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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2008

The House met at 10 a.m.

PRAYER

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SECOND READINGS—PUBLIC BILLS

Mr. Speaker: Bill 203—The Liquor Control Amendment Act (Fetal Alcohol Spectrum Disorder Prevention). Are we dealing with this?

Some Honourable Members: No.

Mr. Speaker: No. Okay, Bill 205, The Elections Amendment and Elections Finances Amendment Act, are we dealing with this?

Hon. Jon Gerrard (River Heights): Mr. Speaker, I believe if you canvass the House, you'd have agreement that we would go to Bill 237.

Mr. Speaker: Is there agreement of the House to deal with Bill 237, The Pet Cemeteries and Crematoriums Act. Is there agreement? [*Agreed*]

Bill 237—The Pet Cemeteries and Crematoriums Act

Mr. David Faurshou (Portage la Prairie): I move, seconded by the honourable Member for Arthur-Virden (Mr. Maguire), that this bill, Bill 237, The Pet Cemeteries and Crematoriums Act, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Faurshou: It is a pleasure for me to rise this morning and bring to the Manitoba Legislative Assembly this legislation that has had a fair degree of consultation as well as investigation and draws upon numerous pieces of legislation currently in place throughout North America.

The incident that took place in the summer of 2007 involving a pet cemetery operation here in Manitoba brought to bear the consideration that our legislation in the province of Manitoba was severely lacking, almost a clear void in legislation as it pertains to the disposition of pets in the province.

What has taken place since that time was a significant amount of public awareness and public

investigation that was documented in the media fairly extensively, that there was clearly misrepresentation and there was obviously no recourse afforded the pet owners, even in the case of the fully documented fraudulent act.

There is opportunity, without question, for any individuals that feel they have not received the goods or services that they paid for to go to small claims court, but in the case of the pet owners, going to small claims court was clearly not an option because the monies paid for services regarding the disposition of pets was not a value that—greater than it would cost in time and effort in court-related charges worthy of pursuing.

Basically there is to this day no option for pet owners in this area. Bill 237, The Pet Cemeteries and Crematoriums Act, is an encompassing act. It is a first for Manitoba and indeed the first for Canada. We're all clearly aware that, because of the experience here in Manitoba, legislation of this nature is indeed needed.

I would like to first recognize the individuals that I have consulted with extensively over the course of the last year in preparation of bringing this legislation forward. They are: Ms. Karen Mucha, Ms. Shelly Turko, and Ms. Sandra McLeod. These ladies did take it upon themselves to extensively investigate the situation regarding the horrors, which I believe is an adequate term to use, that pet owners experienced, once noted that a pet cemetery operating in Manitoba was not delivering the services that were deemed under contract and paid for by pet owners.

The pet owners here in Manitoba and right across Canada are very numerous. In fact, statistically speaking, more than 50 percent of Canadian households across Canada are also occupied by pets. These pets, indeed, play a very significant role in the day-to-day lives of Canadian families. In fact, heard on many occasions, pets are perhaps closer to their owners than their own offspring. This, indeed, does take place further as one matures in life that pets do become very close to their owners, as their children have left home and have their own families and are making their way in the world. Pets fill a significant void in senior Canadians' lives.

So more and more persons are wanting to make absolutely certain that, once the pets have lived a long life, they are handled with dignity and respect and their remains are indeed, taken care of in a fashion that depicts the importance that the pets have occupied in Canadians' lives.

*(10:10)

I look to the members of government to favourably speak on this bill this morning. I would encourage all members that the public be given the opportunity to come forward with further ideas by allowing this bill to go to committee. I believe that this bill will be one that will be widely accepted by Manitobans, and we here in Manitoba could then also be very, very proud of bringing forward legislation that I am absolutely certain other provinces in Canada will mirror in their respective legislatures.

It has been said that pet owners here in Manitoba want the remains of their pets to be handled with respect, and that is why we need to have legislation that will ensure that this does, in fact, take place. I know that maybe there are persons in the Chamber here that would not particularly want to support this piece of legislation on the basis that perhaps they've never become very close to pets and perhaps disposal of their remains is not a high priority.

However, what I would like to instil in honourable members is that there was a clear case of misrepresentation here in Manitoba that cost many Manitobans a lot of grief, anxiety and stress. It is incumbent upon us as legislators to recognize when our legislation is inadequate. There are loopholes, and in this area, a clear void that the legislation does not exist to protect consumers. This is our responsibility as legislators to afford consumers the security that they will be indeed receiving the goods and services which they have paid for, and that is the responsibility of elected officials to make certain that this does take place. So if persons are not overly acceptant of the security of pet owners, may they perhaps then look that it is also their responsibility to provide the comfort and the legislative and regulatory regime that supports persons receiving the goods and services to which they have paid for, and that, indeed, is our responsibility.

So members of the Legislative Assembly, I hope that you will think long and hard in regard to your support of this legislation and to, in fact, be very proud that we are the first in Canada to debate such legislation. I believe it will not be the only legislation

in the near term future regarding the security that the remains of valued pets are handled in the manner of dignity and that pet owners will have the surety that their monies paid will, in fact, be receiving what they—

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

Hon. Stan Struthers (Minister of Conservation): I want to thank the Member for Portage la Prairie for bringing forward here this morning this resolution—*[interjection]*—this bill, sorry, this bill. I better get my terminology correct—for bringing forward this bill because I think, in the very least, it provides a way for we as leaders in the province to acknowledge the grief and the anxiety that pet owners went through in a—what we pet owners can only imagine them going through with their families.

We have a cat, and if something happened to Rexy, I can only imagine my six-year-old's grief, so I think we can understand in this Chamber the kind of emotional distraught that Manitoba families went through when they discovered some of the things that were happening at this particular pet cemetery. We're talking about the Domestic Animal Cremation and Misty Gardens Pet Cemetery in La Salle, so I think first of all we need to acknowledge that it is unfortunate that so many pet owners went through this kind of ordeal.

I want to deal with the aftermath of the accusations that came forward about this particular operation. I know that the member opposite does not want to leave on the record—not that he put on the record, but I don't think the impression should be left that this particular one site wasn't dealt with, understanding, of course, that there could be regulations, as the member has brought forward, in terms of the bill. But I want to be very clear that there was action taken the minute our department found out about the accusations. Inspections took place. Monitoring took place. We moved very quickly to make sure that we followed up on the concerns that were being expressed by these distraught families in terms of the handling of their pets.

We took action immediately. We didn't take action alone. We teamed up with the Manitoba Veterinary Medical Association. We teamed up with the Humane Society. We teamed up with the chief veterinary officer of Manitoba, of the Department of Health. We teamed up with the—and I think this is very important, and I know the Member for Portage

referenced this in his words just now, but we teamed up with the Consumers' Bureau because I think it's important to have their advice not only when we were looking at the immediate, short-term clean-up and disposal of carcasses that took place but also in getting advice on the long term. How can we protect these families? How can we protect future Manitoba families from this kind of grief and this kind of anxiety? So we teamed up with those people, and we talked about what we do in the short term and what we do to prevent this sort of thing from happening down the road.

Ms. Marilyn Brick, Acting Speaker, in the Chair

Of course, the first thing that we did was we removed or cleaned up any of the frozen animals and the bio-hazardous materials from this particular site. We knew we had to move very quickly on that and we did, Madam Acting Speaker.

What we found when we entered the site and began this clean-up was that many of the animals were from the Humane Society, and I think this speaks to the responsibility of all families who own pets in terms of the care of these pets. The more pets we have happily living with a family, the fewer we have roaming the streets and ending up at the Humane Society. I think that's part or should be part of the approach that we take. I think we have to understand the responsibilities that pet owners have and decrease the number of animals that end up in the Humane Society, acknowledging the good work that the Humane Society has done for years and continues to do here in our province, both here in the city of Winnipeg, and I'll put a plug in for our own Humane Society up in the Dauphin area.

* (10:20)

Madam Acting Speaker, we also knew right away that we needed to do an inventory of the animals that were there at the crematorium and along with the Humane Society but, Madam Acting Speaker, we also knew right away that we needed to do an inventory of the animals that were there at the crematorium and, along with the Humane Society and the Veterinary Medical Association, our department completed that inventory of the remaining bodies at that site. We began the work, along with the Veterinary Association and the Humane Society, of identifying and contacting owners, which I can imagine wasn't a very pleasant task, but it needed to be done, so we got on that right away.

In the end, all the pets that could be identified have been identified, and they have been disposed of in accordance with the wishes of the owners. For example, some of the owners wanted the bodies of their pets returned to them. When that request was made, that was followed through on. Many wanted the cremation of their animal and then the return of the ashes, and that was followed through on as per the wishes of the owners. Some opted for a communal cremation, for example, with the animals involved that were there from the Humane Society. Any that could not be identified, and there were some pets that just could not be identified, they were cremated communally.

