the standard of the municipal roads. But as soon as the department goes to upgrade them, they just cannot upgrade them a little, they have to go right to the present day highway standards. Recognizing that that is the situation that we are facing, then maybe if it is not an integral part of the provincial highways network, one should consider doing this, because they are causing significant hazard to those that are driving those roadways now because they are below standard so dramatically that it is a real concern. That is why I ask the minister: Is he considering this type of direction for the department?

* (21:10)

Mr. Lemieux: Rather than my direction to the department, I look at it a different way, that there are professionals within the department that know their business. I am not an engineer and I am certainly not as technically aware of the ins and outs of building an excellent road, a Cadillac road, to use that term, or a Seville road to a Volkswagen road.

I know that there are a number of municipalities that have wanted just to have their roads repaired. They want the department to work with them to put whatever kind of road that is necessary in. The department is not willing to do that, so I have to, I guess, acquiesce to the professionals in the department when it comes time for that. They are the ones

who have the expertise and know what needs to be done, whereas you have some individuals who want a road taken care of and they are almost willing to do anything to ensure that it gets done

A perfect example is that some people want to have chip-sealed roads. "Oh, it does not cost very much, let us just chip seal that road. We do not want a gravel dusty road." But when it comes to the springtime to protect that road, and you have to put restrictions on it, then they are screaming blue murder because all of a sudden they want to be able to drive on that and they would just tear up this small layer of asphalt, essentially, that is on there.

So it is a real dilemma. It is a real conundrum, because what we are trying to do here, what we are trying to address is the road or the transportation infrastructure system that needs some work. People are looking at solutions to try to find a good way to get there.

So the department is not going to rule out any suggestions or any kind of way that municipalities or individuals want to try to enhance what we have got. But, because they are professionals and they have been trained in this area—and you do have specialists, which I found not necessarily amusing but I found it quite enlightening. You have specialists on asphalt; you have specialists on granular product; you have specialists that deal with all of this because you want to put together a good product. We are very fortunate in Manitoba to have those professionals.

So the answer, the long and the short of it, is that, no, the department is not going to rule out any kind of suggestions to improve the system, but they are going to ensure that it is safe and that it is going to have some longevity to it. Right now there is a scale. Most highways last, I believe it is anywhere from 20 to 25 years, and the bridges last anywhere from 40 to 50 years. So they are not going to want to lessen that standard. They would sooner put money in and have a good product that is going to last that long as opposed to doing some kind of a quick overhaul of a road that they are going to be right back at it in five years' time.

Mr. Faurshou: I appreciate the minister's challenges. I just want to ask the minister in regard to Provincial Road 227, which we have been submitting to the Legislative Assembly for consideration, petitions for upgrade to paved road.

I want to leave the minister with the thought that in the study of the flood of the century and evacuation routes out of the city of Winnipeg, it is my understanding that the scenario that was studied was that both major rivers flooded or were in flood stage. That means the Assiniboine and the Red River and looking at an evacuation route west from the city of Winnipeg, all of the highways, whether they be 3, 2, Trans-Canada, Highway 26, all of those are in close proximity to those two major rivers. It was identified that Provincial Road 227 was the evacuation route out of Winnipeg to the west.

So I would suggest that that leverage to garner dollars and to put added need to 227 be reconsidered.

Mr. Chairperson: Order, please. This committee will be in recess so that we can participate in the voting in the House.

The committee recessed at 9:16 p.m.

The committee resumed at 9:33 p.m.

Mr. Chairperson: Committee come to order, please. The floor is now open for questions.

Mr. Larry Maguire (Arthur-Virden): Mr. Chairman, I only have a couple of questions that I want to ask the minister tonight. I know our time is limited here, so I will just make a couple of comments.

The minister had indicated earlier that a federal member was happy to see Highway 59 built, and that sort of thing. He and the Member for Emerson (Mr. Penner) got into a discussion about who was responsible for what, I believe. All I will say is that we have to be careful about who we say should have done what when they were in power because this morning, or yesterday, I guess it was, a former member of the minister's here has brought forth what she is referring to as a real deal for Manitoba, for the city of Winnipeg. In that she has called upon him to put forth \$25 million for roads in the city of Winnipeg.

I just kind of figured that maybe she could have had more influence on the Minister of Transportation while she was in government provincially, and she would not have had to request that now, but, putting

all facetiousness aside, I want to ask the minister if he can give me some indication of the dollars that the province pays to the City for capital projects.

