



Third Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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The Honourable George Hickes  
Speaker*



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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	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.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
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.
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.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
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STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, December 4, 2001

The House met at 1:30 p.m.

*Motion agreed to.*

### PRAYERS

### Introduction of Guests

### ROUTINE PROCEEDINGS

#### TABLING OF REPORTS

**Hon. Oscar Lathlin (Minister of Conservation):** Mr. Speaker, I am pleased to table the following reports, copies of which have been previously distributed: the Manitoba Product Stewardship Corporation 2000-2001 Annual Report; the Venture Manitoba Tours Limited financial statements as of March 31, 2001; the Pineland Forest Nursery Annual Report 2000-2001; the Manitoba Conservation Annual Report 2000-2001; the Sustainable Development Innovations Fund Annual Report 2000-2001; and the Manitoba Habitat Heritage Corporation Annual Report 2000-2001.

I would also like to take this opportunity to table for the House the Manitoba Round Table for Sustainable Development Annual Report for the year 2000-2001.

### INTRODUCTION OF BILLS

#### Bill 10—The Environment Amendment Act

**Hon. Dave Chomiak (Minister of Health):** I move, seconded by the honourable Minister of Conservation (Mr. Lathlin), that leave be given to introduce Bill 10, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, and that the same be now received and read a first time.

*Motion presented.*

**Mr. Chomiak:** Mr. Speaker, the proposed changes to The Environment Act would help ensure an effective co-ordinated response for mosquito control measures in the event of a West Nile virus health emergency.

**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 Lord Wolseley School 21 Grade 5 students under the direction of Ms. Jacqueline Bayes. This school is located in the constituency of the honourable Member for Elmwood (Mr. Maloway).

Also in the public gallery we have Kerri McKee from Miles Macdonell Collegiate. This school is located in the constituency of the honourable Member for Elmwood.

Also I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today Mr. Yalin Zhang. Mr. Yalin Zhang is in Canada to participate in the China Public Sector Reform Project and is spending three months with the Manitoba Department of Finance.

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

### ORAL QUESTION PERIOD

#### HOPE Learning Centre School Division Partnerships

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, yesterday I asked the Premier to call an audit, an independent commission of public inquiry, into the issues relating to adult learning centres in the province of Manitoba. On this side of the House, we believe the taxpayers deserve to know how their hard-earned dollars are being spent.

\* (13:35)

The people of Manitoba know that millions of taxpayers' dollars were overspent and overpaid to operators of adult learning centres in

Morris-Macdonald alone. The Premier and his ministers would have us believe that Morris-Macdonald is the only school division involved in adult learning centres. This is just not true. The Premier will know that when the Auditor was asked to look into a particular adult learning centre operated by the Orlikows, that being HOPE Incorporated, they were operating nine other centres, only seven of them in Morris-Macdonald.

Would the Premier now tell this House and all Manitobans which other school division was partnered with HOPE to operate adult learning centres in the 2000-2001 school year?

**Hon. Gary Doer (Premier):** Mr. Speaker, again a number of statements were made dealing with the first part of the rambling preamble.

The budget in 1999-2000 was \$6.7 million—I believe that was correct—and the expenditure level was \$17 million, arriving at an overexpenditure of hard-earned taxpayers' dollars of some \$11 million. The budget this year is down from \$17 million to \$14 million, and we expect that it will be within budget.

**Mr. Murray:** Mr. Speaker, we acknowledge the Premier's rambling non-answer.

I will ask the question very simply to the Premier. Would the Premier tell Manitobans what other school divisions were partnered with HOPE to operate adult learning centres in the 2000-2001 school year? It is a very simple question.

**Mr. Doer:** Mr. Speaker, the HOPE and outward bound projects received approximately \$3.5 million from '96-97 to '99-2000. The amount is quite a bit less under the current government.

**Mr. Murray:** This is a guy who says he is talking honestly to Manitobans.

Mr. Speaker, we know that there are other adult learning centres. We know that St. Norbert, Seven Oaks, Turtle Mountain—there are other adult learning centres in the province of Manitoba. Yet the Premier would have

Manitobans believe there is only one division that is operating adult learning centres.

I will ask him again; I will ask him for the third time a very simple question that I believe Manitobans have the right to know, and the question is: Would the Premier please tell this House and Manitobans which other school divisions were partnered with HOPE to operate adult learning centres in the 2000 and 2001 school year?

**Mr. Doer:** On the macro, Mr. Speaker, \$17 million was expended in the '99-2000 fiscal year under the last administration. The accumulated costs were \$3.5 million. The total is 33 percent below that since we came into office.

Mr. Speaker, yesterday, members opposite were throwing around wild allegations again about Anokiiwin. I have memos from John Carlyle, in 1999, saying: There is unfettered and very, very strong support for this private-public partnership from Mr. Newman, Mr. Pitura and the Premier's staff that were present today. Unless there is a compelling reason not to permit this partnership, it must be sanctioned.

\* (13:40)

The amount of money in Anokiiwin was \$1.8 million from '96 to '99-2000. It was \$667,000 in 2000-2001, and there is no money budgeted in this current fiscal year.

#### **Adult Learning Centres Funding Criteria**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, while this Government targets one school division, there is evidence today that we have school divisions operating adult learning centres without agreements and are receiving funding today.

Mr. Speaker, I want to ask the Minister of Education why he allowed for the 2001-2002 school year \$625,000 to a learning centre that was not using certified teachers and did not have adequate text materials and adequate material for the classroom.

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

course, we dealt with this same question last week, and I believe, if I am not mistaken, the week before in this House. Obviously, today, members opposite are bringing into question the integrity of every school division in the province of Manitoba with their questions, something that I find quite shameful, and I know that trustees throughout the province would be disappointed with that tack as well.

Mr. Speaker, our priority all along in this issue has been to account for taxpayers' dollars, something that was not possible under members opposite's scheme, and to provide stability for learners in adult learning centres. That is the tack we will continue to take.

### **HOPE Learning Centre Funding Repayment**

**Mr. Leonard Derkach (Russell):** The problem here is, Mr. Speaker, the minister is not accountable to anybody.

I want to ask the Minister of Education, who yesterday said they would not be going after the adult learning centres to recoup the money: Why the comments from his department in the Auditor's report state very clearly that the department will be seeking appropriate reimbursement of funds provided to the program, meaning the HOPE program?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Well, Mr. Speaker, on almost every question, members opposite invent things.

Of course this Government will hold accountable to the people of Manitoba monies that went astray under a program that was set up with no fiscal accountability, no program accountability. We are changing that, something that should have been in place before this scheme was entered into by members opposite.

**Mr. Derkach:** Mr. Speaker, my questions are specific to the program that was started in September 2000. That was the program under the watch of this minister and this Government. The Premier is the one who keeps referring to '98. We are talking about the year 2000 under his watch.

I want to ask this Premier or this Minister of Education whether, in fact, they are going to recoup monies that were overpaid to HOPE, to Anokiwin and other ALCs.

**Mr. Caldwell:** Mr. Speaker, I am pleased that the member referred to our watch and their watch because certainly under their watch we had a program established that dedicated tens of millions of dollars of taxpayers' money to a system—

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

**Mr. Speaker:** Order.

**Mr. Caldwell:** As I said, I am pleased that the member opposite began his question with our watch and their watch, because it is quite clear now that under the watch of members opposite, when in government, a program was set up with no fiscal or program accountability. It is also quite clear, as the Provincial Auditor noted, under our watch important changes and improvements have been made to this system.

### **Morris-Macdonald School Division Legal Advice**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, the very first recommendation that the Provincial Auditor made to the Minister of Education was that the Morris-Macdonald school board should seek legal advice on the appropriateness of the administration of HOPE, providing the Morris-Macdonald School Division with enrolment figures that they knew or should have known were overstated.

\* (13:45)

As the Minister of Education fired the board, will he follow the Auditor's recommendation and seek this legal advice to protect the taxpayers of the Morris-Macdonald School Division?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, it is astounding that we have been sitting in this House for the last month dealing with this issue and the member opposite asks us if we are seeking legal advice. The report went to the Justice Department in October, so I am at a loss.

**Mr. Loewen:** Mr. Speaker, the Minister of Education refuses to answer this question too. He fired the school board. He is acting for the school board. I would ask this minister why he is not following the Auditor's recommendation to investigate where the inflated numbers originated from. Is he trying to get his friends, the Orlikows and Elaine Cowan, who received 90 percent of the money, off the hook?

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

**Mr. Speaker:** Order. May I remind all honourable members when the Speaker rises all members should be in their seats and the Speaker should be heard in silence. I would also like to remind—

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

**Mr. Speaker:** Order. I would like to remind all honourable members, once again, we have schoolchildren in the audience and a lot of those schoolchildren look upon their members of the Legislative Assembly as role models. I do not think there is a member in the House who would like to disappoint the children in the audience. I would like to ask the co-operation of all honourable members, please.

**Mr. Caldwell:** Thank you, Mr. Speaker. I certainly appreciate your words. I find it very disappointing that members opposite delight so in character assassination in this House. It has been a feature of this particular session, such smears. The first question today impugned the integrity of every school division in this province and an adult learning centre.

Mr. Speaker, we on this side of the House believe in the value of adult learning centres for those adults who are striving to learn to read so they can read to their children. They are starting to improve their numeracy skills and under our watch, as the Provincial Auditor noted, important improvements have been made to assist. That was created with no fiscal or program accountability.

**Mr. Loewen:** Mr. Speaker, my final supplementary to the Minister of Education. I want to know if the real reason he fired the Morris-Macdonald School Division was simply

to ensure there would be nobody left in that school division to investigate the role the Orlikows and Elaine Cowan played in misappropriating millions of dollars of public funds.

**Mr. Caldwell:** Mr. Speaker, it is disgraceful that things are said in this House that would not be repeated outside of this Chamber. The character assassination that has taken place here over the last month has been absolutely disgraceful.

\* (13:50)

We have accepted the Provincial Auditor's report, his recommendations and criticisms. The report has been referred to the RCMP. If members opposite do not have confidence in the Provincial Auditor, we certainly have confidence in him.

### School Divisions Amalgamation

**Mr. Harold Gilleshammer (Minnedosa):** Mr. Speaker, The Public Schools Act clearly states there is a prerequisite to altering school division boundaries, that being a Boundaries Review Commission, which must precede any changes. Can the minister confirm that he has met the prerequisites as stated in sections 7(1) and 7(2) of The Public Schools Act? Has he followed due process and the results of a Boundaries Review Commission report?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Yes.

**Mr. Gilleshammer:** Do you have a legal opinion that you can table in this House that states you have met the prerequisite that is stated clearly in the act? What is the Boundaries Commission report he refers to?

### Point of Order

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, it is a well-founded, long-standing principle of parliamentary democracy, a rule of this House, that a question cannot ask for a legal opinion. I refer to *Beauchesne's* Citation 410(13): "Questions should not seek a legal opinion or inquire as to what legal advice a minister has received."

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

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, there have been a number of occasions that there have been legal opinions tabled in this House when requested, both when we were in government and when they were in government. Just as a matter of fact, the Premier (Mr. Doer) tabled a legal opinion just last fall to try and cover up for one of his ministers.

**Mr. Speaker:** Order. On the point of order raised by the honourable Government House Leader, it has been, in the past, ruled both ways. When I was faced with this ruling, what I ruled at that time was that I would leave it up to the minister if he wished or not to table the legal opinion. I will stay consistent with my ruling.

\* \* \*

**Mr. Gilleshammer:** Well, we would appreciate if the minister would table that legal opinion, but would he confirm that it is the Norrie Commission report that he is basing his new boundaries on?

**Mr. Caldwell:** I am pleased to know that members opposite even remember the Norrie Commission report. It is certainly something that was undertaken under their watch and never acted upon.

**Mr. Gilleshammer:** The media have noted his mangled English, but we will assume the answer was yes.

Mr. Speaker, given the Norrie report is seven or eight years old and that you have followed virtually none of the recommendations, do you still maintain that you have complied with the act?

**Mr. Caldwell:** Mr. Speaker, it is always a delight to raise the level of debate in this Chamber.

The people of the province of Manitoba have long expected some action on school boundaries. This Government is taking action on something that should have been undertaken, again, under the watch of members opposite.

### School Divisions Amalgamation

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, this minister has yet to understand that he has to follow the law like everyone else. We know that he did not do it in flowing money to the Agassiz School Division, and now The Public Schools Act clearly indicates that his only power to amalgamate school divisions is if he has met the prerequisite of a review commission. Is this minister now telling us that using a seven-year-old report he is not even following is going to be sufficient to make the prerequisite of the law?

\* (13:55)

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, what I am telling members opposite, as we have told members opposite on a number of issues in this House, is that we act in accord with the advice that we get from legal counsel.

**Mr. Praznik:** Mr. Speaker, that matter will probably be decided by the courts at some point.

I want to ask the minister: If he has relied on the Norrie report as a prerequisite, why did he exclude the Pointe du Bois special revenue district from joining Agassiz, which would have brought two hydro dams and a town as additional tax revenue to the Agassiz School Division? Why did he ignore the Norrie report and exclude it?

**Mr. Caldwell:** Mr. Speaker, I suppose that begs the question why members opposite ignored a commission that spent hundreds of thousands of taxpayers' money on having a report submitted to this Legislative Chamber.

**Mr. Praznik:** Will the minister confirm that the reason why he excluded the Pointe du Bois special revenue district is he did not want the City of Winnipeg to pay its fair share of tax to the people of Agassiz?

**Mr. Caldwell:** I will advise the member from Lac du Bonnet that we are acting in the best interest of the people of Agassiz.

### Taxation Equity The Pas

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question to the Minister of

Finance. During the last election, the Premier (Mr. Doer) said he would bring tax equity to The Pas to address the present inequity in sales and gasoline taxes in this region. A year ago the Minister of Northern and Aboriginal Affairs (Mr. Robinson) repeated this commitment by the Government, yet there has been no change in two years. Recently we have heard of a major investment in The Pas, the Canadian Tire store, which has been cancelled, many believe because the provincial government has failed to carry out its promise.

I ask the Minister of Finance to admit that tax uncertainty deters investment and that his Government, by failing to deliver on its election promise to the people in The Pas region, has created the tax uncertainty which hampers investment.

**Hon. Greg Selinger (Minister of Finance):** I thank the member from River Heights for his question on the tax situation in The Pas area. As you know, we have a situation there where the First Nations run facilities and charge taxes, and we offer a rebate on those taxes to those organizations that do that so that they can have a level playing field. That is an option we have had on the table for the last year. It simply requires the interest of the First Nation to act on it and that would solve the problem.

#### **Fortified Buildings Act The Pas**

**Hon. Jon Gerrard (River Heights):** My supplementary question on the investment climate in The Pas, to the Minister of Justice. Will the new Fortified Buildings Act apply in parts of the community or all of it, and what arrangement or agreement is there with the First Nation community or the federal government to ensure a fortified building in The Pas does not just move across the river and cause economic, social and investment problems for the people in the Opaskwayak Cree Nation?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I am pleased to hear there is some interest in that legislation from the Opposition benches and I would urge members opposite to get the bill

moving to committee. We can have a discussion on that bill and we can address public safety.

#### **Taxation Equity The Pas**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my supplementary to the Minister of Conservation. I ask the minister: What is he doing to aid the situation in The Pas, where there are inequities of delivery of taxes and justice that are limiting economic and social development in the community he represents and that these problems are a direct result of the failure of his Government to carry out the election promises of two years ago?

**Hon. Oscar Lathlin (Minister of Conservation):** I think the Minister of Finance (Mr. Selinger) has responded to the question adequately. What he described is exactly what is going on right now in The Pas, the OCN and so on. I meet regularly with the mayor and council of the Town of The Pas, the R.M. of Kelsey and the leadership of the Opaskwayak Cree Nation. I know that all three sides have been working together to come up with a common solution. I would suggest very strongly to the Member for River Heights that he not go into The Pas and try to—

\* (14:00)

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

**Mr. Speaker:** Order.

**Mr. Lathlin:** Thank you, Mr. Speaker. As I was about to conclude, I would strongly suggest to the Member for River Heights that he not go into the community of The Pas and try to create division.

#### **Housing Initiatives Impact on Property Values**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, in 1993 the federal Mulroney Conservative government cut all funding for social housing in Canada and immediately the provincial Filmon Conservative government cut social housing in Manitoba with the result that for the next six years there was a decline in property values in



the inner city, including my house which lost \$11,000 in assessed value, but more importantly thousands of people in the inner city lost millions of dollars in the assessment of their house—[interjection] Because the Filmon Conservative government did not care—

**Mr. Speaker:** Order.

### Point of Order

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, *Beauchesne* 410 states that the question should not have a long preamble. They should be carefully drawn out. I do believe the honourable member has gone on quite long enough.

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

**Mr. Martindale:** Mr. Speaker, it is actually 409(2), and if the member had been listening carefully he would have heard one carefully drawn sentence. His real problem is that he was part of that government and he is embarrassed and does not like the question.

**Mr. Speaker:** Order. On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order. *Beauchesne* Citation 409(2): A preamble should not exceed one carefully drawn sentence. I ask the honourable Member for Burrows to please put his question.

\* \* \*

**Mr. Martindale:** Thank you, Mr. Speaker. My question is to the Minister of Family Services and Housing. Can the minister tell the House what has happened to property values in the inner city as a result of our initiatives in housing since October 1999?

**Hon. Tim Sale (Minister of Family Services and Housing):** The data from the Winnipeg Real Estate Board is really quite encouraging. In 1999, average sale price in West Broadway was about \$23,700. This year \$35,000—almost 300. That is an increase in two years of about 60 percent. But more importantly, houses only stayed on the market for about half the time that

they were on the market in 1999, 74 days versus 132 days.

