

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

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

Vol. LV No. 11B – 1:30 p.m., Thursday, December 4, 2003

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, December 4, 2003

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Highway 32

Mr. Peter Dyck (Pembina): I wish to present the following petition. These are the reasons for this petition:

Rural highways are part of the mandate of the Province of Manitoba.

Under a previous commitment, the Province of Manitoba would be covering the costs of four-laning that portion of Highway 32 that runs through Winkler, Manitoba.

The Department of Transportation and Government Services has altered its position and will now undertake the project only if the City of Winkler will pay half of the total cost of construction. The provincial government's offloading of its previous commitment will cost the City of Winkler several million dollars.

The City of Winkler has now been informed that it will have to wait several years before this project could be undertaken.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Transportation and Government Services to consider honouring the previous commitment and complete the four-laning of Highway 32 through the city of Winkler, absorbing all costs related to the construction as previously agreed.

To request the Minister of Transportation and Government Services to consider the responsibility of the Department of Transportation and Government Services for the construction of rural highways.

To request the Minister of Transportation and Government Services to consider the

significant and strategic importance of the completion of four-laning Highway 32 through the city of Winkler, especially as it relates to the economic growth and the development of the city of Winkler and its trading area.

To request the Minister of Transportation and Government Services to consider the valuable contribution of the city of Winkler and its trading area to the provincial economy and re-prioritize the four-laning of Highway 32 for the 2004 construction season.

These are submitted by Brad Kehler, Ron Neisteter, Tom Friesen, Tim Bjornson and others.

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

Before recognizing the honourable Member for Charleswood, could I ask the co-operation of all honourable members to keep their conversations to the loge or in the hallway because it is very hard to hear the member that has the floor.

*(13:35)

Co-op Program for Nursing Students

Mrs. Myrna Driedger (Charleswood): I wish to present the following petition to the Legislative Assembly of Manitoba. The background to the petition is as follows:

A co-op program for nursing students at the University of Manitoba was approved by the Senate and the Board of Governors.

This program will provide the opportunity for students to apply their theoretical knowledge in the workplace through supervised work terms for which they are paid.

Students are hired by participating agencies under supervision of a workplace employee who serves as a mentor.

Students assume responsibilities suitable for their level of knowledge and expertise and will provide patients with much-needed nursing.

The co-op program will enable nursing students to acquire valuable experience by working with a seasoned mentor, become more proficient and better able to handle heavier workloads and increase their knowledge, skills and confidence.

This program will enable students to earn income to help reduce their debt load.

The Department of Health will benefit through reduced orientation costs for new graduates and an increased likelihood that new graduates will remain in the province.

Although the honourable Minister of Health (Mr. Chomiak) was unable to attend the round table held on November 7, 2003, he graciously sent a representative who restated his position to work with the students to reach a creative solution.

Several Canadian universities have successfully implemented nursing co-op programs. Several faculties within the University of Manitoba have such a program available to their students. Therefore, students within the Faculty of Nursing should have equal opportunity and access to a co-op program.

This program will offer students valuable experience and provide the confidence and strength they will need in the future.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly to consider supporting the proposed co-op program.

Signed by Huguette Fortier, Sara Cheridy, Arlene Edson and others.

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

Mr. Jack Reimer (Southdale): Mr. Speaker, I wonder whether there is leave to present the petition on behalf of the Member for River East (Mrs. Mitchelson).

Mr. Speaker: Does the honourable member have leave?

An Honourable Member: Leave.

Mr. Speaker: Leave has been granted.

Sales Tax Proposal

Mr. Jack Reimer (Southdale): Mr. Speaker, I wish to present the following petition. These are the reasons for this petition:

The Mayor of Winnipeg is proposing a new deal which will result in new user fees and additional taxes for citizens of the city of Winnipeg.

One of these proposed changes requires the provincial government to approve an increase of the sales tax.

* (13:40)

The Balanced Budget, Debt Repayment and Taxpayer Accountability Act requires a referendum to take place before the provincial government can increase major taxes, including the retail sales tax.

The Doer government has been silent on whether they will make the necessary legislative changes required to give the City of Winnipeg additional taxing powers.

Taxpayers deserve to have a say before having any major new taxes imposed upon them.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba (Mr. Doer) notify the City of Winnipeg that the provincial government will not allow an increase of the sales tax without a referendum being held as required under balanced budget legislation.

This petition is signed by K. Josephson, Kelly Roberts, S. Bell and many others.

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

Red River Floodway Expansion

Mrs. Mavis Taillieu (Morris): I wish to present the following petition. These are the reasons for the petition:

The provincial and federal governments have indicated they will proceed with a multi-million expansion of the Red River Floodway.

The provincial government says it is "committed to ensuring that any remaining issues from 1997 are addressed and that residents are compensated for any artificial flooding. . . ." (Province of Manitoba press release, December 9, 2002).

The provincial government announced it would introduce "flood compensation legislation to give citizens the right to financial compensation if they experience artificial flooding due to floodway operation, including residents living south of the floodway." (Province of Manitoba press release, December 9, 2002)

Manitobans living both south and north of the Red River Floodway have raised concerns about the potential negative socio-economic impacts of an expanded floodway, such as the prospect of artificial flooding and associated losses.

Manitobans are concerned about the adequacy of compensation programs for past and future floods.

Manitobans have also asked whether sufficient consideration has been given to all the proposed flood mitigation initiatives to ensure the most viable option will be used.

Groups such as the Ritchot Concerned Citizens have expressed concern about their inability to get information about the past and future operation of the floodway, among other issues related to governments' handling of the flooding in the Red River Valley.

There are a number of unresolved claims related to the 1997 flood of the century.

We petition the Legislative Assembly of Manitoba as follows:

To request that the provincial and federal governments consider settling outstanding claims from the 1997 flood of the century before proceeding with a major expansion of the Red River Floodway.

To request that the provincial government consider ensuring that flood compensation mechanisms are evaluated, updated and enacted before a major expansion of the Red River Floodway proceeds.

To request that the provincial government consider clarifying outstanding flood-related issues, such as the threat of artificial flooding and the public's desire for clarification with respect to the floodway operating rules.

Signed by Brent Morhart, Jodi Morhart, Heather Landgraft and others.

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

* (13:45)

TABLING OF REPORTS

Hon. Scott Smith (Minister charged with the administration of The Manitoba Lotteries Corporation Act): I am pleased to table the Manitoba Lotteries Corporation's Second Quarter Report for the six months ended September 30, 2003.

Hon. Jim Rondeau (Minister of Healthy Living): Mr. Speaker, I am pleased to table the report of the All-Party Task Force on Environmental Tobacco Smoke. I have copies here for distribution to any members who wish them.

MINISTERIAL STATEMENTS

National Day of Remembrance and Action on Violence Against Women

Hon. Nancy Allan (Minister responsible for the Status of Women): Mr. Speaker, I have a ministerial statement.

Mr. Speaker, 14 years ago, on December 6, 1989, we were horrified to learn that 14 young women were tragically killed at L'École

polytechnique in Montréal. These young women were daughters, sisters, friends who could have been our children, our nieces, granddaughters and our neighbours.

Because this massacre was so horrifying, December 6 has become a national day of mourning, not only for those young women but for all women murdered or injured as a result of domestic violence. Today, as we commemorate the loss of these 14 young lives, we must pause and reflect on the phenomenon of violence against women in our society. It is also a time to remember the girls and women who live daily with the threat of violence simply because they are women.

The consequences of violence are many and varied. Women who are abused are afraid, afraid to travel alone, stay out late, enjoy a late evening walk because they do not and cannot feel safe in their own communities. In addition to the effects that violence has on women themselves, it is also important to remember that children who are raised in violence-filled homes are more likely to grow up to be abusers, thus extending the cycle of violence to the next generation.

Despite the best efforts of governments, victim services organizations and shelter systems, violence against women continues. As Minister responsible for the Status of Women, I am committed to continuing the work to end violence, and I regret that this year we are still having to read out the names of eight Manitoba women who were killed since December 6, 2002. They are: Therena Adelina Silva, aged 36; Ann Clarissa Muswagon; Roberta Lynn Grey, aged 23; Felicia Solomon, aged 16; Nicole Hands, aged 32; Sheryl Zechel, aged 40; Honey Joy McKay, aged 21; and Andrea Cochrane. Eight lives snuffed out before their time.

Mr. Speaker, we must remember December 6 in order to move forward toward our goal of eliminating violence against women. We must also pay tribute to the great majority of men who support women, who honour their work and advocate for women's rights. This issue affects everyone. More and more men are speaking out against the terrible losses inflicted by the violence in our streets and in our homes. All of us must remember the 14 women who died in

Montréal, as well as those who continue to die. We must continue to speak out until every woman is able to live without fear.

I invite you to join me and other Manitoba men and women at the Sunrise Memorial which will take place here at the Leg tomorrow morning at 7:30. The memorial service will be followed by breakfast served in the rotunda.

I also hope you will attend the community vigil held yearly at the Women's Memorial Grove on the Legislative grounds on Saturday, December 6, at 7 p.m. I know that members will have some comments and then I would like to ask for a minute of silence.

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, thank you for the opportunity provided me to join the minister in putting a few words on record about the Sunrise Memorial service that is going to be taking place tomorrow at the Legislative grounds as part of Canada's day of remembrance and action on violence against women.

I know all members of this House take the issue of violence very seriously and have worked towards trying to create a safer environment for all citizens. The events of December 6, 1989, when 14 engineering students were killed at l'École polytechnique, are deeply entrenched in the hearts and minds of Canadians.

* (13:50)

Mr. Speaker, these talented and ambitious women were taken from their families and friends far too soon, before they could leave their own unique mark on the world. We will never know what contributions their deaths robbed society of.

If there is one message that we must take away from this senseless tragedy, it is that as a society we must work collectively to prevent this from ever happening again. Violence against anyone is simply intolerable, but right now someone in Manitoba is being subjected to physical, sexual, psychological or financial abuse.

Mr. Speaker, abuse respects no boundaries, affecting people from all socio-economic and ethnic backgrounds. Ultimately, some will pay

for abuse with their lives. As a society, we must reinforce the message that any type of abuse is unacceptable, whether it is physical, mental, emotional, sexual or financial.

I note that on December 3, 1998, a joint declaration recognizing the National Day of Remembrance and Action on Violence Against Women and reaffirming the commitment of all governments across Canada to ending violence against women was released. This was known as the Iqaluit Declaration, and it was signed by federal, provincial and territorial Status of Women ministers.

I think it is important that we revisit the principles of the declaration. These include: living free of violence is a right, not a privilege; violence against women is a crime and should never be considered a private matter; safety for victims and survivors must come first.

Mr. Speaker, in order to eliminate violence against women, equality and healthy relationships among boys and girls must be promoted from an early age. As legislators, we should regularly remind ourselves of these principles. Together we must work toward solutions to the different types of abuse that still dog our society, to educate and protect those who are vulnerable and to severely punish those who would perpetrate violence against others. To turn a blind eye to the problems of abuse and violence is simply to be complicit. Thank you, Mr. Speaker.

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

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

Mr. Gerrard: On the National Day of Remembrance and Action on Violence Against Women, which is December 6, we remember once a year the importance to continue to commit ourselves to work steadfastly to end this cycle of violence, to provide change in every way we can for a caring and supportive environment.

As Manitoba Liberals, we are committed to doing that, not just on December 6, but every day of the year, and to push for those very

important goals for all of us. The deaths of eight women during the year highlight that this is a continuing problem in Manitoba. The search which has been going on recently and continues for a young woman in North Dakota is a continuing tragic reminder that we are still very close to circumstances where, in this case, it is likely that violence occurred against a young woman. So I join the other members of this Legislature dedicated to work together with all of you to see what we can do to improve conditions for all our citizens to make things safer, to end the cycle of violence and to provide for a more caring and supportive environment for children and young adults growing up in Manitoba.

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

A moment of silence was observed

INTRODUCTION OF BILLS

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

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister responsible for the Status of Women (Ms. Allan), that Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act, be now read a first time.

Motion presented.

Mr. Mackintosh: Mr. Speaker, this bill will allow persons who do not just co-habit but others such as victims of dating violence and other family members, for example, seniors, to apply to the court for protection prevention orders as well as enable a greater access to the protection in that legislation by victims and survivors of domestic violence.

Motion agreed to.

* (13:55)

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

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Family Services and

Housing (Ms. Melnick), that Bill 18, The Improved Enforcement of Support Payments (Various Acts Amended) Act, be now read a first time.

Motion presented.

Mr. Mackintosh: This bill introduces several new enforcement measures for the collection of child support, including automatic and continuous paycheque deduction from payors when there is a pattern of default, an interest-like penalty, family compensation as a result of missed or late payments and cost recovery of collection action from the debtor among other matters.

Motion agreed to.

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention—

Mr. Leonard Derkach (Russell): Mr. Speaker, I move, seconded—

Mr. Speaker: Okay, we are going to be reverting back to Introduction of Bills, okay. Agreed? *[Agreed]*

Bill 207—The Medical Amendment Act

Mr. Leonard Derkach (Russell): I move, seconded by the Member for Emerson (Mr. Penner), that Bill 207, The Medical Amendment Act; Loi modifiant la Loi médicale, be now read a first time.

Motion presented.

Mr. Derkach: Mr. Speaker, this bill brings Manitoba into line with several other jurisdictions across this land where medical practitioners will no longer have to fear reprisal for prescribing alternative forms of medication to patients.

Motion agreed to.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the Speaker's Gallery where we have

with us Mr. John Petrinka from the city of Winnipeg.

Also, Mr. Speaker, in the Speaker's Gallery, we have spiritual leaders and their families from Punjab, India. They are Jagtar Singh, Sahib Kaur, Jai Singh, Jai Kaur, Baldev Singh, Tajindur Kaur, Inderjit Roopra, Sepindur Roopra.

In the public gallery we have Kathleen Delgatty and Ilene Paylor who are the guests of the honourable Minister of Family Services and Housing (Ms. Melnick).

Also, Mr. Speaker, we have seated in the public gallery from the Aboriginal Learning and Literacy Centre and the Aboriginal Community Campus 40 visitors under the direction of Mrs. Linda Smith, Ms. Dawn Antone and Mr. Bill Simard. This school is located in the constituency of the honourable Member for Point Douglas (Mr. Hickes).

Also, in the public gallery from Creative Retirement Manitoba, we have 17 visitors under the direction of Mr. George Apps. This group is located in the constituency of the honourable Member for Wolseley (Mr. Altemeyer).

