

**First Session - Thirty-Ninth 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-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	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.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	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.
MARCELINO, Flor	Wellington	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.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	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.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, October 4, 2007

The House met at 10 a.m.

### PRAYER

#### House Business

**Mr. Gerald Hawranik (Official Opposition House Leader):** Mr. Speaker, on House business, in accordance with rule 31(9), I announce that the private member's resolution that will be considered next Thursday is the resolution on Beverage Container Deposit System sponsored by the honourable Member for Portage la Prairie (Mr. FaurSchou).

**Mr. Speaker:** For advice of the House for next Thursday will be the resolution sponsored by the honourable Member for Portage la Prairie on Beverage Container Deposit System.

### ORDERS OF THE DAY

#### PRIVATE MEMBERS' BUSINESS

#### SECOND READINGS—PUBLIC BILLS

##### Bill 205—The Manitoba Hydro Amendment Act

**Mr. Speaker:** We'll move on to Orders of the Day, Private Members' Business, Second Reading, Bill 205, The Manitoba Hydro Amendment Act.

Okay, so are we proceeding with this? No? Okay. We'll move on.

We'll move to resolution 206, The Personal Information Protection and Identity Theft—*[interjection]* Bill 206, The Personal Information Protection and Identity Theft Protection Act.

##### Bill 206—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 206, The Personal Information Protection and Identity Theft Prevention Act; Loi sur la protection des renseignements personnels et la prévention du vol d'identité, now be read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Mrs. Taillieu:** Mr. Speaker, it gives me pleasure once again today to speak on Bill 206, now called Bill 206, The Personal Information Protection and

Identity Theft Prevention Act, which I first introduced in May of 2005 two and a half years ago, with the help of renowned privacy lawyer Brian Bowman.

What is frustrating about this is that it stalled so long, and we just know that the problem with identity theft has become more common and complex. Every day we see something about this in the newspaper. At the heart of the problem, of course, with identity theft is the need to protect personal information that is collected, whether that be in the public or the private sector. The purpose of this legislation: it is an act that governs collection, use and disclosure of personal information on employees, volunteers, contractors, 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 and disclose personal information for purposes that are reasonable. It also contains a duty to notify clause, Mr. Speaker, which would be groundbreaking in terms of this. This has been discussed at the federal level but it has not been brought into the federal act as yet. Certainly, the need to tell people when their personal information has been compromised is, in fact, very important.

*Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair.*

As I've said before, this is a made-in-Manitoba solution. It is a business-friendly solution. It also addresses the collection of biometric data, which is defined as things like fingerprints, palm prints, iris and retinal scans which we see more and more of as technology advances. Technology advances at light speed while our understanding of what technology can do, certainly, is still at the speed of a tortoise, Madam Deputy Speaker.

I want to just say some of the things that have been spoken about in this House before in terms of identity theft and this bill. The Finance Minister (Mr. Selinger) has spoken on this bill in the past, and he has incorrectly stated that the acceptance of this bill would mean duplication of legislation. He knows very well the circumstances around private members' bills and that we cannot, as a private member, put anything in legislation that would cost money. And so, because of that I could not put anything in the

private member's bill that would see to oversight or fines that were to be levied should there be problems with this bill.

He says that because he didn't include that in the bill, then it's not substantially similar legislation. Substantially similar legislation was the goal of the federal act, that provinces would bring their own legislation in and it would be substantially similar. If it was, then it would supersede the federal law. The Finance Minister knows very well that if these mechanisms were put in place, it would supersede the federal law, and he knows very well that if he wanted to, he could accept this legislation, propose an amendment with oversight and redress mechanisms, adopt the legislation which would supersede the federal legislation. He knows if this were done, there would be no duplication of the act, and I would challenge him to say otherwise on that, Madam Deputy Speaker.

I'd also like him to explain to the Labour Minister (Ms. Allan) about this bill because she spoke to this bill before and I quote, she said: Was there any consultation with Labour in regard to the legislation? Well, I guess she doesn't know that the Manitoba Federation of Labour suggested in the reviews done over three and a half years ago, the FIPPA reviews, that this was something that was lacking and, in fact, was a gap in the legislation here in Manitoba. She said it was unclear as to how the proposed legislation would affect and protect consumers. Well, I'd like to enlighten her on that, Madam Deputy Speaker. We already have laws to protect consumers in private business. This proposed legislation will offer the same protection to employees that companies offer to their customers.

The Labour Minister also said that no other province in Canada appeared to be developing private sector privacy legislation. Well, I would like to remind the minister she is probably not aware that Québec, British Columbia, and Alberta have already enacted substantially similar legislation which ensures private sector protection.

What I find particularly interesting in last year's debate, Madam Deputy Speaker, was that the Finance Minister (Mr. Selinger) said: We don't want to be in a position where the business community feels that it is an unreasonable imposition on them and an additional cost of doing business.

\* (10:10)

But, excuse me, Madam Deputy Speaker, this government just declared another holiday in February without consulting with business on this. It's estimated to cost the business community millions of dollars, not that we don't support it, but we also said that we would bring it in with additional tax breaks to offset the difficulties that this would propose to business. This government has not done that. They've ripped ahead with it, with no consultation with business. In the past they said they didn't want to do anything that would impose costs on business, and then they do this which is going to cost millions of dollars to small business in Manitoba.

Madam Deputy Speaker, the Finance Minister (Mr. Selinger) also said that he wanted to address something because of the data that's stored outside of Manitoba, and this wouldn't do anything for that. But I want to say that this is exactly why I proposed this legislation in the first place, and I want to give an example about collecting information that is not necessary. When McDonald's restaurant first-in Winnipeg here about three or four year ago—decided that they would use palm scans as a punch time clock to bring their employees in and out of work, it raised some red flags with people.

They are collecting personal information on young teenagers doing summer vacation work. Can anybody tell me why they needed to collect this information? Were those young teenagers told of what they were giving up in personal information, why it was being collected, how it would be stored, how it would be used, who it would be disclosed to, and how long that information would be stored for? This information, in effect, can be stored in home offices which can be in the United States, home offices in the United States. Homeland Security can have access to that data, so I think it raises some red flags about the need to inform people before you collect personal information on them what it is going to be used for and, in fact, where it's going to be stored and for what purposes. We do not need to collect personal information that is not necessary. That just puts an extra burden on people to look after that information in a very secure manner.

I also want to mention some of the other things that were brought forward by the Member for Elmwood (Mr. Maloway) who spoke on this last year. He said that we need to move to more secure systems for data security. I want to agree we need to look at data security, Madam Deputy Speaker, but I also want to caution that the more we rely on

technology, the more we allow ourselves to become the victims of cyber criminals.

I want to just say a few words further in that I urge this government to support this bill before some very serious breaches occur. I look forward to the speakers from the other side of the House. I look forward to hearing what they have to say because I know in the past they have spoken on this bill and they have raised some concerns themselves.

In closing, I just want to quote Mr. Brian Bowman in his article in the *Free Press* last March when he said, regarding the enacting of this legislation: "NDP should support privacy bill or say why not." So I'm really looking forward to what members opposite have to say. I think this is a very good bill. It's a small step to fill the gap in legislation in this province, just to fill the gap that is there. We have public sector legislation. We have legislation to protect consumers in Canada and in this province by way of the federal bill, but we don't have that little bit extra that protects the personal information of people in the private sector.

It's a small step, and when I've spoken with the minister on this before, he said we need to take baby steps. I can just tell him that this is a small step; it's not a big step. Many businesses in this province do protect the personal information that they collect on their customers. It just goes that one little step further to put it into legislation, to make that duty to protect the information that belongs to the employees in their employ.

We do know that information—

**Madam Deputy Speaker:** Order. The member's time is up.

**Mrs. Taillieu:** Thank you.

**Hon. Jim Rondeau (Minister of Competitiveness, Training and Trade):** I'd like to thank the Member for Morris (Mrs. Taillieu) for her very interesting presentation. I'd also like at the beginning of my comments to say that we on this side of the House are pleased with the new holiday in February. Although there may be discussions on how it's done, I think the general public is in favour. I know that there was lots of information about the holiday. I know the members opposite are sort of opposed, maybe, about the holiday, but we're pleased that it has been announced.

Anyhow, as far as identity theft, I think what we have to do is look at the protection of privacy in the

20th century, 21st century. What's interesting about the information and data is no longer is it just a piece of paper. No longer is it stored in a filing cabinet. Often information travels among jurisdictions, along wires, through the Internet, among different borders. So the old ideas of the 1930s and '40s where you can have a locked cabinet inside a locked building doesn't work.