In the core area, the central Exchange District, which is 9A for the Real Estate Board, the increase has been from \$16,000 to \$27,000 over the same period of time. In the North End, it is a little less but its work, it is going in the right direction. It is about a 14% or 15% increase in the same period of time. So we are moving in the right direction. The neighbourhoods are reclaiming their neighbourhoods. They are safer; they are better places to live. That is our policy.

### School Divisions Amalgamation

**Mr. Darren Praznik (Lac du Bonnet):** My question is for the Minister of Education. The minister says he is very concerned about the taxpayers of Agassiz. I want to ask him: In his decision to amalgamate the Whiteshell School District into the new Agassiz School Division, was he aware that he may be triggering the end of the master agreement and that there is \$1.3 million a year of funding from the federal government through AECL for education, that there is \$1.2 million of capital debt that would have to be assumed by a new school division or the Province? Was he aware of those numbers when he made that decision?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** There are a number of assumptions there. If the member had read the press release from November 8, when we announced the amalgamations, we made it clear that amalgamation in regard to Whiteshell, Pinawa are long-term ongoing initiatives. I do not expect, frankly, any significant change to take place in those divisions until the AECL agreements are redone.

**Mr. Praznik:** The minister, with much fanfare, issued a press release—it is a new question—in which he said very clearly that Pine Falls and Whiteshell school divisions would be amalgamated into Agassiz. He did not follow the Norrie report. He excluded Turtle River, he excluded Intermountain, he excluded Seven Oaks, he excluded St. James-Assiniboia, all that gave the New Democrats problems.

Why then in his press release did he not clearly exclude these two school divisions,

because these are extremely complicated and long-term negotiations?

**Mr. Caldwell:** Of course, this Government took instruction from the Norrie report. I think within a month of my appointment as minister, there were a number of press comments in that regard.

The Norrie report, we felt, at least I felt, had some useful advice. We will, in terms of Pine Falls and Whiteshell, and I have my press release in my hand, and the background is attached, and I will quote directly from it: With respect to the Pine Falls and Whiteshell school divisions, the amalgamation process will require more time to complete than other divisions. Both divisions have special funding arrangements and must be preserved while amalgamation is discussed.

The member could perhaps read the press release and stop fear mongering.

**Mr. Speaker:** Order. It seems after question No. 7, members are rising on new questions. I would just like the co-operation of all honourable members. When I recognize the honourable member from the constituency and when they state that they are rising on a new question, please give me a chance to respond back.

**Mr. Praznik:** On a new question, Mr. Speaker.

**Mr. Speaker:** The honourable Member for Lac du Bonnet, on a new question.

**Mr. Praznik:** Mr. Speaker, the people of the Whiteshell School District, their school board and their town certainly do not share the same view that this is some long term. They believe from their conversations, from the correspondence they receive, from the minister requesting them to attend meetings with Agassiz School Division, that he is on the trend to take this to amalgamation by October.

\* (14:10)

Is this minister prepared to backfill the \$1.3 million of lost revenue so that it is not placed on the backs of the taxpayers of

Beausejour, Brokenhead and Lac du Bonnet? Is he putting that at risk?

**Mr. Caldwell:** Mr. Speaker, it was not long ago in recent memory that the member was asking us to pull hundreds of thousands of dollars out of Agassiz School Division. It gets a little confusing to be answering questions out of both sides of the members opposites' mouths.

We are interested on this side of the House in government, in providing educational stability, in providing program accountability, in providing fiscal accountability for taxpayers of the province of Manitoba, and we are acting on those bases in all of our actions.

**Mr. Praznik:** Mr. Speaker, on a new question.

**Mr. Speaker:** The honourable Member for Lac du Bonnet, on a new question.

**Mr. Praznik:** I would like to table a letter from a concerned citizen, an accountant, an individual who understands these issues. It is a letter written to the Minister of Education, so obviously his press release has caused quite a concern in that area. It says very clearly, it refers to the \$2 million of revenue for schools and municipalities coming from AECL. He asks this minister what he is doing and indicates: If the local taxpayers had to pick that up, it could add \$3,000 a year for HOPE.

I ask this minister again: If his intention was to have a process that did not deal with this today, why did he even include it in his press release?

**Mr. Caldwell:** Mr. Speaker, we do not believe in doing anything precipitous on this side of the House. We believe in ensuring stability as we move forward with transitions in the public school sector. We believe in fiscal accountability, and we also believe in long-term planning, something that was woefully inadequate under members opposite.

Long-term planning would indicate that we should encourage discussions between school boards. That is exactly what we are doing.

#### **Adult Learning Centres Enrolment Figures**

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

taken under notice last Wednesday by my colleague, the Minister of Health (Mr. Chomiak), who was sitting in for me when I was attending to some other business.

Items taken as notice: First, a question on enrolment. Current projections indicate that there will be approximately 5000 full-time equivalents in adult learning centres this year. That number may rise because the centres have the option of having ongoing intake during the school year. A higher enrolment does not result in higher funding, as was once the case, because we have moved away from a per-pupil funding arrangement, Mr. Speaker, to a program-based funding arrangement.

### **HOPE Learning Centre Locations**

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** A second item taken as notice on Wednesday by my colleague, the Minister of Health, was in regard to HOPE sites in 2000-2001. The Auditor's report, on page 19, mentions HOPE sites out of Morris-Macdonald School Division. It was available on the public record; eight HOPE sites were under the Morris-Macdonald School Division, two were in Winnipeg 1. Thank you, Mr. Speaker.

### **School Divisions Amalgamation**

**Mr. Ron Schuler (Springfield):** My question is to the Minister of Education, and I quote the Norrie report, page 76: Matching of education and municipal boundaries, wherever possible, can contribute to simplicity and understanding by taxpayers and electors and economies in preparation of lists of eligible voters and the conduct of elections themselves. The minister called this useful advice.

Does he recognize that the carving up of the R.M. of Springfield is inconsistent with the Norrie report?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Well, Mr. Speaker, I am astonished that we have a new-found respect for the Norrie report from members opposite who commissioned the report at some hundreds of

thousands of dollars and then promptly ignored it for the rest of their mandate.

We are informed and take instruction from the Norrie report, as members of government should when they commission a report. We are moving in a very proactive fashion, not a precipitous fashion, in amalgamating approximately 30 percent of the school divisions in the province of Manitoba.

We think that is a balanced approach and a modest approach and one that is in keeping with our belief in accountability and stability in the public school system and putting dollars into the classrooms where they belong.

**Mr. Schuler:** To the Minister of Education: Does the minister believe that transferring about 99 percent of the costs and only 85 percent of the revenue from the R.M. of Springfield will be something positive for the children and the taxpayers of the new Agassiz School Division?

**Mr. Caldwell:** Mr. Speaker, I believe that wherever we have acted in this regard, we have acted in the best interests of children in enhancing classroom resources and in enhancing program opportunities for children.

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

**Mr. Speaker:** Order.

### **Point of Order**

**Mr. Darren Praznik (Deputy Opposition House Leader):** We just want to make sure that what the Member for Transcona (Mr. Reid) said was that in exchange for cutting Springfield up, removing a sizeable part of tax revenue with those students is because that area is an industrial area, and his area is entitled to it. Is that what it is really about?

**Mr. Speaker:** Order. May I remind all honourable members that points of order are to raise to the Speaker's attention the breach of a rule or the use of unparliamentary language, not to be used for debate.

The honourable Member for Lac du Bonnet did not have a point of order.

\* \* \*

**Mr. Speaker:** The honourable Minister of Education, to conclude his comments.

**Mr. Caldwell:** Over the last two years, Mr. Speaker, this Government has invested in capital infrastructure improvements in our public school system at historic levels to rectify a historic deficit that members opposite left to the people of Manitoba. We have invested in the public school system's operating side at historic levels to ensure that there is stability and quality resources in the public school system.

In each and every instance, we have acted in the best interests of children.

**Mr. Schuler:** I ask the Minister of Education: Why does he go against The Public Schools Act? Why is he going against the Norrie report, which he called useful advice? Why are he and the Member for Transcona (Mr. Reid) out to punish the children and the taxpayers of the new Agassiz School Division? Why is punishment politics being practised by this Government?

**Mr. Caldwell:** Mr. Speaker, the Member for Springfield heckles that he is fighting for his children in Springfield. I would suggest that if he was fighting for, if the member cared about his children and students in his school division, he would join this side of the House, because this Government is investing in public education, something that did not occur in this province for 13 years.

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

#### Speaker's Ruling

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

During Oral Questions on November 26, 2001, the Official Opposition House Leader (Mr. Laurendeau) raised a point of order concerning the honourable Premier (Mr. Doer), indicating that he was taking the specifics of a question as notice and then going on to provide an answer. The honourable Government House Leader (Mr. Mackintosh) also spoke to the same point of order.

\* (14:20)

I took the matter under advisement in order to review the matter. In reviewing Hansard for November 26, the honourable Premier is recorded as stating on page 356: I will take the specifics as notice. He then began to provide an answer to the question. Historically, according to Manitoba practice, when ministers take questions as notice, no other answer is required at that time.

Speaker Dacquay ruled on March 18, 1997, that when ministers take questions as notice, no further comment is required. Additionally, I ruled on December 14, 2000, that when ministers take questions as notice there should be no post-amble to taking the question as notice.

My interpretation of the practice of taking questions as notice incorporates all aspects of questions, including specifics. Therefore, it would be appreciated when ministers take questions as notice they do not go on to supply an answer to the question taken as notice.

#### MEMBERS' STATEMENTS

##### Opening of Gurdwara Kalgidhar Darbar

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, on Sunday I was delighted to have the opportunity to attend a wonderful ceremony. It was an opening of a new Gurdwara. It was an opportunity to celebrate with the Sikh community, their growing community, and some of the vibrant things that they are doing in Manitoba. I was quite taken aback when we went back into the Gurdwara and had a chance to see some of the families. There are some 200 families that are a part of this celebration. It is a growing community.

I think that when you look at the young families that were present, it really shows the importance that the Sikh community plays not only in Winnipeg but clearly throughout Manitoba. The one thing that is very clear to me, and I talked with some of the family members there, is that they know full well that children are always the main importance of family, because it is at that level, it is at that young level that they are able to talk about education. They are able to talk about all of the things that all

children throughout whether it is Winnipeg, Manitoba or Canada, that they find important, Mr. Speaker, and it is at that very early level of education that all young families can come together. Clearly in this particular Gurdwara that is what was taking place.

They are going to be celebrating sporting events; they are going to be celebrating family events; they are going to be celebrating opportunities to eat. So I would like to stand and give my blessing to the Gurdwara known as Kalgidhar Darbar. I would also acknowledge on that day that it was the Guru Nanak Devgi who is the founder of the Sikh community. Thank you.

### **Violence Against Women**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, I rise today with the sombre task of reminding the members of the Legislature that the 12th anniversary of the Montréal massacre is this Thursday, December 6, and has been named the National Day of Remembrance and Action on Violence Against Women.

The day, Mr. Speaker, marks the murder of 14 women at l'École polytechnique in Montréal. The women were almost all young engineering students just beginning their education, with their whole careers ahead of them.

Sadly, despite increasing public awareness after the Montréal massacre, women across the nation are still living with the spectre of violence. Last year, 86 percent of sexual assault victims were female. Between the spring of 1999 and 2000, there were almost 100 000 admissions of women to women's shelters across Canada. The majority of those shelters are often so full that they are forced to turn others away. On average, 100 women are killed and at least 1 in 10 is battered by their male partners or ex-partners in this country annually. A Canadian woman is raped every 17 minutes.

To address such sobering statistics, this Government has put in place several initiatives, not the least of which is recently announced money dedicated specifically to address domestic violence. The Manitoba government is investing over \$1 million to agencies dealing

with domestic violence to establish a men's resource centre for abusers and for the launch of a new public awareness campaign. Such a multifaceted effort will help prevent domestic violence and help victims rebuild their lives.

In closing, I wish to invite all members of the Legislative Assembly to join the public for a sunrise breakfast here on December 6, at 7:30 a.m. The same evening, there will be a vigil here at the Legislature led by women. I urge all members of this Assembly to meet with their community members on the steps of the Legislature at seven that evening and join in demonstrating their commitment to ending all violence against women.

### **Auto Theft**

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, while in Opposition, the NDP was extremely critical of the former government on the issue of auto theft. During the 1999 election campaign, they pledged to take measures to halt the increasing numbers of auto thefts in Manitoba, throwing around promises for programs like immediate neighbourhood notification when an auto theft occurs. Now, two years later, no such program or in fact any real effort to fight auto theft has emerged. Indeed, all that has happened is that the situation has grown even more dire.

In the year 2000, the province had the highest rate of auto theft in Canada, a statistic even more dismaying given that the national rate of thefts actually dropped 2 percent. Meanwhile, here in Manitoba, there was a more than 8% increase in the rate of auto thefts.

Mr. Speaker, this is a trend that has blossomed under this Government's watch. Since the NDP came to power, the number of auto thefts in Manitoba has risen steadily. The Winnipeg Police Service has reported that in the city there is an average of one vehicle stolen per hour. I know we all recall the last weekend in October when 139 cars were stolen in one four-day period. Even more shocking were the events of this past weekend, when a 20-year-old man stole and crashed a car, seriously injuring his two female passengers. Taking away licences of car thieves, while a small step in the right direction, offers no meaningful consequences in this growing epidemic.

Mr. Speaker, the statistics and events I have mentioned are disturbing. What makes the situation even more appalling is the Minister of Justice's (Mr. Mackintosh) lack of meaningful action to curb the number of auto thefts in Manitoba. Auto theft is a very serious problem in this province. I am sure all Manitobans are looking forward to the day when the Government honours its promise to protect them from those preying on their cars and on their peace of mind. Thank you.

\* (14:30)

### **Community Connections Program**

**Mr. Jim Maloway (Elmwood):** Mr. Speaker, I rise today to speak with regard to the recently opened public Community Connections computer site at the Good Neighbours Seniors Centre at 755 Henderson Highway. As part of a federal-provincial program, this new computer service represents one of about 200 public computer sites in Winnipeg designed to provide Manitobans with access to electronic mail and the Internet. By the end of the year it is hoped that the joint program will have opened more than 600 of these new computer sites throughout the province.

The government program known as Community Connections is providing state-of-the-art computer hardware and Internet access to various community sites across the province to narrow the digital divide so that all people in Manitoba have access to the Web. By providing accessible and no-cost computer and Internet service to the public, the federal and provincial governments hope to deliver information services to all Canadians.

The Good Neighbours Seniors Centre received the nine new computers through a \$25,000 grant, and more importantly, users are not charged for the service. As a result, Manitobans who could not previously afford a computer now have access to e-mail and information services.

In addition to the public services available, the centre will also be used to provide members classroom instruction on the fundamentals of computer use and eventually more advanced

skills workshops. Furthermore, Community Connections is working to establish a central Web site that will service an electronic bulletin board with information about local community centres, businesses and government services. An editorial board will also be part of the process and will ensure the content of the site is suitable and appropriate.

Mr. Speaker, I was pleased to have attended the opening. I would like to express my thanks to all who work toward ensuring no person is left behind as we continue to embrace the new digital age which will most certainly improve the lives of all Manitobans.

### **Mr. Don Penny**

**Mr. Larry Maguire (Arthur-Virden):** I rise today to congratulate one Mr. Don Penny, Chairman of the Meyers Norris Penny LOP of Brandon on earning the honour of Outstanding Volunteer Fundraiser of the Year in Manitoba. Mr. Speaker, Mr. Penny was nominated by a group of volunteers and fundraisers from Brandon University for his many contributions, the most recent of which is BU's Success in Mind Campaign.

He has been able to pull together all of the campaign's 35 volunteers to help make it the most efficient campaign ever at BU, raising \$6 million in just 10 months. More than half of this money came from the private sector, which in turn helped raise the remainder from Government. The money will go towards scholarships, bursaries and research. The Outstanding Volunteer Fundraiser of the Year Award is presented by the Manitoba Chapter of the Association of Fundraising Professionals. It is given to a person who has shown exceptional leadership and commitment as a volunteer fundraiser by motivating and inspiring other volunteers in successful fundraising projects.

Mr. Penny received his award last Thursday at a National Philanthropy Day ceremony in Winnipeg. Mr. Penny has helped to raise funds for numerous other university and community projects, including construction of a new library wing and computer lab at BU, restoration of BU's Clark Hall and the Keystone Centre expansion. He has also served with a number of

provincial and local organizations, including the Brandon University Foundation, Brandon United Way and YMCA.

Mr. Speaker, on behalf of the Legislative Assembly of Manitoba I would like to commend Mr. Penny on his many hours of volunteer work and offer congratulations for winning this prestigious award. I wish him continued success.

## ORDERS OF THE DAY

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings in the order they appear on the order paper.

### DEBATE ON SECOND READINGS

#### Bill 2—The Security Management (Various Acts Amended) Act

**Mr. Speaker:** Resume debate on second reading Bill 2, The Security Management (Various Acts Amended) Act, standing in the name of the honourable Member for River Heights, who has 25 minutes remaining.

**Hon. Jon Gerrard (River Heights):** I would like to conclude my remarks on the security bill with a cautionary note. The security bill, while important as it is to put in place measures which will enhance security and enhance the health and safety of Manitobans, it is very important that we keep a perspective and that we do not go overboard, as the NDP are sometimes liable to do.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

The note that I would like to sound and the story that I would like to remind members of is the story of swine flu in the United States in 1976. Here was a situation where there was panic that there was a return of the 1918 influenza epidemic. This was based, in retrospect, on a few cases of swine flu in Fort Dix and one soldier who had died. He had influenza. He had been out on manoeuvres and exercises, and this may have contributed as well.

