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of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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LAURENDEAU, Marcel	St. Norbert	P.C.
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## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, December 6, 2001

The House met at 1:30 p.m.

### ROUTINE PROCEEDINGS

### MINISTERIAL STATEMENTS

#### Violence Against Women

**Hon. Diane McGifford (Minister responsible for the Status of Women):** Mr. Speaker, I have a statement for the House.

Mr. Speaker, 12 years ago, on December 6, 1989, at l'École polytechnique in Montréal, a heavily armed man murdered 14 women and injured 13 other women. In Canada and in Manitoba, his acts on this day have come to symbolize violence against women. Each December 6, women and men across Canada meet in our communities in remembrance of these women, women murdered in our province, and those other innumerable, often faceless women, who are victims of male violence.

This morning, many of us gathered in this Legislature and at noon in the Union Centre, and this evening people will meet at the Women's Memorial outside the Legislature, meet in remembrance of our sisters and in hope of world peace. Furthermore, across our province people have gathered and will gather, and, by intent and in spirit, join with us today here profoundly saddened by violence and determined, as I said earlier today, and here I quote from Shakespeare's *The Tempest*, to create a brave new world with such people in it; people determined first to mourn and then to work for change.

Mr. Speaker, we have met for 12 years now and there is little new to say, but speak we must, especially as politicians, because silence on the subject is both deadly and a disservice to our citizens. Today I think particularly of Officer Haviernick, from the Montréal police force who, on December 6, 1989, was sent to l'École polytechnique to investigate the crime, and found

instead his daughter Maude Haviernick bludgeoned to death, one of the 14. I wonder what he was thinking as he drove there, knowing that something horrific had happened at his daughter's school. And when he found her body, what did he think then? We know his instinctive, desperate desire to turn back the clock.

How do parents live after such a death? Well, Suzanne LaPlante-Edward gave us the answer. I also think of her today. Her daughter Ann-Marie Edward was murdered along with Maude Haviernick. Suzanne LaPlante-Edward found salvation in her struggle to end violence. I remember speaking with her a few months after her daughter's murder and hearing her passionate resolve to live with grief and not be consumed by it.

I mention Officer Haviernick and Suzanne LaPlante-Edward not to upset anyone, but because these two, the grieving parent and the fervent activist, are icons, images which tell archetypal stories, stories heavy with truth, especially important today for us politicians. The first story is about pain and death and the second of renewal and life. These images, these stories hold the full range of human possibilities and tell me again that all human experiences are variation on pain and renewal and testify to our incredible human potential. In reflecting on them, I know precisely who I work for and why I do this work, but equally important I know who I must work with if we are to become a peace-loving society, a culture where vision and substance coincide. As John Donne put it, no one is an island entire unto himself.

\* (13:35)

In short, we politicians should, or so I believe, be guided by the distress and grief of our citizens, and we should join forces with their vigour, vision and determination. Then we have a chance, and here I paraphrase F. Scott Fitzgerald: to run faster, stretch out our arms

further and one fine morning achieve our dream. This is what December 6 is all about: First mourn, then work for change.

In closing, I would like to read a proclamation that I signed this morning. I know members opposite would like to respond, and after that I would appreciate it if you would ask the House to rise in silent remembrance of women victims of male violence. But I take, as well, this opportunity to inform the House that out of respect for and in remembrance of the women murdered in Montréal and women murdered and brutalized in Manitoba, indeed across our nation, our Legislature flags fly at half mast.

I will now read the proclamation:

WHEREAS on December 6, 1989, 14 women were murdered and 13 more injured at l'École polytechnique in Montréal, victims of a hate crime against women; and

WHEREAS since then, Canadian women, including Manitoba women, have observed December 6 as a Day of Remembrance in honour of the women murdered in Montréal and of all Canadian women who are victims of violence; and

WHEREAS the Province of Manitoba is committed to ending violence against women; and

WHEREAS it is right and proper that Government firmly recognize December 6 as an official Day of Remembrance.

Now, I, Diane McGifford, Minister responsible for the Status of Women for the Province of Manitoba, proclaim December 6, 2001, be designated as a Day of Remembrance in Manitoba, and I commend its observance to all our citizens in our province.

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I would like to thank the Minister responsible for the Status of Women for her statement. I know that all members of the House take the issue of violence very seriously and have worked toward creating a safer environment for all citizens.

Having attended this morning's sunrise breakfast and memorial service with members from both sides of this House, I welcome the opportunity to put a few words on the record about the Montréal massacre and also Canada's Day of Remembrance and action on violence against women.

Mr. Speaker, 12 years have passed since a senseless act of violence took the lives of 14 women at l'École polytechnique in Montréal. On December 6, 1989, 14 families lost a daughter, a sister, a mother, or countless others lost friends. A savage act such as this reminds us that violence against women is a very real occurrence in our society. We have to reinforce the message that this type of abuse, whether it is physical, sexual or emotional, is unacceptable and cannot be tolerated. We must be prepared to take the steps needed to stop abuse in whatever form it may take and prevent violent acts such as this from ever taking place again.

When thinking of events of December 6, what should remain in the forefront of all our minds is the memory of the 14 women whose lives were lost. They were slain solely for the fact that they were women. Such senselessness is the nature of abuse itself. There is no reason and, more importantly, no excuse for the actions of those who perpetrate such horrendous acts.

It is important to remember that, although the terrible events of December 6, 1989, were attacks on women, abuse and violence affect everyone. Regardless of sex, age, ethnicity or religion, the problem of violence has an impact upon us all, and we must all contribute to the solution and stop abuse and violence in our society.

I would like to take this opportunity, Mr. Speaker, on behalf of all members on this side of the House, to thank the staff of the Manitoba Women's Advisory Council, including Chairperson Kim Clare, for organizing and participating in this event. I would also like to thank Heather Bishop whose music accompanied the event and touched all of those in attendance.

\* (13:40)

Mr. Speaker, I would like to encourage all honourable members to take the time today and

in the days to come to reflect upon the issue of violence in our society and also to remember the 14 women who lost their lives in this tragedy 12 years ago today. Their memory can serve as a reminder the abhorrent problem persists, and we must work together to find solutions to address this issue and work towards a society that is safer for everyone.

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

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

**Mr. Gerrard:** Mr. Speaker, today, on the 12th anniversary of the awful event in Montréal, it is an occasion for us to dedicate ourselves to a safer Manitoba, a safer Canada, a safer world. It is a time to dedicate ourselves to promoting opportunities for women as well as safety for women. It is a time when we can reflect not only on events in Canada but, at the moment, we can also reflect on what is happening in Afghanistan. That is particularly relevant at the moment, given the struggle by all people, but particularly women, against oppression and against oppressive societies.

This, I think, is important for us to remember, that the struggle we dedicate ourselves to is not just a Canadian struggle, it is a global struggle, and one that we must be prepared to work with people around the world, to engage others and to move us forward to a world which is better and safer for women, as well as for other individuals or groups who may be targeted.

I believe it is significant that the events of 12 years ago occurred at an institute for higher education. I say it is significant because one of the very important efforts which is occurring not only here but globally is to promote education among women. I think it is a critical component for advancement of societies, for the advancement of opportunities for children, and for improving the well-being for people here and around the world.

**Mr. Speaker:** Would you please rise for a moment of silence.

*A moment of silence was observed.*

## TABLING OF REPORTS

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I am pleased to table a number of reports: the 2000-2001 Annual Report of Manitoba Health and the Manitoba Health Services Insurance Plan, English and French versions, the 2001 Annual Report of the Addictions Foundation of Manitoba, and the 2000-2001 Annual Report of the Manitoba Health Research Council, copies of which all have been previously distributed.

## Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today from Minnetonka School 21 Grade 9 students under the direction of Mr. Larry Patrick. The school is located in the constituency of the honourable Member for Riel (Ms. Asper).

Also in the public gallery we have from Gimli High School 26 Grade 9 students under the direction of Ms. Ruth Kostuik. This school is located in the constituency of the honourable Member for Gimli (Mr. Helwer).

Also in the public gallery we have Susanne Borchart visiting from Germany, Warren Du Plooy from Winnipeg, and we also have Stefan Schuler. These are the guests, and also the son of the honourable Member for Springfield (Mr. Schuler).

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

## ORAL QUESTION PERIOD

### Adult Learning Centres Public Inquiry

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, before I put my question to the Premier, on behalf of all the members on this side of the House, I would like to welcome the Member for Tuxedo (Mrs. Stefanson) back to her seat. She has gifted

to Manitoba one of the wonderful things, and that is another human life. So we are delighted that the Member for Tuxedo is here with us in the House today.

\* (13:45)

My question is to the Premier. We know that HOPE operates adult learning centres in other school divisions. We also know there are adult learning centres operating in other school divisions. The taxpayers of Manitoba deserve from this Premier an answer on where their dollars are being spent. Clearly the answers are not coming in this House. So, on behalf of taxpayers of Manitoba, I ask the Premier: Will he do the right thing? Will he do the correct thing? Will he do what is in the best interests of Manitobans and call for a full independent public inquiry into the adult learning centres across Manitoba?

**Hon. Gary Doer (Premier):** Mr. Speaker, I, too, want to congratulate the Member for Tuxedo and Jason and their child, Victoria. Congratulations. Certainly congratulations are in order. I do not know what else to say here. I am lost for words with my joy of your return.

The member will know that the real shift on taxpayers' dollars occurred from the '99-2000 Budget where the money went from \$6.7 million to some \$17 million. It is now budgeted to be reduced by some \$3 million and will come in about 15 percent below where we came into office.

**Mr. Murray:** My question again is to the Premier. It is well known that the RCMP are following the Provincial Auditor's report, but we also know that new information has come forward. We know that other school divisions were not within the scope of the Auditor's report.

This is about doing the right thing for Manitobans. It is about doing what Manitobans expect of their Premier, and that is to tell the truth, to get to the bottom of it. The way we are going to find that is clearly if the Premier has the courage to call for a full independent public inquiry into the adult learning centres across Manitoba.

**Mr. Doer:** Mr. Speaker, the member is very liberal with his words. Anyone who, a Provincial Auditor has stated, has misrepresented their words should be careful using the word "truth" in this Chamber, very careful.

I am not sure whether members opposite or the Leader of the Opposition understands this, but I will explain to him that the Provincial Auditor is a servant of this Legislature and a servant of the taxpayers of Manitoba. If there are any allegations from any citizen dealing with taxpayers' dollars, the Auditor has the absolute sovereign right and responsibility to investigate any one of those concerns. If the member opposite has any specific concern, I would encourage him to forward that to the Provincial Auditor.

**Mr. Murray:** Mr. Speaker, I am not sure if the Premier understands this, that the Provincial Auditor looked into one adult learning centre in one school division. Clearly, it is a well-known fact that HOPE operates adult learning centres in other school divisions. In other words, they were outside the scope of the Provincial Auditor's report. HOPE, by the way, is still today receiving funding for those adult learning centres.

Clearly, Mr. Speaker, this is about doing what is right in the best interests of the taxpayers of Manitoba. It is about finding out the truth.

\* (13:50)

It is a sad day, Mr. Speaker, when we on this side of the House find the only way to get the truth out of the other side is to call for a public inquiry, but it is the right thing to do and the Premier should have the courage to do it.

**Mr. Doer:** Mr. Speaker, we had the courage to bring the Provincial Auditor in, unlike members opposite.

Mr. Speaker, it reminds one of Dorothy and the yellow brick road looking for the lion, in getting courage from members opposite.

Mr. Speaker, the Auditor stated that improvements had been made in the total system. The Auditor also said that other improvements must be made. The Auditor made a comment on pages 99 and 100 about the

Agassiz School Division. In fact, I think members opposite asked a few questions about the Agassiz School Division; again, a fact that contradicts the basic assumptions of the Leader of the Opposition.

As I said, the Auditor, and members opposite do not understand, that is a sovereign body, Mr. Speaker, has sovereign powers and responsibilities in law, even—[*interjection*]

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker. Whether it is investigating previous arena deals and lost files or dealing with the present situation, the Auditor has performed his functions well.

The allegation made by the member opposite, again, is very selective. From '96-97 to '99-2000, HOPE and outward bound programs that are sponsored by individuals that members opposite have made allegations of in this Chamber received \$3.5 million under the previous government.

