

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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

Vol. LVII No. 50 - 1:30 p.m., Tuesday, April 18, 2006

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 18, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

PETITIONS

Funding for New Cancer Drugs

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

These are the reasons for this petition:

Cancer is one of the leading causes of death of Manitobans.

Families are often forced to watch their loved ones suffer the devastating consequences of this disease for long periods of time.

New drugs such as Erbitux, Avastin, Zevalin, Rituxan, Herceptin and Eloxatin have been found to work well and offer new hope to those suffering from various forms of cancer.

Unfortunately, these innovative new treatments are often costly and remain unfunded under Manitoba's provincial health care system.

Consequently, patients and their families are often forced to make the difficult choice between paying for the treatment themselves or going without.

CancerCare Manitoba has asked for an additional \$12 million for its budget to help provide these leading-edge treatments and drugs for Manitobans.

Several other provinces have already approved these drugs and are providing them to their residents at present time.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba and the Minister of Health (Mr. Sale) to consider providing CancerCare Manitoba with the appropriate funding necessary so they may provide leading-edge care for patients in the same manner as other provinces.

To request the Premier of Manitoba and the Minister of Health to consider accelerating the

process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible.

This petition is signed by Tara Ricard, Donna Wishnowski, Michael Coodin and many others.

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

* (13:35)

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

These are the reasons for this petition:

Cancer is one of the leading causes of death of Manitobans.

Families are often forced to watch their loved ones suffer the devastating consequences of the disease for long periods of time.

New drugs such as Erbitux, Avastin, Zevalin, Rituxan, Herceptin and Eloxatin have been found to work well and offer new hope to those suffering from various forms of cancer.

Unfortunately, these innovative new treatments are often costly and remain unfunded under Manitoba's provincial health care system.

Consequently, patients and their families are often forced to make the difficult choice between paying for the treatment themselves or going without.

CancerCare Manitoba has asked for an additional \$12 million for its budget to help provide these leading-edge treatments and drugs for Manitobans.

Several other provinces have already approved these drugs and are providing them to their residents at present time.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba and the Minister of Health (Mr. Sale) to consider providing CancerCare Manitoba with the appropriate funding necessary so they may provide leading-edge

care for patients in the same manner as other provinces.

To request the Premier of Manitoba and the Minister of Health to consider accelerating the process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible.

This petition is signed by Joy MacKenzie, Brittany Lynn, S. Deminiac and many, many others.

Crocus Investment Fund

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Auditor General's *Examination of the Crocus Investment Fund* indicated that as early as 2001, the government was made aware of red flags at the Crocus Investment Fund.

In 2001, Industry, Economic Development and Mines officials stated long-term plans at the Crocus Investment Fund requiring policy changes by the government were cleared by someone in "higher authority," indicating political interference at the highest level.

In 2002, an official from the Department of Finance suggested that Crocus Investment Fund's continuing requests for legislative amendments may be a sign of management issues and that an independent review of Crocus Investment Fund's operations may be in order.

Industry, Economic Development and Mines officials indicated that several requests had been made for a copy of Crocus Investment Fund's business plan, but that Crocus Investment Fund never complied with the requests.

Manitoba's Auditor General stated, "We believe the department was aware of red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government ignoring the red flags, more than 33,000 Crocus investors have lost more than \$60 million.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the red flags.

The people of Manitoba want to know what occurred within the NDP government regarding

Crocus, who is responsible and what needs to be done so this does not happen again.

We petition the Legislative Assembly of Manitoba as follows:

To strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal.

Signed by Susan Brennand, Bob Brennand, Grant Nordman and many, many others.

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

These are the reasons for this petition:

The Auditor General's *Examination of the Crocus Investment Fund* indicated that as early as 2001, the government was made aware of red flags at the Crocus Investment Fund.

In 2001, Industry, Economic Development and Mines officials stated long-term plans at the Crocus Investment Fund requiring policy changes by the government were cleared by someone in "higher authority," indicating political interference at the highest level.

In 2002, an official from the Department of Finance suggested that Crocus Investment Fund's continuing requests for legislative amendments may be a sign of management issues and that an independent review of Crocus Investment Fund's operations may be in order.

Industry, Economic Development and Mines officials indicated that several requests had been made for a copy of Crocus Investment Fund's business plan, but that Crocus Investment Fund never complied with the requests.

Manitoba's Auditor General stated, "We believe the department was aware of red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government ignoring the red flags, more than 33,000 Crocus investors have lost more than \$60 million.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the red flags.

The people of Manitoba want to know what occurred within the NDP government regarding

Crocus, who is responsible and what needs to be done so this does not happen again.

We petition the Legislative Assembly of Manitoba as follows:

To strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal.

Signed by Peter Wintemute, H. Jaeger, Gord Holmes and many others.

Civil Service Employees–Neepawa

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I wish to present the following petition to the Legislature Assembly.

These are the reasons for the petition:

Eleven immediate positions with Manitoba Conservation Lands Branch, as of April 1, 2006, Crown Lands and Property Special Operating Agency are being moved out of Neepawa.

Removal of these positions will severely impact the local economy with potentially 33 adults and children leaving the community.

Removal of these positions will be detrimental to revitalizing the rural and surrounding communities of Neepawa.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology as the Land Management Services existing satellite sub-office in Dauphin in order to maintain these positions in their existing location.

Signed by Richard Kulbacki, Mary Kulbacki and Marj Drayson.

* (13:40)

Crocus Investment Fund

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

The background to this petition is as follows:

The Manitoba government was made aware of serious problems involving the Crocus Fund back in 2001.

Manitoba's provincial auditor stated "We believe the department was aware of red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government not acting on what it knew, over 33,000 Crocus investors have lost tens of millions of dollars.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the red flags.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the government did not act on fixing the Crocus Fund back in 2001.

To urge the Premier and his government to cooperate in making public what really happened.

Signed by M. Shead, G. Alleyn, L. Turgeon and many, many others.

MINISTERIAL STATEMENTS

Flood Conditions

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I am pleased to update members of the House in terms of flood conditions as of April 18, 2006. Manitoba continues to experience the fifth-worst flooding in a century. There is a 15-kilometre lake moving north across the Red River Valley. We have seen flooding across the province from the Parklands to The Pas to Peguis and along the Red River Valley. In all of the province, however, we have had only one home evacuated and that was in the R.M. of Ritchot.

Municipal and provincial officials have been working closely together. Provincial officials have been on the ground flood fighting and in constant contact with municipalities who are indeed on the front line. Officials are doing an excellent job in the face of serious challenges. They are working tirelessly and diligently, and we respect and support their work. The investments we have seen since 1997 have been extremely successful to date in protecting Manitoba's homes and towns. That said, there continues to be a lot of agricultural lands under water as well as damage to roads and infrastructure, and we are most definitely not out of the woods yet.

This past weekend we have closely monitored areas near Gretna at the border. There was a flash

flood watch issued for Riding and Duck mountains. Updated weather forecasts indicate the storm system over the Dakotas in the United States will bring only light rain to the Red River Valley, and indeed that is good news.

Areas west of Brandon, from the U.S. boundary to Swan River, could still receive heavy rain, however. Environment Canada is predicting 40 to 50 millimetres of rain in the western regions of Manitoba with up to a 70-millimetre rainfall in the higher grounds of the Riding and Duck mountains. Most of this rain is expected to fall today, and we are waiting for updated forecasts on that within the next half an hour or an hour.

