

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

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 11, 2004

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Minimum Sitting Days for Legislative Assembly

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans expect their Government to be accountable, and the number of sitting days has a direct impact on the issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the Government accountable.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the Government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Natalie Pollock, B. Lawton and Dennis Dempsey.

Mr. Speaker: In accordance with our Rule 132(6), when a petition is read it is deemed to be received by the House.

INTRODUCTION OF BILLS

Bill 23-The Red River Floodway Act

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that Bill 23, The Red River Floodway Act, be now read a first time.

Motion presented.

Mr. Ashton: Mr. Speaker, yesterday I introduced a very important bill which established the Red River Floodway Authority. Today I am introducing legislation that will establish in-legislation compensation for artificial spring flooding.

Mr. Speaker, it is important to note that the expanded floodway will greatly improve protection for residents of the city of Winnipeg up to a one-in-seven-hundred-year flood. It will also provide improved protection upstream of the floodway up to a one-in-two-hundred-and-fifty-year flood but in the rare circumstances where there is artificial flooding, that is flooding that is a result of the floodway and is above the state of nature, we will be giving statutory coverage for compensation.

Once again, Mr. Speaker, this floodway is about flood protection for the city of Winnipeg, but it is also about ensuring improved flood protection in parts of rural Manitoba and making sure that rural Manitobans are considered in this legislation. Thank you very much.

Motion agreed to.

*(13:35)

Bill 35-The Credit Unions and Caisses Populaires Amendment Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Lathlin), that Bill 35, The Credit Unions and Caisses Populaires Amendment Act; Loi modifiant la Loi sur les caisses populaires et les credit unions, be now read a first time.

Motion presented.

Mr. Selinger: Mr. Speaker, this bill will amend The Credit Unions and Caisses Populaires Act, last amended in '96, to facilitate credit unions carrying on business, streamline administrative requirements, provide greater protection to consumers and depositors and to clarify some other sections with respect to voting. Thank you.

*Motion agreed to.***Bill 38—The Fisheries Amendment Act**

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Lathlin), that Bill 38, The Fisheries Amendment Act, be now read a first time.

Motion presented.

Mr. Ashton: The fisheries of Manitoba are very important in terms of being a natural resource and certainly are a very significant part of the economy of this province. This act is aimed at a number of things and in particular at tougher fines and at cracking down on illegal fishing.

This act will significantly increase the maximum fine for contravening any provisions of the act from \$10,000 to \$100,000. It will bring in new abilities for us to enforce our legislation, in particular to track the movement of fish. The bottom line, Mr. Speaker, is we will not tolerate illegal fishing in this province and this act will bring in much tougher sanctions. Thank you.

*Motion agreed to.***Bill 39—The Residential Tenancies Amendment Act**

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Intergovernmental Affairs (Ms. Mihychuk), that Bill 39, The Residential Tenancies Amendment Act; Loi modifiant la Loi sur la location à usage d'habitation, be now read a first time.

Motion presented.

Mr. Selinger: This bill makes several amendments to The Residential Tenancies Act, most of which

clarify existing provisions of the act or streamline the operations of the Residential Tenancies Branch and Residential Tenancies Commission.

Mr. Speaker, one significant amendment it makes is to remove from the definition of rent the municipal taxes and licence fees on mobile homes that are not owned by the landlord.

*Motion agreed to.***Bill 40—The Planning Amendment Act**

Hon. MaryAnn Mihychuk (Minister of Intergovernmental Affairs and Trade): Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), Bill 40, The Planning Amendment Act, be now read a first time.

Motion presented.

Ms. Mihychuk: This bill makes a number of changes to The Planning Act related to municipal decision making on livestock operations. Each municipality or planning district will be required to adopt a development plan with a livestock operation policy which will determine if, where, and under what conditions livestock operations will be considered. The bill also establishes enhanced public notice and hearing provisions for applications to develop or expand such operations.

Motion agreed to.

* (13:40)

Bill 41—The Profits of Criminal Notoriety Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 41, The Profits of Criminal Notoriety Act; Loi sur les profits découlant de la notoriété en matière criminelle, be now read a first time.

Motion presented.

Mr. Mackintosh: Mr. Speaker, the object of this bill is to prevent criminals from financially exploiting the notoriety of their crimes.

*Motion agreed to.***Bill 42—The Mines and Minerals Amendment Act**

Hon. Scott Smith (Minister of Industry, Economic Development and Mines): Mr. Speaker, I move,

seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 42, The Mines and Minerals Amendment Act, be now read a first time.

Motion presented.

Mr. Smith: Mr. Speaker, I am pleased to introduce this bill. This bill addresses three items. One deals with the making of payments from the Quarry Rehabilitation Reserve Account. The second allows for the grouping of claims in the southern part of the province. The third is the removal of a section of the act that requires a holder to submit information each year that is submitted under another section of the act.

Motion agreed to.

Point of Order

Hon. Gord Mackintosh (Government House Leader): Is there leave of the House to revert to tabling of reports, Mr. Speaker?

Mr. Speaker: Is there leave of the House to revert back to tabling of reports? *[Agreed]*

TABLING OF REPORTS

Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs): Mr. Speaker, I would like to table the Communities Economic Development Fund Quarterly Financial Statements for the quarter ended December 31, 2003.

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 from Linden Christian School 23 Grade 9 students under the direction of Mr. Mark Glor. This school is located in the constituency of the honourable Member for Fort Whyte (Mr. Loewen).

In the public gallery we have from Winnipeg Mennonite Elementary 20 Grade 5 students under the direction of Mrs. Marlene Wagner. This school is located in the constituency of the honourable Leader of the Official Opposition (Mr. Murray).

Also in the public gallery we have with us today, Mr. Scott Augusta of Transcona Collegiate Institute.

This visitor is a guest of the honourable Member for Transcona (Mr. Reid).

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

ORAL QUESTION PERIOD

**Health Care Services
Reforms**

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, Manitobans must have been stunned a few days ago when this Premier predicted that the health care system would collapse by 2010 if the federal government does not contribute more money.

In the 1999 election campaign, this Premier guaranteed, Mr. Speaker, that he would end hallway medicine and fix health care in six months with \$15 million. Now, just four years later, he says it is going to take six years and hundreds of millions of dollars.

When will the Premier recognize that just by throwing more money at the problem is not the solution? It is meaningful reform that is the key, that will ensure we get the best, the safest and the most efficient health care system in the world. When is he going to do the right thing?

* (13:45)

Hon. Gary Doer (Premier): Mr. Speaker, the meaningful reforms we had under members opposite was Connie Curran and her proposal to fire a thousand nurses that cost us \$4.5 million U.S., and SmartHealth. They bought the SmartHealth system for \$100 million. They paid \$36 million and there was only \$3 or \$4 million left. They are the kinds of scandals they left behind when they were in office.

At the last meeting of all premiers from all different political parties, from all regions of Canada, the *Communiqué* very clearly stated that failure to implement the Romanow report will have very, very serious consequences in every province in Canada, and medicare as we know it would not survive in the same way by the change of the decade, Mr. Speaker. That is a statement made by Liberals, Conservatives, New Democrats on the basis of the fact that Canada needs to implement the Romanow report.

We need to implement the short-term strategies, the innovations that this Minister of Health (Mr. Chomiak) is well on the way to implementing here in Canada. I hope that all political parties can join their ideological soulmates in other provinces that have joined us and joined other Canadians in saying let us start investing in health care for the future of maintaining medicare.

Public/Private Partnerships

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, when this Premier was in opposition, he repeatedly said that the Province had no right blaming the federal government for Manitoba's health care problems. Is it not funny what they find on the road to Damascus?

Mr. Speaker, considering that the previous Progressive Conservative government was dealing with massive reductions in transfer payments from the federal government, and this Doer government is getting massive increases from the federal government, this Premier has no credibility on this issue. What he has is a spending habit.

Mr. Speaker, the Premier seemingly has no problem working with the private sector when it comes to such things as education and tourism. Will he put his ideology aside and increase public-private partnership in health care so that we can get timely access and quality care to all Manitobans?

Hon. Gary Doer (Premier): Yes, Mr. Speaker, the federal government did not hire Connie Curran. The members opposite did. The federal government did not enter into the so-called SmartHealth agreement which ended up being a large boondoggle and drain on our health care system. When we came into office, they had made a decision in January of '99 that they withheld from the public to write off some \$33 or \$32 million that they had misspent in the ill-fated SmartHealth system.

Mr. Speaker, we did say, when the Budget was presented in February 1995, we were the ones who said this was the equivalent cut of every rural and northern hospital in Manitoba being reduced by the federal Liberal government. We were on page with members opposite about the lack of priorities in making that reduction. In fact, I have used the terminology that we went from 18 percent under Mulroney to quite a bit less under the present regime.

In fact, we have not even gone up to the 18% funding.

Mr. Speaker, we are not talking about going back to 50-50 funding that was the original basis of medicare. The Romanow Commission, actually they looked at the evidence that Gary Filmon initiated with the policy alternative group here at the University of Manitoba, Noralou Roos. Noralou Roos identified the fact that there would not be any savings at all to go to the model suggested by members opposite. It would actually cost more money to have that kind of system, and it would increase the waiting lists.

In Manitoba the waiting lists for cancer care are going down under this Minister of Health. That is progress.

Mr. Murray: Mr. Speaker, what we get whenever we ask questions is some kind of a history lesson from this Premier. If he wants a history lesson, let me give him one. It was he in 1999 who said: Elect me and I will end hallway medicine in six months for \$50 million. That is what he said.

Now he is out fearmongering that our health care system is going to collapse unless the federal government pours millions and millions of dollars more into the health care system. Better does not always mean more, and if the Premier would stop acting like a Luddite and work with the private sector, we might find that the health care system improves. He does it with tourism, he does it with education, do the right thing and do it with health care.

Mr. Doer: Mr. Speaker, I am only following the evidence of the former Premier, Mr. Gary Filmon, in terms of the report that was presented to this Legislature.

* (13:50)

Members opposite want to use extreme ideology. We are using evidence, evidence in the Noralou Roos report, evidence in the Romanow report, evidence from the American doctors—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer:—evidence that was contained by the Canadian Medical Association, evidence that has been produced by nurses across Canada.

The member opposite, I guess he is getting ready for the federal leadership convention. I know Belinda Stronach has taken the view the member opposite has. Mr. Speaker, I even think Stephen Harper has been more moderate than the member opposite, dare I say that. I do not know who the member is supporting, but maybe he is getting ready for an endorsement.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. I was really proud to see the results, just this week, on prostate cancer, cancer waiting lists. I know when we came into office we had to send some of the patients south to the United States even to private facilities because they were not getting treatment.

Mr. Speaker, I am proud of the fact now that in the public non-profit system the waiting lists have gone for cancer radiation treatment from nine weeks down to two weeks. We certainly are proud of the fact that we are making some progress.

Diagnostic Testing Waiting Lists

Mrs. Myrna Driedger (Charleswood): Today is Canada Day in Grafton, North Dakota, and do you know why it is Canada Day in Grafton, North Dakota? It is a day that is set aside in their private clinic for patients from Manitoba to come for diagnostic tests because the waiting lists in Manitoba are too long for CTs and for MRIs.

Mr. Speaker, I would like to table this particular picture of the Premier who was going to shut down Grafton, North Dakota, in the last election. I would like to ask this Minister of Health: Why did he and his leader mislead Manitobans in the 1999 election when they said they were going to shut down Grafton, North Dakota, and they were going to slash waiting lists?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I thank the member for that question because in a recent interview the director of that clinic said that business is way down since this Government came to office, as quoted. I would also like to indicate that the headline from 1999 that the

member tabled says and I quote: Doer vows to cut waits.

And you know what? That is why we have cut cancer waiting lists in half. That is why the heart surgery wait-lists are down 30 percent from when that member was walking around the hallways of St. Boniface Hospital. That is why MRIs are down and that is why we are No. 1 in hip and knee replacements in this country. That is the fact.

Mr. Speaker: Order. Before recognizing the honourable Member for Charleswood, I would like to once more ask honourable members when making reference to other honourable members that are in the House, to address ministers by their portfolios and other members by their constituencies.

Mrs. Driedger: Well, happy Canada Day, Grafton, North Dakota. They promised that they were going to totally shut down Grafton, North Dakota.

Mr. Speaker, the waiting list for CT scans, MRIs, ultrasounds and maybe stress tests have all risen significantly since the first day this Government became government. In the last three years, waits for bone density tests have more than tripled, no comfort to women who are awaiting a bone density test, fearful of osteoporosis.

Mr. Speaker, when is this Minister of Health going to do his job and deliver the health care system that he promised? Right now, we do not have a one-tier system, we do not have a two-tier system. We have a no-tier system for a lot of patients in this province.

Mr. Speaker: Order. I have not recognized the honourable member. I would just like to remind all honourable members about exhibits in the Chamber. The honourable member has already tabled the document, so there is no need to be waving the document, because it has already been tabled. Exhibits, as we all know, are not allowed to be used for questions or for answers.

* (13:55)

Mr. Chomiak: Everett Butler, CEO of Grafton clinic, said business is down 75 percent since 1999.

An Honourable Member: Of Canadians?

Mr. Chomiak: Of Canadians, Mr. Speaker.

In Manitoba, the actual wait for radiation treatment for breast cancer is now 2.5 weeks and for prostate cancer, 2.4 weeks. It was 12 and 15 weeks and we were forced to send patients to the States when we came into office. They had that option and they chose not to. We have dropped the waiting list more than in half for lifesaving treatment. In fact, there is a club that has been formed where people get together who have been saved by that lifesaving treatment.

In addition, Mr. Speaker, the member was not at the Health Sciences Centre when we opened another MRI today, but I hope she is at Pan Am and Brandon soon when we open additional MRIs, or in Steinbach.

Health Care Services Quality of Care

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, the Health Minister is all too aware of Sharon Horn, who, after being in care due to serious mental illness all her life, had to fend for herself. She was left to live on her own. She received no follow-up care. Then, in January, she was found dead in a field, frozen to death.

Does the minister agree with a statement made by a health official, and I am sharing: I do not find any evidence of neglectful practice or any oversights. I really think it is a misconception to think that we have people who are wholly dependent on caregivers to get through the day.

Hon. Dave Chomiak (Minister of Health): We have put in place programs that were not in place ever in this province. We have a program called Program for Assertive Community Treatment that has taken a hundred schizophrenic patients off the street and wrapped the program around them. We have put in supportive housing for schizophrenic patients. We have put in school programs to teach children about mental health issues, Mr. Speaker.

Mental health patients who suffer from mental illness have the same rights of the act that was passed by members opposite, that we agreed with, that Sharon Horn took advantage of, Mr. Speaker. That act was passed by this Chamber in terms of rights of patients and rights of caregivers. I would

appreciate if the members opposite would look at some of the incredible things that we have done and we can continue to do in mental health.

Mrs. Rowat: For all the wonderful things that the minister is sharing about what he has done to help, what happened to Miss Horn, what happened to the situation that the family now has to deal with?

The minister's staff then went on to lay the blame at the door of Sharon Horn's family by saying that this incident has given us some indication that we need to be more engaged with families if we can be. Mr. Speaker, I ask the minister: How can he allow the mental health system to have such a disgraceful attitude towards families?

Mr. Chomiak: Mr. Speaker, this June, when I was given a mental health hero award by the mental health community on behalf of the Province of Manitoba representing what we have done in mental health, one of the reasons that we were given that award—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. We need to be able to hear the questions, and we need to be able to hear the answers.

We all know that supplementary questions are to seek information on the initial question, and the honourable Member for Minnedosa will have to hear the answer so she can construct her supplementary question. I ask the co-operation of all honourable members, please.

Mr. Chomiak: One of the reasons that we were given that award, Mr. Speaker, was for the work that we have done with families by putting families on the Mental Health Advisory Committee, by putting in place procedures for all RHAs to engage families and participate with families in terms of the provision of mental health services.

* (14:00)

I think it is disgraceful that members opposite have not raised the issue of mental health in this Chamber in a positive sense over the past five years and are using particular instances, Mr. Speaker, to try

to get headlines. Yes, this case deserves review, but mental health patients have been looked at, and been required to be looked at in the system for years, and we are working on that.

Workplace Safety and Health Regulations—Cemeteries

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, earlier this week, Manitobans discovered that this Premier was going to add some \$30,000 to the cost of a new home by enforcing new workplace safety and health regulations on the residential housing industry. We asked this Government to scrap these plans and instead work with the industry to develop reasonable regulations, but they refused.