The comments from the member were interesting, but we also have to look at where we're going to go in the future. I agree with the member where we do have to look at protection of privacy. We have to look at making sure data is secured. We have to make sure people can conduct business with security and with confidence. So, we've done a number of things. I also have to agree with her that we started and we have to continue because data keeps on changing. Where it's stored keeps on changing, how it's stored keeps on changing.

I know, personally, when I got many years ago into the financial planning business, the biggest issue was to make sure you had locks on your filing cabinets. Now the issues have gone well beyond that because with the Internet, with computers, with how data's stored, it's no longer you can have a lock on your computer because they can get it through the back door.

So I think we have to look at identity theft, privacy protection, data protection and, you know, Madam Deputy Speaker, this is going to continue to evolve. It's not going to be static because what's happening on the Internet five years ago is different than two years ago and which is again different today. That has to do with how data's stored, how it's collected, how it's used, and all the rest. We have to make sure as a government we're aware of what's going on. We're talking to business and we're constantly keeping our feet moving.

So a little bit of history on this. In November 2006, the Finance Minister introduced The Personal Investigations Amendment Act, and that's regarding identity protection which gives people who are concerned about their identity being used by someone else the ability to place a security alert on their credit report. What's interesting about this is that prior to that no one knew—data theft, or identify theft, wasn't a common occurrence because you'd have your ID, et cetera. Now what happens is you're getting more and more ways of stealing someone's identity. You're getting more and more ways of taking the information and using it. So now you can

over the Internet purchase things from somebody else, you can do all sorts of data theft. So you have to figure out how to protect it.

What we did was in the last little while we set up a Web site which is actually helping consumers because I think the best thing that we can do is let the public know what information is out there. So now there is an access, there's an identity kit, ID theft prevention kit, which has a checklist and information for a variety of organizations, resources to let people know how to protect their data, let people know how to electronically protect themselves and know how to react. Why that's important is because this is not going to be static.

So in addition to the Web site which I encourage people to use—it's off the Government of Manitoba Web site and that's been in place since March 28, 2006—we've also, the 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 identify and prevent identity theft and what to do if you are a victim. The identity theft kit for business is also around and it suggests steps that businesses can take to prevent identity theft and what you can do if it happens.

\* (10:20)

What also we have done is if the member pays attention to the local media, you have federal legislation where Canada is talking about how they need to make sure that there are Criminal Code provisions. So Minister Nicholson, the Justice Minister of Canada, has advised the media that he intended to introduce such potential Criminal Code amendments such as identity theft and other things. The reason why that becomes important is that when the member opposite is talking about this important issue—and I agree with her; I think it is an important issue—it crosses borders.

What I'm concerned about is many of the merchants, many of the Web delivery things go not just across Canada, so it's not interprovincial, it's international, and it's worldwide. So this is a worldwide issue. I know with spam and with a lot of the intrusions by computers, we get about I think it's about a million hits a day as far as bombarded with spam on the Internet. We're trying to combat that. But we as a province can't combat that ourselves. We need national, international and global laws to make sure that the problem doesn't persist.

As far identity theft, as far as intrusion on privacy and all those, the attacks don't just come within Manitoba. We can have people from all around the world try to mine the data, all around the world try to break through our networks, and we have that regularly. So we need to make sure we have the best practice out there. We need to make sure that we enforce the best practice. So we need to make sure that people have the right to their own privacy,

Madam Deputy Speaker, I'm proud of our government, where we're working to inform the consumer, inform the businesses and work with different jurisdictions to make sure that we take action on it. I think that's where we need to go. Thank you very, very much.

**Mr. David Faurshou (Portage la Prairie):** Madam Deputy Speaker, it is a privilege for me to rise this morning and enter into debate on Bill 206, which is brought to the House by the honourable Member for Morris (Mrs. Taillieu). I would like to take this opportunity to congratulate her and to thank her for her hard work in this regard, because this legislation is not new to Canada. It is already in existence in three other provinces. It is vital that we, as the Province of Manitoba, consider the legislation very carefully and to enact it. That is why we are here today to debate it and, hopefully, see the bill be passed in second reading and continue on for committee and further public input.

This information that we all care very deeply for, about our persons and about our families, is vital to protect it in any and all ways we possibly can. But on the converse side, we also, too, have to make absolutely certain that we have the information as available to businesses that can conduct their activities and safeguard their business operations.

I will speak, personally, of an incident that just recently occurred in our retail business in Portage la Prairie where an employee, using their own Visa cards, debit cards, was able to falsify their transactions within our retail store to the credit of her own accounts and was able to fraudulently amass thousands of dollars. It is something that businesses need to be able to acquire, is personal information, but then that personal information, there must be a safeguard that that information is used exclusively to safeguard the businesses' operation and also, too, to make absolutely certain that the personal information acquired is protected so that no outside organization

is able to acquire that information for usages unauthorized by the individual.

There's a lot of information in this bill, and the bill comes to this House in taking the best parts of other legislation already enacted in other jurisdictions here in Canada. I want to emphasize to the government members that we really truly do need this legislation to be able to protect all parties about personal information and it is, I will say, using common sense. The Member for Morris (Mrs. Taillieu) looked upon legislation that was able to bring about what needs to be done, yet it isn't crafted in the fashion that is absent of common sense. It really truly is there to protect individuals of their own personal information as well as organizations that do collect this personal information to safeguard its integrity.

Madam Deputy Speaker, I would like to encourage government members opposite to support this legislation, to support the honourable Member for Morris, and the initiative to bring Manitoba in step with current times. And I've got to say that the number of comments by the honourable Minister of Competitiveness (Mr. Rondeau) were perhaps way off base when it comes to this legislation. He was speaking of Internet and other complex issues that this legislation is not in keeping with, and it dismays me when individuals bring to debate issues that are far-reaching and not pertinent to the legislation before us.

So I encourage other members opposite to debate this bill pertinent to the bill and to support this bill into committee stage because it is something that we must see in place, because times are changing, and there is so much more technology in the workplace that garners personal information that wasn't even thought of 10 years ago. Perhaps that ability did exist 10 years ago in very advanced medical practices, but to see the scanners that are available now in the workplace that take retinal scans, take palm prints and fingerprints and store that information electronically, we must have legislation in place that is in keeping with the times and does recognize the advances in technology.

Madam Deputy Speaker, it has been a privilege for me to stand here this morning, and I would like to encourage all members to support this legislation and to allow the legislation to pass through to committee for further debate. Thank you ever so much.

**Mr. Jim Maloway (Elmwood):** While I find it very interesting and important that the Member for

Portage la Prairie has come along and realized that there is a problem in this country with identity theft, you know, when the Conservatives were in power for 11 years in this province, we saw nothing but talk from them about personal responsibility. I remember being in opposition in those years and asking for legislation on a whole range of consumer issues, only to be responded to by the relevant ministers in the Filmon government with the lines that, you know, there's a personal responsibility issue here, and the public should take responsibility. The government should provide information, and people should be well informed on making decisions, and that the heavy hand of the state should be kept out of these consumer areas. So I find it a very positive thing that in opposition now, the Conservatives are taking a different look at consumer legislation. We'll see how long that continues with that particular approach.

Now, I will tell you that in this whole area of identity theft, people are becoming more responsible. Years ago there was not much activity in this area in terms of advertising and public information, but today I think the average person is much more aware of the identity theft issues. The sale of shredders has increased astronomically. People in seniors homes that I attend regularly are much more aware of this issue, and they are purchasing shredders. They're shredding their documents so it is making it more difficult for people to obtain the information.

\* (10:30)

However, we still have breaches of responsibility here with some businesses dumping records into bins and people being allowed to pick up that particular information that they use to conduct their identity theft activities.

I'll also tell you that the insurance companies, the general insurance companies in Manitoba and across Canada have systematically, over the last two or three years, been writing identity theft wordings into their policies, and I think it's incumbent upon the members opposite to check their policies and see whether, in fact, they are covered for identity theft in their insurance policies. So there are things that—you know, this is a shared responsibility here. There are things the government has to do, but there are things that the public has to do to protect themselves.

Now, the Member for Assiniboia (Mr. Rondeau) pointed out that this is an international issue. It's a cross-border problem, and long term perhaps we are only going to solve this problem through better technology. The Member for Morris (Mrs. Taillieu)

alluded to the technology issue and was suggesting that somehow that was sort of the source of the problem as if no one in history has ever gone out and taken somebody's cheque and done a forge job on the cheque. She's trying to pretend that somehow it's the advent of computers and Internet banking and new technology that is causing the problem. I want to remind her that, in fact, it's not the new technology; it's the old technology.