The good news is that the Red River is now very near its crest at all Manitoba points. Only minor additional rises of less than a quarter of a foot are expected from Morris to Ste. Agathe. The Red River level in downtown Winnipeg this morning was 18.25 feet at 6:20 a.m. The flow in the Red River Floodway is close to 32,800 cubic feet per second while the flow upstream of the floodway inlet was close to 77,300 CFS.

Due to the rains, we are closely monitoring areas in western Manitoba near the Whitemud, Neepawa, Keyes and Gladstone and at the Woodside area where flooding may be extended if the rain falls as expected.

Levels of the Saskatchewan River in The Pas continue to be closely monitored, as the levels will begin to rise later this week due to increased flows coming from the province of Saskatchewan, compounded by anticipated runoff from rain.

A second crest may occur at Swan River as a result of the rain, but is unlikely to exceed that of last week. At this time, we have 20 highway road closures and three cautions across the province. We continue to work around the clock with many efforts around the province related to flood fighting and closely monitoring the situation with the flooding in the spring of 2006. Thank you, Mr. Speaker.

*(13:45)

Mr. Jack Penner (Emerson): Mr. Speaker, we thank the minister for the statement this morning. Having driven the Red River Valley this morning from Emerson and checking the water levels at Emerson, I believe, at Emerson the levels were down by about two inches from last week, Friday. In large part, it is because of the Pembina River and the impact of the Pembina River. The large flow is

coming down the Pembina River, somewhat unexpected, by the way. I think clearly it is an indication of how important it is to have pre-warning systems in place to ensure that proper measurements of snow depths and snow water content in snow are measured properly during the winter months that give the forecasters a better base to work from.

I think it is also important to note the tremendous job that our highways people are doing, all the people, the government staff that I have met with from time to time in various communities, and the work that they are doing to ensure those communities that are behind those dikes and dams that were built between 1990 and reconstructed between 1997 and 1999. Those two years saw huge amounts of construction go on in the dikes to raise them to levels that would ensure that protection would be given to two feet above 1997. I want to also indicate that all the municipal people and the municipal organizations that have been structured to be in place when these kinds of disasters are happening are working and they are working well. I congratulate every municipal official that has been part of that organization of that kind of disaster response.

It is also important to note that at the Pembina River where the flooding is very intense on the U.S. side, there is a road that was constructed during the early 1940s between Manitoba and the U.S. That road has, in large part, held and not been exceeded by flood waters, although it came within two inches in many places. This morning there was a breach of about four miles wide between Emerson and the community of Halbstadt. Road 243, which is the first road north of the U.S. border, was being breached as I drove across it. The water was starting to come across, and I think we will have large amounts of water coming across which will lead to flooding in that Halbstadt, Aux Marais area and will bring high water levels to communities such as Letellier as well.

I think, clearly, it is an indication that much work needs to be done in a more co-operative effort between the U.S. and ourselves in Canada. I also want to thank the Premier for coming out to Emerson and other communities to take a look for himself because it is important that the Premier, the head of government, knows what is going on. So I thank him for that.

Hon. Jon Gerrard (River Heights): I ask leave to speak to the minister's statement.

Mr. Speaker: Does the honourable member have leave? *[Agreed]*

* (13:50)

Mr. Gerrard: Mr. Speaker, I speak, in following my colleagues, to the concerns and flooding in various parts of Manitoba. I want, first of all, to recognize all those who have put in so many hours to protect people in Manitoba, whether they are working or whether as volunteers. It has been a tremendous effort, and so I want to say from our party and from us collectively thank you to all Manitobans who have done so much.

I would make a couple of observations. First, when I was visiting many communities in the fall, in November of 1999, there were still many where the dikes had not yet started so that there was considerable construction which continued after 1999 for the next couple of years before this was completed, but clearly those dikes have been very important and have been very helpful this time around.

I would support the MLA for Emerson (Mr. Penner) in the long-run concerns about the border situation and that we need some resolution to that. I would also ask the government to pay particular attention to the situation at OCN. I know there were some delays in getting equipment there and that they have been—

An Honourable Member: Our ice breaker is there.

Mr. Gerrard: There were delays in getting the automated sandbagging equipment there. The fact of the matter is that there also needs for OCN, as in the Red River Valley, to be a long-term dike protecting the community. I would ask the government to have a serious look at this and make sure communities in the North are protected as those are in the south. Mr. Speaker, those are my comments and thank you.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of honourable members to the public gallery where we have with us from Rockwood School 27 Grades 4 and 5 students under the direction of Ms. Joelle Brown and Ms. Julie Alfred. This school is located in the constituency of the honourable Minister of Advanced Education and Training (Ms. McGifford).

Also in the public gallery we have from Sisler High 15 Grade 11 History students under the direction of Mr. Bromley Basford. This school is

located in the constituency of the honourable Member for Burrows (Mr. Martindale).

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

ORAL QUESTIONS

Devils Lake Outlet Filtration System Installation

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, the Minister of Water Stewardship (Mr. Ashton) stated on March 29, 2004, and I will quote: Manitoba has pursued diplomatic options to raise our concerns with the Devils Lake project, but all of these have been ignored by North Dakota. As a result, Manitoba has a responsibility to challenge this project to protect the interests of our citizens.

The minister then went on to say and again I quote, "Manitoba firmly believes the Devils Lake outlet project would violate the Boundary Waters Treaty of 1909. If the project is completed without challenge, this could set a serious precedent for Manitoba and many other Canadian and U.S. jurisdictions."

Now the Premier, Mr. Speaker, is stating that it is the responsibility of the federal government to ensure that a filtration system is installed prior to the opening of Devils Lake outlet and that his NDP government can now absolve itself of any of the construction.

Why is this Premier backing off on this fight? Is he afraid of losing, and his only recourse now is to push the matter on to the federal government and wash his hands of the matter? Why is he afraid of losing?

Hon. Gary Doer (Premier): Mr. Speaker, Manitoba did initiate two court actions with North Dakota. Manitoba initiated two court actions in United States, one at the federal level in opposition to the NAWS project that would propose to move water from the Missouri River system through to the Souris River through a water project in Minot. We were successful and we won that court case. Just last month, and we should be pleased about this, the U.S. federal government has dropped an appeal of that case.

Number two, we took the case of North Dakota, the unilateral building of an inlet and an outlet to Devils Lake, which also represented a threat with the transfer of the Missouri River water to Manitoba, we

took that case to a United States court. We were not able to get standing in Washington, which we thought would be more objective. We were able to take the case forward in North Dakota. Unfortunately, we did not win. So the cases were proceeded with.

I would point out to the members opposite that the document was signed between Canada and United States last summer, and the wording clearly indicates that as I indicated in the House last week.

*(13:55)

Mr. Murray: Well, this Premier has indicated that the filtration system for protecting Manitoba's water resources is still in the design stages. Yet, Mr. Speaker, we know that on May 1, it is fast approaching, and the need for that water filtration system is important because water is going to flow into Manitoba starting May 1. The Premier has insisted that Devils Lake water is a hazard to Manitoba's environment.

Mr. Speaker, we all know in Manitoba that water has already flowed from Devils Lake, but we understand and we have received no assurances that it has not contaminated our water with foreign biota that the Premier has insisted is in Devils Lake water. This NDP government has insisted that they have extensive tests conducted for as long as 20 days.

Will the Premier today table the results of the testing on Devils Lake indicating that the water is dangerous to Manitoba's aquatic ecosystem?

Mr. Doer: I would point out that the wording in the agreement is between Canada and United States. The press release that was issued—*[interjection]*

Mr. Speaker: Order.

Mr. Doer: Well, the Member for Arthur-Virden (Mr. Maguire) heckles, but he would note that the water that would be transferred into his constituency via the Missouri River and the Souris River, that project has been won in court, very important for Manitoba.