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

ORAL QUESTION PERIOD

**Economic Development
Skilled Labour Shortage**

Mr. Stuart Murray (Leader of the Official Opposition): The Winnipeg Chamber of Commerce recently released its first annual Manitoba Business Leaders Index, and while it has been reported that this most recent survey showed that Manitoba businesses feel this province is not competitive and that this Government has failed to provide a positive environment for an economic growth, the report also revealed another troubling statistic that should set off alarm bells in the Doer government. A remarkable two thirds or 64 percent of business leaders reported they had difficulty finding qualified new employees in the last year.

* (14:00)

Could the Deputy Premier (Ms. Wowchuk) please indicate what this Government is doing to reverse the growing skills shortage in Manitoba, Mr. Speaker?

Hon. Diane McGifford (Minister of Advanced Education and Training): The number of programs that we are working on to address skill shortages are so many I can hardly mention them. I can cite, for example, Prior Learning Assessment and Recognition in the workplace, out of the workplace. I can point to our adult learning centres which have enjoyed great success. I can assure the member opposite that while I was co-chairing the FLMM, we were working with HRDC to re-negotiate the LMDA and so enable us to have more flexibility in delivering training programs in the province of Manitoba and, of course, across Canada.

I want to assure the member that my department recognizes the importance of skills development as does this Government. It is clear in our college expansion—

Mr. Speaker: Order.

Government Strategy

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, we certainly understand the confusion on the other side because Manitoba knows that there is no economic strategy coming from this Government. There is a critical skills shortage in Manitoba. We are the highest taxed west of New Brunswick and this Government's failure to implement a long-term economic and growth strategy is preventing our province from moving forward.

Mr. Speaker, since the Premier's (Mr. Doer) Throne Speech failed to send any sort of signal that this Government has a plan to make Manitoba competitive and to create a positive environment for business, to create those kinds of jobs that we need and grow the economy, I will ask the Deputy Premier (Ms. Wowchuk): Will the Deputy Premier today commit to outlining and implementing a long-term strategy for economic growth that is clear and makes sense, Mr. Speaker?

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

I am happy the members opposite have finally started to recognize that there is an economic development plan in Manitoba right now. The seven-point plan that we introduced has started to work. We no longer see at our education facilities bricks falling off hitting students as they walk into buildings. We no longer see the engineering students at U of M going with umbrellas into the facilities.

What we are seeing is a huge rise in student population throughout all of Manitoba. I can tell you it is starting to be reflective in tangible ways. We are starting to see more young Manitobans come into Manitoba now than we have seen since 1984. Let me think: Who was in government at that time? Well, it was the NDP. Our seven-point plan is working. It is starting with education; it is starting with families; and we are seeing it.

Mr. Murray: Mr. Speaker, I do not know what bricks the honourable member is talking about but maybe one fell on his head.

I am talking about an economic strategy. We want to know what kind of an economic strategy this Government has. It is no wonder that we cannot attract skilled workers from other provinces. It is no wonder that the youth are leaving our province. With a complacent government that we see, they are happy with the status quo.

We on this side believe you should raise the bar. We on this side recognize there is an opportunity that we should be looking at making Manitoba the small business capital of Canada. That is the kind of thing that will attract young people and keep them in the province. That is the kind of thing that will ensure that Manitoba businesses do not leave. This is taking this issue seriously. They have failed to deliver an economic message. The Premier (Mr. Doer) has an opportunity.

I understand, Mr. Speaker, when we are asking economic questions and they do not know which person on the other side should answer. I will ask the question: The Premier failed to provide an economic strategy in the Throne Speech. He has an opportunity next week when he addresses, in the Premier's words, those one-trick

ponies, the Manitoba Chamber of Commerce, to deliver the state of the economic situation in Manitoba. Will the Deputy Premier deliver a message to the Premier and tell him to deliver his economic strategy there?

Hon. Diane McGifford (Minister of Advanced Education and Training): I do remind, Mr. Speaker, through you, the Leader of the Opposition, that the Throne Speech debate ended yesterday, and I think we are supposed to answer questions in this House. However, I point out that it is—

Mr. Speaker: Order. I would like to ask the co-operation of all honourable members. We have guests in the galleries, we have the viewing public and I am sure our guests would like to hear the questions and the answers just as we all would, so I ask the co-operation of all honourable members.

Ms. McGifford: Yes, Mr. Speaker, I point out that you cannot have an economic strategy without an educational strategy. I further point out that the best guarantee of a good job is a good education. The best guarantee of good health, by the way, is a good education. I point out that we have increased under this Government university enrolments by 30 percent. I point out that under this Government we have tripled the number of apprenticeships and apprentices are certainly skilled workers. I think the economic strategy of the members opposite when they were in government was to de-emphasize education.

Hells Angels Associates Trial Costs

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, the Premier and the Minister of Justice have both failed. The Hells Angels are still represented by the lawyers of their choice, some of the most experienced defence counsel in the province, all at taxpayers' expense. The taxpayers of Manitoba may end up paying \$5 million to defend the Hells Angels when they are known to make millions of dollars off the drug and prostitution trade in this country. The Hells Angels are in control of the purse strings of the province.

How much money is the Justice Minister prepared to take out of taxpayers' pockets to pay for the defence of the Hells Angels?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I regret the fearmongering from the member opposite and I ask that he get the facts. I note yesterday, in the tragic case of a cleared case, the member tried to give the impression that there was a six-month period of incarceration. The member has been advised that the sentence was actually in total, five years. Perhaps he would apologize and pursue the facts more diligently.

Mr. Hawranik: Mr. Speaker, Kelvin Asham, a man with connections to the Hells Angels, pled guilty yesterday in a Winnipeg courtroom, pled guilty to possessing \$1.3 million of cocaine.

Winnipeg Police admit that they are only getting the tip of the iceberg when it comes to the amount of drugs being brought into Winnipeg by the Hells Angels and that Winnipeg is fertile ground for the Hells Angels. Those are the words of the Winnipeg Police.

Will this Justice Minister commit today to investigate the ability of the Hells Angels to pay for their own lawyers?

Mr. Mackintosh: Mr. Speaker, the member knows that the fee dispute is under the supervision of the Court of Queen's Bench and the justice. I respect that process and I will look forward to the outcome of that so that the prosecution can continue.

Livestock Industry Feed Assistance Programs

Mr. Jack Penner (Emerson): Mr. Speaker, all of us in the Legislative Chamber had the opportunity to join the Manitoba Cattle Producers today in a lunch of roast beef. At that meeting at noon today, the cattle producers expressed severe concern about the state of the cattle industry, namely, the cull-cow industry and the huge number of additional calves that they were having to keep on their farms this year.

Mr. Speaker, can the Minister of Agriculture tell us today whether it is her Government's

intent to participate in a program that the federal government announced a couple of weeks ago to help the cull-cow operators in this province, and whether they can or whether she will participate in some other way to support them?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Well, the member must have been at a different meeting than I was at lunch time, Mr. Speaker, because the comments I heard from Betty Green, the president of the Manitoba Cattle Producers, was that although things were difficult, things were much better than anybody had anticipated they would be after May 20.

Things are moving along, and I can tell you, Mr. Speaker, that the Manitoba Cattle Producers have been working very closely with us. They have been appreciative of the programs that we have put in place, and certainly there has been a lot of cash flow that has gone into the producers' hands.

There is still a lot of work that has to be done, and we did have a cull-cow program when the federal government had nothing. The federal government has now announced a program that the producers are not happy with, and we will continue to work with the producers in their best interests to ensure that we do have a viable beef industry in this province.

*(14:10)

Mr. Penner: Mr. Speaker, the question is a simple one. Will this Minister of Agriculture support the cattle producers in this province in dealing with the cull cows that they are going to have to feed all winter? Will she provide assistance to them to support them in that matter?

Ms. Wowchuk: Mr. Speaker, from the time that this crisis began, we have been working with the cattle industry, we have been developing programs along with the cattle industry. It is as a result of this Government that millions of dollars have flowed to producers to help with the cash flow.

Mr. Speaker, the federal government has put a program on the table. They have said they are going to flow their money. The cattle producers

are saying that the program is not going to work with them. I do not know what the member opposite would do, but we are going to continue to work with this industry so that it remains a viable industry in this province.

St. Boniface General Hospital Emergency Services

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, this Minister of Health is failing to do his job. He should be advocating for patients in Manitoba and demanding an inquest into the death of Dorothy Madden. He is refusing to do that.

To make matters worse, Mr. Speaker, Doctor Balachandra, the Chief Medical Examiner, has hinted that there might be another case like Dorothy Madden's under investigation. Can the Minister of Health tell us: Did another woman with chest pains die at St. Boniface Hospital because she had to wait too long for care in the emergency room?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as I indicated in this Chamber—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: As I indicated in this Chamber before, Mr. Speaker, with respect to these issues, when I sat around those parents of the 12 babies who died in Manitoba, when I sat and talked to those parents, I promised them that we would put in place systems so that every time there were incidents, the families would be advised, the care provider to be looked at. We would make recommendations and we would do follow up.

That is what we do in Manitoba now. That was not in place during the 1990s when the member opposite was the assistant to the Minister of Health. We now have that in place. We follow up. We follow the recommendations. We will continue to do that to work for patients, Mr. Speaker, not cheap political tactics from the members opposite.

Mrs. Driedger: Mr. Speaker, I would remind the Minister of Health that there was a public

inquiry into that situation. It is something that he needs to look at now, a public inquest.

Doctor Balachandra has also said, "We are not happy that there may be other patients having heart attacks who are waiting too long."

Mr. Speaker, can the Minister of Health tell us: Did another woman with chest pains die in the emergency department of St. Boniface Hospital because she had to wait too long for care?

Mr. Chomiak: First off, Mr. Speaker, when—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Mr. Speaker, as I have indicated many times, when the member first brought this case to the House, already recommendations had been put in place and worked on before the member turned it into a political football and put wrong information on the record.

The member is very, very adept at putting inaccurate information on the record. Fear-mongering, Mr. Speaker, and it is not appropriate to the people of Manitoba. We have systems that were put in place as a result of the baby deaths that do recommendations. We talk to the families. We talk to the care providers. We recommend that we do follow-ups, something that never happened before.

Yes, there will be cases. There are going to be cases day-in as we go in our system, Mr. Speaker, because we are human, we make mistakes, but we work every day to correct those mistakes. We have since we have been elected. We will continue that.

Mrs. Driedger: Mr. Speaker, there is no wrong information on the record. This minister just does not want to listen to any of this information. He should be doing his homework. He is so busy trying to deflect from his own record.

Mr. Speaker, a WRHA spokeswoman said there is another incident. It is under review. Manitobans do have the right to know.

I want to ask this Minister of Health: Has another woman died at St. Boniface General Hospital in the emergency room because she had to wait too long for care? How many more patients have to die before this minister is going to do the right thing?

Mr. Chomiak: Mr. Speaker, in 1998, in Grace Hospital, a man died waiting for cardiac surgery. In 1997, a patient died because they fell and banged their head on a table because they could not get service. The one thing that has changed since the members opposite were in power is that when there are incidents, they are called critical incidents. We do a review and we improve the situation.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I need to be able to hear the questions. I need to be able to hear the answers. If there is a breach of a rule, I am sure each and every one of you would expect me to make a ruling. I cannot make a ruling unless I hear if there is a breach. I ask the co-operation of all honourable members, please.

Mr. Chomiak: I think this is the only Legislative Chamber in the entire country where every single death that occurs in the health care system, members opposite accuse the Government of causing. What I want to advise members opposite, Mr. Speaker, that we have put in place critical incidents. We will continue to do that. There will continue to be information provided to the public, to family members and recommendations to improve the system. That is what we promised when we came in, that will continue to happen.

Dorothy Madden Inquest

Mr. Kelvin Goertzen (Steinbach): This Minister of Health refuses to take responsibility, yet this same member speaking in this House in 1998, the now-Minister of Health, gave false hope to Manitobans when he said that he would advocate on behalf of people lying on gurneys and that he would advocate on behalf of people lying in hospitals.

Well, Mr. Speaker, today in Manitoba, people are dying on gurneys, people are dying in

hallways, and they are waiting for this Minister of Health to finally take action. Will he today live up to his past commitments and call for a public inquest into the death of Dorothy Madison?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, aside from all the other factual errors the member made, he actually got the person's name wrong, so he should read it a little bit clearer, if they really take it seriously.

Mr. Speaker, the Canadian Institute for Health Information said we had done the best job of hallway medicine in the country. The *Montreal Gazette* did a review of jurisdictions that said Manitoba is the best example of hallway medicine. An external review said it was the best example.

We have reduced it by 80 percent. Mr.—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

An Honourable Member: He just admitted it.

Mr. Speaker: Order. Once more, I would like to kindly ask all honourable members. Decorum is very important, and we only have so much time for questions and answers. We would like to get as many questions and answers in as we can. So, I ask the co-operation of all honourable members, please.

Mr. Chomiak: Mr. Speaker, as we said from the day we have taken office we are not perfect, but we worked every day. We have improved the situation by 80 percent. Manitobans know and I think Manitobans dealt with that when the members had ads all during the last campaign in June, had fear-mongering ads on. Manitobans voted and advised us that they thought we had done a better job than members opposite during the 11 dark years when they laid off 1000 nurses and closed 1400 beds.

* (14:20)

Mr. Goertzen: Mr. Speaker, the arrogance and the insensitivity of this Minister of Health seems to have no bounds. The Minister of Health talked

a good show when he was in opposition, but now as people die under his watch those words ring cold and they ring hollow.

Mr. Speaker, Manitobans trusted the promise of this minister and he betrayed their trust. The Minister of Health can simply now stand up in this House and tell Manitobans what they already suspect, that he has no idea how to provide dignity to patients in hospitals, or he can stand up and finally do what is right and ask for a public inquest into the death of Dorothy Madden.

Mr. Chomiak: I think the difference between members opposite and members on this side of the House, Mr. Speaker, is that prior to them turning this into a political football, there had already been actions that had taken place. We had already actively recruited and trained ER nurses. We had already aligned staff ratios to match ER visits. We had already created positions for hiring psychiatric nurses in ER.

We had increased physician hours at St. Boniface, improved ER space, developed and updated the ambulance system. In addition, Mr. Speaker, as a result of some of these, we are improving protocols, clarifying the roles and responsibilities of triage nurses, ensuring vital signs are routinely documented, and expanding criteria for EKG tests.

Mr. Speaker, that has happened since we learned about it, since the family was informed, since before it became a public political football by members opposite. That is government in action doing things to improve patient care, not playing politics and jumping up every time something happens in the system.