Mr. Speaker, we have now learned that this Premier's regulations may end up doubling the amount it costs to bury our deceased loved ones, because his Government is going to classify graves as trenches, which would require an extra staff to oversee a grave digging. Will the Premier put an end to this heartless cash grab?

Hon. Gary Doer (Premier): Well, Mr. Speaker, I noted the false statements of the member opposite about the fact of the regulations that we have implemented. There are some draft regulations being circulated in the industry. Implementation of a regulation requires a legal document. The member may not know this. It requires an Order-in-Council signed by the Lieutenant-Governor.

There are none in place. The reason for that is there is a discussion paper of various proposals being circulated in the various industries. Their comments will then be incorporated into advice to the Government. There are no regulations that need implementation that the member is citing, because there are none that have been signed off.

Mr. Speaker, the advice we receive from the industry will be carefully considered, and we are going to make sure that regulations dealing with workplace safety and health are a balance between the affordability and common sense of four various industries and the safety of workers. No regulations have been passed, and the member opposite should retract the statement because he is wrong, wrong, wrong.

Mr. Murray: Well, Mr. Speaker, his regulations could double the cost of burials, and that is a straight-out attack on the poor. This Premier is literally taxing us from the cradle to the grave.

Mr. Speaker, many Manitoba cemeteries are non-profit, and the Premier to impose outrageous regulations, that is unconscionable, Mr. Speaker. It is a heartless cash grab. It is an attack on the poor. Why does the Premier not do the right thing and put an end to it?

Mr. Doer: Mr. Speaker, all Order-in-Council regulations are legal documents signed by the Lieutenant-Governor. Can the member opposite table any of those regulations that he says I passed? Can he table those? You know why he cannot? Because they do not exist. They are not regulations unless Cabinet approves them. You may not know this. You did not even know what summary financial statements were when you asked your first question of the House. You do not even know what you are talking about with your last question of this session. You do not know what you are talking about.

I repeat—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would just like to remind all honourable members, questions and answers should be put through the Chair.

Mr. Doer: Yes, and I want to say to the people of Manitoba that we are not going to implement or pass, rather, any regulations that will not be affordable for the people of Manitoba, including people that are working in cemeteries or people that are building houses.

I remember the members opposite talked about the sky is falling when we made another change on housing. The new housing starts have gone up way more in four years under our Government than eleven years under members opposite. We need no advice from members opposite.

Mr. Murray: Ah, for the good old days in the union hall.

Mr. Speaker, this Premier's regulations would require cemeteries—

An Honourable Member: Wait, wait, sorry.

Mr. Speaker: Order.

Mr. Murray: Thank you, Mr. Speaker.

Mr. Speaker, this Premier's regulations would require cemeteries to have a permit for trenching for each burial. They may not find this important, but some religions require a burial within 48 hours. We know the system does not always work as it should. Clearly, this Premier's proposed workplace safety and health regulations need a lot of work.

I would ask him this much, Mr. Speaker. Will he consult with the industry instead of insult them?

Mr. Doer: Mr. Speaker, that is exactly what is happening. The various draft—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, when we came into office, the number of people dying at the workplace and the number of people injured at the workplace was the highest rate in Canada. Members opposite may find that funny, but members on this side do not find that funny. We do not find it funny at all.

Mr. Speaker, we have passed new legislation. There are drafts of various forms of regulations being circulated. I want to guarantee the public that we are not going to pass any regulations as a legal document in Cabinet that put undue stress or distress on people that have lost their loved ones.

We are not going to put any kind of increase on home inspections like \$30,000, and I do want to say to the public we also will balance off the unnecessary deaths that have resulted in this tragic record. We have lowered the number of people that have been injured in the workplace by 25 percent since we have been elected.

This whole Legislature, instead of playing politics, should try to work together to have more of our loved ones return home, Mr. Speaker, and not be killed at the workplace.

Education System Funding

Mr. John Loewen (Fort Whyte): In the current Budget, the Doer government is expecting a 12%

increase in transfer payments from the federal government. Despite receiving over \$250 million year over year from the federal government, the Doer government has decided to offload the costs of providing the education system to the property tax owner. I would ask the Minister of Education to explain why he has chosen to underfund education, forcing school divisions to raise the tax load by as much as 8 percent.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): From 1990 to 1999, inflation was 22.8 percent and members opposite funded education at 10.7 percent. From 1999 to 2003, the inflation rate was 8.8 percent and we funded education at 13.5 percent.

Mr. Speaker, we made an election promise to fund education at the rate of economic growth. We are funding it at 2 percent this year, which is above the rate of inflation. We are committed to funding education at that rate. We put \$105 million in the base, compared to \$15 million from members opposite in the same time frame.

Mr. Loewen: Mr. Speaker, he gets 12 percent, and he gives 2 percent. That is simply not fair. Rural Manitobans are suffering greatly under the stress of BSE and the drought. The Doer government is punishing people in rural Manitoba by underfunding education. They are just adding to the stress load.

Mr. Speaker, tax increases of 6.6 percent in Prairie Spirit, 5.5 percent in the Interlake, 7.4 percent in Portage La Prairie, 7.1 percent in Border Land, 8.5 percent in a forced amalgamation of the Sunrise School Division. These types of tax increases are only going to compound the problem. When will the minister go back to the Cabinet table and fight for proper funding?

Mr. Bjornson: Mr. Speaker, I would like to table a letter that I received from the Manitoba Association of School Trustees.

Marijuana Grow Operations Police Resources

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, the marijuana grow operations are controlled by the street gangs and the motorcycle gangs—

Some Honourable Members: Oh, oh.

Point of Order

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

Hon. Gord Mackintosh (Government House Leader): Yes, Mr. Speaker, it is my understanding that the honourable minister was tabling a document, after which he was going to respond to the question. I am sure the member opposite wants an answer.

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

* (14:10)

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, on the same point of order. Members who have been in this House for any length of time know that when a minister sits down after he has responded to a question means that he has completed his response, and we have a member who was up on another question.

Mr. Speaker: On the point of order raised by the honourable Government House Leader, my practice and all Speakers' practice has been when a member is standing to answer a question, when they sit down, they are finished. All I heard him say was, I will table a letter, and he sat down. That has been a practice of this House.

I recognize the honourable Member for Lac du Bonnet.

Mr. Hawranik: Mr. Speaker, the marijuana grow operations are controlled by the street gangs and the motorcycle gangs like the Hells Angels in Winnipeg.

Mr. Speaker, police are saying there are too few officers breaking up the marijuana grow operations. They are aware of a number of grow operations but cannot get to them because they are too busy. Will this minister take the matter seriously, heed the advice of police and commit police resources to fight the growing drug trade in this province?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I am pleased to confirm for the House that on coming into office, indeed, as early as our first Budget, we increased resources for policing

across Manitoba to unprecedented levels. We have enabled the RCMP to staff to full complement for the first time, I understand from the RCMP, in about a decade or so. Mr. Speaker, we have also increased supports to other police forces in Manitoba.

We recognize, unlike the former administration, that it is important to support law enforcement in Manitoba.

Mr. Hawranik: The minister has a unique opportunity to stamp out the marijuana grow operations in Manitoba, many of which are in the suburbs and in our residential neighbourhoods. Instead, he prefers to allow the Hells Angels and the street gangs to operate without any real opposition.

The police know where they are. They just cannot get to them because of a lack of resources. Will this minister commit police resources or will he simply sit back and let the Hells Angels continue to control the drug trade?

Mr. Mackintosh: Mr. Speaker, I regret that the member opposite would be denigrating the successes, the very key role that law enforcement, that our police forces have had in Manitoba in countering marijuana grow operations.

Almost every week we are witnessing the successes of Manitoba police in their efforts to crack down on this drug trade. I do not think the kinds of words that I hear from the member opposite is what the police deserve to hear. They deserve to hear our support.

Meadows West Subdivision Development

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, the Premier is talking big: 3000 acres, 13 000 homes. This new city will be known as Waverley West and would be three times the size of Portage la Prairie. At the same time, Meadows West Phase II has been put on ice since this Government has taken office.

First, Mr. Speaker, in the early nineties, the Government entered into an agreement which in essence froze any form of development because the Province and Qualico owned all the land in the area. Then, in 2001, the Province just walked away with no penalties or anything of that nature.

Mr. Speaker, my question to the Premier: Will the Government commit to either selling the property attached to Meadows West or begin the development of Meadows West Phase II in sections starting 2004?

Hon. Gary Doer (Premier): Mr. Speaker, the issue of land banks and the reality of the land banks existing, owned by the Province of Manitoba, at the same time we have massive development outside in the Capital Region, sometimes subsidized by provincial tax dollars, as in the case of Headingley. We find that as a practice over the long haul that is not sustainable for population growth in the city of Winnipeg. We have discussed with the City of Winnipeg and at their initiative freed up the land bank that is in question. We have also at the same time invested money in the inner city. So to us it is not an either/or.

The other land bank situation, we will certainly look at that, but any zoning of that land, the land banks, any development of those land banks, any approval of development of those land banks will be dealt with by the City of Winnipeg, but the ownership of those land banks and the kind of rigidity that we had with that, we want to work with the City to give them more freedom to zone more land and more housing in a sustainable way in the city of Winnipeg to redress some of the imbalance on the revenue side.

Mr. Lamoureux: Shame on the Premier, Mr. Speaker. The Premier has ignored northwest Winnipeg. I have individuals in the constituency who have no choice but to move out of Meadows West because there is nothing there in terms of future development. The Province owns the property, Mr. Speaker. There are certain services that are already there that could be hooked up. The provincial government has been negligent in developing Meadows West Phase II, which is to the detriment of the people that live in the Maples, the people that live in Meadows West, Tyndall Park and Garden Grove.

It is a simple question: Will the Government move this year and develop Meadows West Phase II or get out of it and privatize or sell off the property? You have no right in delaying the service of this area.

Mr. Doer: The member opposite is part of a political party that with his leader withdrew from all housing across Canada in the mid-nineties. We have to represent some of the very serious issues and all housing challenges in Manitoba, including in the city of Winnipeg. Our first priority when we were elected was to

start to rebuild some of the inner city, downtown areas of the city of Winnipeg. Our equally important priority was to have a quote: inner city strategy expanded to the community of Brandon, because it was not included by members opposite, and the community of Thompson; to have Neighbourhoods Alive! in all of those communities.

We will work with the City of Winnipeg. The mayor asked us to start developing the land banks. If the mayor has a plan on the projects that the member opposite is talking about, we certainly believe that land banks should be developed inside the city of Winnipeg. I was involved in changing the urban limit line with Whyte Ridge and Lindenwoods. To me that is not an either/or. We want to develop downtown, inner city housing and we also want to have opportunities to develop inside the city of Winnipeg, including in the area the member referenced. But the City of Winnipeg has to work with the various development agencies. We are not surrogate city councillors in this Chamber; maybe the member opposite is.

Mr. Lamoureux: Mr. Speaker, the province has forgotten about our inner city and our older communities. I have never seen as many homes that have been boarded up or in dilapidated condition. They have failed miserably, miserably. Will the Premier—*[interjection]* the Government is a little sensitive on the issues of housing, you can tell. For good reason. They should be.

Mr. Speaker, they have failed miserably. Drive out to the North End. I will take the Premier on a tour and you will see all the boarded-up homes.

The question is: Will the Premier act today and agree for the need of all stakeholders working as a group that would make recommendations to the three levels of government to address this very serious problem?

It is a working group that is needed with recommendations. All three levels of government need to be involved in this. Will the Premier at least take some sort of leadership in dealing with this serious issue?

Mr. Doer: Mr. Speaker, we initiated Neighbourhoods Alive! and brought together the federal and civic governments. We are pleased that we did it in not only Winnipeg, but Brandon and Thompson.

Mr. Speaker, we know that the quote: progress and changes in the inner city are very, very positive. I do not need to have any kind of tour from the members opposite. We are in every quadrant of this city every week.

Mr. Speaker, the whole issue of the Meadows West I will look at as a separate issue. We have talked generally with the mayor and council about selling land banks inside the city of Winnipeg. That is what we are trying to practise with the Waverley West project, but let us be very, very clear.

Mr. Speaker, we have been developing the inner city. We are the first province in Canada that has brought in TIF, that is tax incentive financing. We are the first province in Canada to bring in TIF financing. It was recommended by *The Globe and Mail* to all the provinces. We actually brought it in last year to make sure that we would have greater financial investments in inner city housing in Winnipeg. We need no lectures from the member opposite.

Cancer Treatment Wait Times

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, my question is for the Minister of Health. In *The Globe and Mail* newspaper, there was a report that wait times for cancer radiation therapy in some parts of Canada are as high as two and a half months.

Can the minister please update the House on what is being done to reduce wait times for life-saving cancer radiation treatment, and what results have been achieved to date?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I want to indicate that the situation in Québec where the population has launched a class-action suit is very similar to what was in Manitoba when we came to office, that the wait times were beyond standard times and members opposite had a chance to do something, and did not. In fact they lost radiation therapists. In 1998, Manitoba graduated only one radiation therapist; in '99 all three left the province. Now, as a result of our increased training and more competitive salaries, we have no vacancies for radiation therapists in Manitoba.

* (14:20)

Mr. Speaker, we have been recognized across the country as having the lowest waiting list for those issues, across the country, and that is lifesaving treatment. We have gone from the longest in the country, when members opposite were government, to now the lowest in the country, lifesaving treatment. I think all the citizens of Manitoba should be thankful for that.

Red River Floodway Expansion Master Labour Agreement

Mr. Ron Schuler (Springfield): As the Premier has clearly already met and consulted with his union-boss friends, will he now extend the same courtesy to the industries that will be affected by his forced unionization of floodway workers? Will he do that today?

Hon. Steve Ashton (Minister of Water Stewardship): I want to indicate, Mr. Speaker, and I think it is important to put on the record, that one of the key functions of the interim floodway authority has been to meet with Manitobans. We have held open houses throughout Manitoba. I know that the staff has been working with the engineers proceeding with a project design, environmental assessment and, indeed, have committed to ongoing meetings with both contractors, unions and others. In fact, I have met with contractors as recently as last week. We are committed to consultation. We are going to build the floodway to protect Winnipeggers and we are going to do it on budget and on time.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

John de Graff School

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, John de Graff School is promoting community-based programs and activities for children, youth and their families. I was very pleased to attend the opening of the school's family room earlier last fall, an initiative developed as part of the Manitoba parent-child coalition program.

The family room at John de Graff School offers programs such as the open gym nights for families and the preschool literacy program Rock and Read. There is also an after-school seminar for parents about child development issues.

Mr. Speaker, this summer the Literacy Links program will send education students for some visits with new kindergarteners to encourage family literacy activities.

Mr. Speaker, the school's action team comprised of teachers and parents working with principal Andrea Hammond and community connector Sharon Fonseca, have done a fantastic job of offering programs for families. They encourage families to be in the school, to use the school as a resource.

Mr. Speaker, with the help of Healthy Child Manitoba funding, a total of seven schools in the River East Transcona School Division are reaching out to their families and communities. They are Polson, Lord Wolseley, Sherwood, Prince Edward, Bertrun E. Glavin, Valley Gardens Junior High Schools and, as I mentioned, John de Graff School.

I am delighted to see that the River East Transcona School Division is an active coalition partner with Healthy Child Manitoba.

All over Manitoba, the community schools initiative is helping to bring parents, schools and communities together. In 12 areas of Winnipeg and 11 regions across Manitoba, parent-child coalitions are being formed to bring together local resources through partnerships. As a natural community meeting place, schools are making efforts to reach out and build bridges with parents. In my community, this initiative has allowed parents and schools to work together on behalf of our children. Together we strive to develop resilient, community-minded children. When parents and educators work together, there are better results for children.

Mr. Speaker, I would like to recognize the success of the parent-child initiative at John de Graff School in River East Transcona School Division and, in fact, across Manitoba.

Grafton Clinic

Mrs. Myrna Driedger (Charleswood): It is Canada Day. Lest you think I have misplaced my calendar, please allow me to clarify.

Mr. Speaker, it is Canada Day at the Unity Medical Center in Grafton, North Dakota. It is a day set aside for Canadians seeking certain diagnostic tests. The members opposite may remember the

Grafton clinic from the 1999 election campaign when their illustrious leader boldly posed beside a homemade highway sign showing the distance to Grafton. That leader slapped a sticker on the sign proclaiming: Closed for business.