We have eight pet crematoria in this province. As of today, all have been inspected. We've come across no significant problems in the other crematoria, but I wanted to be very clear that random checks of these facilities will continue to occur. With the complaints that we got and the random checks, that's how this whole issue began to be dealt with.

The crematorium in question is no longer in operation. The incinerator used by domestic animal cremation is no longer registered for use and may not be placed into service unless it is upgraded and then re-registered. So, that is the situation there at that particular crematorium that sparked this debate.

On top of that, we've served the former owner of the facility with a fine. Of course, when you deal with fines, you do probably for two reasons: to deter these kind of things from happening on a go-forward basis and also, there were costs involved and it's pretty standard practice that costs be included when you're talking about a fine.

There are a couple of people whose quotations I think need to be referenced. One is the words from the Manitoba Veterinary Medical Association that confirmed that these problems began to occur in the late spring of 2007, that by all accounts from the Veterinary Association, by the accounts of the Humane Society who said that for many years this facility had provided excellent service but that it had fallen off into the spring of '07.

I just want to wrap up by saying that this really underscores the absolute need for continued inspections, continued monitoring to make sure that this sort of incident doesn't happen in the future. It means that we need to continue to sit down with the Manitoba Veterinary Medical Association and the chief vet for Manitoba. We need to continue sitting with the Humane Society and get their advice in

moving forward. We absolutely need to continue to talk with the Consumers' Bureau on this to prevent these sorts of things from happening and to protect those families out there who believe they're getting something, a service, when they may not be. We don't want to get back into this kind of a situation again. We don't want to be dealing with this kind of a problem. We want to prevent this. That's why we need to include all of those people.

So, I thank very much the Member for Portage la Prairie (Mr. Fauschou) for bringing this forward this morning.

Hon. Jon Gerrard (River Heights): Madam Acting Speaker, I rise to comment on this bill put forward by the Member for Portage la Prairie. Pets clearly are important to each of us, to all Manitobans, I believe, and it's important that they be treated in a way that is proper and dignified. People care deeply that pets have been not only looked after carefully and well when they're alive, but that they're looked after properly when they die or when they're euthanized.

This bill addresses a legitimate concern, and I'm glad that the Member for Portage la Prairie has brought this forward. I'm pleased at the enthusiastic response of the Minister of Conservation that this bill was brought forward, and I hope that we'll be able to take this on to have a committee hearing on this bill so that we can get public input on this bill and a good helpful discussion in terms of moving it forward.

I noticed that the Minister of Conservation was very defensive when he was talking on the bill initially. He knows this is an issue that has to be looked after properly, and he knows that his government was caught unprepared and embarrassed by what happened, that we have in Manitoba to do better. It's good that we have this being brought forward as a helpful recommendation, helpful solution moving forward to make sure that these sorts of problems don't arise again.

I noticed that the Minister of Conservation commented that he'd been given a rather unpleasant task. Well, this bill is to try and prevent the occasions when he's got such unpleasant tasks in the future, and so he should be, and apparently is, quite pleased that this bill is being brought forward, as he indeed indicated.

It's important that pet owners and pets are treated with dignity and respect. Pets can make a tremendous contribution, as we know, to the health of people. People who have pets do particularly well

in terms of being healthy, particularly elderly people, and I think that pets can be wonderful for young people learning how to take care of pets properly. Learning how to look after pets can be very, very beneficial for young people growing up.

We don't want the government to be embarrassed in this way in the future. We don't want people, as happened, to be very upset about circumstances like this, and people were notably upset and very disturbed about what happened. We don't want the Humane Society to be in a position where many of the Humane Society's animals are not being looked after properly. I think we all believe in the work of the Humane Society and want to make sure that its reputation is not in any way tarnished. The Humane Society does wonderful work, and so I believe that it makes sense to take this bill forward and to be able to deal with it at committee stage and get further recommendations and discussion from members of the public. Thank you.

Mr. Larry Maguire (Arthur-Virden): Madam Acting Speaker, I wanted to put a few words on the record in regard to Bill 237, The Pet Cemeteries and Crematoriums Act, that's been brought forward by my colleague, the Member for Portage la Prairie, and I was most pleased to have the opportunity to second that motion.

I also want to thank the Member for River Heights for the opportunity of helping move us along a little quicker this morning and helping the Speaker get us to Bill 237 without having to go through the whole list. I appreciate the Member for River Heights' comments in support of this bill as well.

* (10:30)

Madam Acting Speaker, while the Member for Portage la Prairie has pointed out that it is a first for Canada, I know the work that he did behind the scenes to get the bill to the present position had some support from work being done in other areas of the United States, a few states that have already done this. So if the minister of the government had been as meticulous as our Member for Portage la Prairie was in this particular issue, he might have been able to have alleviated some of the concerns that he raised here in the House today as well.

I urge the Minister of Conservation (Mr. Struthers) to move forward with further support for this type of a bill, to provide a level playing field, if you will, and a standard that would allow an opportunity in Manitoba to be leaders in this field, to set an example for the rest of Canada. I think that

opportunity has been afforded to the minister. All he has to do is support the bill. He could support this particular bill and, at some point down the road, if he felt it needed more opportunities and more changes to it, he could bring those forward in amendments in subsequent sets of this Legislature, Madam Acting Speaker.

So I really urge the government. I know that there are many of them that have pets in their homes or that their children have pets, their parents have pets, as I did when I was a child as well, Madam Acting Speaker. I can only think of a couple of names of the animals that we had on the farm. Snowball was one cat and Tiny was a fox terrier dog. While I was afforded the opportunity, when they passed away, of having lots of space in rural Manitoba to have my own funeral for those particular pets on our farm, lots of urban people don't have that opportunity. I would urge the Minister of Conservation (Mr. Struthers), of course, as he pointed out that there are pets in his household as well, and he should take this bill into consideration and urge his colleagues and in fact speak positive towards this bill.

I noted that he outlined the concerns of why the bill came up with a domestic animal creation group, and the steps that he's taken to alleviate the work that group was continuing to do. I note that they can change the equipment that they were using and reapply to get back into business as well, but I note the minister said that there were eight other crematoriums in Manitoba, that he was drawing—this certainly has come about because of the public attention that was drawn to this issue.

I know there are random checks done in most other areas but, Madam Acting Speaker, when you do a random check, you also have to have a standard that you can do the check against. The Member for Portage la Prairie (Mr. Faurichou) here has brought in a bill that would allow the use of standard forms in the regulations that would be developed around this type of a bill to provide customer information and on which pet owners may select which services to purchase. So they would know what they were getting when they paid and applied for the type of services that they felt they were getting.

There would be operating and siting requirements for the pet cemeteries and crematoriums. There would be record-keeping requirements for pet cemeteries and pet crematoriums, including detailed reports on how each pet was cremated and where its

remains were located, Madam Acting Speaker. It would also require the owners of pet crematoriums and cemeteries to provide evidence of financial responsibility in order to provide the viability of a business operation, and that's only sound, I think, of responsible action that's been taken by the Member for Portage la Prairie in this process.

Many people don't know where to turn, Madam Acting Speaker, when they have lost a pet. Others have spoken about the emotional attachment to the pets in their homes today. I've done an awful lot of campaigning in the 15 years since I ran federally in 1993, and I've knocked on an awful lot of doors in cities and in small towns in rural areas, in larger towns in rural areas, on farms where, particularly, pets are probably more predominant than others.

I know there's a wonderful picture of a nice, fuzzy rabbit in the *Winnipeg Free Press* today, and we used to have a lot of those in our yard, but I must say, Madam Acting Speaker, it was only after our dog died, because when he was there it was his exercise. We didn't have rabbits in the garden in those days, but when he left, we certainly did.

So dogs are a safety factor to keep people out of our farmyards, to stop thieves, or to deter them, at least. Sometimes it deters the odd salesman and even a neighbour, as well, but Madam Acting Speaker, my point is that pets are common practice on farms, but they are also, as I said earlier, in knocking on many of the doors in our urban areas, just about every other household that I knocked on and, in fact, I would say more than 50 percent of them, in many cases in some regions, have a pet dog, some two or three, and some more than that in regard to cats. Of course, there are other people with pets that I know I couldn't see from the door, whether it's birds or others that they have an attachment to.

I want to just put on the record that I certainly support the owners of pets in their dying days. As well, to have the opportunity to know, with confidence, the types of disposition of the remains that might take place and to know that they have the opportunity of dealing with a credible business arrangement and business company, if you will, Madam Acting Speaker, that would allow them to dispose of the remains of the animals in a manner that they would be respectful of.

The Member for River Heights (Mr. Gerrard) said that the minister could move forward with this to save him some embarrassment. Well, that's true. As I said in my opening comments, he had the

opportunity of looking at some of the parallel legislation that's taken place in other areas of North America as well in introducing it, but he just didn't seem to get that done either. I think, certainly, that would have been a responsible action.