Mr. Lemieux: I believe I do. As the member is aware, in sessions like concurrence, you do not have your staff right with you, so I hope the member can bear with me. I certainly had those numbers with us because I know that it is not only for transportation as such, but it is also for transit and so on. I would only be guessing. I will try to find those numbers. As I mentioned, I do not have staff with me at the moment, but I will attempt to find it as we are asking questions.

I just want to say, though, that the member's colleagues that were here before in previous questions did raise the issue about how, and they agreed, and I think everyone agrees, that more money needs to come into transportation because there is a huge need there. The question is something that I should have posed to the member from Emerson, instead of getting into who built what when. I will still stick with my comments from before, because we are so concerned about the transportation infrastructure system. I do not think anyone is concerned less or more in the Legislature. I think everyone knows that something needs to be done, but I am wondering if the member from Arthur-Virden could tell me: Where does he see this extra money coming from to provide extra dollars? Since we are all agreed that the system itself needs an influx of dollars and in some cases big dollars, where does the member see those kinds of dollars coming from?

Mr. Maguire: I think I will let the minister tell me how many dollars he puts into the city coffers. It is a little unusual for the minister to be asking questions when he is in government. When I am in government, I will be glad to give him that information. I guess though, to be very, very blunt about that whole process, and I think I mentioned this to the minister when I was in Estimates, his government has received \$1.4 billion in new spending. It is a matter of priorities. The money is already there. They have made the decision, he says, to put \$10 million more into each of these budgets.

So it is a matter of him and his department prioritizing how they are going to spend those dollars. Maybe he is suggesting, obviously I agree, there is a billion dollars' worth of projects coming

forward every year, but I am not the one that is saying I am putting \$10 million more, as the minister is saying that his government is doing that. So I think it is up to his government. I will reiterate, however, that finally, after some four years, this Premier (Mr. Doer) has now acknowledged that they have a billion and a half dollars more virtually that the Filmon government never ever received in revenue in this province and that the Premier has finally acknowledged that there is a \$240-million shortfall in the transfer payments from the federal government in health and education transfer payments. That cannot go unnoticed. The member from Emerson indicated the budget numbers and how tight it was. There were a few years of small shortfalls, \$1 million or \$2 million not spent under the Conservative government; one year, an over \$4-million surplus. Right now we are faced with virtually \$28 million not spent in the last two years out of the budgets.

My point to the minister is that you can talk about a \$600-million program, 610, talk about a billion-dollar program, but if you are not going to spend the money—you know, it is good publicity, but it does not build roads. So all I am saying is, and I agree with the minister, there needs to be a long-term plan. There needs to be that 2020 Vision, and I would ask the minister, perhaps, if he can give me any indication of what kind of follow-up there will be out of the 2020 plan. I know he and the Member for Transcona (Mr. Reid) that kind of helped chair that committee are very familiar with it. So maybe they could give me an update of what future plans are going to be in the 2020 Vision, as a result of it.

If I had to answer the minister, I imagine it would be just as hard if I were the Transport Minister to get dollars out of my Finance Minister and budget as he may have in dealing with his particular government. But to announce a \$10-million program increase and then lapse \$14 million, it rings hollow. So I guess there are a whole host of mechanisms that could be used, probably none of them very palatable to the public, in relation to those areas.

The members many times today have said that they were not invited to the Canadian Taxpayers Federation announcement on the steps of the Legislature this morning. Perhaps they have noticed that a number of my colleagues and I were there. We did sign the petition for taking some portion of the gas tax and putting it directly into municipalities,

allowing them to have some more infrastructure funding in those areas.

I think that the Prairie Grains Road Program that the minister continues to refer to, I mean I am asking a whole bunch of questions here as we go along, but one of them quickly would be how long does the minister see that program continuing? Because the money that was left over from the Crow benefit, and I was there when that was changed, taken away from farmers in Western Canada, I was at the table with Mr. Goodale when he made that decision, in the room, and the monies were the shortfall from some of the interest that was in that program and they felt they needed to do that as a federal government to placate farmers, I think, in the prairies, to help build up some infrastructure because they knew there would be a change in traffic, and there has been a change in traffic, there is no doubt about that, but I do not think it was announced as a continuing program, albeit there would have to be new funding if the federal government was going to do that.

