



Third Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
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.
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MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
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MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
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PENNER, Jim	Steinbach	P.C.
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REIMER, Jack	Southdale	P.C.
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SELINGER, Greg, Hon.	St. Boniface	N.D.P.
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SMITH, Scott, Hon.	Brandon West	N.D.P.
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, November 27, 2001

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from the University of Winnipeg English Language Program 13 students under the direction of Ms. Sonia Castaneda. This school is located in the constituency of the honourable Minister of Intergovernmental Affairs (Ms. Friesen).

Also seated in the public gallery we have from the University of Winnipeg 10 students under the direction of Ms. Larissa Ashdown. This school is located in the constituency of the honourable Minister of Intergovernmental Affairs.

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

ORAL QUESTION PERIOD

Public Schools Act Legal Advice

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, yesterday we asked the Minister of Education in this House if he sought legal advice on section 28(3) of The Public Schools Act which reads: "all other trustees and officials of the school division or school district, if any, shall cease to hold office" and this is when the minister appoints an official trustee.

The minister replied that he had sought legal advice, and my question to him today is: Who did he seek it from?

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

indicated yesterday, the Department of Education did receive legal advice regarding the dissolution of the Morris-Macdonald School Division. This is done on a regular basis in this House. Historically, it is done to ensure that ministers of the Crown have confidence in the unbiased and candid legal advice that they receive, and it is a generally accepted practice, not only in Canada but throughout parliamentary democracies, that legal advice of this nature is not released.

Mr. Tweed: Mr. Speaker, I confess that I am not a lawyer, but I have spoken to many Manitobans and asked them if they could see any other interpretation into the readings that states in section 28(3) that: "Upon the appointment of an official trustee under this section for any school division or school district, all other trustees and officials of the school division or school district, if any, shall cease to hold office".

I do not know how much plainer and how much more simple language this could be. I would like to ask the Minister of Education: When did he receive this advice?

Mr. Caldwell: November 5, Mr. Speaker.

Legal Advice—Tabling Request

Mr. Mervin Tweed (Turtle Mountain): I believe the minister said November 5. My final supplementary to the Minister of Education, and I think it is beholden of a minister to do so, and on behalf of all members of the House I ask the Minister of Education to table that legal advice.

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, as the member opposite knows, there is a long-standing tradition that legal advice provided to the Government of Manitoba is to be kept confidential to protect the unbiased and without fear or favour in nature of such advice.

* (13:35)

**Morris-Macdonald School Division
Employment Practices**

Mr. Leonard Derkach (Russell): Mr. Speaker, the minister removed the Morris-Macdonald School Division for enrolment numbers but left the superintendent, Ms. Pat MacDonald, in her place. Yesterday the minister did not answer the questions as they related to the superintendent. What is even more interesting today is in reading the *Free Press* of Friday, November 23, we learn that an individual who was fired for enrolment numbers by the Orlikows was then hired by Ms. Pat MacDonald, who is now acting for the Minister of Education to in fact administer the same program she was fired for.

I want to ask the Minister of Education whether he finds it acceptable, now that he is in charge through his administrator of the Morris-Macdonald School Division, to have his superintendent hire an individual who was fired for enrolment numbers which he fired the Morris-Macdonald School Board for.

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, of course, Ms. MacDonald was hired by the Morris-Macdonald School Board about a year and a half ago, as memory calls. It may have been a year; I am not sure. Certainly the superintendent of the school division that was hired by those trustees at that time was not the architect or designer of programs that have led to the sad conclusions of the Provincial Auditor in his report.

Mr. Derkach: Mr. Speaker, I want to ask the Minister of Education one more time if he finds it acceptable now that the superintendent of Morris-Macdonald School Division answers to his administrator and in essence his department and to him as minister, whether he finds it acceptable for that superintendent, that administrator, to hire somebody to administer a program who was fired for enrolment numbers. Does he find that acceptable?

Mr. Caldwell: Mr. Speaker, there is a great deal about this affair I do not find acceptable. I do not find acceptable that the taxpayers of Manitoba should be on the hook for distributing tens of millions of dollars to a program that had no legislative framework. That is the adult learning

centres as designed by members opposite. I do not find it acceptable that adult learning centres expending tens of millions of taxpayers' dollars do not have any accountability for the educational programming they offer, which was the course adult learning centres were taking previous to this Government being in office, nor do I find it acceptable that no financial accountability was built into that. So, there is a great deal that I, and the Provincial Auditor for that matter, find unacceptable about the programs as created by members opposite.

Mr. Derkach: Mr. Speaker, my question is very specific. Does this minister find it acceptable to now have his superintendent of a school division that he is in charge of hire somebody who in fact was dismissed for enrolment figures and then was hired by his administrator to administer the very same program that person was dismissed from?

Mr. Caldwell: Mr. Speaker, of course there are more factual errors contained in the member's statement, but I think—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Caldwell: Mr. Speaker, after witnessing the last two weeks, I would suggest the Opposition might be better served to ask questions on issues rather than attacking public servants again and again in this Chamber.

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

* (13:40)

**Morris-Macdonald School Division
Relationship—Antoinette Sequeira**

Mr. Leonard Derkach (Russell): Mr. Speaker, on a new question. I have in my hand a copy of an e-mail that was sent from Mr. Bill Bumstead to Ms. Pat MacDonald and then was replied to by Ms. Pat MacDonald. I want to read just a small excerpt from that e-mail.

This Pat MacDonald says to Mr. Bill Bumstead: Are you aware that Antoinette went

to Greg Selinger on Wednesday or Thursday? Did she share any information out of this contact with him? Now, this was written back in March 2001.

The answer came back from Mr. Bill Bumstead: Pat, Antoinette informed me that she met with Greg Selinger on Thursday evening. According to her they are close friends, dating back to when they both worked at WEC with Lionel Orlikow. It is my understanding, according to what she told me, that she went to him regarding Esther Tago's allegations.

Mr. Speaker, I want to ask the Minister of Finance about his relationship with Antoinette, who met with him in March regarding the Morris-Macdonald situation.

Mr. Speaker: Prior to recognizing the honourable Minister of Finance, I would just like to remind all honourable members when making a reference to other honourable members to use the members by their constituency or ministers by their portfolios, not by name.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the same question was put to me last week by the Member for Lac du Bonnet (Mr. Praznik), and my answer remains the same. This individual did approach me. I did meet with her, heard her concerns, referred them to the Department of Education, and the Department of Education subsequently called in the Provincial Auditor to investigate the entire matter.

Mr. Derkach: Mr. Speaker, well, my question is to the Minister of Finance (Mr. Selinger) or the Minister of Education, whoever wants to answer this one. I want to ask if this is the same individual who was fired by Lionel Orlikow for enrolment figures.

Hon. Drew Caldwell (Minister of Education, Training and Youth): Well, Mr. Speaker, I have not the foggiest idea.

The idea that somehow the conspiracy reaches through individual constituents, teachers, trustees and extending up to the Provincial Auditor's office, the conspiracy here, the problem here, or what is at issue is tens of millions of dollars of taxpayers' money that was established

for adult learning centres in the province of Manitoba without a legislative framework, with no accountability for fiscal management, with no accountability for program management or quality of the educational programs offered, and that was all undertaken by members opposite. It took a change in government to bring the Provincial Auditor in to begin to get to the bottom of this mess.

Mr. Derkach: Mr. Speaker, I want to ask the Minister of Finance directly: Is this individual, Antoinette Sequeira, the same individual who was fired by Lionel Orlikow for enrolment figures and then hired by Pat MacDonald in Morris-Macdonald School Division?

Hon. Greg Selinger (Minister of Finance): As I indicated earlier on the previous question, I was approached by an individual, some concerns they had about a program. I listened to those concerns. I referred them to the Department of Education, who subsequently asked for the Auditor to investigate the entire matter. I did not involve myself in the specifics of it, and I have complete confidence in the Provincial Auditor's review of the matter.

Agassiz School Division Funding

Mr. John Loewen (Fort Whyte): Mr. Speaker, the facts are that without ever talking to the Agassiz School Division, the independent Provincial Auditor determined that the Minister of Education and his deputy minister, Ben Levin, concealed the fact that 200 adult learners did not exist, and it was done in a calculated deception to pay a half million dollars to the Agassiz School Division.

I would like to ask the Minister of Finance (Mr. Selinger): When did he first become aware that the Minister of Education and his deputy, Ben Levin, had created this scheme to flow a half million dollars to the Agassiz School Division for students that did not exist? When was he first aware?

* (13:45)

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, to hear the

members opposite talk about facts today is almost laughable, given the content that has occurred in this House over the last number of weeks.

The members opposite draw a wide brush of muck across the Agassiz School Division and the Morris-Macdonald School Division. Agassiz School Division had a long-standing adult education program in this province. It had excellent outcomes. It has been run for the residents of the division. Staff were never offered bonuses to recruit higher numbers of students, incidentally, students whose attendance and veracity was questioned extensively by the Provincial Auditor's report. Again, this Government accepts the criticisms of the Provincial Auditor and we accept his recommendations and are taking action, something that should have been done in 1998.

Agassiz School Division Funding

Mr. John Loewen (Fort Whyte): My supplementary question is to the Minister of Finance. When did he first become aware that the Minister of Education and his deputy minister, Ben Levin, had created this scheme to flow a half million dollars to the Agassiz School Division for students who simply did not exist?

Hon. Greg Selinger (Minister of Finance): Once again, we are going over ground that we have already travelled. Last week, in the Legislature, I tabled a document written to myself by the Secretary to Treasury Board that indicated from whence the delegated authority flowed for the Minister of Education and his officials to make the decisions they made.

Let us recall what happened here. The Minister of Education and his officials decided when Agassiz School Division was confronted with a crisis of having to lay off teachers for special ed students to make resources available to them as a transition payment to stabilize a program in the interests of students. A good Minister of Education made sure that student outcomes were protected and has freely acknowledged that the technical procedure that he followed was not correct, but he acted in

good faith to protect the learning outcomes for Manitoba students.

Mr. Loewen: I ask the Minister of Finance if he will share with this House and with the people of Manitoba when he first became aware that the Minister of Education and his deputy, Ben Levin, had created this scheme to flow a half million dollars to the Agassiz School Division for students that simply did not exist.

Mr. Selinger: Once again, Mr. Speaker, last week the members were challenging the delegated authority under which the Minister of Education operated. We have verified that in the House. The Minister of Education, from the very first instance that they knew there was an overexpenditure in the adult learning programs, acted to change the parameters of that program to increase accountability. He freely, on behalf of the Government of Manitoba, asked the Auditor to review the situation. The findings of the Auditor are public findings available to all and findings upon which we are acting with dispatch to correct the problem.

Mr. Speaker: The honourable Member for Fort Whyte, on a new question.

Agassiz School Division—Funding Legal Advice

Mr. John Loewen (Fort Whyte): On page 105 of the Auditor's report, he has recommended that the department seek legal advice with respect to requesting a return of monies from any school division where they are aware that enrolment figures were overstated.

This obviously applies to Agassiz. The Auditor also states the Department of Justice should look at this transaction to determine whether there was the appropriate authority to handle the transaction involving the Agassiz School Division in the manner in which it was handled. That is what the Auditor is looking for.

I would like to ask the Minister of Finance: Given that the Department of Finance is now implicated in this matter, will the Minister of Finance insist that the Justice Department or an outside adviser provide legal advice on whether

there was appropriate authority to handle the transaction in this manner?

* (13:50)

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, that was the longest run-on question I have heard in the House in recent weeks. I am surprised the member opposite did not stop to take a breath. The reality is this: The report from the Auditor was tabled in the Legislature and has been referred to the RCMP for a complete, independent and thorough investigation as to whether any charges are required. You can compare that to the advice given to the former Minister of Education under your government to call an audit which was suppressed, ignored and denied.

Mr. Loewen: Mr. Speaker, I am asking the Minister of Finance (Mr. Selinger) whether he will simply do what the Auditor has recommended, and that is to seek legal advice with respect to whether there was appropriate authority to handle the transfer of funds to the Agassiz School Division in the manner it was handled. Will he seek the appropriate legal advice?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, this Government has acted in the best interests of students, in the best interests of adult learners. We are certainly acting in the best interests of taxpayers in calling the Provincial Auditor into this situation to begin with, something that Manitobans now know was asked of the previous government in 1998 and then repeatedly asked by the department in 1999 before members opposite lost power.

We would like to know, Manitobans would like to know why there was not an audit done two years before this Government came into office. When we found out and we discovered issues challenging the adult learning centre programs in the province of Manitoba, we took immediate action, something members opposite had failed to do.

Mr. Loewen: The minister refuses to answer when he first knew. The only option the people of Manitoba have is to ask that he follow the

legal advice of the Auditor. I would ask him if he would follow the advice of the Auditor and seek legal advice with respect to whether there was appropriate authority to handle the transfer of funds to the Agassiz School Division in the manner that it was handled. Will he seek legal advice?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I am going to once again table for the benefit of the member opposite the memo to me from the secretary to Treasury Board, dated November 20. I am going to read again into the record the delegated authority under which the Department of Education operates. I will read from the second paragraph, where it says as follows: Once a total funding level is established for the program through the Estimates process, Treasury Board delegates the authority to the department to make the specific grant payments to individual school divisions. The delegation is noted with the Estimates decisions.

Very clearly, the authority was handled exactly the same way it was handled by the previous government. The minister moved to get a report by the Provincial Auditor and then fully promised the public that he would comply with those recommendations, and in advance of those recommendations change the nature of funding from a per student funding formula to a program funding formula and reduce the amount of money available for adult education programs.

If the former government would have done at least even one of those actions, there would have been much more program accountability, much less wastage of public funds and much better outcomes for students.