He vowed to put the diagnostic clinic in Grafton out of business. He promised to reduce waiting lists for diagnostic services such as MRIs and CT scans. The now-Premier (Mr. Doer) said and I quote: We believe Manitobans should get diagnostic tests in Manitoba. The bottom line is Manitobans have paid for out of their taxes a health care system.

Where are we today more than four years later? In spite of the Premier's grandstanding, Manitobans continue to make the trip to Grafton because they cannot get timely access to diagnostic services here. They hit the road using their own resources to pay for tests they feel they cannot defer any longer. They resent the Premier's hollow promises to reduce waiting lists for clinical diagnostic services.

In fact, Mr. Speaker, since the Doer government took office, waiting times are longer for four out of the five diagnostic procedures for which they had promised reduced waits. These include CT scans, ultrasounds, MRIs and maybe stress tests. When we think of Canada Day we think of happy times with families, celebrating life. But when we think of Canada Day at the Grafton clinic, we think of families who feel fearful for their loved ones' lives. So many hopeful promises from this Government. So many dashed hopes for Manitoba families. Thank you.

École Christine Lespérance

Ms. Theresa Oswald (Seine River): It is my pleasure to rise today to pay tribute to the hard work and joie de vivre that is ever present in the community of École Christine Lespérance.

Le jeudi 12 février 2004, l'école s'animait dans une célébration locale en l'honneur du Festival du Voyageur. Plus de 400 parents, enfants et membres de la communauté se sont réunis pour goûter à l'excellente cuisine canadienne-française, pour jouer à des jeux sous la direction experte d'étudiants et pour écouter des pièces musicales jouées par les élèves du programme de musique des sixième, septième et huitième années.

C'est grâce aux efforts exceptionnels du conseil des parents, sous la direction de Sylvie DeSerres, des enseignants, en particulier M. Richard Comte et M. Guy Michaud, et des administrateurs, Dolorès Beaumont et Marco Ratté, que l'événement a remporté un tel succès. L'ambiance qui régnait pendant toute la fête témoigne de l'esprit de communauté et de coopération qui existe dans cette école. La présence de la famille de "Voyageurs officiels" a ajouté une note de distinction et de cérémonie à cette soirée spéciale.

Translation

On Thursday, February 12, 2004, the school was alive with a local celebration in honour of the Festival du Voyageur. Over 400 parents, children and community members gathered to sample the excellent French Canadian cuisine, to play games under the expert leadership of students, and to listen to the entertainment provided by music students in Grades 6, 7 and 8.

The outstanding efforts of the parent council under the direction of Sylvie DeSerres, the teachers, in particular Mr. Richard Comte and Mr. Guy Michaud, and school administrators Dolorès Beaumont and Marco Ratté truly shaped the success of the event. The atmosphere throughout the event was a testimony to the spirit of community and co-operation that exists in this school. The presence of the "official Voyageur" family added a note of distinction and ceremony to this special evening.

English spoken

Once again, I congratulate the planning committee, the parents, and the students involved in la Soirée "canayenne" and look forward to an undoubtedly even larger celebration next year. Well done.

Félicitations [*Congratulations*].

Kenaston Underpass

Mr. John Loewen (Fort Whyte): I was intrigued by a picture I saw in the Wednesday edition of the *Winnipeg Free Press* showing the Premier (Mr. Doer) of the province and the Member of Parliament for Winnipeg South, Mr. Alcock, the recently appointed President of the Treasury Board in Ottawa, schmoozing at a reception that was held in Ottawa.

Mr. Speaker, I am absolutely convinced that they were deep in the throes of discussion about how they would finally live up to their last election promises to build the Kenaston underpass. That is the only thing that they could have been talking about because, as we have heard from the Premier, they have nothing, nothing. They have nothing that they could share, nothing that they believe in other than in the construction of the Kenaston underpass.

Mr. Speaker, the Premier promised it in May of this year. After saying for four years that it was not a priority, the Premier has finally promised to build it. I am sure all of us in Winnipeg can wait with bated breath because, over the course of the next few days, I am sure we are going to hear an announcement from the Premier. I just hope it does not match what I have heard from other sources that the Premier is in fact withholding the funds from the infrastructure project so that he can spend \$5 million of the remaining \$8 million on a study of a rapid transit system. I would use this opportunity to implore him to do the right thing. Get on with announcing when this underpass project will start and when it will be completed.

I would ask him to do it today. Thank you, Mr. Speaker.

West Broadway Skating Rink

Mr. Rob Altemeyer (Wolseley): I would like to inform the House of the tremendous work done this past winter by the Broadway Neighbourhood Centre. Working together with individuals, organizations and businesses in their neighbourhood and with their elected federal, provincial and municipal representatives, these community-minded residents gave new life to a neglected but valuable area resource. I am talking about the rebirth of the West Broadway skating rink. Two years ago, this skating rink was closed and kids of all ages in the West Broadway neighbourhood lost an accessible and popular form of recreation.

* (14:30)

I think we can all agree that this is an important time for our children to have every opportunity for recreation. The community response to this challenge was very impressive. Assistance came from our Government's Lighthouses program and from the PACE

program, Positive Athletic Cultural Experiences run by Mamawi.

Cash donations came from Winnipeg Centre Member of Parliament Pat Martin, City Councillor Jenny Gerbasi and me. On January 24, the hard work paid off as the skating rink was officially reopened with a great deal of excitement. Hundreds of community members attended the reopening celebrations, which were officially opened with a beautiful, traditional song by Michael Esquash of the Spirit Sand Singers.

Since January, Mr. Speaker, many local residents have donated ice skates to the Broadway Neighbourhood Centre. I know that these donations have allowed everyone the chance to enjoy the ice and the rink was very busy throughout the winter. Special thanks are also owed to Zeids Foodfare for providing everyone with hotdogs, to Little Red Spirit Headstart program for providing hot chocolate and to Art City for the remarkable sign that they created for the skating rink.

Mr. Speaker, I especially want to recognize Tammy Aime, co-ordinator of the Broadway Neighbourhood Centre for bringing everyone together on this project. Special thanks also go to her amazing volunteer, Parnell Williams, who flooded the rink on a regular basis. Their support and commitment to the development of their community makes the West Broadway neighbourhood a safer, healthier and stronger place. Thank you very much.

ORDERS OF THE DAY

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

Mr. Leonard Derkach (Official Opposition House Leader): No, on House business, Mr. Speaker.

Mr. Speaker: Order. I am just dealing with a matter with the honourable Member for Russell. He said he was up on House business, but he cannot. It is government business.

Point of Order

Mr. Speaker: The honourable Member for Russell, you are up on a point of order?

Mr. Derkach: A point of order, Mr. Speaker. I know that sometimes the House leader gets busy with other duties, but the business of the House must go on, and we are prepared to debate Bill 21, if that were the will of the Government.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order.

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call the following business today: Debate on second readings, Bills 21, 6, 17 and 18, and then would you please call debate and third readings so that there is report stage, by leave, 7 and 8.

DEBATE ON SECOND READINGS

Bill 21—The Non-Smokers Health Protection Act (Various Acts Amended)

Mr. Speaker: Resume debate on second reading of Bill 21, The Non-Smokers Health Protection Act (Various Acts Amended), standing in the name of the honourable Member for Charleswood (Mrs. Driedger).

An Honourable Member: Stand.

Mr. Speaker: Stand? Is it the agreement of the House for the bill to remain standing in the name of the honourable Member for Charleswood? *[Agreed]*

The bill will remain standing in the name of the honourable Member for Charleswood.

Also, the honourable Member for Lac du Bonnet (Mr. Hawranik) has five minutes remaining on Bill 21, The Non-Smokers Health Protection Act (Various Acts Amended).

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I welcome the opportunity to continue where I left off yesterday with respect to this bill, and that was with respect to jurisdiction.

It has been said by members opposite that we do not have jurisdiction to deal with applying this bill

on First Nations reserves. I quote from Professor Schwartz, who is a constitutional law expert from the University of Manitoba. He states that under section 88 of the federal Indian Act it provides an opportunity for provincial laws to apply in certain circumstances, and the circumstances in which provincial laws apply could be provincial legislation that is of general application throughout the whole province. So, as long as it is a law of general application in the province of Manitoba, Manitoba can introduce legislation which affects our First Nations reserves.

I bring to your attention the fact that we do have many laws of general application in this province, beginning with drivers' licences. We do have laws in the province that license drivers throughout the whole province, and it does apply to First Nations reserves and First Nations people.

* (14:40)

We also have laws that correspond to Criminal Code offences such as impaired driving. Impaired driving, of course, is a federal statute, but we complement the impaired driving federal Criminal Code offence with our own legislation which is of general application on First Nations reserves as well. So we have jurisdiction with respect to the suspension of drivers' licences when someone is convicted of impaired driving. It not only applies to non-Aboriginal people in Manitoba, it applies to Aboriginal people in Manitoba as well.

Those two types of laws, and there are many of them that we have passed in the past, licensing and the suspension of driver's licences are only two. With those two, they apply to all Manitobans.

It is my submission that, of course, the non-smoking by-law can apply to all of Manitoba and can apply to Aboriginal reserves, because it can apply to all public indoor places within the entire province, not just off Aboriginal reserves but on Aboriginal reserves as well.

There is jurisdiction, I believe, Mr. Speaker, that we can follow. I think there is jurisdiction. Professor Schwartz agrees with me, and as long as it is a law of general application it certainly would apply to an Aboriginal reserve. In fact in that interview he had with CJOB at the time he was of the view that perhaps it could apply.

Mr. Speaker, let us step back and take a look at the situation in terms of what the Province can do for sure. What we know for sure is that the Province does enter into gaming agreements with First Nations reserves. It enters into gaming agreements under certain conditions. It can grant the right for a First Nations reserve to construct and operate a casino. That we know for sure. That is within the jurisdiction of the Province and that is recognized by Aboriginal reserves and Aboriginal people to be the case.

Mr. Speaker, under those gaming agreements, under the agreement between the Aboriginal community and the Province with respect to the casino, conditions can be laid. One of the conditions that ought to be laid is the fact that they ought to make it a non-smoking casino. Otherwise, we are treating Aboriginal people differently than we are other Manitobans.

We are not saying that their health is important if we do not do that. Of course their health is important to all Manitobans, just as it is important to non-Aboriginal people. I think it is incumbent upon the Province. It is incumbent upon members opposite to, in fact, when they negotiated a gaming agreement with Aboriginal communities, to include that as one of the conditions in the agreement. It is very important for the health and well-being of the Aboriginal people within reserves.

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, I rise today to speak on Bill 21, The Non-Smokers Health Protection Act. I very much find it interesting that we have not heard from the government side yet on this.

We are delighted to speak on it for a number of reasons. I think the first reason that we want to speak on this bill is because we do think that this is a historic occasion for a number of reasons.

First and foremost, we think it is historic because it is the first in our country. We think it is historic in the fact that this rose from the Member for Carman (Mr. Rocan), the MLA from Carman, who had an idea, who believed that, in Manitoba, there was an issue on second-hand smoke and the damage that it was causing.

I believe the MLA from Carman will say that he used to, in his youth, be a smoker. I think he believes that the toxins and the carcinogens that are contained

in tobacco are harmful. Of course, we know that medical records and medical research show that, this issue really was an issue that dealt with the health of those workers that were working in places that there was smoking.

This bill really rose out of the ashes, if I could use that term, on the sense that we believe that we should be protecting those workers that were working in enclosed smoking places.

I would also, Mr. Speaker, like to talk a little about the fact that this was a private member's bill. I think the fact that this MLA from Carman who was able to stand in this House, introduce a private member's bill and hopefully see it through, I should say, in the sense to a fruition on the basis of what his understanding was, the Member for Carman's understanding of what he signed. I will get that in a couple of minutes.

I also want to say and pay tribute to the fact that when this bill became before the House, there were certain steps that got us to the position that allow us over the past number of days to rise and speak on Bill 21. I think it is interesting to note that when the Member for Carman brought this bill forward, I would have to say that he was not sure whether it was, in fact, going to see the light of day. He knew that there would be some controversy around the issue. But, again, his principle of bringing it forward was to ensure that the workers that were subject to second-hand smoke would, in fact, not have to be put in that position.

So, Mr. Speaker, what we have, then, is a member who believes in something very passionately, very strongly, that brings forward a bill or a private member's bill in this case, to this House on the hope that there may be some recognition from the government side that this is a bill worth pursuing.

Mr. Speaker, we know the government side decided that maybe there was some merit to this. I think the Member for Carman (Mr. Rocan) used the words that the government side gave some consideration to the merit. I think that was a huge breakthrough. I think it was very important. I think it gave the Member for Carman some hope that this bill would have a chance to get through this Legislative Assembly and ultimately become law in the province of Manitoba.

What is interesting about it, Mr. Speaker, is that when the government side put together a committee, and I believe that on that committee, of course, chaired by the Member for Dauphin (Mr. Struthers), I—

An Honourable Member: Dauphin-Roblin.

Mr. Murray: Dauphin-Roblin. I am sorry, I always get a little confused because we are both Maple Leaf fans, so we are maybe a little bit more intimate than we should be. That is because we are Maple Leaf fans. I do know that he chaired the committee. There were other members on that committee, but I would like to pay attention and also I would like to commend the Member for Fort Whyte (Mr. Loewen) who also was part of that committee.

Mr. Speaker, I think that our two members on this side believed very strongly that this was a good process to go through; that by going around the province of Manitoba, and basically having an engaged discussion, hearing different ideas, but understanding that the premise of this bill, or the private member's bill, was to ensure that we were going to protect the workers in a workplace from second-hand smoke.

Well, Mr. Speaker, I know that as these discussions were going on and as the Member for Carman was trying to work with the government side to move this process forward, I had a chance through Dr. Mark Taylor to meet Heather Crowe.

* (14:50)

I was quite taken by her story, as I am sure every member in the Legislative Assembly was. I believe that anybody who has met Ms. Crowe would be absolutely spellbound by her story. Of course, her story is simply that she worked hard. She worked long hours in a restaurant, and during that time, Mr. Speaker, she suffered the consequence of second-hand smoke, which means to say that she became ill through cancer, which was put to her by second-hand smoke.

I would say that, personally, I used to be a smoker. I am sure there are a number of members in the Chamber that currently are, or currently were. I do not look on the basis that, as a reformed smoker, somehow there should be separate rules. I am not going down that path because I know sometimes

when people get religion on a subject, they go overboard.

That is not the purpose for me bringing this forward. I just want to put on the record that, yes, growing up in a small town in Saskatchewan, I think it is one of the things that we used to do on the farm—a lot of people, in that time, were smokers. So I am delighted to say and I am very proud to say that I have not smoked a cigarette in decades. I feel good about it. But I do not look at people who are smokers—I do not look at them as anything negative.

I only hope, Mr. Speaker, that people who smoke, where I have some lack of compassion is people say, gee, I wish I could quit. Well, I think if people really believed that they could quit, they would quit. But I also know a few people, not many, but I know a few people—I would never mention names, because I think that is not what this discussion is about. But I think there are people that enjoy smoking. So, to them, I say, God bless you. You are enjoying something of what you do. But this whole debate is all about protecting the rights of those workers who are exposed to second-hand smoke.

Mr. Speaker, we have heard a number of things from the government side. I think one of the issues that needs to be brought forward in this discussion is that, from time to time, and I recall one time specifically in Brandon at the AMM meeting the Premier (Mr. Doer) got up in his place and spoke to the AMM convention at which there were all numbers of people, men and women from all across Manitoba in the audience. That is a chance for the Premier to talk about his vision for Manitoba, his relationships with the municipalities and some of the ideas that he has in terms of working with AMM to improve their lives.

So I was quite surprised when the Premier got up and started making comments and identified the Member for Carman (Mr. Rocan), who was at that dinner, identified him in the crowd and said you know, the Member for Carman wants to bring in a bill that would prohibit smoking in enclosed public places. He said we will call it the Denis Rocan bill because, he said, I think that it is quite acceptable to have a cigarette and a beer in a bar.

I thought that was very interesting for the Premier of the province to say that, because at that

time the all-party committee, members from the government side, members from the third party and two members from the Progressive Conservative caucus were part of this all-party task force, and the Premier of the province was standing up in front of 600 or so people in Brandon and sort of casting aspersions about those that would perhaps prohibit smoking with a beer in bars.