Mr. Speaker, the issue of Devils Lake, the agreement states that Canada and United States will design and construct an advance filter system. The press release issued at the time of the agreement has Ambassador Wilkins from United States saying this is a triumph of diplomacy in environmental protection between Canada and United States, and it further has Stéphane Dion saying that this is a positive development for the environment of Canada and

United States. That is very consistent with the wording of the agreement.

On the issue of the testing, we would point out, and also in that agreement, by the way, there is no inlet from the Missouri River which is where we know the majority, when dealing with Garrison or NAWWS or the North Dakota state water act, we know the Missouri River has foreign and alien species to the Lake Winnipeg system. In terms of Devils Lake, there are two parasites and two algae that are not common to Lake Winnipeg or not found in Lake Winnipeg. I would ask the Minister of Water Stewardship (Mr. Ashton) to table that, but that is obviously why we believe the full implementation of the agreement between Canada and United States is necessary to protect Manitoba water.

Mr. Murray: Well, it is very interesting that we asked the Minister of Water Stewardship to table the agreement. Now even the Premier is asking the Minister of Water Stewardship to table the agreement. Clearly, Mr. Speaker, in the House today, this agreement should be tabled.

This Premier has continued to insist that Devils Lake water will contaminate our water with foreign biota. The Premier has said the filtration system is being designed, but the outlet is scheduled to open in less than two weeks, on May 1, and that means that water will flow out of Devils Lake into the Red River into Manitoba.

The position of this Premier makes no sense. If the water will contaminate our water, as this Premier insists it will, how can this Premier allow water to flow before the filtration system is constructed? Until we can be assured that the Devils Lake outlet will not contaminate our water in Manitoba or until the filtration system is complete and installed the outlet should simply not be opened.

I ask this Premier whether he can assure the House that the outlet will remain closed until the filtration system is complete and installed.

Mr. Doer: Mr. Speaker, this matter was raised by Prime Minister Harper with President Bush. I was not at the meeting in Cancun but it is in the press release. *[interjection]*

Mr. Speaker: Order.

Mr. Doer: Oh, the member opposite is suffering from paranoia, Mr. Speaker. I thought he was only delusional, but I digress.

Mr. Speaker, this is a very important issue. I am pleased that one of the four or five bilateral issues raised by the Prime Minister of Canada with the President of the United States, and it is in the press release issued by Prime Minister Harper, was Devils Lake. Prime Minister Harper took the same position to the President of the United States as the member has taken. The water should not flow until the advance filter is in.

* (14:00)

Flood Conditions Clean-up Costs

Mr. Jack Penner (Emerson): This morning, as water moves across the road between Canada and the United States in a stretch that measures about almost four kilometres in width, flooding has inundated also Highway 243. It is imperative that this government recognize and address the huge economic impact caused by the flooding on the Pembina River, the Whitemouth and many other rivers in the province of Manitoba, including the Red. Manitobans have suffered significant damages as a result of flooding, Mr. Speaker.

Can the Minister of Water Stewardship give us an estimate as to the clean-up costs and the damages that have been incurred by this government and the Province of Manitoba?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I would have thought it would have been an opportunity for the member opposite to apologize for some of the comments he has been making about our officials, including over the weekend, because in case the member was not aware our officials in the Department of Water Stewardship and our officials with EMO have been working with the municipalities throughout the province. Our job is to be dealing with the very difficult situation of the fifth greatest amount of flooding in the last century.

I want to indicate, Mr. Speaker, I find it ironic that he stood on a dike to make his point that we actually had put in to protect the residents of Manitoba. That member owes an apology for the hardworking officials. They are working around the clock to protect Manitobans. I also think he should be very careful with the kind of information he puts on the record.

Flood Mitigation Strategies Government Support

Mr. Penner: Well, Mr. Speaker, at least the minister did something. This flooding is occurring all too often in our province. It is unfortunate that we have to resort to name-calling between our friends and our neighbours on either side of the border. Perhaps it is time that this minister came to terms with his American counterparts and sat down in a diplomatic way to discuss strategies for flood mitigation, prevention and water storage.

Mr. Speaker, is the minister prepared today to work with his U.S. counterparts to address the need for flood mitigation strategies that are mutually beneficial?

Hon. Gary Doer (Premier): Well, when the member opposite was talking about the channel with Joe Belford, we were talking about upper basin storage of water at Devils Lake. We have consistently taken the view with Minnesota and North Dakota that there be upper basin storage of water. There has been a great deal of success in Minnesota, less success in North Dakota.

Mr. Speaker, on the issue of the relevant area, the south of us, I did talk to the governor about some of the perception problems on their side of the border and maybe on our side of the border over the weekend dealing with the allegation that the four local culverts had been plugged artificially adjacent to Halbstadt. I assured them they had not been. I would point out today that in the *Grand Forks Herald*, there is an excellent article dealing with Highway 55 and other roads in North Dakota.

Mr. Penner: You know, flooding on the Assiniboine River has been virtually halted since the construction of the Shellmouth Dam and creating the Lake of the Prairies by the former Roblin government. Similar reservoirs on the Pembina River would not only mitigate the continuing strife of flood-affected communities on north and south of the border, they would also provide people on both sides of the border with a water supply during periods of drought.

Mr. Speaker, will this Minister of Water Stewardship today agree to meet with his U.S. counterpart to begin negotiations on the construction

of two dams in the Pembina Valley, one on the U.S. side and one on the Canadian side, to ensure that this kind of flooding would be mitigated the same as we do with the Shellmouth Dam on the Assiniboine River? There would be no flooding.

Mr. Ashton: I would like to put on the record the exact current situation and I, immediately following the member's comments on my ministerial statement, did get in touch with the department. The breach that the member is talking about is not the case. There may be parts of the road where there is some wave action, but I think it is important that the member put accurate facts on the record.

Dealing with the situation with the road, Mr. Speaker, we have taken a clear position. We have worked co-operatively with North Dakota, the South Buffalo drain being a good example of that. A lot of the problem is from illegal drainage in North Dakota which has been subject to court action. So, before the member opposite points fingers in the direction of Manitoba, which he has done on numerous occasions, he should maybe understand that this is a complex problem and Manitoba has been part of the solution. After this flood is over, we will continue to work for ways in which we can find other ways to protect Manitobans throughout the province.

Flood Mitigation Strategies Government Support

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, the Whitemud Watershed has also had significant flooding this year. The area covered by that watershed has seen some record high levels in portions of that flood plain. Farm operators have been repeatedly whacked by floods in and around the Woodside area. A number of homes and farmsteads have been seriously impacted.

I would ask today that the Minister of Water Stewardship assure the residents in that area that they may receive some support in terms of mitigation, in terms of diking and in terms of controlling what is almost an annual impact.

Hon. Steve Ashton (Minister of Water Stewardship): I thank the member for raising the specific concern on Thursday and also providing his knowledge of the area as well because, quite frankly, it was very helpful information. I have asked the department to review the impact on the individuals there and, as we have done after every flood, we will indeed be looking at ways of improving in terms of

mitigation. We still have two communities in this province, in terms of Rahls Island and Deloraine, where we have raised with the previous federal government the need for a co-operative approach in terms of flood protection.

I was just in The Pas this weekend and reiterated the fact that, in our provincial budget, we now have our share for the Rahls Island permanent dike budgeted, Mr. Speaker. That is the NDP approach: Find out the problems and work on the solutions.