The bank cards that you use right now are extremely old technology. As a matter of fact, the Member for Morris would probably like to know that it was her ideological soul mates in Ontario, the Mike Harris government, who set up a smart card program in Ontario, the second government to do that, and they were trying to work with good intent here, if the member would pay attention, with the banking industry. You know, the industry that the Conservatives support in lockstep, the banking industry in this country, the Ontario government was planning to work with the banking industry to bring in a smart card program to the banking industry because the banking industry, to the Member for Morris, recognized that there was, I think, a half a billion dollars worth of losses with the bank card program, but it was too expensive for them to just move arbitrarily, so they were prepared to live with the losses. The banking industry is prepared. It's just a cost of doing business. They know there are going to be these losses. They say it's too expensive to make the change, so we'll just let some people suffer for a few years until we can move.

The government got into partnership with them and said, look, we'll move together. We'll have a smart card program in Ontario. Sure it's going to cost us 10 bucks a card, but we're going to do this along with the banking industry, and that's what the federal government has to do is put more pressure on the banking industry in this country to move ahead because—*[interjection]* If the Member for Morris (Mrs. Taillieu) would think for a minute before yelling from her seat, she would recognize that if you had a secure banking system, if you had a card system that couldn't be copied, then you wouldn't have these rings coming in from other countries, travelling across the country stealing people's identity and using and running up credit card bills.

So she should be putting some pressure on her federal government. She should be urging them to be putting pressure on the banking industry to solve this problem. This is a major, major problem here that can be solved with technology. In the future, you are

going to have smart cards are going to be basically used on a widespread basis across Canada.

You are already probably aware that in England, they are using iris scans for entry into the country through the airports. Okay? So, you know, I don't think people are going to steal the Member for Morris's iris or duplicate her iris scan but if you use certain biometrics, right, whether it's iris scans or fingerprints, you can solve a lot of this problem with the theft of actual cars.

So, you know, there's one step to go to a smart card but you still have a card, but at a certain point we'll be going past that. Now—

**Madam Deputy Speaker:** Order.

#### Point of Order

**Madam Deputy Speaker:** The honourable Member for Portage la Prairie, on a point of order?

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

**Madam Deputy Speaker:** Order, please. The honourable Member for Portage la Prairie, on a point of order.

**Mr. Faurichou:** Madam Deputy Speaker, we are debating Bill 206. I don't know what the Member for Elmwood (Mr. Maloway) is looking at when he is referring to language within this bill that does not exist. So, I would like you to ask the honourable member to bring his remarks back to the debate in keeping with Bill 206 rather than all over the map because we do have House rules dealing with relevance within debate. Thank you.

**Madam Deputy Speaker:** The honourable Member for Elmwood, on the same point of order?

**Mr. Maloway:** Madam Deputy Speaker, I guess on the same point of order. I want to point out that I did refer to Bill 206. I mentioned identity theft probably 50 times and the Member for Portage, who rises on points of order regarding chocolate cellphones and other such really heavy weighty issues in this Legislature, should basically pay more attention to what I've been saying rather than yelling at me from his seat because if he listened to what I've been talking about, it's totally relevant to Bill 206. I referred to Bill 206. I referred to identity theft many, many, many times, so that's the summation of my point of order.

**Madam Deputy Speaker:** The Member for Portage la Prairie, on the same point of order?

**Mr. Faurschou:** On the same point of order. Again, the Member for Elmwood can't even keep on topic on a point of order. He refers to a contravention of the House rules and having food stuffs within the Chamber. Again, where does that have relevance to Bill 206?

**Madam Deputy Speaker:** The point of order should not lead into debate. The point of order is to bring to the attention of the Speaker a breach of the rules. This is not a point of order. It is clearly a debate over the facts.

\* \* \*

**Mr. Maloway:** Thank you, Madam Deputy Speaker. To continue our discussion here on Bill 206. I do also want to point out that there is another element to the whole identity theft issue that people should consider and that is that if you were to have your credit card stolen or appropriated, the information appropriated, and information is being used to purchase items, you have to go to the RCMP on Portage Avenue here and make your report.

When you go in there, the people will tell you that you are probably the twentieth person of the morning to come through and that, in fact, they are overwhelmed and they are too busy to be able to do much about the situation. They will also proceed to tell you that while your credit card company will pay for your losses and, in fact, that does in fact happen. I had some not so past experience with that actually happening where the person took the credit card information and went out and was purchasing things on line. They were not going to the store to actually buy things but they were out trying to buy big screen TVs on my card out in Vancouver and booking air seats and stuff like that. At the end of the day, after they rang up \$3,000 or \$4,000 worth of losses, the credit card company did come good and reimbursed. So, you know—*[interjection]*

Madam Deputy Speaker, I know that the members opposite are chirping from their seats again. You know, the member has put on the record this morning she doesn't like the new holiday that we're bringing in for February. I'm sure she'll be running scared on that one pretty soon, right, as we send out letters to our constituents about that issue.

\*(10:40)

In any event, I want to conclude my comments on this Bill 206 by pointing out that this

government passed the electronic commerce bill three or four years ago which was the best bill, and the most comprehensive bill in the country, and which gave protection to all Manitobans who purchase things on-line, require—if they don't get the item or the service, the credit card companies have to reimburse. That's the only province in Canada that allows that.

You know, if you check through *Hansard*, you will find not a single word from the opposition in support of that bill. Matter of fact, a critic made a small statement in support of the bill. Didn't even know that that consumer legislation was passed in that particular bill.

So, I want the members opposite to send out letters to their constituents reminding them that they can buy things on-line in Manitoba, if people don't get the items they bought for, they will be protected by the credit card companies, and only in Manitoba.

**Madam Deputy Speaker:** Order, please. The member's time has expired.

**Mr. Rick Borotsik (Brandon West):** Prior to my response to the Member for Elmwood, which I really don't know if he understands the content of Bill 206. The differences between personal identity information protection and credit cards sort of confuses me.

Before I get into that, I would like to say, Madam Deputy Speaker, that this is my first opportunity to rise in the House. There seemed to be a small little issue with respect to a frivolous recount prior to the first session, and this is my first opportunity to rise and debate a bill, a bill that's been put forward, a logical bill, by the way, a bill that's been well thought out, well-researched, well-defined.

However, before that, I would like to thank all of the constituents in Brandon West for allowing me to stand and be a member of this august House. I do know that we have perhaps different ideological bents, but I do know that, in the general scheme of things, the majority of members in this House really do work for the citizens of Manitoba and, certainly, Madam Deputy Speaker, it's my job to work on behalf of my constituents in Brandon West. So, I'm very pleased to be here, and I'm very fortunate to be here. Any one of us that takes a seat here should recognize the fact that they're extremely fortunate to

be a part of this province and, certainly, I am extremely pleased to be a representative of my community, as I have been in the past, and I will continue to be in the future.

Now, Bill 206, when you read the preamble, says quite specifically, it's the protection of personal information.

Personal information. This is not about credit cards. This is not about credit card theft. This is not about somebody buying a big-screen television in Vancouver. If the Member for Elmwood liked to look at it, this is about personal protection of personal information. The member has done an extremely good job of putting forward what I consider to be a good piece of legislation, one that certainly deals with other issues that Bill 5 does not deal with.

Bill 5, certainly it was put into place a number of months ago, and by the way, we're living in—the Minister of Competitiveness (Mr. Rondeau) suggested that 11 years ago there were some issues. Well, I'm sure the members recognize that this isn't 11 years ago. Things change quite dramatically today with technology that we have, with the electronic opportunities we have. Things don't change in 11 years; they don't change in 11 months. They change in 11 days. We have to make sure that we're ahead of the game; we're not following, but we're ahead of the game. Quite frankly, right now in Manitoba with, Bill 5, we're behind the game. Totally behind the game.

What we need is the members on that side to recognize that other people have really good ideas, and those good ideas should be put into legislation, and that legislation, ladies and gentlemen, is before you right now. Not to support this is doing Manitobans a disservice.

When you're collecting information—electronic information can't be shredded, the Member for Elmwood (Mr. Maloway), you can't shred electronic information that has palm prints. You can't shred retina detail. You can't shred. It's electronically stored. It's electronically transported. It's electronically stolen, quite frankly, and we have to make sure that we have protections in place that are going to make sure that our employees here in Manitoba are protected. Shred all you want. That's not the case. Bill 206 is absolutely vital for this.

The minister for consumer and corporate affairs has suggested that Bill 5 is the way to go and he also

mentioned, and I took some umbrage to this, he suggested that this is—well, first of all he said it was the 20th century. Well, I should correct him, it's the 21st century and, in fact, we're going ahead; perhaps he is back in the 20th century. He also said that this really isn't our responsibility. This information, and I quote, is going to be needed nationally, internationally and globally. It's always been my understanding that you act locally first and that's where we are in this Chamber right now. We're locally. This is where the buck stops. We have to do it here.