But the fact is that based on this one death and a few cases of swine flu, there was mounted an enormous vaccination program costing some \$135 million or so in the United States, that that vaccination program for swine flu resulted in an excessive number of cases of Guillain-Barré disease, a significant complication, which probably, in retrospect, looking back, numbered in the hundreds and that the swine flu never developed into an epidemic and probably, looking back, never was a major risk and was not, so far as we know, similar to what happened in 1918.

The net result was that in the end, because of the cases of Guillain-Barré and other things, the United States government ended up paying out tens of millions of dollars, I think, in the end, somewhere between \$80 million and \$100 million in liability claims and compensation for people who were vaccinated for an epidemic which never occurred.

It is occasions like this that remind us to be cautious in overreacting to a situation which has arisen. We need, as we consider this bill which deals with enhancing security, to look very carefully at what is in the bill, measure by measure, and make sure that we have a responsible bill which addresses the changing environment but which does not overreact and result in huge, extra, unnecessary expenditures because of that overreaction.

Those are the points that I would like to raise on this bill, Mr. Deputy Speaker. Thank you.

**Mr. John Loewen (Fort Whyte):** I do want to put some words on the record with regard to Bill 2. It has been identified by a number of members already, certainly this bill reflects on the actions that we all witnessed, those horrific acts of terrorism on September 11, events that will be imprinted on our thoughts and on our brains and on our way of life well into the future.

In fact, those events have changed our way of life. They have changed our way of thinking, and they have changed the way that this Legislature and other legislatures will need to approach the safety and security of the citizens of our jurisdictions.

I myself was, on that fateful day—as a family we were standing in our kitchen just finishing off breakfast and getting the kids ready for school. We had the TV on, as we usually do, to check the weather, and as we passed the CNN channel, we saw a picture, an image, of one of the towers, and smoke billowing out. You could not really see flames, but for some reason, there was smoke billowing out. The first comment we heard was that a small plane had crashed into one of the towers of the Trade Center. We were, as a family, watching with interest what was going on, and we were horrified by what we were seeing, but we at that point did not understand the reality of what had happened.

\* (14:40)

It was not too long, within a minute or two, that we saw the unbelievable. Out of the corner of the TV screen came a jet, and that jet, obviously a very, very large plane, flew directly into the second tower in New York. It was a horrific moment that we all witnessed as a family, and certainly our thoughts at the time were just sheer horror at what we were witnessing, as well as trying to wrack our brains to try and figure out if we knew anybody that might be trapped in those buildings, who might be in those buildings. We have acquaintances and friends and business associates that have family, friends that work in New York. I know, as a family, we were just kind of standing there stunned, trying to sort through in our brains whether, in fact, somebody that we knew personally—fortunately, there was not, but that does not make this any less of a horrific event.

Our thoughts go out, and our hearts went out then. They still go reach out to our neighbours to the south of us who have had to deal with this horrific event, who have had to deal with the loss of life, that had to deal with the clean-up. I think, like most Manitobans, our reaction was we have friends, we have family, we have loved ones in the U.S., and what could we do to support them.

I think we have to, all in this House, as Manitobans and as Canadians, do whatever possible to support our neighbours and our loved ones in those times of tragedy. So that just puts some perspective, I guess, on some of the

comments that I will make about Bill 2. It is a response to, as I said, a horrific act that took place, a horrific act of terrorism, one that cannot be undone, but, hopefully, one that, through co-operation between countries all over the world, we can finally realize the breadth and the depth that terrorists will go to to make their point. Hopefully, by understanding that, having a better understanding of that as citizens of the world, we will be able to put a dent into terrorism all across the world and be able to find ways, both through security, through military and through the way we live our lives on a daily basis, to ensure that we are able to put a stop to terrorism.

The bill itself addresses some points that need to be addressed, I think, particularly as it deals with some of the issues on the health side and what we need to do in this community should we have a situation where we have an outbreak of anthrax or something equally as sinister. I think that is important.

More importantly, I think it important that we not pass legislation in a rush. We have to take our time. We have to review the legislation. We have to make sure that there is lots of time for public input. We have to make sure that the professionals that have to deal with the results of any changes of legislation, those in the health care profession, those that are involved in emergency responses, our security personnel, the fire commissioners, et cetera, we have to make sure that they have had an opportunity to understand what this legislation is contemplating changing and what the long-term effects of this legislation will actually be.

Mr. Deputy Speaker, that is why we, as a party, immediately after September 11, agreed to work closely with the Premier (Mr. Doer) and with the Government on an all-party security commission. At the time, we indicated that we agreed there likely would be the need for legislation to be brought forward in this House, and we called on the Premier and his Government to draft that legislation and to show it to the all-party commission on security so that we could quickly come to an understanding of what this Government had in mind with regard to legislation that was going to have to be changed to deal with the realities of the world after September 11. We did that because we



knew that when we got into this House, we would only have until December 6 to go through this legislation if we wanted to pass it in this sitting.

I think it is unfortunate that two things happened, in particular: One, the all-party committee on security, for the most part, dealt with other issues in the first weeks of its formation. I know it met weekly, did not focus or did not discuss any of the issues that relate to the legislation that we have before us today. So as members of the Legislature, or as even our leader, who sat on the committee, at caucus meetings, kept having to inform us that, unfortunately, he was not aware of the information that might come forward in this legislation. The legislation had not been shared with him, either in its final form, or in the draft, or in the statement of intent by the Premier of this province. So we were left hanging out there, knowing that there was a need to pass some legislation but not knowing what type or shape that legislation would take.

On a number of occasions, we called for the House to resume as quickly as possible with the Throne Speech, so we would have time to debate this and other pieces of legislation that the Government indicated they were going to bring forward. In its wisdom, the Government decided that they would not recall this House until November 13. Unfortunately, Mr. Deputy Speaker, that has left very little time to deal with any issue in this House other than the issue of the Throne Speech, and that is unfortunate. *[interjection]* Well, the members opposite want to heckle and talk about, you know, we have a fall session like this is some great and wonderful event that we have had a fall session. There was no reason to not call this session earlier. This session could have been called—

**An Honourable Member:** In July.

**Mr. Loewen:** Well, it could have been called in the middle of September. It could have been called in early October, but this Government started from the back, worked its way forward and basically worked out the shortest possible session that we could have so that they could still stand up and say, oh, we had a fall session.

Then they come to the House, you know, they refuse to share the intent of the legislation. They refuse to identify in any way to the all-party committee what the legislation is going to look like, what acts are going to have to be amended, and now they seem somewhat outraged that this bill will not just pass in the dark of the night. They seem outraged that (a) we on this side of the House want to speak to the bill, (b) we want to take the bill back to our constituents, and (c) we want to get expert input into the contents of the bill through the legislative committee process. We want to take some time and look at where the legislation is good, where the legislation may need amendment, and after that and only after that, I believe all members of this House will be prepared to pass this bill quite likely in a unanimous way.

\* (14:50)

So I would say to this Government that in the spirit of co-operation we, on this side of the House, are more than willing to co-operate with the Government in the passage of bills that work out for the betterment of Manitobans. In fact, there have been a number of cases in the past where we on this side of the House have worked in co-operation with the Government. In fact, we have a bill before us right now which is put to this House as new legislation but is really just a copy of an amendment which we introduced to a bill in the last session which the Government refused to accept because, of course, they could not accept an amendment from the Opposition. They had to turn it around, vote the amendment down, and then come back in with identical legislation this fall and call it their own. That is not really a spirit of co-operation.

We are willing to work with this Government in a co-operative fashion, collaborate with them to create a bill that will deal with the needs in this province that resulted from the horrific acts on September 11, but we have said this, we have been consistent with this from day one, we will only do so if proper process is followed, if time is allowed, and if the public and the experts that want to provide information on this bill, want to speak to this bill, want to have input on this bill, those people are given the time to prepare to provide that

input to us as legislators. That is all we are asking for this bill. That is all we are saying for this bill.

If this Government is in such a rush that they feel it is so important to pass this bill, they have the right to recall this Legislature in January. As a matter of fact, they can recall it next week if they want. That is up to them.

So while in principle, Mr. Deputy Speaker, there are a number of issues that I and other members on this side of the House support with regard to this bill, there are some issues that we take with it. Most importantly, we take issue with the Government's approach to this bill. One should never act precipitously, particularly in times of extreme danger and extreme stress, and that seems to me what is put before us today: a response to the terrorist activities that have taken place. In fact, the Minister of Justice (Mr. Mackintosh) himself said that Manitoba and Manitobans are low risk. We are a low-risk jurisdiction in terms of terrorist activity.

Now that does not mean we should not be prepared. We should be prepared. We should be doing all that we can do to prevent any acts of terrorism, to prevent any acts that would lead to terrorism anywhere else in North America and in fact anywhere else in the world, but it does not mean that we should just ram legislation through this House, legislation that has not been given due process, that has not been well thought out, so that the Government can stand up and say: We did something.

Well, the Government has had lots of time to do something. As I have said, they could have called the House back in September, and we would have had lots of time.

**An Honourable Member:** Or July.

**Mr. Loewen:** Well, the Minister of Education (Mr. Caldwell) says "July." This is the same minister that, I believe, has contravened The Public Schools Act on three, if not four, different occasions. I would like to remind the minister that the acts of terrorism did not happen until September 11. So if he wants to be facetious about it and make a joke about the events of September 11, well, maybe he can stand up and

do that, but, you know, that is typical. It is idle chatter on behalf of the Minister of Education.

Mr. Deputy Speaker, with regard to the bill itself, there are a number of technical issues with the bill that this Government will need to address and likely need to amend. I am sure there will be people coming to committee to request that this bill be amended. Again, I would hope that the very serious nature of the events on September 11 would lead this Government to do the right thing, that is, to schedule committee meetings at times when people can make rational presentations, not force people to be sitting at committee all through the night, particularly with regard to this piece of legislation. This legislation, I believe, incorporates changes into, I think it is nine acts, all of which need to be reviewed in detail.

As I said, and as the Minister of Justice (Mr. Mackintosh) has indicated to this House on more than one occasion, while we do have a heightened sense of the threats to our peace and security, we have to balance that with the fact that we are, in fact, not a high-risk jurisdiction with regard to acts of terrorism. So I think it behooves us to take some time with this bill and to make sure, because this bill will be with us for a long time, that we will do it right and get it right and that, hopefully, in an overzealous attempt to rush something through this House that we will not impose hardships on municipalities, on individuals, or remove freedoms from individual Manitobans in terms of how they go about their daily lives, whether it is the way they earn their incomes or in any other way.

In particular, I think we have to take a very, very hard look at why we would want to change The Dangerous Goods Handling and Transportation Act to refer to contaminants as opposed to hazardous waste. "Contaminants" is a very, very broad term. That is really the trouble that I have with a lot of this legislation. It is far too broad in its scope, so broad that it could be interpreted by many individuals who might simply be believing they are operating in the best interests of the province enforcing rules that make no common sense.

That certainly is one of the dangers of changing the wording of hazardous waste to

contaminants, because there is no real definition of contaminants that eliminates the normal activities that many citizens in this province undertake on a day-to-day basis. We deal with contaminants all the time, when we are spraying our gardens, when we are fogging for mosquitoes, when we are even applying mosquito spray on one of those hot, humid summer nights when we are trying to enjoy the great outdoors, whether in the city of Winnipeg or outside. Unfortunately, we do have to deal with those little pests called mosquitoes. Try as we might, we do not seem to be able to eliminate them, but the wording of this bill could be interpreted as having an effect on how we deal with that.

Now I understand that taking it to that extreme would be very, very radical on anyone's part, but if we do not want to take it to that extreme, why would we introduce legislation that could take it to that extreme? Why do we not either broaden the definition of hazardous waste or narrow the definition of contaminants so that people have a clear understanding of what this legislation is attempting to accomplish?

\* (15:00)

Now, I am not as familiar as many members in this House and many members on this side of the House in particular with all the ramifications to the farm community with regard to the issues, particularly as it applies to The Dangerous Goods Handling and Transportation Act, but, certainly, in their daily requirements, they are dealing with contaminants, have dealt with products that would be classified as contaminants for years. They have developed systems that for the most part work well, work safely, and allow them to go about their daily business of producing the crops and the food. It is necessary to underpin our economy.

So why, I would ask the Government, would we want to introduce legislation that would put an extra burden on the farmers in our province? Certainly, they have got enough burdens on them already. Do we think it is necessary for each farmer in the province of Manitoba to develop a plan to deal with fertilizers and to deal with the storage of all the products and, in fact,

deal with some of the crops that may for one reason or another be contaminated through rot or through wetness? It just seems very, very onerous.

That is the style of this Government, which is what worries me about introducing this type of legislation. We see it in the workplace. We see the Government and its overzealousness to build up the Department of Labour, going around insisting that businesses, many of them small, many of them could be classified as mom-and-pop operations, develop safety plans for every piece of work that is done. The Government can be heavy-handed and the Government can come down hard and the Government can hire inspectors to go out and ensure that these safety plans are written, but at the end of the day they get filed in a drawer and we get back to what keeps us going, what keeps workplaces safe in the first place. That is simply common sense.

That is where we must get to in all portions of this bill that deal with security management and the safety of our citizens. We must get back to common sense, to what is doable. We cannot legislate against all acts of terrorism. We do not think like terrorists. We do not know how terrorists think. We do not understand how terrorists think. Thank goodness for that. So I do not understand why in this bill we would try to make the legislation so broad that we would have a negative impact on a very large segment of our society that simply wants to get back to as normal a life as possible, given the events of September 11.

With regard to The Emergency Measures Act, there are a number of questions regarding the necessity of this legislation. In fact, in this particular piece of it, I think the Government would do well to take the bill back and maybe rethink their approach. What they have done is basically carved up responsibilities between the fire commissioners and the EMO. The danger there is that you create this two-headed monster, neither of which head takes ultimate responsibility for emergency measures. That again is just basic common sense. You cannot have a situation where you have two people, two organizations, two bodies in charge of the same thing without something falling through the cracks.

At the end of the day, the ultimate responsibility has to lie within one body, within one organization, and that organization needs to draw on the resources that are available to it throughout the whole province and needs to have the authority to bring those other organizations to heel if they are not complying with their needs in order to make sure that we are as prepared as we can be for an event that we all hope and pray we will never see.

So I would urge the Government particularly to look at the changes they are making to The Emergency Measures Act, to take that back to the Cabinet table, take that back to the resources that they have in their departments and to insist that this legislation come back to this House and be presented in such a fashion that it is very clear to everybody involved, to people in Government, to members of the Assembly, to people outside of Government, to make it very, very clear as to who is responsible for the management of emergencies in this province.

I believe, Mr. Deputy Speaker, that then and only then will we see the type of planning and the type of resources that are needed to ensure that we can be prepared as much as possible. I have said before that we cannot be prepared for everything. Unfortunately, we will not be able to think of every situation, and that was obvious by the acts of September 11. I mean, on September 10, did anybody in the world outside of the terrorist organizations really believe that somebody would hijack a jumbo jet and fly it into a building, let alone hijack four jumbo jets at the same time, the purpose being to fly all of those into a building or buildings to create mass destruction and death? No. No, we could not think of that.

We will not be able to think of every horrific act before the terrorists in this world come up with it, but what we should be able to do is through organizing ourselves properly and through creating a body which has not only the responsibility but the resources necessary to see that we are prepared in cases of emergencies, by doing that and by giving it the authority that it needs to carry out its task at hand, then, hopefully, we will be as prepared as we can be for anything that may happen within the province of Manitoba.

Again, part of the issue of dealing with emergency measures is to make sure that that group and that body that takes total responsibility understands that it has the responsibility and that it cannot lay off that responsibility anywhere else. Again, when you look at this section of the act, it is clear that the intent of this act is to make the local authorities responsible for their emergency plans. They should be involved in the creation of their emergency plans, but the single body, the single entity should be responsible for ensuring that there is an emergency plan that covers all of those authorities and all of this province.

The way the act is worded, the way it has been presented, I do not think there will be any hope that we will be well positioned to deal with the possible emergency that may result from terrorist activities in the future.

\* (15:10)

In fact, I think the way this portion of the act is worded, it will ensure that all we get is a number of departments and jurisdictions fighting over who has the authority, who has the responsibility and who should do what, and, as I prefaced in my remarks, we will end up with at least a two-headed monster and possibly more than that.

I think, with regard to the changes in The Manitoba Evidence Act, there needs to be some clarification to that as well, because there are concerns that there will be some very significant infringements on human rights if this legislation is passed in the manner in which it has been presented to this House. I think the last thing we want to do is in haste create legislation that amends an act that will result in a challenge to that amendment in the courts. That may well be what we are headed for with regard to the changes to The Manitoba Evidence Act. It very clearly gives some broad powers to ministers of the Crown or officials of the court in terms of the dealing with evidence and in terms of the ability that either the individuals may have in seeing evidence or the admissibility of that evidence.

We could be heading down a very nightmarish road here if we simply pass the

amendments as provided here. We need time to have the legal community, perhaps even the law association, take a look at this legislation and give us their input and advice in terms of the legality of some of the amendments that the minister is seeking in this legislation because, as I said earlier, I do not think we want to end up in a situation where we pass legislation dealing with security and then six months later end up in a situation where we have to go to the courts for clarification on whether in fact the amendments that were made were constitutional or not. So I would encourage the Government to get some well-reasoned, well-thought-out legal advice in terms of the constitutionality of all of the issues that they are attempting to deal with under the amendments to The Manitoba Evidence Act.

With regard to the amendments to The Fires Prevention Act, again, this needs to be well coordinated with the emergency measures organizations. I do not think there has been time for a proper analysis of all of that. This bill deals with The Pesticides and Fertilizers Control Act. This is possibly the area that is going to present the most difficulty for this Government. I know that there has certainly been a lot of comments. We have had a lot of comments from people in the industry who have indicated that this bill is going to be simply too onerous on individuals who are involved in spraying and, in particular, aerial spraying. Certainly, they will bring those concerns forward at the committee process, and they deserve to be heard. They deserve an opportunity to present their case, and they deserve an opportunity for the Government to listen to what it is they have to say and to look very, very closely at how the Government's amendments will affect their ability to carry on their business. This is, I think, probably within this act the prime example of how, however well-intentioned, the heavy hand of government can negatively impact on individuals' lives.