Mr. Goertzen: Mr. Speaker, it has become clear that in 1999 the Minister of Health pedalled a hollow promise simply for the hope of gaining power. He played on the hopes of the sick, the elderly and the vulnerable for no other reason than to try to win government.

This Government is heartless, it is cynical, and it only cares about its own deceitful attempt to try to win re-election. That is what they are. That is what they have become, and the Minister

of Health should stand up and apologize for all Manitobans.

Mr. Chomiak: Mr. Speaker, all I can suggest—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: All I can suggest, Mr. Speaker, is the last time that I did an opening in Steinbach, the former member for that area said publicly that not only did he think that I was doing a good job in the Health care portfolio but that the Government of Manitoba had done a good job for the people of that area.

St. Boniface General Hospital Emergency Services

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, people just want beds that are open, patients who are out of hallways, diagnostic tests that are available, nurses so operations can proceed, so mothers and family members can get to the operation when they need it.

Mr. Speaker, those are the words of the Member for Concordia (Mr. Doer) before he became Premier.

Mr. Speaker, can the Deputy Premier (Ms. Wowchuk) please tell family members and friends of Dorothy Madden why the beds are not open, why patients are still in the hallways, why diagnostic tests are not available and why there are not enough nurses to ensure that people like Mrs. Madden are not left to die uncared for in hospital emergency rooms. Would she explain?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I know the member does not accept anything the members from this side of the House indicate, but perhaps the member should refer back to the most recent institute, an institute he supports and loves, the Fraser Institute, and ask them who they said had the shortest waiting lists for cardiac care or amongst the shortest in the country. Lo and behold, their own institute said Manitoba. Ask them what the Fraser Institute said about who improved waiting

lists more than any other jurisdiction. Behold, it is the Fraser Institute.

It is not just the Fraser Institute. It is also CIHI that said we had done the best job of hall-way medicine of anyone in the country.

The *Montreal Gazette*—and I will provide the member with a copy of the article that studied and used it as a case example of how to improve the situation, and it helps to train nurses and not fire them as they did when they fired a thousand nurses.

Mr. Murray: Mr. Speaker, that minister talks about referring back. Well, Mr. Speaker, when in opposition the Justice critic promised to help James Driskell if he ever became minister. He failed.

The Health critic: He held press conference after press conference with concerned patients and promised to help them if he ever became—

Mr. Speaker: Order. I am having a little difficulty here because my understanding of a supplementary question is to get more information on the initial question. The initial question was on health care, and now I am hearing the supplementary question on Mr. Driskell. I do not know how I can tie the supplementary question to the initial question.

The reason I am saying that is because we are on question No. 6. That is the reason I am asking that. I know we allow the Leaders a lot of latitude, but normally the supplementary question is seeking further information on the initial question.

I will allow this one but just to let the members know that if you ask an initial question and your supplementary question is totally—*[interjection]* Well, because he asked the question on health.

An Honourable Member: He did not ask it.

Mr. Speaker: Well, we can review Hansard later, but just for the information of all members—*[interjection]* Order. For the information of all honourable members, a supplementary

question is to seek information on the initial question.

So I will allow this question and you can carry your second supplement if you wish, but I am sharing the information with all members.

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, I hate to reflect on your decision in this House, but we have—

An Honourable Member: On a point of order.

Mr. Speaker: Order. I do not think the honourable Member for Russell was indicating that it was a reflection on the Speaker. I think the honourable member intended to say: Mr. Speaker, on a point of order. I am sure of that. The honourable Member for Russell, on a point of order.

Point of Order

Mr. Derkach: Sure, Mr. Speaker, on a point of order. You did not allow the Leader of the Opposition to conclude his question. If you had listened to the rest of the Leader's question, you would have heard that in fact this question did in its content relate to the first question that the Leader of the Opposition had asked to the Minister of Health (Mr. Chomiak). That is all I wanted to raise, that the Leader of the Opposition had not yet completed his complete question.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order, because under the negotiations that we had it was 50 seconds and Leaders have unlimited time for their questions. I was taking the opportunity to share information with all members of the House because I do not really want it to become sort of a routine procedure in the House.

* * *

Mr. Speaker: The honourable Leader of the Official Opposition, please restate your question, your supplementary question.

Mr. Murray: Thank you very much, Mr. Speaker. I appreciate your comments.

I think it is important in the context of the question that I am asking that what we see from this Government is a lack of ability to follow up on promises. For example, we heard from this Minister of Health when he talked about, make reference back. Well, I am referencing back and asking him to remember when he was in opposition, he would hold press conference after press conference. What he would do is he would talk about concerned patients and said, when I get into government I am going to help you. He has failed to do that.

We saw the same thing, and I made reference to the Minister of Justice (Mr. Mackintosh), who met with Mr. Driskell and said, when I get into government I am going to help you, and he has failed.

They used Mr. Driskell and then they let him rot in jail. They used concerned patients in the hallways and then they let them die in hospitals.

* (14:30)

Mr. Speaker, rather than focussing and ignoring the chaos that we see in the health care system, rather than ignoring and seeing the crisis that we see in the justice system, rather than ignoring the crisis that we see in rural Manitoba, will the Deputy Premier please start fulfilling the promises they made, at least starting back in 1999? Will they not start doing something?

Mr. Chomiak: Mr. Speaker, as I recall, a lot of these very same issues were debated about 120 days ago during the course of a provincial election campaign. As I recall, members opposite lost seats during the course of that campaign. If the member wants to look at the record, let him talk about three times the number of nurses graduating; 30 percent more medical graduates; a new Brandon Hospital; 11 new CT scans; a new Brandon MRI; a new palliative care program that pays for the drugs and pays for the palliative care of patients; an expanded home care program; an expanded community intravenous program; an expanded fast-track hallway program; additional beds open; additional occupational therapists trained; additional physiotherapists trained; additional radiation therapists trained; additional nurse technicians trained;

additional health care aides trained; all working in the system; conclusion of contract.

Immigration Consultants Registry

Mr. Kevin Lamoureux (Inkster): My question is for the Minister of Labour and Immigration. We are concerned in regard to the self-proclamation of immigration consultants, and for good reason. There is misinformation that is continuously provided to would-be immigrants and families. There are questionable fees that are being charged. I had one individual that was here under a visiting visa that was advised not only to be married, but if need be, they could even arrange a marriage.

My question to the minister is fairly straightforward, and we would hope that she would give it serious comment today and answer the specific question. Will the minister commit to establishing an immigrant consultants registry within her department?

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Speaker, I certainly appreciate the opportunity to speak to this question, and I thank the MLA for Inkster for it. First of all, workers that apply and make application for immigration to Manitoba come to Manitoba through two streams. One is the federal stream, and the other is the provincial stream.

I know the member is very aware of the work that has been done by the federal government in regard to setting up a regulatory body. I also want to inform the member that the previous Minister of Labour, Minister Barrett, in February of 2003, developed a code of conduct, and that code of conduct puts parameters and structure around how we deal with people that come and are making application.

Mr. Lamoureux: In 1998, we dealt with hundreds of individuals coming to Manitoba through the Provincial Nominee Program. Today, we deal with thousands of people. *[interjection]*

That has very little if anything to do with your performance as a government. It is there because there are a lot of people that want to come to our province. There is a huge difference.

My question is very, very simple. There is a need for a registry. I do not understand why this government would oppose protecting the interests of would-be immigrants, of families that want to get immigrants to come to Manitoba. Mr. Speaker, very precisely, will the minister agree that Manitoba needs to have a registry for immigration consultants?

Ms. Allan: Mr. Speaker, once again, I just want to let the Member for Inkster know that there is a code of conduct. If the member would like, I can give him a copy of that code of conduct. It has a lot of structure in it. The immigration consultant signs off on the code of conduct. The person that is making application signs off, and it puts structure around that process so that the person that is applying to immigrate here is protected.

Mr. Lamoureux: Mr. Speaker, this is a classic example of a government that is insensitive to the needs of Manitobans. There is a need for an immigration registry for consultants. In fact, Bill 208 is going to be a private member's bill that we are going to be introducing because your Government is unable to come up with the initiative.

Mr. Speaker, we are going to ask for this Government to allow it to be able to debate. Hopefully, the Government over the next few months, as we get signatures on petitions or whatever it takes to try to convince this Government that there is a need, we are asking this minister in particular, to take her head out of the sand and look at the issue of the day and acknowledge that we need to today get a registry for immigrant consultants.

Ms. Allan: Obviously, he should take his head out of the sand and listen to what I am saying, because I do not think he really understands that the code of conduct is there to protect people who come to this province. It will do the job.

CT Scan New Equipment

Ms. Kerri Irvin-Ross (Fort Garry): Mr. Speaker, replacing aging diagnostic equipment in hospitals is critical to increasing access in dealing with the issue of wait times. I would like to ask the Minister of Healthy Living to please

update the House on the progress made on renewing and adding CT scan technology throughout Manitoba.

Hon. Jim Rondeau (Minister of Healthy Living): Mr. Speaker, I had the pleasure of cutting the ribbon at a new CT scanner in Misericordia yesterday and announcing another one in Grace Hospital. This \$1.9-million investment will allow 1300 new scans annually. Manitoba is now doing 48 percent more CT scans than were done in September 1999.

We have had new scanners, not just in Winnipeg, but in Morden, Winkler, Thompson, Steinbach, Selkirk and The Pas, outside the Perimeter. Each new scanner will keep people off the waiting lists. It will allow more scans to be completed. More timely tests will be done, more timely treatment.

I am pleased to be part of a government that is taking proactive action and making—

Mr. Speaker: Order.

St. Boniface General Hospital Emergency Services

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, the Minister of Health and his Government have wasted hundreds of thousands of taxpayers' dollars trying to convince Manitobans that the health care crisis is over.

A front-line nurse, in reference to the death of Dorothy Madden, at St. Boniface Hospital stated yesterday, we are in a major crisis in that facility.

Mr. Speaker, who are Manitobans to believe when it comes to emergency room overcrowding, taxpayer-funded fairy tales or a front-line nurse?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am very happy to report that we now have trained three times more nurses, up to 600 nurses a year, compared to the 200 RNs being trained under members opposite. I am very happy to state that we now have nurses in positions where members opposite only had positions that were cut.

Mr. Speaker, I am very happy to say that we have improved programming. We put in place palliative care. We put in place expanded programs and expanded equipment to reduce and improve the quality of care. I think most Manitobans in the last poll that I saw done nationally, said that 86 percent of Manitobans thought that we were doing good or even better with our health care system.

Mr. Tweed: I am sure the family of Dorothy Madden takes cold comfort in the minister's response. I will ask him again. A front-line nurse at St. Boniface hospital has said, we are in a major crisis at that facility.

Does the minister agree with that statement or does he not?

Mr. Chomiak: Mr. Speaker, it is very clear that we have done more for the nursing profession in the five years that we have been in office than members did for their 11 lean years.

* (14:40)

We have improved the amount of training. We have improved grants to nurses for training. We have improved working conditions. We have improved the number of recruits in training, Mr. Speaker.

Mr. Speaker, I know members opposite are very sensitive on this issue because they fired a thousand nurses. They have been doing catch-up ever since in trying to win back some kind of approval with respect to this issue. We put in place programs as a result of the Sinclair inquiry. We stick to them. We are improving the system. We are going to be accountable. We work at it every single day.

Dorothy Madden Inquest

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, we are advocating on behalf of the patients, not what the minister is talking about. Dignity, compassion and accountability, obviously words foreign to the Minister of Health.

My question is: Will this Government ensure that Dorothy Madden's tragic death is given meaning and call for an inquest?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, every time there is an untoward incident in our health care system—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —a critical incident form is filed, Mr. Speaker. It works around the system. Whether it is a death, whether it is an incident that should not have occurred or should have happened, and we do follow-up. Families are advised, which is something that never happened during the 1990s. Staff are interviewed, which is something that did not happen during the 1990s. Recommendations are made, which did not happen during the 1990s. Recommendations are followed up, which did not happen during the 1990s.

As a result, Mr. Speaker, there is going to be more information that is public. We will accept that because we are improving the system. We are not blaming. We are trying to improve the system. That is the way we are going to continue.

Mr. Speaker: Oral Questions has expired.

Speaker's Statement

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

As the House will be adjourning for a period of time, I would encourage all members to remove the contents of their desks here in the Chamber. Any copies of Hansard that you wish to recycle may be placed in the blue bins here in the Chamber. The recycled Hansards are provided to libraries.

Any other material you would like to recycle may be placed in the larger recycling containers in the message rooms located just outside the Chamber.

The Chamber will be used by Youth Parliament over the Christmas period, so it is important that members remove items from their desks. I thank all members for their participation.

MEMBERS' STATEMENTS

National Day of Remembrance and Action on Violence Against Women

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, it was with brutal hatred of women that Marc Lepine opened fire on a class of engineering students and killed 13 women and injured many others. I rise before the House today to speak of the anniversary of this massacre and to commemorate the National Day of Remembrance and Action on Violence Against Women held on the 6th day of December.

It was on December 6, 1989, Mr. Speaker, that this tragic event occurred. Marc Lepine entered the École polytechnique, which is affiliated with the University of Montréal in Montréal, Québec. He entered in an engineering classroom. There he separated the women from the men and screamed about how he hated feminists and women and then opened fire on the women. By the end of his spree, he had murdered 14 women and injured 13 others, 9 women and 4 men.

The massacre shocked the Canadian population. Because of it, many people realized that there was a need to raise awareness about the problems of abuse that many women encounter in their daily lives. It also provided the impetus for this National Day of Remembrance.

A variety of community programs have been organized to address this issue. The Fort Garry Women's Resource Centre in my constituency is one of these organizations. Their work has been extremely beneficial for women and has been instrumental in addressing the problem that many women encounter.

This historical event should not be forgotten but should remind us that we must put an end to the violence against women.

The names of the women should also be remembered: Geneviève Bergeron, Hélène Colgan, Natalie Croteau, Barbara Daignault, Anne-Marie Edward, Maud Haviernick, Barbara Marie Kluecznik, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier,

Michèle Richard, Annie Saint-Arneault, Annie Turcotte.

Thank you, Mr. Speaker.

Royal Canadian Legions

Mr. Leonard Derkach (Russell): I rise today because this is the last sitting day before the Christmas holidays, and I want to make a statement as it relates to the people who have fought so valiantly for our country over years past, and those are the veterans of this province and this country.