I believe that the Humane Society has done a tremendous amount of work in regard to trying to make sure that the businesses that deal with this type of disposal are credible. They do a tremendous job in regard to the new facilities that they have as well in trying to place pets in homes that care. I know that they can't all have that wonderful outcome, but I think that the work that they do and the support that they would have for this type of an action is to be commended.

Madam Acting Speaker, I know that there are others who wish to speak to this bill, but in closing I want to just say that this bill is about a humanitarian action. This bill certainly is about a humanitarian action. It's about providing security and confidence that people can rest their pets confidently, where they want to, in a manner that they would expect to be dealt with, in many cases, on their own. So I say that, whether it's the Manitoba veterinarian association, the Humane Society, the citizens of this country, or this province at large, certainly, as opposition members, we would urge the government of the day to consider this bill, make it a part of the discussions that they have over the next few minutes and in the next short while that we have to discuss this bill in the time frame within the Legislature that we have to deal with this bill today instead of standing the bill—

The Acting Speaker (Ms. Brick): The honourable member's time has expired.

Mr. Cliff Graydon (Emerson): It gives me great pleasure to rise to put a few words on the record on Bill 237, which has been brought forward, of course, by my colleague from Portage. I think it's certainly timely that legislation of this type came forward.

* (10:40)

What I noticed today when the Minister of Conservation (Mr. Struthers) was speaking, I felt that he was unnecessarily defensive in his approach to the bill today and that's unfortunate. It certainly wasn't brought forward to embarrass the minister in any respect at all. In fact, it was brought forward to address a situation, and I think it's timely that it is being addressed when we take a look at the situation that did happen, that brought this forward.

I guess some background would be in order at this point, Madam Acting Speaker. Many pets are bought for different reasons. I guess, with my rural background, we've taken pets for granted. We've had pets all our lives and many of the animals that we've raised are pets other than what we would call house pets, what you would refer to house pets or this House would refer to house pets. We have a number of animals on our ranches. We probably view the animals in a different way than some of the people in the city that buy them. Some of them buy them for therapeutic reasons. Perhaps they have lost their mate and have something or someone in the house, a reason to get up.

Another reason that a lot of people have pets is that they have them for their children, to show them and provide them with some sense of responsibility for looking after these pets, whether they happen to be fish or gerbils or lizards for that matter. White rats they could be, from Saskatchewan.

However, they have them for different reasons but they do teach young people responsibility, that they have certain chores to do. We in rural Manitoba, of course, growing up in rural Manitoba, we've had the opportunity to do that every day. We had many chores to do.

However, in a lot of cases, the pets when they're first purchased aren't terribly expensive to buy. As time goes on and people become attached to them and they require some type of medical services, the cat food or the dog food or the crickets for the lizards, it becomes a fairly expensive proposition. They become—[interjection]—and those too, I suppose, flies as well. They become an expensive proposition but people become so terribly attached that, when the demise of that particular pet happens, by this time it has been part of the family and we need to recognize that.

So if they are willing to invest the money for a proper burial for this particular pet in a recognized cemetery and expect at some point that their family can go back, the children can go back or the grandchildren can go and see this pet and do that with an assurance that the remains that were planted were actually the remains of their pet.

I believe that this is timely, this type of legislation brought in by my colleague from Portage. I believe the legislation is quite clear. I certainly give him credit for giving as much thought and putting as much thought into this legislation.

The fact that there are disposal forms is very important. The fact that veterinarians—I can't stress that enough—veterinarians are an integral part of the whole pet system, because that's where they end up going if they're sick or if something needs to be done. The veterinarian is a doctor.

I happen to have a veterinarian in my family. My daughter-in-law is a veterinarian and many times she says it's a crisis situation when something needs to be done with the pet and eventually that pet has to be put down. They need to have a place that will handle the disposal of this pet in not only a humane way but in a passionate way for the pet owners. So having a pet cemetery close by that is not only registered but has forms, proper documentation and proper procedures for the internment, shows this sympathy to the pet owners, and a certain amount of comfort to them.

So I give my colleague a lot of credit for putting that type of verbiage in this particular piece of legislation. He also went to the trouble, not the trouble, but certainly looked at the regulations of the operators of the cemetery and the depth of the burial minimums, the setbacks, from other private properties. The size of the property for their cemetery I think is terribly important. We probably don't pay enough attention to it at this time, and maybe some of us don't take this as serious as we really should. Because, as we walk through the city of Winnipeg, I was astounded—I was astounded—at the many pets that you see in the city of Winnipeg that don't have the opportunity for proper disposal within the city, which we in rural Manitoba can do that. But in the city, you don't have that, and I would suggest, from reading the front page of the *Free Press* recently, or most recently, about the puppy mills and the breeding programs, and I would suggest that the demand for pets has certainly risen. The price of these pets indicate that demand is outstripping the supply, and I believe that we have to really pay more attention than we have in the past.

So, in saying that and looking at this legislation that's brought forward, I think he's covered the financial responsibility very well, the hours of operation of the cemeteries. I believe everything that's in this legislation that's been brought forward is important. Surely, and I would encourage the Minister of Conservation (Mr. Struthers) to work willingly with the Member for Portage la Prairie (Mr. Faurichou). If he's unhappy with this legislation, or if he's slightly embarrassed that it was brought forward, there was certainly not meant to be an

embarrassment for him. He shouldn't have been. I don't think he should be defensive at all in his approach to this.

In fact, I think co-operation would be what we would be looking for from this side of the House, and surely my colleague from Portage would welcome that type of conservation or co-operation in this particular piece of legislation, and if the member opposite has any amendments that he would like to bring forward, I'm certain that that could be arranged as well. I'd like to see the members opposite take this legislation to committee and give the public that does support these pets and completes the pet industry give them an opportunity to voice their opinions.

So, with those few words, Madam Acting Speaker, I would like to wrap this up and again encourage the Minister of Conservation to support this. Thank you.

House Business

The Acting Speaker (Ms. Brick): The honourable Member for Lac du Bonnet (Mr. Hawranik), on House business?

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, on House business, Madam Acting Speaker.

In accordance with rule 31(9), I would like to announce that the private members' resolution that will be considered next Thursday is the resolution on Promoting Manitoba as an Inland Port, sponsored by the honourable Member for Carman (Mr. Pedersen).

The Acting Speaker (Ms. Brick): It has been announced that, in accordance with rule 31(9), the private member's resolution that will be considered next Thursday is the resolution on Promoting Manitoba as an Inland Port, sponsored by the honourable Member for Carman.

* (10:50)

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Madam Acting Speaker, I just wanted to put a couple of comments on the record with regard to Bill 237, proposed, The Pet Cemeteries and Crematoriums Act.

The Member for Emerson (Mr. Graydon) is making comments with regard to the Minister of Conservation, how somehow he should be embarrassed or is embarrassed. There is nothing to be embarrassed about with regard to this issue. This particular issue came forward in light of domestic

animal cremation in Misty Gardens Pet Cemetery in La Salle, was accused of returning wrong pet remains, and disrepair, and presence of biomedical waste, and improperly disposing of carcasses. Upon learning of this, we took action on a number of fronts, and the Manitoba Veterinary Medical Association, Humane Society, chief veterinary officer of Manitoba, Conservation, Health, Consumers' Bureau met and agreed on how to move forward in the short term.

This is not to take away—and I do thank the MLA for Portage la Prairie for bringing something like this forward. There are many pet owners in this province of Manitoba. I would venture to say that this issue around pets is a billion-dollar industry, not necessarily crematoriums, but certainly the pet industry. There are many, many pet shops that provide food for many, many different types of pets, not just cats and dogs, but many other pets. It's a huge industry, one that we know needs to have a close eye kept on them and how they operate.

In Manitoba, and I would venture to guess in this Chamber, there are many of us that are pet owners, whether it's cats or dogs or have other pets. It's something that's very important, but I wanted to state that somehow the Member for Emerson (Mr. Graydon) was stating that somehow this should be pointed directly at the Minister of Conservation (Mr. Struthers). I don't get it. I mean people, government, moved on this particular situation which was abhorrent to most of us. To think that someone would go to a crematorium or to a place where their pet was dropped off to be disposed of and be cremated and have ashes returned to them, only to find dead carcasses laying all over the place without proper disposal, I think is something that is quite revolting to most people that have pets, including myself. To think that people would pay a good dollar, quite frankly, to do the right thing, not just bury their pet in their backyard or take their pet to a refuse site or a garbage dump, to use another term that's often used in rural Manitoba, but do the right thing.

Pets, quite frankly, are and do become part of families. I mean, people make often references that seniors will often have a pet, they've lost a spouse, and that pet is the closest family member to them that they have and it's tragic to see. Any one of us as MLAs have gone into personal care homes or we've knocked on doors at many different residences where people, seniors, will have pets that they have just

lost, and to them it's the closest family member they have and it's truly tragic to them.