The termination letter for the end of December this year, Mr. Speaker, means that number has been radically reduced by the present government going into the year 2002.

A key one which has also been mentioned by members opposite in various spurious allegations—I withdraw that word "spurious," Mr. Speaker—received \$1.87 million in '96-97 to the year 2000. In the 2000-2001 fiscal year, no money.

#### **Adult Learning Centres Legal Advice—Funding Repayment**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, the Minister of Finance (Mr. Selinger) has stated a number of times in this House that the Minister of Education will follow all the recommendations of the Auditor, and I quote from Hansard, November 21, when referring to the Minister of Education. He said: "He has sought out and received an Auditor's report, the recommendations of which he has agreed to follow."

Mr. Speaker, I ask the Minister of Education to explain to the Minister of Finance why he has

not followed the Auditor's recommendation to seek legal advice regarding the return of monies from other school divisions where enrolment figures may have been overstated.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** We accept the Auditor's report, unlike members opposite. In this area and all others concerning the Auditor's report, we do accept those recommendations.

**Mr. Loewen:** If he accepted the recommendations, he should be taking the necessary action.

#### **HOPE Learning Centre Investigation**

**Mr. John Loewen (Fort Whyte):** I want to ask the Minister of Education: Is he refusing to investigate other school divisions to protect the Orlikow family, the family who are responsible for the operation of HOPE, the family who are responsible for submitting inflated enrolment figures? Why is he not investigating their other operations in other school divisions?

\* (13:55)

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Once again, today it took question 5 before we had smears and character assassination take place in this Chamber, a shameful re-occurrence that is all too frequent in this Chamber of late.

As the Premier (Mr. Doer) noted, a letter of termination was delivered to the Orlikows in the HOPE operation subsequent to the Auditor's report. As the Premier also noted under members opposite who devised the plan for adult learning centres with no fiscal accountability, no program accountability, no legislative framework, the HOPE, through Morris-Macdonald School Division, was funded to the tune of millions of dollars. As of the end of this month, that will be zero.

#### **Adult Learning Centres Orlikow Family Involvement**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, as the minister clearly refuses to investigate

HOPE, I want to ask him if he will give assurance to this House and to the people of Manitoba that when he finally withdraws the funding for HOPE this December, will he ensure that the Orlikows will have no further involvement in the operation of any adult learning centre either as operators, as directors or as beneficiaries in any way.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Perhaps the member opposite would like us to ban Manitobans from Manitoba. We believe in acting responsibly. We believe in providing supports to adult learners in this province of Manitoba with fiscal accountability, unlike members opposite; with program accountability, unlike members opposite; with a legislative framework, as was announced in the Throne Speech, unlike members opposite. We believe in providing educational opportunities for all Manitobans.

#### **HOPE Learning Centre Letter of Termination**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, the ALCs and the direction of this Government have left Manitobans with many unanswered questions. In the *Free Press* article on Friday November 30, the minister indicated that the money to HOPE was being funnelled through Winnipeg No. 1, and under the minister's order, according to a spokesman from the minister's office, the Orlikows would be removed as operators in mid-December.

I would like to ask the Minister of Education whether the minister can tell the House whether the Orlikows have now been notified about their termination in terms of ALCs in the province of Manitoba.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, this is déjà vu all over again. I believe that question was responded to two weeks ago. The answer is that a letter went out on October 4.

**Mr. Derkach:** I would like to ask the minister whether he can provide this House with some evidence by tabling documentation or correspondence indicating the termination of the relationship with the Orlikows.

**Mr. Caldwell:** A letter of termination was sent to officials at HOPE on October 4, post the Provincial Auditor's report, terminating their responsibility for adult learning centres at the end of this month.

#### **Negotiations**

**Mr. Leonard Derkach (Russell):** I ask the minister if he can assure this House that there are no negotiations ongoing between Winnipeg School Division No. 1 and the Orlikows regarding ALCs.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Of course, I do not represent Winnipeg No. 1 nor do I represent the family the member opposite refers to, but I can assure the members and Manitobans broadly that this Government has put into place fiscal accountability for adult learning centres in this province. We put into place program accountability to ensure that the learners taking part in adult learning centres in this province have a degree of education that provides excellence. We can assure members opposite that we will also be putting into place this session legislation governing adult learning centres, none of which existed when tens of millions of dollars were dedicated by members opposite under their watch.

\* (14:00)

#### **HOPE Learning Centre Negotiations**

**Mr. Leonard Derkach (Russell):** On a new question, Mr. Speaker, it is sad that I cannot get a direct answer from the Minister of Education.

I would like to table in this House a cassette and a transcript. The cassette and the transcript are of a telephone message of November 29, 2001, at about 6:45 p.m. The message was left by mistake on the wrong answering machine. The message comes from a phone number associated to Mr. John Orlikow.

I would like to quote the short message from the cassette. Caller, quote: Hi, Archie. Hi, Helen. It is John calling. Archie, just calling to give you an update on the Orlikow stuff. Not much to tell



you right now. We are still waiting to hear from the school division. We will have more answers on Monday, but there has still been increasing political pressure in the legislative regarding Lionel and HOPE and myself. So we will see how that works out, but it is steady Eddie right now. Give me a call if you have any questions, 779-2097. Thank you. Bye-bye.

Can the Minister of Education explain, given that he has indicated that he gave the Orlikows a termination order in October, why, according to this, the Orlikows still believe that there are some negotiations and still some association with regard to running adult learning centres in Manitoba?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** I thought I had pretty much seen everything in my two years in this Chamber, but I guess I have been proven wrong. We have come from the sublime to the ridiculous in this Chamber in terms of the antics of members opposite. We had a case earlier in the session where the Provincial Auditor's integrity was much maligned over a number of days without apology.

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Marcel Laurendeau (Opposition House Leader):** *Beauchesne's* 417, answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. It is very clear that the minister is having meetings with Mr. Orlikow.

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

**Hon. Gord Mackintosh (Government House Leader):** I know the members opposite have raised the issue of public inquiry. I think, in fact, there is an inquiry by the public into the baseless allegations made by members opposite, the innuendo. The John and Archie tape, what that means, this is pathetic when members come into this House, make statements without any base at all, and then raise allegations, including allegations about criminal misconduct. That is how pathetic the Opposition has become. The

minister was dealing with facts, unlike the Opposition.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order.

I would like to remind all honourable ministers that according to *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and to not provoke debate.

\* \* \*

**Mr. Speaker:** I would ask the honourable Minister of Education to please conclude your comments.

**Mr. Caldwell:** Well, Mr. Speaker, the question is so low to the ground that I would have to be underground to answer it, and I do not have a response to it.

**Mr. Derkach:** Mr. Speaker, all we are asking for is a truthful, honest, up-front answer.

My question to the minister is: Can the minister explain then why on November 29 at about 6:45 p.m. the caller still feels that there is a relationship for ALCs, when in fact the minister has said that he has terminated their contract?

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

**Mr. Speaker:** Order. May I remind all honourable members that the clock is running, and we are trying to get as many questions and answers in as we can.

#### Point of Order

**Mr. Mackintosh:** The time in this Chamber, of course, is valuable time. When members come to this House with information or allegations, it is incumbent on them to provide a base for that.

Mr. Speaker, I would ask that you call the member to order, and advise that if he is bringing telephone conversations into this House he also provide a basis to who is making the calls and who is receiving the calls.

**Mr. Speaker:** The Member for Russell, on the same point of order.

**Mr. Derkach:** I did provide the transcript for the House. In the transcript there is a phone number that is associated with a Mr. John Orlikow.

The information on the transcript also says: "Hi, Archie. Hi, Helen." Mr. Speaker, we think we know who those people are.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, I would like to take this opportunity to take it under advisement so I can review the transcript and the tape. I will bring back a ruling to the House.

\* \* \*

**Mr. Caldwell:** Well, all that is missing from this fantasy, Mr. Speaker, is Veronica and Jughead.

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

**Mr. Speaker:** Order. Before I recognize the honourable member on a point of order, I would like to ask the co-operation of all honourable members, please. We have the viewing public, we have children in the galleries, and I would ask for co-operation on decorum, please.

#### Point of Order

**Mr. Laurendeau:** *Beauchesne's* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. The member speaks about Jughead. Let us just go to the *Sun* where it says: Caldwell, the mangler.

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

\* (14:10)

**Mr. Mackintosh:** Mr. Speaker, we are not talking about seeking any information here. We are talking about personal accusations. We are talking about Helen, Mr. Speaker, nudge, nudge, wink, wink. I mean, who is Helen? How did this tape come into the possession of the Opposition?

Who is taping telephone conversations in this province? It is a shameful exercise.

**Mr. Speaker:** Order. I will once again ask the co-operation of all honourable members, please. On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order. *Beauchesne's* Citation 417: Answers to questions should not provoke debate.

I would ask the co-operation of all honourable ministers, please.

\* \* \*

**Mr. Caldwell:** Just reviewing the transcript that was tabled, it appears there is someone named Archie, someone named Helen, being called by someone name John. John seems to have a little bit of anxiety. There are a lot of ums and ahs. It ends with a thank you, bye-bye.

I can advise the House—

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

**Mr. Speaker:** Order.

**Mr. Caldwell:** Thank you, Mr. Speaker. I can advise the House that as of Monday, December 3, the Orlikows involvement with ALCs in the province was terminated.

**Mr. Derkach:** I want to ask the minister whether he would table that letter, because earlier in Question Period he said it was October 4 when he sent the letter. Can he tell the House then why the Orlikows believed it was business as usual as late as November 29, 2001?

**Mr. Caldwell:** Mr. Speaker, after the Auditor's report was released, a letter terminating the Orlikows involvement or HOPE's involvement in adult learning centres was sent out. The end of the month will see the finality of that particular enterprise. All along, in terms of this exercise, as has been said many times in this House, the principles of fiscal accountability and program excellence has been foremost on my mind as Minister of Education providing some security for adult learners in the province that they would not be displaced from programs, also providing

some assurance to taxpayers, assurance that their dollars were being spent with accountability.

### **HOPE Learning Centre Funding**

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, what we are trying to get to the bottom of this issue here is that a government who said this minister, who rode a high horse into town and fired the Morris-Macdonald board, at the same time, with the family and the company who was the main problem here, HOPE and the Orlikows, at the same time the people who were causing the biggest problem here, they have received over \$625,000 of public money after the Auditor's report was called. It was cancelled, reinstated. The minister came back to the House, said he terminated this contract, and yet he has neither gone after repayment of that money nor really assured us in any substantial way that these people will be gone from this process.

I would like this minister to explain to Manitobans: Why could the Orlikows still be saying, as late as November 29, that there has been increasing political pressure in the Legislature regarding Lionel, HOPE and myself, uh, so we will see how that works out, um, but it is steady Eddie right now?

Is it business as usual as soon as this House adjourns today? Will they continue to be funded?

### **Point of Order**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, the question is directed to the Minister of Education, asking the Minister of Education to comment on a telephone conversation between two people, within what context for sure has not been laid out here. For the Minister of Education to be commenting on some third party's conversations is simply not in order. It is not information that can rightly be sought from a minister.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order.

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, we have already

submitted the tapes, the transcript to the House. The number is available to the members if they want to call John. He is available at the number which he left on the message, and I am sure that he will confirm that it is his voice on the tape.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, I have taken that under advisement, and I will do the same for this point of order. I will review the tape. I will review the transcripts and I will bring a ruling back.

\* \* \*

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Just to recount for the member from Lac du Bonnet, school divisions received the adult learning centre funds from the Province and passed along that money to adult learning centres under contract with school divisions. The divisions and elected trustees are responsible for ensuring that audits, credentials, diplomas, et cetera, were managed, elected officials with authority granted to them under legislation. The system of delivering that money by which tens of millions of dollars left government hands and was transmitted to school divisions under the rule of members opposite had no accountability, no legislative framework and it was a mess. The Auditor notes we are making important improvements to that system.

**Mr. Praznik:** Mr. Speaker, we just heard the minister flip-flop. One day he is responsible; now it is the school divisions. Is the minister now telling this House that he does not stand by his own press release of May 10, 2001, where in his own press release he names HOPE, run by the Orlikows, as getting \$625,000 of the people's money. Is he not now standing by his own press release?