Child Poverty Reduction Strategy

Hon. Jon Gerrard (River Heights): Mr. Speaker, yesterday the 2001 report on child poverty in Manitoba entitled *Promises Not Kept* was released showing that the child poverty rate in Manitoba is the second worst in Canada. The average depth of poverty for poor families in Manitoba has increased significantly in the most recent year assessed, while in the rest of Canada this number has been steadily dropping to the point where other have-not provinces—Nova

Scotia, New Brunswick, Saskatchewan, Prince Edward Island—all have child poverty rates at least 5 percent lower than Manitoba.

My question to the Premier (Mr. Doer) or Deputy Premier (Ms. Friesen) or whichever minister would like to speak for them: When will the NDP start keeping its promises and introduce effective measures to reduce the extent and depth of poverty in Manitoba to improve Manitoba's position relative to other provinces?

* (13:55)

Hon. Diane McGifford (Minister of Advanced Education): Mr. Speaker, of course, the member here is quite right. Yesterday, the Social Planning Council did release its poverty report card. I would like to point out that that report card is based on 1998-99 data, so it reflects the sins of the former administration. Everyone knows that the former administration ignored the Postl report, cut funding for schools and child care, completely eliminated child-parent centres, reduced money for children's nutrition and clawed back the National Child Benefit. This member should blush when he remembers what his federal administration did in 1995.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Gerrard: My supplementary to the minister. I ask the minister: Given the most recent evidence from David Northcott, whom I talked to this morning, that the need for the food bank has gone up and use of the food bank by 3 percent this year, that has continued to grow steadily since the NDP came into power, that the evidence is there that the situation is not getting better, when will you admit that the situation is not improving and that your policies to date have not been working?

Ms. McGifford: Well, Mr. Speaker, again I think the member opposite should be blushing. He certainly has not accounted for the federal cuts in 1995 that have continued for the years since then. I would like to point out that in 1993, welfare rates in Manitoba hit an all-time high when caseloads peaked at over 46 000. As of October 2001, those cases are down to 32 000.

This certainly suggests that the measures taken by this Government are working, for example, creating jobs; for example, increased public school funding; for example, we have put \$14 million more into child care. There is the Lighthouse in schools, Healthy Baby, nutrition programs.

Mr. Speaker, this Government has returned the National Child Benefit to children six and under. There are numerable measures being undertaken by this Government, and I would ask the member opposite to speak to his federal counterparts.

Mr. Gerrard: My supplementary to the minister, who provides lots of statistics but little positive outcome. When the evidence is there that the need for food banks and the food bank use is increasing, the minister protests too much. I ask the minister to admit that food bank use is going up and that there is a need to do much better in this province.

Ms. McGifford: Well, Mr. Speaker, what I would like to admit is that in the 1993 election the member's government in Ottawa promised a national child care program. We are still awaiting it in 2001. That is one of the things that I would like to admit. I would also again like to draw attention to these very clear statistics, that is that our welfare rates have decreased considerably from 1990—what was the date?—1993, an all-time high, to 2001. Employment rates in Manitoba are at an all-time high. I think this Government is doing very well. We are proud of our record.

CIHI Report Manitoba Status

Mr. Jim Rondeau (Assiniboia): Mr. Speaker, often members opposite cry that the Manitoba health care system does not measure up. I understand that the Canadian Institute for Health Information released an independent report on Canadian health care providers yesterday.

Can the Minister of Health tell this House what this report says about the state of health care providers in Manitoba?

* (14:00)

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, during all the innuendo during the first five or six questions in this Chamber, I was waiting for a question with respect to the CIHI report that did comparisons of provinces across the country, but I heard nary a word from members opposite. Maybe that is because the CIHI report has statistics like this: Total number of physicians per capita in the country, Manitoba fourth best; total number of specialists, Manitoba fourth best; total number of medical laboratory technologists, second best across the country; total number of medical radiation therapist-technologists, third best; total number of midwives, first best; total number of occupational therapists, first best; total number of physiotherapists, fifth; total number of registered psychiatric nurses, second, on and on.

While it is not perfect, it is very clear the situation is improving and in significant areas Manitoba is No. 1 or at the top across the board. I am prepared to debate that all day long with members opposite.

Adult Learning Centres Executive Director Relationship

Mr. Mervin Tweed (Turtle Mountain): The executive director of Employment and Training Services Branch must, according to their duties as laid out by human resources, ensure effective partnerships with key stakeholders and deliverers of training and employment programming by maintaining positive working relationships with community groups, school divisions and employers.

My question is: Can the Minister of Education advise if the executive director's working relationship with school divisions involves adult learning centres?

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, when we came into office, again, we were confronted with the situation in adult learning in this province that was budgeted for a little over \$6 million. It had \$17 million in expenditures, \$11 million over-budgeted, out the door, under the watch of members opposite. Naturally, that caught my attention. When a review of the adult learning

centre program is established by members opposite—

Mr. Speaker: Order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): *Beauchesne's* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. If the minister did not hear the question, we could always repeat it for him.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order. *Beauchesne's* Citation 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. I would ask the honourable minister to please answer the question.

* * *

Mr. Caldwell: Well, the same point of order—well, not the same point of order, but the member in his point—

Mr. Speaker: Order. I saw the member rise and I saw him sit down, so I thought he was getting up to answer the question and then sat down because I still had to deal with the point of order. I have already dealt with the point of order.

The honourable Minister of Education, to conclude his comments on the question.

Mr. Caldwell: The member indicated that they would repeat the question. I would be happy to hear that.

Mr. Tweed: Can the Minister of Education advise this House if the executive director's working relationship with school divisions involves adult learning centres? Yes or no.

Mr. Caldwell: We have a number of executive directors. We do have an assistant deputy minister who has responsibility for adult learning centres. Incidentally, there were no civil servants in charge of adult learning centres when

we came into this province with tens of millions of dollars going out the door.

**Agassiz School Division
Repayment of Funds**

Mr. Ron Schuler (Springfield): I would like to ask the Minister of Finance (Mr. Selinger) if he has asked for repayment of the \$470,000 from the Agassiz School Division.

Hon. Drew Caldwell (Minister of Education, Training and Youth): As the Provincial Auditor noted in his report, in the one paragraph that we spent so much time discussing over the last two weeks in this House, there was an accounting for those funds that the Provincial Auditor deemed to be inappropriate. We recognize and accept that criticism.

The Provincial Auditor also noted that decision was made to mitigate against adverse effects on learners. It was not to go to pay bonuses for people to be recruiting students. That money was there to support education of students.

Mr. Schuler: I would like to ask the Minister of Finance if he has asked for repayment of the \$470,000 from the Agassiz School Division.

Hon Greg Selinger (Minister of Finance): As I indicated earlier, the entire Auditor's report has been referred to the RCMP for investigation. We will abide by their findings and their outcomes, but it is important to note for the record that this money was used as a transition payment to Agassiz School Division to stabilize a program for special needs students. As a result, those students received an education and the teachers were employed to provide that education.

**Agassiz School Division
RCMP Investigation**

Mr. Ron Schuler (Springfield): I would like to ask the Minister of Finance (Mr. Selinger): Does the RCMP investigation include the \$470,000 that was slid over to the Agassiz School Division?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I have noticed in the line of questioning today words like "slid," "deception"

and "scheme." Last week in this Chamber it was "fraud." It was wrongfully reported by members opposite. I am asking—

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate. Maybe this member should leave it to somebody who knows the answer.

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

Hon. Steve Ashton (Deputy House Leader): If the member opposite would care to listen to the answer, it dealt with specific wording that has been used. In fact, it was interesting the Member for Turtle Mountain from his seat was confirming some of the words that were being used, including the word "slid." One of the difficulties that members on this side have had in answering the questions from the member opposite is some of the terminology they have used which I believe at a minimum is highly irresponsible and not becoming of members of this Legislature.

So the member opposite has no point of order. He does not have a point.

Mr. Speaker: The honourable Member for Turtle Mountain, on the same point of order, with new information?

Mr. Mervin Tweed (Turtle Mountain): Yes, Mr. Speaker, with new information, just to correct the Member for Thompson (Mr. Ashton), I did not say "slid"; I said "scheme."

Mr. Speaker: Order. On the point of order raised by the honourable Official Opposition House Leader, I would once again like to remind all ministers when rising to answer a question, *Beauchesne's* Citation 417: Answers to questions should be as brief as possible, deal with the matter raised and to not provoke debate.

If members have a problem with unparliamentary language, any member in the House is free to rise on a point of order at any time.

* * *

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

Mr. Chomiak: Mr. Speaker, firstly, that question was already dealt with. Secondly, I do not think members opposite can have any credibility asking those questions until they apologize to the Provincial Auditor for their utterances of last week.

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

Mr. Schuler: I would like to ask the Minister of Finance: Does the RCMP investigation also include the \$470,000 given to the Agassiz School Division?

Hon Greg Selinger (Minister of Finance): Once again, Mr. Speaker, the entire report was referred to the RCMP.

Mr. Schuler: Once more I would like to ask the Minister of Finance: Does the RCMP investigation include the \$470,000 given to the Agassiz School Division?

Mr. Selinger: Once again for greater certainty, the entire report has been referred to the RCMP, and they are free to investigate any portion of it they wish.

* (14:10)

Morris-Macdonald School Division Teacher Layoffs

Mr. Frank Pitura (Morris): Mr. Speaker, my question is for the Minister of Education. In the Morris-Macdonald School Division, as a result of the minister's decision to terminate the adult learning centre's partnership with the Morris-Macdonald School Division, approximately 49 teachers have been given termination notices as of December 31. Eighteen kindergarten to Senior 4 teachers in the division have received layoff notices, and I am advised that 13 teachers from the adult learning centres will be moving into the public school system in Morris-Macdonald School Division as of December 31.

The Premier (Mr. Doer) and the Minister of Education are making students victims as a result of these actions, and I would like to ask

the minister: Will the minister assure the Grade 6 students from Starbuck Elementary that your teachers, who have received layoff notices, will not be terminated December 31?

Mr. Speaker, I would like to table the petition of request from the students for the minister's benefit.

Hon. Drew Caldwell (Minister of Education, Training and Youth): Mr. Speaker, I appreciate the Member for Morris's concern in this matter.

We are working very hard with the divisions involved, with the teachers, to minimize the impact of adult learning centre changes, the impact those changes will have on children and adult learners. I want to note, it is complete juxtaposition to the calls to cut and end programs immediately, which we have heard the last few days in this Chamber, but it points to the fact that this Government does care about stability for our learners, stability for the educational programs that they learn within and accountability in terms of fiscal resources, fiscal resources provided by Manitoba taxpayers, something that was sorely lacking in the adult learning centre programs as established by members opposite.

Mr. Pitura: Mr. Speaker, I would like to table a letter from Mrs. Bev Walters of Morris who writes to the minister about concern for her two daughters whose teachers have been given termination notices as of December 31. I would like to ask the minister: Will he assure Mrs. Walters that her daughter's teachers will not be fired on December 31?

Mr. Caldwell: Well, Mr. Speaker, I would ask the members opposite not to fearmonger in this particular issue. We are working very hard to make minimum disruptions in cleaning up the mess that the previous government left.

Mr. Pitura: Mr. Speaker, there will be 13 adult learning centre teachers moving into the public school system in Morris-Macdonald, and that will have an impact on the students. There is no doubt about that.

I would ask the minister: Will he reconsider his decision to terminate the adult learning

centres in the Morris-Macdonald School Division and have them go until the end of at least June 30?

Mr. Caldwell: Mr. Speaker, it is extraordinary. I respect the member from Morris's remarks and his concern. I wish some of his colleagues shared the same concern.

I do appreciate the fact that when a program such as one that was set up in 1997-98, a program that committed tens of millions of dollars of taxpayers' money without a legislative framework, without any accountability for fiscal resources, without any guarantees for program excellence, when such a program is set up and goes awry, as was so carefully noted in the Provincial Auditor's report, that there is going to be difficulties.

Mr. Speaker, we on this side of the House are going to ensure that our approach to dealing with this matter respects learners, respects taxpayers in the province of Manitoba and provides for accountability, something that was completely absent before this Government came into office.

Public Accounts Committee Meeting Schedule

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Speaker, my question is for the acting Government House Leader. When the acting Government House Leader was the House Leader of the Opposition, many times he used to throw at us that the Public Accounts Committee had not sat for a period of time. He said under his regime in government it would definitely sit more than once per year. Well, it has been over a year and a half since we have had the Public Accounts Committee.

I wonder if the acting Deputy House Leader might give some advice to his House Leader on bringing forward the Public Accounts Committee as soon as possible.

Hon. Steve Ashton (Deputy House Leader): Mr. Speaker, having been at AMM yesterday, I think the member opposite will realize that there are a number of members of this House who were at AMM today, including, I believe, his

leader. Our Justice Minister is at a national ministers conference and our Minister of Justice (Mr. Mackintosh), who is also Government House Leader, indicated yesterday his willingness to sit down with the Leader of the Opposition (Mr. Murray) to deal with this. I would indicate to the member, I will pass this on to the—

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

Point of Order

Mr. Laurendeau: On a point of order, Mr. Speaker. As acting House Leader, I am sure the honourable member knows he should not be referring to the absence of members.

Mr. Speaker: The honourable Minister of Transportation and Government Services, on the same point of order.

Mr. Ashton: I said they were attending AMM meetings. Whether they are in this House or not is not reflected in my comments, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Official Opposition House Leader, he does not have a point of order as there was no comment as to when or time members were attending different meetings.

* * *

Mr. Laurendeau: Mr. Speaker, on a new question to the acting Government House Leader. Seeing as he believes that the Public Accounts Committee should be called forthwith, will he advise the House Leader that it should be called immediately within the next two days, three days? Maybe tomorrow would be a good day.

