

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

*Published under the
authority of
The Honourable George Hickes
Speaker*

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.
CULLEN, Cliff	Turtle Mountain	P.C.
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, Hon.	Fort Garry	N.D.P.
JENNISSON, 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.
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.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
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	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.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
VACANT	Kirkfield Park	

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 30, 2006

The House met at 10 a.m.

PRAYER

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SECOND READINGS—PUBLIC BILLS

**Bill 200—The Personal Information Protection
and Identity Theft Prevention Act**

Mr. Speaker: The first bill is Bill 200, The Personal Information Protection and Identity Theft Prevention Act.

Mrs. Mavis Taillieu (Morris): I move, seconded by the Member for Turtle Mountain (Mr. Cullen), that Bill 200, The Personal Information Protection and Identity Theft Prevention Act; Loi sur la protection des renseignements personnels et la prévention du vol d'identité, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. Taillieu: Mr. Speaker, I'm pleased today to speak to Bill 200, The Personal Information Protection and Identity Theft Prevention Act, as I first introduced it over a year ago, on May 26, 2005, in its initial form as the personal information protection act.

This act will allow a made-in-Manitoba solution as to how personal information is collected, used and disclosed, and, at the time, I was assisted with this by Brian Bowman of Pitblado, who is a nationally renowned privacy lawyer here in Winnipeg, Mr. Speaker.

By enacting substantially similar legislation to the federal PIPEDA law, we are creating a made-in-Manitoba law which will now be much more user-friendly to businesses in Manitoba and would clarify jurisdiction over personal health information and, most importantly, fill the privacy gap in Manitoba by extending coverage to all Manitobans, including those employed in the private sector.

This bill also addresses collection of biometric data which is defined as anything that is personal, such as fingerprints, palm prints, iris or retinal scans, facial scans, blood type, DNA and other personal, specific data, Mr. Speaker.

Alberta, British Columbia and Québec have all enacted substantially similar legislation, and all three provincial acts provide for more precise rules and definitions than does the federal legislation. This bill also includes a clause that establishes a duty to notify when personal information that is collected by organizations is lost, stolen or compromised, Mr. Speaker.

Mr. Speaker, there are two bills that govern personal information. One is the provincial legislation, The Freedom of Information and Protection of Privacy Act, which governs the use of personal information within the public sector. The federal legislation also covers any business that conducts a commercial transaction and any business that is under federal regulation. However, there is a gap that exists in the law and that is in the private sector. People employed in private business do not have their information protected, and that's somewhat surprising. The Manitoba Federation of Labour actually recommended this to the NDP and, so far, they have refused to even consider it.

Now, this is something that is not new, Mr. Speaker. Businesses already protect information collected during the course of a commercial transaction. Now they would just be extending that to their employees. Many businesses have a privacy statement. They do protect information when it comes to consumers that they deal with. This would just go one step further and fill that gap and protect the people they employ. I know many companies realize they need to be diligent in protecting information, however, the federal Privacy Commissioner, Jennifer Stoddart, has said there's not a level of compliance with the federal legislation that there should be. A made-in-Manitoba law would be easier to deal with in terms of education and application.

The Minister of Finance (Mr. Selinger) has spoken on this before. I know that he does support it somewhat. He has said that it does not have a provision in it for fines, but I know that he understands it is a private member's bill and that cannot be included. I know the member has moved forward on Bill 5, but this bill doesn't do anything to prevent identity theft. Identity theft is not mentioned in the bill. There's no civil remedy for identity theft

nor does it make it easier to recover damages once a person's identity has been stolen. This is an act that basically is one that is quite not useful in terms of identity theft prevention. It may have some application, Mr. Speaker, but not in providing any protection against identity theft.

Identity theft occurs when someone steals your personal information and uses it for fraudulent purposes. Most often we hear lately of security breaches due to hackers, inter-computer systems, stolen laptops and computers from personal businesses and dishonest inside employees, Mr. Speaker. Why would they want this information? Because it's big business. Personal information is big business on the black market. There's also legal data brokerage industry in Canada. It's a multi-billion-dollar-a-year business.

You know, today our technology is advancing at the speed of light while our understanding of what technology can do is moving at the speed of a tortoise. One example of that is radio frequency identification which has many good uses, but if it were to be used for purposes other than its original intention, it could be very privacy intrusive in that personal information could be easily and readily available to anyone, Mr. Speaker. In fact, it's prompted the Ontario Privacy Commissioner to issue guidelines in that regard.

I think that speaking of new technologies, we have a sense that technology will make it more secure and make it more impossible for people to steal personal information. However, I want to remind everyone that personal information is easily available to people who know how to get it. If people can make secure systems, people can break into the secure systems. There is a lack of security on the Internet, Mr. Speaker, and when we rely on security within technology, I think that we further our risk to releasing our personal information.

*(10:10)

Just a little bit more, Mr. Speaker. The very basis of identity theft is personal information. That is what's needed to create an identity. What we need to do is get right to the root of that and protect people's personal information. Bill 5, although it's a step towards mitigation of this, really does nothing here. As I said, it doesn't mention identity theft prevention, and it only applies if someone's applying for credit with stolen information. There's no protection if a person has stolen your information and if they're going to make purchases, Mr. Speaker.

In fact, it almost makes it easier for someone to impersonate you because, if you have already collected the personal information of someone, you call in to the credit bureau and tell them that you are that person, leave your phone number, have them verify with you when someone uses your credit information. Then, basically, you're just setting it up so that you can be verifying the fact that that's you and that may not be the person. So it, actually, in some ways, makes it easier. It's almost a blueprint for identity theft, Mr. Speaker. If a person has to contact a credit bureau to put a security alert on the file, then it's too late. The information has already been compromised.

I just want to further say that personal information is what defines a person. It's not just your name and address and telephone number. It's not your numbers, but it's things that are specific to you. We know that privacy is a very important issue to Canadians, and we believe that people want their privacy protected. Privacy really is your personal information. I think we have a duty to protect that.

I urge the government to support this bill and vote for Bill 200. Thank you very much, Mr. Speaker.

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, I certainly welcome the opportunity to speak to this very important bill that has been brought forward by the Member for Morris (Mrs. Taillieu).

In fact, this is, I believe, the second time the Member for Morris has brought forward this particular piece of legislation. I think, Mr. Speaker, it's important to know that, as we go forward and we deal with different cases of identity and identity theft, and personal information protection, we have to be very cognizant of the fact that it is a growing concern throughout not just Manitoba, but certainly, around the world. So, in view of that, it's certainly important that the Member for Morris has brought this particular bill forward. I think, just for the record, you know, the intent of this bill, and I'll just read into the record the intent of this bill.

The intent is, of course, to govern the collection, use and disclosure of personal information by organizations in the private sector, and also establishes a duty for those organizations to notify individuals who may be affected when the personal information the organization has collected is lost, stolen or compromised. So this is, in fact, the intent of the bill, Mr. Speaker.

Now, I know the government has also introduced their own legislation, Bill 5, I believe it is, The Personal Investigations Amendment Act. Clearly, we've seen this government react. This is the history of this particular government. It's governed by crisis; it seems to be. They're jumping around without any plan or vision of how things should be dealt with.

Certainly, we on this side of the House recognize issues that should be brought forward to the government. We're putting forward legislation that we think is in the best interests of Manitobans. What we've seen, the government refuse to adopt some of the legislation that we've brought forward in the past. I reference, again, the Member for Morris has brought this particular legislation forward last year and the government refused to deal with it.

So, in response to that, what we see is the government bringing forward their own legislation, and we recognize that their particular legislation is lacking in terms of when you compare it to the legislation brought forward by the Member for Morris (Mrs. Taillieu). So there is obviously some difficulty we have in terms of their particular legislation. But, again, I wanted to point out the reactionary nature of this government. If they would just be willing to address if they have particular concerns with the legislation that is brought forward, maybe the government could propose amendments to it, and we could move on in that regard. Things could be worked out in a diplomatic fashion instead of having the government portray themselves as coming out with their own legislation when, in fact, they're, in principle, just duplicating what we've put forward.

Another piece of legislation, Mr. Speaker, that is basically the same situation in terms of the grandparents' rights of access to grandchildren. The Member for Minnedosa (Mrs. Rowat) brought forward legislation, two years now, in terms of recognizing grandparents' rights of access to their grandchildren. Instead of the government dealing with that particular legislation, they saw fit to bring forward their own legislation dealing with grandparents' rights. So, clearly, we have concerns about where the government is headed in terms of those directions.