So when they go and try to have their animal disposed of in the best way they think, and to have those remains either come back to them or to have them disposed of, they want to be assured that it's happening properly, and this does not come without a price tag. There are some pretty hefty costs with regard to cremation for pets.

When one goes to a vet and brings their animal in and has to have their animal put down—in my case just recently with one of our Dalmatians—it's very difficult, No. 1, to have your pet put down because of illness, and then No. 2, when you're talking to the vet, the vet now explains to you the options, the cost, the bill of having your pet put down, which is done in a very humane way now, much more so than when I was growing up. Often it was someone would just dispose of their animal the best way they could in the most humane way, and it wasn't very nice.

But now there's a different way of doing it. The vet provides you with the bill of putting your animal down. Then they give you some options of: Do you want your animal cremated? How do you want this done? You can pay for the cremation and have it returned to you in an urn, or you can just have the animal cremated and they'll give you, for example, a paw print of your animal, whether it's a cat or dog and so on, and that comes back to you, but I'm saying that the price tag of doing this, it's not cheap.

To have, for example, someone—I use the example of a senior or anyone else that pays this—you're expecting that you're getting that service back and that you're not expecting to go to a crematorium and find hundreds of carcasses lying there. I exaggerate slightly, but a number of carcasses lying there that have never been disposed of, and you don't know if someone took a shovelful of gravel off the driveway and put it in the container and then sent it to you after paying all of this money.

So I want to say to the MLA from Portage la Prairie that all of us appreciate him bringing this forward. It's something that needs to be looked at, but when I say needs to be looked at, I say that also in regard to the comments made by the Member for Emerson, somehow pointing the finger at the MLA for Dauphin, the Minister of Conservation, who has absolutely, within government, taken care of this and this one occasion I refer to. There are many comments from Vicki Burns and others who have

addressed this by saying—who was the director of the Winnipeg Humane Society at the time.

For many, many years, they provided what we presumed to be excellent service. However, in the last few months, we've noticed some real changes in their level of service. This is a quote that was from August 18, 2007. So, with regard to what the MLA from Portage la Prairie, the intent, at least as I see it, is trying to bring this forward because we do have, I believe, around eight pet crematoria in Manitoba. Since this incident, all have been inspected, and there are no significant problems that have been noted. We'll continue to conduct random checks.

As I mentioned, Misty Gardens Domestic Pet Cremation is no longer in operation, and the incinerator used by Domestic Animal Cremation is no longer registered for use and may not be placed into service unless it's upgraded and re-registered. We served the former owner with a fine for what occurred and to help recover the cleanup costs. The problems were not long-standing, only brought to light in mid-August '07.

The whole issue about cremation for pets, that family really consider a family member, and I know some people make light of this, but there are many, many people in this province that have pets and they're the closest to them as many family members. It's a serious issue. It's an issue not only of finances because of the cost of paying for cremation or disposal of a pet that one loves, but also the fact that you want to make sure that a lot of these crematoria, and as I mentioned, I understand there are about eight in Manitoba, that they are acting in an accordance that they're providing a service, and they're expected to do it in a proper way.

Now, with regard to this particular bill, it's something that, as I mentioned, this one occurrence came up, and I know the Province and the different agencies of government have looked into it and have taken care of the situation, and having served notice, of course, to anyone that's in this business that they have to operate in a proper manner.

I know that a number of comments have been made from many members in this Chamber about this particular issue, and it's an issue that, I guess in the scheme of things with regard to different legislation, there are many people that may not view this as a high priority in the sense that why is it even brought here and why are people even talking about such a thing, but I guess I go back to the fact that as MLAs and as the Legislature, there are a lot of issues

that we have to look at that are important to our citizens. There are many, many pet owners in the province of Manitoba, and not only the fact that it's a multibillion dollar industry, not only for pet food and all the services that are provided for animals and pets overall, it's important that we take a look at these issues.

I know the colleagues that have made comments. The Minister of Conservation (Mr. Struthers) made comments with regard to this issue—

The Acting Speaker (Ms. Brick): When the matter is again before the House, the honourable Minister for Infrastructure and Transportation will have one minute remaining.

The time is 11 a.m. and we will now proceed with resolutions.

* (11:00)

RESOLUTIONS

Res. 19—Education Strategy in Manitoba

The Acting Speaker (Ms. Brick): The resolution before us today is Resolution 19, on Education Strategy in Manitoba, sponsored by the honourable Member for Springfield.

Mr. Speaker in the Chair

Mr. Ron Schuler (Springfield): I move, seconded by the honourable Member for Brandon West (Mr. Borotsik),

WHEREAS despite an acknowledgement in 2002 by the Member for Brandon East (Mr. Caldwell) that there was a need to improve student outcomes, the Minister of Education, Citizenship and Youth (Mr. Bjornson) has failed to focus on results and has publicly stated, "in my first four years I've spent more time talking about taxes than the quality of education, and there's something wrong with that"; and

WHEREAS the uncertainty and frustration surrounding the Minister of Education, Citizenship and Youth's Tax Incentive Grant announcement was clear evidence that the minister should have undertaken meaningful discussions with school divisions prior to making the announcement; and

WHEREAS the Minister of Education, Citizenship and Youth imposed a moratorium on school closures while refusing to answer questions regarding where the funding would come from to keep declining enrolment schools open; and

WHEREAS the lack of details surrounding the policy of mandatory physical education and health education in grades 11 and 12 announced by the NDP government left school divisions, teachers, parents and students confused and frustrated; and

WHEREAS in March 2007 the Minister of Education, Citizenship and Youth issued a last-minute directive to several school boards to rewrite their budgets less than a week before the March 15 deadline, demonstrating a lack of respect for the budgetary process; and

WHEREAS the Minister of Education, Citizenship and Youth was aware of the Seven Oaks School Division land development scheme a year before it was made public, yet turned a blind eye and allowed the school division to risk taxpayers' dollars meant for educating children on developing residential property; and

WHEREAS a report by the Auditor General stated that a letter sent by the former CEO of the Teachers' Retirement Allowances Fund to the Minister of Education, Citizenship and Youth regarding a \$10 million investment in the Manitoba Property Fund "received insufficient action on the part of the Minister"; and

WHEREAS the Minister of Education, Citizenship and Youth has repeatedly been heavily criticized by retired teachers, and refuses to support a private member's bill to guarantee the appointment of a retired teacher to the board of the Teachers' Retirement Allowances Fund.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba condemn the Minister of Education, Citizenship and Youth for this criticized approach to the education of Manitoba's children and to important stakeholders in the education system.

Mr. Speaker: It's been moved by the honourable Member for Springfield, seconded by the honourable Member for Brandon West,

WHEREAS—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Schuler: Yes, thank you very much Mr. Speaker, and it's very timely that this particular motion come forward today. We are in the process of debating Bill 45 and over the years we've seen a litany of errors that have transpired under the

leadership of this particular minister, the Member for Gimli (Mr. Bjornson). We've seen a minister who is fairly disengaged, who does not lead his department but chooses rather to follow issues and issues that turn into crisis. I think this motion lists some of the failings of the leadership of the Member for Gimli, the Minister of Education, but there are many others and I'm sure that throughout this debate there will be individuals that will get up and point out difficulties that they've encountered in the education system, and the minister if, at best, will pay lip service, and that's about it. That's about the most we get from this minister.

I point out the land development scheme that took place in the Seven Oaks School Division where many of the Premier's (Mr. Doer) cronies had gotten into this idea that they were going to forgo their responsibility as educators of children and try their hand at land development, and the minister, you know, turned his back on the information—the facts were in front of him—and decided that he would not participate. In fact, his good friend and political soul mate, Ross Eadie, one of the school trustees who, amongst with others, had mass amnesia, if you read the report put forward by the Auditor. They couldn't remember details; neither could the minister seemingly, and the situation spiralled out of control to the point where the only way they could actually save face in this entire scheme was to create two sets of books—something the minister has supported, endorsed, backed up, embraced, held close to him as being something that he thinks we should be doing.

Now I would recommend that after the next election, should the minister no longer be an MLA and he goes back into the classroom and—I understand he was an outstanding teacher—I would ask him, please don't teach future generations that two sets of books are where we want to be going. That's the one thing I would ask him to do. Please don't encourage some more of these Seven Oaks School Division type of land deals. Again, I would point out to the House, Seven Oaks School Division doesn't have property management behind it or land development or any of the other items. But we know that this minister had warning bells rung in his office and decided that he was going to turn a blind eye and walk away from it. He was not going to deal with it, unfortunately to the expense of students, teachers and the taxpayers.

But there was more—whether it was the tax incentive grant scheme that the minister came up with that was at best convoluted, difficult to

understand. In fact those it was supposed to help didn't even have the opportunity to access the money that they were supposed to. It was one of these very poorly thought out ideas, and, again, was poorly led by the minister. He should have been at the forefront of it and it just deteriorated and caused more grief and consternation in the education system and, again, didn't help the educating of students in our province.