**Mr. Caldwell:** The member from Lac du Bonnet points with some alacrity, Mr. Speaker. Members opposite delivered somewhere in excess of \$3 million to this program. As of the end of this month, there will be no dollars being expended.

**Mr. Praznik:** Mr. Speaker, my final supplementary is to the Premier, if he would answer to this House. Will the Premier then tell us, given the fact that the Orlikows still believed they

were negotiating with Government on the 29th of November, can he please explain his comment to this House that they made a mistake in July when they reinstated the Orlikows funding? Would he finally give us an explanation, after days and weeks of asking that same question?

**Hon. Gary Doer (Premier):** Mr. Speaker, I believe it was November 16 when I gave the answer about this issue; that is why the member has the quote. I seem to recall, and I may be wrong because it is before my time in the House, but there was a wiretap dealing with the allegations against Bob Jr. Wilson. There was a comment on one of the wiretaps: You bring the coke and I will bring the pot. It had to do with a corn roast that was taking place by the former Conservative Party. So I would be very careful to interpret. For us to interpret third party conversations in this Chamber—

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

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Laurendeau:** Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

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

\* (14:20)

**Mr. Mackintosh:** Mr. Speaker, the point of the answer was direct. It was to remind members opposite in particular and all members of this House, that when you bring information here, it is important that the context of the information be laid before the House at the same time. When we talk about pot and coke, it is important to know you are going to a corn roast and not engaged in some criminal activity. That is the difference.

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

**Mr. Speaker:** Order. On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order. It is a dispute over the facts.

**Mr. Laurendeau:** I am sorry, Mr. Speaker, but there was a bit of noise, and I did not hear your ruling.

**Mr. Speaker:** That is what I have been suggesting to the House since Question Period. I have asked the co-operation of all honourable members because it is very, very hard to conduct the business of the House when members cannot hear the questions or the answers or when the Speaker is trying to make a ruling. I ask the co-operation of all honourable members, please.

On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Laurendeau:** Regrettably, I must challenge your ruling.

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

**Mr. Speaker:** Order. The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in support of sustaining the ruling, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Laurendeau:** Yeas and Nays, Mr. Speaker.

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

Following Manitoba rules, the time has expired. Please turn off the bells.

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, Ashton, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Gerrard, Jennissen, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Wowchuk.*

**Nays**

*Cummings, Dacquay, Derkach, Driedger, Enns, Faurshou, Gilleshammer, Laurendeau, Loewen, Maguire, Mitchelson, Murray, Penner (Emerson), Pitura, Praznik, Reimer, Schuler, Smith (Fort Garry), Tweed.*

**Madam Clerk (Patricia Chaychuk):** Yeas 30, Nays 19.

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

\* \* \*

**Mr. Speaker:** We will revert back to Oral Questions, and the honourable First Minister had the floor.

**Mr. Doer:** As I was saying, dealing with the adult education centres, the question put by the Member for Lac du Bonnet (Mr. Praznik), I would recall last year that when he made an allegation in this House it was investigated by the police, and the allegation of kickbacks proved to be inaccurate.

Mr. Speaker, '96 to the year 2000 the programs articulated by the member opposite was \$3.5 million. The letter of termination has already been tabled by the member, and obviously the investments in the program have declined radically.

**Point of Order**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I heard the Premier just say that the letter of

termination has been tabled. Could he please correct that or allow us to see the letter?

**Mr. Speaker:** The honourable First Minister, on the same point of order.

**Mr. Doer:** The minister did indicate he will table the letter. It is public record. The termination with notice has been in the public domain for quite a while, sir.

**Mr. Speaker:** The honourable Member for Russell, on the same point of order.

**Mr. Derkach:** Mr. Speaker, the Premier is not clear. He indicated that—this is just for clarification. The—[interjection]

**Mr. Speaker:** Order. I have recognized the honourable Member for Russell.

**Mr. Derkach:** Mr. Speaker, I only asked the Premier to provide factual information to the House. Indeed if this letter has been tabled, then we should have a copy of it.

**Mr. Speaker:** The honourable First Minister, on the same point of order.

**Mr. Doer:** I want to correct the record. I do correct the record when I am wrong, I would point out. The minister said that the letter would be made available and it will be, I am sure, before the end of the day.

**Mr. Speaker:** Order. On the point of order raised by the honourable Member for Russell, he does not have a point of order. That is a dispute over the facts.

**True North Entertainment Complex  
Impact on the Winnipeg Blue Bombers**

**Mr. Speaker:** The honourable Member for River Heights, on a question.

**Hon. Jon Gerrard (River Heights):** My question to the Premier. The term sheet of the agreement the Province has with True North says Manitoba agrees not to have any discussions with respect to the financing, development or approval of a government-

funded sports and entertainment complex in the city of Winnipeg and its immediate trading area with any third party for not less than 25 years.

My question to the Premier is this: Since the Bombers are a third party and are looking at refurbishing the existing stadium or developing an exciting new stadium some time in the next 25 years, does this provision limit in any way the ability of the Government to hold any discussions with the owners of the Bombers or other concerned parties in this respect?

**Hon. Gary Doer (Premier):** The member, and I am really interested in his position this week on the new proposed arena because he sent a letter to Mark Chipman supporting and indicating his unequivocal support for the new project. Then he had a press conference a couple of weeks ago to indicate that he wanted us to suspend our support for the project.

\* (15:30)

We certainly are aware of the situation. We certainly are aware that there are other issues in the documentation that we have to deal with. The section the member references, Mr. Speaker, deals with competitive other arena sites.

**Mr. Gerrard:** The critical issue here, Mr. Premier, is the future of the Bombers. I ask the Premier whether the clause will limit in any way discussions with the owners of the Bombers or other third parties if they consider such sites, including not only Polo Park but Assiniboia Downs or waterfront drive for a new stadium, or if the Bombers were to consider including any sports or entertainment activities in addition to those presently existing now at the Bombers stadium.

**Mr. Doer:** I did not get an answer whether this week the member is supporting the new arena or not, Mr. Speaker. So I will still await this week's position.

Mr. Speaker, the question was whether we can have discussions with the Bombers. I want to indicate to members opposite that, in fact, before we were sworn in, we were told that the Bombers would not meet payroll on October 10, upon our swearing-in on October 5 of 1999. We

also have a document, a draft Treasury Board document, dealing with a \$500,000 public investment in the Bombers on top of the \$350,000 that was put in, in the Budget in the 1999-2000 year.

Rather than supporting that Treasury Board submission, we have worked to restructure the team. We have appointed Ken Hildahl and David Asper to be the provincial representatives. We have helped support and have discussed the hiring of Lyle Bauer. We have worked with the team to have a corporate private fan take support of the football team. We are proud of the efforts the Winnipeg community has made to turn the Winnipeg Blue Bombers around.

My only regret, Mr. Speaker, is the job is not done until we win the Grey Cup.

**Mr. Gerrard:** I ask the Premier once again, and it is important to be clear here for the sake of the future of the Bombers. Manitobans will not forgive you if you mess up with the Bombers.

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

**Mr. Speaker:** Order.

**Mr. Gerrard:** We do not want a bomb or bombshell on the last day of the Legislature.

Now, Mr. Premier, because this is very important, by being vague on this question, you leave a cloud over the potential future of the Bombers. I ask the Premier: Will this agreement with True North limit in any way the ability of the Bombers to develop an exciting new stadium in Manitoba?

**Mr. Doer:** The member opposite asked the question of whether we could work with the Bombers, and we have been working with the Bombers. In fact, we had a meeting with the Bombers a couple of weeks ago. We continue to work with the Bombers. We have worked with them from the day we have been elected. Mr. Speaker, the—[*interjection*]

The member from Fort Whyte still, I think, feels bitter, but I do not want to interpret what his words mean, Mr. Speaker. The bottom line is the—

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

**Mr. Speaker:** Order.

**Mr. Doer:** I said, Mr. Speaker, the matter was in the public record. The bottom line is we have agreements in place to deal specifically with competitive arenas. We believe that there is great co-operation, there is excellent co-operation between the proposal for the new entertainment centre, the ownership, which is the public of the Winnipeg Blue Bombers, and we are confident the only step missing now in going to the future is that step to win the Grey Cup.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** I would like to table, Mr. Speaker—

**Mr. Speaker:** Order. The honourable Member for Russell, on a point of order.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, on a matter of privilege.

**Mr. Speaker:** On a matter of privilege.

**Mr. Derkach:** I rise on a matter of privilege this afternoon—

**Mr. Speaker:** Order. For the clarification of the House, I recognized the honourable Member for Russell on a point of order. Normally when a point of privilege is raised, it is raised when a member rises and is recognized for the privilege, and I had recognized the honourable member for a point of order, which stops the business of the House.

What I will do is I will recognize the honourable Minister of Education (Mr. Caldwell) for his comment, then I will recognize the honourable—*[interjection]* A member has to be recognized for privilege in order to entertain the privilege. I had recognized the honourable Member for Russell and I asked: On a point of order? And he said no. I did not proceed further from that. I was recognizing the honourable member for a point of order. I will entertain the honourable Minister of Education. Once he has concluded, I will recognize the honourable Member for Russell on his privilege. That is the process of the House.

\* (15:40)

A matter of privilege does take precedence over business of the House once the member has obtained the floor in recognition of being recognized for a matter of privilege. A point of order is what stops the business of the House. A point of order is raised once a member has been recognized on the floor to raise the matter of privilege. I am trying to be fair and follow the rules of the House.

**An Honourable Member:** So the matter of privilege takes precedence.

**Mr. Speaker:** That is right. So I did not recognize him on a matter of privilege. I recognized the member on a point of order, to which he said no.

**An Honourable Member:** He had the floor. He asked for a matter of privilege.

**Mr. Speaker:** Oh, no. When a member rises for a clarification of the House, whether it is a question or debate, when any member rises, the Speaker has to ascertain if the member is rising on a point of order. That is what I did, because any member who rises when the other member has the floor, I ask: Is it on a matter of point of order? If it is no, then we will continue with the business of the House until the member receives the floor for other business than a point of order. That is the rules. Once the member has obtained the floor on a matter of privilege then it takes precedence over any other business of the House.

**An Honourable Member:** I will not sit down.

**Mr. Speaker:** Order. I will recess the House for a very brief period of time to meet with both House leaders in my office, and we will come back and resume House business. The House is recessed for five minutes or until we come back to the House.

*The House recessed at 3:43 p.m.*

*The House resumed at 4:03 p.m.*

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker—

**Mr. Speaker:** Order.

**Mr. Derkach:** Matter of privilege, Mr. Speaker.

**Mr. Speaker:** The honourable member is rising on a matter of privilege.

## MATTER OF PRIVILEGE

### Tabling Priority

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I rise on a matter of privilege today, understanding that a matter of privilege has to meet two tests. One is that the matter is raised at the earliest opportunity, and, secondly, that I can establish a prima facie case for this matter.

I rise at the earliest opportunity to raise in this House that my privileges as a member have been breached because the Premier (Mr. Doer) of this House indicated in his response to the House that the Minister of Education (Mr. Caldwell) had tabled a letter to this Assembly. I questioned the Premier on this in my point of order, and it was at that time that I learned that the Minister of Education had indeed shared this letter with the media prior to tabling that letter in this House.

Mr. Speaker, that is indeed a breach of the rules of this House, rules that we have all respected over time and members of this Legislature have respected over the course of time in the province of Manitoba. No member, no minister should ever have contempt for this House and not follow the rules.

When I raised this matter with the Premier this afternoon, I wanted to assure myself that the question that we had asked about the minister tabling information during Question Period was not misunderstood by the Premier or by his minister, Mr. Speaker, because we had asked earlier in the session, earlier today, that the minister table that termination letter, which he did not.

Mr. Speaker, when the House rose on a vote during Question Period for a period of time, the minister and his staff quickly went out into the hallways and shared this letter of termination with members of the media. They did not do

what is the tradition of the province of Manitoba and this Legislature and share that letter by tabling it in this House.