Federal legislation may not be in place for a while. International legislation may never get to be put into place, unfortunately, because there are certain differences of opinions in different jurisdictions, but we do have the ability and the opportunity right here in this Chamber to react to what's happening locally, what's happening in our province. That's what the Member for Morris (Mrs. Taillieu) did. She looked at what we had the opportunity of doing now to protect our people here and that is enshrined in this legislation. Not to vote for it, not to vote for it is to say that we do not want to protect our people here in Manitoba and that is a travesty, Madam Deputy Speaker, that this government, just simply because of ideological bent, is not prepared to listen to the good ideas of another member in this House and that member being the Member for Morris. *[interjection]* Absolutely, absolutely.

Madam Deputy Speaker, I would really encourage the members opposite, the members of government, to look seriously at this. There are people that are being put in jeopardy as we speak right now, and they're going to be put in jeopardy a month from now and two months from now and six months from now because things are going to change. By the way, if you support this legislation and put it in place, six months from now we'll be sitting in this Chamber talking about additional protections that are going to be needed electronically to protect the citizens of Manitoba.

Madam Deputy Speaker, I would really encourage the members opposite to vote for this piece of legislation, and I thank the members for the opportunity to speak to this bill. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Madam Deputy Speaker, it's with pleasure to stand and rise to speak to Bill 206.

As the Member for Brandon West has pointed out, Madam Deputy Speaker, is that this is a bill that deserves the attention and the merit of discussion inside the Chamber and ultimately, for it to be passed into committee.

What I have found is that over the years, Manitobans continue to grow concerned about the information that is out there. There are all sorts of private organizations that collect information that is of a personal nature and it's important, Madam Deputy Speaker, that there be systems put into place to protect those individuals. We're talking about information that's gathered from employees, volunteers, contractors and so forth, in which, ultimately, at the end of the day, data banks are being created. You know, it's so easy to see information collected in such a way in which virtually within minutes, hundreds of thousands of records can be stolen. That's why it's so critically important that we have a system that puts into place checks and balances and safeguards to ensure that the information that is, in fact, being gathered is being done in such a way in which people are informed in many ways of the types of information that is being gathered, as this bill purports to do, and what that information is ultimately going to be used for.

\* (10:50)

I always found it interesting when you hear contradictions with your social insurance number. As an example, some people believe that they are obligated to provide that number, whether it's an employer or a volunteer organization that puts in the request for it, when in fact that's not the case. By law, you're not obligated to share your social insurance number; that's the way that it has been explained to me. But, Madam Deputy Speaker, what we find is many organizations request that and especially within the private sector.

Identity is a very—we need to be very much concerned about how information and what types of information are being collected. For the simple reason is that, as we proceed into the future, that we have to ensure that the safeguards are in place that if a company, private company, volunteer organization, has a problem within their data bank, that somehow the individuals that have been affected by that are, in fact, notified. More important than that I would ultimately argue, Madam Deputy Speaker, is that these individuals are in fact not only notified but are protected, and that's how I see Bill 206 really having an impact on the issue of protection.

I don't want to claim to know all of the answers on the whole issue of identity theft, Madam Deputy Speaker. I know that there are many different organizations, security branches and private citizens to lobbying organizations, that have very strong opinions on this whole issue, and, I believe, would welcome the opportunity to be able to go to a committee, to be able to share with this Legislature, and MLAs, the concerns that they have.

So, when I listen to government members respond to Bill 206, they might be able to find some areas of weakness, you might even be able to find areas where the bill could in fact be improved upon, Madam Deputy Speaker. I don't question that. I'm not going to say that this is perfect legislation. This is legislation that was brought forward, I believe, in the last session, and I give the member credit for bringing forth the legislation. But things change very quickly in a short time span, and I'm sure even the member would be open to changes that might come out of the committee.

I think that what we should do is we should provide the forum, that legislative forum in standing committee, to allow people to come forward and talk about this issue. I am sure that all members of the Chamber would recognize that their constituents are concerned about the issue, and would welcome the opportunity to see the bill being discussed at that committee stage so that there would be presentations. We all need to be better informed as to the issue of identity theft, to the issues of disclosure, Madam Deputy Speaker, to the issue of protections and checks that could be put into place in order to protect the personal information that is out there.

*Mr. Speaker in the Chair*

These are all issues that have a very profound impact on each and every one of us and all of the constituents in which we represent. I, for one, would welcome the opportunity of having the Legislative committee sit and hear from the professionals in regard to this bill. I believe at the end of the day, that Manitobans would be well served if we afforded that opportunity, Mr. Speaker.

I detect—periodically, you hear these chants that come from the government benches, Mr. Speaker, and I believe these chants originate from a fascination or a dream of the Leader of the New Democratic Party which is based on a release that was issued from the New Democratic Party with this deepening desire to minimize opposition inside the Chamber. Who am I to steal the dreams of the

Leader of the New Democratic Party? I would suggest to you that I will continue to allow the dream to live on, and I look forward, ultimately, to some form of true justice in regard to the issue, whether it's this or, in fact, Bill 206, which is trying to get justice for those individuals that are being requested to have information and what is done with that information. That is why, ultimately, what we want to be able to see is this bill go into committee.

We have seen a member who has obviously put in a great deal of effort at trying to capture the essence of an issue that affects so many Manitobans and has brought it forward to this Legislature. The bill does deserve the opportunity to go to committee so that we can hear from the professionals, from the private citizens, from so many Manitobans who would like to be able to express, I believe, their opinions and thoughts on this so that ultimately, whether this bill passes through even the committee and gets Royal Assent, the debate is necessary today, that we should do what we can to promote it. We should do what we can to educate on the whole issue of information.

I applaud the efforts of the member for bringing forward the bill, and I think the Legislature would be doing the right thing by allowing the bill to go to committee as opposed to this government's general tendency just to want to stand or adjourn debate on private members' bills. I've argued in the past and will continue to argue into the future that where there's a good idea that's brought forward from a private member in opposition, the bill should be able to be allowed to be voted on or ultimately allowed to go to committee.

Thank you, Mr. Speaker, for allowing me the opportunity to speak.

**Mr. Doug Martindale (Burrows):** I'm pleased to participate in this debate on Bill 206, The Personal Information Protection and Identity Theft Prevention Act. I would have to say at the beginning that identity theft is something that is certainly a much bigger issue now than it was when I was first elected in 1990, although I would agree with the Member for Elmwood (Mr. Maloway) that the previous government had 11 years to bring in legislation to protect consumers and did nothing. I think that was a valid point. *[interjection]*

The Member for Portage la Prairie (Mr. Faurichou) mentions shredders. In 1990, I had no shredders in my office. Now I have a shredder in my legislative office and in my constituency office. My

assistant has one, and I have one at home, and we make very good use of that. In fact, after a certain length of time, we shred all our case work because, as a member of the Legislature, we are entrusted with a lot of personal information. We certainly don't ask people for social insurance numbers or anything like that, but even having someone's name, address, phone number and postal code is something that we need to keep secure, and when we no longer need it, to shred it. Those are just some basic things.

I think a lot of what we do as individuals depends on our individual comfort level. So, for example, when I went to Ukraine as an international election observer—*[interjection]* Yes, and I'm addressing Bill 206 which I see—*[interjection]* I'm not even reading my notes. I haven't quite got there yet, for the Member for Portage la Prairie. There are some individuals that use their credit cards in banking machines in Ukraine and other people were warned that individuals would steal their credit card numbers in automatic teller machines and so they refused to use them.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable Member for Burrows (Mr. Martindale) will have eight minutes remaining.

\* (11:00)

## RESOLUTIONS

### Res. 4—Manitoba Drainage Management Program

**Mr. Speaker:** The time now being 11 a.m., we will now move on to Resolutions and the Resolution, Manitoba Drainage Management Program.

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, I move, seconded by the Member for Carman (Mr. Pedersen),

WHEREAS the Manitoba agricultural producers and producers and property owners have continually faced hardships created by flooding and high water levels throughout our province. The provincial government has the responsibility to properly maintain and enhance Manitoba's drainage infrastructure; and

WHEREAS the provincial government has failed to develop a long-term drainage management plan within the province; and

WHEREAS shifting drainage management to conservation districts offloads provincial responsibility onto the municipalities, while providing no

additional funding for the tools necessary to put an effective program into place; and

WHEREAS an appropriate drainage management program in Manitoba would prevent additional damage to property; and

WHEREAS it would be a commitment to conserve valuable farmland and prevent further soil erosion; and

WHEREAS a provincial drainage management program would foster the success and growth of agribusiness and rural communities; and

WHEREAS the former Minister of Water Stewardship stated in *The Manitoba Water Strategy* that, "The objective of Manitoba's water drainage policies is to enhance the economic viability of Manitoba's agricultural community through the provision of comprehensively planned drainage infrastructure." A provincial drainage management program would help the provincial government meet its objective; and

WHEREAS Manitobans deserve a safeguard and a viable plan for the future.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider developing a provincial drainage management program; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider lobbying the federal government to join with them in a co-operative effort to create a sustainable and effective drainage management program in Manitoba.