Mr. Cummings: Mr. Speaker, we all know the damage and devastation that occurs when a person's personal property and their businesses have been impacted. What we have seen, despite the fact that there were no record high levels predicted on the Whitemud, I would like to table for the minister's information pictures that were taken of bales that were on land that had never been previously inundated, are now under water and a crane that is fishing off the driveway of some of my constituents.

Mr. Speaker, I believe this area is being ignored to the point where some residents have given up on grain farming. They have gone to grass. Even that grass cannot survive under continual wet conditions. I would ask that this minister reaffirm that he will provide support to that area.

Mr. Ashton: Mr. Speaker, we have indicated very clearly, I mentioned the two other communities where there are long-standing situations, whether it be Rahls Island or Deloraine, where indeed we have flagged that. In fact, I met with the federal minister responsible for Emergency Measures, Stockwell Day, and also with Minister Toews. Quite frankly, one of the clear messages that has to come out of the experience of 2006, is the degree to which flood protection measures have made a huge difference. The fact that we are dealing with the fifth-worst flood and have had one evacuation is a testament to the work that has been done in terms of flood protection, and dare I say the work that has been done in terms of the floodway, the expansion of the floodway. We now have one in 140-year protection.

So, indeed, I will take very seriously the concerns of the member opposite in terms of his constituents and our commitment, again as a government, is flood protection first and then flood mitigation, Mr. Speaker.

* (14:10)

OlyWest Hog Processing Plant Public Hearings

Mr. Jack Reimer (Southdale): Mr. Speaker, on April 8, an advice document regarding the proposed hog plant construction in St. Boniface was placed in the public registries for public review and comment. In a letter to myself and the Member for River East (Mrs. Mitchelson), dated February 15 from the Minister of Conservation, he states: At that time, I will formally request the CEC to hold hearings for the proposed pork processing plant.

When and where will these meetings take place?

Hon. Stan Struthers (Minister of Conservation): I thank the member for giving me this opportunity to help him understand the process a little bit better, Mr. Speaker. The proponent has not put forward an application to build this plant. When it does, I will make sure that all members of this House and the public of Manitoba understand that we will be calling full, thorough, transparent public hearings through the Clean Environment Commission once the proponent puts its application forward. That is a normal process and we are going to be committed to that open, fair, transparent and thorough process.

Mr. Reimer: Yesterday, we witnessed 30 St. Boniface industrial firms stating that they are opposed to the location of this plant. We have seen the surrounding community say they are opposed to this location.

Business and community want to be heard. They want to be heard. They want to have the public hearings so they can express themselves to find out what this government is proposing. This government has \$27.5 million invested in that plant. The public wants to know: Is it right or should it be located somewhere else? That is all they are asking, Mr. Speaker. You will note that they have said they are not opposed to the plant or the job, they are opposed to the location.

We want to know: When is the public going to be heard? When are the hearings? Where and when are these going to happen? The public wants to know.

Mr. Struthers: The public wants to know that we will follow The Environment Act, that we will be thorough and that we will not have any kind of abnormal process as suggested by members opposite who were playing politics asking for a specific date here in the House, Mr. Speaker.

We have committed very clearly to CEC public hearings, open, transparent and thorough public hearings. We have put out an advice document. It is there for all of the public to see and that the member has referenced in his question today, outlining exactly what it is that we expect this proponent to come forward with if they, in fact, do come forward with an application, Mr. Speaker. We have also made it very clear that we will have available participant assistance money for people to do research and to come and make their views known to the CEC.

Mr. Reimer: Mr. Speaker, the minister is circling the whole thing. You talk about a pretzelization of an answer. That is it. The public wants to know. Members on that side of the House, members of the NDP want to know. The government is holding back and hiding, not bringing these forward.

The public is very, very concerned about the location of this plant, Mr. Speaker, and the businesses and the jobs that go with these businesses. We want to know when and what are the plans, and when can the people in the area start to hear about when these things are going to happen.

Mr. Struthers: The Member for Southdale may wish to deal with a hypothetical proposal, but we need, according to—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Struthers: Members opposite might want to play games with this issue, they might want to play politics with this issue and they may want to try to get both feet underneath each side of this issue, but we have no proposal from the company, from the proponent. When that proposal comes, it will be dealt with by the CEC in public hearings. There will be participant assistance available, unlike members opposite when they had their chance to show their protection and their commitment to people of Manitoba who have had CEC hearings without participant assistance.

Teachers' Retirement Allowance Fund Investment Practices

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, in September of '04, Tom Ulrich, the former CEO of the Teachers' Retirement Allowance Fund, sent an 18-page letter to the Minister of Education raising some troubling concerns about TRAF. Some of the red flags raised were about board governance,

concerns about a new and risky social, ethical investment strategy and conflicts of interest.

I would like to ask the Minister of Education if he could tell us if he was at all troubled by some of the allegations and concerns raised by Mr. Ulrich in that letter.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, any time we receive allegations, we act upon those allegations. When we did receive the letter, the letter was forwarded to the appropriate personnel at TRAF and it was also copied to the Auditor General. As the letter was also copied to the office of the Auditor General, we did contact the office of the Auditor General as well, since the Auditor General's office is the auditor for the TRAF fund.

Mrs. Driedger: Mr. Speaker, just as this government did with Pat Jacobsen's concerns about WCB, this Minister of Education sent the concerns back to the TRAF board and back to the CEO of TRAF who was, according to Mr. Ulrich, in a conflict of interest. So they did the same thing with this person as they did with Pat Jacobsen.

I would like to ask the Minister of Education why he did not meet personally with this whistleblower.

Mr. Bjornson: Mr. Speaker, as a result of the letter, TRAF had undertaken an independent review of their investment practices. I would like to assure the member opposite that the rate of return for the TRAF portfolio has performed at or above industry benchmarks on first, five and ten-year measures in all of their investments. The TRAF board had formed an audit committee to review their investments and the TRAF board has also reviewed their private equity investments as a result of that.

Mrs. Driedger: Mr. Speaker, I do not know how TRAF investigating itself can be considered an independent review.

The Minister of Education previously ignored a red flag when a citizen from North Kildonan brought forward concerns about the Seven Oaks School Division and the illegal residential land development that was going on there. That scandal is now being audited by the Auditor General. Again now, red flags have come forward from Mr. Ulrich, and he is ignoring these red flags that Mr. Ulrich has raised. When Mr. Ulrich sent him the letter, he felt that this minister missed the boat and that he did not follow through with the concerns raised in that letter.

I would like to ask the Minister of Education: Why did he fail to follow through on the concerns raised by Mr. Ulrich?

Mr. Bjornson: Mr. Speaker, the TRAF board is mandated by law with the responsibility of overseeing the chief executive officer. When you talk about missing the boat with respect to TRAF and the teachers' pensions, the member opposite has put some very erroneous information in the public domain saying that the teachers' pension fund is "at risk."

I would like to table for the House a letter that I received, copied to me from the Manitoba Teachers' Society, in which the critic from Charleswood has made claims about the teachers' pension fund. The Manitoba Teachers' Society stakeholders in the pension fund have said: "It is irresponsible for you to make unsubstantiated claims about our plan." The fact that the member has also talked about the "pension plan is at risk," the teachers say that "is absolutely reprehensible. It seeks, shamefully and without any basis in fact, to frighten 24,000 active and retired teachers." Talk about missing the boat.

GrowthWorks Government Meeting

Mr. Glen Cummings (Ste. Rose): Because of its involvement in the Crocus Fund, on this side we have been demanding a public inquiry for months, Mr. Speaker. I would be interested to know if the government has met with GrowthWorks representatives and whether or not that meeting would have occurred between elected officials or with senior political staff or with departmental officials.