Maybe the minister can answer the question: Does he see new long-term funding being put in place by any discussions that he has had with the present Mr. Valeri, the Transportation Minister for Canada? If not, then I think he would agree with me that that Grain Roads Program would come to an end.

* (21:40)

Mr. Lemieux: Well, no, when I posed the question to the member it was because we were involved in a conversation here and the member from Portage la Prairie was talking about philosophical approaches to different issues. We were having just an open discussion, as opposed to just strictly question and answer. So since we are all concerned about the issue and everyone seemed to agree that it needs more dollars, I just wondered whether or not the member from Arthur-Virden wanted to share some of his own ideas, that he shares privately, as to where he sees the money coming from to improve our system.

If I might, there are a couple of things that I want to comment on with regard to a question the member asked from the city of Winnipeg. Intergovernmental Affairs road-related grants to the city of Winnipeg total—at least the dollars that I have been advised—about \$28.6 million to the city of Winnipeg. Some of that is in streets and bridges, and

some of that is in transit. I understand about 22 million is in transit, dealing with transit, and about roughly 6.6 million or 6.7 million are on streets and bridges.

So the City of Winnipeg gets about 28.6 million, currently, from the Province of Manitoba. Somehow the impression is left out there. Now this is anecdotally, because I have spoken to some people that live in Winnipeg, and the impression somehow is that the Province of Manitoba puts zero into the city of Winnipeg, which is incorrect. So I just want to note that already the Province of Manitoba puts just under \$30 million into the city of Winnipeg.

Now it might be more. I can stand to be corrected on the exact dollars, but I know that it is substantial. It may not be enough; it is never enough. This is something that is important. I just do not want to leave that impression left on the record somehow that the Province of Manitoba puts nothing into the city of Winnipeg with regard to transportation infrastructure.

Mr. Maguire: I certainly was not trying to leave the impression or lead the minister to the impression that there were no dollars coming from the Province. That is why I asked how much there was. I recognize that there is some. The dollars that he has indicated, I am assuming that would come out of the maintenance and operating budget as opposed to capital budget. So we can look at that some other time.

Mr. Lemieux: Those specifics I would have to get back to the member from Arthur-Virden, because my understanding is those are dollars that come from Intergovernmental Affairs, the Department of Intergovernmental Affairs, as opposed to the Department of Transportation and Government Services. So I am not sure exactly—I do not know the particulars behind it, but that is what I have been advised, that there is just under \$30 million that is given to the City of Winnipeg.

Mr. Maguire: So that \$30 million that the minister just indicated for streets and bridges and transit comes from IGA?

Mr. Lemieux: Yes, it comes from the Province of Manitoba to the city.

Mr. Maguire: I understand that the money comes through the Province to the city, but can the minister

confirm for me that it comes through Intergovernmental Affairs or through Transportation?

Mr. Lemieux: Well, I will take that as notice and I will get back to the member.

Mr. Maguire: Mr. Chairman, there has been some discussion. I have received a letter from a gentleman by the name of Mr. Wayne Pruden from Lockport area. I do not know if the minister is familiar with this, but Mr. Pruden is concerned about the proliferation of highway signs in ditches along Nos. 8, 9, 59 highways, some of them every 30 yards apart. He feels that it is blocking view, a number of those things. This was brought to his predecessor's predecessor back in 2000, and I know that the minister at that time wrote back to the gentleman and indicated to him that he would deal with this right away.

Can the minister indicate to me what has been done in that area?

Mr. Lemieux: I have had the pleasure of meeting many, many, municipalities and towns and city officials since becoming Minister of Transportation. For many of them, this is an issue that is becoming a real concern. Some of the signs are on private land, and some are on rights-of-way. Yet some of them are signs that are very, very important. So when I discuss this with the department after hearing from many of these municipalities, as they heard it themselves when they participated and sat in on the meetings, they are taking a look at this whole issue with regard to the proliferation of signs.

There is no solution, as yet, as to what should happen with them or should not happen with them. I know, for example, in the city of Winnipeg, during elections, I understand that signs on boulevards and so on are not allowed, now at least in the mayoralty race, I understand, or city councillors' race I do not know if that is just a City of Winnipeg by-law, but signs can be a hazard, and yet there is a place for them. There are many real estate companies that try to get the message out. My understanding is, at least I have been advised, that some people pay for the space. Other people do not. They put them up on land wherever they think is a good corner where there is going to be traffic. What happens is when it is at a corner where there is good traffic, that also means there could be a safety problem there as well because of the traffic and the proliferation of signs.