We are all aware of the threat of anthrax. We are all aware of the concern after September 11 that was raised all across North America with aerial spraying and the ban that was put on aerial spraying. We are concerned that proper steps be taken to ensure that citizens of Manitoba and citizens of all of North America are not adversely affected by any act of terrorism that could use or could attempt to use aerial spraying

equipment or any spraying equipment to commit an act of terrorism anywhere in North America and particularly one that would be designed to use Manitoba as its base.

So I would implore the Government to listen to what the industry has to say. They, no doubt, are as concerned as we are about the future viability of their business. They are concerned about the safety and health of Manitobans. They are concerned about the safety and health of North Americans, of our friends and relatives to the south, and they will have solutions. They themselves will provide the answers, but they deserve and they have the right to be consulted with, as opposed to simply being dealt with, which is what all this legislation does. This legislation has the heavy hand of government written all over it.

Mr. Deputy Speaker, I know that my time is coming to an end. There are a number of other issues with regard to this bill that I have and which I will express either during committee or during third reading, but, again, on general principle—

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

**Mr. Loewen:** Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Before recognizing the honourable member to speak on Bill 2, is there leave to permit the bill to remain standing in the name of the honourable Member for Fort Garry (Mrs. Smith)?

**Some Honourable Members:** Leave.

**Mr. Deputy Speaker:** Leave has been granted.

**Mr. Harry Enns (Lakeside):** Mr. Deputy Speaker, this is the kind of bill that I believe the old axiom holds true that we should remind ourselves of from time to time, and particularly you, Mr. Deputy Speaker, life, liberty and property are at risk whenever legislatures sit.

I, along with my colleagues, on this side want to acknowledge the need for some action on the part of the government of the day to respond to the issues that have propelled us into

making this kind of response. I do want to remind you I did not speak lightly in my opening comments, that history is full of legislative actions, both provincially and nationally, that we have come to regret at a later date. We raise them from time to time when we talk about basic, fundamental rights that we enjoy in this country and, quite frankly, is what this is all about and which we want to continue to enjoy.

\* (15:20)

I need not remind anybody really in this Chamber about what occurred under duress of wartime conditions of World War II, for instance, to Canadians of Japanese origin, Ukrainian origin, German origin, Italian origin, who found their rights severely and arbitrarily, I might add, swept aside.

We do not have to go back that far. Mr. Deputy Speaker, I do not make a particular comment about these, but I know that it disturbed a number of Canadians, I might say, not myself, when Prime Minister Trudeau evoked the War Measures Act in 1972, when there was in his mind and in the minds of those more closely associated with the events of the disturbances in la belle province, Québec, brought about by the organization then known as the FLQ, the cost of life of a provincial Cabinet minister, that took into custody in a kidnapping fashion of a senior diplomat, and, obviously, something had to be done, and the War Measures Act, which, by the way, is still on our books, was imposed.

For some of my friends, it did not have to take war that brought about regrettable action. This instance in the provincial legislature—I speak to the Member for Rossmere (Mr. Schellenberg), who should have an interest in this. A provincial legislature in this great country of Canada took away the vote from Mennonites in 1933 and it was not restored until 1948, if you can believe it. When you think about it now, I mean, it is unheard of. But that happened, Mr. Deputy Speaker.

So when you hear from this side of the House that there is a recognition that some action needs to be taken, but when we caution responsible prudence in how we address, try to

reinforce our agencies that deal with issues surrounding security, that we do it responsibly, with responsible dispatch and not with undue haste.

Mr. Deputy Speaker, while I certainly do not profess to have any crystal ball or make any suggestion that we here in Manitoba can feel secure or safeguarded simply because we are not the financial centre of Canada, we are not a Toronto or Montréal or Vancouver with its airports, I think it is a reasonable supposition to take, however, that we are not a prime target, and that we can and we do have the opportunity to consider this kind of legislation, this very important kind of legislation, and give it all the consideration and the opportunity for our citizens to fully appreciate and to fully understand. And for us ourselves to educate ourselves by speaking to the various organizations that will be impacted, whether it is farm organizations, health organizations, judicial organizations. The general public at large should have an opportunity to examine the measures that are being proposed by this minister and by this Government.

Mr. Deputy Speaker, I appreciate that this minister, the Minister of Justice (Mr. Mackintosh), is in a haste to be counted among the first in the land with this kind of legislation. I would probably even be a little bit more supportive of these efforts in his effort and this Government's efforts if he and his Government would have demonstrated some measure of political will to be among the first to root out the cause that brings this legislation to us. And I will take the time of the Chamber to remind us how isolated this Government really is in addressing that important situation, when given the opportunity to do so on the second day of this Legislature. A simple resolution calling for the support of all Manitobans and the Legislature of Manitoba supportive in the efforts to stamping out global terrorism, which is the cause, which is the root. This is why this legislation is here. This is why we are debating it.

But, no, Mr. Deputy Speaker. They could not bring themselves to do that for crass political reasons. They did not want to be out of step with their national party and their national leader, one Alexa McDonough. It is mind boggling when

you consider that in an unprecedented show of unity that this world has not seen, where countries like China, Russia, Japan, Europe, led by a soulmate of theirs, I might add, Prime Minister Tony Blair, Germany, France, Italy, all of them with a united voice supporting the efforts currently underway to stamp out international global terrorism, this Government could not support and did not support. This Government could not stand up with civilized communities and countries of the world to support our national government and those efforts by upward to 2000 of our men and women in uniform to stamp out international terrorism.

They rush in with legislation. They want to be first with the legislation. They want to impose more regulations on our citizens, but for the efforts on the part of our national government, Prime Minister Chrétien and our 2000 men and women, they could not bring themselves about to support. It really is mind-boggling when you just stop and think about it.

I want to come back to the country of Japan for a moment, Mr. Deputy Speaker, and colleagues, that country, having witnessed the horrific cost of allowing itself to be run by a military dictatorship that brought on virtual destruction of that island country during the Second World War, culminating in the horrific attacks on Hiroshima and Nagasaki. When they built themselves up from the ashes of devastation of that war, they built right into their constitution that they could not be part of a military system of the world any longer. They had severely, by the Japanese constitution, limited their security forces that they call them for solely national defence purposes. That is why Japan has resisted strong pressures from the United States and other countries to join in NATO-like agreements in the Asian sector. When the fear of communism was greater, the fear of Red China was greater, Japan has steadfastly refused to commit any military force or military presence anywhere in the world since it has rejoined the nation of western democracies following the events of the Second World War.

This issue, Mr. Deputy Speaker, is so important to the Japanese that they have amended their constitution and have sent a task

force, a carrier. For the first time, Japanese military people are supporting the rest of the civilized world in stamping out international terrorism, but our NDP government here in Manitoba could not support it. Our NDP government here in Manitoba could not support the efforts to stamp out international terrorism.

That is why I look at this bill that is now before us, that is being rushed before us, and we are being asked to pass posthaste. *[interjection]* Well, four or five days for a major piece of legislation is very hasty, is done with a great deal of haste. So, as I have said, if there would have been at least a willingness on the part of members opposite to support the root causes for this legislation and support our men and women who are trying to do something that this kind of legislation will never be needed, that surely is the aim for all of us. We do not want more big government looking over our shoulders. We do not want more big government looking into the shops of our farm dealerships to see how they store fertilizer and something like that. We will accept it if it is done right, but to make sure it is done right, we need considerable more time to look at the issues involved in this bill.

**An Honourable Member:** It was November 16.

**Mr. Enns:** November 16 was what?

**An Honourable Member:** For this bill.

**Mr. Enns:** Is that right?

**An Honourable Member:** You said three or four days.

\* (15:30)

**Mr. Enns:** Three or four days, so now it is November 19.

**An Honourable Member:** No, today is December 4. Get with it, Harry.

**Mr. Enns:** Mr. Deputy Speaker, what this kind of legislation requires, and I am surprised, I am getting letters to my office from sources that normally do not pay all that much attention to what is going on in the Legislature, and are all of a sudden finding out to their shock and to their

horror that they had better start paying a lot more attention to it.

My colleague the Member for Emerson (Mr. Jack Penner) will have considerably more to say specifically about how it could impact—I say could because I do not know—but could impact on agricultural activities in the province of Manitoba.

I do know one thing, Mr. Deputy Speaker. I do not want a bunch of urban armchair experts telling implement dealers, farmers and others what can fly and what cannot fly in agriculture.

There is a need for this bill, and I am saying there is ample time. There have been many occasions, and that is one of the true marvels—*[interjection]* Mr. Deputy Speaker, I am just in the midst of such crossfire here, comments here, that I am being totally—as you know, I have never been known to interrupt anybody else at Question Period or any other time.

**Mr. Deputy Speaker:** Order, please. The honourable Member for Lakeside has the floor.

**Mr. Enns:** Mr. Deputy Speaker, the Minister of Labour (Ms. Barrett) is baiting me.

Recall how I started this speech. Life, liberty and property are at risk whenever legislatures sit. I am afraid that we are talking here perhaps in the sense of the potential impact if used carelessly or if powers are granted without proper insight into what and where they might lead. I do not fault this Government. I do not fault this minister for necessarily knowing precisely where they are leading. That is precisely why we operate the way we do. Legislation is introduced, it is debated in this Chamber, and then there is a normal period of time to take it out to the community, take it out to the interest groups, take it out to people who very often have some very constructive advice to offer us.

Mr. Deputy Speaker, I want to tell you, I speak of some experience, that there have been numerous occasions, numerous occasions when governments and ministers, no matter how proud or good they felt about the legislation they were introducing, have not been—I do not even like to

use the word "forced"—wise enough to accept the kind of advice that sometimes is received at committee, sometimes is received at public hearings, sometimes received just from individual citizens who take the time to study the bill, study the matters or even just one or two aspects of the matter, something that we with our overall workload sometimes fail to fully appreciate or in fact fail to detect. That is why committee stage of this bill is so important.

This Government has done it. My government has done it. I appreciate that in many instances if they are bills of a housekeeping nature, we pass them through fairly summarily, the clerks can hardly pass the passages fast enough in committee stage when we holler pass, pass. I sometimes holler page, page, page, and there was a time when we said bill, bill, bill because we passed them that quickly.

But every once in a while, Mr. Deputy Speaker, a bill of substance comes along. This is a bill of substance that requires considerably more study. That is when sometimes even the time spent at committee, which I am very proud to say that this Legislature in Manitoba, I am told, maybe somebody could correct me, that we are one of the few legislatures, and not the only one, that between second and third reading has the committee stage of the bill that is open to the public and public presentation, where presentations can be made to all aspects of the bill during that period of time.

Mr. Deputy Speaker, we go one step further. This Government has done it or past NDP governments have done it, so it is not ground shattering, breaking new rules. I know our governments of the past have done it, where we have not just taken the bill to committee, we have taken it outside. We have taken it to public hearings. We have taken it to community halls. We have taken it to wherever Manitoba citizens gathered and wanted to talk about the impact of this kind of legislation, and that is what needs to happen to this bill. That is what needs to happen to this bill.

It is not reasonable to assume that this Minister of Justice (Mr. Mackintosh), despite all the expert staff that he has in the department, or



that we as opposition members can fathom all the potential dangers in the bill. They need not be dangers. They may be, as my colleague from River Heights earlier on in his comments said, just an unnecessary inconvenience or an unnecessary cost imposed on this system.

The case that the Member for River Heights (Mr. Gerrard) brought to our attention clearly indicates that an overreaction to a potential fear or concern that, in effect, was not there, cost the taxpayers of that country hundreds of millions of dollars, vaccinated hundreds of millions of people when they need not have been vaccinated. With vaccinations there is always a danger. There is always that percentage figure of a bad reaction, as there was in the case alluded to by the Member for River Heights.

So, before I want to give, under this bill, the Health officials or other Justice officials carte-blanche authority to do certain things, I want the opportunity for my Health critic to have a chance to fully examine the bill, to hear from the medical community, to hear from the health community the full ramifications of these particular measures.

Mr. Deputy Speaker, this is not a case of simply opposing a measure for opposition's sake. I take umbrage at the Minister of Justice who has introduced this bill in assuming that he wants to be among the first in the country to pass this kind of legislation. Well, we do not get marks for being first. We get marks for passing good, sound, prudent legislation that our people and our citizens can live with. We are telling them, and we are serving notice on this Government and on this minister that the kind of legislation you put forward is such that requires considerably more time than you are currently indicating you are willing to provide to us.

We are indicating to you that we are going to do everything we can to ensure that the kind of scrutiny, the kind of opportunity for a lot of other people that this bill is going to impact on are going to have an opportunity to advise us and to advise the Government, to advise the Legislature before we pass this legislation.

Mr. Deputy Speaker, there are times when we have demonstrated, and that is not unique to

this Legislature. That is the case of most legislatures. I know that the media reports from this Chamber, of course, highlight only those occasions when we oppose each other and oppose each other strenuously. The more strenuously we oppose each other, the bigger are the headlines and the stories sometimes. The truth of the matter is—*[interjection]* We will get to that, and we will get to the criminal fraud. We will get to the criminal fraud. I would be very nervous about that one.

\* (15:40)

While the Minister of Education (Mr. Caldwell) speaks from his seat, let me assure him, I have never accused him of criminal fraud. I am just suggesting there is a great deal of criminal fraud in the matter that has occupied this Chamber for the last week or two, and he knows it. That is our job to ferret out, and we will.

Again, the forces opposite divert me from my focus and from my speech. I want to indicate, as I was indicating, that if you took a random count of the number of bills that are introduced at any given session—Mr. Deputy Speaker, you have been here for a number of years. You will note that upwards to 70, 80, 85, perhaps even 90 percent of the legislation that is introduced by a government is supported by the Opposition and after a reasonable amount of debate is passed. You know that to be the case. There are, therefore, relatively few bills that an opposition that sees its responsibilities clearly in acting on behalf of the people of Manitoba will dig in and ask for time in some instances and then maybe come to agreement with fundamental parts of the legislation.

We seek this time to make this a better bill. As I said earlier on, I would hate to be wrong on this one. I do believe we have that time. In the first instance, some of the national umbrella legislation that has already passed the House has already been enacted in Ottawa, with respect to our borders, with respect to airline security, with respect to those broader things that impact on the country at large. So the rationale for us to be rushing this legislation really is not there.

We can and ought to and should take the time to ensure that the legislation that we pass,

particularly this kind of legislation that deals directly with and has the impact of dealing directly on fundamental human rights and the way we do business and the way we conduct ourselves in this province, be done prudently and that it be done with a great deal of thought.

I thank you, Mr. Deputy Speaker, for allowing me to put those comments on the record. I would advise the Government and the minister, there is absolutely nothing lost in this instance for looking at this bill and bringing it to a conclusion when this opportunity of looking at it has in fact been fully exercised.

The practice that we had, and in fact it was a bit of an agreement that we had with the then-opposition, the New Democrats, when we were in government, the last Filmon government that I represented, is that we had kind of an understanding that we would introduce, in fact, we made a commitment that we would introduce as much legislation as possible in the pre-Christmas session and then leave it and not proceed with it until we came back in spring, in March or April.

That did two things. That gave the opposition members and the individual critics an opportunity to not in haste but to have two or three months to look at that legislation, get familiar with that legislation. It gave the opposition a time to drum up support if there was opposition to the legislation among the general public. More importantly it gave the various organizations, the people and individual citizens time to understand what is being proposed in this Chamber. That in itself is not a bad format. I would recommend and suggest it to this Government.

We have agreed to more or less in terms of our sitting times in this Chamber that we will try. I do not think it is an iron-cast agreement, but I think the tradition established some time ago and one that this Government has carried out and appears to be willing to carry on, is to have relatively short pre-Christmas sessions, just as we are having now, and then to resume the full business of the House, including the Budget and the departmental Estimates, when we come back in the springtime.

This seems to me a golden opportunity to put that into practice. You have introduced the bill. We are debating it at second reading. Let us continue to debate it at second reading, and then let us come back in early March, if you want to. If you feel there is an urgency to passing this bill before then, call us back on January 3; call us back on January 5; call us back on February 1, February 3 or something like that. The option, the hammer, is in the Government's hand, as you know, Mr. Deputy Speaker.

You may not, Mr. Deputy Speaker, but I know for sure the Speaker will summon us together when the Government says so. I am pretty sure of that. So, if you want this done on January 15 or February 15, then we do it that way.

I am going to listen and I am going to read your rationale in your speeches for why this has to be done now. Why can we not take this particular bill and take it to our communities? I want to talk very seriously. I know my colleague, as I say, the Agriculture critic, the Member for Emerson (Mr. Jack Penner) will deal with some of the agricultural aspects of this thing. But I know that my implement dealers who are writing me, who store fertilizer and other hazardous waste, they do not want to all of a sudden wake up tomorrow and find out that they have to build a \$100,000 storage facility with 24-hour security around it to store \$3,000 worth of fertilizer. Foolish things have happened; foolish things have happened. Are we giving ourselves time to have the Farm Implement Dealers Association come and speak to us and tell us what they can live with and what they cannot live with?

I know that crop spraying is an issue of concern, and I am concerned about it. It is one that we readily identify as a potential vehicle for some very serious action if handled by the wrong hands. But I want to hear from them. I want to hear what is being proposed, and I want to see some of the potential regulations surrounding any actions that are taken before that is done. We can only do that if we give ourselves a bit of time.