Another piece of legislation that comes to my mind, kind of in the same vein, we raised issues with protection of civil servants in terms of whistle-blower protection, if you will, Mr. Speaker,

recognizing that it is a very important issue for Manitobans. We raised the issue repeatedly that something should be done in that regard, and then the government does bring out whistle-blower legislation. We are having a little bit of a problem. Hopefully, that particular legislation will move forward during this session because certainly there is a need to protect individuals within the civil service. So, if they do have issues, they can bring forward those particular issues to the people that can deal with them.

Mr. Speaker, talking about Bill 200, this particular bill addresses holes in legislation, gaps in legislation that we have now. So that's why it's very important that the Member for Morris (Mrs. Taillieu) brought this bill forward. So what it does it offers a made-in-Manitoba solution to how this personal information is going to be collected, used and disclosed. I guess what happens when you look at the government's bill, there are some issues there in terms of the safe handling of personal information. In fact, Bill 5 that has been promoted by this particular government does not really address the idea of identity theft. It is not even mentioned in this particular bill. We realize, with the technology, as things change, it is very easy for someone to find, whether it be a credit card or some other identification, and actually use that piece of information, that card or whatever it may be, to access an individual's personal information. Normally, we are talking about some kind of money or that sort of thing.

We have to recognize that the government's Bill 5 does not address the identity theft that this Bill 200 really speaks to. So we have to recognize the differences there when we go forward. We certainly look forward to the comments that the government will put on the record in regard to their own bill, and I think it is important to draw that out in terms of the differences.

Another difference, Mr. Speaker, in terms of Bill 5, there is no civil remedy for identity theft. So the intent there is, if an individual incurs a loss as a result of identity theft, I know Bill 200 speaks to this particular situation. The government's bill in terms of Bill 5, The Personal Investigations Amendment Act, does not address that particular issue. Obviously, it is a very important issue.

* (10:20)

The other thing is no penalties for companies who allow that particular situation to occur. That

situation is not addressed in Bill 5. It is very important that if there is a breach of security or confidentiality, privacy, that there be repercussions. I think that's very important and Bill 200 speaks to that. There's a lack of that under Bill 5 so those sorts of things certainly have to be addressed.

I think, Mr. Speaker, there was just another incident not too long ago. It was a situation of a clear case of identity theft that occurred in the United States. A person was involved. He had some banking information that he used, and another individual was able to ascertain some documents, some photo identification, if you will, use that material to change a picture on a card, went to the bank. The name was there, he had his own photo imprinted on the card. He was able to access someone else's bank account and able to withdraw some cash.

So these cases happen, I guess, more often now, Mr. Speaker, because certainly there can be considerable sums of money involved. Those kinds of cases really point out that there is a need for this type of legislation going forward to protect people's assets, people's identities and people's personal information.

If we look at security measures, in particular in the United States in terms of travelling into the United States or travelling out of the United States. They're certainly going to all heights to make sure that things do not happen in terms of travel through there so we, as Canadians, are going to be forced to have passports to travel.

Clearly, it's an important issue. We all want to be safe when we do travel, and it just really heightens the fact that we are going to be forced to use these types of documents. There should be some protection there for Manitobans who have these types of documents that their privacy can be protected.

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

Mr. Jack Reimer (Southdale): Mr. Speaker, I just wanted to—

An Honourable Member: Add a few words.

Mr. Reimer: —put on the record and add a few words, as the Member for Rossmere (Mr. Schellenberg) says, to the debate on the bill that was introduced by the Member for Morris (Mrs. Taillieu), The Personal Information Protection and Identity Theft Prevention Act.

Mr. Speaker, in looking at this bill, this is a fairly comprehensive bill. In fact, it covers a fair amount of areas that I think that individuals and businesses and government should be concerned about, and that is, as pointed out, the identity theft that is happening from time to time to individuals in society. We've heard about them. I think we've all read stories about incidents where someone's bank account or their identity or their personal cards and information have been taken and used for ill-gotten gains. It's that type of thing that I think that we have to be aware of.

I know that the government will say, well, we've introduced a bill and we think that it's a better bill, but in looking at the bill that was introduced by the government, I believe it's around four or five pages, and it covers a very small amount of the concerns that are expressed. When you look at the bill that was introduced by the Member for Morris, we're looking at over 40 pages which is more precise, more to the point of how we can try to protect the information that people have that they can use either in their credit or in their financial institutions or in their medical files. These are some of the things that we have to be very, very aware of in trying to make these things more tightly controlled so that people don't get their identity stolen.

The history of the legislation that the Member for Morris has brought forth is to govern the collection, the use and the disclosure of the personal information of employees, volunteers, contractors, et cetera, of organizations in a manner that recognizes both the right of an individual to have his or her personal information protected and the needs of organizations to collect, use or disclose personal information for purposes that are reasonable.

That sounds like a broad spectrum, Mr. Speaker, and it is in a sense. But I think that when you look at the number of people who are involved, particularly in the volunteer sector where they want to be part of helping either in an endeavour that they feel dedicated to, and the information that they have to provide, sometimes they would feel that it should be held in a very close manner so that it does not have access to people who are more or less either looking at it for a criminal gain or even as a curiosity.

So I think that there is room for looking at an enhanced bill as presented, Bill 200, by the member here and the fact that it would be a sort of made-in-Manitoba bill. This is not something that is new. This

type of legislation has been introduced in other provinces in Canada. It's becoming more and more prevalent, the awareness of people who are looking for personal protection of their information and their identity. So Manitoba is actually lagging behind and not coming forth with a stronger piece of legislation to help these people that have been caught.

We've heard about it and we've seen, as was mentioned previously by the Member for Turtle Mountain (Mr. Cullen), that from time to time we look at people that have had their stories related either on television or even in the newspaper and the fact that a lot of these people can go for years with that.

We saw a good example just recently of identity theft in regard to an individual that was arrested in, I believe it was Montréal, that they sort of said he's a spy. He had all kinds of different identification, and he had obtained the identity through presumed false birth certificates and was able to get a passport, was able to travel and assumed a different identity. There's an example, Mr. Speaker, of an individual that is doing it in a harmful manner. This individual has been arrested and the label that they put on him is he's a spy for Russia.

This is something that I think brings to an awareness the fact that we have to be very, very careful with our own personal information, our own personal papers of identity. We've heard stories of what they call dumpster diving by individuals that go through garbage in the back of buildings and pull out information that has people's names, addresses and sometimes even their social security number on there. Then they can use those numbers or that identity to open up bank accounts to get more information. That type of thing is something that we have to be very, very careful with in regard to how we can make it more substantial in any type of legislation that's brought forth.

* (10:30)

We've heard of people that have done this and taken the identity. Also your credit rating gets destroyed because of the fact that a lot of this stuff can be utilized to possibly open bank accounts or credit cards, and they use that information to run up debts in your name, which you then have to clear. That only brings forth another area or problem for the individual because a lot of times that mark or that identity on their particular name stays in the system, even though it's not even their fault or their doing, but because of the situation and the manner in which

it's done, the people are therefore penalized by the fact that their identity has been stolen.

There is also the advent of security now where they talk about having individual bar codes for individuals. There are scanners of fingerprints. There are scanners of retinas for security positions. We notice that even in dealing with, as was mentioned, the United States, now, and trying to go into the United States, you have to have a passport. You have to have the proper identity. These are things that are becoming more and more prevalent. The security situation in the world right now demands that you have proper identity. The ability of people to try to usurp the system is something that we have to be very, very cognizant of, and the fact that we have to be more stringent in our controls of how information is made available, and the supply and the transmission of it through electronic media now and electronically on computers. We have to be very, very careful of how and what we respond to, and what we open up in our mail and the availability for people to access our information.

So, Mr. Speaker, with those comments, I would recommend that the House now pass this bill and go on to second reading. Thank you very much.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): I am pleased to put a few words on the record for The Personal Information Protection and Identity Theft Prevention Act, Bill 200.

I wanted to let the House know what the government of Manitoba is currently doing on this matter. Just to let you know a few things that are going on, in November 2006, the Finance Minister introduced The Personal Investigations Amendment Act (Identity Protection), which gives people who are concerned that their identity is being used by someone else the ability to place a security alert on their credit report. That is the first thing that we have done.

Other measures that have been taken in the recent past to combat ID theft include some of the following: Ministers responsible for consumer affairs met in Winnipeg in January 2004 and launched an identity-theft kit for consumers, which contains advice on how to prevent identity theft, and what to do if you are a victim or believe that you might be a victim. An identify-theft kit for businesses, suggesting steps that businesses can take to prevent identity theft, was also launched in February of this year. A discussion paper in July 2005 that invites

consumers and businesses to discuss the issue and provide comments was released in July 2005, and there are additional measures that we have taken.