Now, Mr. Speaker, jurisdictions across this country respect this rule very much. As a matter of fact, in the Parliament of Canada, I believe the records will show that even a Minister of Justice was brought before a committee for doing this very same thing. So we have to, as the province of Manitoba, respect democracy, respect the rules of the House and I daresay respect the legislative amendments and laws that have been passed in this Chamber.

I read this letter, and there is another issue that comes forward that is related, because I had asked the question about whether or not the family of Orlikows had visited or had met with any government people regarding the operations of HOPE, and, Mr. Speaker, this letter points out today that they had, on October 3, and it was the Minister of Education (Mr. Caldwell) who said they had not. So what a tangled web is weaved here by the Government with respect to this whole issue of adult learning centres in the province of Manitoba.

Mr. Speaker, today it climaxes with the Minister of Education going out into the hallway and instead of being forthright and sharing that letter of termination here in the House, tabling it in front of the Legislature so that all members of this House would have that information, instead he chose once again, as he has done in the past, to break the laws of this province, to go out into the hallways and to share it with others before he would share it in this Assembly.

Now, I say to Manitobans: How can you trust this minister and this Government when they do actions of this nature? That is why I rise today in frustration, and, yes, somewhat in anger because of the way that this minister, this Government, this Premier (Mr. Doer) is treating not only this Legislature but the good people of this province.

Mr. Speaker, Manitobans expect better from their Premier. The people who are involved in education, the trustees, the teachers, the parents, the children expect better from a Minister of Education. A Minister of Education should not



at any time knowingly break the law. There are questions here with respect to boundaries, as to whether or not this minister has broken the law, something we will get to the bottom of at some point in time.

Mr. Speaker, this is not a matter that we can ignore. I know it is going to be difficult for you to rule on this matter. I found it very uncomfortable today to have to stand at a time when a point had to be made in this House about a ruling that you had made, but, nevertheless, you did a wise thing in consulting with the House leaders and then coming back with the ruling. I respect you for it because you have always ruled in fairness in this House.

But, Mr. Speaker, it does not take away from the seriousness of this matter. The reason that we had asked for this letter was to assure ourselves that, in fact, the Government had done the right thing in severing its relationship with the Orlikows and HOPE in a timely manner, as they had said in the papers, and to square that with the fact that we had received a taped message where there was an indication that, indeed, that relationship was not severed.

\* (16:10)

So, Mr. Speaker, somehow we have to get to the bottom of this and understand what the true facts are. That is the purpose of Question Period. That is the purpose of the Opposition here in this House. I have nothing personal against the Minister of Education and Training (Mr. Caldwell). He is an honourable member of this House, but any honourable member in this House can make a mistake. And, so, when we ask for the facts, it is to assure ourselves and Manitobans that, indeed, the rules of this House, the laws of this province have been followed in accordance with what has been laid down over time. These are not new rules; they are not new laws. They are laws that were established so that democracy can prevail in the province of Manitoba as it should.

I hear comments from the other side that say: What laws has he broken, what laws has he transgressed, what rules has he transgressed? Well, Mr. Speaker, the rules are the rules of this House.

Repeatedly in this House, we have asked for the minister's openness, the minister's honesty and his consistency, Mr. Speaker. I think, through our questions in this House, we have established that there has been some question in each of those categories. That is why there is such concern, not only by the members of this House but, indeed, by Manitobans, because our phones are ringing off the wall. Information that was tabled today in the House is coming in because Manitobans are concerned about the actions of this minister in protecting his friend.

No one can excuse the Premier (Mr. Doer) from this, because we asked the Premier very early on to remove this minister, to call a public inquiry and to have this matter dealt with in the open by an unbiased individual or group, Mr. Speaker. No one questions the authority of the Provincial Auditor, but there are questions beyond where the Provincial Auditor stopped his review. He raised those issues in his review. He talked about them, and so on that basis my leader asked the Premier of this province to clear the slate, to bring forward an independent judicial person who could do an independent inquiry into the allegations that are being made with respect to the adult learning centres in the province of Manitoba.

Mr. Speaker, all of these issues point to the fact that we have an unfortunate situation in the province of Manitoba, one where the Minister of Education has put himself in a very uncompromising position, one that he should know well enough to resign from the office of Minister of Education. The trustees are meeting in this province as we speak. We read in the papers today about their concerns about how the minister is conducting his affairs. There are very serious concerns by trustees across this province how he is indeed taking his responsibilities to the people of this province.

Mr. Speaker, there are many shortcomings. In raising this issue as a matter of privilege, I do it at the earliest convenience that I could. I walked out of this House to make sure that there was not a letter that was shared with media before we had it. I found out the opposite; that, indeed, in a very underhanded way, just like the money that was slipped into Agassiz, we have a minister who is slipping information without

being forthright in the House, without sharing it with members of this House.

Mr. Speaker, I say to you that you have a very onerous responsibility here in dealing with this matter, in ensuring that justice is brought to this Chamber and to the members of this Legislature, and that this matter then must be referred to a committee of this House.

So, without taking any more time, I want to move, seconded by the Member for St. Norbert (Mr. Laurendeau), that the actions of the Minister of Education (Mr. Caldwell) in providing copies of a letter or document to the media without first providing that document to the Legislature as requested, after that document had been repeatedly asked for by members of this House, constitutes a breach of privileges of the members of this House and that this matter be referred to a committee of this House, Mr. Speaker.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, what we see before us—

**Mr. Speaker:** Order. Before the honourable Government House Leader continues, I would like the co-operation of all honourable members, because I need to hear the words that are spoken in order to bring a fair judgment back to the House. So I would ask the co-operation of all honourable members, please.

Before recognizing any other members to speak, I would remind the House that contributions at this time by honourable members are to be limited strictly to relevant comments as to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Mr. Mackintosh:** Mr. Speaker, on the first point as to whether the matter was raised at the first opportunity, I think it would not be acceptable humour to argue that it was not.

On the issue of whether there is a prima facie case, what we have before the Assembly and before Manitobans this afternoon is one more effort on the part of the Opposition to try and give this issue some legs. Because I will tell you what happened from our point of view is

that one day in this House, on the issue of adult learning centres and in the course of questions to this side of the House, a member of the Opposition mumbled something to himself to the effect of criminal fraud. That caused a real problem for the Opposition, because, by that heckle, as a result of those words from the member's seat, the Opposition had to rise to meet that new leg on the story, because it was published in a local paper. They were captured by that heckle. They were so captivated by that heckle that they had to elevate the debate even though they did not have the material. So what we had were allegations unbelievably against honourable members, one in particular, perhaps two, of criminal misconduct, with no substantiation, no law, no evidence. It debased this institution.

It went from there, Mr. Speaker, to allegations against a highly respected officer of this Assembly, the Provincial Auditor. It went from there to allegations that the Premier (Mr. Doer) ordered two deputies in a position of power over the Provincial Auditor, ordered him to change his words. Not only was that an unfortunate reflection on the Premier of this province, on two deputy ministers, but, most particularly, on the integrity of a public servant, an officer of this Assembly, a person that rises above partisan politics, a person who is not able in this Chamber to defend himself, and it was shameful.

So they were captured by the mumble. What we have today is a further effort to try and elevate this discussion, try and give it some new legs just to keep it going. Because they are caught they had to move it to today. What does this do? I ask this question of Manitobans: Does it serve to deflect from the former government's financial flubbing of the adult learning centre program? I ask Manitobans: Does it serve to deflect from their scandalous cover-up of their mismanagement?

Surely the answer, because there is a public inquiry, as I said earlier, an inquiry by the public, they see that the Opposition that we now have in this province is prepared to say anything without any foundation whatsoever, and that is their credibility at stake. It has suffered. And that is the story of this session.

\* (16:20)

Now, to the very minor point made by the member opposite in the so-called matter of privilege and on the issue of whether there is a prima facie case, Mr. Speaker, I would find it interesting if the Opposition was now prepared to provide to members in this House any documents that they provide to the media. Is that the new level, the new expectation? This is ridiculous.

Mr. Speaker, what we have in this House is a member rising on a matter of privilege. It is not even a breach of rules; it is not even a point of order. I remind the member opposite that in our rules it says a question of privilege ought rarely to come up in the Legislature, and that means something very important. It means that privilege is a very, very high standard to meet. It means something very fundamental, something that has prevented the ability of members to do their work as members has taken place.

Mr. Speaker, I will just conclude very simply by saying this. It has been recognized, and this is a long-standing recognition in our parliamentary system and indeed in this House, that, first of all, and I refer to *Beauchesne's* Citation 31(3): "Statements made outside the House by a member may not be used as the basis for a question of privilege."

Now, the word "statements" is used there, but more important to the point is this. It is Citation 31(10), and it deals directly with the matter raised. The member opposite should well have known that and had this advice, and I will quote: "The question has often been raised whether parliamentary privilege imposes on ministers an obligation to deliver ministerial statements and to make announcements and communications to the public through the House of Commons or to make these announcements or statements in the House rather than outside the chamber. The question has been asked whether Hon. Members are entitled, as part of their parliamentary privilege, to receive such information ahead of the general public."

The conclusion, Mr. Speaker, was this: "I can find no precedent to justify this suggestion." That is the law of Parliament. Further, I will just refer to a matter of privilege that was determined

in this House July 11, 1986, in citing Speaker Jerome, a highly respected Speaker, of course, of the House of Commons from 1976. He said: It is clear that parliamentary privilege does not extend and never has extended to compelling a minister or prime minister to make a statement in the House under any circumstances, regardless of the importance of the subject. I would take it that the word "statement" would refer to both written and oral statements.

Mr. Speaker, there is no matter of privilege here. There is not even a matter.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak on this matter of privilege. I think it is important that the matter that has been raised deals specifically with the tabling of a document which has been asked for and, instead of tabling it, the Government has shown it to the media before bringing it to the members of this House. There is no question that most of what the Minister of Justice has said is irrelevant to this specific problem. What the Minister of Justice has said at the end of his remarks, which deals with whether it is the right of a minister to present something outside this Legislature before putting it in the Legislature, there is just no doubt that a minister does have that right.

But there is an exception, right? And that exception is important, right? That exception occurs where we have had a document which is said to be tabled but was not, where we have had a document that has been asked specifically for in this House that has not been delivered, that clearly that document should be delivered in this House before it is delivered to the media.

This is a specific case and it is my view that in this case the privilege of the members of this House has been breached by the actions of the Minister of Education (Mr. Caldwell), and that it is time that this goes to committee and is dealt with there appropriately.

**Mr. Speaker:** The honourable member is rising. I hope the honourable member has new information.

**Mr. Darren Praznik (Lac du Bonnet):** Yes, I do.

Mr. Speaker, this is a very serious matter because the ability for us as members of the Legislature to do our work, our work as MLAs, non-Cabinet ministers, members of the Opposition in this case, is to be able to put the actions of government to the test of public scrutiny. That is what our role is. That was the role of members of the New Democratic Party when they sat on this side of the House, and that is a critical part of our parliamentary tradition. It is a fundamental foundation on which our democracy is based.

Some of the rules around which we have to operate as a Legislature holding the Government to public account is that ministers of the Crown have an obligation when we are requesting documentation that they are making reference to and talking about, to bring it forward and bring it forward first, when it is requested, to members of this Assembly before they go and make it public elsewhere, because they answer not to the media but they answer to this House, this House which represents the people of the province of Manitoba. That is so fundamental, Mr. Speaker, that by not doing that, they breach the privileges of all of us because we cannot do our job.

But, Mr. Speaker, this particular document has somewhat of a greater significance because this is not the first time that it has appeared during the course of this session. Why the minister's failure to bring it forward before it was tabled in this House or before the Government claimed to table it in the House, I think, is worth considering as you deal with this matter of privilege.

The minister himself made reference to this document on November 23. He quoted from this document and he did not table it, which is required by our rules. I would like just now for the benefit of members of this House to hear the exchange in which it was raised, because I think this also starts to give some explanation as to why there is a very serious matter here.

On November 23, I asked the minister, and I quote: "I would like to ask the Minister of Education, given that his department ordered an audit, funded HOPE, took away their funding, reinstated their funding, took away their funding and funds today, I want to ask this minister to

tell the House if he or his deputy had any meetings over the course of, since January of this year with the Orlikow family or administrative representatives of HOPE."