Then there was the issue of the declining enrolment schools. The minister, if it was his intention from the start, if he had decided that no schools were going to be closed, he could have gotten up and said, it is the decision of the government, no schools would be closed. Instead, what the minister did is he sat with his hands in his pockets, his head down, looking at his desk, and allowing a storm to swirl around him, and the storm swirled and swirled and swirled. There were public meetings held where parents came forward and were angry and were upset, and committees were struck, and school boards spent hundreds of thousands of dollars to prepare graphs and charts and maps and meetings, and the debate raged back and forth and anguish. At the last, last possible moment, the minister was forced—I suspect more than likely by others in Cabinet, maybe even by the Premier (Mr. Doer)—was forced to actually take some action and deal with the issue, and he got up and he said there will be no school closures other than those that have been closed prior to January.

So that was his announcement. All that money spent could have been saved if the minister would have had the courage, shown the leadership, and would have said that right up front. But, no—no, no, he waited until after the process was through and then, and then he shut down the process. So it's a typical lack of leadership, bungling the issues. Then he got all kinds of heat and pressure and he made it retroactive to all the schools that had been announced closed before January. He shut it all down after more consternation had taken place. Again, it shows an individual, someone who is supposed to lead public opinion, someone who is supposed to lead the department, somebody who is supposed to, if you will, lead the parade, instead we have a minister who spends his entire time running behind the parade, not leading his department, running behind it; not leading on issues, running behind issues.

And Bill 45—again, this is an issue that's built—and I've said to this minister, we agree, it's not an issue that has developed over a year or two or three.

But he's been in a government that's been there for nine years. He's been minister for at least four or five years of that time and knew it was coming, but again waits until it gets to the point where it is in such a crisis. Then, rather than leading on the issue, actually makes the issue worse. Does he bring groups together? Does he try to bring people together and have them work together? No. What he does is a divide and divide approach.

* (11:10)

We have the family, the teaching profession family, which has been in harmony since the beginning of time. Only this minister, the Member for Gimli, this current Minister of Education (Mr. Bjornson), could actually take a group of professional individuals who have been one family since the beginning of time, who have gotten along, who have been seamless—there are retired teachers who have been part of the Manitoba Teachers' Society over the years; they've all worked together. This minister divided the retired teachers and the active teachers and pitted them against each other. What a shameful act to have gone through. I don't think it was by design. I think it was just by a lack of leadership. Again, this was a parade that the minister should have been in front of and not running behind. He should have been leading on this issue.

I said to him in committee—I'd been in other committees with the Member for St. Vital (Ms. Allan), the Minister of Labour, where the architects and engineers were having a tough go at it. I said, Minister, we'll take a break, go into the hallway, see if this can't be resolved. It took about an hour. She saw the wisdom in that advice and did that accordingly.

This minister sat there and allowed the fighting, if you will, to continue. It was very unfortunate to watch. It was really uncomfortable to sit there and see former members of the Manitoba Teachers' Society, a proud organization—to see them fight. It was a lack of leadership, a failure on his part. I recommend to this House that this resolution be passed, that the minister be called to account and that the minister show leadership going forward. Thank you, Mr. Speaker.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): People often asked me what prepared you best for politics, and I said, teaching grade 9. I can see after listening to the member opposite that I haven't been entirely fair to grade 9 students.

Mr. Speaker, this is a rather interesting resolution coming from the proponent, the advocate from members opposite for the education system. I would very gladly like to compare records here.

The other day the members were saying they don't want to rehash the past, we shouldn't rehash the past. But what the member's been doing here is fighting last year's election and rehashing the past on just about every alleged issue that he's raised here. I wouldn't really call them issues. I'll certainly speak to them individually.

If you look at the first suggestion that I mentioned that I was frustrated, that I talked more about education taxes than the quality of education, that's because that's what members opposite asked about. That was all they ever asked about.

Now they haven't been asking about that so much so with the exception of the Member for Brandon East who now has a petition that's come forward. Pardon me, Brandon West.

They haven't asked much about taxes lately. There's probably a good reason for that because, under our stewardship, with our significant investments in education—well, let's go to Brandon. From 1990 to 1999 education taxes went up 66 percent. Since we've been in office, in our tenure, they've gone down 31 percent, in Interlake, 156.5 percent. That's how much they went up in the '90s. How much did it go down? Minus 24.9. Lakeshore School Division, 92.7 percent increase. It's gone down by 11.7 percent. Lord Selkirk, 109.2 percent. It's gone down by 21.9 percent. Some of the overall reductions in education taxes amount to minus 22.3 percent province-wide since we've been in office, compared to a 60 percent increase while the Tories were in office.

Why was that, Mr. Speaker? Why was that? I've got the fiscal environment of school divisions from the Department of Education and Training, Schools Finance Estimate of Expenditures in 1995-96. The bullet says the zero percent announcement follows two years of announced reductions of minus 2 percent for '93-94, minus 2.6 percent for '94-95, for a total reduction of \$34 million.

The reduced workweek legislation, Bill 22, in effect for '93-94, '94-95, has lapsed, but it resulted in savings of approximately \$9.3 million in salary costs. That was savings for the school divisions. That was money out of my pocket as a teacher—one two-hundredths for all 15 days that I was locked out.

The member talked about being divisive. They introduced this bill, Bill 22, that divided the school divisions and the teaching bargaining units. They said, it's up to the school divisions. If you don't think you have the fiscal capacity to manage this year because—by the way, we capped your spending at 2 percent.

They legislated a cap on the ability of school divisions to increase their taxes. So they divided the school divisions by allowing them the choice of locking out teachers and, regrettably, Evergreen School Division, despite having raised their taxes 53.4 percent in the 1990s, still chose to lock teachers out from much-needed professional development.

What could we have done with that professional development? We could have dealt with bullying and violence in the schools but, in the '90s, apparently that wasn't a problem. They ignored that all together. In fact, the Member for Charleswood (Mrs. Driedger) had the nerve to stand up in this Legislature one day and say, there was no bullying in schools until the NDP got in government. She actually said that. That just speaks to how completely out of touch with the entire education system the members opposite were. To make that suggestion is absolutely one of the most ludicrous things I've ever heard in this Chamber, and I've heard many ludicrous things coming from members opposite when they talked about education.

Now, one of the bullets in the member's resolution here also speaks to some last-minute instructions. He talks to some last-minute instructions that I had given the school divisions with regard to their budgets. Quite frankly, for three years I've been telling school divisions that sitting on almost \$85 million to \$90 million in surpluses and raising taxes is not acceptable.

The members opposite are saying, you can't tell school divisions to spend surpluses. Why would you instruct school divisions to do that when all the time, the first four years that I was minister, they were complaining about school taxes? But they seemed to think it was okay for school divisions to run surpluses to that extreme.

Well, if you look at the fiscal environment to school divisions 1995-96, at June 30, 1993, school divisions had \$75.1 million of accumulated surplus. Over the past two years, approximately \$37.6 million of it was used, leaving an estimated accumulated surplus of \$37.5 million at June of 1995.

Ms. Marilyn Brick, Acting Speaker, in the Chair

They didn't tell school divisions to spend their surpluses. They forced them to spend their surpluses because they cut their funding, they capped their ability to tax, and they were cutting funding at minus 2, minus 2.60, \$34 million less in the education budget in a period of three years.

Now he talks about physical education. The member opposite knew that we had a Healthy Kids, Healthy Futures task force and Manitobans said, we need more physical activity for our students in our schools. That's what we did. Are we funding it? Yes, \$2.1 million—\$2.1 million. They'll say, oh, that's not enough, but this is from the party that cut \$34 million from the education system in three years, but \$2.1 million is not enough.

The member opposite talks about—oh, let's see, the teachers' retirement fund which we've been debating in this Chamber for the last few years. I don't need to rehash that history because it is history that has brought us to this point, and the members opposite are suddenly pretending to be the friends of teachers and suggesting that they are the advocates for teachers.

Now what we have done to fix the teachers' pension in Manitoba has been an incredible legacy for this government in terms of, first of all, funding the unfunded liability because, when I was a teacher on the floor of the Teachers' Society convention, I was saying government has to fund the unfunded liability.

When he was a trustee in River East school division, they did nothing to lobby the government to fund the unfunded liability. As Education Minister, I've been part of a government that's put \$1.8 billion to fund the unfunded liability. We've opened up The Teachers' Pensions Act five times. How many times did they open up The Teachers' Pensions Act? Zero—zero—[interjection]—we were fighting for our careers, never mind our pensions at the time, because this was a draconian government in office during the Filmon years. If you look at the fiscal environment of school divisions, as mentioned in the minister's January 16, '95 news release, a review of the collective bargaining process will take place.