One of the important parts about this issue is that it is already covered by a number of pieces of law. But, first, an important piece of law that is covered and that protects consumers against identity theft in fraud and impersonation are matters that fall in the Criminal Code. Fraud is a crime; impersonation is a crime, and they fall in the Criminal Code.

The federal government is also looking at legislation that will make it harder for people to obtain and use other people's identification.

Provincial legislation, The Consumer Protection Amendment Act limits consumers' liability to \$50 when a credit card is lost or stolen and the credit card information is used to make fraudulent purchases.

Vital Statistics has taken steps to ensure that critical information is protected, and fines of up to \$50,000 may be imposed on anyone possessing or using fraudulent documents, or in using legitimate documents unlawfully.

MPIC is also taking steps to ensure personal information is protected when it will begin using a new type of driver's licence.

It is important to know that people also have to take action on their own. Some examples are that banks are now talking about how PIN numbers have to be protected, how you should be using appropriate use of PIN numbers, selecting identification numbers. You are looking at different ways of making sure people aren't over your shoulder when you are using your bank cards. Also, people have to know that they have to report any loss or theft of any documents early. This is information that has been provided to the public, and is generally accepted.

So what we want to do is we want to make sure that we protect consumers, the rights of individuals against possible identity theft as many times as possible because in the electronic age information is out there. A lot of people think the electronic medium is secure, and it definitely can be hacked into. Lots of times computers are disposed of and people haven't wiped the hard drive appropriately. Lots of times people's mails can and have been intercepted. So what we want to do is we want to work as a government that'll let people know what they can do to protect themselves.

I, myself, it was interesting to note that in the e-mail I received a wonderful piece of advice. What it was, they suggested that, on the e-mail, on all my credit card transactions you say "ask for identification" on the back of your MasterCard or Visa, and I did that. I wrote "ask for identification" on the back of my card. It's good because then, whenever I use my Visa card or any other identification, they actually ask for a photo ID. That's a very, very good practice. It helps people ensure that I'm conducting the transaction.

But identity theft, I know there've been a lot of issues in the press about it. It can really disrupt a person's life. So what we want to do is we want to make sure that we've taken all the actions properly to make sure that's dealt with. So I'm pleased to put a few comments on the record as what we have done in the past.

I am pleased to see that the Minister of Finance (Mr. Selinger) is moving forward on this issue now so that we can continue to make sure that people's identities are protected in the future.

Mr. Kelvin Goertzen (Steinbach): It is a pleasure to rise in the House this Thursday morning to put a few words on the record, as well, on this particular bill. I want to start by commending the Member for Morris (Mrs. Taillieu) who, once again, has introduced this legislation. I know that she's been a passionate and an eloquent advocate on behalf of those who either have fallen victim to identity theft or those who might, unfortunately at some point in the future, fall victim to identity theft. She's worked hard on this issue, not an issue that's an easy one to tackle, I would say, Mr. Speaker. In fact, when she first came to me and to our caucus to discuss this particular issue, I have to admit it was one that I didn't have as much familiarity as, perhaps, I should of with the issue. She, certainly, described it in a way that made sense to all of us and that we needed to move forward.

I'm glad that she's, sort of, got the government's attention on the issue. They've turned a more curious eye now to the issue of identity theft. A slow eye, I would say. They've been, sort of, reluctant to really tackle this issue in the full measure that it needs to be tackled to insure that those who are in our society have that protection from identity theft. But we've seen in the past on other issues where this government has been, sort of, dragged into doing the right thing, slowly, and not as quickly as most Manitobans would expect from a government that

was acting in a proactive and a forward-thinking manner. But I guess that's part of our job that we assume at this point in opposition. It is to ensure that the government moves in a direction that they should be moving in, and, if they don't want to move in a proactive way, then, certainly, we hope that Manitobans will look for a proactive government at some point in the near future. We look forward to presenting that option for all Manitobans.

I do, then, want to move on from my commending the Member for Morris for spearheading this issue to expressing disappointment with the government that they brought in half-measures to deal with what is a very, very important issue. We heard the minister of—the Member for Assiniboia (Mr. Rondeau)—he changes that portfolio so often I can hardly remember sometimes what the portfolio is. You know, it's difficult, I guess, Mr. Speaker, when you have to shuffle the deck over there to try to find the right combination, but you still keep coming up with the wrong combination.

But the Member for Assiniboia raises the issue regarding protection, and I think that all Manitobans would agree. Frankly, I think that most Manitobans do take caution and care in dealing with their personal information, whether it's protecting their PIN numbers on cards or being more conscious and aware of what transactions are happening through the Internet, and the variety of ways that criminals who are out in cyberspace can access information.

* (10:40)

But, once again, we see the approach of this government is to put all of the onus, once again, on the victims, those who have fallen victim or could fall victim to crime. The Member for Assiniboia has spent half of his time admonishing and trying to put all of the onus back onto Manitobans in terms of their own security and protection instead of trying to address the holes that have fallen within his own legislation that has been brought forward from his government.

We know that times are changing. I saw a news broadcast just a couple of days ago regarding identity theft and how it is there are purse snatchers. That's certainly not new, Mr. Speaker, the fact that there are purse snatchers in society, but the news story was centred around the fact that there were individuals in a local shopping mall here in Winnipeg who were doing drive-by purse snatchings. So, in their vehicles, they would drive by unsuspecting law-abiding Manitobans and snatch those purses. They're

talking about this relatively new phenomenon, I guess, of drive-by purse snatching, but they made the point that in fact what most of these individuals are looking for is personal identification.

It used to be, in times past, Mr. Speaker, that those who were stealing wallets and stealing purses, for example, would take the money and throw away the wallet and all that was contained within it except for the money. It's almost come to the point now where they'll be throwing away the money and keeping the cards and the plastic because it's the identity that holds a greater value within the information.

So we need to take broader steps and quicker steps than this government seems to want to take, and I don't quite understand the reluctance. I'm sometimes surprised, Mr. Speaker, when common-sense legislation comes forward that the government isn't quicker to jump on it, to take it and to grasp it as their own idea because there certainly is no political disadvantage for them to go ahead and take that. We saw it with the Member for Minnedosa's (Mrs. Rowat) legislation regarding grandparents' rights. It took two years for them to finally respond to something that just seemed to make inherent sense to those of us here on this side of the Chamber and I think to most Manitobans. But it was a slow process to get them to move forward on that legislation.

Here we see sort of a half measure and a government that's looking at a piece of legislation that doesn't really address all of the particular issues. I understand that the bill doesn't even mention the term "identity theft." It falls that short, Mr. Speaker. It's that far off the mark. It hasn't focussed in on the scope or on the issue that's really at hand in a particular problem.

It was also mentioned by the Member for Turtle Mountain (Mr. Cullen) that it doesn't provide a civil remedy for identity theft nor does it make it easier to recover damages once one's identity has been stolen, and I think that that's key because we should always I think, as legislators, be looking at ways that we can make victims whole. When we talk about victims within our society, I know that there's been increased frustration, a growing number of those who've been the victim of crime in Manitoba, that they haven't been able to get a remedy not only through the courts, Mr. Speaker, through a criminal remedy but also looking for a civil remedy to make them whole, to put them back into the position they were before that crime took place.

I would say to the government that they're missing a key element by not ensuring that people who have fallen victim to identity theft or, frankly, any other sort of crime within our society don't have every reasonable right and every reasonable ability to make themselves whole after falling victim to that crime.

So there is certainly one weakness in the government piece of legislation that has been brought forward. I also know, and it's been raised by the Member for Morris (Mrs. Taillieu), that there are other concerns regarding the government bill that was purported or being sold as addressing this particular issue. One is regarding the security alerts and the fact that, really, if one is cunning enough—and we know that there are many cunning thieves, not among us, Mr. Speaker, but we certainly know that there are in our midst beyond this Legislature within Manitoba those who would take advantage of law-abiding Manitobans. They do so often in a clever way, the ability of these individuals to, in fact, phone and put a security alert onto somebody else's identity so that the thieves actually get called when there's an access of credit to ensure that it's a legitimate access of credit. I think this is very concerning.

We run the risk certainly, Mr. Speaker, of putting the tools of crime into the hands of the criminals. So I would certainly encourage the government to look closely at this legislation because it might have the opposite effect. I certainly don't and I would never suggest that that's the intention of the government, to go down that road, but sometimes legislation has unintended consequences as we've seen in the past. We need to always look at the unintended consequences of legislation before we go forward with it.

I would suggest, in the spirit of bipartisanship which I am known for in this House, I would suggest to members opposite that they consult with the Member for Morris in a way, perhaps, that they could find common ground. Perhaps they could take the elements of the private members' bill to bolster their own legislation, and then we could all go forward to Manitobans and say we have achieved something together to benefit all Manitobans. We have achieved something that can be done to improve their security. I think that we could all feel proud and good about that sort of measure, but I know that the track record of the government isn't one of bipartisan spirit, isn't one of co-operation, so, while I would hope, Mr. Speaker, that it would go that way, I suppose I'm not particularly hopeful.