The Minister of Education's (Mr. Caldwell) answer is very instructive because the Minister of Education said this, and I quote: "Certainly, Mr. Speaker, I have had no meetings with representatives of HOPE." I should also add—and these are his words—"that on October 4 the Department of Education sent a letter to HOPE indicating that funds, and I will quote directly from the letter," and he goes on to quote that letter, the letter that he did not table but provided to the media.

Well, Mr. Speaker, when we look at that letter today, and I believe the Minister of Education has provided a copy, this letter says very clearly, and I quote from it: As you are aware from our meeting this morning, and it is signed or at least the original was signed by Mr. Ben Levin, his deputy minister.

So the Minister of Education, when asked if he had had a meeting, or his deputy, with representatives of HOPE, and this letter is addressed to Mr. John Orlikow, he came to this House and said no, he had not, but he used this letter to imply that there had been no meeting, that, in fact, there had only been a letter sent, and he did not provide this letter. He was reluctant every time we asked in other Question Periods to provide documentation. He refused to provide it. Well, the reason is very clear, Mr. Speaker, because this letter was the proof that his department, his deputy, had had meetings with the Orlikows, and he as a minister never got up in this House to acknowledge that fact.

\* (16:30)

He did not—well, I am careful of my words—I would suggest that his actions in hiding this letter day after day were to cover the fact that there had been meetings between the Orlikows and his deputy, and the minister did not want that to become public. That is why he refused to bring that letter to this House. That is why he refused to bring the facts to this House. And today, when the whole issue of whether or not the Orlikow family would be continuing to

operate HOPE, and, remember, this is a minister who came to this House, got on a high horse and said we have terminated them. They will not be running these centres, when in reality, as this letter clearly indicates, when the few problems are worked out, they could be back in business.

So, again, this Minister of Education was not being forthright with this House. But today when he was pushed, again he wanted to use this letter to show that he had been tough, he had given notice to the Orlikows. But what he forgot was it also proved that he had not been truthful with this House. It also proved he had not been truthful but, furthermore, that the Orlikows, just as the new information we brought to this House suggested: If this dies down, well, business, steady Eddie. It will be back in business.

Mr. Speaker, this minister breached the privileges of this House, of all members of this House, yes, by sharing this with the media before he brought it to this Chamber. But let us make no mistake, the reason he did not bring it to this Chamber was this was further proof of his deceit to the people of Manitoba.

**Mr. Speaker:** The honourable Minister of Transportation, with new information?

**Hon. Steve Ashton (Minister of Transportation and Government Services):** Yes, Mr. Speaker, with new information.

I will preface my comments by suggesting that when members opposite use a matter of privilege to stand in their place and talk about terms such as "deceit," or I think probably the lowest I have seen reference on a matter of privilege, which is a serious matter, from the member who raised the matter of privilege talk about "breaking the law," I say it shows how little concern members opposite really have in terms of the functioning of this House.

I will start with the new information for the Member for Lac du Bonnet, who, I think, should know better. I would suggest that he read, Mr. Speaker, and you read in consulting on this, our rule 37; because you know what is interesting, he tried to create some conspiracy theory out of the fact that a letter was not tabled by the Minister of Education (Mr. Caldwell) when the

question was asked. We know the member opposite should read the rules, because the member who had asked the question could have exercised their right under our rule 37, and I want to read it: Where in the debate a member quotes from a private letter, any other member may require the member who quoted from the letter to table the letter from which the member quoted. But this rule does not alter any rule or practice of the House relating to the tabling of documents other than private letters.

They could have asked for the letter to be tabled at that point in time under our rules. They did not. Do not turn your negligence as an opposition into conspiracy theories.

Mr. Speaker, I will continue because I find it rather interesting. I am tempted to say, quite frankly, that members on this side of the House need no lectures from members opposite about preventing members of the House from doing their duties as members of the Opposition. Some must have some rather long memories. But the House leader was quite correct to point to *Beauchesne* Citation 31.(10), because there are clear rulings that appointed that it is not a matter of parliamentary privilege, even to deal in ministerial statements being required to be made in this House, or announcements in the communications, which clearly we reference to this.

I say to members opposite, if they read not only our rules but 31(10) again, if they had simply done what they had the right to do as an opposition in the first place and ask for the letter, they could have had that done. It would have saved us the last several hours of procedural wrangles, all the conspiracy theories and an opposition that I see getting to new lows.

I mentioned the term, the member from Lac du Bonnet getting up on a matter of privilege and clearly impugning motive on the integrity of a member of this House. I remind the member, who is a former Government House Leader, that all members of this House are honourable members, and we do not need that kind of a statement on the record on a matter of privilege.

I would also suggest, and with some real disappointment here, terms like "criminal fraud,"

which the Government House Leader referenced to a statement that was never made by a member on his feet, a member who should know better, but a statement that then was recorded in the public record, never once repeated outside of this House, I would say, statements about the Provincial Auditor. The Provincial Auditor is above and beyond any of the kind of accusations, the low-level accusations I have heard from members opposite. When they questioned the process that was involved in this case, they questioned the Provincial Auditor. That is unbecoming of any member of this House.

I say to members opposite, having spent some time in opposition, as other members have done in this House, that every opposition is entitled to raise questions in this House. They are entitled to use whatever rules, including rule 37, are at their disposal. But let us draw a line at some of the conspiracy theories, some of the grossly exaggerated statements, the accusations of motive, references to criminal fraud and breaking the law. If the members have an issue, let us hear it. We have not heard it thus far, and this is not a matter of privilege.

**Mr. Speaker:** A matter of privilege is a very serious concern. I am going to take this matter under advisement to consult the authorities, and I will return to the House with a ruling.

We will go back to Oral Questions, and the honourable Minister of Education and Training had the floor.

#### **HOPE Learning Centre Letter of Termination—Tabling**

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** I rose to table said document. I know that members opposite have the material, because I sent it over to the honourable Leader of the Opposition some time ago. I will table that right now.

#### **School Divisions**

##### **Amalgamation Criteria—Tabling Request**

**Mr. Harold Gilleshammer (Minnedosa):** Yesterday, in Question Period, the minister committed to considering tabling the criteria the Government used to craft the new school

division boundaries. Is the minister today prepared to table criteria that he used that have somehow eluded school division trustees, municipal government, parents organizations, members of the Legislature and indeed all Manitobans? Is he prepared to table those criteria today?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** I did answer that question yesterday.

#### **Amalgamation Criteria**

**Mr. Harold Gilleshammer (Minnedosa):** On a new question.

**Mr. Speaker:** The honourable Member for Minnedosa, on a new question.

**Mr. Gilleshammer:** Does the minister stand by his answer of yesterday that when I asked him if the number of students in the school division was one of the criteria, he said no? Does he stand by that answer that he gave yesterday, which he will find in Hansard on page 538?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** As I repeatedly put on the record, both yesterday and in earlier sessions, that enrolment patterns, assessment-based, community of interest, transportation patterns, commonality of programming, program harmony were all criteria that were asked of school divisions a little over a year ago to undertake their analysis and report back to the department. I did also say that we did not have a preconceived notion of X number of school divisions and X number of students being our criteria for imposing amalgamations.

**Mr. Speaker:** The time for Oral Questions has expired.

#### **Introduction of Guests**

**Mr. Speaker:** Prior to members' statements, may I draw the attention of honourable members to the Speaker's Gallery, where we have with us Mr. Roger Godard from Richer, Manitoba. On behalf of all honourable members, I welcome you here today.

### House Business

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, on a little bit of House business, I wonder if I might seek leave for this House to resume its sitting on Monday morning. I understand the Government is busy putting a spin out in the halls, that they would like to have certain things done. We are prepared to be sitting here on Monday if the House is prepared to give leave.

\* (16:40)

**Mr. Speaker:** The honourable member has proposed seeking leave to sit on Monday. Is there leave?

**Some Honourable Members:** No.

**Mr. Speaker:** Leave has not been granted.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I have never seen something so pathetically transparent. Perhaps I should table the rules, especially the rule that the Opposition insisted on. That is, that you, Sir, adjourn this House at the end of the first full week of December. If they want to do work, we are here now.

### Point of Order

**Mr. Mervin Tweed (Turtle Mountain):** Just for clarification on this side of the House, I would like to ask on what reason or grounds the member opposite was on his feet making a statement.

**Mr. Mackintosh:** I was standing on a matter of House business. That is what this matter is that is before the House. On the matter of House business, I believe that we have not yet entered into members' statements.

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

**Mr. Speaker:** Order.

**An Honourable Member:** A point of order, Mr. Speaker.

**Mr. Speaker:** I can only deal with one point of order at a time. I already am in the process of

dealing with a point of order that was raised by the honourable Member for Turtle Mountain. I have to deal with one point of order, and then I can entertain another point of order. I cannot entertain a point of order while I am dealing with a point of order.

On the point of order raised by the honourable Member for Turtle Mountain, I had recognized the Official Opposition House Leader (Mr. Laurendeau) on House business, and to be fair, I was recognizing the honourable Government House Leader (Mr. Mackintosh) on House business. I was just trying to be fair to both sides of the House.

\* \* \*

**Mr. Speaker:** Now the honourable Member for Lac du Bonnet, on a point of order.

### Point of Order

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, I just want to ensure that we all understand that the Minister of Culture (Mr. Lemieux) said that we should not be back till the end of May.

**Mr. Speaker:** On the point of order raised by the honourable Member for Lac du Bonnet, he does not have a point of order.

\* \* \*

**Mr. Mackintosh:** Just to conclude my remarks, Mr. Speaker, this Legislature sits at cost of about approximately \$10,000 a day, I understand. It is important that we use our time well. We have been sitting for about four weeks, and all we have seen from members opposite is a weak-kneed, indecisive, dithering response to important bills, including bills regarding public safety. We have seen filibusters; we have seen walking out hour after hour after hour.

Mr. Speaker, the Opposition is here now. They have been here for weeks. It is too bad that they did not attend to the public interest and get going with the bills.

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

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

**Mr. Laurendeau:** Mr. Speaker, it is on the same House business as the honourable Government House Leader brought up.

I do believe that we do have a process, Mr. Speaker, where we deal with bills. We have done it over the years where we have moved bills through this House in the fall and dealt with them in the spring sessions, and we have passed certain bills as we have done this fall. We have passed two bills through the House. It is not that we are not prepared to continue to sit; we are prepared, but the new rules that we are under state that we should be rising on the sixth. That is why I had thought that we have leave, because this side of the House we are prepared to continue to sit and have public consultation on these bills.

Mr. Speaker, the member speaks about the \$10,000 that it costs to operate this House. They are funding a lot more than \$10,000 on their phantom students for this Minister of Education (Mr. Caldwell).

We are prepared to stay here and deal with the matters before this House if they are ready to work.

**Mr. Speaker:** Order. To be fair, I will recognize the honourable Government House Leader, but I do not think the floor of the Chamber is the place to do the negotiations. I would encourage the House leaders to meet, but I will recognize the honourable Government House Leader to balance it off.

\* (16:50)

**Mr. Mackintosh:** I know the Opposition House Leader is asked to do certain things, but House business and seeking leave is, of course, appropriately done when it is meant to achieve its objective, done with the House leaders discussing these matters. That request, of course, was done to try and speak to the media. This is not speaking to the issue of public interest.

I know the Opposition wants to come back, and they want some more practice with their questions. I know that with Question Period. Goodness knows they need it, but this Opposition has shown no commitment to getting

the work done in this Chamber, no commitment. They know full well the legislative schedule.

## MEMBERS' STATEMENTS

### St. James Centennial Pool Expansion

**Mr. Jim Rondeau (Assiniboia):** I would like to bring all members' attention to an important announcement that was made in Assiniboia recently. John Harvard, representing the federal government; Glen Murray, the Mayor of the City of Winnipeg; Peter De Smedt, councillor for St. Charles ward; Bonnie Korzeniowski, MLA for St. James; and I had the pleasure of announcing an expansion to the St. James Centennial Pool through the infrastructure program.

This new wellness recreational facility is sorely lacking in west Winnipeg because of the following reasons: one, there is a large percentage and concentration of seniors in the province in west Winnipeg. There is a lack of any recreation or wellness or physical fitness facilities. Recreation and physical fitness fits into our Government's focus on preventative health care. Research shows that those people who are physically and mentally active rely less on hospital care and thus save our province money.