For a number of years now, veterans have asked that their premises, the legions, where they hold their meetings and the places where they do not do business but indeed hold their meetings and gather from time to time, be exempt from assessment and taxation in our province.

I think there has been a recognition by all parties that indeed we should move towards the Dauphin "exemption," and I use that in quotation marks, because that was an exemption that was provided for a legion because there was recognition of the fact that because there are not great sums of money coming to these institutions, that, in fact, they should be a place where veterans can in dignity gather and perhaps spend some time together as war veterans of this nation.

I understand from my communications with a representative of the veterans that indeed we are going to be moving towards the resolution of this issue. As a matter of fact, the independent members of the Liberal Party in this Chamber, along with members of Government, I think, and our party, the Opposition, have now agreed that this issue should go forward and should be addressed.

So, Mr. Speaker, I think this is an initiative that I will continue to encourage the Government to move aggressively toward. But I think just for veterans, as we approach this Christmas season, I think this is an initiative that will be viewed as a positive one during the Christmas season and into the new year. Thank you very much.

Dickens of a Sale

Ms. Kerri Irvin-Ross (Fort Garry): Mr. Speaker, the dedication and contribution of

volunteers in our society is a great asset to the Winnipeg community. That is why I was pleased to attend the annual craft and bake sale at Victoria General Hospital. I would also like to commend and thank the Volunteer Guild at the Victoria Hospital for organizing the event.

Since 1954, the guild has greatly contributed to valuable projects, programs and services at the hospital. The money they have raised has gone to such projects as filmless imaging, educational speakers and clinics. It has also been used for scholarships such as the Mattie Hanna Scholarship and the Bea Dunstone Staff Scholarship. Volunteers are instrumental to the life of the hospital and have enriched the lives of many patients and staff.

The MLA for St. Norbert (Ms. Brick) and I were pleased to attend the annual craft and bake sale held on November 12, which was held to raise money for the variety of programs, projects and services. The uniqueness of this event is characterized by the period costumes from the time of Dickens. A town crier was also dressed in costume, and all the volunteers and dignitaries were led down the hallways while he announced the sale. It was truly a memorable event. The smell of baked goods and tea was enticing to even the most moderate of appetites. The crafters should also be thanked and commended for their skill and dedication of their time.

Mr. Speaker, I would like to thank the staff, volunteers, patients and community residents who helped to organize the event, which this year raised \$7,900. I would especially like to thank the president of the Volunteer Guild, Gisele Fyfe; the manager of Volunteer Services, Suzie Matenchuk; and Lynn Tulleken, who convened this year's Dickens of a Sale. Thank you.

BSE Assistance Programs

Mr. Jack Penner (Emerson): We have had over the last six months, eight months a raft of programs that have been announced by the federal and provincial governments to deal with the BSE crisis. It is interesting to note that when BSE was first identified in the province of Manitoba on May 20, there was a \$460-million federal program announced which required

provincial participation. We said at that time that that program would not work for Manitoba. It became very apparent within a month or so that it would not and the Province withdrew from that program and announced its own \$15-million program, which we found out a week later was only a \$10-million program, which was indeed then terminated within a month because they had already paid out \$4.5 million.

On August 6, there was a \$100-million agricultural loan program which was identified. To date less than 10 percent of the cattle producers have been able to qualify for that loans program.

On September 3, the Province established a made-in-Manitoba \$2-million beef fund which was supposed to support the cattle producers in this province and identify the expansion of the province's beef slaughtering capacity.

Yet, when I talked today to the beef slaughtering industry that is established in this province, they are telling me that they are not able to access any of the money that was identified as an expansionary program under this program. The only thing that we have seen so far is hundreds of thousands of dollars spent, whereby the Government said that they had put in place \$180 million to support the Manitoba beef industry. The Premier (Mr. Doer) identified himself that it was less than \$20 million just a week or so ago.

Bookmates Program

Mr. Rob Altemeyer (Wolseley): It is my honour to have the final word, as it were, the last members' statement before this House breaks for a well-deserved rest. Before reading my statement, I would like to wish all members of this Chamber on both sides of the House a very safe and relaxing holiday season. I look forward to seeing you in the new year.

My statement today concerns the marvelous work being done by a group called Bookmates in my constituency of Wolseley. Family literacy and the success of early learning are great assets for our communities. I rise today to speak about the program run by Bookmates, which is located in the Cornish Library at 20 Westgate. It is a non-profit organization that supports literacy

development in children, families and communities. It is supported through the province and works with community groups such as Baby First, Early Start home visiting programs and regional Parent-Child Centered Coalitions.

Mr. Speaker, Bookmates increases awareness among parents in the community about the importance of reading to infants and young children. The program also develops skills in the community by providing training on specific literacy programs and models that will help to support early reading efforts in families. The importance of early literacy development is instrumental in later educational and training opportunities for children and helps them develop the skills that lead to a lifetime of informed and healthy decisions.

Recently, I was pleased to speak at the annual general meeting of Bookmates, after which Bookmates' staff and board members shared their skills and some of their workshops with everyone in attendance. Interactive poetry, songs and storytelling were all celebrated.

* (14:50)

I wish to commend all the staff, board members and volunteers at Bookmates for their hard work and dedication to the crucial issue of community literacy. Special thanks are also owed to the executive director, Terri Moar and the board chairperson, Beverley Zakaluk for sharing their views and experiences with me. Thank you, Mr. Speaker. Happy holidays to us all.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

CONCURRENCE AND THIRD READINGS

Bill 4—The Employment Standards Code Amendment Act

Mr. Speaker: Resume debate on concurrence and third reading of Bill 4, The Employment Standards Code Amendment Act, standing in the name of the honourable Leader of the Official Opposition who has unlimited time.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): I am wondering if I could ask the co-operation of the House to give some time for the leader to come in. He is presently being scrummed in the hallway, and I am wondering whether the House would give lenience to us taking a moment until he arrives back in the Chamber or perhaps we could move on.

An Honourable Member: How about if we leave it standing in his name—

An Honourable Member: Yes. We could do that. That would be fine if we could leave it standing in his name.

Mr. Speaker: Is there agreement to leave it standing in the honourable Leader of the Official Opposition's name, and then we will recognize another speaker, and then he can resume his debate when he comes back? Is that agreeable?
[Agreed]

* * *

Mr. Speaker: Resume debate on Bill 4, The Employment Standards Code Amendment Act.

* (14:50)

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I just wanted to put a few words on the record about The Employment Standards Code Amendment and would like to thank the member from Springfield for his guidance on this and to also commend the minister for bringing forward this bill.

This will allow people compassionate leave to take up to eight weeks to care for terminally ill patients, family members. After having spent ten weeks in two different hospitals during the spring looking after both of my parents, I find this to be something of extreme importance. With people that are elderly and in hospital, they need an advocate. They need someone with them who can listen and interpret for them, who can speak for them, can help with their medication and can help with their care. That requires a lot

of time and certainly time away from work, and it is important that people be able to have time away from work without fear of losing their job.

It is important that people be cared for in their homes rather than in hospitals and personal care homes, if that is possible. I think this goes a long way to making that possible, where people can care for their terminally ill family members at home where the environment is a safe and warm one, and a loving one, rather than in a hospital that is cold and sterile. I feel that this will definitely give relief to our straining health care system because, as I said, I have seen the strains in the health care system with being in the hospital every single day for 10 weeks. This is no slight to the people that give the care. There are just not enough of the people to do that. So I commend the minister in bringing forth this compassionate care portion of this bill.

Also, on the maternity and parental leave, I have been on both sides of this as well, having been employed and pregnant and having to then take maternity leave and return to my job, which was available to me because the place where I worked was very progressive in that way. I have also been on the other side where I was the supervisor in charge of giving leave to people to take maternity and paternal benefits. I can say, from that perspective, there are two sides to the story. It sometimes is difficult to blend the two, where you blend the needs of the family and staff, and the needs of the workplace.

Mr. Speaker, I also think this bill probably could have been brought in a little earlier; and we would have allowed for more discussion. When we bring bills forward, the public deserves to have input, and time to prepare for that input, so that these discussions bring more information to the table; and we can make decisions based on more input. Because of that, we have room for improvement in everything we do, the more input we have. Before we do quit passage of bills, it is important to allow people to have the input. We should not be rushing bills through when we have ample opportunity to take our time to do these things.

In closing, I would like to support this bill, and again thank the member from Springfield and the minister for the bill.

Mr. Speaker: As previously agreed, the Leader of the Official Opposition will continue with his debate, and the Leader of the Official Opposition has unlimited time.

Mr. Stuart Murray (Leader of the Official Opposition): Thank you to the House for giving leave. I appreciate it very much.

I was just going to conclude with my comments on Bill 4. As I said earlier, the Premier has an opportunity to speak before the Manitoba Chambers of Commerce next week, and I would hope that he has the fortitude and the resolve to put on the record, not just the rhetoric that we hear from him from time to time, but the fact that they take a million dollars a day out of Manitoba Hydro, the fact that they have depleted the rainy day fund, the fact that there is no economic strategy. I hope he has an opportunity to do that.

I will just close by saying, to the new Minister of Labour (Ms. Allan), we welcome her to her position. We wish her well in her deliberations, and we look forward to not only debating other bills with her with respect to labour, but we also look forward to putting more comments on the record with issues that are important to the working people and the working men and women of Manitoba, because that is what this should all be about. I thank you very much.

Mrs. Leanne Rowat (Minnedosa): I am pleased to stand and have the opportunity to speak to the bill, The Employment Standards Code Amendment Act. I want to thank the Member for Springfield (Mr. Schuler) for his guidance and support through committee and in reviewing the bill. I would also like to thank the minister for presenting a bill that is progressive and forward thinking.

This bill's intent is progressive and positive and is working with today's thinking of family values, providing healthy supports for families who are needing peace of mind when it comes to issues of family support such as maternity leaves and compassion. Allowing employees to take up to eight weeks of unpaid leave and enabling and complementing the six-week compassionate component or care benefit of the federal government insurance act is very encouraging.

As a mother, daughter and a granddaughter who has recently provided supports with a terminal illness in our family, I can also appreciate, as my colleague from Morris has gone through, I understand and appreciate the importance that this bill will have in providing a peace of mind and providing an opportunity for us to do what needs to be done in providing supports for our families. It is critical for the mental health of the caregiver as well as the family members that are involved in this.

I guess the bill will also address an issue that affects my family and I am sure affects other families, is the distance of family members from their families who may be needing care and assistance during a compassionate time, and having the knowledge the job protection will be there for them when they do have to make the trip to visit the family member is critical.

Mr. Speaker, I would also like to touch base on the issue of shortages of supports in the hospitals and the health care facilities. I think, by providing compassionate care opportunities for family members, this will give the option of being able to provide care in the home for the terminally ill and will also provide the option of being able to remain in the hospital with the terminally ill family member to provide supports to the health care providers that are in the facilities.

With regard to the part of the act on maternity leave, parental leave part of the code, I would also like to just put a few points on record. As a mom, juggling home and job requirements is not an easy task. I am the mother of two small children, and I also made the decision to remain at home with them when they were little for as long as I could but did plan to return to the workforce. So I feel that it is important to have this aspect in the bill as a parent, making that available for either spouse and having that available to the parent or the individual to know that their job will be there when they do come back to the workplace.

I guess, just to make a point on the legislation, as the Member for Springfield (Mr. Schuler) has indicated, that we are fine with the principle of the legislation, but the support, however, is not total in that we were not pleased

with the quick manner that this bill was put forward and that amendments were being made as we have gone through the process through committee.

In conclusion, I would like to put on record that all members believe that the care and support of our families is key to a healthy family, a healthy community and a healthy province. So I welcome the amended legislation.

* (15:00)

Mr. Ron Schuler (Springfield): Mr. Speaker, I wish to put a few comments on the record in regard to the legislation in front of us, Bill 4, The Employment Standards Code Amendment Act. Again, the first notice that I received as the critic for Labour was middle of November and by November 19 a meeting was held with the minister and her staff.

At the meeting, the minister, the Member for River East (Mrs. Mitchelson), myself and her departmental staff sat down, and I thank the minister for allowing my work-share student to also be part of the meeting. Matthew Pruse, who attends Springfield Collegiate, was allowed to sit on the couch. I mentioned to him that this was probably not the opportunity for him to speak but a good opportunity for him to listen and learn. I am sure, on his behalf, I would like to say thank you to the minister and the departmental staff. It was a very good learning experience for him and evidently he has decided to change some of his career goals because of the work and the things he has done here. He now sees the importance of post-secondary education and for moving onto a career. Perhaps we have him interested enough that someday he would take a career in politics, a very honourable career indeed.

In our discussions with the minister, the minister indicated the reason why, yes, Mr. Speaker, you hear me correctly, we are in hurry-up mode with another piece of legislation. What is particularly concerning about this is it is necessary to have enabling legislation for January 4, 2004, because actually this is a federal initiative. This has far less to do with the Province than it does with the federal government. The Province just puts enabling legislation in place so that

individuals who take compassionate leave can qualify for Employment Insurance for up to eight weeks, then from there there are all kinds of rules which are laid out in the provincial enabling legislation as well as federal legislation.

What bothers myself as the Labour critic for the Opposition is this. The federal bill that precipitates the enabling legislation was passed in June by the federal Parliament, which means there was a considerable time lag from June until November 19.

Again, I believe it points to the shambles that our current Government is in right now. Crass politics is far above doing what is right and doing what is proper and that is a concern. There is no reason why the Opposition could not have been approached in June, why we could not have had a fall session sitting when this kind of legislation would have been presented.

The Minister of Energy, Science and Technology (Mr. Sale) presented to myself the difficulty he had with the ethanol legislation. Well ahead of time we knew there was a problem. In this instance, all of a sudden, panic, panic, there is a problem. We need enabling legislation to comply with federal legislation.

Considering this was passed in June, I do question why it took so long to have at least some notification. Again, I know there was a lot of turmoil in the NDP after the election. There were acting ministers and pretend ministers all over the place. It took a while for that to sort itself out.

In the brief that was presented the minister indicated the Labour Management Review Committee, having been consulted on all elements, had agreed on all elements. Again, I have been around this building long enough to know that you question exactly what that means. So, as soon as the bill was presented in the House, we took the opportunity to fax it out to stakeholders to find out what the response would be.

We as the Opposition did give agreement that we would go into hurry-up mode. We did that with a great deal of hesitation, in particular after we had the presentation by the minister and her staff.

There are two parts to this legislation. The one is compassionate care leave and the other one is the prohibition against termination and requirement to reinstate statutory leave.