So he made that comment and then he made numerous comments like it on the radio, always with kind of I guess a bit of a chuckle, as if somehow, was it serious or not. We are not sure. All I know is that is the Premier (Mr. Doer) of the province of Manitoba basically saying that he disagrees, publicly disagrees, with what is being proposed by the all-party task force as they are going through the process.

So we find ourselves in a position now that the all-party task force has done their work, and I congratulate the all-party task force for the work that they did. I think they travelled across the province, albeit it would have been, I think the members for Fort Whyte and Carman have said they wished that there had been more dialogue with people in more places, perhaps in Aboriginal communities would have been somewhat beneficial to the process.

I think that we now see that the government of the day has brought forward a bill, and they wave it around, and when we bring issues forward, which I am going to get to, when we bring issues forward such as the fact that this bill, this private member's bill, Bill 21, does not cover a potential Aboriginal casino that is being built by Brokenhead—

An Honourable Member: Not a private member's bill.

Mr. Murray: At this point it is not a private member's bill, and I thank the honourable member for that correction. The bill that we talk about that has been brought forward does not protect the workers in an Aboriginal casino.

So, Mr. Speaker, I think that where we have to have the discussion about this bill is the day that it was introduced into this House. It was a historic day when it was introduced, and I was delighted to be in my place to be part of a very important process and to see this bill being introduced into this House.

One of the reasons I was so proud of Bill 21, being historic as it was, is that right behind me in the gallery was one Heather Crowe who really was one of the public people that came forward with this initiative and basically reached out across the country to try to find some government, some party, somebody that would stand up with her and say, you know what, Ms. Crowe, you are absolutely right. We are going to stand shoulder to shoulder with you and ensure that as you have said, Ms. Crowe, that you will be the last person to die in Canada because you contracted cancer through second-hand smoke.

Mr. Speaker, that to me is a very, very powerful and emotional image that she brought forward. On that day in this Chamber, when Bill 21 came forward, that was, I believe, the essence of everybody sitting in this Chamber, including Heather Crowe, who was sitting up in the gallery. I am sure she thought: This is fabulous. This is incredible. This is historic, that all of Manitoba, all of Manitoba, will not allow smoking in closed public places.

Well, hold the phone. It is not quite as it seems, apparently. No. Apparently, if an Aboriginal casino that this Government has the ability to grant a licence to—that casino will not ban smoking.

I then go back to the original premise of what it is we were trying to do in Manitoba. My understanding was, and I find it always fascinating the way that this Government operates, because first and foremost, they figured they—"they" being the Doer government—thought, okay, you know what, we are going to jump on this non-smoking bandwagon. We are going to outlaw smoking in provincial jails, because we really want to protect those workers who work in the provincial jail system.

Mr. Speaker, that was a pretty good move. But it took this side of the House, the Progressive Conservative caucus, to question the Government on their motive, and said, wait a minute, let us follow your logic. You are going to protect the guards in provincial jails from second-hand smoke. We agree, well done. But, at the same time, the City of Winnipeg had imposed their own smoking by-law banning smoking in public enclosed places. But the provincial casinos, somehow those—I do not know how they could fall between the cracks but, according to the Doer government, they did not qualify.

So we asked the government of the day: Just so we understand your position, you are basically saying that we will ensure that we protect the rights of those workers in provincial jails, but the workers in the provincial casinos operating in the city of Winnipeg, that already has a smoking ban, do not qualify.

* (15:00)

Mr. Speaker, there are so many double standards in that approach, it is hard to know where to start. The premise has got to be either you are there to pass laws to protect the workers from second-hand smoke, or you are not. That was the part that had us all on this side wondering exactly what was the motive of the Doer government when it came to talking about the health, the protection of health of workers in enclosed public places.

I am not much of a gambler, Mr. Speaker, but I think I could bet and double-down on this one. The Doer government was afraid to make the right decision with the casinos because they were afraid of losing revenue. They looked at this not as a health issue, at that point, no, they looked at it, in fact, as, well, wait a minute, if we do not allow people to smoke in casinos we are going to lose revenue. I believe that it took a while for the Doer government to figure out that their Government does not have a revenue problem, they have a spending habit. So they need to have more money. And by outlawing smoking out of those casinos at that time, it would ensure that they would be shooting themselves in the sense that they would be potentially having less revenue come in.

Mr. Speaker, we asked the question again in the House very simply: What is with the double standard with the Doer government?

At some point, it became evident, even to the government side, the hypocrisy of their statement: well, we are prepared to protect the workers in provincial jails, but not the workers in provincial casinos. So they changed their mind. They saw the right thing to do and, in fact, we applauded them eventually for doing the right thing.

Mr. Speaker, I then bring that back to the premise of Bill 21, which the Member for Carman (Mr. Rocan) signed; just he did. He very eloquently spoke yesterday about his concerns, because when he signed, he believed that he was signing on to a

committee that was going to ensure that there was protection of all Manitoba workers. All Manitoba workers. All of those people that worked in enclosed public places in Manitoba would be protected from second-hand smoke.

The Member for Fort Whyte (Mr. Loewen) did not sign on the all-party committee. Why? He was concerned, and had an inkling that this bill that would come forward would not fully mirror what it was that was taking place during the all-party committee hearings, that there may be some kind of a loophole.

So, Mr. Speaker, to his credit, and I say that on the basis that the Member for Carman signed it, because he believed he was signing a document that would protect all Manitobans. The Member for Fort Whyte did not sign it, because he had some concerns that there would be some loopholes, or that they might not protect all Manitobans from second-hand smoke.

Mr. Speaker, we are at a position with this bill, Bill 21, where, in fact, the government of the day is prepared to stand back and say: well, there are jurisdictional issues, and so, on that basis, we really do not have a say.

If you have ever seen somebody fold like a cheap suitcase, on that issue, it was the Doer government. Because clearly, when you look at what Heather Crowe brought to Manitoba, what Mark Taylor talked about on the issue of this around Manitoba, what it was that the Member for Carman (Mr. Rocan) talked about with respect to banning smoking in public enclosed places. What, in fact, it was that the City of Winnipeg did, the City of Brandon did. They were basically saying that clearly this is a health issue. If it is a health issue in Winnipeg, then surely it must be a health issue in Brandon. If it is a health issue in provincial jails, then it surely is a health issue in the provincially run casinos.

Mr. Speaker, the difficulty that I have with what really is a piece of historic legislation is that the Doer government does not have the spine nor the commitment to stand up and do what is the right thing to do. That is to ensure that every single, enclosed public place in Manitoba is smoke-free.

Surely there can be no difference between somebody who would be working in an Aboriginal casino, or somebody who is working in the casino on McPhillips or Regent. Why would there, somehow, be a difference?

You have to wonder if the only evidence, despite all of the reams of health evidence, all of the reams of the medical community, all of the reams of the public, saying that second-hand smoke is dangerous and can kill you. Then why would it be different in that one location? I do not see the reason for it, unless, as the Member for Fort Whyte (Mr. Loewen) correctly says: Follow the money.

Mr. Speaker, we believe that we have something very special. To stand up and trumpet throughout Canada and North America, on the basis that we have become a province that understands that we want to protect the health and safety of workers in enclosed public places from second-hand smoke. We believe in that. We think it is the right thing to do. We think that the health of those workers, in those environments, should, and must be protected.

Bill 21 is a good bill. It is a good bill. But, just as this Doer government has had some difficulty, some trouble, with measuring the difference between the right thing to do and the political thing to do, they now found themselves in the same quagmire. What should we do? I am sure is a question they ask around the Cabinet table. I think what you probably see is a lot of hunched shoulders saying I do not know. What do you think?

Mr. Speaker, we think the right thing to do is what the essence of this bill was created for. That is to ensure that all workers in public enclosed places are protected from second-hand smoke. That was the intent of it. That was the direction that the committee heard, yet the Doer government is now saying, well, you know, on the basis of jurisdiction that, you know, we really do not want to sort of get into this debate—again, the hypocrisy.

The Healthy Baby program, which they put into our Aboriginal reserves, they had no difficulty with that. Jurisdiction was not an issue. It was the right thing to do. Well, I argue with the Doer government, I argue with Bill 21 in the sense that my argument is the right thing to do is to include it for all publicly

enclosed places in Manitoba. That is the right thing to do.

Are there politics in this discussion? Perhaps, but that is an issue that the government of the day has to live with. That is an issue that government has to live with, because my question would be simply this: If Heather Crowe did not live in Ontario, say she lived in Manitoba, and she did the same thing that she did in Ontario, but worked at the Broken-head casino, is the Doer government trying to convince Manitobans that because she is subject to second-hand smoke, somehow she would not get cancer? Well, that is pretzel logic to an nth degree.

Mr. Speaker, what I do think is it is robbing this debate about the merits of what it could be. It robs this debate about the importance of protecting workers that are exposed to second-hand smoke. I think that is the unfortunate undoing of the Doer government, because they cannot make the right decision. Politics plays too much of a part of how they decide the legislation. I think that we have got to look at how we set out a path, and indeed I will say that a province-wide smoking ban in enclosed public places, I would have to call that very bold. I would have to call it radical. I would have to call it common sense, because it is those decisions that are not politically motivated that become bold and radical. It is decisions that are right because they make sense, because they are part of ideas, part of ideology. They are part of a collision of those sorts of things that we all believe and those ideas that come together and debate, and then, at the end of the day, we agree on doing the right thing, not the political thing sometimes, but the right thing.

I believe in this situation, Mr. Speaker, the right thing to do would be to ensure that all Manitobans are protected in the workplace from second-hand smoke.

* (15:10)

In conclusion, I would like to say that I am delighted, on Bill 21, to stand and put a few words on the record because I think that this is historic, that a member from Carman could, and I think the term he used was "The Little Train That Could" we all know that book. The Member for Carman (Mr. Rocan) started with a private member's bill. We now see a bill in the House that we think is, in essence, a very strong bill, a historic bill, a first for this country.

We are very proud of it except for that one side where the Doer government refuses to protect all Manitobans.

Mr. Speaker, we think that that is a flaw, and I would just like to say that we hope that as this bill goes to committee that people will come forward and express their honest opinion, their gut feeling about where this bill is, can it be improved, and perhaps if there is an amendment to improve it, we hope that the Government does not worry about anything political, but they do the right thing. I look forward to attending those committee hearings.

Mr. Kevin Lamoureux (Inkster): I too was wanting to put some words on the record before Bill 21 passes into committee. I know that yesterday when we were inside the Chamber, I had the opportunity to listen to the Leader of the Manitoba Liberal Party speak on this bill. I was actually just quite pleased with the background knowledge throughout, right from the explanation of some of the deficiencies in the legislation to the actual minority report that was put together.

I can tell you that amongst the three parties—I do not think I am sharing any secrets here—the Leader of the Liberal Party has the scarcest of all resources. Having said that, his sense of commitment was very strong, in terms of ultimately being able to contribute in a very powerful way to what was an important issue for him and for our party and, ultimately, for all Manitobans.

I just applaud the efforts that would have been involved on his part in allocating out the type of resources that he needed to do, in order to be at the meetings themselves; to meet with the many Manitobans that he did in putting together the minority report. It was, in essence, through his leadership that we even had the minority report from the party's perspective, which really dealt with a lot of the deficiencies that we saw in the ultimate all-party task force report.

Mr. Speaker, at times there is legislation that comes before us that is quite satisfying. What I like about this particular bill is, outside of stating the obvious, the manner in which it came forward. It was an initiative that was started off from the Member for Carman (Mr. Rocan) as a private member's bill. Quite often, in the past, you do see governments take action on a private member's bill. This is an excellent

case in point, not only for today, but also for the future.

As at times in the past, we have seen other private members' bills being incorporated into legislation, or even possibly the reason for a government legislation. That is a great thing to see. I applaud the efforts from the Member for Carman that he put together in ultimately leading us to the bill that we have before us.

The task force. There were a number of individual MLAs that were assigned the responsibility of touring our fine province. There were some concerns that we had. My leader made reference to the need to be able to go into Aboriginal communities. Unfortunately, the government members did not see the merit to going into the Aboriginal communities to get that direct feedback.

Having said that, the task force people did participate directly on the task force, did sacrifice a great deal in order to be able to provide us the report, Mr. Speaker, and I applaud their efforts. I know I was given the privilege to attend at least one formal task force meeting. I found it to be exceptionally enlightening. The level of presentation was of an excellent calibre, and truly believe that I benefited personally as a result of it.

One of the touching presentations that I had heard at that time was an elderly gentleman who was not a war vet himself, but came to express his concerns about not allowing our legions to be able to have cigarettes. The argument—I must say, I was exceptionally sympathetic to it—was that, you know, you have these war vets that have fought abroad for the rights that we have today. A part of their life today is being able to go to the legion, and to have their drink and have their cigarette and so forth.

It was a very difficult issue and it was quite silent when this particular individual said: Do not take away the right that they have, that they believe they have when they fought for the rights that, in fact, we do have. I had raised that particular presentation to my leader. Again, just being sensitive to that particular issue, it is an issue which was incorporated into the minority report to a certain degree.

I know the Leader of the Liberal Party has given a lot of special attention to that particular issue. In fact, we are quite concerned in terms of the impact it

is going to have on our legions. If people looked at the minority report, in appendix 13, and I will quote right from the report: "Legions in Winnipeg and Brandon are experiencing financial difficulties as a result of the smoking bans in these cities."

The Liberal Party has long supported the extension of the Dauphin exemption for property assessment to all Legions in Manitoba. We believe this should occur in recognition of the contributions of veterans to Manitoba and to Canada and to assist with the financial difficulties facing our legions.

I think that in listening to the presentations, to some of the follow-up, it was interesting, Mr. Petrinka, who, I am sure all of us know, had shown me one letter that had indicated a Legion pointing out the concern, again, of their inability to be able to have cigarette smokers, some of the vets being able to smoke and the impact it is going to have and appealing once again for that property tax exemption, something which other provinces have done. I am told that the Premier himself has indicated that not only was he in favour of it but he would do it for 2004.

The presentations that were made, whether it was, as this particular individual was, sympathetic to the legions, to health care workers, to former smokers, current smokers. There was one individual that owned a hotel. I found that the task force worked. It worked and it worked quite well. I know that in the speech that my leader gave yesterday he pointed out one area in which a presentation was made to the task force, yet the task force did not necessarily reflect in its report, a very important component. That component is something which we are debating today as one of the potential problems of this Legislation.

Mr. Speaker, I will just quote right from my leader, who, in essence, quoted a gentleman by the name of Lloyd Martin, and it goes, from Lloyd Martin in Thompson: Each of us individually and collectively have a role to play in creating conditions that support health.

From a Judy McKinnon in Selkirk: "All workers have a right to a smoke-free workplace."

It is important that she said all workers in Manitoba, as the leader had pointed out.

* (15:20)

Mr. Speaker, there are some shortcomings. Was the report that was provided from the task force all-encompassing? I would argue, as my leader has, that there were some problems with it. This is one of those areas. We know there is a valid argument that needs to be made in terms of protection of all workers, the issues of provincial laws that are general in their application and the importance to not only recognize that and respect it, but to practise it, not to have selective cherry-picking.

There are certain things that maybe the Government could have done such as work with some of the Aboriginal leadership to make sure that they were in tune or having an understanding in terms of the general direction the Government was inclined to go or the chairperson of the task force. I think that what we really want to do is protect the health and welfare and well-being of all Manitobans. There are some shortcomings as a result of the Government overlooking, whether it was the recommendation from the Liberal leader that we go on to some of the reserves as a task force, to some of the comments that were made by Aboriginal individuals that articulated exceptionally well as to the importance of it even applying to Aboriginal people as a whole.

Those are the types of issues that I was wanting to make mention of. There is one other area and that more so reflects on the changing of time. It says that we could see that time changes opinions and we have seen huge strides of public opinion taking momentous shifts, that what is acceptable today or unacceptable today was quite acceptable even 10, 15 years ago.

You know, I never smoked myself personally, but I have seen a significant shift in attitudes both in the public as a whole, even in my home. I can recall when people would think nothing of lighting up a cigarette, not thinking in terms of the individual beside them and their health and well-being, but just lighting up the cigarette and having that smoke.

Even within my family, at one time my wife, Cathy, would have a cigarette and think nothing of it, and then after having our first child became a little bit more aware of the importance of second-hand smoke. To this day now I never really see Cathy

smoke. If she has a cigarette, she goes outside, does not even smoke inside our home.