Since the Unicity mall has closed there has been no place for the mall walkers to walk and no heart for the community, no place for meeting within their community. This facility will create a place for youth to participate in appropriate physical fitness and sports activities, providing a safe place for youth to expend energy, will avoid difficulties with law and legal problems in the future and less vandalism.

I would like to commend all three levels of government for taking proactive action in health and wellness for the seniors, youth and families in west Winnipeg and particularly Assiniboia. I would like to thank all those involved who continue to improve the quality of life for a people in our province. I think this is long-term forward thinking, and this facility will provide a wonderful opportunity for all those people in west Winnipeg. Thank you very much, Mr. Speaker.



**Mr. Art K. Dyck**

**Mr. Jack Penner (Emerson):** Mr. Speaker, it gives me great pleasure today to rise on behalf of the members of this Legislature to congratulate Mr. Art K. Dyck of Altona for having been named a life member by the Association of Municipalities in the province of Manitoba. Mr. Dyck was born and raised in the Plum Coulee area. He moved to Altona and became an employee of the Altona Credit Union and then later on a board member of the board of directors of the credit union. He was a charter member of the local Sunflower Toastmasters Club, and he was a member of the board of directors of the Pembina Valley Development Corporation. He also served on various committees of his church. He has served on three different school boards over the 20 years and was chairman of each of those three school boards. He also was very involved in helping to set up the Rhineland School Division.

He has been a three-term mayor of the Town of Altona and has served in many different areas with distinction in the educational system. He participated in the amalgamation of the Union of Manitoba School Trustees and Manitoba Urban School Association, and he was a regional director and table officer of the MAST board. He was a chairman of the resolutions committee for MAST and a trustee on the trustee development committee.

He has served as faculty of education committee and graduate studies and research. He has been a member of the advisory board for the Minister of Education. In the province on municipal matters, he has been a board member of the Manitoba Association of Urban Municipalities, and he has been a president of the former MARM Association. He has also chaired the resolutions committee of MARM and served in many other capacities. For many, many years a public servant, we congratulate Mr. Dyck and wish him well in the future.

**The Canadian Forces Personnel Act**

**Ms. Bonnie Korzeniowski (St. James):** The Canadian Forces Personnel Act is certainly good news for many of my constituents and of great interest to me, because the 17th Wing of the Air

Force is largely in my riding. My colleague the Member for Assiniboia (Mr. Rondeau) and I learned while canvassing our constituents that there were seemingly small but significant discrepancies in their rights as residents of Manitoba.

This proposed bill addresses those inconsistencies. It will grant new voting and driver's licence privileges for Manitoba armed forces personnel and their immediate family members, especially those who are posted outside the province for extended periods of time.

It is important that the basic privileges of those people who leave their families and friends to serve on our behalf are preserved. Armed forces members are frequently relocated or sent on training or military missions, and are often not allowed to vote in Manitoba general elections or by-elections. This bill proposes to change that.

This bill also recognizes the fact that it is common for military personnel and their families while posted away to miss the renewal dates on their Manitoba driver's licences. They would now be allowed to continue accumulating merit points as if they had renewed on time.

I feel that this bill will send the message that we support our armed forces members and their families, that they are valued as full citizens. This bill is, in the eloquent words of the Premier (Mr. Doer), "a more tangible tribute than words" to the work of Canadian Armed Forces Personnel. Thus, I would like to congratulate the Government for recognizing the contributions and sacrifices made by these people. Thank you.

**Emergency Services—The Gladstone Hospital**

**Mr. Glen Cummings (Ste. Rose):** Mr. Speaker, I rise to point out a concern. I have gradually come to the conclusion that in many ways this province is on the threshold of going into a two-tier health care system. The Gladstone Hospital, in one of the communities where I am responsible for representation, is trying to deliver health care services in their community, including emergency services. They have worked with the surrounding municipalities and the Sandy Bay community to try and make sure

that emergency services will be put in place to serve the entire area on the larger criteria that they now should be responsible for delivering within the RHA.

Mr. Speaker, we now have reached a crossroads in the development of this health care service in my part of the province, because if we do not have emergency services that are supplied in the Gladstone Hospital, then we will see the development of the ambulance service that will in fact move the people out of the community into either Neepawa or Portage. Frankly, the largest community which I have the honour of serving is the Sandy Bay community, and they are going to be faced with an additional 20-minute drive to Portage la Prairie once the ambulance service is in place.

To me, that borders on being unacceptable in terms of the fact that the community has worked with the RHA to develop a doctor rota and have doctors and physicians in place who are ready to provide service. The facility is in place, the RHA is supportive, and I now believe that it is time for this Government to sit down with the community of Gladstone and with the surrounding areas of Sandy Bay, Westbourne, Plumas, and help establish not a two-tier system but a health care system the same as we can expect everywhere else in this province.

\* (17:00)

### **Gurdwara Kalgidhar Darbar**

**Mr. Cris Aglugub (The Maples):** Mr. Speaker, on Sunday, December 2, 2001, I had the privilege of attending the auspicious occasion of the official opening of the Gurdwara Kalgidhar Darbar. It is located at 2762 King Edward Street. It is Manitoba's newest Sikh temple.

I was fortunate to join the Minister of Labour and Immigration (Ms. Barrett), Mayor Glen Murray, Winnipeg City Councillor Mike O'Shaughnessy, Member of Parliament Judy Wasylycia-Leis and the Member for Kirkfield Park (Mr. Murray). Also present were many prominent members of the Winnipeg Sikh community.

I was also privileged enough to be among those given the chance to address the many

people assembled there to celebrate the opening of the temple. Mr. Speaker, I think it is great to see that the Sikh community now have another venue in which to worship and to promote their religious and cultural values. At times like this, I think that we are able to see how fortunate we are as Canadians to be living in a society that accepts and even encourages people of diverse cultural and religious backgrounds to share their ethnic heritage with the community at large and express their particular beliefs. It is this precious mosaic of cultural values that enriches our society.

Further, I think that within Canada itself our Winnipeg is one of the best examples of a society that fairly reflects the values of various people who openly and freely share their cultures. It is in this great spirit of multiculturalism that I welcome the Gardwara Kalgidhar Darbar into our society. I want to thank Mohinder Saran Avtar Sidhu, Darshan Gill and Baljit Sidhu for inviting me and for their warm reception and fine hospitality.

I offer the Sikh community my best wishes. May this temple serve the spiritual needs of the community in the years to come and may this new outlet enrich the cultural fabric of our province. Thank you, Mr. Speaker.

\* (17:00)

### **MATTERS OF GRIEVANCE**

#### **Minister of Education Adult Learning Centres/School Division Boundaries**

**Mr. Harold Gilleshammer (Minnedosa):** Mr. Speaker, I would like to exercise my right to speak on a grievance today and I think speak for aggrieved Manitobans who work in the school system, who are part of the school system and generally taxpayers of this province.

We have seen the convergence of two issues in this session. This is, in many ways, unprecedented, to see two issues converge and land on a minister's desk at the same time, whereby he has stumbled and bungled his way along and Manitobans are completely, thoroughly and

utterly dissatisfied with his performance. I know the minister is somewhat sensitive about this in trying to defend himself, but I would like to reference some editorials, people who watch this House, who watch these issues and understand these issues and comments that they have made in recent times.

I am going to reference just briefly the adult learning centre issue with Agassiz School Division. Here we had a school division that was attempting to register the appropriate number of students in their adult learning centres and report an accurate number. Internally they found a discrepancy. They did not have 600 students; they had 400 students.

We have a Department of Education, a minister and a deputy minister who very deliberately said: Do not give us the correct number, give us the wrong number, thereby registering 600 students and receiving upwards of half a million dollars inappropriately. I respect the deputy attorney general, who came out to speak on this and said: Because you have both parties recognizing this scam, because you had both the school division knowing that they were putting forth numbers that were not correct and you had a minister encouraging and accepting those numbers, there was no wrongdoing here in the eyes of the law.

Well, we have to accept that, but this certainly is a very unethical way of flowing money to a school division. The minister not only knew about this and approved it, at one time he said he took it to Treasury Board, at one time he said all of Cabinet knew about it, at another time he said he had delegated authority to do this. And there were times when he said, well, it was just somebody in my department that did this.

Well, Mr. Speaker, Manitobans have lost complete confidence and faith in this minister. I would reference two editorials. November 21 in the *Winnipeg Free Press* it says: The question is whether the Education Minister (Mr. Caldwell) is up to the task of cleaning up the mess. His outrageous decision to outright forgive one school division's enrolment overstatement to the tune of half a million dollars is not a good start. They go on in the editorial to reference his poor

decision-making. I might say, to their credit, the Premier (Mr. Doer) and the Minister of Finance (Mr. Selinger) have also recognized and referenced it. Now we know the Premier has some important decisions to make, and all Manitobans hope he does the right thing.

Probably a little more hard-hitting editorial the next day, the very next day, in the *Winnipeg Sun*. It says the minister must resign. It says the Manitoba Minister of Education has become an embarrassment. It says that he is the one responsible. He is the one who must prove he is capable of managing the Department of Education and the vast sums of money it oversees. Perhaps he is guilty merely of stupidity rather than the fraud opposition members are eluding in the House. This does not make us feel one whit better, nor, we suspect, will it endear the minister to the people of Manitoba who pay taxes and ultimately his salary. To apologize for becoming an embarrassment is not good enough. To make excuses is less so. We have one word for the minister, and that is: Resign. So this is the first issue that the minister has fumbled very badly.

I would like to move to the second issue, because I know my time is limited. That has to do with school division boundaries. I believe very strongly that he is in violation of his own act in that he did not put in place and did not meet the prerequisite of having a process that all Manitobans were aware of, having a process that allowed for the public of Manitoba, educators, trustees, division people, as well as municipal corporation people, a chance to review the plan that the minister had. He has fumbled the ball on this one as well.

I would like to just read into the record some of the many letters I have received on this issue. From the Chairman of Assiniboine South, Wendy Moroz, who is chair of the Board of Trustees, it states: The Assiniboine South Council of Presidents is extremely upset that they were not given the opportunity to be involved in this decision-making process. Their trust in the democratic process has been eroded. Mr. Minister, you have stated repeatedly, in a variety of forms, that you value this organization and its way of doing business. The Council of Presidents feels that their ability to preserve their

unique way of working with the board and the community has been destroyed.

That is very, very strong language from a chair of a school board. She goes on to say: The board finds it difficult to envision the outcomes of which you speak. They are questioning what the minister is saying and what the minister is doing. She goes on to say: Our school community and our staff are justifiably concerned and confused. Again, this minister has not been forthcoming. This minister has not put in place a process which is acceptable to trustees and indeed the public of Manitoba.

Another person writes, and this is the mayor of a northern community, Snow Lake. He says in his letter: The present government has lacked leadership, direction and a framework in their attempt to realign the future of our educational system. They feel very strongly, a northern mayor, that they have been left out of the process. The process has been lousy. They have had no input into this decision-making.

I would indicate a letter from another mayor, Mayor Henry Dyck of the village of Winnipegosis. He writes, and this was written to the Minister of Agriculture, your Government's recent announcement regarding amalgamation came as a shock and surprise to the Village of Winnipegosis council. It is difficult to understand why the NDP chose to avoid open discussions with the affected municipal government. There were no open discussions with people who are very, very concerned about their communities, their schools and the school division.

He goes on to say, in his mind, that harmonization of contracts are going to cost several million dollars. We had a trustee speaking out yesterday in one amalgamation, thinking it was going to cost them \$2 million alone. The Mayor of Winnipegosis goes on to say, they question why the entire division was not put into Frontier School Division. Part of it was that while the remaining Duck Mountain School Division area of Winnipegosis and Ethelbert were left to a negotiated dismantling of their existence, why did the Government not transfer the entire Duck Mountain School Division with Frontier School Division?

Again, the minister has left no process for review. The minister has allowed for no public input into this, and people all over the province are questioning what this minister and what this Government is doing. In this letter to the Minister of Agriculture (Ms. Wowchuk), from one of her mayors, it says, in closing: If the NDP government continues with this plan, they will have done a real disservice to a community and a region which has historically supported them for over 40 years.