The first part, compassionate care leave, is what was necessary to comply with federal legislation. To that, we certainly were in agreement that it should go into hurry-up mode.

Mr. Conrad Santos, Deputy Speaker, in the Chair

We questioned the minister about the second part as could that not go the normal legislative process, and the minister, in no uncertain terms, indicated that would not be the case, which is again another attack on what the Chamber is supposed to be.

My concern is, as we go down this slippery slope more and more, the Government will precipitate crisis so that the legislation goes through in hurry-up mode, and then the whole point of why we have this Chamber, the whole point of why we have this unique set-up of how every legislation has to go in front of the public is actually undermined, because, in reality, if you are putting something through in hurry-up mode, the public has very little opportunity to even find out about the bill. The media, being inundated with issues all over the place, makes it difficult for them to focus in very quick time on legislation like this. Basically, what it does is it allows the Government to spin whatever it wishes in the media, and that then becomes the reality, but what suffers in the end is the parliamentary process.

Back to the compassionate care component of the legislation, in previous comments I have mentioned that it is about families. When parental leave came about, we as the Opposition agreed with parental leave. We felt and have stated on numerous occasions that the family is the cornerstone of our society. The family is our loved ones, our children, our spouses, our significant others, those whom we surround ourselves with, those who support us the most by whatever means, and it is important that when a crisis is faced by a family that some kind of a structure be put in place so those people can provide support without undue economic

hardship to the family. I am not one to stand here and be a shill for the federal Liberals, but in this case they actually got something right, and we believe that the legislation was the right thing to do.

What it basically does is if you have a family member with a long-term illness and/or someone has to go in for significant treatment or if you have a family member who unfortunately might have had a car accident and time wants to be given to take care of that family member, spend time with that family member, you should be able to do so, again without undue economic hardship. The federal legislation, as I mentioned, does come into effect January 4, 2004. Again, our provincial government, the Doer government, has been the Johnny-come-lately to the scene, and we are now scrambling to get enabling legislation into place.

We, of course, agreed and gave leave, which is not commonly done, to entertain this legislation during the Throne Speech. Committee was held on Tuesday night, and at that time we spoke with the minister and her colleagues, if the Government would not take a look at some of the flaws that had been pointed out by various concerned groups within society. I would like to point out to this House that as the legislation was handed out, if you would have taken your thumb and run it over the legislation, it would have been smudged. That is how hot the ink was.

* (15:10)

Moments later, the minister ran up and said, oh, oh, we found a flaw in the legislation, and presented me with an amendment already, before the bill had even had an opportunity to get to committee. It just pointed to the weakness of the legislation, poorly drafted legislation. It was not properly vetted by the minister or her department.

We indicated that there were a few other areas that did need some tightening up, that did need clarity, that clearly there were other flaws in the bill. Certainly, we would agree with the minister's opportunity to correct the flaw in the bill that they had found. We asked if other flaws that had been pointed out by various individuals

to myself and to the minister, if those could be corrected, and our rookie Labour Minister (Ms. Allan) indicated that she, in fact, loved her bill, flaws and all, thank you very much.

I wish to take the opportunity to just point out some of the difficulty in the legislation. There is confusion. The departmental staff laid it out for the committee, but in 59.2(2), the 30 days entitlement and the 600 hours federally, the way it was laid out is that for anybody to receive that, actually, it takes 600 hours of employment before EI, at any point in time, would kick in.

The 30 days, and this is where we felt that it was strange by half, is that though you did not have to have worked 30 days, even if you were an employee on a payroll but had not worked for 30 days, you would be able to take compassionate leave. We felt that certainly needed some tightening up, and the minister, of course, disagreed and felt that it is better to have confusion reign than to make it clear where the intent of the legislation is supposed to go.

In the next section, it becomes even more complex, and that has to do with the 59.2(3) and 59.2(4), (5), (6), and though it is all there, but it is cumbersome and it will be a problem later on when individuals refer back to this legislation, and I point out to the minister that small business and employees will not have the opportunity to say, oh, you know, my son or daughter had a car accident, quick, quick, get me the legislation; let me look through how this is supposed to work. It is supposed to be something very easy and very understandable.

Of course, the minister, and maybe that is because of her newness to the portfolio, just could not see her way through it. What it does is that, first of all, it talks about a 26-week period that a condition of illness has to be in the family and a certificate has to be presented. Then it talks about that there has to be at least one pay period before you can take compassionate leave.

Then it talks about but a shorter period. Then it talks about in 59.2(5) that the certificate has to be presented quickly; however, if you are at the bedside of a loved one, how would you get a certificate? I guess that would have to happen afterwards, and then 59.2(5) talks about the

physician's certificate. Basically, my concern is, and I think the concern of the committee, and unfortunately the minister would not look at the concerns that had come to her by various groups, is that it is not clear for the employee exactly how this is supposed to work. So, if somebody says, well, I am sorry, employee, no, no, no, you do not warrant any leave because in the act it says 26 weeks. Oh, well, that is too bad because I would have loved to have spent some time with my loved one.

The next person might say, well, you know what? In the legislation it says: or a shorter period of time, and that may not be the right qualifier for what was happening. Again, the minister and the Government have not laid out the intent, because I think this has become far too loose.

I believe that 26 weeks is supposed to be if somebody has long-term illness and the shorter period was supposed to be for somebody when it was something suddenly, but none of that is laid out in here. It is not clear, it is not going to be clear to employers, it is not going to be clear to employees, and again, it is flawed legislation.

It is shoddy, frankly, and the minister should have sat down and should have looked at the legislation, should have done what a seasoned politician, someone in her position should have done, and maybe if we were not clear enough at committee, should have said, explain to me once again where your concerns are with this legislation and let us work our way through it. Instead, the minister was far more concerned about getting out of committee than she was of producing legislation that did not have grave concerns, that did not have flaws in it. Again, I say this is not helpful for employees who are under stress, who are going to have a lot on their minds. The legislation, frankly, the way it is right now, can be misquoted. It should have been made far tighter and far better.

I point out to the House that in committee the minister refused to look at any kind of a friendly amendment. Certainly, I did not have an amendment written out. We were willing to work with the minister to see if that could not have been tightened up, but, no, leaving committee was far more important than protecting

workers, which is the *modus operandi* for this Government. It has been from the first day they were elected in government. That is very unfortunate because what is supposed to be a real positive legislation now becomes more and more confusing.

There was a third area we had some concerns about. That was the administrative costs. I pointed out to the minister 96.1(2), and I read: An order under section 1 must also require the employee to pay administrative costs of \$100 or 10 percent, no more than \$1000.

We pointed out to the minister: Does business not pay taxes in Manitoba? I doubt the minister was even aware that business paid taxes because she is probably one of those individuals who believes that no corporations pay any tax. That is just their philosophical bent where they come from. Business actually pays tax and supports these institutions, supports the Labour Board and does so in a big way.

Mr. Deputy Speaker, what the entire issue was supposed to be about is, if an individual comes back from maternity or parental leave, that the job still be there, assuming the company has not had to downsize or that the position was eliminated. If the person is fired because they had taken parental or maternity leave there had to be some mechanism for them to have recourse. Certainly, that was something we agreed with.

If it then goes to an officer and the officer says there should be three month's pay and all holidays should be paid out, the minister has corrected her flaw in the legislation that then it goes to the office and all the proper conditions are met, and then it goes to the employee.

However, Mr. Deputy Speaker, what we did not understand is What does that have to do with administrative penalties? The minister tried to blame it on evidently someone who wrote the bill: Gary Filmon. We looked at her at committee and had no idea. This Government is so preoccupied with pointing fingers at absolutely everybody and anybody, I am surprised she did not bring Bracken in, or maybe Prime Minister St. Laurent could have been brought into this, for him to have some blame on it.

There are administrative penalties. Some were brought under the Conservative government. For instance, with drunken driving, that there would automatically be a \$40 administrative penalty, which, I am sure, she and all members in this House support.

What she tried to say was you brought in administrative penalties for drunk drivers.

* (15:20)

I think this is a tax grab in its purest form. It was objected to. It was unfortunate that the minister put it in and it should have been removed. It is another penalty onto business, I might add, to the minister, the same people who employ Manitobans. Why punish them further? They have done something wrong. They should pay to the employee, rightfully so, and move on with business.

Only this Government, only an NDP Doer government could take something as beautiful as compassionate leave and start messing it up and producing the kind of flawed and poor legislation that we have in front of us today. I think it is unfortunate. The federal government, I think, did the right thing, put in legislation that gave people an opportunity to get EI, to take some time off and take care of their families. There comes the Doer government. There comes the Minister of Labour and, in no time, has mucked this situation up to the point where there are flaws. There is going to be a difficulty with it. It is going to hurt workers. It is actually going to hurt those individuals who it is supposed to help. That is very unfortunate, Mr. Deputy Speaker.

Clearly, we support what the federal government has done; we support the fact that we have compassionate leave; and, yes, we support that there has to be some mechanism to protect those individuals that go on maternity and parental leave. We are just again at the point where we have to admonish the Government for putting out flawed legislation in a hurry-up mode.

Hon. Nancy Allan (Minister of Labour and Immigration): I would like to put a few words on the public record just to end debate today on Bill 4.

Mr. Deputy Speaker, I would just like to say this is an excellent piece of legislation, and I would like to thank the members opposite who have said positive things about this bill. I would also like to take a moment to congratulate people who worked very hard on this bill in a very, very tight time frame. I would like to thank the Labour Management Review Committee who provided my department with a unanimous decision on all aspects of this legislation. We really appreciated that. I would also like to take the opportunity to thank our public servants, who I think quite often get overlooked when we are working on legislation. I would like to thank Joanna Plater and Dave Dyson who did diligent work on this legislation so that people who want to take compassionate care leave in the new year, as of January 4, 2004, will be able to do so.

Mr. Speaker in the Chair

I would also like to correct the record. I think it is very, very important that we have good debate in this House, and I think it is important that the information that is presented in this House is factual. Both the MLA for Springfield (Mr. Schuler) and the Leader of the Opposition (Mr. Murray) have talked about the administrative fees that were a part of this bill. I think it is really important that they understand what they are. Those fees are already in place. If a worker has been wrongfully dismissed and the department issues a payment of wages order, there is an administrative fee. That fee was brought in by the previous administration on May 1, 1999, so I think it is very important that factual information is put on the record.

Once again, I would like to thank everyone who worked so hard on this bill, and we look forward to it moving through the House today.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 4, The Employment Standards Code Amendment Act. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in support of the motion, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the motion, say nay.

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Mr. Speaker: The motion is accordingly passed on division.

Bill 202—The Nellie McClung Foundation Act

Mr. Leonard Derkach (Russell): I move, seconded by the Member for Charleswood (Mrs. Driedger), that Bill 202, The Nellie McClung Foundation Act (Loi sur la Fondation Nellie McClung), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Derkach: We are, certainly, proud and pleased to move third reading of this particular bill. This bill is one, I think, is supported by all parties of this Legislature. The simple nature of the bill is one that recognizes a pioneer as someone who fought very hard throughout her life for the rights of women in Manitoba and throughout this land.

Mr. Speaker, I think today we stand proudly in this Legislature to acknowledge the efforts of Nellie McClung who for many years was the advocate for women. It empowered women. It allowed women to take their rightful place in our society. Although we could argue about the fact that even today we have not achieved exact equality, when we look at the days of Nellie

McClung and look at where we are today, we have certainly moved a long way.

I will be the first one to stand in my place and say I wish we were even further than we are today, that we had representation in all sectors of our society that was representative of the population of women in our province. As I stand in this Legislature, I congratulate not only Nellie McClung but indeed, through her and through this particular bill, I think we have to congratulate and acknowledge the efforts of all women on behalf of the cause of women in this province.

Mr. Speaker, today in this Legislature we did something I think we need to work on very hard as legislators and as a society, that is the recognition that too many women today still suffer at the hands of society and at the hands of men. Domestic violence, violence in our society toward women, just cannot be tolerated. I think we as legislators in this province should do everything we possibly can, educationally, not only in the laws we pass here but more importantly in promoting and being the leaders of educational programs that will indeed ensure that our children, from the very early ages, understand that there is equality in our society, regardless of gender, regardless of race, regardless of what our ethnic background may be. I think all of us owe it to the society of our province and the citizenry in our province to indeed work very hard on these issues.

Coming back to the bill, Mr. Speaker, I think, yes, we heard from presenters at second reading that, I am embarrassed to say, there were legislators in the past who viewed this issue in a much different way. We have come a long way. Regardless of political affiliation, I think today we band together to recognize the contribution made by Nellie McClung to this province and to this country.

We are going to recognize that in a more formal way by setting in place a foundation that can recognize and can keep reminding Manitobans that we need to continue our efforts in this regard and ensure that some day there is no difference, whether you are a man or a woman, in the way you are treated in this land and in this

province. With those few comments I conclude my remarks.

An Honourable Member: I am going to frame that.

* (15:30)

Hon. Jon Gerrard (River Heights): Mr. Speaker, let it be recorded that the Member for Charleswood (Mrs. Driedger) said, I am going to frame that, in response to the comments from the Member for Russell.

Mr. Speaker, as the Leader of the Manitoba Liberal Party and representing Manitoba Liberals, I want to thank all members of this Legislature for supporting this bill to recognize Nellie McClung and her achievements.

A statue on the Legislative grounds to commemorate Nellie McClung and her achievements is badly needed. I myself brought forward a resolution to have this done in the last Parliament. It was not the time yet, that did not pass, but now we have all-party support and I think we should all be very pleased with that.

Nellie McClung was a remarkable woman in three particular ways. In these three ways we should salute her and recognize her and what she contributed to in Manitoba. First, she saw a clear need to advance the position of women in society and the contributions of women in politics. She saw the importance of women having the vote and being full participants in the democratic process, of being elected, being in Cabinet, and being well represented at all levels.

Clearly, we still need more women in the Legislature. We are short of where we should be, at somewhere around 50 percent. In the last election, we managed to increase the number of women candidates running for the Liberal party up to 40 percent, and we are committed to continuing to improve the proportion of women in the days and the years and the elections ahead.

The second reason we as Liberals support this legislation, Mr. Speaker, is in recognition of the role of Nellie McClung as a wonderful example of a champion who worked very hard to elect a Liberal government in Manitoba. Nellie

McClung was extraordinarily vigorous in her efforts to campaign in 1914 to elect the Liberal government of Tobias Norris. She toured the province. She spoke vigorously and eloquently and with humour at rally after rally, all over the province.