**Mr. Speaker:** It's been moved by the honourable Member for Lakeside (Mr. Eichler), seconded by the honourable Member for Carman (Mr. Pedersen),

WHEREAS Manitoba—

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Eichler:** Mr. Speaker, I was wondering if we could have unanimous consent to delete paragraphs 2 and 3, WHEREAS the provincial government has failed, is the first one, and the other one is for a shift in drainage management to conservation districts, and add the words after THEREFORE the government at the Legislative Assembly of Manitoba urge the provincial government, "to continue to

develop a provincial drainage management program," if we could have leave of the House.

**Mr. Speaker:** The honourable Member for Lakeside, could you put the amendments in writing so we can have it up here to present back to the House?

**Mr. Eichler:** Yes, I can, Mr. Speaker. I have it here for the Clerk.

**Mr. Speaker:** Is there leave of the House to delete paragraphs 2 and 3, and the first THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to continue to develop a provincial drainage management program, and BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to continue to lobby the federal government to join with them in a co-operative effort to create a sustainable and effective drainage management program in Manitoba.

Is there agreement? [*Agreed*]

*WHEREAS the Manitoba agricultural producers and producers and property owners have continually faced hardships created by flooding and high water levels throughout our province. The provincial government has the responsibility to properly maintain and enhance Manitoba's drainage infrastructure; and*

*WHEREAS an appropriate drainage management program in Manitoba would prevent additional damage to property; and*

*WHEREAS it would be a commitment to conserve valuable farmland and prevent further soil erosion; and*

*WHEREAS a provincial drainage management program would foster the success and growth of agribusiness and rural communities; and*

*WHEREAS the former Minister of Water Stewardship stated in The Manitoba Water Strategy that, "The objective of Manitoba's water drainage policies is to enhance the economic viability of Manitoba's agricultural community through the provision of comprehensively planned drainage infrastructure." A provincial drainage management program would help the provincial government meet its objective; and*

*WHEREAS Manitobans deserve a safeguard and a viable plan for the future.*

*THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to continue to develop a provincial drainage management program; and*

*BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to continue to lobby the federal government to join with them in a co-operative effort to create a sustainable and effective drainage management program in Manitoba.*

**Motion presented.**

**Mr. Eichler:** Thank you, Mr. Speaker, and thank you to the House for their input in regard to this very important motion that we brought forward, drainage management within the province of Manitoba. We recognize the challenges as it comes forward, the drainage within the province of Manitoba. We've certainly seen that in 2005. We saw it in the spring of this past seeding season.

We know that the effective management of water supply is one that's very important within rural Manitoba and also into the city of Winnipeg. It doesn't only lead to crop losses, but we also have to have the ability to get on our land when we need to. Also, we have to take into a fact that the soil erosion is not good for the environment as well and also the effects that it has on the local and provincial governments who often bear the cost of water runoff.

We know that the dollars that's been allocated provincially, we only have one taxpayer. We have a very small population base, and we need to have the federal government at the table when it comes in order to make sure we have enough dollars to sustain the drainage management that we actually need to have within the province of Manitoba.

We do know that the provincial government needs to take into account a number of water issues including the need to streamline the drainage permit process, the protection and enhancement of our water quality, the conservation and management of our lakes, rivers and wetlands, to use the allocation of surface and ground water to the maintenance of high quality water supply to meet our current and future economic development needs, minimizing the adverse flooding on people and property and the enhancement of economic sustainability of our agricultural community through planned drainage infrastructure.

I know there's a number of backlogs around the province in processing drainage permits. I think that sometimes it takes months; sometimes it takes years. That's a practice that we need to work on to try and get that into a timely manner in order to deal with some of these water issues.

Pilot drainage projects with some conservation districts have not had the desired outcome for partners due to lengthy process times for permits and the bureaucracy nature of the provincial government. It's also important to recognize that the development of long-term drainage management programs will help save the provincial government money in the long run. Similarly, an effective water management plan will also address issues such as the desire to store water for future purposes such as irrigation.

We also recognize that striking a balance between strategies aimed at maintaining and improving our water resources while at the same time managing water flow and drainage issues for agricultural production can be challenging. We have a strategy that will capitalize on the strength of a completely natural water filtration system of wetlands. We unveiled this strategy this spring and we strongly recommend and encourage the provincial government to look at it again.

\*(11:10)

Wetlands have a capacity to produce clean water, provide wildlife habitats, provide flood protection, aquifer renewal, plus they can remove up to 94 percent of phosphorus from water that enters them. This is a resource that we cannot ignore.

I know within the province of Manitoba, the municipality of Rockwood in particular went the step farther and they also got to their storage areas, and it's done a great job. I know that the water that's been tested from that is a great project and we're certainly looking to try and develop that farther. But this is where we need to come back to the funding issue that's been up for the Province of Manitoba and the federal government in order to make sure that we have those storage areas that I talked about within the R.M. of Rosser alone, or Rockwood alone. That is very important to our other key importance projects that we have within the province of Manitoba.

We need to implement watershed-based planning for drainage and water resource management as well within the province of Manitoba. We need to develop drainage projects in a manner that

ensures there is no net loss of watershed retention capacity within the province of Manitoba, and also co-ordinating these activities of regional conservation districts and development of conservation and water stewardship and to ensure drainage project approvals by conservation districts are supported by the provincial government.

We also would like to see the government take a serious look at our strategies that we've outlined today. I know that conservation of water is one that we need to have a very strong look at within the province of Manitoba. I know the number of acres that's been drained that probably shouldn't have been drained. I know that the equipment that's out there today, they can drain a quarter section of land in a matter of about an hour. We know that the current government has attempted to try and put some of those barriers into place and we know what has happened as a result of some of the conservation districts. The number of officers that have been left in charge of this responsibility haven't had the tools given to them in order to deal with these issues accordingly.

I know that in our particular area in the Lakeside and the Gimli area and Interlake area, we've had positions vacant for a number of times, a number of months, and those positions haven't been filled in a timely manner to ensure that we in fact have had those plans and management issues that's been developed and get to those done in a timely manner.

We have another issue that's up in the Lunder area on the Vestfold drain. That took a number of months and years in order to get through. I know that the conservation districts that were being formed at that time was a way of which we tried to work through in order to get that particular drain done. And we don't really know if that was actually to the benefit of the landowners. We do know that it has drained a substantial amount of land that came as a result of the Vestfold drain, and we certainly know that we're going to have to keep an eye on it. That's something we're going to have to do as legislators is to make sure that we do the consultation process that we need to make sure that each of these drains be done in a way that's sustainable and workable in the long term.

I know the federal government also has to have a responsibility when it comes to the fisheries and oceans. I know that those issues have become very significant in each of our areas as we look forward to

changing the way our whole management strategy has been done.

In closing, I would like to encourage the provincial government to work with their federal counterparts on developing these strategies aimed at creating sustainable and effective drainage management programs. I know that we have a number of colleagues, both on this side of the House and that side of the House, so I'll conclude at that point and look forward to seeing this resolution move forward and lobby the federal government along with the provincial government in order to see that this drainage management issue does come forward at the provincial and federal levels. So thank you, Mr. Speaker.

**Hon. Christine Melnick (Minister of Water Stewardship):** Well, thank you, Mr. Speaker. It's very nice to be talking about drainage in the House. It's a question that never seems to come up in Question Period, so this gives me an opportunity to share our record. But before I do that, I'd like to very much thank the Member for Lakeside (Mr. Eichler) for his co-operation and his commitment to dealing on drainage throughout Manitoba, and thank him for the way that we've been dealing with this resolution. It's really much appreciated.

Long-term, we have established many, many different pieces of a drainage plan for the province of Manitoba. *[interjection]*

Yes, it's on *Hansard*, so enjoy that.

We have made drainage a priority. We have established a stronger drainage infrastructure. We are dealing with outstanding licences and the inability to enforce The Water Rights Act through the use of illegal water control acts.