This goes to bedrock support in the Government's party. This is a terrible mistake, and it is time that the Cabinet reverses this, stops this process and gives people an opportunity to see what they are doing.

\* (17:10)

I would also indicate, from another reeve, the reeve of the R.M. of Alonsa, again, complaining and pointing out that they have been left out of the process, that there has been no criteria so that people can measure what the Government wants to do, no allowance for public input in this process.

I am surprised that there are senior members of that Cabinet who were around government before, who know how important the process is, and they have allowed this minister to stumble around trying to make decisions that are going to come back to haunt them. I say to the minister of highways that it is not too late to stop this process, put in place an open process to allow Manitobans an opportunity to speak on this issue, because I can tell you that they are not happy.

This particular reeve from Alonsa is saying that he believes that you are leaving a small school division that costs the taxpayers huge amounts of money in administrative costs and questions why, in this process to harmonize and bring school divisions together, you would leave a school division in central Manitoba with 700 students without bringing them into this plan for amalgamation.

We know that this minister publicly—and I am sure he regrets it—said week after week, I am going to Cabinet. He comes out of Cabinet; I did

not get it done. Next week, I am going back to Cabinet with my new plan, comes out of Cabinet, and says, no, it has been rejected. Week after week after week. In fact, it was said that he was rejected eight times. It is no wonder. The only reason it was accepted was that they had to get an announcement out before the session started. They would have been far better to put this on the back burner, to leave this for another day, because what we have is a very half-baked amalgamation here with all sorts of questions being asked by municipal officials, by school board officials who have had no input into this.

I know the Member for Wolseley (Ms. Friesen) who spent some years as a critic for Education, spoke out herself, saying amalgamation was not good. She put out a press release saying there would be no money saved. Is it not a surprise that sitting at the Cabinet table, she would allow this half-baked plan to go ahead. She would know that Manitobans were not going to be happy, that trustees were not going to be happy, that the public is not happy, and I do not know how this got by the Deputy Leader of the Government, the Deputy Premier (Ms. Friesen) of this province, who very clearly before said that this was not a good idea.

This reeve joins many mayors and school board officials saying that this merger is not a good idea. Now, there is public support for fewer school divisions. That is not the issue here. The issue is the process. It is the process. *[interjection]* The Member for St. Vital (Ms. Allan) who, I think, sat very close to the minister when this was announced I am sure had her input along with the Member for Dauphin (Mr. Struthers), the Member for Transcona (Mr. Reid) who wanted to craft boundaries to punish people—made serious, serious mistakes here. Part of the plan was to carve up a municipality. The minister is now saying: I am adhering to the Norrie report. Well, the Norrie report said very clearly to leave municipal boundaries in place, that in crafting new boundaries, municipalities should be put in totality into a school division.

Here we have seen, in the Minister of Agriculture's (Ms. Wowchuk), riding a school division cut up three ways. We have reeves and mayors complaining about the fact that she did not speak up at the Cabinet table, that she did not

do anything about it, people who have supported her and her party for 40 years. We have also seen in Springfield, where the Member for Transcona (Mr. Reid) is trying to goad us in saying: We gotcha, we made this decision on political grounds. That is not acceptable, it is not going to work, and it is not going to fly.

Yesterday in this city, trustees were meeting, and, without exception, trustees of this province are saying they are criticizing the manner in which this was done. There are so many unanswered questions. Now the minister is going forward and saying that we have to get rid of the current school boards by a certain day this summer so we can put the interim ones in place. These are duly elected trustees who are in place till October.

Now, we know the minister has fired one board, and perhaps he has an appetite to fire many more, but this plan, in fact the minister lacks a plan, and that is the real issue here. I can tell you that the editorial page of the *Free Press* and the editorial page of *The Winnipeg Sun* are dead on, and I hope the Premier (Mr. Doer) reads them.

### **Consideration of The Limitation of Actions Amendment Act Delays**

**Hon. Jon Gerrard (River Heights):** On a grievance, Mr. Speaker, I rise because I believe that the members of this House should have been able to deal with Bill 8, The Limitation of Actions Amendment Act, in this session. There should not have been the delays, the various things that have happened in this session to allow this session to close without dealing with Bill 8.

Bill 8 is important that it be dealt with quickly, because we are dealing here with a bill which affects people who are seniors, who in many circumstances may not have very long to live, and who have been affected by residential schools many, many years ago. It is unfair to these people that there have been the delays in this session that have meant that this bill was not dealt with. This is an important bill, and it is important that it be dealt with sooner.

*Mr. Harry Schellenberg, Acting Speaker, in the Chair*

When we look at the security bill, quite frankly there are some major issues and a lot of considerations that come into consideration of the security bill. It should be that we should take our time, but this bill, in fact, affects people who are often not well, who are near the end of their life. It is not fair to them that their cause should not have been looked at and dealt with, whatever the decision, in this Legislature in an expeditious way during this session.

This law seeks to address an inequity in Manitoba law and the other provinces. Not dealing with this means that we will continue to have a law on the books in Manitoba which puts Manitoba citizens who are elderly or often infirm, who have suffered for a long time, at a distinct disadvantage compared with the citizens of other provinces. This anomaly, this failure to deal carefully and compassionately with Manitoba citizens who have been abused in residential schools in an adequate fashion is not acceptable, Mr. Acting Speaker.

\* (17:20)

Now, in principle, I believe that this issue should have been addressed. It should have been addressed quickly. There are, of course, some major problems with this legislation which should have been dealt with by hearing people in committee and bringing forth some major amendments. But the issue should not have been let rest and let wait until March or April or May or June, whenever the NDP decide to bring us back.

*Mr. Speaker in the Chair*

The NDP have been slow to bring this Legislature to session. They have been slow to bring forward this important bill. They are determined to end the Legislature sitting later today and not willing to sit on Monday to finish considering this bill.

On the other hand, there was time that was wasted by having bells ringing much longer than they needed to be by the Conservatives. There were delays because the Conservatives agreed to

close the House too early some days. So the fault is not just on the side of the NDP. The fault is on both sides on this bill. I have been here and ready to deal with this bill—[interjection]

**Mr. Speaker:** Order; order. Thank you.

**Mr. Gerrard:** Mr. Speaker, it is true that there are some major problems with the legislation as the NDP has cobbled it together, that the basis of this legislation which is retroactively imposing rules, laws, on people going back more than 30 years, imposing liabilities on churches which were not there before based on events of more than 30 years ago, imposing liabilities when many who worked on behalf of the churches are no longer adequately able to defend themselves because they are no longer even alive—clearly, there needs to be changes to this legislation to more adequately address these sorts of issues.

The churches did many good things, as well as the problems, and this bill does not recognize the important work of the churches in trying to do some very positive things for people in Manitoba.

I think I can speak from some personal knowledge here because my grandfather was a missionary, a physician, a teacher who worked in Zambia and Kenya for many years. Although this was different from the circumstances of mission schools in Canada, residential schools in Canada, nevertheless I think it is important that we be sensitive to the good that many people who worked in such circumstances tried to do. Many in the First Nations community, as I have talked to recently, will admit that there were some very positive things that came from many who worked in a positive fashion in the residential schools, even though quite clearly there were some major, major problems.

So we need to address the wrong that was committed in the residential schools and perhaps in other circumstances many, many years ago, but, in doing so, we should not commit another wrong at the same time against the churches and put on them liabilities for which it is difficult to defend after many, many years.

This bill should have been dealt with. It was possible. There was time, but that time was not

used as effectively as it could have been, and it is unfortunate that this legislation has been delayed. It is sad now that dealing with it will have to wait for months, two months, three months, four months, five months, six months, we do not know, and create uncertainties for people who have suffered enough.

This is a tragedy of this particular circumstance, Mr. Speaker. It is a tragedy that could have been avoided by dealing with this legislation quickly, so both parties on both sides of this would know where they stand, where the risks are, where the compassion is, but clearly the compassion has not been here as it should have been.

I felt compelled to rise on this matter as a grievance because I feel that my capacity at the Legislature, my ability to represent people in this province well has been subverted by the delays that have occurred in this House and the delays that have occurred in dealing with this important legislation. It is important for those who are elderly, who have suffered for many years, that this legislation should have been dealt with, and it could have been dealt with. I have spoken. Thank you.

#### **Adult Learning Centres Call for Independent Public Inquiry**

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, on a grievance, I would like to put some comments on record, because we have a very serious situation here in the province of Manitoba. I want to address the issue of the students attending the adult education schools and the families here in the province of Manitoba.

Throughout this whole session, this province has been filled with the kinds of headlines where we see our Minister of Education being put through a scrutiny because of some decisions that were made. When we see headlines like "Caldwell must resign," when we see headlines like "Expensive lessons" in reference to the kind of funding that was used and the kind of manipulation of funds that was used by this Government and by the present Minister of Education, we forgot about one thing. Members on this side of the House are very aware of the

cost to the students here in the adult education centres.

Mr. Speaker, I am calling for a full independent public inquiry of this situation because of the chaos the adult education system is in right now. When we talk about adult education centres, we talk about centres that are filled with students who want to get education to provide them with jobs, to further either their education, to feed their families, to equip them for the world outside of the school boundaries.

Here in the province of Manitoba, we have had a government, we have had a minister, who totally neglected the needs of the adult learners here in the province of Manitoba. We have high school students and students in junior high who are wondering why this present Minister of Education is saying one thing at one scrum or one media event and another thing at another meeting and yet another thing here in the Legislature.

This full independent public inquiry is necessary to clean up the mess that has been created. When we have a minister that says on November 17, tells the media that the funding for Agassiz School Division went to the Cabinet for approval and then two days later in a scrum says that he approved the funding and a day later says he used his delegated authority to flow the funding, and yet on another time says his deputy minister has taken responsibility. Yet another time he says he has been made aware of the transaction after it occurred, and yet on the very same day said he was aware of the funding transaction before it occurred.

The adult education issue here in the province of Manitoba is in total chaos. Members on the other side of the House, the Minister of Finance (Mr. Selinger) said: No, this kind of action did not meet the standards. The Premier (Mr. Doer) has said that it was the wrong thing to do. The process that the minister has used to address the adult education issue was not correct. All of these things have been said here in the Legislature. They have been reported in the media. We have clipping services again that are saying: Caldwell must resign, or the minister must resign. We have even had reference to the way the minister has presented himself.

I ask this House, Mr. Speaker: What impression is this giving to the students of our province? What impression is it giving to Manitobans? I have to say that it is a disservice to the students and to Manitobans. This kind of decision making, this kind of lack of courage on the part of the Premier (Mr. Doer) to put a stop to this kind of chaos has caused members on this side of the House to call for a full independent public inquiry.

\* (17:30)

On the other hand, there has been some very serious legislation brought forward. As the member from River Heights (Mr. Gerrard) stated, Bill 8 should have been addressed. As we said, Bill 2 is a very serious piece of legislation that should be addressed faster than immediately. The business in this House, Mr. Speaker, has been so serious that members on this side of the House have challenged this present government to come back here to this House on Monday and deal with this legislation.

We have said on this side of the House that we are willing to stay and sit, but because of the chaotic events that have taken place as a result of this present Minister of Education's (Mr. Caldwell) actions in flowing money through to Agassiz School Division and condoning, supporting, even suggesting, or helping the funds being flowed through for students who were not there. This is an example to the rest of our students in the school systems that the dishonest, deceitful way that funds have been supplied to certain school divisions, and yet not supplied to other school divisions, is under question.

That is why members on this side of the House are calling for a full, independent public inquiry. We are also calling for the present government to come back to work on Monday, sit in this Legislature and deal with the very important Bill 8. Bill 8 is very important. It has to be passed, but members on this side of the House will not pass bills that do not go out for public consultation. Bill 2 is one of those bills. Bill 2 is a bill that can alter people's daily lives here in the province of Manitoba.

If this present government is serious about wanting the bills passed and the business of the

Legislature to be carried forward, it is very important that they are willing to come back on Monday and deal with this. If they want another week off, or Christmas off, come back at least, in the very least, at the first opportunity immediately following New Year's, so we can get back here the 1st of January or the 3rd of January.