Indeed, as it was reported then, and I will quote: "Nellie had the Conservatives, some of them anyway, running scared." They burned her in effigy in Brandon and attacked her integrity in several languages. The party's Ukrainian organ, for example, accused her of being a Liberal hack who received \$25 a day to insult Premier Roblin throughout the province in her babbling story-book manner. It was said the Liberals are sly. They know that whenever the devil cannot succeed, a woman has to be employed.

The hostility which the government directed against her personally is one measure of her influence with the electorate. In this, the hardest-fought election in the history of Manitoba to that day, Nellie was a standout. The Liberal press hailed her as the heroine of the campaign, the great woman orator, a power in the land, a Canadian Joan of Arc, the most noted living woman in Canada. Clearly, she had a remarkable presence.

The Liberal government of Tobias Norris, which ruled and governed this province from 1915 to 1922, which was elected in fair measure because of the efforts of Nellie McClung, was one of the most socially progressive and reformist of any government in the history of Manitoba. It should be noted that it was also a government that was fiscally responsible in the way it was run and very careful to be a government with integrity.

Mr. Speaker, it will be wonderful to have a statue in the Legislative grounds fully recognizing Nellie McClung as one of the important architects of the election of Tobias Norris in Manitoba.

Mr. Speaker, I suggest as well that Nellie McClung also serves as a helpful and useful example to all those who have at times been put down by members of the Manitoba Conservative party. I would give a quote here when she visited with the then-Premier Roblin, a Conservative

premier, and he said to her: "You surprise me. Who do you think you are?"

Nellie McClung replied: "At this moment," said Nellie, "I am one of the best advisors you ever had in all your life. I am not asking you for a favour. I am really offering you help."

Of course, Premier Rodman Roblin was not ready to listen to that and his immediate reply was this, his reply to Nellie McClung: "What if I tell you that I do not need your help" he said severely, "and that I think you are rather a conceited young woman who has perhaps had some success at Friday afternoon entertainments at country schoolhouses and so are labouring under the delusion that you have the gift of oratory."

Such was the comment of Rodman Roblin, and I suggest Nellie McClung is a good example of somebody who was helpful at making political statements, verbal comebacks and adding a bit of humour at the same time. She stood up to attempts by those who wanted to put women down, who were ready to stand in the way of progress.

The third reason, Mr. Speaker, that I think it is important to recognize Nellie McClung is because she had a wonderful sense of humour. Indeed, I am sure that Nellie McClung would chuckle heartily at the fact that the bill was introduced by the present Leader of the Manitoba Conservative Party. Nellie McClung would have a great laugh over the Leader of the Manitoba Conservatives introducing a bill to honour one of the strongest Liberal campaigners the province has ever known. It feels good to have the Leader and members of the Conservative Party giving such glowing comments of the extraordinary contributions of such a strong and wonderful Liberal campaigner as Nellie McClung.

Mr. Speaker, I suggest to you with the present dissatisfaction among Conservatives over the promise-breaking of the federal Conservative Leader and the takeover of the party federally by the Alliance Party, we hope as Liberals that we will have many more Conservatives speaking favourably of the provincial Manitoba Liberals.

I close my remarks, Mr. Speaker, and I say, let us remember and honour Nellie McClung because of the contributions that she has made to the life and stature and the position of women. We honour her because of her efforts at campaigning to elect a wonderful Liberal government, and we honour her for her incredible sense of humour.

I think those are very good reasons to have a statue on the grounds of the Legislature to Nellie McClung.

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, Nellie McClung was born in Ontario but she spent her formative years in Manitoba. She became a teacher and she taught school in Manitou. It was while teaching in Manitou that she was first exposed to the women's movement, and it was there that she attended her first political meeting. She later moved with her family to Winnipeg where she became involved in the suffrage movement. She was a lifelong advocate for women's rights.

Ms. McClung's achievements are very impressive. She moved to Alberta to assist her husband with his business, and there she paved the way for the women in this Legislature by becoming a member of the Legislative Assembly. She became the first woman appointed to CBC's board of governors.

Listening to the speakers who presented at committee, it is obvious that Nellie McClung had a lot of opposition from the men who were sitting in the Legislature. Mr. Rodmond Roblin, a man of influence, did not want to have her advising him, and he said: I do not want a hyena in petticoats telling me how to run the province.

It takes a lot of courage to stand up against people in power. The women in Manitoba are very happy that Ms. McClung was an individual who was not easily intimidated. She was instrumental in securing the right for women to vote in Manitoba in 1916. Ms. McClung was one of the famous five involved in the Persons Case, which led to the British courts declaring that women were indeed persons, a case which changed the status of women in Canada and throughout the entire British Empire. Her staging of a mock parliament in Manitoba was key to Manitoba

women earning the right to vote, and other provinces soon followed Manitoba's lead.

* (15:40)

Mr. Speaker, Manitobans are rightly proud of Nellie McClung for her tremendous work advocating the rights of women and for her connections to Manitoba. Nellie McClung was a forward-thinking individual who could envision the opportunities that existed for her fellow Manitoba women. She was willing to take risks and to ensure that women gained the rights they should be afforded. Through her efforts she made it possible for the 14 women sitting in this Chamber today to represent Manitobans as a member of the Legislative Assembly.

Nellie McClung set an example for all Manitobans in that she took the initiative to right a wrong. She made it possible for women to become doctors, lawyers, judges and politicians while maintaining a home and a family. Thanks to leaders like Nellie McClung, we are recognized as persons as well as women.

Nellie McClung was a great woman in Canadian history and a great woman in Manitoba history. We are very happy to see this foundation set up and to have a statue erected in her memory. Hopefully, she will stand as an example for other Manitoba women. Thank you, Mr. Speaker.

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, I would also like to speak to Bill 202, The Nellie McClung Foundation Act. As the critic for the Status of Women, it is a privilege to stand and speak to the bill which the Conservative Party has put forward, our party.

The bill creates a foundation charged with raising funds to pay for the cost of designing and erecting and maintaining a statue for Nellie McClung on the grounds of the Manitoba Legislature. I think it is significant to mention that this would be the first statue put on the Legislative grounds that would be a woman. I think that is significant in itself.

While on a recent trip to Ottawa, at a Commonwealth Parliamentary seminar, I had the privilege and honour of visiting the impressive

statues paying tribute to the Famous Five, which Nellie McClung is a part of. I also have had the privilege of visiting a community in my constituency, Wawanesa, which also has a bust put in a park setting within the community that pays tribute to Nellie as well.

Nellie McClung was a novelist, a social reformer and a famed Canadian journalist who led the fight to enhance North American women beginning within western Canada and women in the early 1900s. We are pleased to be able to claim her as a Manitoban for the years that she spent lobbying the provincial government in her work as a founding member of the Political Equality League.

We recognize that only through the hard work of these pioneering women that young women today can take for granted the right to be active and to participate in the political process. Today, with the equal rights of Canadian women enshrined in the 1982 Constitution Act, it is difficult to remember that those rights were first formally acknowledged only 70 years ago.

Although they could vote in most provinces and in federal elections, Canadian women born before 1928 were non-persons. The Persons Case changed the definition of the word "persons" in our laws and Constitution to mean both men and women, thereby recognizing the contribution Canadian women had made to the building of Canada and ensuring that their participation continued.

I want to quote Margaret Laurence, who is also a famous Manitoban, who had a comment and quote that I think needs to be shared: I was not a person for the first three years of my life, and it was only in 1929, because of the enormous efforts of such women as Nellie McClung and Emily Murphy that Canadian women were finally legally recognized as persons. And of course at three I was not aware that I had suddenly been promoted into personhood. Certainly my mother and aunts never saw themselves in an inferior and non-persons manner, whatever the law might have said.

The historical background speaks to the importance of Bill 202 and sets the stage for legislation such as Bill 4 to even be considered,

never mind passed. Nellie McClung was an important woman in Canadian politics, an important person, in my view, as a role model and not only in politics, but, in my belief, she empowered women, and because of that many of us are here today speaking our views and our beliefs. Thank you.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am very pleased to be able to stand and speak to Bill 202, which actually was introduced just a year ago on December 11, 2002. Within a period of one year, I think with the support of all parties, we have been able to do something quite historic here in moving a private member's bill forward. I think we have been able to do that because everybody is committed to recognizing the incredible work of Nellie McClung.

The bill itself creates a foundation empowered to raise funds for the creation, erection and maintenance of a sculpture to commemorate Nellie McClung on the grounds of the Manitoba Legislature. It will give us an opportunity, once it is there, to be able to acknowledge the work that she put forward on behalf of women in the very early years of the 1900s.

Nellie McClung was instrumental in helping women gain the right to vote in Manitoba. She should be honoured for the role she played in advancing women's rights throughout Canada. It was in 1916, after many years and much effort, that she was able to achieve this. Manitoba was the first province in Canada to actually give women the right to vote. From that it moved throughout Canada that other women were given the right to vote.

Mr. Speaker, I think it is only fitting that the Manitou-Pembina Culture and Heritage Committee head up the foundation that will honour Nellie McClung with this sculpture since she spent many of her formative years teaching in Manitou.

It is great actually to be able to help put events in motion that will culminate in the creation of this sculpture. Her efforts furthered women's rights immensely throughout the country. We are pleased to be able to claim her as a Manitoban for the years she spent lobbying the

provincial government in her work as a founding member of the Political Equality League.

While other members have talked about her efforts and the kind of struggles she had with Premier Roblin in those days it probably was indicative of many of the opinions of men in those early days as to where they felt women's roles were. So while it became very public, the kind of dialogue that happened between Nellie McClung and Rodman Roblin, he was probably very representative of a lot of views in those early days. It probably was a struggle that was something many women had to deal with in the early 1900s.

I hope that young women contemplating their future will look to Nellie McClung as an example of what any of us can achieve now through hard work, dedication and perseverance, because certainly Nellie McClung never gave up on her beliefs. Her fierce determination to champion the rights of women was never dampened by any of the struggles she faced in those early days. So it is fitting for us to be able to recognize her through the establishment of this foundation and then the further recognition we can give her once we have a sculpture erected on the grounds of the Legislature.

I am sure the Manitou-Pembina Culture and Heritage Committee looks forward to the challenge that is put before them. I would like to acknowledge the interest of Bette Mueller in that group for making the commitment to want to see this through.

I would also like to acknowledge the comments made the other night at committee by Gail Andrews, Mary Pankiw, Elizabeth Fleming and Beverley Parks for the comments and support they put forward in supporting this particular private member's bill.

* (15:50)

Mr. Speaker, I do want to say that we have spoken from all parties on this particular bill because this really is an effort that is not partisan. This is an effort that recognizes the work, the passion, the determination of a woman in the early days who faced incredible struggles. The fact that Nellie McClung went on to become a

Liberal MLA in Alberta is a credit to her. It certainly shows what women with a lot of determination, passion and vision can actually accomplish.

It is not hard for me as a Tory woman to be able to stand and acknowledge the work of any woman who is doing something with great belief, with great passion. I do not have a problem as a Progressive Conservative woman, to acknowledge the work of whether it is going to be Nellie McClung who was a Liberal or a woman from another party, because if somebody is working hard to achieve something, it is important that we recognize their achievements, their talent, their passion, their perseverance.

I am certainly, absolutely, honoured to have had the ability to work on the development of this bill, to be able to second this bill. I look forward very much to the combined efforts of all of us as we move forward to see this sculpture become a reality on the grounds of the Manitoba Legislature.

I think it is going to be a great tribute to Nellie McClung. It is going to be, I think, a great symbol for women to show what can be done when one puts one's mind to it. Thank you, Mr. Speaker, for the opportunity to put these few words on the record.

Mr. Peter Dyck (Pembina): Mr. Speaker, I, too, would like to put a few comments on the record regarding Bill 202, The Nellie McClung Foundation Act.

Mr. Speaker, I want to thank our Leader, the Leader of the Official Opposition (Mr. Murray) for having put this bill forward and the seconder, the MLA for Charleswood (Mrs. Driedger), for having seconded this.

Mr. Speaker, the reason that I want to speak to this bill is twofold; first of all, the fact that in 1880 Nellie McClung did move from Ontario to Manitou, together with her parents. Manitou is an area in the communities that I represent. Certainly, as I go into that community and as I mingle with those who live there, they are very much aware of the contributions that Nellie McClung made for the women of the time in bringing forward their issues, and so I want to

speak on that behalf and on behalf of the community in recognition of that.

The Member for Charleswood has indicated the work that Bette Mueller has done specific to working on this bill and doing some of the background work. She is a retired principal, very knowledgeable in history and was able to give a lot of information to us as we prepared this bill, so I want to thank her for the work that she and her committee have done. Certainly, as I have indicated, they have been instrumental in assisting us as we bring forward this bill.

It was two weeks ago that I met with Bette Mueller and she asked me how things were going. I indicated to her that the bill was being brought to the Legislature and we were hoping to have speedy passage of it. She was delighted to hear that and certainly is prepared to support it in any way she can in order to make sure that the sculpture will be erected on the grounds of the Legislature.

Mr. Speaker, with those few words, I just want to thank those who worked so hard and so diligently in making sure that Bill 202 would be brought to this Legislature. I also want to thank those and all the members within the Legislature here for assisting us in that and allowing us to pass this bill. Thank you very much.

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, I am delighted to put a few words on the record with respect to Bill 202, The Nellie McClung Foundation Act.

I think that I would certainly like to first acknowledge the hard work and effort that was put in and seconded by the Member for Charleswood (Mrs. Driedger) and I think, as well, the other members of our caucus that took this initiative seriously, working with both opposition parties, the Leader of the Liberal Party (Mr. Gerrard) and, of course, the Premier (Mr. Doer).

We are delighted that we are able to bring this bill forward because I think, Mr. Speaker, we all know that Nellie McClung has been one of those incredible women who have changed the course of history. That is a pretty special individual. There are heroes in every walk of life, both men and women who sometimes do

small things that never get noticed and sometimes big things that maybe get more attention than others.

I do not think there is a member in this Legislative Assembly, I do not think there is a Manitoban, a Canadian who would not suggest that Nellie McClung is one of those incredible heroes who have done so much to further the ability of women not only to have the right to vote but to have the ability to be leaders as they truly are in our community.

I think, Mr. Speaker, selfishly of course, of my household in Winnipeg. I am very fortunate to be surrounded by women. I mention my wife, Ashleigh, who is a tremendous leader in her own right, and my two wonderful daughters, Sarah and Hayley, who are two young women that I am extremely proud of, and I am going to watch as their career paths grow and as they make their mark on society.