Will the Minister of Finance (Mr. Selinger) acknowledge whether or not a meeting occurred with GrowthWorks?

* (14:20)

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): I would like to let all members know that my department is very, very proactive as far as meeting with different groups and different organizations.

We have met with many labour-sponsored funds, people who are looking for venture capital, people who are wishing to invest in the province, people who want to expand their businesses, and I understand that some staff have met with GrowthWorks, although I have not.

Why they would do that is because they want good, reasoned arguments for the new legislation to make sure that we are following best practice for all the country. As a major labour-sponsored fund, we wanted to hear what they had to say as far as what we should incorporate in our legislation.

Mr. Cummings: Mr. Speaker, that was a roundabout way to answering that we think that departmental officials have met with GrowthWorks, but the problem is that just about the time that this discussion would be going on or shortly afterwards, we now have The Labour-Sponsored Investment Funds Act (Various Acts Amended).

The government is proposing amendments in which it appears, as part of the package, that the Minister of Finance may or may not impose a clawback of a 15 percent tax credit that would have come with investments in labour-sponsored funds. This is a very sensitive time in the negotiations, Mr. Speaker.

By giving itself this discretion, I wonder if the government is going to use this to save itself harmless from a class action.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, neither myself nor the Minister of Industry have met with GrowthWorks officials. We have made it very clear since last spring that there would be no clawback of the shareholders of the Crocus Fund on the 15 percent. We have been public about that on more than one occasion, and we will be very consistent with that. We will live up to our word and not incur any clawback.

Mr. Cummings: Mr. Speaker, the minister has just highlighted the very reason that we need further investigation into the actions around Crocus. Now we have on page 4 of the bill that a Minister of Finance for Manitoba may waive the tax after a page and a half of conditions as to why the tax should be paid.

Now, Mr. Speaker, this legislation smacks of the government positioning itself to use strong-arm tactics to save itself from a class-action lawsuit. Will the minister acknowledge that he will negotiate in good faith with all comers regarding the Crocus Fund and its ultimate devolution?

Mr. Selinger: Mr. Speaker, the short answer is yes, but I have not myself met with GrowthWorks nor with anybody from the Crocus Fund. We have made it very clear and this legislation enables us to live up exactly to the promise we made that we would not incur the comeback. It is a discretionary power available to the Minister of Finance. We have already publicly committed to do it and we will be fully accountable to the Legislature.

If the members would like to discuss the legislation, perhaps they would like to call the bill. We would be happy to discuss it with them as we would with any piece of legislation in the province, including the budget.

OlyWest Hog Processing Plant Environmental Impact

Hon. Jon Gerrard (River Heights): Mr. Speaker, since at least May of 2005, and perhaps for some time before this, the Premier and his government have been actively working with the proponents of the OlyWest hog processing plant which has been proposed to be built in Winnipeg. After at least five months of talks, analysis and negotiations behind closed doors, the Premier chose to back the OlyWest proposal to the tune of at least twenty-seven and a half million provincial government dollars.

My question is to the Premier: Did his government, in its analysis, consider the effects of the OlyWest hog plant on nearby businesses like Vita Health which have very strict regulatory requirements because of the nature of their business?

Hon. Gary Doer (Premier): Mr. Speaker, the provincial government does not administer or control the St. Boniface Industrial Park. We are generally concerned about having more finishing capacity both in beef and hogs in Manitoba. We presently ship some—*[interjection]*

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. Some three million hogs a year are transported to the United States. For those of us who are in this Legislature, we should pay attention to the impact of what could happen in the future when we saw what happened with the closure of the border with the BSE crisis.

We believe the more control we have over the

finishing of animals in our own province, ultimately, not only is that important for our own economy, Mr.

Speaker, but also we do not want to have a situation where the border closes and three million hogs end up in the landfill site.

Mr. Gerrard: Mr. Speaker, my supplementary is to the Premier. The Premier had a long time to work with the members of the OlyWest consortium and their proposed hog processing plant before deciding to support them to the tune of \$27.5 million. Some of us in this Chamber are big fans of rural as well as urban economic development, and one reeve I spoke with said he would love to have this plant in his rural municipality.

I ask the Premier: Why is he so determined to have the hog processing plant located in Winnipeg rather than use this project as an aid to rural economic development?

Mr. Doer: Well, Mr. Speaker, there is a \$20-million MIOP loan and, so far, we have been making money on MIOP loans. Those are not, quote, grants. Secondly, the amount of money that is made available to any company dealing with training grants is less than the Maple Leaf grant but comparable for any company coming to any community in Manitoba.

Our proposal is not site-specific in terms of proposals. The company makes an application of where they are going to locate to a municipality, and the municipality then has the right to deal with the issues that are there.

I happen to think, Mr. Speaker, that it makes more sense for Manitoba's environment in the long run to try to manage the future by having more hogs processed in Manitoba, in case some day, God forbid, the border closes. I do not want three million hogs in the landfill sites. Is that what the member wants?

OlyWest Hog Processing Plant Environmental Impact

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the Premier is using a hypothetical scare tactic.

I think we need to realize that you have the legislative assistant of the Premier who has been, the Premier has been unsuccessful at convincing him that there needs to be acceptance of his plan and proposal in the area in which he represents.

You have other MLAs, NDP MLAs, that are offside with the Premier, and most importantly, the

legislative assistant. If you cannot even convince your own legislative assistant that your plan is sound, why should members of Radisson and people who live in the community of Transcona believe this government has any credibility on this issue? He cannot even convince his legislative assistant. Why, Mr. Premier?

Hon. Gary Doer (Premier): Mr. Speaker, we recognize that anything to do with livestock and hogs is always controversial. We saw that in its initial stages in public debate that took place in Brandon. Unlike Brandon, with the Maple Leaf plant, we have promised and we will deliver on a public inquiry to ensure that all the issues the proponent alleges, that being the company, are dealt with in a sustainable way. Our laws dealing with the environment and our commitment to the Clean Environment Commission having public hearings are not written in invisible ink like every commitment the member opposite makes.

* (14:30)

Crystal Meth Strategy Front-Line Workers Training

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, as we all know, this government has a comprehensive and aggressive crystal meth strategy that has placed restrictions on ingredients used for crystal meth production and enhanced treatment.

Could the Minister of Healthy Living please tell us about the most recent work done with front-line workers in order to enhance the province-wide response to crystal meth?

Hon. Theresa Oswald (Minister of Healthy Living): Our government does have a comprehensive strategy to address crystal meth. It certainly involves restricting the supply of crystal meth to Manitobans and also reducing the demand.

Last Thursday, April 13, and in the coming months, over 500 front-line service providers in justice, in mental health, in public health, in addictions and in education will be receiving training to ensure that they can deal with some of the very unique needs that families and individuals suffering under crystal meth have to offer. One of the examples would be with motivational interviewing, a technique known to be best practised to ensure that at the earliest possible opportunity individuals can get the help they so desperately need.

Highway 75 Repairs Government Commitment

Mrs. Mavis Taillieu (Morris): Mr. Speaker, due to the diligent effort of municipal leaders and officials in the Red River Valley constituencies and provincial officials, damage to a personal residence in this year's flood is minimal. However, there is an underdetermined economic loss to communities like Morris and others whose lifeline has been choked off due to flood waters.

What commitment will the Minister of Transportation make to ensure that Highway 75 is open for traffic at the earliest possible time?