Mr. Speaker, that is on a very personal note. When you look at the general application of how attitudes have changed, I can remember being in high school, and the right thing to do was to have a cigarette. It was the cool thing. You would hang out by the little corner store and you would light up your cigarette.

At one time cigarettes were a big part of the media image. The cool actors and actresses, they would have that cigarette in hand. It is just amazing to what degree things have changed for the better because of a higher sense of public awareness or public education as more and more people realize the problems of second-hand smoke.

So we are moving in the right direction, but there still is room to go. That is why I think that we should do what we can in terms of trying to facilitate that continual progress, because at the end of the day all of society benefits the more people become aware.

Having said that, the last part that I was really wanting to comment on was where we go from here in terms of Bill 21. There is great interest on the part of the Manitoba Liberal Party as expressed from our leader that the public continue to have the opportunity to see and comment on this legislation.

What would be a wonderful opportunity, we believe, is to see this particular bill pass before we rise into the committee stage so that between now and whenever we do get in, because we are told that it will be 12, 13, 14 April, we would be a whole lot happier if we just continued on, I must say, until at least the spring break that our kids get in school and then rise inside the Chamber.

Having said that, at the very least I think there is a strong argument to be made that what we do at this point is we see this bill ultimately go to committee before we rise so that Manitobans then would be provided and afforded the opportunity to have input as opposed to waiting until we get back and then seeing the bill passed at whatever time, because we all recognize the importance that once this legislation is passed, ultimately, through third reading and given Royal Assent, that there is a time period that clicks in.

You need to provide people as much as possible the opportunity to adjust to laws that are, in fact, being passed. This bill actually acknowledges that need by saying that it will in most part take effect on October 1, 2004. Again, it is something in which we within the Liberal Party, in particular the Leader of the Liberal Party, have emphasized the importance of allowing for proper time, the proper process.

Process is so critically important here. That is why we ultimately think that if we provide Manitobans the opportunity while we are in recess, of sorts, to come and have presentation, I suspect we would even be open to taking the committee beyond the Manitoba Legislature and going out to, let us say, a community like Thompson and allowing for individuals such as in Nelson House, possibly even going there, because we do believe it was an oversight by not going as a task force to some of the reserves.

When I say an oversight, it was not an oversight from the Manitoba Liberal Party's position because that is something which we believe should have taken place. That is what we had advocated while the task force was still in the setting up of dates, times and locations. With those few words, it is our belief that this particular bill should pass before we recess in hopes that the Government would allow for debates and a clause by clause during the recess so that Manitobans will be afforded another opportunity to be able to add a comment and contribute to the ultimate passage of this legislation.

Mr. Speaker: Any other speakers? When this matter is again before the House, it will remain standing in the name of the honourable Member for Charleswood (Mrs. Driedger).

Bill 6—The Cross-Border Policing Act

Mr. Speaker: Resume debate on Bill 6, The Cross-Border Policing Act, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I again welcome the opportunity, in spite of the fact that members opposite are not participating in many of our debates, to participate in the debate and my caucus members do as well. I thank them for all their input during the last couple of weeks in the debate on bills in this House.

On behalf of the residents of the constituency of Lac du Bonnet, I welcome the opportunity to debate on Bill 6, The Cross-Border Policing Act and Law Enforcement Review Amendment Act.

I think the first thing that comes to mind when we think about this particular bill, Bill 6, is when as a child I watched old western movies and frequently you would see, on television, criminals crossing the Rio Grande River between Mexico and Texas with law enforcement officials, sheriffs, deputy sheriffs and posses, in hot pursuit, pursuing criminals, going between Texas and Mexico. The criminals always got to the river well ahead of the law enforcement officials in every movie that I saw. They crossed the river into Mexico and always turned around before escaping smiling at those law enforcement officials, the posse, the sheriff and the deputy sheriffs, because they knew that the posse and the sheriffs could not chase them into Mexico. They were free. In many ways, that is the principle of this bill. It is to avoid that kind of problem.

* (15:30)

When I watched some of the serial programs on television like "The Dukes of Hazzard," it was very similar. Those who were rum-runners and those who were also breaking the law simply had to cross the county line. I do not know if you recall, Mr. Speaker, but all they did was cross the county line ahead of the sheriff and then they were home free. The sheriff was then forced to stop his pursuit of the criminal and let the offender go free. Again, this bill kind of addresses that particular issue.

Bill 6, however, does not change the law with regard to hot pursuit. There is a body of evidence in law that is not embodied in legislation but is part of the common law. In other words, the judges and courts have made decisions which have defined the common law position of hot pursuit. The criminal being pursued in Canada can still be apprehended, say in Saskatchewan, by a Manitoba police officer without a problem, if they are in hot pursuit, in other words, if they are in a police chase. The law of hot pursuit does not apply between countries, only between the provinces of Canada.

I think we witnessed this recently when a criminal in Michigan sped through the United States-Canada border at very high speeds chased by the Michigan police. Ontario police finally apprehended

the criminal, but an international incident occurred because Michigan police pursued the criminal into Canada. The same hot pursuit rules do not apply between Canada and the United States but only between provinces. This incident, I remember watching the news, created quite a stir because of the issue of sovereignty for Canada.

The bill, Bill 6, Mr. Speaker, is based on model legislation that was prepared by the Uniform Law Conference, a collection of provinces that got together and drafted model legislation to be passed throughout all of Canada. I think the Justice Minister is quite pleased because in fact Manitoba, as I understand, will be the first province to pass this legislation, although there are other provinces that are drafting their legislation and preparing to pass the legislation prior to the end of the year.

The decision to grant police officer status to an out-of-province police officer rests with what is called "an appointing official." The legislation allows for more than one appointing official for the province and the Government, as I understand it, the government of the day, the Justice Minister, anticipates appointing an appointing official from the RCMP, the Winnipeg Police Service and the Brandon Police Service to accommodate requests from out-of-town and out-of-province police officers for jurisdiction in Manitoba.

A Manitoba officer who is appointed as a police officer in another province or territory has to co-operate as part of the conditions of his appointment. He has to co-operate with investigating officers in the province of Manitoba. That, I think, is important. A Manitoba officer who is also appointed as a police officer in another province or territory also must co-operate with that existing jurisdiction. Our officers' conduct, if a Manitoba officer goes to Saskatchewan, for instance, our officer from Manitoba has to ensure that he abides by the rules of conduct that are here in Manitoba, and vice versa. If a Saskatchewan officer came to Manitoba, the Saskatchewan officer would have to abide by the rules and regulations and the terms of conduct in their home province.

Mr. Speaker, the bill allows provincial, municipal and Aboriginal police officers, from outside of Manitoba, status in Manitoba. That status can be subject to a number of conditions. The out-of-province police officer is expected to co-operate and not interfere with the investigation of Manitoba police

officers on the same matter, and it requests to have status in Manitoba. Out-of-province police officers in fact have to be either accepted or rejected with conditions within seven days of making the application. I noticed in the bill that there is provision for an emergency. In case they need emergency status, that emergency status can be granted.

Manitoba is the first jurisdiction to pass this kind of legislation. However, we expect that all other provinces will be on board, passing their own similar legislation before the end of the year.

The discipline with respect to officers entering from one province to another and getting authority to act within different provinces, the discipline of those officers is in fact controlled by the jurisdiction which they come from. That is a bit of a concern to us. The reason it is a concern is because nine out of ten provinces have what is called LERA, the Law Enforcement Review Agency, which is a public complaint body in which citizens can actually make a complaint about the conduct of an officer in our jurisdiction or any jurisdiction. Only nine of those jurisdictions have LERA. Our concern, of course, is if an officer from one of those jurisdictions came into Manitoba that does not have a public complaint body, then we would have a problem in terms of trying to discipline that officer. That is a bit of a concern.

I can understand why the minister is introducing this bill and why other provinces are introducing this bill. It is simply for the fact that crimes do not fit within provincial boundaries. What we are seeing, over the last number of years particularly, is that organized crime is increasing, the number of criminal organizations that are out there and the gangs and the street gangs that are terrorizing our towns and villages and cities is also increasing and gaining in strength. Because of that, they flow between jurisdictions very quickly and create crimes in one jurisdiction and then go to another jurisdiction to avoid detection and prosecution. I think it is important that we have a law that gives officers the authority to go between jurisdictions similarly as criminals are travelling between provincial boundaries.

Mr. Speaker, I think this type of legislation will make it easier for officers to investigate crimes. If an officer in Alberta is investigating a crime in Alberta, and the criminal moves to Manitoba, all the evidence

by which the Alberta officer was investigating the particular crime may be in Alberta. It may very well be necessary for the Alberta officer to come to Manitoba in order to investigate the individual him or herself. It is important that we have continuity of that investigation to ensure that those who leave from one jurisdiction to another are properly investigated, and there is some continuity to ensure that police have tools. This is a tool which they can use in order to properly investigate crimes that are committed within their jurisdiction and within other provinces.

I think the most notorious criminal organization that is out there in Canada at this point is the Hells Angels. The Hells Angels do not exist in one province. They are not simply existent in Québec or in British Columbia or in Alberta or in Saskatchewan. They in fact exist in Manitoba.

Mr. Conrad Santos, Deputy Speaker, in the Chair

I know that members across the way do not always agree with me when I say that the Hells Angels moved into Manitoba in the year 2000. They seem to think that they moved in earlier, but there is documentary proof in the *Winnipeg Free Press* in the year 2000 that they took over the Los Brovos motorcycle club in the year 2000. They moved into Manitoba then. I know that members opposite do not agree with that, but the documentary evidence is there that they did.

* (15:40)

The Hells Angels are existent in almost all states in the United States and in all provinces in Canada. It is important that we have the ability for police officers to not only investigate the crimes that may have been committed by members of the criminal organizations in Manitoba but have the ability to go to another province to investigate that same individual. As I say, that only promotes the continuity and the effectiveness of the investigation. It also improves the ability of the police to go after criminal organizations because they know no provincial boundaries and police should not either, at least within Canada.

I noticed, when I did a search on the Internet with respect to cross-border policing, an article on the Royal Canadian Mounted Police Web page that described the fact that there is a program federally

already in terms of allowing RCMP to go into the United States and American officers to come into Canada. We already have federal legislation. There is a process by which officers can proceed from the United States into Canada or into Manitoba to investigate crimes on certain conditions and vice versa. I think that is important. We already had it between the United States and Canada but we do not have it between provinces in Canada. This bill will in fact address that situation. It is important that we do pass the bill.

We do support the bill, in principle. It could lead, as I say, to greater continuity in our investigations by police and law enforcement authorities. There is a greater likelihood that criminals will actually be brought to justice. This is another tool that we can use, that police officers can use to take on the gangs and criminal organizations that in fact have operations throughout Canada and operations not only in Canada but in the United States and abroad. I think it is an important piece of legislation that in fact will help do that.

Our concern of course is that one province in particular, Prince Edward Island, does not have a law enforcement review agency. Because they do not have a law enforcement review agency they do not in fact have the ability, if they do come into Manitoba under this bill, to be able to publicly scrutinize the officer's conduct or misconduct in the province of Manitoba if in fact it occurs. It is a bit of a concern. We also have the territories, Northwest Territories, Nunavut and Yukon Territory, who are in the same situation. I think that that is a bit of a concern as well. When we allow officers from those jurisdictions within Manitoba, we have no way to monitor and to publicly scrutinize the actions of those officers within Manitoba if they are not proper and they are not adequate. I think those concerns, I believe, should be addressed. We may be looking at some kind of amendment perhaps at the committee stage.

Personally, I look forward to hearing the comments at committee of people who may be interested in coming to support the bill. I know that we do have several groups that would be interested, I am told. I look forward to their comments on the bill and perhaps a further amendment beyond that.

Thank you very much, Mr. Deputy Speaker, and that concludes my remarks on that bill.

Mr. Ron Schuler (Springfield): I hope I am not up too fast. I do not know if there is any member from the Government that wanted to speak. Maybe you want to canvass the House. Oh, no, Mr. Deputy Speaker, it looks like again the Government is going to pass the opportunity or let the opportunity go by without speaking on very important legislation as they have done for the entire session.

It is most unfortunate that members in the Government have chosen not to speak to their legislation. In fact they are quite willing to allow the Opposition to do all the speaking on the legislation, and they can sit and read notes from each other and read correspondence and do everything but speak to legislation. In previous opportunities to speak, I think I have mentioned that I believe it is a privilege to be able to stand in this House and to speak to important legislation, to put the comments on behalf of the citizens of Springfield on the record.

My colleague the member from Lac du Bonnet mentioned that back in his youthful days he used to watch television and the criminal would get to a border and there the law enforcement would have to stop because law enforcement agencies at that time were not allowed to cross borders. This legislation is going to be dealing with that particular issue, thus of course the title, The Cross-Border Policing Act. It is very important that in an era now when the criminals respect no border, no boundary, no nation, they respect no police authority whatsoever, whether it is contraband, whether it is dope, whether it is any other illegal activity or even a transferring of illegal monies from illegal activity. The transfer and the movement is unlike any other time in the history of the world.

It was really time for this Chamber and for this Government to get moving on this bill. It is time to get caught up with the times and see to it that those who enforce the laws, that enforce, on behalf of us, safety in our communities, have the tools to be able to pursue individuals who wish to have a criminal life, that they have the ability to chase them down and catch them. Without getting into too many of the details, clearly this is legislation that was a long time in coming. As our criminal element in society gets more and more modernized, so do we have to get more and more modern in the way we go after them and chase them. As I mentioned, they respect no border, no boundary, and our laws have to be able to

enable our law enforcement agencies to pursue them cross border.

The Member for Lac du Bonnet (Mr. Hawranik) has laid out the technical issues and the technicality of the bill in an almost, might one say, ministerial way. Clearly, he understands the legislation far better than the members opposite, or for that matter, the minister himself. I think it is appropriate that the Justice critic of the Official Opposition, the Progressive Conservative opposition, laid out the elements of the bill. I want to echo my sentiments. Clearly, it is a long time in coming that this piece of legislation be presented to the House and be debated. We look forward that, at some point, perhaps we will get one of the members of the Government up and debating on this bill, but in the mean time, I will pass this on to my other colleague and give her the opportunity to put a few comments on the record.

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, just prior to the bill possibly passing into committee, I just wanted to put a few words on the record. This bill would permit the police officers from other areas of Canada to be appointed as police officers in Manitoba for the purposes of investigation, and it affords them all the powers and protections that peace officers have by law within the province. These appointments are temporary, which should be emphasized, and there are a number of conditions that can be imposed on such an appointment if deemed necessary. This bill also requires that the local police officials be made aware of any of the officers from another province starting these duties. My understanding is that this legislation is something which we are hoping to see of similar natures in other jurisdictions as well. With those few words, we are quite prepared to see it go to committee. Thank you.

Mrs. Mavis Taillieu (Morris): We have given the other side of the House every opportunity to rise. We do not see anybody doing so, so I would be pleased to take the opportunity to put a few words on the record in regard to Bill 6, The Cross-Border Policing Act, and Law Enforcement Review Amendment Act.

* (15:50)

Mr. Deputy Speaker, crime knows no boundaries. Essentially, this bill will allow police officers from other provinces the authority to enter Manitoba and continue their investigation. For example, if an

officer from Ontario is pursuing a case, and the suspect moves here to the province of Manitoba, the officer from that province can make application to continue his or her investigation in this province. The application applies only in Canada. Manitoba is the first jurisdiction to present a bill of this type for consideration. It is expected however that similar legislation will be enacted in the other provinces.

We are in support of this bill, but I just want to put on the record some areas that may be troublesome. Nine out of the ten provinces have independent police complaint tribunals like the Law Enforcement Review Agency. Prince Edward Island does not have this, nor do the territories. This could be problematic, because who will be responsible for disciplining those officers who come from other jurisdictions where no independent police complaint tribunal is found.

Mr. Deputy Speaker, I just want to say in conclusion that I ask, really, again, why the members on the other side of the House refuse to stand and debate their bills. They do not support their own bills, it seems. They do not stand, they do not debate and they do not even want to listen to what we have to say, it seems. It has been left up to us, the Opposition, to speak, and we welcome that opportunity, but the introduction of bills provides room for healthy debate, something which Manitobans expect and deserve. Unfortunately, again they are being disappointed in this regard.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): To close debate, Mr. Deputy Speaker.

Mr. Deputy Speaker: The honourable Minister of Justice will now be closing debate. Are there any other members of the House who want to speak before he does so?