Of course, there was Shirley Render and the Member for Pembina (Mr. Dyck) on a commission that was going and looking at teachers' salaries, saying teachers are overpaid; we should cut back their salaries 30 percent.

That was the premise for the beginning of that particular commission. Well, I'm glad we know what happened with that particular commission. At least they didn't go forward with that but, what did they do instead? Bill 72. Stripped teachers of all their collective bargaining rights to a fair process over the course of 40 years. One act of legislation stripped teachers of all their collective bargaining rights, and they're standing on this side of the Chamber saying that they're advocates for education. I hope that, in the future, that we will continue to be the government that supports education, and they will continue to be the opposition who just doesn't get it as far as education is concerned.

* (11:20)

If you want to look at funding, you want to look at what we've done for schools capital. You want to look at all the innovative things that we've been doing in the system. Just last night I was at the homecoming at the University of Manitoba, where Buffy Sainte-Marie spoke very favourably about the work that we've been doing to educate Aboriginal students here in Manitoba. Two weeks ago, I had the opportunity, at the invitation of the Minister of Education in Iceland, to visit Iceland where they said, you're doing amazing things in Canada with your PISA results. In a multicultural society, to achieve what you have achieved, we would like to come and see what you're doing in Canada because of the work that you have done and the results that you produce for an incredibly diverse multicultural society.

We are leaders in education for sustainable development, where the deputy minister has been invited many times to speak at international and national conferences on what we're doing for education in sustainable development. It's not just about recycling; it's about a mindset on how to educate our students for what's best, to be stewards for the environment and for our planet.

We are leaders in civics education here in the province of Manitoba. We are leaders in what we're doing, working in partnership with First Nations communities. We've seen graduation rates increase. We've seen the achievements on the PISA results at or above the Canadian average, and Canada always is in the top five as far as the PISA results are concerned.

We've continued to invest in education. Members opposite considered it an expense—we have to cut \$34 million over the three years to save

money—not thinking about the consequences, not thinking about 242 teachers getting pink slips in one year. How many options did that leave for kids when 242 teachers were let go in one year alone? They thought about the savings of the lockout, meaning that teachers didn't have professional development opportunities to deal with issues. They didn't care about that. It was all about money.

Well, for us, it's about investment. Members opposite don't get it, and they never will. We saw that in the last election, where their priorities were to fund exceptional schools. So, they would have abandoned schools that didn't achieve on testing. They would've abandoned schools that didn't perform, that didn't meet their standards. Well, every child in this province deserves the opportunity to achieve—

The Acting Speaker (Ms. Brick): The honourable minister's time has expired.

Mr. Rick Borotsik (Brandon West): I have to admit I listened with the minister's explanation of the early 1990s and mid-1990s, but a lot of the students that are in the classroom today certainly weren't part of that time frame. We'll talk about the finances. As was indicated by the Member for Springfield (Mr. Schuler), it seems that this minister talks more about taxation and dollars that weren't spent in the early '90s as opposed to what is required now for the educational process of our children today.

When I was in the private sector, on an annual basis we would do performance appraisals. We would have the opportunity of sitting down with staff and going through the job descriptions. You would have the opportunity of setting goals and seeing if those goals were met, and, in some cases, the performance of some individuals didn't match up as to where we would've liked to have seen those individuals during that time period, and we would have the opportunity to sit down and ask the individual just how they saw the next year, the next 12 months, how they were going to rectify some of the shortcomings that that individual had. We would set other goals, and we would go on with the process. Both the employer and the employee would sign off on that performance appraisal. If too many of those performance appraisals ended up in a negative position, then it was necessary that that employee find an alternate career.

I see this resolution put forward as the start of that performance appraisal. The minister didn't talk to a lot of the issues that were identified in this

resolution. The minister was prepared more so to blame a previous government—a previous government, Madam Acting Speaker, that was almost 15 years in the past. It's very easy to point backwards, but not look forwards. As I said, in those performance appraisals, we like to look forward. We like to look at the opportunity of an educational program, of some sort of opportunity to increase their skills in that particular department and the minister didn't talk about any of that.

He didn't look at what he could do better going in the future. There's a couple of areas we'll talk about that are identified in this resolution but it seems that this minister has the affinity to develop what I refer to as knee-jerk policy. It seems that whenever there's some pressure put on him from whichever source—it could be the Premier, it could be his Cabinet, it could be the Manitoba Teachers' Society which he seems to be quite enamoured with—if he gets some feedback from those organizations or those individuals, he seems to just stand up and propose a knee-jerk policy. The knee-jerk policy that obviously affected my community—and he mentioned the Brandon School Division in his dissertation. He talked about how there were cuts to education funding back in the early '90s which, I'm sure if he asked the Finance Minister, who understands finance certainly a lot better than he does, that there was—

An Honourable Member: Hey, this man knows finance, way more than you do.

Mr. Borotsik: All right, I take it back. Maybe he does know. Maybe the Minister of Education (Mr. Bjornson) does know finance better than the Finance Minister, as the Finance Minister suggests.

The thing is, Madam Acting Speaker, back in those days, the early '90s, there was a situation, and I'll say it slowly, a situation called a recession. Not only was there a recession and a ratcheting back of funding, not only from the federal government and equalization at that time, but there was also a downturn in the economy called a recession. There were also interest rates in the area of 10 and 11 percent which certainly impacts the operations of governments.

Now, he didn't mention any of that. He just talked about, wow, there were some cutbacks in education. What he didn't say was there were cutbacks in revenue sources, there were cutbacks in equalization payments. The reason I mention that is it may be a foreshadowing for something to come.

The Education Minister may well want to sit down when he's finished this performance appraisal, look at some of the areas that he may have to attend to in the not-too-distant future and that may well be one of those areas where, in fact, the Finance Minister, if he can't borrow any more money—which, he loves to borrow money—if he can't borrow any more money there just may have to be some efficiencies within departments. I would suspect that his department would be looked at for some of those efficiencies.

That speaks to the early '90s, and I don't believe that the minister should continue to harp back on the '90s but look forward, look at where he's going. So this knee-jerk policy, Madam Acting Speaker, and not that long ago actually, in this budget year, out of the blue came a suggestion that there was going to be this wonderful tax-incentive plan that the minister was going to put forward to school divisions. Now, what it was going attempt to do, he was going to put a pool of money available to school divisions and divide that money on a per capita basis, and those school divisions were going to be able to attach themselves to this tax-incentive fund with the understanding that they wouldn't go back to the taxpayers of their municipalities and raise their special levy.

Now unfortunately, some of the school divisions had budgets that were beyond what the tax-incentive fund was going to pay for, budgets that were being impacted by increases in operating costs, whether they be teachers' salaries, whether they be energy costs to make sure that the schools were warm and cool. They were energy costs for the bussing programs. But the minister didn't care about. He just simply said, we're going to put this funding pool out there and if you don't take the funding pool, then it's your fault, school division, and municipalities should hold them accountable.

Well, he talked about the reduction in education funding back in the early '90s. What he didn't say at this point, Madam Acting Speaker, that, in my community, the city of Brandon, the Brandon School Division did not take him up on his knee-jerk policy because they had to increase their costs by 6.9 percent to the citizens of the city of Brandon. You know what? The citizens of the city of Brandon accepted that with the understanding of the situation and the problem. Then they said, but the minister should be funding that 6.9 percent if, in fact, he's honestly concerned about the operations of the Brandon School Division.

* (11:30)

We needed more teachers for English as an alternative language, Madam Acting Speaker, because we have a very—I won't say it's not a problem; it's a challenge. My community now has embraced multiculturalism. We have a number of new citizens moving into my community and that's a positive thing. We're very happy to see that. But what we need is we need English as an alternative language training for them. We recognize that. We know that you just can't throw a child into a classroom when he speaks Romanian or Ukrainian or Mexican or Spanish. We know that you can't throw a child into a classroom without special training.

But did the minister take that into consideration? Not at all. He said, what's good for one is good for all. But there are different circumstances in different locations. So this knee-jerk policy of this minister didn't work, not only for Brandon, for a number of school divisions. I can't recall the number offhand, but I think it's about 40 percent of the school divisions didn't take the minister up on this knee-jerk policy of his. So the funding didn't work, Madam Acting Speaker.

It seems my time has gone so quickly and I haven't even got to the other issues of incompetency within the department. But I would ask, if nothing else, that the minister, please, sit down and look at his deficiencies. Look at where he can do things better. Don't just simply wake up one morning, and say, well, I think I'll just put this policy into place and school divisions will have to deal with it.