Mr. Ashton: Mr. Speaker, having spent some time as Opposition House Leader, I do know one thing and that is the way House business is best conducted is through discussions and negotiations. That was always my practice when I was Opposition House Leader, and I think our House Leader (Mr. Mackintosh) has indicated that is

our intent as well. The place to discuss House business is not in Question Period, it is through discussions between House Leaders.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Steinbach Credit Union

Mr. Jim Penner (Steinbach): Mr. Speaker, on August 25, this year nearly 8000 people from across Manitoba came to Steinbach to celebrate a remarkable achievement. On that day, management, staff and members of the Steinbach Credit Union celebrated the financial institution's reaching \$1 billion in assets.

From its much more humble beginnings 60 years ago, the Steinbach Credit Union has become the first single-branch credit union in Canada to achieve \$1 billion in assets. It is the largest credit union in Manitoba and the eighth largest in Canada, especially significant considering the many multiple branch credit unions throughout the country.

Mr. Speaker, the Steinbach Credit Union, in many ways, has become Manitoba's credit union. Today it has 46 000 members; more than 11 000 come from Winnipeg, making it the credit union's fastest growing market. The growth of this financial institution is very much a credit to the staff and management of the organization. The staff members bring a spirit and dedication to the credit union that makes members truly feel a part of the success, which of course they are. It is also a tribute to the founders of the Steinbach Credit Union who saw an immediate need 60 years ago, as well as the future of growth and development.

Mr. Speaker, I would like to thank the many volunteers who made the celebration a success and who made it a memorable day for the 8000 who attended. I would also like to thank the honourable Minister of Consumer and Corporate Affairs (Mr. Smith), who took the time to attend the event.

On behalf of all the members of the Legislature, I extend congratulations to the

Steinbach Credit Union President Ted Falk, General Manager Glenn Friesen, event co-ordinator Sieg Hiebert and all the staff of the Steinbach Credit Union on reaching the billion-dollar milestone. I wish them good luck as they continue to provide quality financial services to Manitobans.

Bethania Mennonite Personal Care Home

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, the Bethania Mennonite Personal Care Home, located at 1045 Concordia Avenue, held its annual fundraising dinner on Monday, November 19, at the Douglas Mennonite Church with 450 people in attendance. Bethania is a well-known personal care home that has a distinguished history of serving the community since 1945.

The monetary gifts received at this fundraising event play an important part in funding the pastoral care program at Bethania. One of the highlights of the program for the evening was Ukrainian music which was provided by the Bilash-Watkin Ensemble and students from the English-Ukrainian bilingual program from the R. F. Morrison School in Transcona.

The people in attendance enjoyed the music because many of them were immigrants from the Ukraine and appreciated the culture from their former homeland. Another highlight of the evening were the three guest speakers: Harry Giesbrecht, Rudy Friesen, Ann Goertzen, who gave reports on establishing a Mennonite Family Centre in Zaporozhye, Ukraine, which is not far from the site of the first Bethania Home that was established by the Mennonites on the Dnieper River in 1911.

* (14:20)

Bethania, along with the Mennonite Benevolent Society, is assisting the Mennonite community of Zaporozhye to develop this project which will include a senior housing centre, personal care home, medical clinic, multi-purpose church sanctuary and assisted living. People in the community are excited to return to their former homeland to embark on a humanitarian project that will touch many people.

I commend board chairman Vic Epp, executive director Anita Kampen, along with board members and Bethania staff for not only presenting a fine program for the evening, but also for their international humanitarian vision. May your good work be a blessing to the people you serve. Thank you.

Stonewall Veterans Memorial Sports Complex

Mr. Harry Enns (Lakeside): I have a member's statement to make. I particularly want to alert my friend, the Minister of—

Mr. Speaker: Order. Can I have the co-operation of all honourable members. It is very difficult to hear the member's statement. Please.

Mr. Enns: I am pleased to rise today and congratulate the community of Stonewall on the recent opening of the Veterans Memorial Sports Complex. This beautiful new complex will house both an ice surface for hockey and five sheets of ice for curling. The new facility seats approximately 750 people, has six dressing rooms, concessions, a pro shop, a lounge and a common room.

This complex will certainly be put to good use by Stonewall and area residents, satisfying the needs of local residents for recreational facilities and allowing the community to host major sporting events. For example, the World Under-17 Hockey Challenge will take place in the complex this coming December. It would be an understatement to say that local residents are proud of this new facility. Many years of hard work and dedication went into developing the concept and raising the funds for it. The minister is well aware that this is virtually a community effort.

The facility action community team and indeed the entire community exhibited a great deal of creativity and perseverance in seeing this \$4-million project to completion. To the dreamers who developed the concept of this wonderful new complex, we thank you for your efforts, and I thank them as their member of the Legislature. Thank you, Mr. Speaker.

Bannatyne School Play Structure

Mr. Jim Rondeau (Assiniboia): Today, I had the pleasure of presenting a cheque from the Community Places Program to Cindy Tremblay, Patti Corso-Dumitru, the committee play structure executive, and Monique Wichenko, the president of the parent council from Bannatyne School. This school is located in the Kirkfield Park constituency.

I was particularly impressed by this committee for the following reasons: They were able to raise over \$80,000 in one year to build the structure. The entire project has been paid for through the efforts of a small, dedicated group. The structure is an excellent Canadian-made playground structure offering a wide variety of components. It is impressive that our Government provides support to many worthwhile projects throughout the entire province, based on need.

I would like to congratulate the principal, Hitesh Raval, the playground committee, the entire parent council and, of course, all the students in the school for embarking upon and completing this most worthwhile project. They have left a legacy of many hours of safe, enjoyable play for the children and community surrounding the Bannatyne School.

Congratulations and best wishes for a wonderful structure. Thank you.

Curling Achievements

Mr. Edward Helwer (Gimli): Mr. Speaker, I rise today to recognize a great achievement in Manitoba sport that happened last week in my constituency.

On Wednesday, November 21, at the Gimli Recreation Centre, a foursome of curlers, led by skip Lana Thorarinson, reached a curling milestone by curling an eight-ender. For those of you who are not familiar with the sport of curling, an eight-ender occurs when a team scores all eight of its rocks in a single end.

To make this rare achievement even more impressive, the foursome of Amber Cousins, Heather Skoropata, Michele Einarson and Lana

Thorarinson managed to score the eight rocks in the first end. They later managed to notch another three in the second end, to make the contest an 11-0 game. None of the curlers on the foursome, including skip Lana Thorarinson, who has been curling for more than 20 years, have ever played on a team that has managed to achieve an eight-ender. Officials from the Gimli recreation authority said the recent eight-ender is just the third at the Gimli Rec Centre since it opened for curling in 1988, but it is the first ever by an all-female team.

For their impressive achievement, the Thorarinson foursome will receive a certificate from the Manitoba Curling Association. The Canadian Curling Association is also planning to recognize their achievement and present the curlers with a certificate and pins.

A mark of excellence such as this is certainly something worth recognizing. So, on behalf of all members of the Legislature, I congratulate the foursome of Amber Cousins, Heather Skoropata, Michele Einarson and Lana Thorarinson on reaching this curling milestone and wish them continued success in the future. Thank you, Mr. Speaker.

* (14:20)

ORDERS OF THE DAY

House Business

Hon. Steve Ashton (Deputy House Leader): Mr. Speaker, after extensive consultation with the Opposition House Leader (Mr. Laurendeau), I would request that we seek the leave of the House for a private member's bill, Bill 300, An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation. I am asking that it be brought forward for second reading consideration, even though the bill is not listed on today's Order Paper as an item of business.

Mr. Speaker: Is there leave to bring forward Bill 300, An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation for second reading? Is there leave? *[Agreed]*

Mr. Ashton: Mr. Speaker, if I could read the remaining House Business and ask that that bill

be called first, and then I would request that we call Bills 4, 3, 7 and 6 in that order for second reading debate.

SECOND READINGS

Bill 300—An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation

Mr. David Faurischou (Portage la Prairie): Mr. Speaker, I would like to move, seconded by the honourable Member for Lakeside (Mr. Enns), that An Act to Amend an Act to Incorporate the Portage District General Hospital be now read a second time and referred to a committee of this House.

Mr. Speaker: It has been moved by the honourable Member for Portage la Prairie (Mr. Faurischou), seconded by the honourable Member for Lakeside, that Bill 300, An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation, be now read a second time and be referred to a committee of this House.

Mr. Faurischou: Mr. Speaker, at the outset, I would like to thank all honourable members of the Chamber for this opportunity in which to provide for second reading of Bill 300.

This amendment to the Portage District General Hospital Foundation act is a very timely and a very necessary piece of legislation. The Portage District General Hospital Foundation was incorporated by private member's Bill 49, receiving royal assent on September 10, 1986. The appointment of the board of directors of the foundation then was required to be done by the hospital board referring to the directors of the Portage and District General Hospital.

The hospital board was dissolved upon the formation of the regional health authority, Central Region, Manitoba, incorporated on April 1, 1997. Therefore, the regional health authority has disclaimed any authority over the foundation or its board of directors. The provisions of the act are therefore inadequate to maintain the proper management of the foundation. It is therefore desirable to expand the scope of the foundation beyond the interests of the hospital to

include the interests of Douglas Campbell Lodge Personal Care Home and the Regency House Elderly Persons Housing Unit in addition to addressing the need for appointment of directors and a body to receive the records of the Portage and district hospital foundation as provided by the original act so the information can be appropriately audited.

Mr. Speaker, it is a pleasure for me to introduce the amendments into the House and to thank all honourable members in advance of their support of this particular piece of legislation.

* (14:30)

Mr. Harry Enns (Lakeside): I just want to add a few words. I am very pleased and proud to be seconding this bill and want to commend the honourable Member for Portage for his initiative in moving this bill forward. It was my privilege during the years 1969 to 1981 to represent not Portage la Prairie but a good part of the area surrounding Portage la Prairie communities like Edwin communities both north and south of Portage la Prairie. I know that many of my former constituents undoubtedly contributed to the establishment and the maintenance of this fund. So it is a privilege for me to be associated with this bill, and I commend it to speedy passage in this Chamber.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to support the Member for Portage la Prairie and the Member for Lakeside in this bill. It is an important step for people in Portage la Prairie, an area that I once represented as a member of Parliament, and I would support this bill.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 300, An Act to Amend an Act to Incorporate the Portage District General Hospital Foundation. Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 4—The Order of Manitoba Amendment Act

Mr. Speaker: Second reading, Bill 4, The Order of Manitoba Amendment Act; Loi modifiant la Loi sur l'Ordre du Manitoba, standing in the name of the honourable Member for St. Norbert (Mr. Laurendeau). Is it the will of the House for the bill to remain standing in the name of the honourable Member for St. Norbert?

Some Honourable Members: No.

Mr. Speaker: No. It has been denied.

Mr. Jack Reimer (Southdale): Mr. Speaker, it is a pleasure for me to stand up. I believe I will be the only speaker on this side in regard to this bill, The Order of Manitoba Amendment Act, which was brought forward by the First Minister, Bill 4.

In looking at the bill, it is a very short bill. In essence what it is doing is it is increasing the numbers that can be recognized under the Order of Manitoba from eight to twelve. I have got to say that it is quite appropriate at this time to bring in something like this because in this year 2001 it is a special year in a sense that it is the International Year of the Volunteer, and any way that you can recognize volunteers to enhance their recognition through whether it is the Order of Manitoba or whether it is giving them a pin, as a lot of us have done through this last year in going to events and functions. It is something that I think needs more of a comment.

The individuals and the volunteers that are in our community are something that sometimes we should never take for granted. I think Manitoba and Winnipeg and all communities throughout Manitoba are built on a very, very strong reliance and contribution and commitment by volunteers in our communities that make for a quality of life, I think, that is really unrivalled in a lot of parts of Canada and throughout all of North America. Manitoba has always been noted for its volunteerism, its participation, its sense of getting behind the people that are involved with various efforts. We saw it just recently in fact, Mr. Speaker.

Unfortunately, we did not have much to celebrate in regard to the Grey Cup, but still people went out to say thank you to the people that provided entertainment to Winnipeg and to Manitoba, which was the Winnipeg Blue Bombers.

In looking at the Order of Manitoba, it is a special award, Mr. Speaker, that is given by the Lieutenant-Governor, the Chancellor of the Order of Manitoba, and it is something I think that is very, very special. It is something that is limited in its application, as was pointed out in a sense because it used to be eight and it is going to twelve, and I think that that is a very useful way to look at trying to recognize people. It is based on people's accomplishments in their community, their excellence and achievement in leading to benefits for the social and cultural and the economic well-being of Manitoba and its residents.

A number of people have received the award. It is an award that is given out. This year I believe it was given out in the early part of the year, in May or in that area I believe that it was given. May or June is when the awards were given out. Pardon me, July 5 is when it was held at the Manitoba Legislature. At that time, the recipients were the Honourable Lloyd Axworthy, Dr. Clarence Barber, Ms. Heather Bishop, Mr. Hyacinth Colomb, Mr. Gary Filmon, Mr. Richard Martin, Ms. Carol Shields, and Mrs. Gwendolyn Wishart.

Each one of those persons who received the award this year, July 5, was of a notable character in what they have done for Manitoba and their contributions. The names are all recognizable. There were some politicians. There were some other people in there of note in the community. I think it is apropos that when you look at the contributions, you look at the contribution of the Honourable Lloyd Axworthy and his contribution to Manitoba as a legislator here in this Chamber and as a member of the federal party, the Liberal Party, and as a Cabinet minister. I think there are a lot of benefits that accrued through this minister to Winnipeg and to Manitoba while in his tenure in serving the Legislature.

He was elected actually in 1973 as a member of the Manitoba Legislature and re-elected in '77. In 1979, he was elected as a member of Parliament and stayed there until retiring in the year 2000. He served as the Minister of Employment and Immigration, the Minister responsible for the Status of Women, the Minister of Transportation, the chairman of Western Affairs Committee of Cabinet and also with Human Resources Development and as Minister of Western Economic Diversification. I believe he ended his career as Minister of Foreign Affairs where he did a lot of services for Canada throughout the world.