Mr. Deputy Speaker, I am not a lawyer, but I take seriously those concerns that are being expressed in some circles with respect to some

very important fundamental, judicial and legal rights that may be compromised to some extent. I do not know if that is a fact or not, but I would like to hear from them. I would like to hear from them in brief; I would like to hear from them in person; I would like to hear from them in committee. That time needs to be provided to us.

Mr. Deputy Speaker, I have tried in my most sincere manner to give this Government every opportunity to re-examine the cause for undue haste in this legislation. I hope that they will consider it. I see nothing threatening to them in terms of their continuance as Government if this bill gets to be considered for a few more months or until we come back in the springtime.

As I said, if they honestly feel they need to have it in place by January 15, well so be it; call us back. I might remind them of their national members. Where do they stand on the national government's bill, the same kind of bill as has been passed in Ottawa, screaming haste, haste, we are rushing it, we are rushing it. Am I not right, Mr. Deputy Speaker? Was that not what Mr. Bill Blaikie was on the radio for a little while ago?

Mr. Deputy Speaker, I will indicate there was a reason for haste by the national government. That reason had to be with our very important ongoing relationship with our biggest trading partner, the United States. We had to demonstrate without fooling around that we were prepared to take this issue seriously, that we were going to look at what some call a porous border, et cetera, et cetera. Right or wrong, I am not saying, but politically, I could understand the necessity for the federal government to move with some dispatch and some hastiness in this matter.

\* (15:50)

But having done that, quite frankly, that has taken the need for haste off of this bill because, nationally, those measures, already in place, have been taken. We can now with a calm deliberation fashion a good piece of legislation out of what is before us, Mr. Deputy Speaker.

I want you, Mr. Deputy Speaker, knowing the kind of influence that you have in your

caucus, I want you to go back into your caucus room, and I want you to advise your colleagues: Heed the words from the dean of the Legislature on this particular matter.

**Mrs. Myrna Driedger (Charleswood):** I am somewhat surprised, Mr. Deputy Speaker, to see that there are not more members of the government caucus willing to stand up and speak in support of their bill. Certainly, I am pleased to have the opportunity of putting forward comments on Bill 2, and, specifically, I will be speaking to amendments to The Public Health Act which is Part 8 of Bill 2.

The amendments have been put forward as a response to the events of September 11. I do not think any of us could have ever imagined having to stand in this House and deal with such a bill addressing the issue of really what is biological warfare, and there really is nothing logical about bioterrorism.

Mr. Deputy Speaker, members of our caucus had an opportunity recently to tour the federal virology lab, and it certainly was a very impressive building with impressive work going on, incredibly stringent security measures in place there. It made us much more acutely aware of what this bill is all about.

I am the daughter of an air force veteran, and as a child I was much more aware of war. Certainly in school we participated in training exercises where we had to pretend to put on gas masks, or we hid under our desks, or we had to evacuate a building. I went to attend events at the legion hall with my father who had recently come out of World War II, and I can remember as a little girl spending a lot of time looking at pictures of my dad in his uniform and the comrades that he was in the war with. I was very captivated by this as a little girl, and this was a few years after World War II. It seemed that war was closer to us at that point in time, and for decades after that I felt safe. I did not feel my world threatened by war in any way.

September 11 totally changed all of that, where we learned in a very horrifying way that democracy and freedom can no longer be taken for granted by any of us. As we watched TV that morning, it was surreal and incomprehensible

what we were seeing, and an outcome, Mr. Deputy Speaker, of September 11 is Bill 2.

A large component of Bill 2 gives extraordinary powers to a government, so if we were going to support that, one would hope that those powers would be given to a government that one could trust. I find it very difficult, Mr. Deputy Speaker, to trust a government that for over two years has broken just about every health care promise they made in an election. They appear to have a hidden agenda in a number of different areas. They have twisted information to suit their purposes and have no shame in doing so.

When faced with questions about their broken promises, they do a number of different things. Some of them are famous for blaming the previous government, not realizing that they are into their third year, and it is time they behaved as a government. Some of them say the public misunderstood what they promised in the election. Some of them try to personally discredit the person asking the question. Some of them realign their spin to meet their own purposes. Some of them change the method of how statistics are gathered and reported to make things look better than they really are.

The Minister of Health (Mr. Chomiak) has accepted no responsibility for his many broken promises and takes great glee in personally attacking those who ask legitimate questions of him. He often does so with a sly smile on his face.

So this bill is one about trust. Trust is something that one earns. Thus far, we do not see that necessarily comes easy with this Government. How can we trust giving the ministers of the Doer government such extraordinary power when we have seen during this particular session where ministers have changed their stories day after day, ministers appear to be circumventing legislation, ministers do not appear to be sanctioned for abusing their authority? Then we have a government that is trying to, within a few days, ask us to accept a bill that certainly requires a lot of public scrutiny, a lot of discussion.

We see the federal government, certainly, has spent a number of months dealing with this issue. It spent a lot of time in committee under scrutiny. It had a lot of input and a lot of opportunity for that input. What we have seen here is a government that has tried to get this through in a few days, asking us to trust them and what they have put into this bill.

I would feel much more comfortable with this type of bill because it is something that many of us have never experienced having to put a bill like this forward, one that comes very close to perhaps trampling on civil rights. We have to find an appropriate balance between good legislation and civil rights. I do not feel that is something that we should take lightly or something that we should try to push through within a few days. If anything, it certainly requires a lot of scrutiny and good time to make good legislation.

However, having said that too, there are important measures that do need to be taken to address biological terrorism. We have seen that other provinces in the country and various states in the United States are also looking at legislation to address this very real issue in this new world of ours.

As the minister acknowledged in speaking to the bill, he did indicate that health authorities across the province, with health authorities and officials across the country moving quickly into action to prepare for any ramifications as a result of September 11, the Minister of Health did acknowledge that bed counts were made here in Manitoba, inventories were taken, contingencies were put in place in the event that patients had to be transferred. There was some concern, I guess, that patients had to be moved maybe from New York into Toronto or Montréal, which might necessitate the movement of patients from those cities to Manitoba. He indicated that a crisis centre was set up that afternoon, that very afternoon, and initiatives were put in place from the regional health authorities and the Department of Health to assist individuals who were forced to land in Manitoba.

\* (16:00)

The Minister of Health (Mr. Chomiak) indicated there was an excellent response from our Health officials, who went right into action. He indicated that pharmacists were made available, home care workers were made available, medical personnel, doctors and nurses were put in place to provide assistance and to provide service to those individuals.

It certainly, Mr. Deputy Speaker, is worth acknowledging the work of people involved in health care in Manitoba and how quickly they can respond to situations. They are to be commended.

Manitobans, too, deserve to be commended for their unwavering generosity and support. Particularly we saw it in the area of blood donations that were requested and the numbers of people that showed up to offer blood to those that might need it in the United States. I think that is a very typical response that we see from people in this province to any kind of crisis. I, too, would like to commend their unwavering generosity and their unwavering support from the people of Manitoba.

Public health officials in Manitoba were at the forefront of national efforts, according to the minister, to put together co-ordinated strategies relating to responses and relating to matters concerning bioterrorism.

Mr. Deputy Speaker, we do have health professionals in this province who regularly rise above our expectations, who do put their best efforts forward at all times. I too would like to acknowledge the efforts that they have put forward. I am honoured to have that opportunity to say that and to also say that I am very honoured to have once been a part of all of that as a nurse.

Mr. Deputy Speaker, these actions are indeed commendable, but in the *National Post* on November 3 there was some information about the situation in Manitoba. I would just like to put on the record some of the information that was indicated in that particular article. It indicated that Manitoba did not have a bioterrorism disaster plan, but nor do a lot of provinces in Canada because that is certainly not something that we have been forced to have to

address. It indicated also that there was no stockpile of medication, but again that is not unusual across this country. It indicated that there were eight mobile hospitals, which include 16 000 beds and 24 operating theatres.

The article went on to say that Manitoba has extensive emergency protocols as a result of several natural disasters, among them the 1997 Red River flood. According to Paul Anderson, the acting executive co-ordinator for Manitoba Emergency Management, he said: I think one of the differences here is that in Manitoba we have gone through several fairly substantial emergencies. Dr. Joel Kettner, the Chief Medical Officer of Health, said that the Province must add bioterrorism to the formal emergency plan and indicated that it was a move that is underway. I would like to quote him, and he said: If there was a terrorist act that resulted in a small number of casualties in a time frame that was not overwhelming, we could respond to it, no problem. However, he added that the province, and I quote, cannot handle mass casualties or large numbers of major trauma injuries.

Mr. Deputy Speaker, as the minister indicated when he did his second reading of the bill, he indicated that the likelihood of a bioterrorism event in Manitoba is very, very small. I support him in saying that I, too, hope and pray that we never have occasion to have to utilize the powers put forward in this particular bill. However, nobody ever dreamed of September 11 happening either. So, indeed, we must be very ready for the extraordinary to happen. There is nothing wrong with being well prepared.

Mr. Deputy Speaker, I would like, at this time, to address my concerns with Bill 2, specifically The Public Health Act component of it. One of the first concerns I would like to raise is the area where the minister may designate dangerous disease. It indicates in the bill that if the minister considers that, due to its highly communicable and virulent nature, the disease presents a serious threat to public health, then a minister can address the issue. After consulting with the Chief Medical Officer of Health, the minister may designate a dangerous disease.

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

My concern with this particular area is that a minister of Health is in no way qualified to make that decision. That gives a minister extreme powers as a government minister, and I am not totally sure why this Minister of Health might want to be in that kind of a position, to be the one that designates a dangerous disease. It would seem to me that perhaps the Chief Medical Officer of Health under the authority of the minister might do that, or at least the minister might want to do that upon the advice of a chief medical officer of Health and not just in consultation with. Any minister of Health would be in no way qualified to make that decision.

Therefore, certainly, it is a bit questionable to me as to whether this is something that should be worded as it is in the legislation, or if the legislation should be made more clear to indicate the process that was undertaken to reach that particular conclusion. I am not totally comfortable with the definition, because it does not specifically exclude diseases that could actually be considered, such as HIV and AIDS. And really, all that is left to the discretion of a minister of Health who has no background in health to add a disease to that list. I do not know if there would be some merit to saying what some of the exclusions might be, but if one were to read this as a stand-alone clause, one might wonder whether HIV and AIDS could fit into that.

Another concern I have is the clause that indicates: "When reasonably required to administer or determine compliance with this Act . . . a medical officer of health may enter and inspect any place or premises other than a dwelling at any reasonable time." Mr. Acting Speaker, with the definition of "reasonably required,"—and there is not one in this legislation, and I have not seen any regulations for this. I have some concern about the openness, I guess, of that particular aspect of the sentence where somebody could enter or inspect some place if they thought it was reasonable to do so. I realize this is a judgment call, but I think there should be clear rules to determine what constitutes the doctor having the right to do this. I would think, even to protect the medical officer of health himself, that guidelines which would support that decision to enter would be a reasonable

thing to add either to the legislation or certainly to the regulations.

It also indicates in the bill that a doctor can also enter a dwelling without a warrant under certain circumstances. Again, does the public not have a right to know examples of what these circumstances might include? It certainly is not stated in the legislation, and again, without having seen the regulation, I do not know whether that will be included there, but it certainly, to me, again would be reasonable, that something like that should be better spelled out, because a medical officer of health makes those decisions based on his judgment call. It can be one person making that decision, and that is an incredible amount of power to put into somebody's hands. What happens if that chief medical officer of health or their delegate, in some instances, is wrong?

\* (16:10)

Another part of the bill that I have some concern with is the aspect of force being applied where a medical officer of health, a public health inspector or a public health nurse may use such force as deemed necessary. Mr. Acting Speaker, this particular part of the legislation is certainly somewhat alarming to me, because it does not address the degrees of force or any aspect of that force and whether that force is against a person, against a building, for instance, breaking down a door, breaking a window, doing damage within a building, what kind of damage can be levelled against a person and what degree of force can be applied against that person. Can a person be knocked unconscious? What if the person was innocent of what a medical officer of health reasonably believed and therefore used force on this person? Is the medical officer of health held liable, or are they totally untouchable if they are wrong? In no place in the legislation is that addressed.

I think there might be a number of people in the province that might take some offence to this aspect of the legislation without it having some tighter parameters around it. I would even think that the medical people or the health people might appreciate some guidance in the area, too, in terms of what they are protected in doing and protected against. I guess, as generally a peaceful society, this aspect of giving people

permission to use all the force that they feel is necessary without putting tighter parameters around it does raise some alarm to me.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

Another concern, Mr. Deputy Speaker, about the bill is the aspect of forcing people to provide information. The Chief Medical Officer of Health or a person designated by the minister—and again, unless that is defined in regulation, we certainly do not know who that could be. It could be anybody. I am not sure that when we are talking about the extraordinary powers given in this bill, that should not be better defined, but it indicates that the Chief Medical Office of Health or a person designated by the minister may force other people, organizations, government departments, government agencies to provide information. This information could include personal information, personal health information, proprietary information or confidential business information.

Again, here is a particular aspect to this legislation where we fought so hard for privacy for people, and within one small clause of legislation, we seem to be certainly working against the privacy that everybody has come to expect in this country. The legislation certainly does not make clear—and again, we have not seen regulations where it might put some parameters around that. That is why I think, certainly having more time to look at that, having more public consultation in this, the involvement of people in addressing these issues, involving more people in looking at that, hopefully we can end up with legislation that has a comfort level for people as we are coming very, very close to crossing a line when we are looking at civil rights.

Mr. Deputy Speaker, I would certainly like strong assurances from somebody other than this Minister of Health (Mr. Chomiak) to assure us that this is not going beyond what is absolutely necessary, because it certainly does appear to violate the basic principles of privacy.

Again, I appreciate the unique circumstances we are discussing. We certainly have never had to deal with biological warfare, chemical warfare, any of these issues that we are now forced to look at. That is what makes it very

difficult in addressing this bill, where we have to look at things that normally we might be very uncomfortable with. Therefore, that is why I feel it is so important in a lot of these issues where we are coming close to invading personal privacy, where we are allowing force to be used upon people with no parameters around that, why I feel it is extremely important that this be looked at in a much broader way and over a good amount of time.

Can this particular section of the bill be taken out of context? This is another one of my concerns. Will the right to provide information, personal information, not even just personal health information, but proprietary and confidential business information, can that be taken out of context of this bill and used in other circumstances? That is why I wonder if perhaps the action needs to be tightened up somewhat more.

It certainly does not indicate in the legislation what happens to somebody or to a company if they refuse to provide this information. So perhaps the bill needs to go a step further. Can they be thrown into jail? What protective measures will be implemented in order to ensure that the information will be collected and should for the purposes it was intended for. Who will monitor this? Where will this information be kept? Having worked in the health care profession for a number of years, I know the stringency at which we looked at medical records security and the privacy for patients. How broadly can this information be shared? None of that is indicated in this legislation. The way it almost reads right now, it can be shared almost anywhere, because there are no parameters built into it indicating the extent of that.

The bill includes clauses saying that the Province can demand information from a band, as defined in the Indian Act, or from a government of a foreign country or the Canadian government. I have to wonder if the Province really believes that they have this kind of authority. What are the consequences if either the Indian band or the Canadian government or any other country's government refuses to provide this information.

The whole area of confidentiality of information is one that bears close scrutiny.

Again, having only a few days to peruse some of this and not having an opportunity to allow good public debate on it, I would certainly have concern that some of these issues, which I am sure have some serious concern for people, could be overlooked.

Another concern is forcing people to submit to or obtain medical treatment, including being vaccinated. This does create some problem for me, because no stipulation is made about the proof of disease being needed. You can have a person, a chief medical officer of health, making a determination and forcing treatment on somebody. I would note that a person can object on grounds of religious or other beliefs, but it does not signify, and perhaps it might in the legislation, what those other beliefs are that would allow a person not to be treated, not to be vaccinated.

If they refuse, then what happens to them? Again, the legislation does not go on to say what happens to somebody that might have small pox that refuses to be treated. What do you do with that person then? Somebody with small pox is highly contagious, highly infectious. If they refuse based on grounds of religious or other beliefs, what do you do then?

\* (16:20)

So to me it would seem that it would be in everyone's best interests to perhaps tighten up the legislation in that area to better indicate what can happen. We certainly know that with smallpox, 30 percent of the people that become infected with it die, usually within their second week of being infected. So it is not a disease that one ever takes lightly, and it is considered one of the most serious communicable virulent diseases.

The legislation also indicates that a person can be hospitalized. I question whether a person with smallpox would actually be taken into a hospital because they are highly contagious and would definitely put other people at risk. So are we talking about taking a patient who possibly has smallpox and putting them into a hospital, or are there other facilities that need to be identified as facilities that will house that person or, for that matter, anybody who might be quarantined?

If detained for 90 days, certainly, Mr. Deputy Speaker, I would wonder where they would be detained. Do we not already, as part of a bioterrorism plan, have a more concrete idea of where quarantines will actually take place?

The bill also states that a medical officer of health can detain a person for 72 hours if he or she believes that person poses a significant and immediate threat to public health. Again, I believe it should be more definitive as to when that should occur, not just if a medical officer of health reasonably believes that that person should be detained. I think it should be very clear when such powers should be invoked. I would wonder if it is acceptable to Manitobans that one person alone can make this decision with no consultation expected with another person, that you can decide that you will keep this one person for 72 hours. Almost for the sake of the health professionals involved in making that decision, I would think that there might be more of a degree of comfort if that was better defined as to when those kind of powers should be invoked.

I would like to indicate, Mr. Deputy Speaker, that I did receive a one-hour briefing from the minister about a week and a half ago. At that time, the minister had indicated that New Brunswick legislation is similar to this. He also indicated at that meeting that Alberta's legislation indicated that a person could be detained for five days, although I note in his comments on second reading that he indicated that it was seven days. So I am not sure if it is five days or seven days, but the Alberta legislation certainly seems to allow for somebody being kept for a longer period of time.