I know that my time is running short, Mr. Speaker, and I want to thank the Assembly for this gracious opportunity to put a few words on the record regarding this good piece of legislation by the Member for Morris. Thank you very much.

Mr. Jack Penner (Emerson): Mr. Speaker, I'll just very briefly put a few words on the record on the bill that the Member for Morris (Mrs. Taillieu) is putting forward, Bill 200, The Personal Information Protection and Identity Theft Prevention Act.

The purpose of this act, Mr. Speaker, is very clear. I believe it really describes and portrays the difference between the Progressive Conservative members on this side of the House and the NDP members on the other side of the House. I think our approach on many pieces of legislation in this House, be they the privacy bills or identifying how we should protect our privacy, is probably more imminent here in the differentiation of the government bill and Bill 200, as described by the Member for Morris.

I want to say that I believe the Member for Morris is far more in tune with what the needs of the people of Manitoba really are, and people in general, when it comes to the protection of information that is very important from both a financial perspective, from a medical perspective, as well as for the protection of our very families that we hold so dear.

I believe when you read the two acts, the people of Manitoba will see the responsible approach that the Member for Morris is taking when she put forward Bill 200. When one has personally experienced the loss of information or the loss of a credit card and has seen large amounts of expenditures that have been incurred on that credit card that has either been lost or stolen or whatever, one recognizes how vulnerable we all are. Especially in today's day and age of computerization, one cannot be too careful in how you relate information either on-line, on telephone or in conversation that others can pick up and use against you.

* (10:50)

I want to specifically look at one area that the Member for Morris has identified, and that is that the most difficult situation hypothetically presented by this bill is the following: Imagine I intend to steal your identity. I call a toll-free number and advise the personal reporting agency that I would like to place a security alert on a personal file. Of course, before complying with this request, the personal reporting

agency must take reasonable steps to verify my identity. However, under the current situation, if I am successful in convincing them that I am the person that I say I am, once the security alert is placed on the file, users who receive a security alert when they request a personal investigation on this number will call the number that I provided to determine whether or not the request is legitimate. This would allow identity thieves to circumvent the entire process and gain control over other people's personal information. Of course, these and other issues regarding the bill may be affected by the content of regulations passed thereunder, and would have to be re-assessed once the same were made available.

I believe that Bill 5 does not comprehensively address the privacy issues that are currently unregulated by Manitoba laws. Something more like Bill 200 would accomplish this objective, in my view. I believe, also, that when you look very carefully at Bill 5, one recognizes the many loopholes that are still left in that bill. I don't know why the minister wouldn't have paid more attention to ensuring that those holes were filled properly, and that proper care was taken to give security under that bill to personal information. Maybe he has an agenda of his own. Maybe this NDP government wants to ensure that they, at some point in time, would have the ability to access every citizen's information. Maybe that's what's at stake here.

Mr. Speaker, I truly believe, that this minister, if he would have taken care and acted in a responsible manner, we would not be needing Bill 200 being placed before this Assembly. So I think, again, we see, as we have seen many times, the government has promised to take care of an issue, as we have seen in health care. They promised in six months that they would do away with hallway medicine. Yet, not too long ago, I had the occasion to walk down a corridor at St. Boniface Hospital and I saw five beds lined up in the corridor, five beds in the hallway with patients in them. Yet, 15 minutes later, when I walked by, they were gone. Someone on the staff said to me: They must have recognized you, Mr. Penner. They must have recognized you, and, poof, gone they were. I don't know where they hid them, whether they were hidden in closets, as some say they are, or whether they were hidden anywhere else. But this bill, again, describes the same situation. This government promised to deal with this issue seven years ago. Before they were elected they promised that they would deal with this issue.

Seven years later, after the Member for Morris (Mrs. Taillieu) and others on this side of the House have constantly indicated that there is a need to pass this kind of legislation; voilà, the minister comes with a bill. Was it a well written bill? Does it really protect the individuals from the kind of situation that we're describing here today? No, of course not. Yet, when you look at the member for Bill 200 that was put before this House, that really does cover the whole gambit, and really goes much farther than the minister in his bill, Bill 5.

I would suggest to this government that they really take a look at this bill, adopt this bill, and scrap their bill, and then I believe Manitobans will truly be protected.

Mr. Tim Sale (Fort Rouge): Mr. Speaker, I'm pleased to rise and address the many concerns that I think validly motivate all of us to be concerned about identity theft and about the protection of personal information.

I'm sure, Mr. Speaker, you will remember that it was our government that introduced the protection of health information act. We're in the process of amending that act at the present time. We have FIPPA as well. The federal government has a very comprehensive piece of legislation that goes under the acronym of PIPEDA. Certainly any of us who've done business over the last couple of years will recognize that virtually every time personal information is being collected we are faced with a form or a specific agreement that we consent to our information being collected for the purpose of the transaction and for no other purpose. Personally, I've had many, many experiences of companies and organizations making it very clear to me that they're operating with a great deal of concern and respect for the information that I've given them.

Mr. Speaker, I think that it is a worthy project on the part of the member opposite to have put together a piece of legislation that she genuinely believes will be useful. I don't for a minute devalue the work that's been done to put together this particular piece of legislation, but simply say that, in the view of those who advise our government, there are shortcomings in the present bill as we are now debating, and that the bill which my honourable colleague, the Member for St. Boniface, the Minister of Finance (Mr. Selinger), the minister responsible for consumer and corporate affairs put forward a few days ago, I think that it's noteworthy that that new piece of legislation, which he introduced a couple of days ago, very

substantially raises the bar in terms of the protection of personal information against identity theft.

Of course, the issue of identity theft is really the failure of the protection of appropriate information, so identity theft is essentially the end of a process of failure, as opposed to an issue in its own right. The failure that identity theft, of course, is pointing to is the failure to protect information at a variety of levels, sufficient for someone who is intent on stealing identity to assemble a new or a forged identity, allowing them to either defraud an individual or a company on behalf of an individual, or, in the case of people who are intent on doing harm to our community, actually creating an identity out of the pieces of others' identities, such as the Russian gentleman who was apprehended a few days ago in Montreal with a number of passports and a number of pieces of fake identification, all of which point to the failure to protect information adequately, Mr. Speaker.

All of us who live in the Internet age and in the instant-banking age and the instant-credit use of a Visa card or a MasterCard or whatever recognize that an enormous amount of personal information is collected on us every day. Every time we shop at Safeway or Sobeys or wherever, and we take part in their frequent-shopper programs or their rewards program of any kind, essentially, what the reward card is doing is collecting for that company a complete inventory of everything that you had purchased that day. Of course, that all goes into an enormous file which then allows that company to, on the basis of a community, profile those products which are most purchased, least purchased, have more problems with returns, et cetera, et cetera. So one could say that that is a benign purpose. It's intended to help consumers in a given community to be able to have available to them the things that are most frequently used in that community and to, on the other hand, avoid having on the shelves, products which cause a great number of returns to be incurred, which is costly for the company and unsatisfactory for the consumer.

Mr. Speaker, I think it's absolutely correct that we need to be working at this issue, and all of us need to take it very seriously. So the member opposite, I think, has good intentions. I think that, unfortunately, given the fact that we have a very comprehensive federal act in this regard, it is more appropriate for us to ensure that that federal act does, indeed, do what it set out to do, which is virtually all of the things that the member's bill proposes, with a

couple of areas that need to be strengthened in that act. The virtue of a federal act is that it covers all Canadians everywhere all the time.

Mr. Speaker: When this matter is again before the House, the honourable member will have four minutes remaining.

* (11:00)

RESOLUTIONS

Res. 1—Seven Years, Seven Scandals

Mr. Speaker: The hour being 11 a.m., we will now move on to Resolutions.