Some of the other persons who were involved in the latest awards: Dr. Clarence Barber was acknowledged as one of Canada's most thoughtful and respected economists. His contributions track the historic circumstances and the political context in which economic policy was formed. He is a Professor Emeritus at the University of Manitoba, a former University Distinguished Professor, University of Manitoba, and he is a member of the Royal Society of Canada. This was an individual who received the award also, like I say, in July. Mr. Barber was an economic adviser and director of research for the Manitoba Royal Commission Flood Cost-Benefit between 1957 and 1959.

* (14:40)

Another person who also received the award in July was Heather Bishop. Heather has championed many causes in her lifetime. She has fought for the rights of women since the late '60s and was instrumental in closing the gender pay gap. In 1970, she appeared on radio and TV and at educational institutes to speak against homophobia. Throughout her life she has been a part of the ongoing struggle against racism.

She is a carpenter, a plumber, an electrician and an auto mechanic. She was also known as a musician and performs both for children and adults. She received the YM-YWCA Woman of Distinction Award in 1997, and she was a founding member and is the president of the Manitoba Audio Recording Industry and sits on the board of the Manitoba Film and Sound.

One of the other persons who was also awarded in July was Mr. Hyacinth Colomb. He lives in Pukatawagan. He is 80 years old and he still traps his own fur. He continues to work tirelessly for the youth in his community to be interested in trapping and the land-based lifestyle. He is the former chief of the community, and he has served as a band councillor, ambulance driver and a fire chief for the community. Hyacinth was also Manitoba's first trapline officer, a community representative for the natural resources department.

In relating these experiences to the people that received the award, you could see that the award is a diverse award. It applies to many various peoples in Manitoba and their backgrounds and their contributions. It is not limited to one specific area as in regard to the political contributions or economic developments and contributions.

One of the other recipients in July was Gary Albert Filmon, someone that I think I remember quite well as the Leader of the Conservative Party of Manitoba and served as the Premier here in Manitoba for quite a few years.

In fact, I had the opportunity to serve as a Cabinet minister under his watch. He was a member of the City of Winnipeg as a councillor. He was elected to the Legislature in 1979. There are a lot of things that I guess I could say personally about that recipient, but I think a lot of people know Mr. Filmon and his contributions. He has gone on to other areas right now, so his contribution was of notice, importance to Manitoba. I think it is something that is recognized not only by this side but all people in Manitoba, that as a public servant he put in a lot of time, effort and commitment to this province. As all politicians, you work towards trying to achieve what is best for not only your political ideals but more importantly what is best for the people of Manitoba. I think that as a politician that is always your primary goal, to try to satisfy that end in your dealings with the people.

Another person that also received the award at that time in July was Richard Martin. Richard Martin was a long-time resident of Manitoba and worked hard improving the quality of life for the working people of all Manitoba. He worked as a

trade union activist while he was employed as an electrician in Inco in 1968. He rose to various positions and in 1978 was elected president of the Manitoba Federation of Labour.

One of Mr. Martin's projects, the Manitoba Federation of Labour Occupational Health Clinic, became the first of its kind in Manitoba. He served on the University of Manitoba Board of Governors. In 1984 he was elected executive vice-president of the Manitoba labour congress.

Another person that also had the—

An Honourable Member: He just passed away.

Mr. Reimer: Oh, I have just been told that he passed away just recently. I did not know that. Then the award I guess was appropriate at the time that he got it while he could still enjoy it. I did not realize that. It is nice that he was recognized while he was still able to enjoy the recognition that his peers gave to him.

The other person that got the award, and I think a lot of us know her, was Carol Shields. I think Manitoba is very proud of this author. She writes novels, poetry, short stories and plays. She is Professor Emeritus at the University of Manitoba. In 1996, Doctor Shields became the fifth Chancellor of the University of Winnipeg and now is the Chancellor Emeritus.

Winnipeg is the setting of many of her works and her books. She has become very, very well known here in Manitoba and I guess throughout Canada and throughout the world because of her writings. As I mentioned, these are just eight people that received the award in July of this year. Now with the opportunity to increase it to 12 people I think that it will give it an even wider spectrum and scope of looking at people from various backgrounds and endeavours and genders, to look at the contributions that they have made and continue to make to Manitoba.

The award was first set up by the Lieutenant-Governor, the Order of Manitoba. There are a number of Manitobans that have already had the award. I would just like to refer to the members that have already received the award.

The first members to be invested into the Order of Manitoba were: Israel Asper, Dr. Robert Beamish, Burton Cummings, James Daly, the Honourable Yvon Dumont, Reginald Forbes, Edwin Jebb, Sol Kanee—that is S-O-L K-A-N-E-E—Mary Kelekis, Susan Lambert, the Honourable Pearl McGonigal, the Honourable John McKeag, Dr. Leo Mol, the Honourable Alfred Monnin, William Norrie, David Northcott, the Honourable Howard Pawley, Pamela Blanche Rebello, Strini Reddy, Mary Richard, George Richardson, the Honourable Duff Roblin, the Right Honourable Edward R. Schreyer, Roger Marshall Smith, Dr. Arnold Spohr, Dr. Baldur Stefansson, Bramwell Tovey.

As I go through these names, you can see the various areas of expertise that each of these people bring to Manitoba is a very diverse area.

When you look at the Honourable Duff Roblin, there are certain images we all have of him and Duff's ditch and some of the other areas.

When we hear the name Mary Kelekis, we cannot help but think of the restaurant on Main Street, a landmark in fact here in Winnipeg, an area I think that I would honestly go out on a limb, and I think that most people in this Chamber have been to that restaurant for lunch or for a snack.

When you mention Burton Cummings, you have to think of the great songs that he and the Guess Who played, the wonderful concert at the end of the Pan Am Games at the arena.

Each one of these bring up certain memories that we all know—the Honourable Yvon Dumont, who is still very, very active in the Métis community.

Dr. Leo Mol, a tremendous sculptor for Manitoba and the garden that he has of statues that are out at the Assiniboine Park, something that is becoming a world-renowned area for visitors to go and see and to enjoy the wonderful statues this man has made.

Bill Norrie, past Mayor of Winnipeg here in Manitoba, an individual that I believe still carries an awful lot of respect and admiration throughout all the communities that he travels

because of not only his contribution to Winnipeg but his outreach into various areas throughout Manitoba, throughout Canada and throughout the world. I believe he was one of the first mayors to set up a twinning program with some of the cities in China that he was involved with.

*(14:50)

David Northcott, we know that name because of the Winnipeg Harvest and his continual working with people of need in that area.

Mary Richard is a lady that has worked very, very hard in the Métis community and a person that has garnered an awful lot of respect throughout all areas of Winnipeg and Manitoba for her involvement, her outspokenness and her positions of trying to work for people.

The Honourable Duff Roblin, as I mentioned, is somebody that we all remember for his contribution.

The Honourable Ed Schreyer for his involvement here in Manitoba and went on to serve as the Governor General for Canada. I believe he was also the ambassador in Australia.

These people have all moved on.

Dr. Arnold Spohr, noted for his involvement with the Royal Winnipeg Ballet and his innovative approaches to dance. In fact, I believe a lot of his legacy is still standing, is still involved with the ballet, and he is spoken with great admiration.

Bramwell Tovey, as the head of the Winnipeg Symphony, has moved on to Vancouver, but his legacy is still here because of his involvement with innovative ways to work with the symphony.

So these are all other people who have received the award, the Order of Manitoba. I believe, as I mentioned before, that we are very, very fortunate here in Manitoba because we have a very, very strong involvement of volunteers, people who want to contribute, whether it is through a conscientious effort or just because of their willingness to give and to be part of an association that strives for betterment here in

Manitoba, which makes it, as they say, a good place to live, to work and to raise the family.

One of the ways to do it is to give some sort of recognition. A lot of times we take it for granted. We do not say thank you enough to the people who bring forth areas that they want to work in. In this way, we can work with the Lieutenant-Governor and put forth names. I am not sure exactly, I would have to look a little closer as to when the call for names is, but I think that we all got the notification of it last time to send these notifications out into our communities.

I know as an MLA you become very, very aware of volunteers. We all go to the various community centres in our community for volunteer recognition night. It is something that has become quite standard in all community centres. I have been involved with quite a few community centres in my particular area. It is usually these people who come out, who put in the time, put in the effort, put in the amount of non-recognizable effort that goes unnoticed, in a sense, because they just feel that they want to be part of making their community a better area.

In my particular constituency, I am very, very fortunate. I have some very strong community clubs that have always been very, very active. The Southdale community centre is a very large community centre in my area. It has grown to be quite encompassing because it looks after not only Southdale but the growing area of Island Lakes, Royalwood and to a degree some of the other areas when there are sport activities going on, which includes some of the Windsor Park area, the areas of Southland Park.

The other community centre that part of my constituency is involved with is the Winakwa Community Club. The Winakwa Community Club, it always amazes me the number of people who work in that club as volunteers. It is not an overly large community centre, but I think it is one of the biggest heart community centres in Winnipeg, in the sense of the people who get involved, the people who serve on the board, the people who serve in various areas of working with the community. It is always very, very interesting.

In fact, it was just on the weekend that I was at that community centre when they had lunch with Santa at that community centre. It was very, very grateful to see the number of people who came out, the young families with the number of children to have lunch with Santa during that short time on Sunday afternoon. The clubhouse, the community room, was just full and noisy with children running around just having a good time. You could see that there was a lot of fun being had not only by the children but by the parents who had brought them there.

These are just some of the examples where people get together, they volunteer, they get involved. It is very appropriate, as I mentioned in the beginning of my speech, that in the International Year of Volunteers that the First Minister (Mr. Doer) has brought in an amendment to the act to increase the numbers for recognition from eight to twelve. I am sure that even with the increase to twelve, when the selection period comes, to try to recognize twelve is going to be very, very hard because the number of people who do deserve recognition here in Manitoba is something that I think, as I mentioned, is the envy of a lot of other places in Canada. I sort of have pity for the selection committee that must make these decisions.

I believe the selection committee is made up of—the advisory committee—I believe it was seven. I am just looking for it, but I cannot find it. I am not too sure how many are on the advisory committee that does the final selection, but whoever is on that committee has to work very, very hard to try to make the distinction between who is going to be a recipient and who they have to say will not be a recipient so that the persons will have a tough job when before they had eight people and now they have twelve. I think it will encourage more applications, more diversification, more different areas to look at in regard to the recognition.

I would think that the First Minister, in bringing forth this resolution for the Lieutenant-Governor, is going to have an excellent effect of getting people to bring forth names for the next round of appointments. I believe it will be in and around the same time which, as I mentioned before, was in July. I believe that it is usually in around that time that they have the ceremonies

in the middle of the summer so that the members can be aware of when we will have to bring forth names for selection.

I believe that those are the words that I was wanting to put on record in regard to this bill brought forth, Bill 4, by the First Minister, and I look forward to having the bill proceed, and I thank you very much for allowing me to put these words on the record.

Hon. Jon Gerrard (River Heights): I rise to speak to Bill 4, The Order of Manitoba Amendment Act, and to offer my support for the changes proposed in this act. This bill would increase the number of individuals honoured each year from eight to twelve. I believe this is reasonable, given the size of our province and the quality of the applicants or those who are put forward for this award.

The Order of Manitoba Act, which we have had, just in recent years is a significant contribution to recognizing the achievements of Manitobans. It is important as we proceed to make sure that the high standards of excellence that have been achieved to date will be continued, that those who are recognized for this award go through a very careful screening process and that this is recognized to be a process which covers all areas of achievement in Manitoba and has a very high quality of review to add to the prestige and the quality of the award itself.

I believe it is important as well that we take the recognition of the individuals who have received and will receive the Order of Manitoba in the future to the next level. I believe it is not enough to each year recognize these individuals, but indeed we should go further and make sure that the students in our schools, that new citizens coming to this province are given the opportunity to learn about Manitobans who have made major contributions and that this becomes a part of the heritage and culture and richness of our province, Manitoba. So I would encourage the Lieutenant-Governor to consult with Manitobans and to work with the Government and others in this province to find ways to make sure that the achievements of Manitobans recognized through the Order of Manitoba are disseminated widely, are well known, and that they indeed become a

part of our history, a significant part that is recognized for many years to come. Thank you.

* (15:00)

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is second reading of Bill 4, The Order of Manitoba Amendment Act. Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act

Mr. Speaker: Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, standing in the name of the honourable Member for Gimli (Mr. Helwer). Is it the will of the House for the bill to remain standing in the name of the honourable Member for Gimli?

An Honourable Member: Stand.

Mr. Speaker: Stand.

Bill 7—The Local Authorities Election Amendment Act

Mr. Speaker: Bill 7, The Local Authorities Election Amendment Act, standing in the name of the honourable Member for Gimli (Mr. Helwer).

Some Honourable Members: Stand.

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

Bill 6—The Fortified Buildings Act

Mr. Speaker: Bill 6, The Fortified Buildings Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

An Honourable Member: Stand.

Mr. Speaker: Is it the will of the House for the bill to remain standing in the name of the honourable Member for Pembina? Agreed?
[Agreed]

House Business

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I wonder if I might have a moment to confer with the Opposition House Leader (Mr. Laurendeau).

Mr. Speaker: We will take a moment for the two House leaders to confer.

Mr. Chomiak: Mr. Speaker, I wonder if you might call Bill 2.

Mr. Speaker: It is up to the Government.

Mr. Chomiak: Yes, Mr. Speaker, with leave, I would like to call second reading of Bill 2, standing in the name of—

Mr. Speaker: Order. There is no leave required.