Hon. Ron Lemieux (Minister of Transportation and Government Services): We are certainly dependent on Mother Nature and what transpires over the days ahead, but I can tell you that Highway 75, we made a commitment looking at Highway 75 to take a look at the roughest portions of that particular highway, wanting to improve that particular stretch when the weather dries up and there is no longer water flowing over portions of it. We understand that transportation is an economic enabler to our friends to the south, and we intend to put a lot of work into Highway 75 over the next three years.

Mr. Speaker: Order. Time for Oral Questions has expired.

Speaker's Ruling

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

Following the daily prayer on Wednesday, March 22, 2006, the honourable Member for River Heights (Mr. Gerrard) raised a matter of privilege regarding statements made by the honourable Minister of Family Services and Housing (Ms. Melnick) on the subject of protection for persons bringing information forward, statements that the honourable Member for River Heights asserted were misleading the House. At the conclusion of his remarks, the honourable Member for River Heights moved "that a Standing Committee of this House investigate the matter I have raised and report back to this House." The honourable Government House Leader (Mr. Mackintosh) and the honourable Official Opposition House Leader (Mr. Derkach) also offered advice to the Speaker on the matter. I took the matter under advisement in order to consult the procedural authorities.

I thank all members for their advice to the Chair on this matter.

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

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

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached in the actions complained.

The issue of whether or not a member has deliberately misled the House is not a new issue and has been raised in the Manitoba Legislature numerous times. The first test that a Speaker must apply when such a claim comes up is whether or not the member raising the matter of privilege has provided specific proof of intent to mislead on the part of the member in question. Speakers Phillips, Rocan and Dacquay have in previous rulings cited the necessity for specific proof to be provided on the record that the member purposefully and deliberately set out to mislead the House. Speaker Dacquay went as far as to advise the House that without a member admitting in the House that he or she had the stated goal of misleading the House when putting remarks on the record, it is next to impossible to prove that indeed a member had deliberately intended to mislead the House. In the words of the federal Standing Committee on Procedure and House Affairs in its 50th report: "Intent is always a difficult element to establish, in the absence of an admission or confession." In the case raised by the honourable Member for River Heights, I have perused Hansard and found no admission by the honourable Minister of Family Services and Housing that she had intended to mislead the House.

The procedural authorities also offer commentary on the issue of misleading the House. Joseph Maingot makes the point on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a member has misled the House are in fact matters of order and not matters of privilege. In addition, when Manitoba Speakers have been asked to rule on matters of privilege involving the alleged misstatements by members or the provision

of misinformation or inaccurate facts by ministers, Speakers Phillips, Rocan and Dacquay have ruled that such situations appear to be disputes over facts, which according to *Beauchesne* Citation 31(1) does not fulfil the criteria of a prima facie case of privilege.

Furthermore, it has been ruled in the Canadian House of Commons and also in this Legislature concerning cases of whether or not answers offered by ministers are false in comparison with other information, it is not the role of the Speaker to adjudicate on matters of fact. Instead, this is something that is left up to the House to form an opinion on.

Therefore, with the greatest of respect, I must rule there is no prima facie case of privilege.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, with respect, I would challenge your ruling.

Mr. Speaker: Does the honourable member have support? [*interjection*] Okay.

The ruling of the Chair has been challenged.

Voice Vote

Mr. Speaker: All those in favour of sustaining the ruling of the Chair, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to sustaining the ruling of the Chair, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Mr. Lamoureux: Mr. Speaker, I would request Yeas and Nays, please.

Mr. Speaker: Does the honourable member have support? [*interjection*] Okay.

The ruling of the Chair has been challenged. Call in the members for a recorded vote.

* (15:40)

Order. Sixty minutes has expired. Please turn the bells off.

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Schellenberg, Selinger, Smith, Struthers, Swan, Wowchuk.

Nays

Cullen, Cummings, Derkach, Dyck, Eichler, Faurshou, Gerrard, Goertzen, Hawranik, Lamoureux, Maguire, Mitchelson, Murray, Penner, Reimer, Rowat, Schuler, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 19.

Mr. Speaker: The ruling of the Chair has been sustained.

MEMBERS' STATEMENTS

Canadian Armed Forces

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I rise today to pay tribute to the men and women of the Canadian Armed Forces who selfishly give of themselves, many risking their lives in far-off lands so that we may live in freedom and security here in Canada.

Mr. Speaker, Canada has a rich history of both defending our own nation when in conflict as well as promoting and keeping the peace in war-torn nations around the world. The men and women who served in the past and those that continue to serve this country today deserve our full and unqualified support. I believe it is vitally important that we demonstrate our appreciation as they voluntarily put their lives on the line every day as proud Canadians.

Mr. Speaker, despite the fact that our troops are dedicated to securing the peace on behalf of a peace-loving nation, the grim reality is that to do so is dangerous and life threatening as we are all well aware of the disheartening loss of Canadian Forces personnel in Afghanistan recently. This brings home to Manitoba the brutality of war which does not distinguish motive or nation. Still our troops willingly leave their friends and family to be on the

front lines in a war zone. This is a true testament to their will, courage and resolve.

So, Mr. Speaker, with your approval, I have placed before each honourable member the magnetic yellow ribbon that is symbolic of support. Might I encourage all my colleagues in the Manitoba Legislative Assembly to prominently display these yellow ribbons in show of support of the men and women of our Canadian Armed Forces who proudly preserve the peace, liberty and freedom that our veterans have fought so hard to protect in the past. Thank you.

Flood Fighting

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, I rise today to recognize the exceptional efforts made by the residents of my constituency of St. Norbert over the entire month of April. While forecasts seem to indicate that the worst has passed, only last week many residents of St. Norbert as well as many other Manitobans were faced with the prospect of heavy flooding while river levels rose rapidly.

Mr. Speaker, I need not remind this House about the incomparable generosity of Manitobans. In times of crisis and of need, Manitobans have been and are always willing to donate their time and energy. In St. Norbert, on April 7, over 40 students from Fort Richmond Collegiate as well as nearly 20 students from St. Norbert Collegiate took time from their studies to help the residents whose homes were threatened. In addition, there were dozens of students on call at the schools ready to lend a helping hand should the need have arisen.

However, it is not only the students that helped in the flood relief efforts. Having had the opportunity to tour the area with Councillor Justin Swandel and Rod Bruinooge, the M.P. for Winnipeg South, we all noted the tremendous response by the community at large. Residents of the Behavioural Health Foundation of St. Norbert, as well as members from various volunteer and religious groups such as the Christian Disaster Relief team all took part in sandbagging along Cloutier and Turnbull Drives and on Rue St. Pierre.

I congratulate all homeowners affected by the flood for their calm and determined efforts in protecting their homes. When the rivers that run through our province spill their banks, they can sometimes bring pain and hardship. However, they

can also bring citizens together engendering displays of generosity and kindness that unite us all.

Mr. Speaker, I ask that all members of the House join me in recognizing and thanking these exceptional volunteers for all that they have done for their fellow Winnipeggers. Thank you.

Mrs. Mavis Taillieu (Morris): I think it is important to recognize all of the people in the Red River Valley whose farmland and small businesses have been flooded with the overflow of the Red River, and we certainly recognize all of the due diligence that was done by municipal officials and by provincial officials who have mitigated this flood event to a very minimal amount of effect on personal property, personal residences.

However, there is a lot of farmland affected and this is going to take some time for a clean-up effect and also recognizing that farmers have had a most difficult time in the last couple of years. This is just another problem that they really do not need.

Of course, we also have to recognize that people in the area south of the floodway gate, when the floodway gates are operated they do get a backup of water. They need to be compensated and according to The Red River Floodway Act they should be compensated adequately for any losses, and we hope that this will be a test, hope that all those people needing full compensation will get what they need.