Mr. Mackintosh: Mr. Deputy Speaker, I certainly welcome the new-found interest of members opposite in taking part in debates on bills, but, of course, as members opposite know, the norm of this House is for the minister and the critic and perhaps the independents and maybe there is a sprinkling of other interest. I am very pleased and welcome participation of members opposite.

I want as well, at this point—

Mr. Speaker in the Chair

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): This is not so much a dispute of the facts, but it is a point of order, because I do not know that there is a tradition or a rule in this House where members of the Government should not speak to bills, Mr. Speaker.

I think in the past we have always passed bills on the basis of people who have an interest in the bill, whether they are ministers of the Crown, backbenchers, Opposition expressing their views on a bill, their support or their opposition to a bill.

Mr. Speaker, when our party was in government, many, many times, whether it was in the passage of such controversial legislation as the Manitoba Telephone System to privatization or other bills, we were always happy to engage in debate. We always were more than pleased to put our remarks on the record.

Mr. Speaker: Before ruling on the point of order, I would just like to remind all honourable members that a point of order should point out to the Speaker a breach of a rule or departure of Manitoba practice.

The honourable member on this point of order does not have a point of order.

* * *

Mr. Mackintosh: Mr. Speaker, I certainly recall the record. I just want to at this point recognize some of the people who have put a lot of effort into this legislation. I think I will also recognize that the Opposition Justice critic has certainly been diligent in attending to the legislation and performing his democratic role in this Chamber by the review of the bills that have come here. I appreciate any positive input that he or indeed any member in this Chamber has in terms of strengthening the legislation.

Mr. Speaker, I do not have much more to say except this: I thank the Canadian Professional Police Association and the Canadian Association of Chiefs of Police in particular for their advocacy with regard to this kind of legislation. We know this legislation is

very important to police officers and to police leadership right across this country. I am very pleased that it appears this matter is now moving to committee. Manitoba is the first jurisdiction to bring in this legislation, most likely to be followed by every province, and, I believe, territory in Canada so that we can have a new system of facilitation of cross-border policing in Canada. I am glad we are proceeding on a timely basis. I thank members of the House for their support on the principle of the bill and having the matter move forward at this time.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is second reading of Bill 6, The Cross-Border Policing Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 17—The Domestic Violence and Stalking
Prevention, Protection and Compensation
Amendment Act**

Mr. Speaker: Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act, standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire), who has 14 minutes remaining.

An Honourable Member: Stand.

Mr. Speaker: Stand? 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. Myrna Driedger (Charleswood): Mr. Speaker, I am pleased to put a few words on the record about Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act. Legislation that does improve the circumstances surrounding domestic violence and stalking is welcome if in fact it does actually make that happen and it does put the proper checks and balances in place to ensure that those types of issues do not continue to dominate in society. We look forward to having the proper protections continue to be enhanced. Certainly from the appearances of the bill and from the comments that have been put

forward to this point, it does appear that this legislation is moving ahead in the right direction.

Manitobans in certain circumstances may need protection orders against others, even though they are not married or cohabiting. This bill expands the category of people who may be entitled to protection orders. Those who can obtain protection orders now include those who are in dating relationships and those who are family members such as brothers, sisters, grandparents, parents, adoptive parents, and children. Some of these people may be in need of a protection order. This amendment allows same.

A few years ago I had an opportunity to spend some time with a young woman, who, in a dating relationship, had been severely abused by her dating partner. It certainly made me much more aware of the level of violence that can happen, not just in marital types of situations, but in dating situations as well. I am pleased to see that we are starting to very seriously address those issues.

Currently, the legislation does not allow a judge to require the respondent to obtain counselling or therapy for their actions. This amendment allows judges to make such orders. I certainly support that, because I think counselling and therapy is integral to helping a person deal with these issues and move beyond that.

* (16:00)

It was the former PC government that led the way across Canada in terms of addressing the terrible issue of family violence. Certainly, we had a number of ministers and other MLAs in our Government that were instrumental in taking on this issue and in fact making some very bold initiatives at the time. Certainly, the member from River East played an integral role in this, as did Rosemary Vodrey when she was an MLA. I certainly would like to commend those two people, when we were in government, for the excellent work they did.

We did have an excellent record, Mr. Speaker, including the introduction of zero tolerance when it comes to domestic violence, and one we are proud of. We are pleased to support this legislation that builds on previous initiatives. It was a bold initiative at the time. Many, many people were involved in the discussion and the listening of it. I am pleased to see we were willing to listen hard, we were willing to

make some tough decisions and we had the courage to move forward with the introduction of zero tolerance in this province.

Mr. Speaker, however, unless the Doer government provides police and justice officials the necessary resources to properly administer, supervise and enforce their proposed amendments, more women will become victims of domestic violence.

I think governments, regardless of their political stripe, do want to ensure that people who might be in vulnerable situations are protected from the violence of situations related to domestic violence and stalking. Certainly, during our term in government, our 11 years as government, we did come a long way in this area and put in a lot of new programs and a lot of new supports for women who had been domestic violence victims.

In the late nineties, Mr. Speaker, our government had funded agencies offering support services to women and their children. We are known across the country to have the best crisis shelter system in Canada. An important part of this whole situation, this whole issue of domestic violence, is certainly having a good crisis shelter system in place. We always need to be aware of the kind of improvements and supports that need to be put into that to be sure that we can continue to move that issue forward and provide the strong supports that are needed to the people who need that system, and who are working in that system.

Second-stage housing, which had been put in place while we were in government, is also very, very important. I certainly heard a lot about that when I was in Portage la Prairie visiting the women's crisis shelter there and had an opportunity to learn more about the importance of second-stage housing as well.

We also recognize the needs for varying degrees of support after an initial crisis. We did implement a dedicated Family Violence Court, a Land Titles protected name registry, a family violence policy and procedures manual developed in consultation with the province's police services. A Women's Advocacy Program to assist women who are going to court, in cases of family violence, and an aggressive prosecutions policy on domestic violence.

These are things, Mr. Speaker, that we were pleased and proud to have the opportunity to address

in the nineties and to move forward on in the nineties. I am sure there has been a benefit to many Manitoba families because of it. Certainly, the new initiatives we are hearing today that build on this strong commitment to addressing family violence and this problem is important.

Mr. Speaker, there are some things that we take pride in, in having introduced in the province. The Government today continues to be extremely vigilant and continues to look for ways to protect women and others who are in situations of domestic violence or who have been stalked. I encourage them to continue their efforts in this area, that we continue to work with our communities in trying to make sure we are putting forward the best possible policies to deal with this issue. Because, unfortunately, there is always more that can be done.

I would note, and a previous colleague has mentioned this earlier in this debate, that according to the report assessing violence against women, a statistical profile shows that 3 percent of Canadian women who were living in a spousal relationship in 1999 had been physically or sexually assaulted by a partner in the previous year. Between 1974 and 2000, 117 women and 44 men were the victims of spousal homicide in Manitoba. Those are disturbing numbers. I think it is important also to note that it is an important issue for men too, from both sides of this equation.

The statistics on domestic violence and stalking for sure are absolutely deeply disturbing. In 2002, 101 248 women and children were admitted to 483 shelters across Canada. In Manitoba, the Manitoba Association of Women's Shelters sees over 6000 women and children seeking assistance and responds to more than 20 000 crisis calls in an average year. In 2003 alone, the YWCA Westman Women's Shelter of Brandon assisted 665 women and their children who were affected by domestic violence.

So, although many initiatives, efforts and policies have been put forward in the last several years, the problem has not been eradicated and it is extremely important that we all put our best efforts forward and all continue to work together to ensure that we can move this issue forward.

Mr. Speaker, just a few concerns I do want to put on the record regarding enforcement monitoring and resources. It is important to the integrity of our

justice system that court orders are enforced. If court orders and of course these protection orders are not enforced then the protection order just becomes another worthless piece of paper.

I have heard from women in the communities, I have talked to them in my Child Find days when women had come forward to our organization and did not feel there were adequate protections in place for them. They may have had protection orders but if they were not enforced then they were not much value. If a protection order is pronounced it may be necessary in appropriate circumstances to monitor the person to whom the protection order applies.

The Justice Department currently has a terrible record of monitoring those for whom protection orders, curfew orders and no-contact orders apply. I think the Justice Minister needs to pay a significant attention to this.

Joel Geddes killed Morgan Trudeau in May 2003, and he was under a curfew and not monitored. Thanh Phan killed John Tan in May 2003. Thanh Phan was under a curfew and not monitored. Cheryl Zechel was killed in the fall of 2003 by a man who had a no-contact order against him. He was not monitored. Veronica Cropp was killed in 2004 by a man who had a no-contact order against him and he was not monitored.

Mr. Speaker, the Minister of Justice promised Manitobans that he was looking at a GPS system of monitoring and he announced at the time that he was meeting with equipment suppliers. It begs the question: What has happened? In the meantime, four people lost their lives unnecessarily.

I welcome the new initiatives that are being undertaken in this particular bill and I hope we can push hard to work across party lines so that we can move forward in a positive way.

Mr. Speaker, with these few comments I look forward to the presentations that are going to be made during committee. I look forward in seeing this bill become legislation in this province. The efforts to pay off that we can make these situations of domestic violence much less frequent in this province and that we have a stronger ability and capability to protect women, children and men who are involved in these same situations.

Mr. Ron Schuler (Springfield): I do also want to put a few comments on the record.

Mr. Speaker, this legislation updates previous legislation. It is important to keep modernizing our legislation as things change in society. Being the father of two young daughters I know how important this amendment is to legislation. In fact when I was in university and working at Eaton's at the time there was a good friend of mine who did not show up for work for a couple of weeks. About three weeks later we went for lunch on a Saturday when our shift had lunch hour and I asked her, I said where have you been.

She said, you know, a very good friend of mine, we were at home and all of a sudden he turned on her and he raped her.

It just horrified me at the time. I, of course, had never heard anything like that. I was just horrified. What do you even say to a person who has been through trauma like that.

*(16:10)

It is important that we extend the same kind of legislation, not just to married individuals but also to those who are, whether it be somebody dating or just living together or common law. Violence is violence. It does not matter in what relationship it is. It does not matter the gender of the person. It should not matter the age of the person. It does not matter nationality or race or religion. None of that should matter. Everybody has a right to go home to a violence-free setting.

This legislation goes far to modernize and keep up with where society is. It also gives our law enforcement agencies and the courts a lot more tools to deal with these kinds of issues. It is very timely and it is important that this now go on to committee. I appreciate the opportunity to put a few comments on the record.

Mr. Larry Maguire (Arthur-Virden): I would like to just put a few more words on the record in regard to my time, in regard to Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act.

As I had the opportunity to speak to this bill last week in this House, I just wanted to acknowledge that my predecessors in government put forth many

sound programs that I outlined last week. When I spoke to this bill in regard to programs that would help, in regard to people who are being stalked and in regard to domestic violence in the province of Manitoba, I am extremely proud of the work that was done by our party in previous legislation that has been passed to protect these citizens of Manitoba who, when you get into this circumstance and situation, are the ones who are very much, I guess, feeling they have nowhere to turn, in many cases. So that is why it is important that we continue to upgrade and improve legislation dealing with these areas in many circumstances on a regular basis.

Mr. Speaker, I just wanted to say the orders that come through this particular bill that has been put forward by the minister, it has been put forward with the purpose of strengthening the existing act and we hope, in the final analysis, when it is implemented, that those are in fact the outcomes of this particular bill for these victims, if you will, of the kinds of actions that have taken place against them, and the perpetrators of those actions.

With those comments, Mr. Speaker, I would be pleased to recommend that this bill be moved forward to committee.

Mr. Kevin Lamoureux (Inkster): I, too, want to put a few words on the record prior to this bill's passage.

There is no doubt there is a great deal of, a number of people that live in fear. They live in fear for—

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Arthur-Virden, on a point of order.

Mr. Maguire: Yes, Mr. Speaker. Perhaps I should have asked when I stood up, the bill was standing in my name and I was of the understanding that I closed—

Mr. Speaker: No. For clarification for the House, it was standing in the name of the honourable Member for Arthur-Virden. When you spoke, it removed that status. It is only the sponsor of the bill, when they speak, that would be closing debate.

* * *

Mr. Lamoureux: As I was indicating, there are many people who live in fear. They live in fear for issues of abuse, whether it is domestic abuse, seniors abuse. There are all sorts of individuals who are vulnerable in society. It puts an onus of responsibility on legislators such as us to do what we can to try to minimize the negatives that these people have to face.

The essence of this bill, from what I understand, is that it expands the way in which we can protect victims or would-be victims of domestic violence and deal with stalking prevention. So the principle of the bill is something in which we do not have a problem in supporting.

Having said that, Mr. Speaker, there are still some issues that the Government needs to deal with. I remember the Official Opposition critic commented in terms of just the number of court orders that are out there in which those court orders are in violation while there is abuse that takes place. Just because a court order is issued does not necessarily mean that the problem in itself has been resolved, that we have to come up with more ideas on how we can ensure that court orders are being respected.

Mr. Speaker, a while back, I had opportunity to be in Toronto, and I had inquired of someone that was with the department of Justice over there and they had talked about tracking. It is in the form of tracking bracelets, or I think I heard someone make reference in the Chamber about GPS. There are many things that I think government can, in fact, move towards that would go a long way in complementing the legislation that we pass.

Because of the seriousness, there are endless numbers of vigils that occur, and justifiably so, because the more we have things of this nature, the more inclined we are not to forget. It also allows for better education amongst the public which, I believe, is ultimately a positive thing, but it would be wonderful to see fewer people being victims of this sort of nature.

With those few words, as I say, we are prepared to see it go to committee. Thank you.

Mr. Speaker: Are there any other speakers to this bill?

Some Honourable Members: No.

Mr. Speaker: No other speakers? Then the sponsor of the bill, the honourable Attorney General, will be closing debate.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): In addition to thanking those that have contributed to improving on the legislation and moving this legislation to its second generation, I thank the members for supporting the bill, I understand, in principle, and look forward to committee hearings.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is second reading of Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

Bill 18—The Improved Enforcement of Support Payments (Various Acts Amended) Act

Mr. Speaker: Bill 18, The Improved Enforcement of Support Payments (Various Acts Amended) Act, standing in the name of the honourable Member for Russell (Mr. Derkach).

It is standing in the name of the honourable Member for Russell. Either speak or ask to leave it standing in your name.

Is there leave for the bill to remain standing in the name of the honourable Member for Russell?

Some Honourable Members: No.

Mr. Speaker: It has been denied.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I am very happy to speak on behalf of Bill 18, The Improved Enforcement of Support Payments Act, and I can tell you that, in principle, we are in favour of the bill and we look forward to moving it on to committee as well.

Bill 18 applies to support payments as defined in the act. Support payments are defined as maintenance payments, either for a child or for a spouse. Some important features of the bill, I think, are important to recognize.

First of all, those who are in arrears of maintenance payments, whether it be to the children or to

the spouse, there is a penalty that is set up under the bill up to \$500. The important point of all of this is that the penalty itself really works as an incentive to those who are not the custodial parents of the child. It really provides an incentive for those who have to make maintenance payments that they do make the maintenance payments on time and in the proper amounts.

Another important point of this penalty or incentive is the fact that the penalty or incentive, whatever the amount is assessed, and it can be up to \$500, will not go to the Province, will not go to the Justice Ministry or to the Treasury, but will be going to the person who is entitled to receive the maintenance in the first place. It will add to the maintenance that is payable to the person who is the custodial parent in the case that there are maintenance payments payable to a child, or to the spouse in the event that it is payable to him or her.

* (16:20)

Mr. Speaker, there is a provision as well for recovering the cost of collection of that maintenance payment, but, of course, that is only after the arrears are paid, first of all to the custodial parent, and the penalties are collected as well on behalf of the payee.

Another important feature is that extra-provincial garnishing orders are made easier to collect; they will have the same legal effect in Manitoba as a Manitoba garnishing order to allow the enforcement authorities easier access to funds when one parent may flee the province to avoid maintenance payments for his or her children.

Frequently, Mr. Speaker, what happens in practice at this point in Manitoba is that in the event that a parent flees from Saskatchewan, who is subject to a maintenance order for children in Saskatchewan, when they flee the province of Saskatchewan and go to Manitoba, it becomes very difficult then to enforce the garnishing order. Because of the fact that the parent in Saskatchewan would actually have to hire a Manitoba lawyer to ask for a Manitoba court to recognize a garnishing order from Saskatchewan in order to enforce it, this places an extra step, an extra administrative step and an extra cost, to the parent from Saskatchewan who may be looking at trying to enforce a maintenance order against her spouse or his spouse in Manitoba.