The mandatory physical education has affected my community and my school division, and we can't react to it on an ad hoc basis. Madam Acting Speaker, he can't come and say the day after you've tabled your budget, go back to the table and use your surpluses instead of going to the public and raising the taxes. He can't do that the day after you've tabled the budget. He has to think out these policies and he has to realize that everything he does affects the school division. But, ultimately, ultimately it affects the children, it affects the students, and the minister doesn't realize that. He would much rather put his allegiance with MTS than with the students of our communities. Thank you.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): I'm very pleased that the former speaker was able to actually talk about kids at the last moments in his speech. I noticed that the member prior to that from the

opposition actually almost mentioned children, too, because I think the difference between the members opposite and this government is that we actually put students and children first.

I think what happens is when you're looking at the former government, and when we talk about history, I find it interesting why the members always say, we don't want to talk about history. In fact, it was rather passing strange how the Member for Russell (Mr. Derkach) actually wanted to remove history as a course. They wanted to remove history as a course because, as we've said, those who forget history are doomed to repeat it, and those members often want to forget history because past history reflects what's going to happen in the future. When you look at the Tory record on education, that is a very dismal past, that was dark days, a sad reminder of what can happen to kids, what can happen to teachers, and what can happen to parents when somebody doesn't understand; fundamentally, we need to invest in children, we need to invest in our future, and education truly is our future.

So I look at the consensus that was made in the Tories: the removal of professional development days, the forced lockout of teachers, the dropping of special needs funding, the dropping of literacy funding, the dropping of training and education. Those are sad days, and I'm sad that I was part of the profession when a former minister that I was happy to run against and succeed against made huge cuts to the education system.

I know that the members opposite consider themselves huge favourites of teachers. But those people who worked in the system, who knew that they were unilaterally rolled back of collective agreements, were upset. So I look at knee-jerk reactions. Knee-jerk reactions that my colleague the Minister of Education's done, like listening to parents. What a knee-jerk reaction.

Other knee-jerk reactions: Listening to communities to say, should we keep schools open? I find it strange that the Conservative Party of Manitoba is in favour of closing small schools, rural schools and community schools. We believe that it's important to keep schools open to make sure that the community asset paid by taxpayers' money can be used by other taxpayer functions, such as day cares, seniors centres, activity centres. This makes sense. In an area like St. James-Assiniboia, which I'm proud to represent, what's happened is that we've had a decline of population in the schools from about

22,000 to about 8,500. So we have a lot of empty schools. But the nice part is that people are moving into Manitoba. People are moving into St. James-Assiniboia, and what's happening is the numbers are coming up. So, it makes no economic sense to close down the schools, get rid of the property when we know that the student population's bottomed out and is starting to increase.

So it makes sense to take a school like Ness school, which has got too few students right now to convert it and have a day care for awhile or maybe a senior centre. Use the facility, and when the numbers come up, then use it again as a school. It's just simple common sense which might be lacking elsewhere, but not with this Minister of Education. I trust his common sense.

Number two, we talk about taxation. I knew when I was in the system, I did not have to know that the Conservative government—what their policy was to education. I knew that there would be cuts every single year. The trustees knew that there would be cuts every year. We knew that we were on the defensive.

In ours, I have to know that we do have a little bit of surprise. It's a surprise of how much money that we're giving to schools as an increase, how much we've increased in special needs funding, how much we've increased for small school programs, how much we've increased as far as English as an additional language. That's nice because it's a pleasant increase. It's not a decrease as was faced.

So when you're talking about commitments, and we don't even have to go into history, you can go into very, very short time ago in the 2007 election, Mr. McFadyen, the leader—oh, sorry, the Leader of the Opposition—I apologize for that and retract it—made no commitment to increase funding of education. He said he thinks the education budget won't have to increase much because enrolment numbers are flat or decreasing. That was contrary to what the member for Brandon said or the Member for Springfield (Mr. Schuler) said. That was put in the paper on *Winnipeg Free Press*, May 16, 2007. So they have committed to flat money for the education system. So never mind the increases, they're talking about decreases.

I'd like to also note that in the whole 1990 to 1999, taxes in St. James-Assiniboia went up 47.2 percent, 47.2 percent increase in taxation on average; 1999 to 2008, under our leadership of the NDP government, the taxes have gone down on average

11.2 percent. That's better. We've implemented on keeping schools open. We are using schools for community use. We're going to decrease transportation times for students.

So those are things that are good, and I'm surprised the members opposite don't understand that keeping schools open for local kids is good, where kids can walk to and from school, where community uses are used for schools for something that all taxpayers invested in, and for decreasing transportation times. That's what's happened under our Minister of Education. I'm proud of those things.

I was surprised that the members opposite are fighting to close rural and small schools. I think it's silly. I also think that it's silly that they want to make sure that there's less money for schools. We don't want to keep up to inflation. That's what they say. They do not want to keep up to inflation. We have funded schools at or above inflation.

*(11:40)

I look at how we want to work with groups. We have continually worked with parent councils. We have continually worked with student groups, et cetera. I think it's very scary when the Member for Brandon, just prior to me, was condemning not only the Minister of Education (Mr. Bjornson) but in fact the Department of Education staff. I've had the privilege of working with them in 18 years as an educator and educational administrator and I believe that they're professional. I believe they work very, very hard for the benefit of the future and that's very, very important.

Now when we start talking about other differences between us, in our Minister of Education and the previous governments, I look at literacy. It's a field that I believe we need to focus on. Early childhood literacy, basic literacy and making sure people are educated. I actually have to compliment the federal Liberal government by actually funding literacy nationally through the National Literacy Secretariat. It was a huge step and I think it was the right step and I applaud them, but I find it scary that under a Conservative government the funding was actually cut.

I think when you talk about family literacy, children's literacy, early literacy, that's where you build the foundation. Early reading programs are essential. Family literacy is essential, and that's where this minister of Education has grown and I think it's really important.

Then finally I start talking about TRAF. As a former teacher, I look at TRAF where contributions weren't made; the money from the deficit wasn't put in. I think what we need to do is continue to do fiscally appropriate things. I can't believe the members opposite ignored recommendations to fund the liability. This is money you owed to teachers, and they did nothing. We need to continue to fund the liability. We need to continue to make sure real money is there and we need to make sure that our obligation to teachers and students and parents is adhered to.

I applaud the Minister of Education for doing that because, under your jurisdiction, nothing happened. There was no consensus or consultation or plan. We have a plan to invest in the future and I'm proud of our accomplishments so far. Thank you.

Mr. Peter Dyck (Pembina): Thank you very much, Madam Acting Speaker, for the opportunity to put a few comments on record and I want to thank the honourable Member for Springfield (Mr. Schuler) for bringing forward this resolution.

I was listening to both ministers making comments, and it was interesting how they were talking about putting children first. I would submit to you that actions speak louder than words. I'm going to put a few statistics on record as to what's taking place within the area that I represent.

Now talk about putting children first or, as the Member for Springfield was mentioning, the lack of leadership when you have information in front of you. I'm not going to live in the past, go back to the '90s. I know that's all the ministers would like to do here. Let's look at some of the present things that are happening.

Statistic, fact: Garden Valley School Division in 2005, they had an increase in growth of 5.5 percent; '06, 5.2 percent; '07, 5.8 percent; '08 now, we have 8.7 percent. Now to me when I look at statistics like that—and I can do the same to go back to '04 and '03—I would say that there is a very definite trend.

Madam Acting Speaker, this very definite trend—and when you want to talk about a lack of leadership and looking forward, we now have 1,100 students in huts. The minister has known that we have the needs out there and I know that there are all kinds of words about extra facilities that we're going to be receiving, but nothing is taking place. I mean, this is all words. This is no action yet.

So here we have a minister who says that he's putting children first, so he's subjecting our students—and I just talked to the superintendent this morning, and the girls are literally going home for a washroom break because they can't wait in line long enough to go to the washroom. This is in our high school.

Now this is something that our minister obviously thinks is acceptable, but this is what you call real forward planning. I go back: '05, 5.5 percent; '06, 5.2 percent; '07, 5.8 percent—*[interjection]*—and then add to this the compulsory phys ed which students in grades 11 and 12 are required to take.

Now, is this forward thinking? Is this forward planning—*[interjection]*—the minister says, yes, it is. Well I'm sorry, but we've got 42 huts in Garden Valley School Division and these kids are in the huts. They don't have access to washrooms. They're going home, because they can't find a washroom that they need.

An Honourable Member: He's talking to them today.

Mr. Dyck: Well, that's wonderful. I'm glad. I'm hoping something will happen. The surprise to this whole thing was that the division, the superintendent, and they did all their studies. They had thought that, you know, we'll proceed, and we're going to estimate that we're going to have 200 extra students coming September 1. Well, in fact, they had 325 extra students. They're looking at another hundred coming within the next few months.

Now, I go back again, putting children first. The minister was up saying he's putting the children first, but this is what our students are subjected to. While I can appreciate the challenge that the minister has, the department has, we do have a critical need in southern Manitoba. I'm not sure either whether he has taken the references that the Premier has made about, well, really, we shouldn't be spending all that money, infrastructure money, in southern Manitoba. I'm sorry, but we do have needs there as well. I'm not saying that the infrastructure dollars shouldn't be spread throughout the province, but we do have needs in southern Manitoba, whether they are in education facilities, whether they are in highways, whether they are in health care.