Certainly with Highway 75 in the condition it is in, this government needs to look at what they can do to improve that highway and certainly allow it to be opened in a very timely manner. In the past when there is a flood and the dikes have been closed around the town of Morris, it seems to have been a long time before the government has allowed that road to open, and certainly the economy of the area is driven by the flow-through of traffic through the area.

Mr. Speaker, I want to commend all of the people who have worked so hard to protect their areas, to protect their homes, and we certainly recognize that some of the land could not be protected from these floodwaters and it is going to require a lot of work to clean up and to get back in the business of farming and small business market gardening and all of this.

So it is in recognition of all those people in the area and I just want to congratulate all of them for their efforts. Thank you.

Snow Lake

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, I rise today to inform the House that the town of Snow Lake is in the process of building a new boardwalk on Sunset Beach. It is expected that phase one of the project will be endorsed at tonight's town council meeting.

I am always amazed at the resilience and persistence of our northern communities when faced with challenging economic times. Snow Lake has twice faced mining shutdowns, but each time has rallied, regrouped and bounced back.

Snow Lake is one of the most picturesque communities in northern Manitoba. It is a pollution-free town situated in a pristine wilderness area offering residents and visitors access to lakes, beaches, a golf course and shopping facilities. It is renowned for ecotourism and great fishing, hiking and hunting. Snow Lake is a unique place where modern comfort and wilderness beauty meet. It offers the best of both worlds.

The proposed Sunset Beach boardwalk will make a great town even better. The boardwalk will be close to the hospital and will allow people with wheelchairs and walkers access to the beach. Included in the plans is a 30 feet by 50 feet relaxation centre constructed from TREX material. This open-air relaxation area can also be used for gatherings, church services, concerts or simply for watching kids swimming or playing.

Mr. Speaker, the Community Boardwalk Committee intends to raise enough funds to complete the project without needing the assistance of Snow Lake taxpayers. Phase one of construction is expected to start soon. I congratulate the mayor and council. I congratulate the project's donors and supporters. Above all, I want to publicly thank the members of the Community Boardwalk Committee: Roger Wiesner, Rhoda Wiesner, Betty Rudd, Claire Pilgrim, Orville Becking, Amanda Parret, Cammie Longmuir, Clancy Evans and Alan Beilman.

On behalf of all members in this Legislature, congratulations. Well done, Snow Lake.

* (15:50)

Winter Roads

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would like to speak today to a northern issue. I want to address the government's approach to winter roads.

Two weeks ago, a tape-recorded conversation showed a major problem within the government's Department of Transportation, both with regard to racist attitudes and with respect to the process for contracting for winter roads. As a result of this tape, I have heard concerns from northern Manitobans about the department and people's trust in the actions of the government. MKO has openly called for a public inquiry. The people of northern Manitoba deserve such an inquiry. I call on the government to hold such an inquiry into the building and operation of the winter roads as requested by MKO.

It is unusual, perhaps even unprecedented in Manitoba history to have so many calls for public inquiries as we are seeing at the moment. There are calls for a public inquiry into the Crocus Investment Fund. There are calls for a judicial investigation into the 31 homicides of children who were under the responsibility of Manitoba Child and Family Services. Now we have a request from MKO for a public inquiry into the situation of the winter roads. The many calls for inquiries reflect the increasingly inadequate performance of the present NDP government.

Point of Order

Mr. Speaker: The honourable Official Opposition House Leader, up on a point of order or a matter of privilege?

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, I would like to raise a point of order.

Mr. Speaker: The honourable Official Opposition House Leader, on a point of order.

Mr. Derkach: Mr. Speaker, I would like to rise on a point of order as it relates to ministerial and the responsibility of the First Minister in this House.

Mr. Speaker, my point of order has to do with questions that are being asked in this House of ministers and the responses that we get from ministers with regard to those questions. We can talk about what a minister is expected to do in this Chamber, and not only in this Chamber, but throughout the chambers in this great country, whether it is every provincial chamber or whether it is the Canada chamber, the Parliament buildings.

Mr. Speaker, a minister is expected to be responsible to the House for the ongoing operations of his or her department. In a case of flagrant wrongdoing, in the past, whether here in Manitoba or

in Canada or in other parliamentary systems, the minister is expected to resign for wrongdoing or misleading the House. In other cases, the minister may simply take prompt corrective action where required and even punitive action.

Mr. Speaker, Sir Ivor Jennings, one of the most distinguished authorities in his book, *Cabinet Government*, states on page 498 and 499 the following about Cabinet responsibility: The Cabinet must leave to each minister, and I quote: "The Cabinet must leave to each minister a substantial discretion as to what matters he will bring before it," he or she. If he or she makes a mistake, then he or she must accept personal responsibility. "On the other hand a minister cannot hide behind the error of a subordinate. Within a department there must be a substantial delegation of power. But the most essential characteristic of the civil servant is the responsibility of the minister for every act done in his department. In practice the minister can hardly avoid saying that the mistake was that of a subordinate, but parliament censures the minister and not the subordinate."

Mr. Speaker, it is here that I rise on my point of order because we have seen time and again in this Chamber, when ministers have been asked about their actions as they relate to subordinates, to people who they have working within their departments for government, oftentimes the government blames people who are in the civil service for what happens in a department rather than taking the responsibility themselves as ministers.

I am going to identify the ministers I speak about because, first of all, we saw with the issue in Seven Oaks School Division, where there were obvious wrongdoings, and we asked the minister to explain what happened. He very quickly pointed the finger at the Public Schools Finance Board. Mr. Speaker, in another case, when we looked at the situation as it relates to TRAF just as recently as in Question Period today, once again the Minister of Education (Mr. Bjornson) pointed the finger at someone else rather than taking the responsibility himself.

Now, Mr. Speaker, when you look at—*[interjection]* Now he is chirping from his seat about something about law. Well, perhaps he should try to attend a law school and then he could speak more accurately about that.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. We are getting into debate on the floor here. I would just like the honourable member when making a point of order, it is a breach of the rule or a departure from our practice, and I hope the honourable member will draw my attention to the breach of the rule or the departure.

Mr. Derkach: Mr. Speaker, I refer to, when you talk about the breach of the rule, it is ministerial responsibility and accountability, as is spelled out in our rule books and, as a matter of fact, in *Beauchesne*, and as I have quoted from other sources in articles and books written on rules and procedures not only in Parliament, but in other jurisdictions as well.

Mr. Speaker, if you look at other jurisdictions, they follow much the same practices as we do. Dawson, who writes a book on government in Canada, in his fourth edition on the same issue of ministerial responsibility, says the following on page 190: Members of Cabinet are, above everything else, responsible to the House of Commons, not as individuals alone, but collectively as well. This responsibility has been the key to the control of the executive power in Canada as in Britain. The powers of the Crown have remained for the most part intact or have been increased, but the exercise of these powers has come under the Cabinet, and this body is, in turn, under the general scrutiny of Parliament. This is the central fact of parliamentary democracy, for it is the practice which keeps the system both efficient, constantly amenable to popular control. The minister at the head of every department is responsible for everything that is done within his or her department.

Mr. Speaker, I refer here now to the Minister of Family Services (Ms. Melnick). We repeatedly, in this House, have asked the Minister of Family Services questions as they related to incidents that occurred within her area of responsibility. But, as we heard, not only from her but from her colleagues, the blame was always put off to somebody else, someone who is a subordinate within that department. Yet it is clear in the rules that we are governed by that that responsibility is supposed to be taken by the minister.