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

Mr. Speaker: I will resume debate on second reading of Bill 2, The Security Management (Various Acts Amended) Act, standing in the name of the honourable Member for Fort Garry (Mrs. Smith). Is it the will of the House for the bill to remain standing in the name of the honourable Member for Fort Garry? [Agreed]

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I welcome the opportunity of speaking to Bill 2, of which a significant portion with respect to the legislation concerns public health related matters.

The amendments that are proposed in Bill 2 are of some significance. It can be, I suppose, certainly understood in light of the events that occurred on September 11. I need not outline to members of this House who have already had the opportunity on many occasions to deal and discuss with these issues of September 11, but it is trite to say, and, in fact, it has been said on

several occasions in this House, that, in fact, things have changed significantly in this jurisdiction and all jurisdictions as a result of the tragedies that occurred on September 11.

Manitoba has taken a very aggressive, an active response to the events of September 11, and these are reflected in the security bill that is now before us. On the very day of that tragedy, the health authorities across this province, and indeed, in co-ordination with health authorities and officials across the country, moved quickly into action to prepare for any ramifications as a result. In fact, Mr. Speaker, bed counts were made, inventories were taken, contingencies were put in place in the event that patients had to be transferred, for example, from the New York area into the urban Toronto area or Montreal areas, which would then perhaps necessitate the movement of patients from those jurisdictions to Manitoba. Indeed, a crisis centre was set up that 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.

I was very happy and very pleased to see the excellent response from our health officials who went right into action. Pharmacists were made available to individuals. Home care workers were made available to individuals and medical personnel of all kinds. Doctors and nurses were put in place to provide assistance and to provide service to those individuals. I commend all Manitobans for their generosity, not just in those matters, but with respect to the donations for blood and all of the responses made by the people of Manitoba.

Further to that, Mr. Speaker, I am very pleased that the public health officials in Manitoba were at the forefront of national efforts to put together co-ordinated strategies relating to responses and relating to matters concerning bioterrorism. The people in public health who had done yeoperson service over the past few months, be it the meningitis vaccination program, be it the hepatitis C look-back, trace-back program, be it the water initiatives that were initiated by the Department of Health, those men and women who had been working night and day on many occasions to assist Manitobans were out again to deal with this issue. We are in

the forefront, and, I think, if you were to canvass across the country, and, indeed, canvass with officials in the federal government, you would find that Manitoba officials were at the forefront in matters dealing with this.

* (15:10)

Ms. Bonnie Korzeniowski, Acting Speaker, in the Chair

Likewise, with respect to this particular bill that is before us today, the security measures that are put in place again reflect the need for the province to be ready in the very, very small and unlikely possibility that a bioterrorism event should occur in this jurisdiction. We hope and pray that we never have occasion to have to utilize the powers that are in this particular bill, but we would be remiss if we did not as a province put in place measures and put in place the ability to allow our public health officials to respond in the very unlikely event that bioterrorism should occur in Manitoba.

Quite simply, Madam Acting Speaker, the bill before this House deals with two general areas: First, a definition of dangerous diseases, and, secondly, a definition of a serious health hazard. We have canvassed and worked long and hard to try to determine what is the best balance and use of powers in the event of bioterrorism, and on the advice of medical officials, health officials, we have prepared and put in place in this particular act those particular measures.

Now, Madam Acting Speaker, it is noteworthy that the definition sections and some of the factors that were considered in this bill are almost identical to a similar legislation that is in effect in New Brunswick. I might also add that the most controversial aspect of this legislation is the very, very narrow interpretation that would allow a public medical officer of health to take someone into a form of custody to provide treatment or examine them in the event, in the very narrow event, that this individual displayed evidence of a dangerous disease.

I might add that the individual, if taken into custody, would have to have legal proceedings take place within 72 hours and that this power and authority, it is limited to very narrow

circumstances. It is noteworthy that in the province of Alberta, as it presently exists as I understand it, there is the power and capacity to do this kind of action and take someone into custody for seven days. We have made it much narrower. It is not atypical legislation. It is not common, but it is evident across our health system. For example, under The Mental Health Act, an individual can be taken into custody against their will on following certain procedures.

So we have been very careful to draft the new legislation as narrow as possible, but the goal obviously is to try to ensure that our medical officials, most specifically the medical officer of health, have the power and the authority to deal with very unique situations of bioterrorism. The classic example of that and the one that we have used as an example—it is almost revolting to have to discuss it in these terms, but it is a reality we have to face, and that is, if individuals were to utilize themselves as human weapons, biological bioterrorist human weapons, this would permit the medical officer of health to have powers to deal with that situation.

Now we have tried to narrow the definition under which this section, that is, dangerous diseases, can be utilized to a very narrow definition. Dangerous diseases, we looked at the United States Army's determination of bioterrorism definitions, and we determined that there were a number of diseases that were mentioned. We narrowed our definition of these diseases to a very small group of diseases, Ebola, Lassa fever, plague and small pox. Those were narrowed, and they were actually further narrowed by being infectious diseases and very communicable. "Virulent" is in fact the appropriate word. In those particular instances, if it qualifies as a dangerous disease, certain powers are triggered under this act.

Similarly, there are other situations not dealing with people but dealing with conditions and events that are defined as a serious health hazard that also have specific powers placed in the hands of public health officials, most notably medical officers of health but, in some certain instances, and I will get to those specifics later on in my comment, have certain powers to act.

Now, Madam Acting Speaker, the issues are narrow. The circumstances are very unlikely, but the possibility indeed, the duty is on our part to make sure that there are these powers available to the medical officers of health to deal with these issues in very unique circumstances.

I almost hesitate, as I did at the press conference, in introducing the bill, and as I do generally, publicly, because the likelihood of any of this occurring is so small. Nonetheless we have to be cognizant post-September 11 that events of this kind can occur. The ability of a person, as revolting as it seems, to utilize themselves as a weapon of bioterrorism does exist. Unfortunately, there are examples.

The classic example—and, again, I only use this as an example. It is unlikely, but it is the classic case, and that is if an individual—it has been reported in documentaries and on television—were to be infected, for example, with the smallpox virus and were to attend at a major public event or to attend at a location, for example, such as an airport, literally the exponential ability of the virus or of the disease to be passed on across not just that particular locale but beyond that is quite extraordinary. If, for example, an individual were to be in that kind of a condition, as it presently exists there would be no power on the part of a medical officer of health to stop that individual from doing whatever that individual planned to do.

This, in narrow circumstances, for example, would allow the medical officer of health to take that example forward, to examine that individual and inspect that individual to determine whether or not that individual, in fact, did pose a threat and to isolate them in those cases and in certain instances treat them under those circumstances, again under very narrow circumstances.

Now, that is very chilling, Madam Acting Speaker, to even consider or contemplate, but a contrary example, which is perhaps more likely, is if someone were to pretend to be in that position and attend, for example, at a public event or at an airport. They could literally shut down the entire system, and we certainly learned that through the anthrax scares that have occurred, through just suggesting that that event

could occur. Again, the ability of the medical officer of health to examine that individual and to provide relief to the public that, in fact, that individual is not in a situation where they are communicable or can pass on a disease would permit all of the other individuals who came in contact with that individual to be relieved and to know they are, in fact, not in danger or at risk.

If one is to look into The Public Health Act as it exists, one would probably be surprised to find there are significant powers, significant authority that is given to medical officers of health and others under the act. That is mainly arising out of historical developments that occurred dealing with the virulent or communicable diseases that we are more familiar with, but indeed the powers attributed to medical officers of health and others under The Public Health Act are, in fact, fairly broad when it comes to issues of unsanitary conditions. They have fairly significant powers to take action in those instances.

* (15:20)

One of the attempts and hopes in this legislation is to take and moderate some of those powers across the entire act by virtue of this amendment, both in the powers that we are putting forward, the additional authorities, and to the authorities that pre-exist to ensure, we are trying to attempt to ensure that they are Charter compliant. So in some ways we are having the ability to take the act and to make it more Charter compliant. That should be of some satisfaction to individuals.

Now, Madam Acting Speaker, I know that, on second reading, generally one is to deal with the general principles, and I will have the opportunity both on third reading and in committee to deal with some of the specific instances. In fact, I have had the opportunity to provide a briefing to the opposition critic and one other member of the Opposition with respect to the various specific powers as they are outlined in this bill. In general, I suppose it is fair to say that the definition of dangerous diseases, vary narrow, permits certain actions to be taken in certain circumstances. The definition of serious health hazard deals with events dealing with substances or things or matters of that kind, allows the medical officer of health to

take other actions under serious health hazards, but the powers do not go as far as those concerning dangerous diseases.

One of the issues I think that is significant in this particular act is the fact that it does allow the Minister of Health to designate a disease as dangerous. The reason that that particular amendment is put into Legislation is because when we reviewed the potential list of diseases, in light of September 11 we could not be 100 percent certain that we could cover all of the diseases that might be utilized as bioterrorism weapons.

It is conceivable in the next months or years ahead that through some genetic or biological modification or through some other related manner that we were unable to designate that a disease could become as virulent, as communicable, and as dangerous in the hands of an individual through an individual acting as a bioterrorism weapon or some other means so that it would be required to be designated as dangerous.

So we have put in the ability of the minister to designate a disease as dangerous on the advice of the medical officer of health and under quite strict and narrow interpretations. Again, that amendment is put in place only because as we contemplated this act and contemplated the future and the eventuality, we had to put ourselves in a position where we had to unfortunately put ourselves in the minds of people who might be contemplating this. It is impossible to determine all the eventualities. So consequently we do have some authority to designate a disease as dangerous, but that would be very narrowly applied.

There has been some suggestion, I believe, when we first introduced the bill that this act could be utilized for other purposes. That is certainly not the intent. I suggest that other diseases that are already dealt with under The Public Health Act, specifically those that are sexually transmitted, have their own category and are dealt with in a different form than the forum and the form that we deal with them under the definition of dangerous diseases as contained in this act.

So we were conscious of that issue and we deliberately attempted to try to ensure that the definition of dangerous diseases under which some powers would flow to medical officers of health would be very narrowly focused on matters like bioterrorism diseases. We specifically chose to use the U.S. list of bioterrorism agents, which is broader, but we narrowed it. We narrowed it just again to make it a narrower application. We used the U.S. list to be illustrative of the kinds of diseases we are covering. We do not believe that those concerns that have been expressed are worrisome.

Having said that, we are, if individuals opposite, because this is uncharted territory and new ground, unfortunately, that we are having to face, we are open to advice or suggestions in this regard. And as we go into further readings of this bill and as we go into committee, we would be prepared to accommodate those interests or concerns. Remember, the concern is giving medical officials the powers that are necessary in the very unique circumstances of bioterrorism, and, most specifically, individuals utilizing themselves as biological weapons. Madam Acting Speaker, those are, I think, some of the checks and balances that we have put in place to deal with these issues and related issues concerning this act.

The powers can be broken down into a variety of areas, the very narrow power of apprehension and very narrow circumstances to be utilized. In addition, throughout the act, similar to other aspects of The Public Health Act, there is the ability of medical officers of health to utilize other powers. Now there are medical officers of health available to every health region in the province.

We did permit and we have permitted some of those powers to be delegated in certain instances to public health officials and in certain other instances to public health nurses. Again, that has already been ascertained and outlined in that Public Health Act previously and that power and that ability to delegate has been available before, but we determined that in the unlikely event that something like this should happen, in the event that it should occur, for example, somewhere in a small, rural or northern community where action is required immediately

and there was no access to a medical officer of health on the site or immediately, then someone who is trained, someone who is educated and someone who is competent in this area ought to have some powers and the ability to utilize them. So there are some delegated powers throughout the act in certain instances to be utilized. Again, that is only prudent given the ability and our belief that we have to cover off potential, again very narrowly and very unlikely, but potential bioterrorism events in the province of Manitoba.

There are protections built into the act. There are due legal processes that are built into the act including, I might add and I must point out again, section 32 exceptions under The Public Health Act. For those and I am sure members of the Legislature who constantly read The Public Health Act are aware that section 32 provides for exemptions in the bill to individuals who on religious or other beliefs do not want to have, for example, a vaccination. That power is maintained under this act so that a person can object for religious or other valid reasons. So that protection is still permitted under this particular act and that protection is still built into the act for individuals.

There are as well a number of checks and balances that require a follow-up, that require the ability for subsequent payment in the event of some action taking place. The long and the short of it is in general, Madam Acting Speaker, one hopes and prays that we never have to ever utilize these powers, but given what we have learned and what we have seen over the past 80 days, we cannot rule out anything, unfortunately. It is prudent to offer the powers not generally to the Legislature, I must add, but to very professional trained individuals, medical officers of health and other individuals to permit them with the authority and the ability to act and act quickly in the event of a serious bioterrorism event, one related generally to that situation where an individual or individuals would be in a situation where they were utilizing themselves or some process to act as a bioterrorism weapon against the general public.

* (15:30)

This is keeping in spirit with other aspects of the security legislation in general, but more

specifically when dealing with The Public Health Act this is not a lot different from other powers and other abilities of medical officers of health and others to deal with significant issues as they relate to matters of communicable diseases, unsanitary conditions and other conditions that have historically been dealt with under The Public Health Act for decades.

On that point, I do not think it is any secret as well that we are hoping, we are striving, to have a new Public Health Act introduced, hopefully as early as next spring. I suppose one might suggest that these amendments can wait until the introduction of that act. I have to say, no, Madam Acting Speaker, we cannot wait until the introduction of that act.

Again, the events that have occurred dictate that we be vigilant and have the ability to deal with any event that might occur in the next period of time. These powers and this ability, as narrowly construed as they are, still would permit our medical officers of health to take appropriate action to protect the public and the safety of the public and to mitigate any potential disaster which might occur.

So we feel that it is incumbent upon us to bring forward this legislation to provide for these systems, these powers, and these abilities to be put in place. As I said on numerous occasions during the course of my discussion of this bill, we hope to never have to be in a position where we have to utilize these powers. Nonetheless, Madam Acting Speaker, it is incumbent upon us to ensure that our public health officials have these powers.