Mr. Jack Reimer (Southdale): Mr. Speaker, I move, seconded by the Member for Emerson (Mr. Penner),

WHEREAS this provincial government can be characterized as a government plagued by scandal and a failure throughout its seven years in office; and

WHEREAS Manitobans deserve better than a government that has presided over no less than seven scandals in seven years; and

WHEREAS under the not-so-watchful eye of the provincial government a northern health authority spent more than \$330,000 on unapproved expenses like trips and tobacco; and

WHEREAS this provincial government imposed a floodway expansion deal designed to line the pockets of the Premier's union boss friends at a cost of \$60 million to taxpayers; and

WHEREAS this provincial government did not notice when a school division carried an illegal land development scheme that cost taxpayers \$2 million; and

WHEREAS this provincial government was slow to react when a provincially contracted support agency was revealed to be paying taxpayer-sponsored perks to executives to the tune of \$1.5 million; and

WHEREAS the provincial government led by the Premier (Mr. Doer) has refused to call a public inquiry into the Crocus Fund collapse which saw 34,000 investors lose \$60 million; and

WHEREAS the provincial government infamously promised to "end hallway medicine and fix health care in six months with \$15 million" and has not only failed to keep its promise but has scandalously misled Manitobans about how the

number of patients in hospital hallways is calculated; and

WHEREAS this provincial government stood by and did nothing to protect the CEO of the Workers Compensation Board when the individual was fired three days after reporting financial irregularities; and

WHEREAS Manitoba deserves a government that will stand up for its employees and all Manitobans; and

WHEREAS Manitobans deserve a government that will be accountable for all of its and for how it spends taxpayer dollars.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to take steps to ensure effective whistle-blower legislation is passed to protect civil servants to who report wrongdoings; and

THEREFORE IT FURTHER BE RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to take steps to explain to all Manitobans why more than \$120 million was lost, misspent or used when it could have been directed to improving infrastructure, education or health care services in Manitoba.

Mr. Speaker: It has been moved by the honourable Member for Southdale, seconded by the honourable Member for Emerson—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Reimer: Mr. Speaker, where does one start? Where does one start when we start talking about the scandals of seven years?

Mr. Speaker, when we talk—*[interjection]* We picked seven because of seven years, but actually we could go on and on and on about the ineffectiveness of this government in how it handles its finances, handles other areas of responsibility, its spending, the various departments that are over budget and everything in that area. It can go on and on and on about how this government has mishandled. So when we decided to do the resolution, we picked seven scandals, but we could have picked so much, there was so much to choose from, yet it still continues to grow. We don't know what's happening. The Member for Inkster (Mr. Lamoureux) has brought forth some information which may produce even more of a scandal in regard to the government.

But a lot of it, Mr. Speaker, goes to one office only, and that is the office of the Premier (Mr. Doer), because the Premier is the fellow that has said from time to time that the buck stops at his place; he's the fellow that makes the decisions. So I guess we could say, when we talk about seven scandals in seven years, it's seven scandals that this Premier has been involved with, and those are some of the things that, you know, Mr. Speaker, the people of Manitoba are recognizing now. We see that throughout the changing of the guard, if you want to call it, in regard to the NDP.

We now look in the papers and we see, every day, every day, there's some sort of, you know, other areas that the government is failing in. They're failing in their objectives of what they're talking about. Do we remember that sign where we saw the Premier of Manitoba at that time on the highway down there south of the city with a big sign on Grafton, "Closed." He's going to close the—

An Honourable Member: 75 highway, closed.

Mr. Reimer: Highway 75 was closed, but because of the bumps. But at that time it was because of the fact that people were going down to Grafton for their MRIs and their CAT scans and things like that. What did we see in the paper this morning? An F that has been given to this government for their handling of diagnostic imaging here in Manitoba. I don't think it stands for "fantastic," as one of the members is talking about. I think that F is "failure," but that's just another part of the things that are happening with this government.

We've talked recently about Crocus and all the various things that have been involved with Crocus. We've seen how this government has sidestepped, skated, and moved around the subject of the Crocus. We've seen the Auditor General's report saying that there were red flags. There should have been something that was followed up on. This government stonewalled. They've stonewalled in calling a public inquiry into it. They can find all kinds of things to fall back on other than the fact that there were 33,000 people that it cost them \$60 million, Mr. Speaker.

I wanted to get the right figure in there because I think it's important. I think the people that are recognizing the fact that they've lost that kind of money, and this government has done nothing to try to correct it in the sense of not calling a public inquiry to find out who was responsible and what were the consequences of it.

Mr. Speaker, we could talk about the workmen's compensation board and how they handled the individual there because that individual brought forth information that should have been looked at, could have been helpful in the deliberations, but what happened? The government refused to act on it. They turned the matter back to the workmen's compensation board, and what did they do? They fired the whistle-blower. They fired the individual that was bringing forth information that could have helped them in the report.

And, in fact, the Auditor General even mentioned that we believe the department was aware of the red flags at the Crocus and failed to follow up on these in a timely manner. This is from the Auditor General, Mr. Speaker. So those are some of the things that make the credibility of this government come into question, whether they have the ability or the wherewithal to manage the other directions that they feel that they should be taking.

They look at these areas where there is accumulation of money through the Crown corporations, and it's just like Winnie the Pooh. Get their hands into the honey pot and they just take that money. You know—

An Honourable Member: Hands in your pockets.

Mr. Reimer: Hands in your pockets, as mentioned by one of my colleagues.

But we looked at that, and there were 34,000 Crocus investors, Mr. Speaker, that lost over \$60 million. Those are hard-earned savings, and I think every one of us has been receiving e-mails, letters, and even phone calls from people that are in the community saying, my life's savings, I put it into the Crocus, and now I don't know what's going to happen. These are a lot of people that are retirees or people that were planning for their retirement, and now they're very, very concerned as to what it's worth and the return that they're going to get back on it. But that's only because of this government's ineptness in monitoring the situation, Mr. Speaker. They could have been on top of it. They could've done more to make sure that there was a better accountability of how the fund was managed. They didn't bother to do that.

* (11:10)

Mr. Speaker, as I mentioned earlier, the workmen's compensation board was one area—*[interjection]* The Workers Compensation Board is also the place, like I say, where they had an

individual there, a very competent individual that came forth with information, and what did they do? They fired her, and that's just part of what this government does. They don't like to face the reality of what decisions they're trying to bring forth, and then all of a sudden, the consequences are that the individual is fired.

There are a lot of other areas that were mentioned in the resolution in regard to the floodway expansion. We've talked about that numerous times about the cost overruns on that, and the fact that there was a deal for the checkoff for union dues whether you're a union member or not. That all added to the cost of the floodway. Now we see that they're cutting back on the scope of the floodway. They're saying, well, because of the cost overruns and everything else like that, but they don't take into account the fact that they have built in costs that usually are not normal with contracts but this government felt that they should be. The pressure that the Premier (Mr. Doer) got in regard to wanting to satisfy certain individuals will cost this government and cost the taxpayers of Manitoba tens of millions of dollars. So it is something that I think people have to become more and more aware of.

We see that in the resurgence of our party. We see that in the resurgence of people who are more in tune with the philosophy that we're trying to implement as we get ready for a possible election within the next year or two. These are some of the things that I think we have to be aware of. It all adds up, Mr. Speaker, to the fact that this government has been stumbling and bumbling along and making decisions that are affecting the taxpayers and the confidence of the people in the Premier of this province and the government that is in power right now. So I believe that we cannot stand for another seven years of this government. The people are saying that it's time for a change, and I think that even the members of the government are realizing that maybe they're on a downward trend.

So, Mr. Speaker, with those short words, I'm looking forward to this resolution passing. At this time, I would hope that we can pass the resolution. Thank you.

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, I rise to speak in criticism of this resolution, and I want to thank members of my party for giving me the opportunity to speak first on this. I think that's only fitting given that my particular constituency has been victimized by members opposite, not once but

twice in subsequent elections. These are scandals that have no parallel in Manitoba history, I would submit, not once but twice. For them to have the nerve, the bald-faced audacity to introduce a resolution discussing scandals when they are the masters of scandal is quite utterly beyond belief.

I will elaborate and I will go back to 1995 briefly. It was before I was a member of the Legislature, but this was when Manitoba hit a new low when it came to dirty American-style politics orchestrated by members opposite. This was proven in a court of law, Mr. Speaker. This was not idle speculation or finger-pointing or politicking. It went to court. Members were convicted. Members of the Conservative Party were convicted of perpetrating a fraud on the people of Manitoba. If they don't want to take my word for it, I will quote Judge Alfred Monnin, who commented on all the Conservative people who testified during his inquiry. He said, and I quote: "In all my years on the bench, I have never encountered as many liars in one proceeding as I did in this inquiry." Truer words were never spoken. Truer words were never spoken, Mr. Speaker.

It's interesting who the people were involved in this. As they say, you can pick your friends; you can't pick your relatives. Of course, we all know who I'm speaking about. The venerable Cubby Barrett, kingpin of the Interlake Tories, was front and centre throughout this entire process and was one of the individuals who was subsequently convicted.