Mr. Maguire: One of the reasons I bring this up is because this person indicated he has a letter he had written to the minister at that time, the Member for Thompson (Mr. Ashton) now, the minister for water resources for the new water management department, on June 19, 2000. His executive assistant at the time, Mr. Holowachuk wrote him a letter acknowledging his letter on August 20, 2000. In that letter, the Minister of Transportation penned his own note signed by himself that said, "Thank you for raising these concerns. I totally agree. We have to deal with this." This means, he said in the letter, "This policy should be in place in the next few months, and sign removal will commence as soon as possible thereafter."

I guess I just have to ask the minister, and I am fully aware that some of these signs may be on private property, and this person is not concerned about those on private property, it is just those that are on highways land under control of the Province of Manitoba.

Mr. Lemieux: I thank the member again for the question. With all due respect to the member, the member from Thompson was the minister for approximately two years and then there was another minister, the MLA for Brandon West (Mr. Smith) became the Minister of Transportation. When these Cabinet shuffles happen, there is an occasion where there is a learning curve where the minister gets up to speed on the different issues. There are priority issues within the department that are brought forward to the minister from members within his or her department.

What we are hoping to do is to address an issue like this by having the department look at it, try to find out more about the situation and try to determine whether or not it is a safety concern. I think it is legitimate. If people are truly concerned and worried about too many signs causing and being a safety hazard, it is important to look into it. I know that the previous ministers, as was stated, at least one minister, sorry, I believe it was the MLA from Thompson when he was the Minister of Transportation received a letter.

* (21:50)

I will certainly endeavour to look into this to find out where this has gone and what has happened, but I know that, currently, the department is looking at this issue with regard to signs, not just because

there are elections on, but because of the large signs used by companies to advertise their products or advertise whatever they do. I know the department right now is looking at this issue. There is no resolution yet, but I will be pleased to let the member from Arthur-Virden know when there is a solution arrived at or what kind of recommendations.

Having said that, I understand that there are some municipalities and towns or cities that also have their own by-laws with regard to signs like that. They are able to address it through their processes as well.

Mr. Maguire: Having been through both a federal election and a couple of provincial ones myself, I can assure the minister that it is incumbent upon each candidate, from my understanding, at least it was in Brandon when I was there in '93, that you have to apply to the City for a permit to put election signs on boulevards. I know that Mr. Pruden, in the letter he has written to the minister, is not referring to election signs. These are commercial signs, non-approved signs, in his words, non-approved commercial signs on provincial property. He has also sent a petition to the R.M. of—well, actually, this was addressed to the minister from Thompson, who was the Minister of Highways and Government Services at the time.

I understand that there is a learning curve. I understand that the minister from Thompson, though, has also been longer in the House than just about anybody else in our esteemed Legislature here today. So I do not think it would take the minister, and I know it did not take him very long to get up to speed in regard to this critical area of the province back in 2000 when he was first appointed in the fall of '99. In fact that letter, as I indicated, went from the minister to Mr. Pruden in August 2, 2000, and is when that letter was received by Mr. Pruden.

Again in January 28, 2002, some 18 months later, he wrote another letter, or a second letter from Mr. Pruden indicating that from his letter of October 30, 2001 "regarding the proliferation of private advertising signs along our provincial highways, particularly at the intersection of PTH 9 and PTH 44, and that I am asking the department staff to review the intersection and check into this situation."

So I guess I am just saying that there was some correspondence by the minister at that time to this gentleman, and still over two years after that, the last

letter that he wrote as minister, there is still nothing done, at least no correspondence with Mr. Pruden anyway to indicate. I am assuming that nothing has been done because on February 4, 2004, the same Mr. Pruden wrote a letter to the minister himself, we skipped his predecessor there in regards to letters to him. That is why I said earlier his predecessor's predecessor was the first one to deal with this, the first minister of transport under this government in '99. But this one was sent to the present minister, the Member for La Verendrye (Mr. Lemieux), also, a copy of that same letter, virtually the same letter on the same date, February 4, 2004, to the honourable Member for Gimli (Mr. Bjornson) indicating to him the same concern. He has indicated to me indirectly that he has not heard from either minister on this issue since February 4, since his letter was written. I just wonder when the minister, if he can give me an answer as to when they will proceed with looking into this and, now that it has been four years, maybe we could provide Mr. Pruden with a more direct answer.