I did ask the Minister of Health (Mr. Chomiak) to provide those documents from New Brunswick in terms of their legislation as well as the Alberta legislation, and I did receive those documents only this afternoon, so I have not had time to study them carefully. Certainly having some more time to look at it raises more questions as time goes on.

In the *National Post* on September 11 there was an article where there was an interview happening with a Doctor Miller from Montréal. He is the president of the Canadian Infectious



Disease Society. He indicated that probably the easiest way to use smallpox as a weapon would be for a suicidal terrorist to infect himself and walk around a busy city street or mall. He said that an infected individual can spread the virus for up to 14 days before symptoms, which include severe aches, rash and pustule blisters, appear. Mr. Deputy Speaker, if one really looks at this and looks at an infected person spreading the virus for up to 14 days before symptoms appear, you have to really wonder how proactive this legislation actually is in terms of dealing with bioterrorism. It certainly does go a certain way to addressing some of the issues, but does it really ensure public safety? I think it addresses it in part, but we must never feel wholly comfortable that we are absolutely ensuring public safety.

So, if you have a person walking around in the first few days of being infected, some of their first symptoms might be very much similar to a flu. They might have fever, fatigue, severe headache, backache, and what if they were wandering around the mall and somebody thought I wonder if perhaps they have smallpox? At what point do you have the authority to assume that somebody might have this disease and pick them up and hold them in custody for 72 hours? I really believe it should be stated very, very clearly as to when a sick person can be taken into custody.

Looking beyond the legislation, does the Province have a larger plan to address the issue of a bioterrorism attack? We have only heard about Bill 2. But will health personnel be vaccinated, and which ones? At what point will they be vaccinated? Will they have a choice, considering some of the serious side effects of that vaccination? Then what happens? Who else will be vaccinated? We certainly know that they need to be vaccinated within one to four days after exposure. Are the vaccinations going to be kept here or in Ottawa? How quickly can we get them to Manitoba. Will we have enough of them? Are there any negotiations going on right now to secure some? How would a quarantine be implemented? Would it be citywide? Who makes that determination? Where would people be kept? Would regional transport be halted? Is there a communication plan to warn the public? Where will infected people be kept so as not to

endanger others? Are our hospitals out of the question? Can our emergency departments handle the panic where you have a lot of people who have flu-like symptoms, perhaps not knowing if they have the flu or the beginning of smallpox, because they do not know if they were exposed to somebody? Are we prepared to deal with something like that, because there certainly would be a degree of panic?

As lawmakers, we must find the right balance between the civil liberties and the emergency health powers in a new age of biological terrorism. Certainly the executive director of the Canadian Ethnocultural Council was quoted in the paper as saying the potential for members of ethnic minorities to be targeted. Anna Chiappa said she hopes the language in the legislation would list specific circumstances that are very clear about when such power could be invoked. I quote: "We need to make sure the subjective element is revoked."

As lawmakers, we must take a lot of this into consideration. We are now forced to deal with such issues as large-scale quarantine, perhaps forcible seizure of hospitals and businesses, mandatory vaccinations or treatment, destruction of contaminated property without the owner's consent. We must, however, be sure that these powers are accompanied by broad procedural safeguards, and this is where I am not sure this particular legislation has been stringent enough. Certainly, the requirement for evidence, I would like to see made more clear in the language.

Should owners whose property was seized be entitled to compensation? That is not dealt with in the legislation and certainly could have huge financial impacts on people, perhaps some people that have little knowledge of what has been going on. It is not clear from the legislation. Again, while some of it might be dealt with in more depth in regulations, we have not been privileged to have an opportunity to look at the regulations.

\* (16:30)

Are people who refuse to comply with emergency measures subject to criminal penalties? These are some serious questions, Mr. Deputy Speaker, and as not all of them have

been dealt with in the legislation, I think it is prudent upon us as lawmakers to take the time to be sure that this can be addressed.

Mr. Deputy Speaker, we are in different times and I do appreciate that September 11 has changed the world. We also have been forced into a position of walking the thin line between the protection of rights of individuals and the protection of the majority of people. I am sure that, as I have said before, most of us could probably not ever have imagined having to deal with these kinds of issues here. Certainly, we would like to work with government in order to make sure that the law that ends up coming out of Manitoba is one that works for Manitobans and is acceptable to Manitobans.

So to do that, Mr. Deputy Speaker, I believe very strongly that we need to put the time aside to have the public input. We would certainly be prepared to come back on January 3 to get back at this legislation and to be sure that we put good legislation in place for the people of this province.

Thank you, Mr. Deputy Speaker.

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Deputy Speaker, I, too, appreciate the opportunity, although somewhat rushed at points, to put comments on the record in regard to Bill 2, but, first of all, I want to just relate my experiences of being in this House and the process that I have seen in the short time that I have been here, and I guess wonder out loud. The Government these days seems to be making quite a bit of noise about passing a bill that in a lot of cases we are finding out that the public has not been consulted with or been talked to, and I would just like to relate back to my experiences when we first came into the Legislature.

The idea of a fall session, Mr. Deputy Speaker, was to present the Opposition with legislation and give them time to look at it, digest it, take it out to their communities, consult with their constituents, consult with Manitobans, consult with the stakeholders that are involved and then come back in in the spring and make amendments. These amendments quite often came forward from members opposite, in opposition, and, quite often, they were given the

time for debate and the time for discussion, but the fact of the matter was that they came back with their constituents' issues and concerns regarding bills to present on their behalf.

Mr. Deputy Speaker, again, only what I am reading in the paper, but the urgency that this Government is putting on the table about getting this bill passed, I think they are perhaps being a little too ambitious in the sense of trying to present something to the public and ask them to buy into it without fully explaining to them the details of it and the facts surrounding it and getting their input.

I know that several times in the past years as I sat in government, we felt there were issues that should be brought quickly to the Legislature to be approved. We did so usually with the consent or with the agreement of all members of the House. It was doing it for the right reason, doing the right thing for the right reason, and it was workable.

This, unfortunately, Mr. Deputy Speaker, is a bill that is being brought forward that we believe and I believe needs more consultation, needs more community involvement. I was quite amazed to find out, in reading the bill and reading the act and also some of the comments that I have seen on it, that this encompasses nine pieces of legislation in this bill presented, The Security Management (Various Acts Amended) Act.

It is not something where they can identify one particular interest group and say: We have spoken to them, we have listened to their issues, we have listened to their concerns, and we are prepared to move forward. It is issues that cover the broad base of government. It is the simple fact that there are so many areas involved that I think this Government does themselves and the people of Manitoba a disservice by trying to have this passed without full and complete discussion and input from the stakeholders in the province of Manitoba.

As in most cases in governments and in opposition, people are tasked with the duty of reviewing the bill and making the suggested recommendations and changes and things that would improve it to enhance the people that the

bill is being designed for. In reality we are designing this bill for the people of Manitoba. To come forward with it with the detail that we are seeing in it without discussion with some of the stakeholders to me is unbelievable.

I became more aware of this bill from the farm machinery dealers from all across western Canada and the issues that they have. My first question was, well, the Minister of Agriculture (Ms. Wowchuk) has stated publicly that she has consulted with all groups involved in this. I find out that she has not. I would say to you, if you want something done in a co-operative, participatory fashion, you have got to include the stakeholders.

Unfortunately, with no disrespect to any of the members opposite, but, I mean, there is a case out there right now building against this Government based on their trustworthiness. I think people are a little apprehensive about just giving it a rubber stamp. In fact I would suggest some of the backbenchers probably, and I notice that they do call out from their seats now and then, but I have yet to see any of them stand up and actually speak on the bill. We would be happy to hear what you have to say.

I am sure that your constituents would be interested in what you have to say and perhaps even the fact that you might return to your constituents and ask them what they think of it, because this does not just impact one piece of the economy in Manitoba, one group of people. It does not impact one specific group. It is all encompassing. I think it is incumbent upon a government before they bring forward a bill that they are asking the members opposite to just turn a blind eye and pass it, because, trust us, it is for the good of the people, we know what is right for the good of the people. Well, unfortunately that trust has been shattered recently. I do not think it would be a good thing for us as Opposition to rubber-stamp a bill that includes so many issues and so many parts of bills without taking it to a full public consultation.

I know that the Minister of Justice (Mr. Mackintosh) has been known to talk about the federal government ramming this through in an unfashionable way and not talking enough to the people and not consulting enough, and I would

agree with him. I think he is probably on the right path, that there is time, there is room. There is a place where we can go out and consult with the public, get their views on it.

I think the one advantage that we have to delaying the passage of this bill is the fact that the federal bill will be passed by forcing it down Canadians throats whether we like it or not. I think that would give this Government a perfect opportunity to take that bill, analyze it, and I am sure they are doing in certain degrees at this point in time, but take it in its full and in its completeness and say: How does this impact Manitobans? If it does impact us, how is it by introducing our amendments to this act, how does it impact or negate the impact of the federal law?

I have often said: Are there a lot of things that are being included in this bill that are being covered by the federal legislation? Are there areas in the health care field? Are there areas in the justice field? Are there areas in agriculture that are being covered by this act that we do not necessarily have to change our acts to comply with it? I think there are so many unanswered questions, Mr. Deputy Speaker, that it would be a real concern for people of Manitoba.

\* (16:40)

I do not see my job as standing up here and rubber-stamping government bills. If I agree with them, I will support them. If I do not agree with them, I will not. If I do not fully understand and do not believe my constituents fully understand, I will ask them. That is what I think we are saying to members opposite. I know that if they are concerned about a deadline and about a timeframe, we are prepared. I mean, call us back. We will do whatever we can to help the Government develop the best legislation possible, but do not throw it out there and just say: Well, you are not agreeing, so obviously you do not like what you are seeing and, therefore, you are against the Government. Well, you know, there could be a lot of good things in this bill, but there are certainly some things that people have already brought to my attention. I am not prepared to rubber-stamp this type of bill without further consultation, without the stakeholders.

The acts being covered by this bill, The Dangerous Goods Handling and Transportation Act, what does it do? The amendments give the director the power to order anyone who handles or disposes of dangerous goods or contaminants to develop and implement security measures. Sounds good. I think it is a good issue, but where do we start and where do we stop? What guidelines do we put into place? Who is going to regulate it? Are we going to have dangerous goods police out there monitoring every person that is handling this, or do we have to set reasonable guidelines, rules and laws that most law-abiding people in the province of Manitoba would abide by?

The Emergency Measures Act is brought into play. It is another factor. It is another key to the bill that they are introducing. The amendments there suggest that they establish a process for ensuring that all local authorities have emergency preparedness programs and emergency plans to keep them up to date.

Based on my experience as being part of the Government in the flood of '97 and some fires that we had up north, I would question, Mr. Deputy Speaker, whether we are not already doing this. I guess whether we formalize it in writing or change the act to include a few more words, I think that it is already being done to a great degree. I do not think anybody is trying to downplay the events of September 11, but I think what we are trying to do is say: Let us move forward slowly. Let us move forward with some thought, and let us move forward with the discussion with the public in the province of Manitoba.

Another part of the act that comes into play is The Manitoba Evidence Act and, again, amendments being made to create a process for objecting to the disclosure of information before a court. It can be administrative, tribunal or a similar body on the basis that a security interest of public health interests needs to be protected. Again, I read the legislation, and the question that I come out with is: Who are we empowering with this type of authority? It concerns me, as I am sure it concerns a lot of Manitobans.

It is interesting that this Government, who we have seen in this past session and in sessions

before, that they continuously—the words I would use I guess are "make the law as they go along," and if they do not like it, they break the law and create another one that satisfies their objectives and goals. I think that scares the people of Manitoba. I think that type of power in anyone's hands, but I guess in my case, in particularly this Government's hands, would be a cause of great concern for me and for a lot of the people that I represent in the constituency of Turtle Mountain and from across the province, from people that I am talking to.

The Fires Prevention Act, No. 4 out of 9 alterations that they are making in this bill, the key amendments again broaden the Fire Commissioner's role in responding to emergencies and require every local authority to file an annual report setting out the emergency response resources available in its area. Again, not something that is a big issue, but again, what I am hearing from my constituents and the people is one of time. It is one of: Who does the information go to? Who is going to be handling this information? Whenever you put something down on a piece of paper and send it to the government of the day, I think everyone worries where that will end up and, particularly, in certain parts of this act where we are talking about very confidential information, very personal information.

I would hate to think that the ability to release or deny publication of such information would be left in the hands of one person or one or two people. Again, the experiences that we have had in this House in recent times just reinforce my doubt and my concerns and I think, again, concerns of the public in the province of Manitoba.

The Pesticides and Fertilizers Control Act, No. 5 in the act that they are making amendments to, and this is the one I guess that first brought Bill 2 to my attention, and I think it brought it to the attention of a lot of our colleagues in this House. I can understand a little bit why members opposite maybe have not heard from this group, this group of people in our economy and our communities. It is farm related, and they have a tendency on the other side of the House to ignore the farm issues of the province of Manitoba.

Again, it seems ironic that the Minister of Agriculture (Ms. Wowchuk) would publicly state that she has consulted with every group and every organization involved in the farm industry, and yet we are getting letter after letter after letter from involved people in the agricultural industry who are saying: What the heck is going on? Why has somebody not talked to us? In fact, I am told that KAP is meeting with the Government the day after this session ends, and that will be considered their consultation on this issue.

Again, Mr. Deputy Speaker, it is a cause of concern for me. It is a cause of concern for my colleagues and I think certainly an issue for the people of Manitoba who understand that there is a serious, serious issue out there. There has to be a way to deal with it, but they want to have input, they want to be a part of it, and they want to be involved in it.

The Pesticides and Fertilizers Control Act, I just want to state a couple of the issues that have been brought to my attention, and I am certainly sure that there is more than one or two. I talked to a gentleman who is involved with the Canadian equipment dealers. It took him about three seconds to smell this one out, and he immediately called me back and said it is going to be a big issue, and just as the Government did, they consulted when they changed The Farm Machinery Act. They consulted with people. They talked to farmers. They talked to dealers. They talked to suppliers. Although we introduced the act earlier, or the bill, they basically adopted everything that was being said in that bill and we supported it. That is how, to me, you get good legislation and you get legislation passed to some degree without debate and argument from all sides, because the community is involved in the decision, the participants understand the issues and they have had a chance to contribute.

Under The Pesticides and Fertilizers Control Act, farm equipment dealers have expressed concerns, and I would like to put a few of them on the record just so that we understand the issues and understand that it is a large group of people that is involved in this. It is not just the equipment dealers; it is not just the spray people; it is not just the fertilizer people; it is not just the

consumer; it is not just the farmer who is taking on all this product and hiring it out. They note that in section 3.2 of this act refers to the sale or lease, and it states: "A person who sells or leases prescribed aerial or ground-based spraying equipment must provide prescribed information to the minister in accordance with the regulations at least 10 days before transferring possession of the equipment."

\* (16:50)

Well, I guess the way I read that, Mr. Deputy Speaker, is if I am a spray pilot and I have a plane that I decide I would like to sell, and I come to you and you and I agree that this is a good deal for you and a good deal for me, but it is only good if you can start working tomorrow and earning back the revenue that you need to make the payments, and at the end of the day I say to you, oh, by the way, Mr. Deputy Speaker, the deal is good, your cheque is good, but we have to go to the minister to get approval, and you cannot start working for 10 days.

Now, I do not know who anybody consulted with, but in today's world deals are made every second. We cannot be sitting in an environment where we have to go check every time we decide we want to make a deal. Now, this is just one instance of two private individuals making a contract between themselves. We have a complete dealer network out there of agricultural sales that are selling ground fertilizer and spraying equipment to thousands of farmers every day. In fact, it is such a good industry in some areas, dealers are surviving in the industry just by selling that product, by selling one line, spraying equipment of all sorts and sizes.

Now we have to go to the minister? I presume it is the Minister of Agriculture (Ms. Wowchuk) who will give us the rubber stamp on that, but the fact that it would take 10 days in these times I would suggest is probably not well thought out. Perhaps it has not been discussed with the people involved to see how they feel about it, because the information that we are getting is that it is not good enough for them, it is not satisfactory to them, and they would like this issue debated and discussed and perhaps amended.

Maybe the Minister of Agriculture has a gift that she is going to bestow upon the people of

Manitoba and say that she actually listened to somebody on this bill and will create an amendment that we can all be satisfied with.

Again, back to the point that I started out, Mr. Deputy Speaker, bills like this are made to go to the public and get their input and make it a good bill, because it is a good bill, it is a bill for everybody. It is all-encompassing. It is not one segment of the industry, it is not one segment of the province, it is everybody. The bill is designed to do that. I support the Government for their attempts to present a bill to the public that satisfies some of those anxieties that have occurred not only to us as individuals but to our families, to our friends, the impact of September 11. The world changed that day, I believe. I believe that we have to be careful and considerate when we are trying to bring forward legislation that deals with that issue. That is the issue that is in the back of our mind when we are drafting a piece of legislation such as this.

I think it is only fair and I think it is reasonable to ask that it go out to the public and let them have some input into it and let them feel at the end of the day that the bill was drafted for all Manitobans by a Legislature that could stand in unison together and say we support this bill, and we support it because the people of Manitoba support it and have had input into it and understand it and are not going to be caught off guard by some part of this act that is not being discussed or has not been discussed publicly.

Just to highlight that point, I was reading in the paper, it is a *Winnipeg Free Press* article, Thursday, November 15, where the headline I think says it all. It says: Teen's phoney ID may net \$50,000 fine under new NDP law.

Now, I think we are all reasonable people. I suspect that is not the intent of what they are trying to do with this piece of legislation. If they are I wish they would just declare it. Then we would have an issue to take out in the public.