Mr. Speaker, it is unfortunate in four short weeks that members on this side of the House had to deal with the chaotic issues in the adult education centres. They also had to deal with the decisions that the present government and Minister Caldwell made regarding the flow of very important funds. I must say that I taught in the school system for 22 years, and we had to count our students very carefully, because those students were recorded. That is how we got funding. It was not allowed to cheat on how many students were enrolled. We cannot do that. Principals cannot do that. This Minister of Education (Mr. Caldwell) has put principals at risk in this regard. The headlines now are showing that Manitobans do not have confidence in this Government, they do not have confidence in this Minister of Education. This full, independent public inquiry has to come to pass to clear this mess up.

I want to make it quite clear here in this Legislature, members on this side of the House do not want to stop important legislation from going through. We want to deal with Bill 8. We want to deal with it quickly. We want to deal with the fortified buildings legislation, and we want to deal with it quickly. We want to deal with Bill 2. We want to deal with that one very carefully, and as quickly as possible, after the public knows what is going on; after the farmers know how it impacts on their lives, after the people, the ordinary citizens living in their homes, know how it impacts on their lives. We want members on this side of the House believe in the democratic methods. We believe in the way Canada was founded, on the democratic right of people to be able to live, grow businesses, be educated, and learn in our wonderful province and indeed in the country of Canada.

We just heard a member's statement a little earlier from a member from the opposite bench that stated that Canada was a wonderful country to live in. The reason why it is a wonderful



world is because we have people like members on this side of the House who do make the Government accountable, however uneasy that might make members opposite. We want members to be accountable. We want the full independent public inquiry. We want the members opposite to come back on Monday, or very quickly in January to deal with the bills at hand. Let it be on record that I agree with the Member for River Heights (Mr. Gerrard) that Bill 8 is a very important bill that needs to be dealt with, and we can do that. We ask for leave in this Assembly today to come back to work on Monday and deal with these bills.

I want to thank you for this time, Mr. Speaker, and I would hope that we would be back on Monday, or at least very early in January, to deal with the business at hand for Manitobans.

#### House Business

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, the House Leader and I had a discussion on House business. The House Leader and I had a discussion that the L.G. would be coming in, so I was wondering—oh, Jean is here. She can interrupt proceedings. Go ahead, Jean.

**Mr. Speaker:** Order, I have to finish grievances. No more grievances? Now I will call Orders of the Day.

#### ORDERS OF THE DAY

**Hon. Jean Friesen (Deputy Premier):** Mr. Speaker, we would like to call Bill 8.

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, we had an agreement with the House leader that we would be calling in the L.G. at 20 to, so we are interrupting the proceedings, otherwise we would have carried on.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, there have been discussions about having the Lieutenant-Governor in for Royal Assent at 20 to, and I understand that those arrangements are on schedule.

**Mr. Speaker:** The agreement is that the Lieutenant-Governor will enter at 20 minutes to, which is half a minute from now.

\* (17:40)

#### ROYAL ASSENT

**Deputy Sergeant-at-Arms (Mr. Blake Dunn):** His Honour the Lieutenant-Governor.

*His Honour Peter Liba, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour the Lieutenant-Governor in the following words:*

**Mr. Speaker:** Your Honour:

The Legislative Assembly of Manitoba asks Your Honour to accept the following bills:

**Madam Clerk (Patricia Chaychuk):** Bill 4—The Order of Manitoba Amendment Act; Loi modifiant la Loi sur l'Ordre du Manitoba

Bill 300—An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation; Loi modifiant la Loi constituant en corporation la Fondation de l'Hôpital général du district Portage

In Her Majesty's name, His Honour assents to these bills.

*His Honour was then pleased to retire.*

**Mr. Speaker:** Please be seated. Revert to Orders of the Day.

#### ORDERS OF THE DAY (Continued)

#### House Business

**Hon. Gord Mackintosh (Government House Leader):** My understanding is, Mr. Speaker, that bills have been called. If you would call Bill 8, Bill 6, and then the other bills as they appear for debate on second reading.

**DEBATE ON SECOND READINGS**

**Mr. Speaker:** Resume debate on Bill 8, The Limitation of Actions Amendment Act, standing in name of the honourable Member for Arthur-Virden (Mr. Maguire).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Arthur-Virden? *[Agreed]*

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I take this opportunity to talk to or speak to Bill 8. It is a very important bill as the member from River Heights stated a little earlier. It is a bill that has been brought forward, that has modifications to it. This bill makes two changes to The Limitations of Actions Act. First, it provides that an action for assault can be commenced at any time, regardless of when the assault took place, if the assault was sexual in nature, the victim had an intimate relationship with a person who committed the assault, or the victim was financially, emotionally, physically or otherwise dependent on a person who committed the assault. Secondly, the bill provides that a 30-year limitation period that arises if a person is or has been under a disability does not apply to specified actions.

Mr. Speaker, there are many ramifications of this bill. When we take a look at what has happened historically in Canada, and we take a look at the justice system we have here in this wonderful country, we know that the rights and privileges of all people are something that we hold dear. There has been the issue of residential schools where there have been some very, very good residential schools, where students were cared for in a very loving, kind way. There have been other times when students have been placed at risk, and they have undergone humiliations and have been dishonoured in such a way that young people have had scars on their lives that, unfortunately, cannot be erased. As the member from River Heights has expressed, a little earlier, it is very true that even when these children grow up into adulthood, and, indeed, in their senior years, these scars are not erased. They are damaged. These people still have nightmares, still have ramifications that have plagued them as a result of sexual assaults and of mistreatment that had occurred even in their younger years.

When we take a look at the trust that Manitobans have in the members of this Assembly, these Manitobans are taking the time to come forward and say that they need to be heard, that they need to be listened to, that there needs to be a time where some of these scars can go through a process of healing and go through a process whereby they can come to terms with the things that have happened to them. It also has to do with the role that members of the Legislature play in the everyday lives of the citizens in Manitoba.

Members on this side of the House, Mr. Speaker, are very caring, compassionate people who know individuals who have experienced things that no child or no young adult should have ever have experienced. It is all about trust. It is all about building lives, and it is never too late to do that.

\* (17:50)

It is unfortunate that, in this Legislative Assembly over the past four weeks, we have not had an opportunity to deal with the bills in the manner that we wanted to deal with them. Members on this side of the House take Bill 8 very, very seriously and are very compassionate and very caring about the individuals whose lives were touched by the events in their lives. Over the past four weeks, it has been evident that the lack of responsibility from members on the other side of the House to deal with the issues that were brought forward in Question Period, the issues that were centred upon this present government to deal in a very concise and honest way with not only a minister who was unwilling to do that, but also members opposite who were unwilling to deal with the problem at hand, which caused much debate in this Legislature.

We have very serious bills like Bill 8, like Bill 2, like The Fortified Buildings Act, and Bill 6, that have not had the attention that is needed. That is why members on this side of the House have said very clearly that we have called for members, for this Government, members on the opposite side of the House, the present government, to take time to come back to work on Monday, come back to work early in January to deal with these very important issues.

Centred around Bill 8, as my colleague from River Heights has stated, it is unfortunate that Bill 8 has not been addressed so far in this Legislature. I have to say that the ramifications of Bill 8 will impact in a large manner on our court system. It will impact in a large way on the citizens here in the province of Manitoba. It behooves members of the Legislature to take the time to address such important bills, to put it out to the public for consultation and get feedback from members of the community about what their wants and wishes are.

Mr. Speaker, it is time to hear and listen to the people who were touched by the acts that unfortunately and tragically impacted on their lives to such an extent that it caused other problems, where alcohol and where depression and where uncertainty and lack of confidence were manifested; indeed, the lack of a desire to fulfil their life dreams and hopes.

It was very important that we have this opportunity here in the House to deal with this bill, to deal with the issue centred around here. In terms of the specifics of the bill, The Limitation of Actions Act is amended; the definition of assault, for instance, in section 2.1 includes trespass to the person and battery. This bill outlines that no limitation period re: certain assaults, like "an action for assault is not governed by a limitation period and may be commenced at any time if (a) the assault was of a sexual nature; or (b) at the time of the assault, the person commencing the action (i) had an intimate relationship with the person or one of the persons alleged to have committed the assault, or (ii) was financially, emotionally, physically or otherwise dependent on the person or one of the person's alleged to have committed the assault."

Mr. Speaker, this bill is so important, because the essence of the bill is built on the people who the victims have trusted and are members of their community, of their family, of their foundation. So this is a very sensitive bill that definitely will open some hurts in some ways, but also is attempting to bring some closure to some of the things that have transpired—a time that people have in their lives that has not been resolved.

So, when we come to this Legislature at this time, and we have a few short minutes to speak to the bill, it is an inadequate time to talk about the ramifications of the essence of this bill. In every family situation, or in any friendship situation, there is also always the foundation of trust. The thing that hits to the depth of any individual soul is when someone that you care about, who is a friend or a family member or a trusted member of the community, violates a victim in such a way sexually or physically in any way, something happens to that individual's spirit. That is where the lack of confidence, and that is where lives are altered and people are changed.

That is why I have to say in this Assembly it is so unfortunate that we have not had the opportunity to deal with these very important bills. That is why in this Assembly today we have asked for leave for members opposite to return to this Chamber. We want to deal with this bill very quickly, as quickly as possible, to be able to deal with the issues centred in this bill. We are talking about personal lives. We are talking about the personal ramifications that are not only impacted on the victim, but on the families of the victim. This is something that is still prevalent in victims every day, whether they are asleep or whether they are awake, in their hopes, in their dreams, in their confidence in themselves.

Having said that, it is unfortunate that serious consideration has not been taken to allow this Assembly, by the present government, has not allowed this Assembly to look into these bills and to take time to come forward. As I said, members on this side of the House are very, very willing to continue working on the bills, to continue collaborating with the public regarding these bills. Bill 8 is one that has to be handled in a very sensitive, caring, forthright manner to allow people to be vindicated. As the member from River Heights has indicated, a lot of these victims now are seniors. They do not have a lot of time. They do not have a lot of years.

This bill needs to be shared with the public, needs to be shared with these people. Indicators and counsel are given to members of the Legislature so that we can handle this very important legislation in a very intelligent, concise manner.

So the laws that are passed in this Assembly will enhance people's lives, will build for the people of Manitoba, instead of doing other things.

Having said that, and I know that our time is coming to a close, I would say that it is very, very important that we do stay in the Assembly, that we do come back to work on Monday, that we do build on what we have started. Unfortunately, we have not seen the Government come forward at this time and say yes. Members opposite are not willing right now to come back to work on Monday. Having said that, we are asking that indeed they do that because this bill is one that is of prominent importance.

This bill, there is one part of it that I want to emphasize that I think that we have to be very careful of. The part where it talks about, and I mentioned it just a few minutes ago, section 2.1(2) where the assault is of a sexual nature. Not only that, but the assault is from a person "with an intimate relationship with the person or one of the persons alleged to have committed the assault, was financially, or the victim was financially, emotionally, physically or otherwise dependent on the person." We are talking about children. We are talking about youth. It has been very chaotic. It has been a travesty of the rights of Manitobans in this Legislature over this past session.

We have seen a blatant defiance of the needs of the students in the school system here in

Manitoba. Right now we are seeing a blatant, uncaring, defiant attitude regarding Bill 8. We need to come back to deal with this. It deals with personalities. It deals with issues. It deals with real people, real things.

**Mr. Speaker:** Order. When this matter is again before this House, the honourable Member for Fort Garry (Mrs. Smith) will have 27 minutes remaining and also, as agreed, will also remain standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire).

Provisional rule 2.(4) states: If a new session is commenced in the fall, the House shall be adjourned by the Speaker at the end of the first full week in December, without the question being put, provided the Throne Speech has been passed, and the House shall stand adjourned until the call of the Speaker.

Before I adjourn the House, I would like to take this opportunity on behalf of myself and my family, the table officers and their families, and all of the Legislative Assembly staff and their families, to wish each and every one of you and your families all the best in the holiday season and all the best in the coming new year.

Therefore, in accordance with the provisional rule, the hour being 6 p.m., this House is adjourned and stands adjourned until the call of the Speaker.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, December 6, 2001

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