I know there have been a lot of references put on the record of the incredible things that Nellie McClung has done, so I am not going to repeat all those issues. I am, however, going to state that I believe there will be an incredible day in Manitoba, in the history of Manitoba, when we see the statue erected on the grounds of the Legislative Assembly.

Certainly, Mr. Speaker, I want to pay tribute to the Manitou-Pembina Culture and Heritage Committee who will play an incredible and integral role in how this all ultimately comes about, Mr. Speaker, but I think what is important is that I have this image today that on top of this Legislative Building there is a tremendous symbol that we are all proud of in Manitoba. That is the Golden Boy. He stands tall and he stands proud on top of this Legislative Assembly.

I think, Mr. Speaker, that it does not matter, quite frankly, where the statue of Nellie McClung is placed on the Legislative grounds or how tall that actual physical statue will be, because, regardless of the physical dimensions, she will tower above Manitoba proudly because of what she was able to do for women's suffrage. I think that we all are going to feel a sense of pride and a sense of satisfaction knowing that we

can look to Nellie McClung for inspiration, for leadership, because she was able to ensure that we as a province had the ability to allow women who are so valuable in their commitment to society that they had that ability to have what is so fundamental for every human being, and that is the right to vote.

So, Mr. Speaker, I think there is a bit of history being made here today. I think that history is that we on the Opposition side have been able to bring a bill through unanimously, and we thank the Government side and the Liberal side for their support in what is a very important initiative. As Leader of the Progressive Conservative Party of Manitoba, I can tell you that I take great, great pride in a very humble way to have some ability to say when I am able to drive my grandchildren and other grandchildren by the Legislative grounds and point to the statue and say that is Nellie McClung, and we as legislators had a small part to play in recognizing a true, true hero in Manitoba and in Canada.

This Bill 202, Mr. Speaker, is a small step in a very large direction that will go a long way to promote the importance of women in our society. I hope that she will be a touchstone, if you will, for more young women to get active in politics, for more young women to take leadership roles as they are absolutely more than capable of doing, and it is something that we will always welcome because we cannot have enough of it.

So, Mr. Speaker, thank you for the opportunity to put a few words on the record with my support and my delight to be able to say that we will in our lifetime be able to drive by the Legislative grounds, see a statue of Nellie McClung, and stop for a minute and just say thank you to somebody who truly made a tremendous difference in all of our lives. Thank you very much, Mr. Speaker.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 202, The Nellie McClung Foundation Act.

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call the second reading of bills in the following order: 13, 8, 7, 10, and the remainder of the bills in the order they appear on the Order Paper.

SECOND READINGS

Bill 13—The Public Schools Amendment Act

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, I am pleased to present this legislation for second reading. I move, seconded by the Minister of Healthy Living (Mr. Rondeau), that Bill 13, The Public Schools Amendment Act (Appropriate Educational Programming); Loi modifiant la Loi sur les écoles publiques (programmes d'éducation appropriés) be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Bjornson: I am pleased to present this legislation for second reading. Bill 13 proposes the most significant legislative changes in the area of special education since the 1980s, and it is considered very important to the future of education in Manitoba. The changes would establish in legislation the obligation for school divisions to provide appropriate educational programming for all students as prescribed by the minister through regulations.

Manitoba schools are doing very well providing supports and services to students with diverse needs. The regulations will confirm what is already in current practice in many schools. The legislation is the framework to allow us to outline province-wide programming standards and establish a formal dispute resolution process for those rare situations where agreement cannot be reached between school staff and parents about what constitutes appropriate educational programming.

Bill 13, an amendment to The Public Schools Act, will ensure that all students in Manitoba are entitled to receive appropriate educational programming that fosters students'

participation in both the academic and the social life of the school. Appropriate educational programming includes all of the key components of programming that are necessary to address student needs.

Mr. Speaker, it includes on-going identification and assessment, meaningful involvement of parents in the development of individual education plans and transition plans and collaboration in problem solving. The components also include use of a continuum of instructional strategies to maintain the student in the provincial curriculum whenever possible, learning environments based on principles of inclusion, student self-advocacy and instruction that builds on strengths and addresses needs.

* (16:00)

Mr. Speaker, this legislation will assist students with diverse learning needs in receiving the appropriate educational services they require. The proposed legislation supports the province's philosophy of inclusion, which is a way of thinking and acting that allows every individual to feel accepted, valued and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

At this time, Mr. Speaker, I would like to highlight some of the areas that will be addressed in the regulations and they include: an individual education plan for students who require modified course content or individualized programming; meaningful involvement for the parents and students in the development and review of the individual education plan; a resolution process for instances where there is a dispute between parents and schools; student services plans developed by schools, divisions and districts, with input from families in the community; a continuum of supports and services in order to meet the needs of students; communication of information to parents of any changes in programming, procedures and delivery of specialized services used to accommodate their child; decisions about selecting the instructional environment based on the principle of inclusion; considerations of disability when

making disciplinary decisions; decisions involving programming based on appropriate and well-documented assessments; and local development of policies and procedures consistent with the content of the regulations.

Before final assent of the new legislation, schools will have time to review their existing procedures and policies regarding students with diverse needs. This is an excellent opportunity for schools to work with parents and community members to plan for implementation.

Mrs. Heather Stefanson (Tuxedo): I want to thank the minister for his comments.

Basically, Mr. Speaker, this legislation will assist all students, particularly those with special needs, in receiving the appropriate educational services they require. This legislation I believe came about as a result of the Manitoba Special Education Review final report that came out in 1999. This was initiated under the previous Conservative government and I am pleased we are moving forward on this now with legislation in this area.

Basically, most Canadian jurisdictions address special education directly in legislation. We are one of the last jurisdictions to address the right of access to an education for exceptional children, until this bill was introduced. So I want to thank the minister for bringing this forward. I know it was originally introduced back in the previous session and sort of fell off the Order Paper when an election was called. We are pleased they have brought this back to the Legislature today.

I do have just a couple of concerns regarding it. I am hoping the minister will take these into consideration, when he is conducting his review process and the regulatory process later, that he takes these into consideration. I am sure he will hear some of these concerns from MASS and MAST and from the parent council and some of the other organizations as well. I hope he takes their comments into consideration when deciding how we are going to move forward with the regulation side here.

Basically, I hope the Government will consider that there has been considerable offloading

onto the school boards in financing. Certainly that falls onto the taxpayers in those local communities. We have had a drop or a decline from the percentage of education funding coming from the Province from 60.9 percent to 56.7 percent.

This is yet another program that is being introduced that will have to come out of the funds from the individual school boards. I hope when they are taking into consideration how they are going to move forward with the regulatory side of this, when they are going around and consulting different people who are affected by this legislation, that the minister will take that into consideration that there will be significant costs as a result of this. I hope, along with this legislation, the minister will provide the necessary resources to those school divisions, so once again it does not fall back onto the taxpayers and local communities.

Having said that, thank you once again for bringing this forward. We are prepared at this time to pass this on to committee.

* (16:10)

Mr. Kevin Lamoureux (Inkster): I, too, want to put a few words on the record in regard to Bill 13. It is very difficult to actually oppose the bill. For the most part it is fairly straightforward.

There is one area that at least raises my eyebrows, causes a little bit of concern. That is toward the end of the bill when we are talking about establishing some sort of a dispute resolution. One of the questions I had posed earlier during a debriefing was: Today, how many appeals, ultimately, come to the provincial Department of Education, in which there needs to be some sort of a ruling where a school division is in fact overturned.

I was pleased to hear, Mr. Speaker, that today what happens is that, if there is a problem and it goes to the school division level and for whatever reasons it is brought to the Department of Education, quite often what the Department of Education does is that it will have someone go out and try to get some sort of a mutually agreed-upon settlement or come up with some

sort of a recommendation or something of that nature.

The province or the department does not enforce its will. It allows for that local discretion and maybe at times tries to influence it. In legislation what we are doing is we are setting up a dispute resolution. I am not convinced as to why that is happening. In the briefing—I must apologize, I was not able to stay for the duration of the briefing, but the part that I was there for I was not convinced as to the need of it.

In Question Period, and I will use the Department of Health as an example. For many years I sat in opposition and I would hear the then-critic of the Minister of Health, now Minister of Health (Mr. Chomiak), be very critical of the government of the day, saying, well, you have to take responsibility for this, you have to take responsibility for this. The then-critic was quite right in that assessment.

Then what ended up happening, the Minister of Health then puts in this process in which now if there is a problem in Health, here is the mechanism, you go through this particular mechanism and then it gets resolved. Well, it seems to me, sitting again in opposition, hopefully someday in government, but for now, sitting in opposition, what I see is a minister that is not necessarily prepared to take responsibility for that particular department.

When I see this particular clause in this legislation, that is what came to my mind. Why is it, to try to justify the need for this dispute resolution, if it has not been a problem? In fact, I would applaud all administrations, whether it is New Democrats, Conservatives, in terms of being able to work through disputes through bureaucratic means.

Ultimately, then, as a member of an opposition, I can then hold government more accountable for what is actually happening as opposed to possibly the minister saying, well, we are kind of shuffling that piece off or that particular problem off to this particular group of people that we have politically appointed. Is this another small but still some form of bureaucratic layer that is being added to the department?

There are a lot of questions that I have in regard to this piece of legislation, but, in most part, like the member from Tuxedo has pointed out, in general the legislation is positive. It is good to see some progressive stuff coming down. I would like to take the opportunity to emphasize the importance of home schooling. It is something in which we have a vested interest in my family. My wife home-schools my eldest son for a number of reasons. I do believe that we as a government do need to pay more attention to home schooling. In comparison to other provinces I think that we could do more. I just want us to raise that issue in hopes—one has always got to be careful what you say in your seat, because it could come back to haunt you.

Having said that, I am quite prepared to see this bill go to committee. I like the idea of passing bills so that they can go into committee. We now have an opportunity because it will be a number of months before it actually will come back in the form of third reading. This provides ample opportunity for others to have input.

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 13, The Public Schools Amendment Act (Appropriate Educational Programming).

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

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

Hon. Christine Melnick (Minister of Family Services and Housing): I move, seconded by the Minister of Labour and Immigration (Ms. Allan), that Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

Motion presented.

Ms. Melnick: Mr. Speaker, the proposed amendments to The Employment and Income Assistance Act will establish one system for the delivery of income assistance throughout the province.

Currently, there is a one-tier system in the city of Winnipeg and a two-tier system in all other areas of Manitoba. In Winnipeg, the Province is responsible for administering assistance to all persons in need. In the rural and northern areas of Manitoba, 185 municipalities administer income assistance for non-disabled single persons, childless couples and two-parent families, while the Province is responsible for all other persons in need such as single parents and persons with a disability.

The proposed amendments to The Employment and Income Assistance Act will eliminate the municipality's responsibility for providing assistance, expand the Province's responsibility to include those persons currently served by the municipalities, remove all references to municipal assistance in the act, clarify the continuing role of municipalities in the provision of assistance and provide for legal, administrative and financial arrangements during the transition period.

Mr. Speaker, we expect that municipal assistance participants will see a significant improvement in the quality of service that they receive under the one-tier system. Many municipalities have indicated that they will be pleased to transfer responsibility for providing assistance, as the provincial program will better meet the needs of the participants.

A two-tier system can be confusing to those for whom it is designed to serve as the jurisdiction responsible for providing assistance can change as the circumstances of the household change. Although municipal assistance is standardized in many ways, there are still variations across Manitoba as municipalities have discretion over administrative processes and the

exemptions allowed on liquid assets and earnings.

Mr. Speaker, the specific benefits of a one-tier system will include a clearer understanding of which level of government is responsible for providing assistance, trained staff providing this service across the province, elimination of duplication in administration, improved confidentiality for participants, consistent application process across Manitoba, improved transferability of benefits if participants relocate or their circumstances change, an increased access to provincial training and employment programs.

* (16:20)

The Province also anticipates that individuals who were reluctant to approach their municipality for assistance may be more comfortable approaching the Province. This change to a one-tier system in rural and northern Manitoba was requested by the Association of Manitoba Municipalities after the Province took over delivery of all income assistance in the city of Winnipeg in April 1999.

Mr. Speaker, at the AMM annual convention in November 1999, 90 percent of delegates supported a resolution in favour of a one-tier system. Since that time, the Province has been negotiating with the AMM on the transfer of this responsibility. I would like to take this opportunity to thank the AMM and its members for the openness and co-operation that have characterized these discussions.

The move to a one-tier system is intended to be cost neutral. We are pleased that agreement has been reached with the AMM on cost-neutral arrangements that are satisfactory to both parties. The additional costs incurred by the Province will be offset by an annual contribution from the municipalities of approximately \$1.4 million. The amount of annual contribution represents each municipality's average costs of providing assistance over the seven-year period from 1995 to 2001 inclusive. This average is intended to cover periods where the caseload was both high and low. However, if the economy were to suffer a downturn in the future and the number of people on income assistance were to rise

dramatically, the Province would be responsible for the additional costs, the downstream risk so to speak.

The municipalities will also contribute to the income assistance system through their role as economic developers. This legislation provides for a continued partnership with municipalities as they take on agreements for identifying and promoting employment opportunities for income assistance participants. These agreements will vary as they will reflect the unique circumstances of each municipality. We look forward to working with the AMM and the individual municipalities in the development of these agreements as well as the mechanisms required to implement this initiative in a manner that is agreeable to all concerned. These amendments will come into effect on a date to be fixed by proclamation. Our objective is to proclaim these amendments to take place on April 1, 2004.

One-tier is one of several initiatives introduced by this Government to improve the circumstances of low-income Manitobans. Since 1999 this Government has increased the total income available to income assistance participants, both directly by increasing income assistance rates and indirectly by other sources of income. For example, Manitoba has been gradually exempting the national child benefit supplement since 2000 and will fully exempt this benefit for children of all ages by the end of January 2004. This means an exemption of up to \$1,460 annually for a family with one child, an amount that would have been counted as income prior to this initiative.

Also, at the end of January 2004, for the February 2004 benefit month, basic allowance rates will increase by \$20 for each adult in the disability and aged categories and all other adults without children. These provisions build on previous enhancements such as increases and earning exemptions and higher allowances for children's school supplies. That helps to improve the financial situation of individuals receiving income assistance. In addition to the provision of income assistance, key elements in our overall strategy to support persons in need include affordable child care and adequate affordable housing.