We can go on from there. Not only is the Minister of Family Services, but I could point to the Minister of Health (Mr. Sale) who, oftentimes when he is asked a question, points the finger at subordinates, whether it is in the RHAs or whether it is somewhere else. We have seen this time and time

and time again. When we talked about the issue on the whistle-blowers who came forward to their own ministers, Minister Becky Barrett was approached by Pat Jacobsen about areas that the minister had to be conscious about in terms of trouble that could be brewing in the Workers Compensation Board. Yet the minister did not take action. She, as a matter of fact, sent this whistle-blower to her superior who fired her. Now, Mr. Speaker, that is not government or ministerial accountability, responsibility, and the minister, in my view, was flagrant in accepting responsibility in that department.

Mr. Speaker, we can go to the Minister of Industry, Economic Development and Mines (Mr. Rondeau). The minister here has a significant involvement in the whole issue of Crocus. We have witnessed how he has stood in this House, in his arrogant, high-handed way, and has preached to us in opposition about our misunderstanding or our lack of understanding of how things are done. Well, I have to remind him that he is still a fairly junior minister compared to some of the members on this side of the House who were in Cabinet for eleven and a half years, so he has a little bit to learn. I say to him that he has responsibility as well, not only to tell the truth and be forthright, but to take responsibility for some of the things that have gone on under his watch as it relates to Crocus.

* (16:00)

Now, Mr. Speaker, one will wonder why we have taken the position that we will hold this House up and call for a public inquiry until we either get a public inquiry, or, if the Premier (Mr. Doer) wants to be so brave, he may go to the electorate and say it is time to call the election. It is his choice, but we do not intend to stop calling for the public inquiry because that is what people in Manitoba deserve.

The powerful in our province are the Premier and his Cabinet. These are the men and women who have been granted great powers in this province of Manitoba, Mr. Speaker, and they have responsibility.

Mr. Speaker: Order. I have yet to hear a breach of a rule or a departure from our Manitoba practices. I am starting to hear a lot of debate that has taken place on the floor. This is not a time for debate; it is to point out to the Speaker a breach of a rule or a departure from our Manitoba practices.

Mr. Derkach: Well, Mr. Speaker, the rule and the breach is quite straightforward. The breach is lack of

responsibility on the part of ministers, in my view, of this government.

The rules which we are governed by, and the practices that we are governed by, are either through the rules and practices of *Beauchesne's* or the rules of our House or, oftentimes, we refer to Montpetit. So these are the rules that we have adopted in our Legislature, which are very clear. I have quoted from them in terms of what ministerial responsibility and accountability is.

Mr. Speaker, that is what my point of order is. It is that ministers of this government are not following the practices and procedures and rules that have been established for the province of Manitoba in terms of being forthright and being accountable and being responsible for the portfolios that they hold.

I have just finished talking about the Minister of Industry, Economic Development and Mines with regard to his lack of accountability, his lack of responsibility as it relates to the Crocus Fund. Mr. Speaker, 30,000 Manitobans, 33,000 Manitobans lost over—

Mr. Speaker: Order. I have still not heard a breach of a rule or a departure of the practices. I know some members might not like answers from the government side, but the quality and the content is not the Speaker's responsibility. But I still have not heard the rule that the member is citing to be breached. I would ask the honourable member to assist me in this so that I can make a ruling that would be appropriate to the breach, if there is one.

Mr. Derkach: Well, Mr. Speaker, quite frankly, the practices and the rules that our Legislature is governed under are one where there is—we all take an oath when we become members of this Legislature, or members of Cabinet specifically, we take an oath to act without fear or favour. We also take an oath that says that we will be truthful in all of our dealings. What I am talking about is the fact that members of the Executive Council have breached their responsibility when it comes to telling the truth, when it comes to being honest with Manitobans, when it comes to being accountable, which they have taken an oath for, being accountable. They are not accountable when we talk about the issues that surround the Crocus Fund, whether it is issues around Family Services. We can go on and on and on.

Mr. Speaker, it is as though the government is ignoring the people that they have to govern over. As

I was saying, this government has been given, every government is given, great powers by its citizens, great powers. They are the powerful body in a province. The citizens are the weak. But it is the powerful, the Premier and his Cabinet, who are supposed to look after the affairs of the weak, the people of the province. They are not to look after their friends, not to look after themselves, not to look after their buddies; they are to look after the general population as a whole. Time and again we have seen this.

So my point of order as it relates to this issue is that this government has been flagrant in its duties in being responsible and accountable to the citizens of this province. Mr. Speaker, it is for that reason that we call on this government to call a public inquiry into the affairs of Crocus.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, I rule from Marleau and Montpetit on page 433—*[interjection]* I am giving you my ruling.

"Replies adhere to dictates of order, decorum and parliamentary language." That is my responsibility as the Speaker. "The Speaker, however, is not responsible for the quality or the context of replies" that are given. It is not the matter for the Speaker to determine the quality of the answers that are given by the ministers. Also, the oaths that members take are not something that the Speaker monitors in this Chamber. I am only responsible in this Chamber for the breaches of rules or the conduct. The quality of ministers' answers or related to their duties is not a responsibility of a Speaker.

An Honourable Member: But it is their responsibility.

Mr. Speaker: Well, what I hear the honourable member making is more of a complaint about the government, but not a breach of a rule that has been broken in this House. So I have to rule that the honourable member does not have a point of order as everything that is mentioned is not under the purview of the Speaker in this Chamber. To me, it is more of a complaint about the government. So I rule that the honourable member does not have a point of order.

Mr. Derkach: Well, Mr. Speaker, I was truly hoping that you would see it my way, but, unfortunately, you do not. So, therefore, I have to challenge your ruling.

Mr. Speaker: The ruling has been challenged.

Voice Vote

Mr. Speaker: All those in favour of sustaining the ruling of the Chair, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to sustaining the ruling of the Chair, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Mr. Derkach: A recorded vote.

Mr. Speaker: A recorded vote having been requested, call in the members.

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith, Struthers, Swan, Wowchuk.

Nays

Cullen, Cummings, Derkach, Dyck, Eichler, Faurshou, Gerrard, Goertzen, Hawranik, Lamoureux, Maguire, Mitchelson, Murray, Reimer, Rowat, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 33, Nays 17.

Mr. Speaker: The ruling of the Chair has been sustained.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 18, 2006

CONTENTS

ROUTINE PROCEEDINGS

Petitions		OlyWest Hog Processing Plant	
Funding for New Cancer Drugs		Reimer; Struthers	1518
Eichler	1511	Gerrard; Doer	1521
Stefanson	1511	Lamoureux; Doer	1522
Crocus Investment Fund		Teachers' Retirement Allowance Fund	
Cullen	1512	Driedger; Bjornson	1519
Driedger	1512	GrowthWorks	
Civil Service Employees–Neepawa		Cummings; Rondeau	1520
Cummings	1513	Cummings; Selinger	1520
Crocus Investment Fund		Crystal Meth Strategy	
Lamoureux	1513	Korzeniowski; Oswald	1522
Ministerial Statements		Highway 75 Repairs	
Flood Conditions		Taillieu; Lemieux	1523
Ashton	1513	Speaker's Ruling	
Penner	1514	Hickes	1523
Gerrard	1514	Members' Statements	
Oral Questions		Canadian Armed Forces	
Devils Lake Outlet		Faurschou	1524
Murray; Doer	1515	Flood Fighting	
Flood Conditions		Brick	1525
Penner; Ashton	1517	Taillieu	1525
Flood Mitigation Strategies		Snow Lake	
Penner; Doer	1517	Jennissen	1526
Cummings; Ashton	1518	Winter Roads	
		Gerrard	1526