It's an area that's growing. We've seen this taking place for the last number of years. The stats are out there. The data is there. Yet we have a government in place that just seems to close their eyes and say, oh, I

guess really nothing is happening; please proceed on your own; and we just cannot function that way.

I see the Minister of Conservation (Mr. Struthers) is here. I find it interesting that the city, or the Pembina Valley Water Co-op was looking for water so they were denied the water from the Sandilands, but it's okay to put a pipe through the aquifer. I just find this very interesting that on environmental reasons, one is disallowed; the other is allowed.

Anyway, we have a real concern in southern Manitoba with issues and because we're debating the issue, the resolution today on education, I again want to re-emphasize the fact that we have huge needs out there. The board, the superintendent, and administration staff don't know what to do. They don't know where to put the students, and so, yes, the minister can say that the department is looking at it. I'm glad they are. I hope that they can do something very quickly but the students are there.

So again, like I say, what we are doing is we are forcing students to go to private schools. We're forcing—and I don't have a problem with private schools but they are coming up. We're forcing children to go to home schooling because they don't have accommodation within the public school system. I would encourage the minister to continue to look at the needs in Garden Valley School Division. I'll bet you Western School Division, it's the same problem we have out there. It's just that right now the real, real issue is in Garden Valley, but Western School Division, which is just west, which is in the Morden area, is experiencing the same problems.

So let's be proactive. Let's be up front rather than, as the Member for Springfield (Mr. Schuler) was saying, the lack of leadership that we see within this government, within the department. I'm not sure where I can put the blame. Maybe it's the Premier (Mr. Doer) who's the one who's not allowing these things to take place. I'm not sure, but whatever it is, there is a lack of leadership somewhere because the stats are there. We've seen this for years. Year after year after year we see the increases taking place and so please do something. With those few comments, Madam Acting Speaker, I rest my case.

The Acting Speaker (Ms. Brick): Prior to recognizing the next member, I would like to remind all members that making reference to the absence or presence of members in the Chamber is not acceptable practice.

Hon. Jon Gerrard (River Heights): I'd like to begin by acknowledging that in some areas of education there have been improvements under the NDP compared to the terrible days under the Tories, but I want to say that, you know, we've gone from here up to about here. We're going to need a Liberal government to take us where we really need to be.

* (11:50)

I'm pleased to see that the minister is following our leadership. We have a bill which we put on the Order Paper right at the beginning of the session to ban smoking on school grounds and I see that the minister has moved to ban smoking, so we don't need the bill because the minister recognized that we were ready to do it and he needed to follow what we're doing so, good move, Minister, following Liberal leadership and that's great.

Mr. Speaker in the Chair

At the same time, I think it is important to recognize that there are some significant problems. In fact, the Member for Springfield (Mr. Schuler) has listed a long, long list of problems in education over the last little while. You know, I recall that when the Minister of Education (Mr. Bjornson) was a teacher, that he used to practise a situation in the First World War where he would dig trenches and get very defensive and he would have students learn how digging these trenches was not only difficult underground, but it was sort of uncomfortable and unhealthy, and really not a very good place to be. With all the problems that we're seeing at the moment in education, what I'm seeing is that the minister is taking up where he left off as a teacher and he's starting to dig lots of trenches and things are getting a little more uncomfortable and a little more unhealthy, so I'm just watching to see what happens in this interesting environment as the minister becomes more and more defensive and digs more and more trenches as a minister.

Those are my comments, Mr. Speaker.

Mr. Larry Maguire (Arthur-Virden): It's my privilege as well to speak to the fine motion put forward by the Member for Springfield (Mr. Schuler) today and seconded by the Member for Brandon West (Mr. Borotsik). I just wanted to make sure that—I believe that the Minister of Energy and Mines there today when he was talking about lack of support from the Brandon MLA, was referring to the Member for Brandon East. I wasn't just sure. He can clarify that, but I wanted to say, Mr. Speaker—of

course, and he would know because he was a former Education Minister when he was first elected. One of the things that struck me very succinctly, and I mentioned it in a debate in the House on Bill 45 the other day, was the minister's lack of willingness to accept what he's been responsible for and that is Bill 45, and a number of other items that have listed under this private member's resolution.

Mr. Speaker, dealing with education strategy in Manitoba. You know, the responsibility that I referred to, and I mentioned it the other day, is that I can't be responsible for what happened in the Legislature prior to my election in 1999 any more than I would expect the minister to be responsible for things that happened before he came in, in 2003. I believe that was the year that he came in, and so I understand that he might be a little bit edgy. He keeps wanting to refer to something we didn't have any control about, most of us in this House at least today, anyway, and so he's making policy today and he's very reluctant to take responsibility for it.

When things go awry—and he certainly has caused a great divide in the, between the various sectors of the education system in Manitoba today, you know, and that has to be reflected upon students, Mr. Speaker. I've heard some discussion from the members of the government side talking about schools and the responsibilities to students, and I certainly know that first-hand, having had a family member that was very involved with school divisions in Manitoba at one time. It's a circumstance where children have to take a priority and yet the government has only so many dollars to do it. I'll be the first one to acknowledge that. However, I believe that when the minister's talking about a lack of funds and the previous government was responsible in regard to management of the dollars that they had, he fails to remember that his own Premier stood in the House the other day and said that, during the '90s, the federal Liberal government cut \$245 million out of the Manitoba budget in transfer payments.

You know, we'd all like to have euphoria, Mr. Speaker, and provide everything we possibly can. I mean, I'm sure that there's no household, there's no father or mother in Canada that wouldn't want the very best and the ultimate for their children as they're growing up. But, Mr. Speaker, we have to live within our household budgets, and so we can't provide everything that we would like to for all of our children all of the time in our households. Yet, we've got a minister here who—and I respect the fact that his background was teaching history, so he of all

people should know the funding system and situations in regard to the cutbacks that forced previous governments to make some of the decisions that they did.

Certainly, he should listen to his own Premier (Mr. Doer) who has, on a number of occasions, used that \$245-million number to chastise members in the House in regard to why decisions had to be taken that weren't sometimes popular in those days.

But this minister's working in a time when he's had a plethora of money thrown at him from Ottawa in regard to transfer payments. If he's not effective enough at getting some of those dollars into his department from the Minister of Finance (Mr. Selinger) and the Premier, that's not my fault, Mr. Speaker, as a member of the opposition. It's not the members for Springfield or Brandon West's fault; it's his fault. He should take responsibility for that action.

Mr. Speaker, certainly the Member for Pembina (Mr. Dyck) has just pointed out the needs in his region, as well. I certainly have, as well, a number of small schools in my region. I understand the need to make sure that we keep educating those opportunities for those children, providing them with distance education which was developed by a teacher from Wawanesa School at one point in Manitoba, a leader in that area. I know him very well. It's an opportunity to expand that because it's been over a decade, much more than that now it's been available. Many of our schools still don't have some of those opportunities that perhaps some regions of Manitoba take for granted.

Mr. Speaker, this bill talks about a whole host of areas that this minister has basically provided—a harsh word might be incompetency—but when you look at a situation that took place in Seven Oaks School Division where there was a land development scheme that he knew about a year before it became public, had to be brought up by the opposition, he turned a blind eye to that whole process, as it states in the resolution.

Mr. Speaker, the Auditor General's letter sent to the former CEO of the Teachers' Retirement Allowances Fund to the minister received insufficient action on the part of the minister regarding a \$10-million investment in the Manitoba Property Fund. These are situations that it just shows that this minister hasn't got a handle on what's taking part in his responsibility.

I understand why his colleagues wouldn't want to condemn him publicly by voting for this bill in the House today, but Manitobans are and Manitoba teachers are as well. One particular group is the retired teachers of Manitoba and that's where I say that the minister can't be responsible for things that were here before he came in; I can't either. But we can certainly try to make things better, and this minister hasn't done that. He's broken down relationships in a guillotine approach between Manitoba school teachers, between retired school teachers, between trustees across the province, between citizens in different communities, and he has just put roadblocks in place in many, many areas.

Mr. Speaker, of what I speak in regard to the retired teachers, and I said the other day in my debate, you've got to be kidding, when you won't even vote to have a retired teacher put on the board of the Teachers' Retirement Allowances Fund. What greater democracy could you offer the retired teachers in Manitoba than actually having somebody sit on the board that would allow them to at least feel that they were part of the decision-making process when it comes to their retirement allowance funds?

Mr. Speaker, I know that the last minute directives that the minister directed in March of 2007 to school boards across Manitoba—

Mr. Speaker: Order.

When this matter is again before the House, the honourable member will have one minute remaining.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2008

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