Manitoba Water Stewardship has consistently and steadily increased the funding for capital projects dealing with surface water management. We have gone from a budget of \$2.9 million in 2004 to \$10.4 million in 2006. The budget of '06-07 has allocated a record \$5.9 million to waterway maintenance projects. This year's budget allocated \$6.8 million to waterway management projects, and that is an increase of over 15 percent alone. So we continue to grow in showing our commitment. We have doubled the budget for water-related maintenance in the last eight years, and we're also spending \$9.3 million on water-related infrastructure.

We've worked very closely with the conservation districts in our province, increasing the

number since 1999 from nine to 18. With that has been an increase of a budget this year of \$4.4 million for the '06-07 budget. Additionally, we've put in \$175,000 for integrated water management shed plans, Mr. Speaker. This is shared between seven CDs on eight plans that are currently under development in our province.

Legislatively, we have enacted The Water Protection Act, which has developed the capacity to legally enforce the integrated watershed management plans and, again, CDs are our partners. In 2006, The Water Rights Act was strengthened, and this allowed us to deal with unlicensed water control acts. Amendments to the act have provided expanded authority for Manitoba Water Stewardship staff, and other authorized individuals to conduct inspections and searches, determine compliance, or enforce the act directly through the use of common offence notices.

Currently, there's a summaries conviction act under development in the Department of Justice that would allow for reasonable fine levels. Fine levels will start at \$380 for the first offence, after which, if the offences continue or increase, they will be raised to a maximum of \$2,030. Breaking the law in drainage and getting away with it with a small fine, Mr. Speaker, is no longer the way to do business here in the province of Manitoba.

Organizationally, we have a new water control licensing and enforcement branch which focuses specifically on licensing and enforcement in our province.

Our partnerships continue as we develop MOUs with our rural municipalities through the CDs. The CD secretariat has expanded its role into the watershed planning and programs unit with doubling the FTEs, and the basin and aquifer planning unit has also been created with FTEs.

On the 18th of April 2007, I was very pleased to announce, in the constituency of the minister of MIT, that we were bringing forward the following improvements. We have now established a dedicated water control works and drainage licensing branch with 25 staff, and that includes 14 brand new water resource officers. All of these resource officers will work beyond the Perimeter. There will not be one of these resource officers sitting behind a desk in Winnipeg. They will be in Gimli. They will be out in Arden. They will be in Arborg. They will be in areas all around the province where we know that they are needed. The hiring is going on now, Mr. Speaker.

We have completed five of the six that were scheduled for this year, and we have eight more to hire in the new fiscal year, and we will continue to work on that.

As I mentioned, the offence notices regulation under The Summary Convictions Act will allow more efficient and timely enforcement for certain offences under The Water Rights Act.

Budget 2006 doubled the drainage budget. This year's budget continues to invest over \$4 million to support that. Again, \$1.2 million has been brought in, in addition to funding the support of the conservation districts of Manitoba, \$800,000 of which is specifically targeted to capital infrastructure projects for these CDs that maintain provincial waterways.

We have strengthened the support of the conservation districts through legislating integrated watershed management planning and programming. We've added two new staff positions. There is additional technical advice and support respecting water management projects now which is also carried out with the help of the CDs by the department's water control system and management branch.

\* (11:20)

We work with other departments, Mr. Speaker, in particular, Agriculture. We top up the best management practices that the environmentally concerned farmers are putting towards their environmental farm plans. We work with the Department of Finance on the riparian tax credit. We are piloting a project on environmentally friendly drainage and the use of MHHC's easements. So we work with other departments. We work with the CDs. We work with the R.M.s. We work with the not-for-province and arm's-length agencies. It will take all of us working together, and I do again want to thank the Member for Lakeside (Mr. Eichler) for working with us today on this resolution. Thank you.

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, I am very pleased to speak on this resolution brought forward by the Member for Lakeside. We have a great deal of issues in terms of water resources and it's incumbent upon us as Manitobans to protect our water and to manage it properly. It's not just draining it. It's a matter of controlling the release and utilizing the water that we have.

It's not just about the dollars that are spent on the different programs. It's about being proactive to

solving the problems that are facing our municipalities these days. I have a number of issues that are occurring in my own constituency that I would like to touch on a couple of them. For instance we have a drain in the R.M. of Dufferin just east of Carman that was never completed. I believe, and I will have to check with the R.M., but it was somewhere back in the early seventies that this drain was started but it has never been completed. It's a ditch that goes nowhere right now and it's stalled. It's stalled because we cannot get approval from the Province, and of course funding also, to complete this project. So these are the type of problems that the municipalities are facing.

We also want our municipalities working with organizations and they are working with organizations such as in my constituency, the Deerwood Soil and Water Management conservation group but ultimately we want the municipalities to be able to control and maintain the drainage that happens in their constituencies. It's not just about drainage as I mentioned, it's also about water, retaining water, and how the water is managed in their constituencies.

A drainage management program would be instrumental in controlling the release of water during peak flows. Again my pet project is the Treherne Dam project which we cannot seem to get provincial money to start the feasibility study. This would control water and it would provide potable water, irrigation water for all of southern Manitoba. We really do need this project to go ahead, but before the project can go we need the feasibility study, and before we can have a feasibility study we need money to do this. We urge the Province to get on this, get this study underway.

Our local municipalities must control the drainage systems in their jurisdictions but also in working with other conservation districts and other districts as well. The local R.M.s are doing an excellent job but they lack the tools to do even more. We need a provincial drain management program that will enable the municipalities to carry out their work that is needed and we ask that the Province show leadership and be proactive on this not just reactive. That will take working with the federal government and the municipalities, and it includes bringing them all in on-stream on this to make sure that they all have input as to the final plan. It's about getting the necessary funding, not just blaming the federal government and particularly not offloading it onto the conservation districts or ultimately the municipalities.

In closing, I would look forward to the Province taking the lead position in this in a proactive manner, working with both the federal government and the municipalities for the betterment of all of Manitoba. Thank you, Mr. Speaker.

**Mr. Tom Nevakshonoff (Interlake):** It's my pleasure to rise to speak in favour of this resolution today. We did a little dealing before it came before us. It's now in an acceptable form to us on our side of the House.

I would like to begin my remarks, Mr. Speaker. As the MLA for the Interlake, I feel it incumbent upon me to speak in defence of a former member of the Interlake, the Honourable Bill Uruski. I have to chastise the person who introduced this resolution for the words that he has put on the record over the past couple of days regarding Mr. Uruski and his role as the chair of the Cattle Enhancement Council. Sir, you have crossed the line. This is a man who served for 21 years in this Legislature. He took this job out of a sense of duty, and for you to cast aspersions on his character is totally out of line. So I hope you take that as notice and bear that in mind in your remarks in this Chamber in future.

Now, I will speak in favour of this resolution, Mr. Speaker, but I do have to take it with a grain of salt because the record of the Filmon government, while they were in office, was rather poor to say the least. I recall back to 1999, as an example, when I was elected to this Chamber, one of the first acts, I think the second act, that passed through this Chamber was The Water Rights Act where this government basically had to reconstitute provincial jurisdiction over drainage because the previous government had been so neglectful and derelict in their duties that a judge of this province in the Hildebrandt case actually threw The Water Rights Act out the window, saying to the provincial government of the day, if you can't do the job, then you really have no business being in charge of it. So that was the first act that we had to institute. It was utter chaos, to be honest with you. It was a range-war mentality out there. You had guys who owned backhoes digging drains willy-nilly, flooding out their neighbours and so forth, and no scrutiny whatsoever. So we were certainly due for a change and a change for the better.

*Ms. Marilyn Brick, Acting Speaker, in the Chair*

I just want to put these words on the record because I bear in mind that old adage: Those who forget the past are doomed to repeat it. These guys

may be talking the talk today, but we know that from '88 until '99 when they were in charge of things, things really went downhill. That was part of the Conservative mentality, the privatization agenda of Mr. Filmon. We know that he was a privatizer. He was running the health-care system down in this province to the point where it would be palatable to the public to accept privatization. That was a clear strategy of his. Of course, the privatization of the telephone company, which the people of this province will never forget, is another case in point.

Frankly, he was doing the same to the delivery of drainage in this province. He was an engineer. He had a lot of engineer buddies that were waiting in the wings to get involved in the delivery of this system. So that was their strategy, was to run it into the ground until it collapsed, and it was on the state of collapse when we came into office.

You only have to look at the capital spending records to see my point. When the Pawley government left office in 1988, the capital budget was \$7.4 million. When the Filmon government left office 11 years later, the capital budget was \$4.6 million—going downhill. How they can stand today and say that they are the defenders of the farmer and all in favour of comprehensive drainage strikes me as a little bit odd. But it's fine if that's the tone they want to take. If they agree now that drainage is important, that we should work forward, then so be it, we will. And work forward we are, Madam Acting Speaker.