So I look forward to the continuing debate in this regard. I look forward to the advice that we will receive in this regard. I do not believe, Madam Acting Speaker, that we have it all right. On the other hand, I think that because it is so relatively new, these events, I think that we have done as good a job as possible on the advice of our medical officials and others to try to look at all of the eventualities, all of the potential consequences and all of the events which could perhaps put at risk the lives of Manitobans.

As I indicated in my opening comments related to this bill, I have been very impressed

with the activities and the actions of our public health officials, and I again commend them for their work. I am aware that during the recent anthrax events that occurred several weeks ago, our public health officials were working day and night to deal with these issues. It was and it is a new kind of activity and one that one would only have contemplated perhaps in a novel or some form of science fiction.

Unfortunately, it is a reality today and our public health officials have responded admirably. They have been stretched. They have worked long and hard hours, but they have managed to do an excellent job. On top of attending at sites and taking samples and working on these issues, our public health officials have been working with the federal government and other provinces to put in place protocols and responses in co-ordinating activities to deal with these issues. In addition to that, they made recommendations that are before us today dealing with public security and public safety, as contained in this bill that we have the occasion to deal with.

So I again commend the efforts of those officials, the men and women who have been putting in days and hours and weeks working at protecting our public health and helping Manitobans to be assured of their safety and their health. They have done excellent work.

This is but one example of the efforts that they have put into place. We have listened and looked at their advice. We have tried to incorporate these eventualities into this bill, and we are hopeful that Manitobans and all members of the Legislature will look upon this as a step forward and as a means to ensure for the safety and security of all Manitobans, and indeed all Canadians, or indeed all individuals who have occasion to visit our province, cross over our province or enter our province.

Our hope and our intention is to ensure that they are all protected, that they all can have the satisfaction of knowing that we are doing everything that we possibly can under these circumstances to ensure that safety is protected.

Now, Madam Acting Speaker, I am quite anxious to hear comments of all members of the

Legislature with respect to these amendments. I look forward to the opportunity of dealing with this matter in committee and suggestions and advice that will come forward dealing with this particular bill.

Mr. Speaker in the Chair

I should add, on reflection, that there is also a subsequent section that deals with issues of hoarding of drugs. It gives the ability to the minister to deal with that particular instance. I note that many, many U.S. jurisdictions have in fact put this power and authority in place. Given some of the events, occurrences that occurred during the anthrax scares that occurred several weeks ago, it is only prudent to put this kind of authority within this particular act. So it is contained in this act.

I had occasion to look at the amendment relating to this kind of a power within the Minnesota act. I noted that they were also prescribing these powers in the State of Minnesota.

Now I would be very happy and I am sure all of us would be very relieved to hope and pray that we never have to utilize these powers and that despite the fact that it is necessary to have this act in place that we never have to look to this act ever to protect Manitobans. I am certain that that is the hope and the wishes of all members of this Chamber, but, nonetheless, one must face reality, one must face the circumstances of that reality, and one must deal with it. Not dealing with it is a decision as well, Mr. Speaker, and we think that is the wrong decision. A decision not to deal with it, a decision to not act on this would be a decision, and it would be a decision, I suggest, that would not be in the best interests of Manitobans' safety.

So we are faced with this reality, we are faced with this issue. We are meeting it head-on. We are meeting it by providing legislation, providing authority to our health officials, most notably medical officers of health and in certain narrow circumstances designates of the medical officer of health to deal with the situation. I look forward to the continuing debate in this Legislature as it relates to this matter. Thank you very much, Mr. Speaker.

* (15:40)

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I, too, want to put some comments on the record on Bill 2, but I want to commend my colleague the Minister of Health (Mr. Chomiak) for opening debate on this bill and outlining the health aspects of the bill and the steps that have been taken since the events of September 11 to address security issues within the Department of Health.

Mr. Speaker, certainly after September 11 life changed and people began to look at security issues much more differently than they had in the past. Many areas that we took for granted are now areas that we have to look at more closely. The section of the bill that falls under the Department of Agriculture and Food is The Pesticides and Fertilizers Control Act.

I have to say that the amendments to this act recognize that certain pesticides and fertilizer products and the equipment used in their application have the potential to be used in terrorist activities. For example, Mr. Speaker, we all know that ammonium nitrate fertilizer was used in the Oklahoma bombing. Aircrafts and other large pesticide spraying equipment have been cited as a potential use for terrorists. I believe all members in the House heard about the incident in Saskatchewan where individuals who were not farmers, individuals who had no connection to farming and really had not very much understanding about aerial crop spraying equipment were inquiring about the purchase of some of this equipment. When the individual was approached and recognized that there was something suspicious here, he automatically reported it. That incident made other people aware that there was a potential for the use of some of this aerial crop spraying equipment in a devious way.

I have to say, Mr. Speaker, that we have had discussions on this issue with people in the industry, but I also had the opportunity to have a discussion on this matter with the secretaries, commissioners and ministers who attended the Northern Plains Producers Conference, and the legislators from other jurisdictions were very interested in what we were doing to address this issue and were going to be looking at the steps

we had taken and looking at similar ways to address the matter within their own jurisdiction.

I want to say on the record very clearly that this matter is not in any way intended to curtail farmers from doing their business and that there has been a lot of consultation with people in the industry. There has been consultation with the Canadian Association of Agri-Retailers. There has been consultation with the people in the crop spraying industry. In fact, the people in the crop spraying industry, the Manitoba Aerial Applicators Association have made further suggestions on how we can work together to ensure that any difficult incident not arise from the use of this kind of equipment. But it is not meant to create hardship for farmers, and, in fact, that will be addressed in regulation.

I want everybody to note that we understand the time constraints, and we will take every step to ensure that this is not disruptive. Certainly, as I said, the department has been in consultation with the industry prior to the drafting of the legislation, and we will continue to work with them as we draft the regulations for this sector. In many cases, Mr. Speaker, the amendments reflect the voluntary initiatives already being taken by the agriculture industry in response to the need for heightened security. When we talked to people in the industry, they already are taking steps.

The existing act right now requires individuals engaged in commercial application of pesticides to obtain a licence from Manitoba Agriculture and Food and to complete a nationally recognized course that is presently delivered through Assiniboine Community College. Farmers are exempt from the requirement to take the course and will continue to be so under the amendment to this act.

The proposed amendments will apply to aerial applications craft and what is commonly referred to as crop dusters and to large ground-based spraying devices. The large ground spraying devices are those devices that are used not on the fields but for spraying within larger centres, such as the mosquito spraying devices. Those are the devices that are covered. As well, amendments will cover certain fertilizers and pesticides which are referred to as controlled

products. Examples are ammonium nitrate and strychnine. The vast majority of crop protection products and fertilizers will not be subject to the amendments.

So, Mr. Speaker, I would just like to speak briefly to some of the features of the bill. With the section dealing with the sale and lease of aerial spray equipment, urban foggers and controlled products, these sales cannot be made to an individual who is listed under section 83.01 under the Criminal Code. So anyone who is an entity under this part of the Criminal Code cannot purchase the equipment, because such a person is considered a security threat.

Under this legislation what would happen is the list would have to be checked when someone is going to make a purchase. It also requires that customers follow what is called a know-your-customer policy before making a sale or a lease. Again I refer to the incident that took place in Saskatchewan when an individual who knew nothing about spray equipment, knew nothing about crop dusters or knew nothing about chemicals was inquiring about purchasing a crop dusting plane, and then the owner became suspicious. So that is the clause which is "know your customer."

The legislation also requires the provision of certain information that will be determined by regulation. When an individual wants to sell a piece of equipment, they have 10 days to notify the minister of the transaction. Again, there are additional checks. The transaction can take place in less than 10 days if all of the information is checked whether this individual is not listed with section 83.2 of the Criminal Code, but the individual has up to 10 days.

Mr. Speaker, some individuals have raised the issue that this will hamper agriculture activities. I would hope that it does not hamper agriculture activities, that they can be dealt with in a way that will ensure that transactions move along smoothly. But ultimately, again, circumstances have changed and it is necessary that we take these precautionary steps. In discussion with the industry there is certainly support by the industry to take these steps, and we will work with them.

* (15:50)

All of this is designed to ensure that certain equipment or certain products do not get into the wrong hands. In regard to the last provision, we have assured the industry that where a sale or lease is to take place between two parties known to the department, the turnaround time of approval will be instantaneous, as quickly as possible, particularly during the crop season. Should there be a transaction taking place during the crop season, we will make designated staff known to the industry and have those people work very quickly. But, in many cases, transactions such as these do not usually take part during the busiest part of the season. Transactions take part in the off-season. But should there be transactions during the cropping season, we will work, as I said, staff will be dedicated to ensuring that these transactions move very quickly.

The other feature of the bill is that it will provide for the reporting of missing inventory. Mr. Speaker, this is that, should there be a large amount of inventory missing, then there is the ability to report that. There is also the ability under this other bill to share licensing information from other jurisdictions, access to information and the secure storage and the disabling of aerial and ground spraying equipment. Again, these requirements are designed to minimize the possibility of terrorist activities; again, not something we would have thought about last year but something that we have to think about.

When we talk about disabling aerial and ground spraying equipment, particularly with the aerial spraying, this is a suggestion that has come from the Aerial Spraying Association, that we may have to look at that. In fact, in one of the states there is a program, I believe it is in South Dakota. I may be wrong, but I believe it is South Dakota, where government is putting in money that will secure the propeller on the airplane. It is part of a program that they have that will ensure that a plane, when it is not in use, can be decommissioned by this lock on the propeller.

So I share this with you, Mr. Speaker, and I share this with the House, so people will recognize that it is not only in Manitoba.

Although Manitobans have come forward with this legislation ahead of others in other jurisdictions, other jurisdictions are looking at this as well.

We are talking about the industry and the fact that government is working with the industry on this matter, but I also want to acknowledge that the industry has taken certain actions on their own to increase security since September 11. We have consulted with the industry respecting this bill, and we will continue to do so with the development of regulations. Again, it is not our intention to needlessly disrupt the necessary functions of the industry. In this regard, I believe the provisions in the bill will not disrupt the industry and will provide security for the public respecting the equipment and products which are the subjects addressed in this section of this security bill.

Mr. Speaker, I know that there have been comments raised by members of the Opposition about what the impact of this is on farmers, and I have had a few discussions with a few of them, but I would certainly welcome the Opposition to put comments on the record, particularly the rural members to indicate what they have heard in the community, what they have heard from the farming community with respect to the bill, and I would encourage the urban members, as well, to address the issues as well.

I should say that we have also had discussions with the City of Winnipeg to talk about the urban foggers and the steps that can be taken to secure that equipment and to talk about what kind of changes have to be made in regulation there, because, again, we talk about the agriculture side of it where we are talking about the aerial sprayers and the safe storage of chemicals, but there is also the urban aspect of the bill and we would work very closely.

But, seriously, Mr. Speaker, there are members on the opposite side of the House who are very familiar with crop sprayers, and I would welcome their comments. The other issue is that this legislation should not hamper farmers in their day-to-day operations, in their agriculture practices. We are working closely with the industry, and regulations will be drafted that will exempt the farming equipment.

As I say, there are sections that may require additional work. I welcome the advice of others. There have been letters that have been coming in, and I know the member from I believe it was Arthur-Virden—I should not say the member from Arthur-Virden. We have had correspondence from people in the member from Arthur-Virden's area, but I want to say again that the Manitoba Crop Protection Institute and the Canadian Association of Agri-Retailers have been consulted on this. I would look forward to further recommendations from them as we work through this.

Mr. Speaker, again, as we prepared for this session earlier this summer, I am sure that none of us thought that we would have to bring this kind of legislation forward. There are many other important issues that are on our agenda, but when we had the incident of September 11 and security issues became far more important along with the discussions on health issues, the discussion on emergency measures, all of those issues, we took the steps to try to improve security here in Manitoba.

They are a broad range. We have The Dangerous Goods Handling and Transportation Act; The Emergency Measures Act; The Manitoba Evidence Act; The Fire Prevention Act; The Pesticides and Fertilizers Control Act, which I have just described the changes; The Private Investigators and Security Guards Act; The Proceeds of Crime Registration Act; The Public Health Act, that my colleague the Minister of Health (Mr. Chomiak) has just outlined to you; and The Vital Statistics Act.

So, Mr. Speaker, there is a broad range. Certainly some people may think that there are more issues that we can address. Some people may think that we are trying to address too many issues, but ultimately what we have to do is think about what we can do to ensure the security of the public. I hope that five years down the road, when the act is reviewed, we will be able to say, you know, we did not have to do all that work, but, in the time that we are in, it is necessary to take as many precautionary steps as we can. I think it is good for us to review the legislation that is on the books and take what steps are necessary.

I welcome comments from the members opposite, particularly with respect to The Pesticides and Fertilizers Control Act, because I know that that is an important issue to many members on the opposite side of the House who represent some of the farming community. I look forward to hearing their comments. Thank you.

* (16:00)

Mr. Conrad Santos (Wellington): The Security Management Amendment Act is an omnibus legislation that would require review after one year. This is known as the sunset clause. It will affect various acts, including The Public Health Act, of which the honourable Minister of Health has already spoken.

I would like to follow his lead and talk about some of the foreseeable consequences of this new area of governmental activities. Sometimes I ask myself when I see people skydiving, I say: Why are they doing this? Or when they are bungee diving: Why do people do these things? Or when they take LSD and soar into the realm of the unknown. A simple explanation that I can find is that because others are not doing it, so they want to do it.

The Public Health Act gives the public health official the ability to detain individuals up to 72 hours. When there is reasonable ground that the person is carrying some kind of disease, and they are specified, as the honourable minister had said, they are specified to ebola, Lassa fever, plague and smallpox, and then it is subject to court review.