I do not think it is the intent, but that is how people are interpreting it. I think it has to be explained to them, and I think they have to be asked what they feel about it.

I think many members of this House, well, obviously at one time we were all teenagers. For some it has been a longer period of time than others, but we have all had probably teenage children or had to deal with teenagers. Sometimes they do these kind of things without understanding the full repercussions of the law. Then they get a bill like this put in front of them, and, I mean, it certainly highlights it very clearly that if a 17-year-old changed his birth certificate to show him as 18, that he could face a \$50,000 fine. Boy, what a wakeup that would be, eh? There would be no ability for him to say: Well, I did not know it was the law, because, I mean, obviously, if the people on that side of the House want us to pass this law without fully understanding it, I think that is a real flaw that we have with this type of legislation. When you are dealing with such a big issue like this, you are dealing with every facet of our communities. We are not just talking about—

**An Honourable Member:** Individual rights are being taken away.

**Mr. Tweed:** Exactly. We are not just talking about one group of people or one specific part of the province of Manitoba. It affects children. It affects men and women. It affects adults. It affects our grandmas and grandpas, and it affects everything that we do. I cannot emphasize enough that this is something that is not to be done with speed as opposed to without thought. And I am very concerned that we are getting too far ahead of this on this issue, and the fact that people are going to stumble onto all sorts of these issues if they give us enough time.

I think it is only fair that a government would want to go out and ask the people. I know that the Minister of Health (Mr. Chomiak) has talked about consulting, consulting, consulting, and most people, they would agree, I think, he has done a reasonable job of that. I would ask him to appeal to members opposite to say: You know, what is the rush? Why are we doing something so quickly that perhaps, maybe, we do not even understand? If we do understand, I would ask members opposite to get up and give us a full explanation.

*Mr. Speaker in the Chair*

They seem to want to chide from their seats a little bit, but they refuse to stand up and support the bill that they are presenting on behalf of their colleagues. They become silent, actually, and you know, there is the thing about growing up, and you always know when somebody is silent on something, it starts to make you wonder what they know, what they are not telling you. What are you hiding? Is there something in here that I should know about? Is there a hidden agenda? Exactly. We have seen it from members opposite throughout their short term in office, and I suspect people in Manitoba have no reason to doubt that this may happen again.

There are some concerns, and I think we should address it. It is our responsibility to address it, and I certainly want to take some time and go out and talk to my communities. I want to put the issues in front of them and ask them what they think. I want to find out how it is going to impact them. Then I will come back, and I will present on their behalf to this Legislature things that I have heard and seen and suggestions that will make this bill better for all Manitobans.

Mr. Speaker, there are other parts of this article that I do want to reference, just briefly. There are issues about being able to detain people for more than 72 hours, and it is brought to light in this article. I mean, people are concerned about it. They have heard about it. They have had really no formal explanation or an understanding of it, and again, I think that is what we have to do. I think we could all leave here as 57 MLAs and go out and present a package to Manitobans that we could all support, and say: You know, this is good because we have listened to everybody. We have got input from everybody, but instead we choose to try and rush things. I think we all know, sometimes when we rush things, we do not necessarily do the things that are right for people. We do what is convenient and expedient but not necessarily serving the people.

Another one of the parts that is being amended by this bill, Mr. Speaker, is The Private Investigators and Security Guards Act. The amendments move to strengthen the licensing requirements for security guards. There is not a whole lot of detail there, but again, having parts of the security business in some of my

communities, I would like the time to just ask them what they think of it. I do not think any one of us can stand up here and say, across the board, that we fully understand this bill and that we are prepared to pass everything as a bulk package without having had the opportunity to talk to the stakeholders that are involved.

\* (17:00)

The seventh change in the act, in Bill 2, The Proceeds of Crime Registration Act, these amendments allow a restraint order to be made under the Criminal Code in respect to property belonging to or controlled by suspected terrorists to be registered in The Personal Property Security Act.

I have to read this again. The Proceeds of Crime Registration Act, the amendments allow a restraint order made under the Criminal Code in respect of property belonging to or controlled by suspected terrorists to be registered in the personal property registry. Is that suggesting that the terrorists are supposed to advise the government of the day of their criminal ongoing and perhaps—[interjection] No? Well, then, if the Member for Brandon West (Mr. Smith) would like to correct it, I would certainly welcome him to stand up and make his speech and tell us what he understands of the bill.

It is certainly interesting that the members opposite ooze with information that they are not willing to share with anybody, so it would suggest to me that really they probably have something that they are not sharing with the rest of Manitoba. Until they are prepared to, then they have a right to speak on this just as we do. If they have something to offer, then I would be interested.

Anyway, the member from Brandon West talks about briefing people. I would say the only people he probably has not briefed is the public. We certainly know that the Minister of Agriculture (Ms. Wowchuk) has claimed to have briefed everybody in the agricultural industry. Well, that has been disproven again and again. So it is certainly interesting that they chirp from their seats, but they fail to stand on their own two feet and speak what is in their hearts and their minds and are being controlled by one or two individuals.

It is quite interesting, and you know what? I look back at this bill, and I look back at the tragedy of September 11, and everybody across the world, the issue became terrorism. It became a word that everybody understood after that day. To me, a bill that this Government should be presenting should deal with terrorism in this province and how do we protect ourselves against it. It is interesting that the first time I see it even mentioned, particularly in the notes that I have, is under the proceeds of crime registration, that suggest that they should register that stolen property so that we know where it is.

The idea of controlling or eliminating terrorism in this province would be for the Government to look at the terrorism that is taking place on our streets in the province of Manitoba and deal with that. The real terrorists, and we have them, are living here in this province, and they are putting people's lives in danger. People are afraid to leave their homes. People are afraid to go out in the streets because government has failed to address that issue, and that is a terrorism issue, as far as I see it.

The other part of the act that they are changing or adding to, number eight, is The Public Health Act. The Public Health Act, the amendments, give public health officials additional powers to respond to serious health hazards and dangerous diseases. These include enhanced powers to make orders to prevent, remedy or otherwise deal with serious health hazards. It also deals with, if there is a significant and immediate threat to public health, the power to detain and treat persons suffering from dangerous diseases, subject to a court review. How long does that take, and what do people do while we are going through the court review process? I guess, have we talked to people and asked people that have been or foresee that they could be in that type of situation? What are we doing for them, or what are we hearing from them in these areas?

The Vital Statistics Act talks about the amendments to create offences for making false statements or having or using false documents. I guess that would refer back to the youngster who might have changed his driver's licence birth date so he could get into a bar on a Sunday morning at nine o'clock and have a couple of

drinks with his buddies. I am sure there will be a bar open, at least so I am told, and he could be subject to a \$50,000 fine.

It certainly creates some questions and issues, and they are going to increase the maximum penalties for these offences. Well, you know, certainly, the experiences that I have had and the people that I have talked to would suggest that there are pretty severe penalties in place now when that happens and that we seem to be developing legislation that punishes probably the better or the good part of our communities, as opposed to the actual terrorists that are out there on a day-to-day basis.

Some questions that I am hearing out there from people, they talk about The Dangerous Goods Handling and Transportation Act. How does it affect farmers? What will be the cost? How will it affect lawn and garden and maintenance companies that handle the fertilizers and pesticides? Is it going to drive up costs? Who is going to pay that cost? Who is going to regulate it? Are we going to have a bunch of regulators running around the country checking on every little issue in this bill? Then, again, I guess another question might be who is going to pay for it? Is the Province going to hire these people? Are we going to develop a training centre?

Maybe there is another idea for post-secondary education. We could build a school to train regulators to enforce Bill 2.

**An Honourable Member:** The Orlikows could run that.

**Mr. Tweed:** Perhaps, yes, they might know somebody in that business, and they could get a deal or a discount, and, who knows, in a short period of time we could have legislation and schools being built. Well, I will not go there.

Other questions that I am hearing, Mr. Speaker: Who is going to develop the standards that will be applied to the affected industries? Is it going to be the same as the national standards? If it is, why would we create a second layer of standards that are similar or equal to the federal standards? *[interjection]* Well, it is certainly the idea of this Government. I can remember when the farm crisis phone line was opened up in Brandon, the Member for Dauphin (Mr.



Struthers) got up and said, boy, this is the best job creation idea we have had in this Government. I thought to myself, you know, creating four government jobs really does not have much to do with economic development, but it was a proud day. Actually, I think further in his comments he stated that he really hoped that it would grow to eight or twelve people. So I guess it is just a different way that we look at things and the way we try and resolve issues and our problems, but, again, questions that are being asked and not being answered by the Government.

In fact, since the Government is not standing up and putting their position on the record, I would suggest they probably do not have the answers because they probably have not talked to the stakeholders, or they could have and we just have not found it yet. But we will keep working. We will keep asking questions, and we will keep talking to our constituents and to yours, by the way, because they want us to ask the pertinent questions and the relevant questions that they cannot seem to get through to this Government. *[interjection]* I know the Minister of Agriculture (Ms. Wowchuk) likes to yell from her bench, but, again, I invite her to stand up and put her position on the record because it was her who stated that the farmers and all the stakeholders involved in this bill have been contacted and talked to, and we know that is not true. We know that is not true.

So, Mr. Speaker, there are several questions. I do want to go back to The Pesticides and Fertilizers Control Act, section 8. It is amended by adding the following after clause (c.6): "prescribing requirements for the secure storage of aerial and ground-based spraying equipment and the disabling of them when not in use."

Who is going to verify that? Are we going to have more of your regulators out there? I mean, perhaps we can hire all these other people that you are sending out and we will train them to do that too. They can do that as part of their job, but—

**An Honourable Member:** You do not trust the farmers, eh?

**Mr. Tweed:** Yes, we trust the farmers, and that is why it is not stated in this bill. You do not

trust them, Madam Minister. It is you that does not trust them.

\* (17:10)

We have said, Mr. Speaker, that this bill can be debated and talked about for a long time. We, on this side, feel that the public needs more input. It has been stated before, I think by all members on this side of the House, that we are prepared, if the government of the day chooses, to negotiate or discuss this beyond the end of this session. We are prepared to do that. I would ask: Are they? I guess we will find out.

I would suggest that they are not, or suspect that they are not, simply because we have not heard any of them stand and put any comments on the record that would indicate otherwise. I leave that out there as a challenge. Stand. Be counted. Say that you are out there talking to people and finding out what the issues are around this bill and bring back a bill that we can all stand and support, not something that empowers people with more power than we believe is necessary. It is interesting that the Minister of Agriculture makes a comment about not trusting farmers. It is the farmers that do not trust this Government, Mr. Speaker. Thank you.

**Mr. Speaker:** Order. It is very, very difficult to hear.

#### Point of Order

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, the member across the way just put on the record that I said we did not trust the farmers. I want to correct the record. What I did say to the member was that agriculture is exempt from this legislation. That information was provided to them.

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

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

**Mr. Tweed:** On the same point of order, I said that farmers did not trust you.

**Mr. Speaker:** On the point of order raised by the honourable Minister of Agriculture and

Food, she does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I appreciate the opportunity to stand in the Legislative Assembly today to debate Bill 2, The Security Management Act, which was introduced into the House here on November 14. This particular omnibus act has impact on virtually every Manitoban, and I think it is imperative that all of us have an opportunity to examine this legislation and to, in fact, participate in the debate, as this particular piece of legislation is vitally important to each and every Manitoban. I find, by a number of comments that have been heard aloud within the Chamber this afternoon, a lack of participation and willingness to debate. I do not believe that this side of the House is not wanting to debate this particular legislation. In fact, all of us that have participated today are members of the opposition benches.

For the record, the majority of members on the government side of the House have not elected to participate in the debate. I want to recognize those that have insofar, as the Minister of Justice (Mr. Mackintosh), the Minister of Health (Mr. Chomiak), the Minister of Agriculture (Ms. Wowchuk) and the Minister of Consumer and Corporate Affairs (Mr. Smith). All have participated in the debate.

Certainly, I would like to encourage all members on the government side of the House to represent views that their constituents have on this particular piece of legislation. I know that the member from Flin Flon has constituents that will be impacted by this legislation and, yet, has not yet chosen to rise and debate. I know there are constituents of the honourable member from Selkirk that will be impacted by this legislation. Yet both members have chosen not to rise yet in this House or have yet to even indicate that they want to speak to this particular piece of legislation.

I know earlier today the honourable Member for Dauphin-Roblin (Mr. Struthers) had extensive background dialogue when the

honourable Member for Lakeside (Mr. Enns) was attempting to participate in debate on Bill 2 in the Legislative Assembly, to the point where the Deputy Speaker had to ask that the decorum of this House be improved upon, so that the Deputy Speaker could, in fact, hear the honourable Member for Lakeside. Yet the Member for Dauphin-Roblin has indicated no interest in participating with debate on the record, although a lot of off-the-record debate has taken place.

Mr. Speaker, I speak in opposition to Bill 2 on the basis that I believe that the legislation is one that is not necessary in its current form. I believe that this Legislature is fully able to address what is ever necessary to make certain that all Manitobans feel secure after the events of November 11, 2001.

**An Honourable Member:** September.

**Mr. Faurshou:** I correct the record, September 11, 2001. Mr. Speaker, I believe that we have exhibited the ability to act and act quickly as a Legislative Assembly, because I have recollection of the situation over at the Law Courts Building where there was a decision regarding the metal detection devices that were in operation in the Law Courts Building as being out of scope with the current legislation, and they were asked by the court to be suspended in their operation.

This Legislative Assembly, and I will give the Opposition at that time, the New Democratic Party, credit; it worked with government at the time to very, very quickly pass legislation so that those metal detectors could be turned on and turned on very quickly. That is the purpose of this Legislative Assembly: to recognize the need and to react and react quickly. But we do have to be conscious of what we need to react to. This particular piece of legislation is all over the map, and, unfortunately, there are other pieces of legislation that this Government has passed that are indeed all over the map. This Government does not appreciate some of the legislation and how it impacts on Manitobans.

I will speak very specifically about the legislation pertaining to drainage here in this province, where the legislation was discussed

and debated within this Legislative Assembly, that it would not have significant impact on the agricultural community in the province. Yet right at the present time department personnel representing Manitoba Conservation are out there saying that if a farmer is operating a piece of equipment in his field and he is creating a rut because of moisture-laden soil conditions and if water runs in one direction or another within that rut, he is contravening the legislation and will, in fact, be charged. These are not idle words. These are the words of duly appointed representatives of the Conservation Minister (Mr. Lathlin).

I refer to other pieces of legislation as in reference to the importance that we get down to common sense and understanding about what it means to implement a piece of legislation. If one goes to specifics within Bill 2 and recognizes what impact it will have on individuals here in the province, I ask those members of the government side of the House, whether or not they believe that it is in the public's best interests to ask those customers in a hardware store that are picking up an aerosol can that they wait because of a dangerous product, that when they buy that aerosol can they ask that that particular merchandising, retailing outlet to hold that while they are investigated.

\* (17:20)

**An Honourable Member:** Not true.

**Mr. Faurchou:** The Minister of Agriculture (Ms. Wowchuk) says this is not true. Yet legal opinion from the Government's own counsel has stated that there is no prescribed amount of any dangerous good as the restriction within this legislation, and therefore it does not matter whether it is a gram, a kilogram or a metric ton, it is, in fact, within the scope of this legislation.

So I refer perhaps to a commonly used aerosol can in the trade name Raid, where this particular product will not be available to the public until the individual within the public has been checked out by the Minister of Justice (Mr. Mackintosh). Further to that, the other ramifications of this, as it pertains to agriculture, yes, as the Minister of Agriculture has stated, perhaps primary producers are exempt from this legislation; however, we as primary producers

rely heavily on the retail sector to support our agricultural activities, and this particular piece of legislation is very much, in fact, going to impact on all of those retailers here in the province.

I ask whether or not consideration has been given to the equipment dealers' concerns as to the wait for 10 days. If in fact I as a producer am receiving services from a particular retail outlet that has a problem with their equipment, and they need to lease or buy a replacement piece of equipment, they have to wait 10 days. I do say, Mr. Speaker, 10 days within spraying season to a producer here in Manitoba is a very, very significant amount of time. Potentially, 20 to 35 percent of our available time to apply herbicides here in the province would be consumed in a delay waiting upon services where the retailer would be encumbered by this legislation.

We also want to know exactly how one can be expected to totally, 100 percent, guarantee security of fertilizer or herbicides or fuel oils within the scope of this legislation. It is almost impossible, as the Minister of Justice (Mr. Mackintosh) has stated, to think like a terrorist and to come up with all of the options that a terrorist may contemplate here in activities, maybe in our own province but certainly here in our global community.

So, Mr. Speaker, I really question the necessity of a piece of legislation which will only really, truly encumber those that are law-abiding citizens here in our province and really will not encumber the terrorists which our global community has experienced most recently and continues to be experiencing to date. In fact, our global community is engaged in war against terrorism as we debate this piece of legislation.

So, Mr. Speaker, I really cannot find anywhere the support that is necessary to see this piece of legislation pass into law for our province. I believe that we as a Legislative Assembly have the ability to react very quickly to any situation should it become apparent as a security issue here in the province and need not put this omnibus bill on the books, impeding many, many Manitobans who are law-abiding citizens.

Mr. Speaker, I believe that resources are in very short supply here in the province, and I ask

the ministers: Truly, what is going to be the cost of implementing this piece of legislation? No discussion has been made in that regard whatsoever. Yet we are abundantly aware of the real need for additional resources because, as was publicized in the last couple of weeks, Stats Canada recognized our Capital Region here in Manitoba as leading the nation in the number of homicides annually, the number of occurrences of violent crime annually also leading the nation. We are No. 1, here in the Winnipeg area, for the number of robberies that occur annually, as well as the number of sexual assaults, assaults, auto theft, and rate of mischief. We rank No. 1.