There is another important feature, as I see it as a practising lawyer for many years, and I still am

practising to a certain extent. What typically happens in the case of arrears is the fact that, when a parent goes to court to try and erase those arrears, particularly when arrears are substantially high, a court will not order, in practice, substantial arrears of maintenance to a custodial parent. They somehow take sympathy with the non-custodial parent having to make huge payments in the end. What happens, typically, is that a court will write off a lot of those maintenance arrears. I do not think that is fair because the custodial parent had to do without the money to support the children. They should not get off the hook simply because they have avoided payment for a long period of time.

This bill changes that provision to allow a court, in fact compels a court, to make an order for the entire amount of the arrears. No part of the arrears may be forgiven under this bill.

Mr. Speaker, often women are the custodial parent in a marriage break-up. I think, generally speaking, that a case can be made for that. Sometimes men are, as well, custodial parents, but more often than not women are the custodial parent. Often women are in lower-paying jobs than their spouse and sometimes have no job at all. The recent prairie women's health report in 2004 indicates that mounting evidence shows that women with low incomes have acute housing needs, are at greater risk of living in unsafe and unhealthy environments, and require specific supports to achieve stable and affordable housing. This stems from the high incidence of poverty among women. In fact, one in five Canadian women lives in poverty. The proportion of women in poverty who are Aboriginal or immigrants or refugees or disabled or seniors and youth have yet higher levels of poverty.

I think it is important particularly since women, more often than not, are the custodial parent in a marriage break-up. The fact that there are more women proportionately who are living in poverty than there are men, I think it is important to support this kind of legislation to ensure that maintenance orders can be a little more effectively collected from the non-custodial parent and that arrears are not written off.

The national hunger count statistics compiled by the Canadian Association of Food Banks indicates that there was a 90% increase in food bank use from March of '89 to 2001. Mr. Speaker, 41 percent of

food bank recipients were children, and almost 60 percent of households accessing food banks were families with children.

Since that 2001 study was conducted, economic conditions have worsened and food bank use has increased substantially with further intensifications since September 11. That is the 9-11 incident in New York City.

Through United Nations international agreements, the Canadian government is committed to ensure the right to food for all people of Canada. Yet the Canadian government, and surely the Manitoba government and this Doer government, has left the responsibility for fulfilling this human right to the volunteer sector, the food banks.

Shame on the Doer government for doing that. They should be taking a more active approach or a more proactive approach with respect to poverty and, in particular, the hunger that exists, in fact, among our children and women within our society.

We do, Mr. Speaker, as I mentioned earlier, support, in principle, Bill 18 for those very reasons that I stated, but we have some concerns. The concerns relate to resources. Having been a practising lawyer for 24 years and, in fact, having practised in the area of family law for at least the first 15 years, I found that Maintenance Enforcement is understaffed and overworked. This bill, in fact, increases the responsibility of the staff within that department. Now they are going to be even more worked.

My concern is that more resources are allocated to that department to ensure that this bill is effectively carried out because Maintenance Enforcement—and I do get a lot of inquiries from women in my constituency who complain about the fact that Maintenance Enforcement has not put their full efforts toward collecting maintenance arrears.

I can tell you, Mr. Speaker, that I have got many complaints about that, both in my capacity as the MLA for Lac du Bonnet and as a lawyer who has practised in the community in that area for 24 years. I regard their comments very seriously. I would hope that the Justice Minister does the same because it is not good enough just to pass legislation for the sake of passing legislation.

Legislation has to be enforced. I would encourage the Justice Minister to look at the resources that are available to the Maintenance Enforcement Program of the Province to ensure that, with this kind of bill, if it is passed, and I believe it probably will, those maintenance arrears and maintenance orders are enforced for the benefit of women and children of our province.

Mr. Speaker: The honourable Member for Springfield (Mr. Schuler). *[interjection]*

The honourable Member for Springfield was up. I had already recognized the honourable Member for Springfield.

An Honourable Member: He was just stretching.

Mr. Speaker: He was just stretching? Okay, very good.

It was my error.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I guess at this point I just wanted to emphasize the importance of Maintenance Enforcement. I know the Leader of the Manitoba Liberal Party also had some concerns that he wanted to address. Just prior to passing to committee, I am sure that maybe it would be better for him to address our concerns as opposed to myself before it goes to committee.

Hon. Jon Gerrard (River Heights): Mr. Speaker, although we are, certainly, in favour of better maintenance enforcement clearly the way that the NDP has approached this in The Pas has been a complete mess during the time of their government that the cheques, instead of being delivered locally in The Pas, as was the case in the past, got to go all over the province. Sometimes there have been a couple of weeks' delays in getting people the payments.

I hope that this bill and the committee hearings will provide an opportunity to reflect on what has happened and to try to improve the whole process, because clearly under the NDP they have created some significant problems in this area. Thank you.

* (16:30)

Mr. Speaker: Any other member wishing to speak?

Some Honourable Members: No.

Mr. Speaker: The honourable Attorney General, to close debate.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I would urge the Member for River Heights to actually pay further attention to what the record of collection enforcement has been in the North as a result of the amalgamation of functions.

Rather than on an as-if-and-when basis, the court office, as it was, was collecting here and there, not as a specific function, and with the reorganization of the office there has been a very significant improvement in enforcement action in the North to the benefit of northern families.

I thank members for their contributions on this bill. I look forward to going to committee. There are some aspects of this bill that have been worked on with the best interests of Manitoba children in mind. We think this legislation will surely put Manitoba at the forefront in terms of the legislative tools to make sure that parents face up to their financial responsibility to their children. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is second reading of Bill 18, The Improved Enforcement of Support Payments (Various Acts Amended) Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

REPORT STAGE—AMENDMENT

Bill 7—The Criminal Property Forfeiture Act

Mr. Speaker: Report stage, Bill 7, The Criminal Property Forfeiture Act.

Mr. Gerald Hawranik (Lac du Bonnet): I move, seconded by the Minister of Justice (Mr. Mackintosh),

THAT Bill 7 be amended by replacing subsection 16(1) with the following:

Protected holders of prior interests

16(1) *The following are entitled to a protection order in respect of property that is found to be proceeds of unlawful activity or an instrument of unlawful activity:*

(a) any of the following holders of a prior registered interest in the property:

(i) a bank, a credit union, or a trust or loan corporation with a business authorization under Part XXIV of The Corporations Act,

(ii) an insurance company licensed under The Insurance Act,

(iii) the government, a municipality or a local government district,

(iv) a member of a class of holders, prescribed by regulation, who are similar to the holders set out in subclause (i) or (ii);

(b) the holder of an interest in the property that is

(i) a prior registered interest that is referred to in section 141 of The Real Property Act,

(ii) not registered, but if it were registered, would be an interest referred to in section 141 of The Real Property Act, or

(iii) a prior registered interest that is prescribed by regulation.

Mr. Speaker: It has been moved by the honourable member for Lac du Bonnet, seconded by the honourable Minister of Justice (Mr. Mackintosh), that Bill 7 be amended by replacing subsection 16(1) with full—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Hawranik: Mr. Speaker, I take great pleasure in moving this amendment. I thank the Minister of Justice (Mr. Mackintosh) and all the members of his caucus, the members for River Heights and for Inkster for the unanimous consent of the House to move back to report stage to amend Bill 7, The Criminal Property Forfeiture Act.

First of all, The Criminal Property Forfeiture Act allows the Government to seize and sell property that is likely to be used in the commission of an offence, or an unlawful activity, or to seize property that was acquired as a result of unlawful activity, which is really the proceeds of crime.

Section 16(1) of the act provides the circumstances to which the province will protect third-party interests in the property and it lays out the circumstances in which it will. The existing section, which only is limited, as I noticed, was only limited to registered interests, to registered people who are registered either under The Real Property Act, meaning land, like mortgages and so on, or under The Personal Property Security Act, which are things like security interests, like chattel mortgages and so on, which are registered against personal property.

The amendment that I introduced today deals with the unregistered interest, which I felt needed to be protected under section 141 of The Real Property Act. There are certain unregistered interests in property that need to be protected, third parties that need protection from the ability of the province to seize property that are the proceeds of crime or seize instruments that were used in a crime. There are certain third-party interests, which had no part in the crime and no part in the commission of the unlawful activity, whose interests need to be protected.

Now, of course, Mr. Speaker, the bill protected the registered interests, but my amendment speaks to the unregistered interests that do need to be protected, and I know that the minister, in fact, has agreed with me. The protection expands to extend for a security holder, in spite of the seizure and sale of the asset by the province and, in spite of the fact that the new owners will take title to the property that is seized by the Crown, and sold by the Crown.

This security interest therefore, in spite of the fact that it is not registered, would run with the land and would survive an ownership change, even a change of ownership that is instituted by the Crown, being the Province of Manitoba. The unregistered interests that I have identified, in fact, that are protected under this amendment include several important unregistered interests that need to be protected. First of all, drainage easements that are unregistered—I had an example, in fact, in my practice as a lawyer, a number of examples, in fact, of unregistered drainage agreements that, in fact, were supposed to run

with the land. In the case of the Province seizing that particular piece of land, because it is not registered, in fact, it would disappear. That, really, was not fair.

So this amendment speaks to that and preserves those drainage easements that are unregistered in those cases. It also protects water supply and sewage supply agreements which are unregistered and there are many of those across the province. There are many water and sewer co-ops, particularly in the constituency of Lac du Bonnet, which would be affected. They have agreements between neighbours and they never, ever registered them, but, in fact, they abide by them because they are signed by the registered property owners. A seizure of that property by the Province and sale of that property by the Province would, in fact, not allow those particular property owners to protect their rights to water supply and sewage supply agreements among the neighbours. I think it was important to protect that.

Mr. Speaker, the third thing it does protect is against the Crown easement agreements that are out there to purchase land, say for road widening projects or drainage improvements. Quite often, the Crown enters into agreements with property owners and, in fact, does not register them, or sometimes it takes years and months from the time the agreement is signed till the time it is registered. If a seizure took place of that particular property by the Province, from the time they signed the agreement to the date of registration, the Province would not only need to repurchase that property from a new buyer and spend extra money to do that, but we would need a new easement agreement from the owner. This could potentially, depending on how many properties are seized by the Crown, lead to millions of dollars for Manitoba taxpayers over a number of years, simply because Bill 7 did not provide for those circumstances.

The fourth thing it protects, this amendment protects, is the Manitoba Hydro and the MTS easement agreements, the caveats that in fact are entered into, the agreements that are entered into between property owners and MTS, and the property owners and Manitoba Hydro, to ensure that those rights are protected. MTS and Hydro enter into agreements with property owners to allow them to string lines across their property, to service their property, or to allow main lines to progress across people's property. In the event that there was a seizure of this particular piece of property without this protection, in the event

that there was a seizure by the Province and the resale of that property, it would, in fact, eliminate those easement agreements, and Manitoba Hydro and MTS would have to go back to the new property owner and renegotiate another agreement and pay again for the rights to trespass on that property to maintain that easement.

* (16:40)

Again, the potential liability of MTS and Hydro could reach into who knows how many millions of dollars over a period of a number of years, because the Province would have seized the property and eliminated their right to register that caveat and register that lien. So for that very reason I felt it was very necessary, in fact, to go with this amendment. I note that the Minister of Justice and the Justice officials have agreed. I thank the minister for the consideration and the co-operation in terms of allowing this amendment to move forward.

Mr. Speaker: For the information of the House, the amendment to Bill 7 was in order.

Mr. Ron Schuler (Springfield): Mr. Speaker, I also want to put very short, brief comments on the record. The amendment, as mentioned, is very important to clarify certain things in the bill. I would like to point this House to an example that just happened about a week ago, where a home being rented by an individual in Springfield was used for a grow operation, a very tragic case.

Mr. Speaker, it was initially a family that was renting the home, and the marriage fell apart. The individual felt he had to raise more money to help pay all the bills and decided he would focus on crime. He tried to set up a grow operation in the basement and happened to hold on to the cord of the dryer, or the cord that used to be the dryer, and must have slipped and electrocuted himself. He actually exploded his heart.

I spoke to the owners of the home two days later, and, of course, they were terribly upset. But what this bill makes very clear is that the home is not part of the seizure, that The Criminal Property Forfeiture Act would not cover that kind of a situation. It was simply a tenant, and whatever was involved with the tenant would then be subject to forfeiture, but not the home itself.

So there are a lot of cases. My colleague for Lac du Bonnet, who identified this as an issue and has shown a lot of leadership in bringing the amendment forward, is to be commended, as is the Minister of Justice for seeing that clearly this is something that we have to watch out for, that unsuspecting individuals do not become victims in the crime as well.

So we look forward to this amendment being passed and the bill moving forward.

Mr. Kevin Lamoureux (Inkster): Mr Speaker, it is interesting to be able to speak on this particular amendment because, while we were in committee, there was concern on my part in terms of what the Government was doing. Did they really do the type of consultation they could have done or should have done? Was this something that was kind of rushed in, and so forth?

The minister really seemed to be a little upset at the fact that I thought maybe it might have been a little bit premature that he did not do the type of things he could have done in terms of some of the issues that were being raised. One of the examples I used was from the Manitoba Bar Association as an organization that found out about the bill, from what I understand, when the minister actually brought forward the legislation in first reading.

You know, I had posed the question to the presenter, Mr. Stefaniuk, about the need for amendments. Is it better that the Government hold it in committee and wait until other amendments that might be deemed necessary be made in the committee type of thing? Mr. Stefaniuk, to his credit, indicated: Well, you know, it does not really matter. Ultimately, it is the proclamation that they would be in essence concerned with, they could ultimately sit and it not be proclaimed until whatever is important that needs to be done is, in fact, done. For example, if there was a need for an amendment, the Government just would not proclaim it even after third reading and just wait until it goes through the process once again through the Legislature and then proclaim it.

I was a little bit sceptical. As we got into the clause-by-clause, there was frustration from other committee members, and I had indicated to the minister that I had real doubts. In fact, I want to quote, Mr. Speaker, from Hansard, from committee. This is what I had indicated. It was February 18

when we met: "I will show how short a question can be to prove a point. Can the minister then assure this committee that the act will, in fact, get proclaimed after it has been given third reading and that there will be no other requirements to bring in future amendments before proclamation? Is he that absolutely certain?"

I posed that, Mr. Speaker, because of the off-the-cuff remarks that were kind of being made at the committee stage.

Here is what the minister indicated: "I am as certain as I can be that this is not our intention. This legislation was developed over a good year of intensive study and development."

I will stop there for a second, Mr. Speaker, because that somewhat contradicts what at least one presenter from the Manitoba Bar Association seemed to imply. It continues on from the minister, stating: "The concerns that we have heard expressed really are based largely on this misconception that this is criminal law, which in our view it is not. As I say, the only amendments that we contemplate are those that will be introduced tonight."

Well, I give the member from Lac du Bonnet credit in terms of his ability to be able to continue to persist in recognition that there are some flaws that do need to be addressed, and today we have before us an amendment in which the Government obviously is in support of, because they have seconded the amendment, Mr. Speaker.

You know, I believe there were other concerns in regard to the bill. I could raise the issue of, again, third-party liability. If I, as a contractor, for example, go into a home and I do \$2,000, \$3,000 worth of work in that home and I am going to bill the individual 30 days later or require payment 30 days later, and in the interim the assets have been taken away, as a contractor, I am out of luck. How does this legislation protect me? Some might say, well, you know, the contractor could ultimately take the issue to court and would likely then prevail through court. Well, I am not convinced that the minister really has addressed that particular issue; and, if I had a 10th or a fraction of the resources that this minister has, I would have done what I can in what short time period that has been provided to be able to try to address that issue in a more tangible way.

Mr. Speaker, as much as, in principle, the Liberal Party supports the legislation because it is another tool that can be used by Government, by the Department of Justice or our courts and our police in order to send a strong statement which we support, which we would advocate. That is, crime in Manitoba, we do not want it to pay. We want to see legislation that is going to prevent individuals from being able to acquire monies of whatever form because of a crime that has been committed.

That is why it is a bit tough, in the sense that we support the principle of what it is that the Government is trying to do, but I am concerned in terms of whether or not the Government has really done its homework on this piece of legislation. Had it not been for the Member for Lac du Bonnet (Mr. Hawranik), would the legislation have received proclamation? Some say no on the opposition side. I am not entirely convinced. I think, maybe it might have, given the minister's comments, but I suspect the member from the Opposition is right. It probably would not have received proclamation. That is why maybe this particular amendment will fill the gap and we will see that proclamation.