We have already seen in the past our experience with the power of government to limit individual mobility and freedom. When the Honourable Prime Minister Pierre Elliott Trudeau invoked the War Measures Act, the federal government was able to detain people without charges, to question them, to limit their mobility and their freedom. That is an experience that we have already gone through in the past.

The new federal law is doing the same thing in an expanded way. They can detain individuals also up to 72 hours, and that is a difficult thing to conceive of in a free and democratic society.

But then we have a balancing here of what is guaranteed in the regional constitution act, the one that created Canada itself, because in that Charter, in that original Constitution, as amended in '81, when we added the guarantee of freedoms and rights, there is this phrase called Peace, Order and Good Government. That is a long-standing ability of the total community to maintain order and peace, provided that certain basic rights and freedoms are preserved and recognized.

Our Constitution states, the new Constitution: Even if after enumerating all the basic rights and freedoms of citizens, the new Constitution said, these guaranteed rights are subject to reasonable limits prescribed by law, demonstrably justified in a free and democratic society. So even those guaranteed rights like the right to confront your accuser, the right not to be arrested without charges, all these criminal rights are still subject to reasonable limits prescribed by law and demonstrably justified in a free and democratic society.

When we give public health officials the ability to detain individuals up to 72 hours, there must be reasonable grounds that the person is carrying such contagious diseases and then after that, subject to court review. Now, if an individual carries a contagious disease and nobody knows about it, where is the guarantee? Or if it is smallpox which shows on the skin, and the lawyers are then debating whether there is reasonable grounds or not to detain him, then time is an element. If they can debate it ad infinitum, whether there is reasonable grounds to detain this particular individual and in the meantime he is moving around in the community, what happens to the national public health and safety of the rest of the community?

So we are venturing into a new area of government activity and government regulation. All the more, we should realize that this is a paradoxical situation, a very delicate balancing of peace, order and good government and the rights and liberties of individual citizens.

We must accept the new reality. Our enemy is not any particular nation state or any particular ideology or any particular belief, central belief. We do not even know the enemy.

An Honourable Member: Oh, yes, we do.

Mr. Santos: Well, you say it is bin Laden? Who is the enemy?

An Honourable Member: Osama.

Mr. Santos: Osama bin Laden, you say. Assuming the honourable Member for Lakeside (Mr. Enns) is correct, that you identified the enemy, the question is, when you have exterminated the enemy—*[interjection]* The enemy is one. You have identified the honourable Member for Lakeside.

But how many ills, how many other people are in the same situation that may some day carry on? Nobody knows, because the seed of evil, we are part good and we are part evil. I am a human being. We have a lower self and a higher self. We have an outer personality and an inner being. We have Tories and New Democrats. These are all paradoxes of life.

* (16:10)

The seed of evil lies latent in the heart of every human being. Indeed, medical experts can testify that the self-destructing DNA is waiting to be activated. It is already inside of us in order to destroy the immune system of the human body. Take these cancer cells. They are not from the outside. They are part of our system. The only problem is that they are directed in the wrong direction, which is to destroy the human body as a system. The same thing is society in itself, the seeds of destruction. Do you think that the people who executed those airplane attacks on the twin towers were from outside of the United States? I was reading the paper and following it closely. They had been there, years inside the United States, for many, many years. They were trained as pilots. They were already working within the system. They did not come—*[interjection]*

I do not know that. What I do not know, I will not say. But then if we look at the cause of all dissidence, the only problem is, in the balancing of rights and liberties and peace, order and good government, we do not yet know where we are going. Just like the Roman Empire. *Quo vadis?* Where are we going? Are

we going to the garrison state envisioned a long time ago by some writers? Or are we marching shoulder to shoulder to preserve freedom and democracy within the framework of order?

We do not know, and so it all depends on our leadership in the federal government, in the provincial government, in all levels of government, even in community organizations, it depends on the leadership to show the people where to go. But if the blind lead the blind, both shall fall into the ditch. So we must be conscious of our grave responsibility to direct where we are going.

Now The Public Health Act says "public health official." They are experts, they are told. They know the things related to all these technical subjects, but we are the accountable leaders in our province. What they do, we have to be accountable for, and we cannot control their behaviour. When they are invested with power, what will they do?

Woodrow Wilson said—this is Woodrow Wilson, an American, the Member for Lakeside (Mr. Enns) may like it. He is the American. He was president of Princeton University, and then he was a member of the government until he became president of the United States. Wilson said: There is no danger in power, provided that power is not irresponsible.

So the danger lies not in the existence of power but in the way that it is exercised. It must be exercised in a responsible and accountable way.

The question now is what is responsibility. When do we say that the exercise of power is responsible? The Public Health Act also said: It provides the Health Minister with authority to introduce regulations commencing the holding of antibiotics in order to ensure the availability of medication and vaccinations. So there is the authority here, the statutory authority vested in the minister.

Now, authority without power behind it is empty. That is why we have a democratic government that elects us as the majority government, and this majority government has the power as a government to make those

regulations that will inure to the benefit and general well-being of all Manitobans.

But then if we delegate that power to other people who are not elected, who are not accountable, who are not responsible, and yet we assume responsibility, there is a problem here.

So we are just saying that there should be some kind of caution, limitation in the delegation of power. The bureaucracy is part of the government. It is an unelected body, but it is a stable subset of the governing structure. It provides stability, continuity. The political segment, like the shifting of power between the majority government and the Official Opposition, that is a shifting that goes off and on, but the bureaucracy should be doing the implementation of policy, and the policy should come from the elected majority government.

Now, my problem with delegating everything to experts is this. There is an old, old, maxim which says: *Quis custodiet ipsos custodes?* Who will guard the guardians? That is a deep question. If we are invested with the responsibility, authority and power to protect the welfare and well-being of each and every citizen, who will guard us?

If the health officials are invested with the authority to detain individuals who are suspected, on reasonable grounds, of carrying ebola, Lassa fever, plague, smallpox, who will look over them to see that they are not abusing their duties? Should we have SS guards to accompany these public health officials who will detain individuals on reasonable grounds because the individual is suspected of carrying diseases? There are diseases that do not show at all. They are inside our system, and there is no evidence. Where do you get that evidence, and where do you base your reasonable grounds? So we have to be very careful about the extent of their jurisdiction and the rights of these individuals in order to carry out these tremendous powers. *[interjection]*

Osama bin Laden, the honourable member said the enemy, Osama bin Laden. If Osama bin Laden is the enemy, then we have to go back to history and find out what motivates this particular person to do what he has been doing

all along. You know, there was an old law in the age of antiquity called *lex talionis*.

An Honourable Member: An eye for an eye.

Mr. Santos: That is the honourable Member for Burrows (Mr. Martindale) who has identified it. That is the Old Testament, an eye for an eye, a tooth for a tooth. It is based on the concept of the talion. It is, in fact, borrowed from the early Babylonian law. What does the Babylonian law provide? Criminals should receive punishment precisely as the injuries and damages they cause. You see, criminals should receive as punishment precisely those injuries and damages they have inflicted on their victims. That is the Babylonian law. Okay, example: Supposing I steal somebody's car. What is the penalty? I should be deprived of my own car. That should be the penalty, equivalent to the damage I caused. If the car that I stole is brand new and my car is old, then there should be additional damages that I should pay.

* (16:20)

Now, people who burn, what we call the firebugs who burn houses, buildings, churches, what should be the penalty? I leave that to you. If they have no assets because they are destitute or they do not know any better, what do we do? So that is a difficult concept, the concept of the talion.

In the early Palestinian society, there was also mutilation and theft. If you are angry with your enemy and you cut his arms or his leg, your arms or your leg would also be cut. But this will not be done by the state. No, the state is not involved at all. This is supposed to be private wrongs from one person to another person, and these persons should settle it themselves. I do not know what other cultures provide, but these are matters are to be settled privately between the person who inflicted the injury and the one who is injured. The government, the state, has nothing to do with it, except to say that it is restored.

Then, later on, the Palestinian wise men enacted a law prohibiting the injured from demanding an eye from a person who caused loss of your eye because, instead of one blind

man, there would be two blind men. Only the value of his lost eye, that is what you would be required to restore.

So this talion is not really dead. It still provides the basic rationale behind our corporal punishment, like incarceration, you know, across the border, lethal injection, hanging. That is *lex talionis*, except this time it is delegated to the state. The state is doing it, not the family of the injured victim or the survivor of the clan of the injured.

So this is now a matter of difficult things for us, a new area of public policy. If the one who does all this public mischief, not merely mischief, but posing clear and present danger to each and every citizen by spreading biological agents, what do we do with such people like that? I say if life is there and it is at risk, then you have to realize that your constitutional liberties and freedom have to be a little bit curtailed. Otherwise, there will be no life to preserve. That is a value judgement from one member. That is for the public policy maker to make.

So there is this paradox in political governance. You cannot go too far on the hard and the iron hand. Then you depress the rights and liberties of the people. On the other hand, you cannot go too loose and too lax and let all those elements roam around and endanger the entire political system. That is why we need some guidance, some wisdom, some caution, some patience in dealing with these kinds of elements in our society.

Everybody is afraid, not everybody, but almost everybody, I would say, not I, but everybody will say, everybody seems to be in fear of death, indeed most of us. That is an observation anybody can verify. We fear risk and danger to ourselves because the instinct of self-preservation is primary. It is part of our whole being. Indeed, it is recognized by our laws. If you acted in self-defence, our law said, even if you take a life, you go scot-free. That is our law. That is human law, statutory law.

An Honourable Member: You are about to change these laws.

Mr. Santos: No, I am not changing any law. I am with the Government. I support this bill because the primary value is life.

There was once a person who is wise and old. Because he was wise, he said things that offended the people in power. So they charged him. They jailed him and they told him: You better be prepared to die. The wise man smiled and said: I have been preparing all my life to die. How is that, they asked. The wise man replied: I have never secretly or openly done any wrong to anyone. If we are to die nobly, let our vices die first. Then we know no evil can happen to us either in this life or in the life after. So if we have to die, let us first direct it on the evil aspect, the evil side, the lower self. What are these values? Greed, envy, jealousy. These are human desires, human instincts, and they should die first.

* (16:30)

Solomon stated: For the living know that they will die, but the dead knew nothing. They had no more reward for the memory of them is forgotten. Also, their love, their hatred, their envy have now perished. Nevermore will they have their share in anything done under the sun. So, while we have life, he continues, go eat your bread with joy. Drink your wine with a merry heart, for God has already accepted your work.

Then he continued, let your garments be always white. Let your head lack no ointment. Listen, live joyfully with the wife whom you love all the days of your vain life which he has given you under the sun. All your days of vanity for that is your portion in life and in the labour which you have performed under the sun. Whatever your hands find to do, do it with all your might for there is no work nor device nor knowledge nor wisdom in the grave where you are going.

Now, we are seeking the death of Osama bin Laden, according to the Member for Lakeside (Mr. Enns). When I say we, we in the western world, we in this society, the western side of this globe, includes the United States, U.K., Europe, Canada, Australia, the western advanced industrialized society. Indeed, the leader of those groups had put all his might and power after one

man, but then if we theoretically get him and he dies, is that the end?

It is not the end. It is written: Most assuredly, I say to you, unless a grain of wheat falls into the ground and dies, it remains alone. If it died, it produces much grain. So the seed of wheat, as long as it is a seed of wheat, it is one, but when you plant it in the ground and it is destroyed, it dies as a seed, you see too much grain, too many little plants cropping up, and they will multiply.

So is it a good objective to go after one man and kill him? Once he dies, he becomes a hero to millions and millions of people like him. How many potential terrorists will rise? I just ask the question, because I do not know. It is like the one grain of wheat. It dies. How many wheat will again grow in the field and produce those grains? I do not know the answer to some of the questions; I only ask them, but it is for us and policymakers to find the answer. When they find the answer, they cannot be sure that is the right answer. We are prone to error and mistakes. That is the beauty of our system. We can debate any idea and take varying sides and positions, but the institution of our system like the parliamentary system forbids me, for example, to go in after the measures propounded by the majority government of which I am a part. Why is that? Because we cannot divide ourselves. If we have to carry out the purposes of the electorate, we have to be united together. Even if I am burning inside, and I want to say something and cannot say it, I abide by the rule of the majority. It is not I really; it is the person in me.

We cannot say we will do this; no, we will not do that. You will do this; no, we will not do that. We cannot flip-flop and waver. Do one thing, reverse it; do another, reverse it. Where will the leadership be? I ask the honourable Member for Lakeside (Mr. Enns)?

An Honourable Member: You have to move in a straight line straight ahead.

Mr. Santos: Yes, it is written: No man, having put his hand to the plough, should look back; otherwise, he is not fit for the kingdom of Heaven. How is that?

An Honourable Member: But the furrow has to be straightened; a straightened furrow is behind the plough.

Mr. Santos: Why can we not waver? Why we cannot waver? We cannot change our mind back and forth. Why? We cannot flip-flop. Do you know a person known as flip-flop somebody? I do not know, but you cannot flip-flop. For he that wavereth is like a wave of the sea driven with the wind and tossed. A double-minded man is unstable in all his ways. *[interjection]* Unstable, not stable.

You cannot have a double mind. Once you make a decision, you make a course of action; you put yourself to it, no looking back.

Our system really is a living tree. It evolves and grows and grows. We cannot be bounded by the old traditions and old values because every value, every generation has its own value system growing with it. There are some values that are persistent, and they last long and long and long, but the rest of them can, in our system, be debated upon and be the subject of compromises. Otherwise, there will be stalemate in the system.

One thing is sure about the relationship between the rulers and the governed; this is written and so I believe it and I accept it: When the righteous are in authority, the people rejoice; when the wicked rule, the people mourn. You can see the sign in the reaction of the citizens, the people. So I am torn as a citizen, as a Manitoban, as a human being, as a Christian. I am torn, do not know sometimes what to say, what to do. Then you will say that I am wavering, I need some guidance. I am not aspiring for anything. You have seen the example in real life. Once you seek something, you seek it with all your heart, but then it will be given to you or not, depending on whether it is good for you or not in the long run.