\* (11:30)

When you—[interjection] Well, look at our capital budget in the year 2006, the last budget year, our capital budget was \$10.4 million. So it's pretty clear when you go from \$7 million down to 4.6 and, by the way, of that \$4.6 that they committed, they only spent \$3.2 million. So, the picture is even darker from their side of the fence. So, now we're back up to where we should be, \$10 million range, it should be more.

I might add, Madam Acting Speaker, that former members of the Conservative Party, the former Member for Lakeside, the current member's predecessor, Harry Enns, not to mention Jack Penner, the predecessor for the Member for Emerson over there, both acknowledged in this Chamber that their government had under-funded drainage throughout the course of their time in office. That's in the *Hansard* records. Nobody is fooled by the big crocodile tears that are rolling down their cheeks

today, because when they had the chance, they failed. Now, we're in office, we're addressing it. So, I'm glad that they're all on side now, today.

Initially they had suggested that we don't have a long-term drainage management plan. Well, that's utter nonsense. When we came to office, one of the first things we did was constitute the Manitoba Water Strategy. I said we amended The Water Rights Act; actually, we just amended it recently again to put greater enforcement powers into place. We introduced The Water Protection Act with focus on water quality management zones, with the institution of a water council, with the creation of integrated watershed management plans, and so forth. So, these are all acts moving in a forward direction. Not to mention the creation of the Department of Water Stewardship which is something unique in the country, and I think this is the first department of its kind in the world, to be quite honest with you. So, I think that we're definitely at the plate in terms of moving forward on a long-term, comprehensive strategy.

On the Conservation District program, something put in place by the Right Honourable Ed Schreyer when he was premier in 1974. Again, over a number of years, by 1999, there were nine conservation districts in place, now there are 18. Eighteen conservation districts. In our eight years, we have doubled the number of conservation districts. I'm proud to say that the 17th conservation district was the East Interlake Conservation District. We worked very hard to get it put into place and I want to acknowledge the good works of the Reeve of Bifrost, Harold Foster, for the work that he did in that regard. It took a long time to convince the municipalities that it was the way to go and he, as a reeve, was instrumental in pushing it over the top. I hope that in the near future the west Interlake will also be forming a conservation district. We are very close to that today, I know that. So, that would be the icing on the cake.

My last point, we make a resolved here, referring to the federal government. It's certainly time they stepped up to the plate. The Conservatives in Ottawa today are talking the talk about infrastructure, but when it comes to delivering with their latest budget it's all debt reduction, cut taxes. Where is the money for infrastructure? We'd like to see it in our highways. We would also like to see it in our water infrastructure, and to date, with their actions through the Department of Fisheries and Oceans, they've been more of a problem than a part

of the solution. They have doubled, tripled the costs of drainage works, and while we do have to focus on water quality, I do not deny that, still, we need infrastructure in place if farmers are going to farm, and it's time that Mr. Harper and company woke up and recognized that drainage is part of infrastructure and it's time for Tories in Ottawa to walk the walk, as well.

Thank you, Madam Acting Speaker.

**Mr. Cliff Graydon (Emerson):** It gives me great pleasure to rise in the House today to speak to this bill on Manitoba drainage management program.

I'd like to, at this time, take the opportunity to congratulate the Minister of Water Stewardship on the recent size of her budget. I really appreciate that and I applaud that.

In response to the referral by the honourable Member for the Interlake (Mr. Nevakshonoff) speaking to past budgets and past governments, unfortunately, they didn't have the benefits of a \$3.5 billion transfer fund in order to work with. So they did an excellent job with the amount of money that they had. They were very efficient. I'm not suggesting that we're not efficient today. I'm just going to question some of the inequities that we are running into and facing and some of the challenges that we'll face in the future.

Poor quality drainage: I think there are three issues, Madam Acting Speaker, one of them being existing drainage; one being the new drainage that may be required; and the other, of course, is water retention or drought proofing our province. I think those are all very important issues, and to put that together in a package, I understand, is a very difficult issue to deal with. However, it's not impossible, and if the minister is willing, we're more than willing to help her do that, and all of the departments that are going to be affected.

The issues with existing drainage, of course, the declining maintenance over the last eight years and the watering down of the water control department, I have to address that because locally, Madam Acting Speaker, we have a department that actually everyone has retired from, and they replaced them with two of the retirees. That can't be cost-effective. The young people in our province, have they left, and we just have to employ our pensioners? I'm not exactly sure of the situation, but I'm sure we'll get the answer to that.

One of the other things with declining maintenance of our existing drains leads us to some economic problems. They also lead us to some health problems as well, Madam Acting Speaker. One of those would be West Nile, and I think our colleagues opposite will have to agree that that's a serious issue in the province. Stagnant water is a breeding ground for the mosquitoes, also encephalitis, which affects our agricultural communities. And so I think we're looking at some added costs that don't show up. These are costs to our different departments in our government.

The waiting time for some of these drainage projects that local municipalities would like to undertake have been extremely, extremely long, and I would like to work with the ministers responsible to try and shorten that time to make it cost-effective.

The problem with some of the flooding that's caused by poor maintenance of the drainage, some of it is caused probably by international water, and I think we have to address that issue as well. This becomes very costly in economics to the agricultural industry and not just for this year's input costs. No, it's more long term than that.

What it does is it lowers the IPI on the insurance program. If you have a backup flooding caused by poor drainage and by international water, there is no such thing as insurance, individual insurance, for that. So that goes on your whole, total program, costs you on your IPI, on your crop insurance program, which further adds to a decline in your margin. So if there are such things as CAIS programs, there is no payout under that. *[interjection]*

Am I getting wrapped up here? Thanks, Ralph. Excuse me, Madam Acting Speaker.

The drought protection program needs to be brought into place as well. Thank you.

**The Acting Speaker (Ms. Marilyn Brick):** Prior to recognizing the Member for Elmwood, I would just like to remind all members that we call members by their constituencies.

**Mr. Jim Maloway (Elmwood):** This is a great day in Manitoba when the two official parties can get together to support a resolution such as this, calling on the federal government to increase its participation in the drainage issues of this province.

\* (11:40)

As a matter of fact, the Member for the Interlake (Mr. Nevakshonoff) has pointed out to me that under

the former Pawley government there was probably around \$11 million spent on drainage programs, and when the Filmon government came in, those 11 long, dark years of Filmon Tory rule, the budget dropped to only \$6 million. So the former government has certainly not shown a great interest in the drainage issues given that most of its MLA base is in the rural areas. So one would hope that with this change in attitude here, that we can work together to encourage the federal government to start participating in these programs.

I'd like to point out that in a related sort of area, in the area of highways and highway development, you have the federal government pulling in as much as \$160 million, taking out of Manitoba in gas taxes and putting in maybe only \$8 million in return.

But let's look at what the United States do in highway development there. There they have a situation where the federal government funds 90 percent of the interstate highways with the local government putting in only 10 percent, and we see what sort of highway system they have there because of that, and juxtapose that to Canada where the federal government ponies up 50 percent of highway construction and the provincial governments have to come up with the rest. Well, for a province like Manitoba, Saskatchewan, that's awfully hard to do. So what we have to have here is the federal government putting up a much bigger share of the money to solve these problems because they have a much greater fiscal capacity than a province such as Manitoba or Saskatchewan would have.

So I'm very pleased to be able to work with the Conservative opposition to try to push their federal counterparts, the federal government of Canada, to put more attention and more money into drainage problems in Manitoba. Thank you very much.

**Hon. Jon Gerrard (River Heights):** Madam Acting Speaker, I want to talk to this resolution. I think that the resolution originally we would've felt could have been a little stronger. We believe that the amendments have actually made it a little bit weaker, but we would see that there are some positive things about this resolution, and I will speak to them.

First of all, the resolution does specifically acknowledge that the present situation is totally inadequate. It says in here that, WHEREAS an appropriate drainage program would prevent additional damage to property, it acknowledges that there is not right now an appropriate drainage program in Manitoba. For eight years this

government has not done what needs to be done, and that is put an appropriate drainage program in place for Manitoba. And in that sense we will support this because that appropriate drainage program is still not there after eight years.

What I would say is this is rather weak that, RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to continue to develop a drainage management program. Well, it acknowledges that, you know, some continued development. At the rate that we're going, it'll probably be here if we continue to have an NDP government by the year 2200. That's almost two centuries away. That's far too long. What we need, Madam Acting Speaker, is a Liberal government to get the job done instead of a procrastinating, continuing, ongoing mess that we've got at the moment with an NDP government. What is needed now is a change, and this resolution is not strong enough. It's pretty weak. Although it's going in the right direction, it might get there a couple of centuries from now.