What was really despicable about this whole venture in the Interlake was the fact that our Aboriginal people, the First Nations people of Canada, of Manitoba, were the ones who were targeted by members opposite. They assumed that the Aboriginal people were somehow beneath them, I don't know, that they weren't intelligent enough to figure out this little plot. They were the ones who were targeted. These people went so far as to even create a new political party to try and lure Aboriginal people away from voting for New Democratic candidates, not just in the Interlake but in Swan River and in Dauphin, as well, and that was what was truly, as I said, despicable. I don't want to use words that are unparliamentary, Mr. Speaker, but I see you're not rising on that, so I guess it's allowed. But it truly does apply to the activities of Conservative Party members in regard to 1995.

I'll talk about 1999 now, Mr. Speaker, and before I get to the main issue, I would just say, in passing, that the Harper Conservatives in Ottawa who are

preaching to all of Canada what a law-and-order bunch of guys they are, how they're going to get tough on crime and all that, who do they appoint as their Minister of Justice? Nobody less than Mr. Vic Toews, who himself was convicted of breaking the law under The Elections Act here in Manitoba. This is the person that they chose to be their Minister of Justice. So it doesn't just apply here in Manitoba; it applies to Conservatives across the land.

Now, I was subjected, personally, Mr. Speaker, to—I thought what they did in 1995 was odious, but what they did to me personally, in 1999, was beyond belief. I can see members opposite smiling and laughing. They think that the character assassination that was perpetrated upon me, the defamation and slander that was applied to me, they may find it amusing, but I certainly don't. I know that the people who elected me in the Interlake, then subsequently re-elected me, were not amused at all either. Now, I admit I made mistakes when I was a young man at 16 years of age. Over 30 years ago I was convicted of refusing the breathalyser, and there's a story behind that, as well, which I won't go into. I only have a few minutes here. But for them to have spun that out the way they did, they accused me of being a drug trafficker, of breaking and entering, all total fabrications which were subsequently proved by an Elections Manitoba investigation.

This was as low as you could possibly get. This was a scandal of unprecedented proportions in the history of Manitoba, perpetrated by members of the Conservative Party and no less than the chief of staff of the former Premier Gary Filmon, no less than her, Heather Campbell-Dewar was her name, convicted in a court of law of defamation, and not only defamation of a candidate but obstruction of justice. These people have the gall, have the nerve to stand and put forward a resolution on scandals?

*(11:20)

Mr. Speaker, this is beyond belief. I have seen hypocrisy, arrogance, disdain for the law and disrespect amongst members here, but this is the absolute height. Now, it went quite deep, and I was quite fortunate that no less than a former premier, Mr. Ed Schreyer, and our Governor General did stand in my defence during this. He himself was accused and complaints were filed by the Progressive Conservative Party of Manitoba with Elections Manitoba suggesting that he was trying to subvert the election. They denied that they knew anything about this letter that had surfaced. They had no idea

where it came from, but the fact is they did know, Mr. Speaker, because Heather Campbell-Dewar herself confessed that she had sent this letter on to PC Party central for their advice.

So for them to suggest that they had no idea where this letter had surfaced from was a bald-faced lie, and, again, brings disrepute onto members opposite and their former leader who also was the director of communications during the 1999 campaign. To think that he had no knowledge of this was really beyond the pale, and for them to have gone so far knowing this and accusing a former Governor General of trying to fix elections was quite unbelievable.

There were many, many high-ranking Conservatives. Two former RCMP officers lost their jobs over this scandal, Mr. Speaker, one working for the Manitoba Public Insurance Corporation, another with the Law Enforcement Review Agency were both embroiled in this. I would go even a step further. There was a former assistant deputy minister of Justice, his name was Wyman Sangster, who eventually resigned over this as well. He admitted that he was approached by high-ranking Conservative Party members in the Interlake to do some type of a criminal records search on me. He acknowledged that in the press, and his refusal to divulge those names, I would assume, eventually led him to resigning his position.

Mr. Speaker, I know other people want to speak. My time is almost up, but I would close by saying that members opposite have no place whatsoever to stand in this House and suggest scandals by any government because they are the masters of scandal. They have done it not once but twice now, trying to subvert the electoral process here in Manitoba, probably more. These were the two times that they were caught and convicted in a court of law. So we have no lessons to learn from members opposite in regard to scandal. Thank you, Mr. Speaker.

Mr. Jack Penner (Emerson): Mr. Speaker, I always find the honourable Member for Interlake to be an interesting person in the comments that he makes. I know that when I leave here he is one of the people that I will miss. His analysis of issues and situations is somewhat different than many other people view them or assess them at, but one must always accept a person's views because the people in that area elected the member and I respect that.

I think everybody is entitled to his or her views and how also to allow for that person's concept of issues that happened and their analysis and bring that to this House. I mean that's the freedom that we as members of the Legislature have. Whether they are right or wrong, we must leave to the interpretation of the general public and at some point in time, Mr. Speaker, the general public will do an assessment and it's called during election time. That's when the judgment will determine how people feel about the issues that have been presented and in large part how they've been portrayed to that general public that will do the assessment.

I think we're nearing a time when again the general public will be the court to decide which party, in fact, deserves to govern and which members, in fact, deserve to serve here. I believe one must always be careful not to try and portray an issue in a manner that leaves doubt in the people's minds. I think we have seen far too many issues that have come to the floor of this Legislature in one form or another, and I think it largely demonstrates that, when a government makes commitments to the general public and doesn't keep them and/or tries to design methods or use methods and design initiatives in such a manner that would allow them to be seen as serving the best interests of the general public, but, then, in fact, it becomes apparent that they're trying to serve a very small part of the general constituency which is called the people of Manitoba. I find it very interesting that we have seen quite a number of those kinds of cases appear under this current administration.

When I look at the floodway expansion, and I had some personal involvement in that being the critic for that area, but when I look at the floodway expansion and how the design of the programming was done and the agreements that were struck to ensure, as the Premier (Mr. Doer) put it, to be on time with the project and to be on budget with that project, to draft agreements between labour unions, as was done there—we all know that now. That's been very publicly admitted to by the government and the Premier, specifically, that they drafted labour agreements to ensure that there would be no strikes on the floodway. At what cost did we do that? At what cost did we do that, Mr. Speaker? I think therein lies the problem. I think the government tried to hide the real reason why the labour agreement was struck. It wasn't to save huge amounts of money. It wasn't to ensure that there would be no strikes. It's

become very evident that it was done to be able to funnel government money into union coffers.

Now, one must ask oneself, where does that money end up? Like we were initially told by the minister in this House that it was done to create pension funds for those people who did not belong to unions, to provide medical services through a fund that would be established for those workers who were not part of the unions, because, obviously, the union members already, supposedly, had this. So we structured these kinds of things, and said to those non-union members that would be allowed to work on this project, that you will have to pay for those programs, the same as union members, and we will set up these special little funds to ensure that pension funds would be met, and requirements would be met, and health care requirements would be met, and all those kinds of things. Where did the money end up? Where will the money finally end up?

You know, we don't know, Mr. Speaker. We honestly don't know because there is no provision to ensure that those dollars when the project ends—and there are surpluses in those accounts—would be accrued back to the people of Manitoba, or the people, the non-unionized people working there, that that money would be funnelled back in fees or services to that. No guarantee there. So where does the money finally end up? It's been estimated that there's probably \$60 million that's not accountable, \$60 million.

I know the honourable Member for the Interlake (Mr. Nevakshonoff) talked about an election scandal. Well, I believe, if memory serves me correctly, and I don't want to get into this, but, if memory serves me correctly, there was an amount of money paid to a certain individual to allow him to run because this person, obviously, didn't have any money. He came and asked if he was paid an amount of money that would allow him to run. That was done. The cheque was written and two days later, I understand, or a few days later, I understand, the money was put back into the fund. That problem still exists today, because it was obviously not done out in the open.

* (11:30)

Well, Mr. Speaker, talk about things not being done out in the open. The floodway project, \$60 million; not being out in the open, not being accounted for. The people of Manitoba should be astounded that any premier who says, the buck stops in my office, I make the decisions, would allow themselves to be had for \$60 million.

And where does the money stop? In the Premier's Office, because he said so. The buck stops here, he said. So we can only assume that the \$60-million commitment, if it was a commitment, stops right in the Premier's Office.

I believe, if anything had ever required a public inquiry, this issue requires a public inquiry because the people need to know where their money stayed. It is not our money. It is not my money, Mr. Speaker. It is the people's money. It is taxpayers' money that was designated to build a floodway that is ending up somewhere other than in the construction part of the floodway. I think it is time that this Premier (Mr. Doer) realized that he has an obligation to the taxpayers of Manitoba to account for where the money went.

Now, we have seen in the last few days an announcement that four of the bridges would be cancelled. We won't build them. Oh, we had ordered all the material for them. We are going to stockpile that material. Maybe, Mr. Speaker, we can use these great spans that have already, probably, been built and contracted for and paid for, will maybe be able to be used somewhere else.