But then, if you watch things around you, this happens again and again in history. I already quoted King Solomon: *Ce qui a été, c'est ce qui sera. Ce qui s'est fait, c'est ce qui se fera.* That which has been, it shall be, and that which has been done, it shall be done. *Et il n'y a rien de*

nouveau sous le soleil. There is nothing new under the sun.

All these wars, you know, there is nothing new. It has repeated itself again and again, again and again. First World War, Second World War. I do not know about the third, whether this civilization, this planet can survive it. Only Providence knows that. But we are toying with a very dangerous and explosive situation.

So we better watch out what is going on in the Middle East, because there is prophesy also that that will be decided. I think I should stop at this time. Thank you.

* (16:40)

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): Mr. Speaker, it is a pleasure to stand before the House and have the opportunity to speak on Bill 2. This substantial bill was brought forth, certainly in our Throne Speech, and is the result of a lot of work throughout a lot of different departments in government. As we followed it along, most of us all recalled very vividly the events of September 11, seeing them in real time on television or hearing them by media on radio. Certainly, no one could foresee and predict the horrible impacts of those tragic events.

Mr. Speaker, I think that many of us, regardless of where we live throughout the nation, throughout Canada, throughout North America and, in fact, throughout the entire world, realize that, since September 11, we have seen substantial changes in the way we consider things and the way we look at our individual communities, in the way that we would like to prepare for the potential of such drastic events to ever occur again. We saw very quickly the reaction from our Premier (Mr. Doer) to look at the events that have happened and form a committee, an all-party committee, unprecedented, certainly, in a viewpoint where we, each and every one of us appointed to that committee, had barely ingested the events that unfolded quickly around us. Many people throughout the world were predicting a great deal of uncertainty quickly after those events, a new type of escalated terrorism on a scale that I do not

believe that any of us could have imagined in some of the movies that we have seen.

Mr. Speaker, we saw a premier respond very quickly, with no uncertainty, to try to address the situation here in Manitoba. We saw a premier, with confidence, move into taking a position on terrorism and looking at our specific points within our provincial organization. After he appointed the task force, which did, as I mentioned, entail the leaders of the two official oppositions and four ministers from our Government, we began very quickly to meet with staff throughout all areas of government and responsibility, to formulate a plan and gain some consensus on infrastructure throughout Manitoba, to find out the resources available in the present system, some resources that could be potentially needed. I can tell you that it is extremely difficult to think like a terrorist and to warp your mind to the degree that some of these individuals will go to inflict, not only destruction of property, but death, to a point where it is absolutely critical that these things be looked at from a standpoint of what is potential and what could happen.

I think that we went at with that type of vigour to try to consider what could be the worst and what could be considered potential weaknesses within the system, and look at a way to try to shore up and try to minimize and measure anything that we could. You quickly identify, not only on a provincial level where things intertwine and come connected, we looked at it on a municipal level, certainly Capital Region here, and a lot of the municipal responsibilities and the synergies that could be created working with those groups, as well as on a national level, on our federal level, that, in fact, a lot of jurisdictional basics are a federal responsibility.

The minister is responsible, and certainly all the members in this House, for recommendations and considerations that could be looked at. I have to compliment staff for the response that they lived up to, certainly burning candles very late at night here over the last couple of months, from Leg Counsel to each individual staff member in all departments. We came with nine specifics in this bill, that covered a number of

departments in the department areas in the House.

You have heard the Minister of Health (Mr. Chomiak) speak to a bill that was developed very quickly. Certainly, when we looked at what potential could be, we looked at the potential of bioterrorism, obviously, and the potential of the use of that by terrorists.

Mr. Speaker, the Minister of Health, through his department and Leg Counsel working with a task force, certainly saw forthcoming a substantial piece of this bill. Certainly, if you can take something like aeroplanes and turn them into guided missiles to slam into neighbourhoods in North America, you could certainly take the human body and use that as a weapon as well. The Health Department reacted very quickly with some positive legislation regarding that area.

You heard the Minister of Agriculture (Ms. Wowchuk) speak to potential legislation that was brought forward to her department and fine-tuned, regulated and brought into this House as an amendment within the security bill, as one of the nine put forward on crop dusters and potential for spray use equipment in our province that could be used as a weapon.

You saw many of the other departments step forward quickly. From within my department, we looked at the potential and possibility of the use of fraudulent identification and the potential of that being used here in the province of Manitoba. What we did find, as I went through the process, was a system that was established a number of years ago and is a special operating agency, one that is run very, very efficiently.

We are quite lucky to have the people that we do have within that agency here in our province connected both with the national agency and committed to some change. Changes had been made, actually, prior to September 11, regarding documentation and information that was asked for, for documentation, for vital statistics related to birth certificates. So there was and is and continues to be some positive changes within that area and regarding that area.

We looked as well into it, Mr. Speaker, at some of the examples of fines that were introduced and had been in for a number of years. That is one change that certainly is being brought forth in Part 9 of The Vital Statistics Act. We looked under the section 41(3). We added in "wilfully" before "violates," obviously identifying that if someone wilfully defrauds and fraudulently tries to obtain a certificate through Vital Statistics, it is a lot different than an article that I had read in the paper a while back regarding someone using photo identification to get into a liquor establishment, or something like that.

Obviously, the act is very different and the charges will be very different. If someone was to use photo identification No. 1, there is no photo identification through Vital Statistics. It is a documented record that does not have a photo. It could be something in the area of possibly drivers' licensing or through the Manitoba Liquor Control Commission. There is a card that can be obtained for usage to get into establishments here in the province of Manitoba, but both of those would be charges under The Liquor Control Act.

Certainly what we are proposing here is not related to those specifics. It is related to documentation from The Vital Statistics Act, especially with birth certificates. The previous charge, if someone was trying to obtain and trying to use false information to obtain Vital Statistics records, obviously wilfully doing it and knowing full well they were doing it, the charge was \$200 if caught.

Mr. Speaker, we obviously identified that this, as I had mentioned, is not a time for uncertainty. If someone is doing that, obviously it is extremely serious. It is extremely serious in this Government's eyes that someone would try wilfully, fraudulently, to obtain a certificate for illegal purposes through Vital Statistics, and we raised that fine to a maximum of \$50,000.

In addition to that, we put on summary conviction up to one year imprisonment, as well, to show the seriousness of what we see on this side of the House as something that should not be tampered with. Obviously, if someone wilfully does it and violates the jurisdiction trying

to obtain it fraudulently, there should be a substantial charge and the penalty should reflect that.

* (16:50)

As well, we looked at some of the other sections within the act, 44(1) specifically: Every person who fails to give notice or to furnish any statement, certificate in particular, regarding a certificate, turning in a marriage certificate, or certainly a certificate of death that needs to be presented, the offence was a hundred dollars before. We have substituted that up to \$10,000 as being an offence to put the onus on people to have to relate that to Vital Statistics. That is done through many people, not specifically family, after a member dies, but certainly it is done through the different funeral homes, and, in fact, by the physicians in the province. That is very, very important to have done, put in.

The other sections that were covered certainly projected the fines to increase substantially. Many of them were \$100 and \$200 fines. We have raised a lot of them within that section of the act up to \$50,000 to show the seriousness of the offence.

Mr. Speaker, as well, the changes that were made by the national government through the banking system, which is obviously under the national mandate, used some of the regulation changes on the proceeds of crime and being able to get into people's banking funds when they are noted for strict ties with terrorism groups throughout the world. That has given the Province of Manitoba the ability to go in and freeze bank accounts on the credit union side, something that also falls under the jurisdiction of my department, and we are able to do that. That was a move by the national government very quickly.

I commend them for that, but there was a piece that we saw that needed to be tightened within The Registration of Property Restraint Orders Act regarding any other properties other than financial gain in banking accounts. Certainly anyone that has any property within the province of Manitoba, be it automobile or boat or some other form of actual personal property, we have now made some changes and proposed

changes in definitions under the proceeds of crime orders.

Under section 462.33 of the Criminal Code, section (b) under the Controlled Drugs and Substances Act, the changes that have been made certainly are substantial. They are changes in Section 3: by repealing the definition of proceeds of crime restraint order, and by adding the following definition, restraint order means anyone that has a property in Manitoba will be posted. It will be posted for everyone to see and to check out, certainly through property registry. Anybody that is caught with property of known terrorists certainly will have it confiscated and held up in the province of Manitoba.

We thought that was extremely important to make those changes, to make sure that, once it is identified here in the province of Manitoba, the national government certainly can move on confiscating any of those properties.

We saw, certainly over a short period of time, the many, many changes that we have seen in the world. When you look at going back prior to September 11, no one could have imagined that when our Minister of Post-Secondary Education funded \$225,000 to the Brandon University to develop Canada's first post-secondary applied disaster and emergency studies program, the meaning really came to light within days of the announcement of setting up that program in Brandon University. Natural disasters are one thing that that course has selected pieces within that, but it also outlines disasters that are man-made and made by acts of terrorism.

As we went through the process and we looked at some of the events that have occurred throughout Manitoba over the last decade, we saw what many have termed the flood of the century and the fantastic response operation that we saw conducted through EMO in the province. The staging in Manitoba here through Emergency Measures Organization to deal with the turnaround of the clock, if you will, and the proactive measures that were taken certainly through I and T operations here in the province, were phenomenal.

In fact, it served us well with the information and certainly the history and the

background that many in the province had here through the Fire Commissioner's office, through Justice, through EMO, through Highways, and through many of the other departments that had prepared for the worst, certainly in the time period leading up to the change of the millennium.

We saw, in the flood of the century, a group and an organization that had set out emergency plans for municipalities literally throughout the province of Manitoba. The background and the information that had been acquired and some of the strengths and the positives that had been brought in from that operation certainly came to light in some of the decisions we were making in the task force with the information that was being provided to us by EMO.

I can tell you I was certainly impressed with the general operating guidelines that have been established by many of the organizations throughout the province and the standard operating procedures that, quite frankly, many of the other provinces are looking at now at our province that we had and we used and utilized here in the province of Manitoba. We can all be in this House, certainly, very proud of EMO, of our Fire Commissioner's office, the municipal police forces that work together, work in synergy with government agencies.

What we have here in Manitoba that certainly is a jewel, and it is well recognized throughout western Canada and now deeper into eastern Canada, is a vision that we saw certainly in the mid-'80s of establishing the emergency response college here in the province of Manitoba in my home constituency, in Brandon. The training and qualifications of instructors that we have are lent out not only to Canada, but we have a fire commissioner that is quite often taken down to Texas, quite often travels to Europe to assist many communities throughout the world and some of the best techniques that we have in emergency response here in our province that is utilized and sought after right across the entire world.

We worked very closely throughout this entire process with the policing agencies, both federal and local municipal police agencies throughout the province, to try to identify

strengths where we could assist some of those agencies in their deliberations working with us. I have to say the process was done very well. We had many, many people coming to the table, certainly, as we met from municipal and federal agencies that we continue to work with, and we will continue to work with, Mr. Speaker, as the days go on.

I do not think we can look at Manitoba as being a high threat. It has been obvious that Manitoba is a lower threat, nationally in Canada, as well as in North America, with many other jurisdictions being a higher-rated potential for a threat. But I think, as I had mentioned before, as you prepare for the worst and you hope for the best, certainly, that is what we have done proactively.

This bill, Mr. Speaker, I think, brings forth what many people in Manitoba had asked for and those are measures to address security in our nation and in our province. As you saw the anxiety building quickly after September 11, certainly the weeks afterwards, and in the media reporting of many people, seniors in their homes feeling very threatened by the actions that had been taken by, I believe, a member earlier had said from a hidden enemy. It is an enemy that when you look at the potential of what 20 people did and impacted the world on their thoughts, it is an enemy that can use many, many different forms, something that no one has fought before.

* (17:00)

So when you look at the angles of where it can come from, Mr. Speaker, I do not think any of us will ever forget the events. I do not think any of us will ever let our guard down. As we continue into the next while, we will continue being very vigilant, and we will continue to press ahead with what we have proposed from a great deal of work, from a great many people, in a great many departments.

We feel that everyone had full opportunity and full time to bring forward any issues that they would have liked to have brought forward to get answers from staff, certainly, from all members of this House. Both official leaders of the Opposition had full opportunity throughout

many, many periods and many meetings to bring forth any concerns that they might have regarding the issue of security in Manitoba, had taken the opportunity to do that, as many of us had, and gotten results and information back from the departments in an expedient way.

We will continue forward on this positive legislation for Manitobans. I believe that this will bring the anxiety level for many Manitobans down, seeing the positive amendments that are being proposed to this bill. I believe that continuing to work with local jurisdictions, local municipalities, with the business community and with the labour community that have all been consulted regarding this issue, large-scale consultants that are probably unprecedented have been sought and been brought forward.

So, with those few comments, Mr. Speaker, I know there are others who would like to put points forward regarding this issue. I will say that I believe that Manitobans have been quite well served with the all-party task force, certainly with the bills that have been brought

forth by the individual departments that have brought the nine amendments, nine parts forward within this act. I believe that Manitoba is well served, and I hope the members opposite join us in passing this bill in the House in short, unprecedented time.

Mr. Speaker: The bill will remain standing. Are there any other speakers? The bill will remain standing in the name of the honourable Member for Fort Garry (Mrs. Smith) when we resume debate on Bill 2 in the future.

Hon. Steve Ashton (Deputy House Leader): Unless there is any great objection, Mr. Speaker, I think you might find willingness to call it six o'clock.

Mr. Speaker: Is it the will of the House to call it six o'clock? *[Agreed]*

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 27, 2001

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