Mr. Lemieux: Mr. Chairperson, this is an issue that is not an easy one obviously because my understanding is that this bounced around through the 1990s through the previous Transportation ministers. Now, having said that, the signs appear anyway, appear, to be getting more frequent and on many different locations. They have been around for a while, but I can tell you as I just stated in my earlier answer that the department has endeavoured looking into this and trying to determine in the different regions to what extent are they are becoming a safety hazard in any way. I believe that is what the gentleman stated in his letter, that he was concerned about safety, and I am just going by memory. But I understood that he stated that it was a safety concern or a potential safety concern.

The different regions have to determine to what extent are they around, or are they more primarily around the city of Winnipeg which is the centre and hub of a lot of action in the province of Manitoba because it has over 50 percent of the population living here and a lot of businesses around the city of Winnipeg.

Right now, is it just the municipalities that are surrounding the city of Winnipeg that are having a huge challenge with regard to this. The department is trying to determine to what extent they are a real safety concern or a potential hazard. We certainly do

not want to do that because safety is one of our primary concerns with regard to transportation and highways.

Mr. Maguire: I have a few more questions for the minister in regard to circumstances around the budget that he had, and just the comments that I made earlier about the minister indicating that he had put \$10 million more forward in this budget for highways than the previous year. Can the minister indicate to me what sector of Transportation and Government Services those dollars would be found in?

Mr. Lemieux: During Estimates process, we went through a number of different questions related to the budgetary system and our process that was being used and are being used to this day. So I guess really what I would like to do is certainly complete the answer with regard to the \$600-million budget. We are talking about road works, but as I began to say earlier, the department will meet and exceed this commitment and the road works commitment was to provide a \$120-million budget for preservation and enhancement over five years for a total of \$600 million over five years.

The preservation enhancement budgets were formally shown together at \$120 million, construction program in Part A, operating expenses, in order to meet our ongoing commitment to comply with generally accepted accounting principles and to comply with the recommendations of the Auditor General the department has implemented budgeting and reporting for highways infrastructure as tangible capital assets.

So, as a result of the decision, the department's funding is separated into essentially, well, two votes. I am not sure if that is the proper terminology but there is a Part A, Expenditure, and that is in appropriation 15.4.(a), which provides for maintenance and preservation, and then there is a Part B, Capital, which also takes a look at expenses in vote B.14, I think it was, but projects include such as reconstructing of existing roads and new construction such as twinning or intersection improvements and the federal government and provincial projects such as SHIP and Prairie Grain also are part of this Part B, Capital. The Airport Capital Assistance Program is also and was also in that.

The budget figure itself was not showing net of federal contributions and the capital investment

budget has grown by \$10 million this fiscal year and is expected to grow by another \$10 million next year. So, as a province, we know it is not enough. We keep hearing from the R.M.s that, you know, we need more, we need more, we need more and so what we are trying to do is, we are trying to also ensure that the federal government comes to the table with regard to what we feel would be a better portion of their gas tax or road fuel tax revenues back to Manitoba.

Arguably, the dollar figure is around \$155 million or between 155 and 165 million that the feds take out of Manitoba. Some argue more, some argue less. The fact of the matter is they put very little, a small percentage, back into the province so I know the member from Arthur-Virden is very, very supportive of the fact that we need more money, whether it is a Conservative government, a Liberal government, an NDP government in Ottawa, we need more money from the feds.

Mr. Maguire: Just a quick question to the minister, the Estimates book, page 117 of the supplementary, indicates \$119 million in provincial roads and

highways, infrastructure assets, that is the capital assets. It is under the Capital Assets. Can the minister indicate that that is the capital assets for the 2004-2005 budget?

Mr. Lemieux: Can I ask the member, sorry, what page he is referencing or what document he is referencing?

Mr. Maguire: Page 117 in the supplementary. It is comparable. It is under section 15.5. Costs Related to Capital Assets, item (d), 5.(d). That would be the 120 that you are referring to, roughly.

Mr. Lemieux: It shows the estimates or expenditures in '03-04 being 143. It is 145 in '04-05.

Mr. Chairperson: The hour being 10 p.m., committee rise.