Maybe at the Letellier bridge, who knows? If it fits, and maybe that's the reason why that bridge might be estimated at 30 million. When the last bridge that was built across the Red River at Emerson cost less than 10, less than 10, this one is estimated to cost three times as much as that. Wages haven't gone up that much, material costs haven't gone up that much and the contracts tendered that I have seen so far haven't gone up by 300 percent.

Mr. Speaker, I think this speaks loudly for accountability. I think this Premier and his colleagues, the Cabinet ministers, owe Manitoba an explanation. I believe that it is imperative that this issue be dealt with via this resolution.

Mr. Doug Martindale (Burrows): I rise to speak on the first resolution on the Order Paper. I would like to begin with the definition of the word "scandal." It is a noun, and the first meaning is "an action or event regarded as morally or legally wrong and causing general public outrage;" and two, "outrage, rumour or gossip arising from this."

I think this resolution fits under the second definition quite well, "outrage," and I would say false outrage, rumour or gossip arising from this. The origin is a Latin word, *scandalum*, "cause of offence"

from Greek *skándalon* meaning "snare" or "stumbling block."

I think the real stumbling block for the PC Party of Manitoba is that our government and our party believe in governing for the common good. This has also been called the commonwealth. In fact, if members listen to the Speaker reading the prayer every day at the opening of the House, the prayer says that we should work for the welfare of all our people, meaning all Manitobans.

Mr. Conrad Santos, Deputy Speaker, in the Chair

So why would this be a stumbling block for Conservatives? Well, I believe it is because governments and parties that govern the interests of the majority tend to be popular. How then would an opposition Conservative Party defeat the government? Well, first they could repeat outrageous statements until people believe them. I think using the word "scandal" is a good example of this. Another way would be to popularize wedge issues; for example, attacking people on welfare which the Conservative government did before the 1995 election. People who have been here for a while will remember the billboard ads: Stop welfare fraud.

Some of us recently saw a wonderful play based on the book, *Summer of My Amazing Luck*. The former Minister of Family Services was actually portrayed in the play. Her name was Bunnie Hutchison. Although it wasn't a very polite reference to her when she was referred to in the play, but members opposite might want to go and see the Member for River East (Mrs. Mitchelson) portrayed in a play called the *Summer of My Amazing Luck*, based on an award-winning book by Miriam Toews, a Manitoba author and Governor General's Award winner.

So we know that one other thing that the PC Party of Manitoba could do would be to introduce wedge issues as they have in the past. Now, they could also make promises of huge tax reductions but not tell people how they would pay for them. We know that they can't raise income taxes because the balanced budget law says that they can't raise income taxes without having a plebiscite, so that's basically ruled out because no one is going to vote in favour of an income tax increase. They probably can't raise sales taxes because provinces have either eliminated them or are in the process of reducing sales taxes. Even the federal government is reducing the GST and it's probably very difficult to raise gas taxes.

So the only way to pay for promises of massive tax cuts is to reduce public services. Another tactic that the opposition party could use would be to move to the political centre, and we've actually seen some of this. For example, promising to continue the freeze on university tuition.

To get elected, there are a number of tactics that are available to the PC Party of Manitoba and their real goal is to implement their party philosophy. The goal of every party when they form government is to implement their party policy. Their party is basically based on individualism, not based on the common good or the common wealth but based on individuals getting ahead. Now we don't have a problem with individuals getting ahead. Individuals should get ahead as much as they can, but when their government is in power, their policies of public policy, for example, if they were able to implement massive tax cuts, would benefit the rich because tax benefits almost always benefit the rich and their tax cuts always benefit the richest in society rather than the poor. The poor are more likely to be affected by cuts in public services.

Now, I think our government is interested in the common good, in the common wealth, in the welfare of all our people, as the prayer says. So I would like to read into the record 70 successes. Now I may not have time to read 70 successes into the record, especially if I comment on any of them, but I'm going to make best attempts, beginning with lowering tuition fees by 10 percent. We've kept them frozen at that level since 1999, and this is a very popular policy with university students and with the public. The result is that we've increased enrolment and university revenue has increased as well, whereas between 1990 and 1993, tuition fees increased by 58 percent while the Filmon government at the same time cut the University of Manitoba's funding by 2.1 percent in 1993.

In the years immediately following these massive tuition fee hikes, enrolment at University of Manitoba declined by 13 percent, a decline of 3,252 students. We have increased overall funding for post-secondary institutions by 41.3 percent compared to just 16 percent during the entire decade of the 1990s. Under the Tories, Manitoba had an average net loss of nearly 2,000 people every year. During our time in office, we have averaged a net gain of more than 1,100 people per year. Since we've been in office, 3,294 more young Manitobans have moved to Manitoba than have left. This is a reversal from the 1990s when Manitoba lost 2,579 more youth than it

gained. Manitoba gained 6,650 people in all age categories between 1999 and 2006, compared to the net loss of 14,246 between 1992 and 1999.

* (11:40)

We reinstated the Manitoba Bursary Program. Well, why was that necessary? Because the Conservative government eliminated the Bursary Program so we had to bring it back. You know, the Tories had a different approach. They took a tax-system approach and said, you can get a tax credit. Well, who does that help? That helps people that have high, disposal income. If students did not have room to use that tax credit, they could put it on their parents' income tax form. Well, that does not help disadvantaged young people. It does not help low income or working class students go to university. We scrapped the income tax credit, and we brought back the Manitoba Bursary program.

We expanded access to post-secondary education to people in remote and northern communities through the University College of the North. We increased high school graduation rates, increasing from 73 percent in 1999 to 83 percent today. We eliminated the residential education support levy. We increased capital funding to schools, \$135 million over the three years, bringing our total capital funding commitment to \$378 million through 2006, an increase of 198 percent over the previous seven years.

We made summer longer by moving the start of the school year to after the Labour Day long weekend. We increased special needs funding in the Education budget by 36.5 percent since 1999. In comparison, under the previous administration, special needs funding increased by a mere 4.7 percent.

House values are up. For example, housing values in Wolseley and River Heights have more than doubled since 1999, with an average annual increase of over 10 percent. That has had an effect on the whole city. In fact, because of Neighbourhoods Alive! and other investments in the inner city, housing prices have increased in places like—*[interjection]*

Well, the former Minister of Housing would be interested to know that, in the William Whyte area, property values have risen 60 percent because of our investment in the inner city. My light is blinking, so I'm out of time. I only got to No. 20, but I didn't even read all of them into the record, but there are at least

50 more. I'll leave that for one of my colleagues to talk about the good things that we are doing as the government of Manitoba.

Mrs. Mavis Taillieu (Morris): Mr. Deputy Speaker, I want to commend the Member for Southdale (Mr. Reimer) for bringing forward this resolution today, seven years, seven scandals. I think that Manitobans really need to know the truth about the government they elected seven years ago, and the seven scandals that have ensued over these last seven years. I think that, if they had known what they were going to get, they would have made a different decision. That's the decision they'll make in the next election because of all these scandals that we've seen time and time again, every year, every single ministry, every portfolio of this government.

That, of course, leads right to the Cabinet table, and, guess what, Mr. Deputy Speaker, right to the Premier of this province. He has his fingerprints on every scandal that's happened in the last seven years. Perhaps the one that people remember the most right now is the promise to fix health care in six months with \$15 million. Seven years later and billions of dollars more, hallway medicine is still alive, still alive and well in our hallways, in our health-care facilities today.

Of course, the Premier would stand up and say, no, there are zero people in the hallways in our health institutions in this province, but we know that just two weeks ago, what did we see? An 89-year-old man who was forced to lie down on the floor in the emergency department because there was no place for him. There wasn't even a bed in the hallway for him, Mr. Deputy Speaker. Those beds were full. The beds in the hallway were full.

And we know. We know. I was at a regional health authority meeting in South Eastman, and we were told right there, oh, they don't like us to use those terms, hallway medicine. We can't say those words. Don't use that terminology—*[interjection]* No, because there's a number on the wall. So they have a number, and they're in a bed, so they're not in the hallway. That's just bunk. Anybody can see when there are people in the hallway, that they're in the hallway. Hallway medicine is still alive and kicking.

What we do need to see is someone in this province stand up and address the deficiencies, address the situation when we have our specialists leaving this province, Mr. Deputy Speaker. We need to look at what we really need to do in health care here. The wait lists are too long. They haven't been

addressed, and that needs to happen. Under our government, we will make that happen.