Do you not believe that resources are absolutely needed to address what we already know as a threat to safety and security of Manitobans? We most certainly do. It is imperative upon all of us in this Chamber to make certain that the resources are allocated in a most defined manner so as to address what we already know is a threat to all Manitobans. We need not be looking into the closets and elsewhere and dreaming up potential threats that, perhaps, we may be addressing by Bill 2. I know, most certainly, that we are not addressing them by Bill 2.

I hope that the Minister of Justice (Mr. Mackintosh) listens to some of the suggestions made by persons that are participating in this debate and actually takes the lead of the honourable Minister of Transportation and Government Services (Mr. Ashton), who just recently last week heeded the call for changes to Bill 3 that pertain to photo enforcement, or photo radar as it is most commonly referred to in the media, and recognized that the proceeds that are deemed surplus from fines that are issued through the photo enforcement should be, in fact, directed specifically to traffic safety and policing initiatives and has made a statement by way of press release that he intends, once Bill 3 gets to committee, to introduce amendments to address what he had heard from the public.

I believe that if the Minister of Justice heeds what he and his other colleagues on the government side of the House are hearing in regard to Bill 2, he will introduce changes to this particular legislation and perhaps recognize that the legislation is not necessary.

I believe that the federal government has come to the realization of the need for added security to make certain that all Canadians are safe living in this nation known as Canada, and has passed legislation that was supported by the Progressive Conservatives and was supported by the Canadian Alliance and was obviously supported by the Liberal Party. But I wonder why, perhaps in recognizing a similar act of legislation, the New Democratic Party federally did not want to participate. They felt it was impinging upon the rights and freedoms of Canadians.

Yet, here in the Manitoba Legislative Assembly, Bill 2 does impact on the rights and freedoms of Manitobans. I look to the members of the New Democratic Party who have not yet spoken and I ask them if they are not concerned and why they are not participating in the debate on Bill 2, which will, undoubtedly, impact on their constituents, constituents that voted for them and rely on them to represent their best interest here in the Manitoba Legislative Assembly.

\* (17:30)

The honourable member from Flin Flon says that he is doing just that in remaining quiet regarding Bill 2, but I do look forward to listening to the honourable member from Flin Flon when he rises to speak on Bill 2 here, as we consider it in second reading.

Well, Mr. Speaker, I do want to make mention of some of the concerns that we have as individuals within the global community and, certainly, it is our responsibility as Manitobans and as Canadians to do our part within the world. I am very, very pleased to recognize the young men and women of our Canadian Armed Forces who are participating and putting their lives at risk in making certain that we, as Canadians back home, are going to live in safety and security.

I want to pay particular note of the personnel of the HMCS *Vancouver*, a frigate that left just last month and is leading a task force, primarily made up of U.S. warships, into the battle region that we all know occurring in Afghanistan at the present time, and will be taking up positions in the Persian Gulf or the Arabian Sea.

One of the ships in the task force was U.S.S. *John C. Stennis*, one of the frontline aircraft carriers of the United States of America, and it is the 250-plus personnel of the HMCS *Vancouver* that is acting as point in the task force travels to the Persian Gulf region. That is a true testament to their abilities, as must be recognized, as the Canadian Navy is the only navy in the world, Mr. Speaker, that participates regularly with the United States of America Navy in their maneuvers, because they have such high regard for the training, and, might I say, the equipment as housed in the new frigates that the Canadian Navy is operating. The HMCS *Vancouver* will be joining already the HMCS *Iroquois* and the HMCS *Charlottetown*, as well as the HMCS *Preserver* who are already on station in the Persian Gulf.

I want to wish the very best and speedy return to the Canadian men and women who are serving abroad, making certain that our global community is a safe one for which all of us are certainly benefiting from and should all be recognizing of their participation, which effectively brings me to my last point which I do want to make, Mr. Speaker, of my dismay that I experienced here in the House. I did not have the opportunity to debate the resolution, which was placed before the House on the second day of this Third Session of the Thirty-seventh Legislature. That was a resolution that was passed by five other provincial legislatures in Canada.

It was anticipated by members on this side of the House that the Government would introduce that resolution for debate and unanimous passage by all members of this Manitoba Legislative Assembly. It was only after we, on this side of the House, recognized that the Government was not going to do that, and introduced the resolution, so we on this side of the House took a proactive move and introduced it into this Legislative Assembly and participated in debate in support of its unanimous passage. It was with great dismay, Mr. Speaker, that the government members of this Manitoba Legislative Assembly, members of the New Democratic Party of Manitoba, did not allow for a vote which would have given the opportunity to all members of this Legislative

Assembly to which we are privileged to represent our constituents.

I ask members opposite. I look to the Member for Rossmere (Mr. Schellenberg) and whether or not he can go back to his constituency and say to his constituents that he was not in favour of passing a resolution that supported our federal government, supported our young men and women of the armed forces and supported the global community in its fight against terrorism. I ask the Member for Rossmere whether or not he has done that, because I believe he is an honourable man, and I believe, truly, he wants to represent the best interests of his constituents. I do not believe that the Government's actions of the second day of this Third Session of the Thirty-seventh Legislature was in the best interests of all Manitobans. I am very regretful, Mr. Speaker, to say that I was a member of this House at that time because I believe the action was shameful.

We have the responsibility to act in the best interests of those that have chosen us to represent them here in the Manitoba Legislative Assembly, and I believe that it is incumbent upon us, really, to look at proposed legislation through the eyes of those that will be impacted by the legislation. I believe that Bill 2, The Security Management Act, is not a piece of legislation which is in the best interests of all Manitobans, although I do believe that Manitobans understand the reality that was so front and centre with all of us. The occurrence I speak of is that of September 11, 2001, when terrorists took aircraft and commandeered those aircraft and suicidally put those aircraft into buildings causing extreme damage as well as huge loss of life.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

So, Mr. Deputy Speaker, I know that Manitobans, I know that Canadians, I know that persons around this world recognize that governments must infringe upon their rights as citizens of the world in various jurisdictions so that their safety and security can be protected, but I do not believe that chasing after ghosts and then not understanding one's legislation is the way to go about this. I believe that we as legislators here have the ability in which to react, and I call upon everyone in the Manitoba

Legislative Assembly to believe in themselves and in their ability to react to whatever situation that causes concern to the safety and security of Manitobans regardless of where they reside, whether it be in Churchill, whether it be in Emerson, in Virden or in Falcon Lake. We have that responsibility. I know that we are up to the challenges of that responsibility, so therefore Bill 2 is unnecessary.

I have spoken in regard to this legislation. I have spoken in support of what I believe is the abilities of all members of this Assembly. I have encouraged all those members of the Assembly to take the opportunity to speak on this legislation because I believe that those who elected individuals to this Manitoba Legislative Assembly are counting on, and expect it, of their representative to participate and not remain silent when a piece of legislation is being passed that will impact upon their lives and the lives of their family members. It is vital that we exercise the responsibility to which we have been elected. It is part of our oath of office, and if you remain silent, that responsibility, I hope, is re-evaluated by those who elected you.

\* (17:40)

Mr. Deputy Speaker, I certainly appreciate the opportunity to participate in this debate this afternoon. At the conclusion of my remarks here this afternoon, I did miss welcoming the pages to this Manitoba Legislative Assembly when I addressed the Throne Speech. I want to do that now. I hope that their experiences here are ones that will last a lifetime and be ones that will be looked back upon with fondness.

So thank you very much, Mr. Deputy Speaker, for the opportunity this afternoon. I ask that all members of the House think long and hard before they cast their vote in regard to Bill 2. Thank you.

**Mr. Jack Reimer (Southdale):** Mr. Deputy Speaker, it is my opportunity and my pleasure really to stand up and put some words on record in regard to Bill 2 that was introduced on November 14 into this House. I must point out that at that time the members across said: Well, you know we have to move this bill through and move on with it. You have to remember that

even for the introduction of this bill we granted leave so that it could be introduced in a speedy manner with the understanding that a lot of events that have unfolded over the last tragic month and a half or so since September 11 had precipitated a lot of government actions in various areas.

We saw how, on the federal scene, the federal government brought in legislation. I believe it was Bill 36 that they brought in, in regard to their approach to terrorism and a bill of that nature in that respect. We saw that the federal government is going along in a sense on the same lines that this Government is doing. They do not want to hear from the people. They did not want to hear for it federally, and they put it through, using closure.

I would think that, as regards this Government provincially here, the bill has been introduced. The bill has got numerous chapters of concern and clauses of concern. I think that everybody in Manitoba has the right to be brought up to speed with it. We are talking about a bill with 48 pages, 62 clauses, and every clause, when you read it, the interpretation begs questions as to how it is going to be interpreted and who is going to interpret it, and who is going to be responsible for the implementation of it.

The bill itself overlaps numerous jurisdictions of government ministries. I believe it is seven. I am not too sure exactly, but I believe it is seven different ministries that are affected with this bill. You have to ask the question in the short period of time between September 11 and when the bill was introduced in November 14, how and where they ever got all the ideas together to bring forth this bill. I would think that a lot of it had to have been done in a very hurried manner.

**An Honourable Member:** Lots of overtime.

**Mr. Reimer:** Well, the minister is saying you know, they put in the overtime in regard to the contents of The Security Management Act.

*Mr. Speaker in the Chair*

I would only think that a lot of this was just rushed through, that the submissions were

handed over to the Department of Justice to bring them all together and just come forth with this bill, and that, because it is under the banner to set up security measures in regard to the possible terrorism or terrorist acts on Manitoba, everything would just be passed through and put on.

It is an important bill. It is a very, very important bill because it infringes and cuts across a lot of the various acts: The Dangerous Goods Handling and Transportation Act, The Emergency Measures Act, The Manitoba Evidence Act, The Fires Prevention Act, The Pesticides and Fertilizers Control Act, The Private Investigators and Security Guards Act, The Proceeds of Crime Registration Act, The Public Health Act, The Vital Statistics Act. I cannot imagine all the running around that must have come about between September 11 or the 12 or the 13, when everything started to come together, and November 14 when the act was put in. I just cannot believe that that Government is that well organized or that well prepared for anything along those lines.

We have seen how they have mishandled a lot of events over the last short while since we have just come back, since November 13. We saw how they handled the areas in regard to education and some of the other areas in regard to justice and the implementation of all the other ones. The trust of the people has to be implicit in thinking that this Government has done all its homework on it, and plus the fact I do not know whom they consulted in regard to whom the bill is impacting. Who in the Transportation Department was consulted? Under The Emergency Measures Act, who was consulted there?

If the Government is willing to table a report as whom they actually talked to, I think it would give some more credence to the scope of this bill in saying that, yes, they have actually talked to the people in regard to what the impact is. The Manitoba Evidence Act, you have to ask: Well, whom did they talk to? Did they talk to any of the civil rights groups in that area as to the giving of evidence and how it affects them?

All these things have a great impact on the way that people here in Manitoba conduct

business and how they interface with not only Government, but other interdepartmental agencies. We have had quite a few comments made on this side in regard to The Pesticides and Fertilizers Control Act and how there are specific areas of direction toward crop dusting and spraying equipment, fertilizers and pesticides.

I do not know how many people they contacted in Home Depot or Revy or McDiarmid Lumber or something to find out people that sell these pesticides and fertilizers, whether they have been contacted to talk about them. So there are just so many questions that need answering that this Government is not actually addressing.

The bill itself, as I mentioned, does have a lot of various clauses in it. When they first brought this forth, they brought it in under wrapping themselves around the preparedness and readiness in case there is a terrorism act here in Manitoba. You have to ask the question: Where is the vital importance of Manitoba in bin Laden's plan for the control of the free world? I do not know where Manitoba sits in his playbook, but I am not sure it is close to the top of his agenda, in a sense of this is whom we have to be afraid of.

The all-in-power that is given to the various ministries, in regard to how things are handled, and the various components, as was mentioned, the pesticides and fertilizers control area, The Private Investigators and Security Guards Act would have to have security cards, would have to undergo mandatory training. Training is good. There is nothing wrong with training. It should be implemented. The provision does not apply to airport security guards, because I believe that that is in limbo right now because I think the federal government is possibly taking over that. We do not know if that is for sure or not.

The Public Health Act, I know the Minister of Health (Mr. Chomiak) is very, very busy in trying to fulfil all the promises that he made in the last election, that he is still working on. I do not know whether we have had any of them fulfilled yet. We keep hearing from that side how the waiting lists have gone down, and there is no more hallway medicine. They just renamed them corridors. They moved them into little cubicles, and they did this. So there is a trust

element that I think a lot of people in Manitoba do not have with this Government.

\* (17:50)

I know that there are other provinces, and also states in the United States, that are considering legislation. We do not know how far that has gone down in regard to there. Implementation. We have been told that New Brunswick is looking at it and that Québec is looking at it. We do not know whether there have been vast public consultations in that area. We would hope that the people in those provinces are going out to the people and talking to them.

We can see that they are not going to be doing that here in Manitoba, and that is a big concern. Any type of legislation that has such a far-reaching impact on all aspects of life here in Manitoba, and as I mentioned, the various acts—there are 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10 acts that are impacted by this—they have a tremendous effect on the people here in Manitoba. The people of Manitoba have a right to know how it is going to impact them: their daily lives, the way they interact with community, the way they interact with merchants and what they can or cannot buy. It was pointed out in regard to the rural economy with the regulations in regard to spraying and fertilizers. These are tremendous impact ramifications, because of the fact that the farm community, in the application of pesticides and fertilizers, has to be done within a very short time window.

The Minister of Agriculture (Ms. Wowchuk) says up to 10 days all the time, but we can rest assured that, in dealing with this Government, they will take the maximum time, because they have to study everything in the sense of the bureaucracy, of going through trying to get an answer. You can rest assured it would not be a 1-day answer, and it certainly would most likely be a 10-day answer. At that time, it would be too late in a lot of places, because of the crop conditions and the growing conditions and, more importantly, the weather conditions, especially if you are doing some spraying of crops.

So I think that these are a lot of areas that have to be looked at. We are saying that there is

a great need for more public consultations. The Opposition is saying: Well, we should have this go-to-the people-through-committee stage. I think that there is a need for each and everyone of us, as 57 MLAs elected by the people of Manitoba, to have the opportunity to go to them in our own constituencies and have them be aware of what this restrictive legislation is going to be and how it is going to impact them.

I guess the easiest thing to do, in a sense, as opposition, is say: Okay, pass this. Let the Government be aware of this because they are going to have nothing but headaches for it. We believe we are trying to correct this. We do not want to see the Government go through all the mangled reworking of all this legislation because of all the implications that are going to come about. We feel it is more important to have it done and done right from the beginning than to try to just pass this holus-bolus because of some sort of time line that the Minister of Justice (Mr. Mackintosh) has put on this bill, and look at the areas where it can be improved or added on to, and make this a good bill, and make it a good bill for all Manitobans.

This is something I think that all people in Manitoba want. They want good legislation. They do not want legislation that is just rushed through in a one-month period. Good legislation takes time to develop. Being part of government and part of Cabinet with the former administration, whenever legislation was proposed there was an awful lot of back and forth to the pros and cons in trying to make sure that when the legislation was brought forth, it was good sound legislation, and not legislation just for the sake of having something on the order table.

I think that, possibly, this is that way. It was rushed in. There was some consultation within a very short and select group within government. The general public was not brought into the decision-making or the input stages for how things could be done better and what the implications are. I think that what would have happened or what can possibly happen if the bill is passed the way it is presented, the interpretation is going to cause a lot of anxiety in the community and a lot of the people are going to be asking questions.



This Government is going to be spending more time and hiring more people to try to explain this. But, maybe, that is their ultimate role of job creation. It is to create legislation that creates jobs. This could very well be a big omnibus bill for job creation and then they can come back and say: Well, look at all the people that are working in Manitoba. But they are all working for the Government, trying to interpret their bills that they brought forth that were not properly thought out.

So I think that this is an area that should be looked at a little bit more closely, Mr. Speaker, because there are a lot of areas here where, for the interpretation, it can be very onerous. I think there was a mention in regard to identification and certificates and the tampering of such being a major crime that can result in, I believe, fines of up to \$50,000 for The Vital Statistics Act.

There has to be a bit of reasoning and rhyme for why some of these things would come about. It is true that September 11 has changed things, but let us not change things to a degree where it becomes so onerous and so cumbersome that it further complicates the life and liberties that we all enjoy here in Manitoba and Winnipeg, that make this such a great province.

Legislation like this is a once-in-a-lifetime type of legislation that is brought forth. It has tremendous implications for the human rights and the rights of individuals. What it does do is empower a government with decision making that is unprecedented in some areas.

I know there are a lot of members on that side of the House—they have not spoken and I guess they will not speak because of the clamp that is put on their caucus—that are very concerned about the civil rights that they fought

so hard for in getting elected and that they believe in in their own constituencies and in their philosophy as New Democrats. It is a party for the people, as they keep talking about.

I am sure that a lot of members on that side are biting their lips now, wanting to speak on this, but the Whip is down saying that, no, we are going to push this through; this has come out of Cabinet; this has come out of the inner circle of the Premier (Mr. Doer) and his staff and we are going to make this thing happen.

But I know that a lot of the members over there most likely will get up somewhere along the line, because they do feel there are a lot of issues that should be developed.

I look forward to hearing some of the members speak, not just the Cabinet ministers, but the backbenchers and the people that are representing their constituents throughout all of Manitoba. That gives them the opportunity to go out into their constituencies, talk to their constituents and get an understanding of what the implications are.

I would suggest that they even take extra copies of Bill 2—

**Mr. Speaker:** Order.

When this matter is again before the House, the honourable Member for Southdale (Mr. Reimer) will have 23 minutes remaining. The bill also stands in the name of the honourable Member for Fort Garry (Mrs. Smith).

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, December 4, 2001

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