* (16:50)

Mr. Speaker, it is tough to believe the Government when the Government is so confident of itself in going through the committee and saying, yeah, we have the perfect bill here. We are going to make those two amendments, but after those two amendments, it is good. The member from Inkster should not be worried. We are going to proclaim this thing. And then what happens? We get into the third reading. I will give them some credit because there is no doubt a little bit of humility that might be experienced when he makes a commitment inside a committee and comes forward into the Legislature and concedes that the Opposition was right. There is a need to make some changes. But to what degree? Is this the only need that was there? Were there other needs?

Maybe in his closing remarks the Minister of Justice (Mr. Mackintosh) can address the other issue that I brought up for the contractor. I will sit down shortly, Mr. Speaker, but I would really appreciate if the Minister of Justice would comment on my example, and I will reiterate the example. If a contractor is working on a home and, upon completion—and I will even throw in some dates. Let us say the

contractor started work at the beginning of this month, March 1, and finishes work in around March 5, March 6, spends \$2,000, \$3,000, whatever number of dollars, and then says to the client that you have 30 days to pay. He leaves the project, and, a week after, the law comes and says, look, criminal activity, that property is no longer with that contractor's client.

As a result, how is the money, how is the work that was done in that home, going to be protected for that independent contractor who has maybe paid for a drywaller, or to get some plumbing work done, or something of that nature? How is that money protected?

I believe the minister would point out that the contractor could take it to court, but that is not the type of protection that the Government could be providing. Maybe it is another form of amendment like the member of Lac du Bonnet has brought forward that would have done a better job in protecting the interests of that contractor.

I am going to stop speaking now, Mr. Speaker, in favour of seeing this bill passed and this amendment passed, but I would ask, as the minister makes comments on his closing remarks, if he would advise what that contractor would, in fact, be able to do.

Mr. Speaker: Are there any other speakers to the amendment?

THAT Bill 7 be amended by replacing subsection 16(1) with the following:

Protected holders of prior interests

16(1) The following are entitled to a protection order in respect of property that is found to be proceeds of unlawful activity or an instrument of unlawful activity:

(a) any of the following holders of a prior registered interest in the property: (i) a bank, a credit union, or a trust or loan corporation with a business authorization under Part XXIV of The Corporations Act,

(ii) an insurance company licensed under The Insurance Act,

(iii) the government, a municipality or a local government district,

(iv) a member of a class of holders, prescribed by regulation, who are similar to the holders set out in subclause (i) or (ii);

(b) the holder of an interest in the property that is

(i) a prior registered interest that is referred to in section 141 of *The Real Property Act*,

(ii) not registered, but if it were registered, would be an interest referred to in section 141 of *The Real Property Act*, or

(iii) a prior registered interest that is prescribed by regulation.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment? [*Agreed*]

DEBATE ON CONCURRENCE AND THIRD READINGS

Bill 7—The Criminal Property Forfeiture Act

Mr. Speaker: Resume debate on concurrence and third reading on Bill 7, The Criminal Property Forfeiture Act, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik), who has 30 minutes.

The honourable Government House Leader, on House business?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I believe the motion has to be put again.

So, by leave, I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 7, The Criminal Property Forfeiture Act, as amended and reported from the Standing Committee on Legislative Affairs and subsequently amended, be concurred in and be now read for a third time and passed.

Mr. Speaker: Just for the information of all members, this will be the wording now for Bill 7, just for the information of all. Is there leave? [*Agreed*]

Motion presented.

Mr. Speaker: Resume debate on concurrence and third reading on Bill 7, The Criminal Property Forfeiture Act, as amended, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Lac du Bonnet?

An Honourable Member: No.

Mr. Speaker: Leave has been denied. Any other members wishing to speak before recognizing the honourable Attorney General to close debate? Seeing none, the honourable Attorney General, to close debate.

Mr. Mackintosh: I want to thank the Justice critic for his review of the legislation and suggesting this amendment. I think anything that can be done to improve this bill is welcomed.

In terms of the question from the member from Inkster, there are of course two ways that orders of protection can be obtained. One is the automatic right, and the member has helped with that under section 16. The other is under 17. If the member has a particular fact situation, he can get opinion on that or find the answer, I suspect, in section 17. The problem with hypothetical is that we do not know the kind of interest that individual may have.

I have noticed some public criticism of the bill. I am going to speak very briefly, but much of the criticism is based on some misconceptions about the bill. First, the bill simply is not criminal law. No one is charged or convicted under this legislation, so there is no one to presume innocent of a crime. Second, the mere allegation that a person is a member of a gang is not going to result in someone losing property. The police chief cannot seize or confiscate anything without a court order. The definition of criminal organization is clear and rigorous.

Finally, the bill is not intended, of course, to be used to punish all manner of minor offences and somehow to restrict freedom of expression. Unlawful activity can lead to property becoming forfeitable under this act only when it results in profits of some kind, example, drug trafficking, or in serious bodily harm, example, aggravated assault.

For example, the bill is not intended to be a tool for the police to use to stop, for example, a union member from picketing or civil society groups from engaging in public demonstrations. In a similar vein, a minor traffic violation will not result in someone's vehicle being seized or forfeited under this legislation.

The legislation is tough. It is innovative. It is a needed response to the serious threat of organized crime in partnership with the other enhancements we have made in the area of organizational improvements, other legislation brought into this House. I thank the members for their involvement, their contribution. I might add that there has been further dialogue with representatives from the Manitoba Bar Association, and, as a result of those discussions, I am advised that no further amendment is required.

I look forward to this bill passing, and the department will now engage in the development of the regulations, the funding protocol and the necessary training to get this proclaimed as soon as reasonably possible. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 7, The Criminal Property Forfeiture Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 8—The Employment and Income
Assistance Amendment Act
(One-Tier Assistance for Rural and
Northern Manitoba)**

Mr. Speaker: Resume debate on concurrence and third reading of Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), standing in the name of the honourable Member for Minnedosa (Mrs. Rowat).

* (17:00)

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Minnedosa?

An Honourable Member: No.

Mr. Speaker: It has been denied.

Mrs. Myrna Driedger (Charleswood): I am pleased to put a very few comments on the record about Bill 8, The Employment and Income Assistance Amendment Act, and to indicate that the new amendment is to form a one-tier system for the administration of employment and income assistance in rural Manitoba.

It does follow suit with what was previously done by the Progressive Conservative government in the late nineties. At that time the City of Winnipeg handed their system over to the province. It ended up improving the system and eliminating discrimination and provided benefits and employment supports in a more consistent and efficient manner.

Following that, Mr. Speaker, the AMM requested that the Province take over all social assistance in the province as had been done with the City of Winnipeg and the Province. They were looking to achieve the same benefits. It would also provide a better opportunity for more privacy concerns to be dealt with in rural Manitoba.

This change will generally cost the municipalities the same amount of money for the next seven years. A formula is written into the legislation and cannot be changed indiscriminately in regard to this. This is a good thing in order to protect the municipalities.

There is one issue of concern regarding this particular legislation. That is the issue of staffing and what will happen to municipal employees when the changes take place. It is certainly hoped that the current staff, if they are not to become provincial employees automatically, then there is the potential for job loss. This is something serious and needs to be looked at by this Government.

A number of people in the municipalities have raised this as a concern, and, while supportive of the overall changes, do not want to see former employees out of work due to it. We certainly urge the Government to pay particular attention to this, answer these questions and ensure that municipal employees will not be losing their jobs.

Other than that, it is certainly a bill that we are ready to move forward to by the end of today and

look forward to further comment at committee. Sorry, as it has been there, we look forward to the passage of the bill.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, is there anybody on the government side who wants to speak before I ask for leave? I would ask for leave that the Member for Minnedosa be allowed to say a few words in closing on this bill. I would ask that leave be given to the Member for Minnedosa to put some comments on the record on this bill.

Mr. Speaker: Leave is being sought for the honourable Member for Minnedosa to be able to speak to this bill because it was standing in her name and leave had been denied previously.

Is there leave for the honourable Member for Minnedosa to speak to the bill? *[Agreed]*

* * *

Mrs. Leanne Rowat (Minnedosa): I would like to quickly rise and put a few words on the record regarding Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba).

I would like to thank the groups that took the time to come out and speak to this bill at committee during last month's committee session. But it is unfortunate that through the usual rush of this Government to push legislation, there was not full consideration given to the stakeholders, and the only official notification of the committee that the stakeholders received was from the Official Opposition.

The community of Selkirk actually thanked us personally for this and have actually shared a few concerns that we would like to put on the record.

There were a number of recurring themes that night at committee. One of importance was of providing greater consistency of programming and services provided to social assistance recipients. It is hoped this change will provide social assistance

recipients with greater access to provincial training and employment readiness programs.

Another recurring theme at committee was the importance of helping social assistance recipients return to work. The municipal employees charged with administering income assistance have gone to considerable lengths to help people secure employment. They recognize that from time to time people require social assistance to help make ends meet.

Another issue that was brought forward was the transition to the single-tier social assistance being cost neutral. In lobbying for this changeover, AMM has requested that any move to a one-tier system should be cost neutral for both the municipalities and the province. However, as Thompson mayor, Bill Kaminsky, has pointed out, the changeover will not be cost neutral for his community and in fact will cost them an addition \$58,000 as a result of the move over to single-tier assistance. Mr. Kaminsky noted that his council had made considerable efforts over the years to make improvements to the way they delivered social assistance, and they have realized a number of cost savings. However, their council will in fact be burdened with a larger bill. I would encourage the Government to sit down with Mr. Kaminsky and council and discuss these issues and concerns.

Mr. Speaker, another important issue raised by a number of other stakeholders is the issue of what will happen to the municipal staff who have been delivering social assistance. Stakeholder communities such as Brandon, Portage la Prairie and Morden, for example, have all indicated a strong interest and trust in the assurances they have received from the minister and her staff when addressing the issue of staffing and the transition process.

A red flag on the issue of staff transition, time lines and implementations and just a general lack of consultation has been identified by the Town of Selkirk. This community does not believe it has received proper consultation. I encourage this minister and the Government to correct this matter.

In fact, Selkirk had planned to present these concerns at committee but did not, under advisement from this Government, address these issues at that time, and, through some confusion, felt that they should have been able to do that and did not.

In turn, they were there but they did not present because they were told that their concerns would be addressed. So they are trusting the Government to address those concerns. In turn, they do not want their valued employees to lose their livelihoods as a result of the changeover. We share those concerns. The minister and I have had these conversations. She also agrees that these employees are important to the community and to what they are doing and the experience that they are going to share in the transition to these new positions. We will hold the minister to these words. It has been a great deal of concern and uncertainty, but I am trusting that we will be able to, as government, address those concerns and that the transition will go smoothly. It is essential that this does happen.

In closing, I look forward to ongoing debates about how to break the cycle of welfare dependency, thereby allowing all Manitobans to reach their full potential. I congratulate the minister on legislation that will definitely address the issues here. Thank you.

Mr. Kevin Lamoureux (Inkster): I had opportunity to speak, I believe it was on December 4, in second reading. I just made a quick point back then in terms of how when you assume responsibility of a program it could have effects on other more indirect programs that might be offered through a municipality. In this case it was with the City of Winnipeg. It had an impact on a community club. I just want to reinforce that particular point quickly.

Mr. Speaker, the other concern that the Liberal Party has is in regard to the staff. When you take ownership of the program as the province has done, and we see this overall as a positive thing, we are concerned that the staff of the different municipalities that were involved with social assistance are given priority in that we are not going to see jobs being lost.

It was unfortunate that the Government had to wait so long before it gave the assurance, as opposed to trying to appease some of the municipality concerns well in advance of the actual committee meeting where I understand it was a day before the committee meeting when they were told about some of the job securities which one would think is somewhat of an insensitive way of dealing with employees, especially if you consider that they claim to be of a social background. Having said those few

words, we are quite pleased to see this bill go through third reading. Thank you.

Hon. Christine Melnick (Minister of Family Services and Housing): It is my privilege to rise in the House today to echo the comments that my colleagues have made in the House in support of Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba). This important legislation will ensure the transferring of responsibility for delivering social assistance benefits and programs to all Manitobans is done smoothly and in consultation with our partners, the many municipalities across Manitoba.

* (17:10)

Municipalities have advised us that the current system is complicated and administratively burdensome. I am pleased that our Government has been able to respond to these concerns. I am pleased that through our constant negotiations with AMM and others we have produced a bill that will be of great benefit to rural and northern Manitobans. The support we have received has been very evident from letters received from municipalities stating their unconditional support for this legislation to the overwhelming support of the Association of Manitoba Municipalities, where 90 percent of members endorsed a resolution to support one tier.

Mr. Speaker, once one tier is implemented, we will continue to work in consultation with our partners to ensure a smooth transition of staff to our provincial system and more importantly clients. We have taken many steps to ensure a seamless transition. Provincial employees will travel out to all smaller or remote communities to take the new applications. These new applications will ensure that the Province has the most up-to-date information and that the participants understand their rights and responsibilities under the provincial rates, policies and programs. No benefits will be discontinued while waiting to take a new application.

This Government recognizes and is committed to the protection of all rural jobs. The staff who currently deliver social assistance across this province are hard-working and skilled individuals. I am pleased that this Government is committed to working closely with each municipality that has dedicated staff to ensure that no employees will lose their jobs

as a result of the implementation of one tier. I think this concern for these employees demonstrates yet again how committed this Government is to the rural economy and to rural jobs, particularly as we work through the ongoing BSE crisis. As we move forward with the passage of this bill, we will be in constant communication with affected municipalities to ensure a smooth transition.

Mr. Speaker, at this time I would like to thank and recognize the presentations tabled at the public committee hearings on Bill 8. It was a pleasure to hear the views expressed by groups like AMM and the Manitoba Municipal Administrators' Association in support of this important bill. It was important to hear of issues raised by the MMAA expressing specifically their commitment to continuing to offer employment to those seeking work or requesting assistance within the municipality.

Mr. Speaker, I would also like to take a moment to thank and pay tribute to the Association of Manitoba Municipalities, particularly their president, Stu Briese, and their executive director, Joe Masi. These individuals are well known to all members of this House. Their work with us in negotiating the cost-neutral formula and in systematically addressing the many issues brought forth by the municipalities is much appreciated.

We have worked from day one in a spirit of co-operation. I know how important it is to them that this bill is now before the House. Bill 8 is yet another example of the commitment of this Government to rural Manitoba, rural jobs, and the rural economy. I hope, then, that we can agree that this bill will pass as soon as possible. I sincerely thank all those that have helped this bill move forward.

Mr. Speaker: Before I put the question, are there any other speakers? Seeing none, is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I am advised that the Administrator is available for Royal Assent.

Mr. Speaker: The Administrator will be arriving for Royal Assent.

ROYAL ASSENT

Acting Deputy Sergeant-at-Arms (Mr. Ray Gislason): His Honour the Administrator.

His Honour Richard Scott, Administrator of the Province of Manitoba, having entered the House at 5:15 p.m. and being seated on the Throne, Mr. Speaker addressed His Honour in the following words:

Mr. Speaker: Your Honour, at this sitting, the Legislative Assembly has passed certain bills that I ask Your Honour to give assent to.

Madam Clerk Assistant (Monique Grenier):

Bill 7—The Criminal Property Forfeiture Act; Loi sur la confiscation de biens obtenus ou utilisés criminellement

Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba); Loi modifiant la Loi sur l'aide à l'emploi et au revenu (prestataire unique d'aide pour les régions rurales et du nord du Manitoba)

Madam Clerk (Patricia Chaychuk): In Her Majesty's name, His Honour assents to these bills.

Mr. Speaker: Please be seated.

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Hon. Gord Mackintosh (Government House Leader): 5:30.

Mr. Speaker: Is it the will of the House to call it 5:30? *[Agreed]*

Before we do, I just have a quick message. As the House will be adjourning today until next month, I encourage all members to remove the contents of their desks here in the Chamber. The blue bins here in the Chamber are designated for recycling of Hansard. Any other material that you would like recycled may be placed in the larger recycle containers in the message rooms located just outside the Chamber. I thank you for your participation.

When this House adjourns today, it will stand adjourned until the week of April 12 to the 15, but up until such a time as a specific day to resume is identified, this House is adjourned and stands adjourned to the call of the Speaker.

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