Mr. Speaker in the Chair

Again, scandal No. 2., Burntwood, misuse of tax dollars, the regional health authority in Burntwood. Well, what do we have here? Senior health authority management spent more than \$340,000 in taxpayers' money on travel advances, personal loans, personal rent and tobacco. In fact, they spent \$10,000 of taxpayers' money on cigarettes, cigarettes, Mr. Speaker. They spent almost \$20,000 on place settings for a Christmas party. Well, that must have been some heck of a party, all on the taxpayers' dime. Executives at the Burntwood Regional Health Authority overspent their travel budget by more than \$200,000 and issued \$77,000 worth of personal loans to senior executives. This is scandalous, and this is just one example of how far this corruption goes with senior management in this government.

Let's move on to scandal No. 3, the Aiyawin scandal. Now, members opposite are very aware of the purpose of Aiyawin, and that was to build, renovate and manage properties to provide housing for Aboriginal people, Mr. Speaker. But what happened? There were millions of dollars channelled off and spent without contracts being called, this government did nothing to manage the situation at Aiyawin. Over a million dollars was channelled into funding that went into projects where they were never tendered. That money went into someone's pocket, the money that was intended to have and ensure adequate housing for urban Aboriginal people. Instead, where did all that money go?

This government was very aware of the situation at Aiyawin as early as September of 2002, but, as is always the case with them, they ignored the red flags that were going on there, Mr. Speaker. Money is flowing out. Okay, that's okay. No problem, we'll just give them another 18 months, give them another 18 months and another million dollars, and that's okay. It's quite clear that this government does not care about the needs of the urban Aboriginal people in housing today.

Let's move on, again, to the next scandal, the floodway expansion union deal. Here we have a government that would take money and channel it to their big union bosses. They're not only in Manitoba, but they're in the United States, Mr. Speaker, and they drive up the cost of the floodway expansion

project. They drive up the cost, artificially inflate the cost so they can feed their union friends.

Exactly why does this happen? When you have uncertainty around the cost of a job, Mr. Speaker, when you don't know what the actual cost is going to be, the people that will bid on those contracts, because of the uncertainty, they need to build in for unanticipated costs which they knew were going to happen under this government with this channelling off of this money for union dues. So what happened? Very few contractors bid on some of that work that was needed to be done, and when there's a lack of bidders and a lack of competition, you're getting inflated prices.

* (11:50)

That's exactly part of the problem. It all boils down to the fact that this government chose to channel money to their union bosses, rather than protect the taxpayers of Manitoba and the tax dollars that they collect from them.

Sixty millions dollars, Mr. Speaker. You know, some people in this province, on principle, would not bid contract work on this project because they did not want to be forced into unionizing employees by this government. They could easily have taken some of the money that they've channelled off into their union boys' pockets and paid back those people south of the floodway, whose land is flooded every year when the floodway gates are opened and water is stored on their land.

I also want to say a few words about the Hydra House scandal. How could we forget Hydra House, Mr. Speaker? Hydra House, again, it just goes on and on and on. A million and a half dollars of taxpayers' money misspent, channelled off to friends of the NDP government, millions. They admit it. I hear them chirping from the other side of the fence saying more. It's more. It's more than what even you're even saying. It's more than millions.

And, of course, the mother of all scandals, the Crocus scandal. Sixty million dollars of savings and it is probably going higher than that; 34,000 Manitobans have lost their life savings because the top, the Premier of the province (Mr. Doer) had his fingerprints all over this, all over the mismanagement of this. Because of this NDP government and this Premier, 34,000 people in Manitoba have lost \$60 million or more, and, with that, what are these people going to do when their life savings have been depleted? They are going to

say, it's the NDP government's fault. They're going to tell all of their friends because they know, as we know on this side, that this government cannot manage money, does not know how to govern.

We will see at the next election. We will see a government that is capable of leading Manitoba and putting us on the right track.

Hon. Diane McGifford (Minister of Advanced Education and Training): That was a very interesting presentation from an inflamed Member for Morris. I think she was almost as inflamed as the Member for Southdale (Mr. Reimer) was amused. I think the giggles and guffaws that accompanied his speech, and even his reading of his resolution made clear his real feeling, and that he knows that this resolution is no more than a joke.

My colleagues have been putting on the record the real scandals in Manitoba political history, and most of them took place during, the majority were under the watch of the members opposite. The Member for the Interlake (Mr. Nevakshonoff) cited the vote rigging scandal of 1995, and then a subsequent Interlake scandal in which he was personally attacked in 1999. Both of those scandals, as I understand, as the public understands, emanated right, the leadership was right from the then-Premier's Office, so, indeed, those were shameful.

One of the things that hasn't been mentioned, and it is certainly scandalous, was the sale of MTS. You know, Mr. Speaker, I remember shortly after I was elected as an MLA hearing the then-Premier, day after day in this House saying, we will not sell MTS, we will not sell MTS, and then what happened? Of course, MTS was sold, and many members of the Conservative Party were certainly the financial beneficiaries of the sale of MTS. But I think what really suffered was the belief in the credibility of government at that point. How can you trust a Premier who rises every day and tells you he will not sell MTS, he will not sell MTS, and then goes right ahead and does it?

Then one of the other scandals, I think, that accompanied the MTS fiasco was the then Speaker of the Legislative Assembly who shut down the Legislative Assembly and refused to let members on this side of the House speak to the issue.

Another scandal, and my colleague from The Pas (Mr. Lathlin) could certainly speak eloquently to this, but it seems to me one of the scandals that afflicted the members opposite and afflicted people

in Manitoba was their complete disregard for the lives and rights of Aboriginal people. Indeed, the only time we hear members opposite rise on any issue to do with Aboriginal people, is usually to find them lacking in one regard or another. So I think that's pretty scandalous, Mr. Speaker. These are the real scandals.

One of the other real scandals that's taken place since my election took place under the former government. I refer here to the erosion of post-secondary education, Mr. Speaker. The now Leader of the Opposition (Mr. McFadyen) in the early '90s, as we heard, was a member of the University of Manitoba Board of Governors. During his tenure at the University of Manitoba there were incredible increases in tuition fees. There was the outward migration of students to other provinces in Canada. I believe tuition fees went up by about—at least doubled. There were huge hues and cries on the part of students, but the cold, heartless members opposite paid absolutely no attention.

Mr. Speaker, there was also, and this one is particularly irksome, the cancellation of the Manitoba Bursary in the summer of, I can't remember whether it was '92-93 or '93-94. Of course, by design, in the dog days of July, in the middle of the night, you cancel a bursary and there's no one around to notice or protest. But I think it's interesting and worth stating, that from the cancellation of that bursary until the restoration of that bursary in the budget 2000-2001, there was no bursary money in the province of Manitoba to assist our most needy students. What the result of this was, quite obviously, was a decrease in accessibility, and, of course, we have atoned for this by introducing the tuition freeze in the 2000-2001 budget, and, also, re-introducing the Manitoba Bursary. The Manitoba Bursary was introduced in that budget funded at \$6 million, and now it is up to \$8.1 million.

I just want to read a couple of statements from students who've received Manitoba bursaries so the members opposite will understand the importance of these bursaries. Here's what one student has said: I immigrated to Canada two years ago after having to leave my country as a refugee. I came to this country with a lot of dreams and expectations and with the idea of a better future for my family and me. I thank God every day because, since my arrival, I have found generous people like you—that's me—I thank you deeply for providing the opportunities to accomplish my dreams. With your support, I can

continue with my studies and can have the opportunity to work towards achieving my goal.

So, I think this is a really solid indication of the importance of this bursary. Of course, there are many other students who have profoundly important things to say about the role this bursary plays in their lives.

One of the other things that the members opposite never dreamed of, of course, was a graduate scholarship. With their complete disregard for public education and post-secondary education, Mr. Speaker, why would they ever think of a graduate scholarship? But we have introduced a \$1.3-million graduate scholarship, and, from the numbers of letters I've read from students describing the variety

of their research, I know the importance that this contribution is to our economy, to our community, to our people, to our country and, indeed, much of the research is of value internationally.

So, I want to reiterate, Mr. Speaker, that one of the real scandals—and I'm talking about real, rather than that fatuous prose that characterized the resolution—was the cuts to student support.

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have three minutes remaining.

The hour being 12 noon, we will recess and will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 30, 2006

CONTENTS

ORDERS OF THE DAY		Penner	400
PRIVATE MEMBERS' BUSINESS		Sale	401
Second Readings–Public Bills		Resolutions	
Bill 200–The Personal Information Protection and Identity Theft Prevention Act		Res. 1–Seven Years, Seven Scandals	
Taillieu	393	Reimer	402
Cullen	394	Nevakshonoff	404
Reimer	396	Penner	406
Rondeau	397	Martindale	407
Goertzen	398	Taillieu	409
		McGifford	411

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

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