Second, that this resolution calls for support from the federal government. Well, I believe that it would be reasonable and good and helpful to have some support from the federal government, but I do think it's important to recognize that the way that the NDP have used this is an excuse not to get the job done, to offload. Any time that we bring up an issue here they say, well, we can't do it without the federal government. Clearly this is a responsibility of the provincial government. Clearly, at the moment, the provincial government is receiving, I think it's more than \$1.5 billion in equalization transfers, for precisely the provincial government to give equality of services with other provinces. Well, they haven't done it. We're way behind what's going on in Ontario, for example, in terms of how things are managed for drainage there. Our farmers are suffering because we end up with higher risks and flooded crops and crop losses and extra costs for crop insurance and so on. I mean, it's clear this government has not done their job in spite of the fact that they're already getting hundreds of millions of dollars from the federal government. I'm for some more dollars, but I sure think they need to be better managed.

I think it's important to ask the question, I have not seen a release from this Premier (Mr. Doer) or this government, gone to a western premiers' meeting, going to a national premiers' meeting, going to the meeting with the Prime Minister, asking for

support for drainage. I haven't seen a drainage plan presented by this Premier to the western premiers, to the all premiers' meetings or to the Prime Minister. Where is it? Where is this drainage plan?

We already have an acknowledgement that there isn't an appropriate drainage plan there. The Premier has not done his homework. Well, I mean, it's obvious one of the reasons why there's not been federal support to date. The Premier has never done his job and taken it as a major issue to the western premiers' meeting, to the all Canadian premiers' meeting or directly to the Prime Minister as far as we've ever been aware. What needs to be asked for, clearly, is something that can go across that can treat provinces equally, that he's not just solving Manitoba's problem because Manitoba can't solve it. You need to have a national plan.

What is the national plan that the government, or the opposition for that matter, are asking for here? We need to have some concept of what it is and what it will be. We're way behind Ontario. What is the nature of what's asking for from the federal government to fund? You know it's got to be able to work with other provinces to get some ideas together to put them on the table. They're not there.

Let me talk for just a minute or two about some of the elements which need to be in a drainage program and why we've had a lot of problems here. First of all, in our view, it should be responsible in terms of land stewardship. We introduced a couple of years ago now, I believe, an amendment that would have provided for no net loss of wetlands so that there's a balance in water storage and in drainage. It was turned down by the government and not supported by the opposition. But it's a direction that we need to go.

What we need is to take what's been done in Blanshard Municipality and take it province-wide. That is to say that farmers should be supported for the environmental role that they play and the effort that they make on their farms to support and provide environmental goods and services for the rest of Manitobans. You know it shouldn't just be Blanshard Municipality. It should be all over the province. We should support that and that would help one of the problems and that is that in some areas we've got sloughs and water areas drained when they don't need to be drained. They shouldn't have to be drained because in fact what's happening is they're causing problems downstream and causing problems for farmers downstream. But we need to balance that

approach with an approach which would put clearly on the table, as it is in Ontario, a legal right for farmers to drain.

*Mr. Speaker in the Chair*

So that farmers know that when they buy land they're going to be able to use it for the purpose that it was designed for, that is, to grow crops if it is a crop-growing area, and that it is an area that will be good for growing crops is zoned cropland that's being used for cropland that there should be an appropriate right for drainage. Even where there is some drainage provided at the provincial level, in many areas it's totally inadequate. But there are far too many areas in this province where you can't even set up a tile drainage, for example, because the municipal and provincial are a major issue. Ditches are not adequate for that, and so clearly the standards aren't there; the approach is not there; the overall framework for a drainage strategy in this province has not been delivered, and we support continuing efforts because we know that they're so badly needed.

\* (11:50)

We would welcome some help from the federal government because this government doesn't seem to know where it's going adequately. But we think that the government itself, the provincial government, has got to get its head on properly and put in place an appropriate and a proper drainage plan for this province, instead of what's happening at the moment, which is a bit-by-bit piecemeal effort here and there to a few farmers here and a few farmers there, but it's not a provincial effort. It is not what needs to be done and it is not the kind of balanced approach which would balance the needs for water storage and water retention with the needs for drainage and provide an optimum situation for farmers in our province so that they can do the job which they do very well. That is, No. 1, grow crops and produce valuable products and feed, not only Manitobans, but feed people in the rest of Canada and the world.

But also what farmers do very well, that is to provide environmental goods and services that are very important for all Manitobans, that are very important to make sure that our lakes are in much better shape. In that respect, having visited quite a number of lakes in the last couple of months, Mr. Speaker: Killarney Lake, full of algae; Lake Winnipeg, full of algae, this government is not doing its job. Things are in bad shape and they need to recognize it.

It is at least good that this resolution recognizes that there is not the appropriate plan, that there needs to be. And this government needs to get to work, because in eight years, we still don't have that appropriate plan. And although we think this is a pretty weak resolution, it's in the right direction.

We will support it, but it sure could have been a lot better. It would have been a lot better if we had a Liberal government or a Liberal resolution here. I can tell you for sure that there is a lot to catch up with, and it sure shows why there's a need for change in this province, Mr. Speaker.

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I'm honoured to put a few words on the record following the Liberal leader as, once again, he defends the federal government. We know for a long period of time that the member for—the Leader of the Liberal Party here was a member of a federal Liberal government that did nothing when it came to issues such as this. And I'm still waiting for the Leader of the Liberal Party to apologize to me for his attacks over our government's issue of the phosphorous dishwashing detergent, because I don't—

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

**Mr. Speaker:** Order.

**Mr. Dewar:** Mr. Speaker, as well, as others have mentioned, the Leader of the Liberal Party has not asked a question about the state of Lake Winnipeg since the House has started, so he has no true commitment to the issue. He has very little credibility when it comes to speak about drainage and water management.

I am a rural member, Mr. Speaker, and I want to say that my farmers and others in my constituency have noticed a big improvement in the drainage system that they rely upon in their communities. We recently invested a significant amount of money in the Cooks Creek area to improve the drainage in St. Clements. As we have said we've consistently increased capital funding to projects within this province. Our budget recently allocated \$5.9 million to waterways maintenance; we know that's important. It's not only constructing new ditches and drains, but it's also important to maintain the ones that we have. That was a 15 percent increase from last year.

We've also doubled the budget for maintenance over the last eight years. As the Member for

Interlake (Mr. Nevakshonoff) has pointed out, when the Filmon government was in power, they actually reduced the amount of money spent on both construction and the maintenance, Mr. Speaker, at a time—and of course they argued they had no choice because the—excuse me, the Leader of the Liberal Party, when he was in Ottawa, was cutting their resources. So for him to stand up here was kind of an incredible achievement on his part, to stand up here and to criticize us.

But, I'm eager to support this. We're proud of what we've accomplished as a government, and I'll let the others comment on it as well. Thank you.

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

**Some Honourable Members:** Yes.

**Mr. Speaker:** The question before the House is the resolution moved by the honourable Member for Lakeside (Mr. Eichler). Is it the pleasure of the House to adopt the resolution? *[Agreed]*

**Mr. Gerald Hawranik (Official Opposition House Leader):** Let the record show that support for the resolution was unanimous.

**Mr. Speaker:** The record will show that support of the resolution was unanimous by the House.

Now we will move—

**Some Honourable Members:** 12 o'clock.

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, could you possibly canvass the House, and is there the will to call it 12 o'clock?

**Mr. Speaker:** Is it the will of the House to call it 12 o'clock? *[Agreed]*

So the hour being 12 noon, this House will recess and will reconvene at 1:30 p.m.

## CORRIGENDUM

Vol. LIX No. 14 – 1:30 p.m., Wednesday, October 3, 2007, page 734, the first column, last paragraph should read:

Mr. Speaker, today, at least two-and-a-half months late, this critic gets up and says we should do a health assessment. It's already being done. Get your act together.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, October 4, 2007**

**CONTENTS**

<b>ORDERS OF THE DAY</b>		<b>Resolution</b>	
<b>PRIVATE MEMBERS' BUSINESS</b>		Res. 4—Manitoba Drainage Management Program	
<b>Second Readings—Public Bills</b>			
Bill 206—The Personal Information Protection and Identity Theft Prevention Act		Eichler	810
Taillieu	801	Melnick	813
Rondeau	803	Pedersen	814
Faurschou	804	Nevakshonoff	815
Maloway	805	Graydon	817
Borotsik	807	Maloway	817
Lamoureux	808	Gerrard	818
Martindale	810	Dewar	820

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>**