IN SESSION

Mr. Speaker: The hour being just a little past 10 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 8, 2004

CONTENTS

ROUTINE PROCEEDINGS			
		Sleep Disorders Gerrard; Chomiak	3026
Petitions			
Highway 227		Legislative Assembly Lamoureux; Doer	3027
Eichler	3015		
Schuler	3018	Speaker's Ruling	
Alzheimer's Disease		Hickes	3028
Driedger	3015	Members' Statements	
Minimum Sitting Days for Legislative Assembly		IS-Image Promotions Dyck	3028
Lamoureux	3016		
Pharmacare		Prairie Grain Roads Program Nevakshonoff	3029
Stefanson	3016		
Taillieu	3017	Gasoline Taxes Stefanson	3029
Proposed PLA-Floodway		Chief Warrant Officer Frank Emond Korzeniowski	3030
Murray	3016		
Committee Reports		Cam Tibbett Cummings	3030
Standing Committee on Private Bills First Report		Matter of Urgent Public Importance	
Martindale	3018	Lamoureux	3031
		Mackintosh	3032
Oral Questions		Loewen	3032
Red River Floodway Expansion			
Murray; Ashton	3019		
Goertzen; Ashton	3020		
Winnipeg Regional Health Authority		ORDERS OF THE DAY	
Driedger; Chomiak	3022, 3023	GOVERNMENT BUSINESS	
Mitchelson; Chomiak	3023	Government Motion	
Health Care Services		Debate Time Extension	
Driedger; Chomiak	3022	Mackintosh	3033, 3040
Adolescent Parents		Loewen	3041
Rowat; Melnick	3024	Lamoureux	3044, 3049, 3057
Child and Family Services		Gerrard	3045
Loewen; Melnick	3025	Matter of Privilege	
		Gerrard	3055

Debate on Second Readings

Bill 40–The Planning Amendment Act	
Maguire	3060
Penner	3064
Rowat	3067
Eichler	3067
Gerrard	3068

Bill 42–The Mines and Minerals Amendment Act	
Eichler	3071
Gerrard	3071

Bill 43–The Personal Health Information Amendment Act	
Driedger	3072
Gerrard	3072

Bill 45–The Engineering and Geoscientific Professions Amendment Act	
Taillieu	3073
Gerrard	3073

Bill 46–The Teachers' Pensions Amendment Act	
Stefanson	3074
Gerrard	3074

Bill 47–The Legal Aid Services Society of Manitoba Amendment Act	
Hawranik	3075
Gerrard	3076

Bill 48–The Human Tissues Amendment Act	
Driedger	3077
Gerrard	3077

Bill 49–The Municipal Amendment Act	
Maguire	3078
Gerrard	3079

Bill 50–The Municipal Assessment Amendment Act	
Maguire	3081
Loewen	3081
Gerrard	3081

Bill 53–The Statutes Correction and Minor Amendments Act, 2004	
Hawranik	3082
Gerrard	3083
Sale	3083

Bill 54–The Budget Implementation and Tax Statutes Amendment Act, 2004	
Loewen	3084

Concurrence and Third Readings

Bill 9–The Manitoba Immigration Council Act	
Mackintosh	3086
Gerrard	3086
Lamoureux	3086
Ashton	3087
Loewen	3087
Dyck	3088

Bill 11–The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets)	
Selinger	3089
Cummings	3089

Bill 26–The Certified Management Accountants Act	
Selinger	3090
Loewen	3090

Report Stage–Amendment

Bill 24–The Travel Manitoba Act	
Taillieu	3090, 3093
Robinson	3092
Gerrard	3094

Debate on Report Stage–Amendment

Bill 6–The Cross-Border Policing Act	
Mackintosh	3095
Eichler	3096
Cummings	3096

Bill 41–The Profits of Criminal Notoriety Act	
Mackintosh	3097

Concurrence and Third Readings

Bill 24–The Travel Manitoba Act	
Mackintosh	3099
Taillieu	3099

Bill 6–The Cross-Border Policing Act	
Selinger	3100
Hawranik	3100
Lamoureux	3101
Mackintosh	3102

Bill 41–The Profits of Criminal Notoriety Act		Bill 301–The Jewish Foundation of Manitoba	
Selinger	3102	Act	
Hawranik	3102	Mackintosh	3104
Lamoureux	3103		
		Committee Of Supply	
Bill 300–The Winnipeg Foundation Act		Concurrence Motion	3104
Mackintosh	3104		