In conclusion, Mr. Speaker, I am confident that moving to a one-tier system of income assistance across Manitoba will enable income assistance benefits to be delivered in a more consistent, efficient and effective manner and significantly improve the quality of service provided to those in need. Therefore, I would like to recommend this bill to the House for unanimous support.

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, I am pleased to put some remarks on the record with respect to Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba).

As you know, this legislation will see the Province assume responsibility for providing assistance to those who are currently receiving assistance from rural and northern municipal governments. This includes all non-disabled single persons, childless couples and two-parent families. The legislation also attempts to address issues related to the transition. It is hoped that the move to a one-tier system will provide consistency and policies and programming for all Manitobans and that it will provide municipal assistant recipients with access to a variety of provincial training and employment readiness programs.

Ideally, clients will benefit from better coordination of employment and training opportunities. The move to this type of delivery system has been requested for a number of years by the province's major municipal organization, the Association of Manitoba Municipalities. I note that on a July 9, 2002, presentation to the provincial Cabinet, the AMM stated, and I quote: A one-tier social assistance system is not only good for municipalities, but it is the right, fair and equitable policy for the recipients of social assistance in Manitoba.

In lobbying for this changeover, the AMM has requested that any move to one-tier assistance be cost-neutral for both the municipalities and the Province. They have also sought to have the existing level of social assistance maintained.

The AMM has also expressed their concern that under the current system some individuals in

need could possibly fall through the cracks. They recognized that many smaller municipalities do not necessarily possess expertise in administering our provincial social assistance counselling and program information and this could have an impact on service delivery.

I would just like to take a moment to thank the municipal staff who have been involved in delivering social assistance. The people who have been responsible for providing these programs are caring individuals who have taken a sincere interest in helping people deal with challenging circumstances and in their attempt to re-enter the workforce. We appreciate their efforts.

I understand that the changeover entailed in this legislation would cost municipalities the same amount of money for the next seven years as each community pays the Province the seven-year average of what they pay out in assistance. In effect, the process is supposed to be cost-neutral and prevent municipalities from experiencing a significant increase in costs.

Since my election, I have spoken with many municipal officials on a variety of issues. From these conversations, I note that there is a great deal of consensus on the move toward one-tier assistance. There have also been a number of articles in the rural newspapers on this issue in recent weeks. One chief administrative officer noted in a recent article in the *Carberry News Express* that administering social assistance took up a fair chunk of office time. This same official added that on the downside social assistance might not be quite as accessible and flexible for local people in need. As well, concerns have been raised that clients might have to travel greater distances in order to access services.

Mr. Speaker, other municipalities have commented on the measure of privacy clients will be afforded through the new legislation. As one mayor stated, and I quote: The problem is that in a small town you know everybody. It makes it very difficult for the staff.

I appreciate that the Minister of Intergovernmental Affairs (Ms. Mihychuk) also raised

the privacy issue when speaking at the recent AMM convention in Brandon.

As many members in this House will be aware, it was under the previous Filmon administration that the provincial government assumed responsibility for the City of Winnipeg social assistance program in March 1999. When we made the move toward the one-tier system for the city of Winnipeg, our goal was to make more efficient and effective use of program dollars and to provide better service to clients and value to Manitobans. Although at the time some of the members opposite were quite critical of the changeover, I believe they would now agree that the transition has been effective. Municipal leaders watched the process as well and recognized that it would work well in rural and northern Manitoba.

What is essential in making these types of delivery changes is ensuring that the transition process is a smooth one for existing clients who understandably may feel some apprehension about the pending changes. For example, will clients be able to readily access programs and services, or will they be required to travel an additional distance to larger centres such as Brandon, Thompson or Portage la Prairie in order to gain access to services previously delivered by their local municipalities?

I am also wondering how some measure of privacy or even anonymity will be attained if clients are not going to be expected to travel to the larger centres I have noted. However, if they are expected to travel some distance from their home communities to obtain social assistance, how will they be able to do so when many are on social assistance because they cannot afford to put gas in their vehicles?

* (16:30)

These are the sorts of questions I have for this minister. They are the same questions that I am sure she will receive when this bill moves on to committee stage in the new year. I hope that the Government will be mindful of the concerns of clients, and ensure that the changeover is handled quickly and efficiently, with the least possible disruptions to the clients.

I hope the Government will also ensure that the changeover holds little disruption for municipal staff, some of whom likely fear that with the reduced workload they may be facing layoffs. I wonder if the minister can assure staff they will not be facing layoffs because the Province has assumed responsibility for administering social assistance throughout rural and northern Manitoba.

One suggestion I have for the minister is that she take some time to follow up with both social assistance recipients and municipal office officials about a year after the changes have been implemented to ensure they are working. We need to make sure this change meets both the Province's and the Association of Manitoba Municipalities' expectations. I think it is only prudent to conduct a review a year or two from now to make sure that is the case.

Ultimately, I feel that throughout all these changes it is essential there are strategies in place when working with single, employable people to ensure they have every opportunity to re-enter the workforce.

It is critical that we break the cycle of welfare dependency and allow all Manitobans to reach their full potential. The fact of the matter is the overwhelming majority of Manitobans want to work and to be able to support their families on their own. They want a hand-up not a hand-out and we know the best form of social assistance is a job. That is why it is so essential that we create an environment that will help all people become independent. In order to be independent we need to cultivate a healthy and vibrant economy. People should have the opportunity to access gainful employment regardless of whether they live in Winnipeg, Waskada or Wabowden.

What I found disturbing in the recent Throne Speech was the absence of a strategy to cultivate economic development in this province. We must ensure that we have a climate where business and industry will want to expand their operations and create jobs and opportunities for all Manitobans.

I believe there is much, much more work to be done by the Doer government in enhancing the economic climate in Manitoba because with

new job opportunities comes the opportunity for more Manitobans to free themselves from a reliance on social assistance.

Mr. Speaker, I appreciate that the Government has listened to municipalities and has decided to move forward with this legislation.

Mr. Speaker, thank you once again for allowing me to have the opportunity to put remarks on the record regarding Bill 8, The Employment and Income Assistance Amendment Act, and I look forward to hearing input from the public when this bill goes to committee.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, again, fairly briefly, we do not have any problem in terms of this bill going to committee to hear feedback. The only comment I wanted to give to the minister is that, when you do something of this nature, we saw it with the city of Winnipeg, I think there are other things that you also have to give consideration to.

I will give a specific example. The City of Winnipeg had a community club program in which individuals who were on social assistance were rehabbed through this six-month program. They would get welfare benefits. Community clubs benefited. Everyone really benefited by that particular program.

When the Province took over welfare, that particular program has really found it very difficult to be able to maintain. The Province benefits by having this particular program in place, yet they are not giving any sort of financial compensation for that program. That has been to, potentially, the detriment of community clubs and to individuals who in fact have benefited by this program.

I think there are some anomalies. The minister and the department do have to give due diligence when we pass legislation and make changes of this significance, that special attention needs to be given in areas in which the Province might need to invest additional resources.

With those few words, Mr. Speaker, we are prepared to see it go to committee.

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

Some Honourable Members: Question.

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

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

Bill 7—The Criminal Property Forfeiture Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 7, The Criminal Property Forfeiture Act; Loi sur la confiscation pénale de biens, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Mackintosh: Mr. Speaker, this is the fourth legislative piece dealing with criminal organizations. Of course, The Cross-Border Policing Act has also been introduced as the fifth piece.

There are some important points I would like to bring to the attention of members at this stage of proceeding. Organized crime, of course, has been an increasing problem in Canadian provinces. The primary motive for organized crime is to make money. Drug trafficking, prostitution, fraud, pornography and the many other offenses commonly perpetrated by criminal organizations that threaten our children, families, businesses and communities result in profits. This money may in turn be used to purchase expensive homes, vehicles and luxuries for the criminal organization member and his or her family or to reinvest in criminal activity.

Profit-making crime also requires the use of other property, whether it is a vehicle to transport drugs or a building from which to run a prostitution ring. The Government of Manitoba believes that by making sure that crime does not pay in Manitoba, this bill will help to create a hostile environment for organized crime and

help to prevent criminal activity from taking place in our province.

The bill is a crime-prevention initiative. It is intended to provide an additional tool for the police to use against organized crime and other unlawful activity. Police will be able to apply to court for a civil order forfeiting proceeds of unlawful activity, that is, property in the province that was obtained through crime. The police may also apply for the forfeiture of items used to further or commit profit making or violent offences which the legislation terms instruments of unlawful activity. Proceeds or instruments that are forfeited become the property of the Government of Manitoba. They will be sold and the proceeds from the sale will be used to pay for legal aid, crime prevention or assistance to victims of crime.

It is important to note that the bill was not intended to target the profits criminals may reap from commercially exploiting the notoriety of their crimes through book, movie or other such deals. Companion legislation to ensure that retelling a crime does not pay will be introduced next year. The drafting is now underway.

This bill has a special and groundbreaking feature that makes it even more effective in attacking profits from organized crime. Property owned or possessed by a member of a criminal organization or by a business in which a member is substantially involved will be presumed to be proceeds of unlawful activity unless the owner can prove otherwise. In other words, if the police chief satisfies the court that you are a member of a gang and that the gang is a criminal organization as defined in the Criminal Code, you have to show the court where the money came from for your expensive house and car. This presumption will also apply to property transferred by a gang member or his or her business to another person for significantly less than the property's fair market value.

Mr. Speaker, in order to keep their gains from crime, members from criminal organizations go to great lengths to make them look legitimate. They may make a series of transactions intended to result in a seemingly legitimate purchase or investment. They may also place property derived from crime in the hands

or in the name of an associate, family member or shell corporation. For this reason, the legislation puts the onus on criminal organization members and sometimes their associates to provide the evidence showing that their property was obtained with lawful earnings.

Finally, the bill contains a number of safeguards to protect the interests of innocent and responsible owners of interest in the property. Examples might include a purchaser who paid a fair price for the property without knowing it was obtained through crime or a bank with a registered mortgage on a house that was partly financed through proceeds of crime.

As I have indicated, we will be able to discuss this bill in more detail at the committee stage. So I will conclude my remarks at this point. I look forward to the support of the House in having this bill move ahead. Thank you.

* (16:40)

Mr. Gerald Hawranik (Lac du Bonnet): I welcome the opportunity to put a few brief comments on the record with respect to Bill 7 and then see what happens in committee stage a little later in the year or early next year. This bill is in response, of course, to the increase in gangs and criminal activity in the province. The Government, of course, says it wants to get tough on gangs and criminal organizations in the province, and there has been a proliferation of gangs and criminal organizations in the province of Manitoba, particularly with respect to the Hells Angels.

The Hells Angels moved into Manitoba in 2000, in July 2000, when the Los Bravos were taken over by the Hells Angels. That is clearly documented in the *Winnipeg Free Press*, in the year 2000 in July, which indicated clearly that the Hells Angels came into Manitoba under this Government's watch, and, because of that, they have taken over the drug and the prostitution trade in this province and in this city, and they have been preying on our children, as a result of that.

There has been increased drug activity in the city due to the Hells Angels and this, I think, is the Government's response, and one of their

attempts, in fact, to curb gang and criminal activity within the city. This Government has had a previous attempt, last year, with respect to controlling gangs and criminal organizations.

Mr. Speaker, they introduced The Civil Remedies Against Organized Crime Act. At that time, I called that legislation toothless; and it was. It was proven to be toothless. They touted that legislation as being able to shut down River City Choppers, which is owned by the Hells Angels in Winnipeg. It did not do that, even though River City Choppers is, in fact, located just a few blocks away from the Justice Minister's (Mr. Mackintosh) own constituency office.

I think the charges that I laid at that point, in terms of the legislation being toothless, are, in fact, correct. There only were 11 charges under that act in the last 12 months, only 12 charges that have been laid under that act, not convictions, just charges; and the charges only related to wearing the wrong clothing in bars.

Mr. Speaker, is this what they tout as being legislation which targets gangs and criminal organizations in the province? I submit that it is ridiculous, that that legislation goes nowhere near taking on the gangs and criminal organizations in our province.

The legislation that they proposed last year only affected the Hells Angels and other criminal organizations in the kind of business they can do in the province. That is all it did. It only withdrew provincial licences under The Liquor Control Act, Tobacco Tax Act, and Retail Sales Tax Act. It still, though, permits businesses owned by the Hells Angels, such as towing companies, and it still allowed River City Choppers, a mail-order company owned by the Hells Angels, to operate in this city.

So, really the legislation was toothless, it did not do what the minister said it could do, and that is what concerns me about this legislation. Again, he touts it as being anti-gang legislation and being new legislation, ground-breaking legislation in this province in his fight against gangs. My feeling is that it likely will be just as toothless as the legislation he introduced about a year ago.

This Criminal Property Forfeiture Act, after I read it, the first thought that came to my mind was that there was really no thought given by the minister as to whether it will meet a constitutional challenge. I do not think he really addressed his mind to the constitution. He went on to say over the last week that, in fact, this legislation is operative in Ireland and in New Jersey. Well, they have a different constitution in the United States; and they have a different constitution in Ireland; and I do not believe that this legislation will meet the constitutional test in Canada.

Under the legislation, no criminal conviction is needed, unlike the federal Proceeds of Crime Act; and I think that is the key. If, in fact, you have been convicted as a criminal under the constitution, there is absolutely no doubt that a province or a federal government has the right to take the proceeds of the crime, but under this legislation, no criminal charge is even necessary, let alone a conviction. The other thing about the legislation is that the seizure is done merely on an allegation, an allegation that the property is from the proceeds of crime or in fact that the property that is being seized is an instrument of crime. All of this is done on a balance of probabilities. It is not done by the test of criminal law, which is beyond a reasonable doubt.

My concern of course is that it will not meet a constitutional test and I refer the minister to a *Free Press* article on November 28 entitled "Legislation flies in the face of Charter." In fact, the comments were made by the former Attorney General of Manitoba, the former Attorney General who now teaches at the University of Manitoba and is an expert in constitutional law, Roland Penner, who was the NDP minister a number of years ago. He states quite clearly that there are a lot of difficulties with this bill. He also stated that the Canadian justice system is rooted in the ideal of being innocent until proven guilty, which is not reflected in this bill. On top of that, the guilt by association he says is offensive. Guilt by association is something that we should try to avoid at all costs in our justice system. In his view, he says it offends the rule of law.

He also stated that it is virtually impossible to enforce the law without violating the Charter.

He believes that it will run into a challenge over jurisdiction because it comes suspiciously close to the criminal law. In that same article I was quoted as saying, and I stand by that comment, that it will not stand up to a constitutional challenge. I refer the minister as well, to an article today in *The Globe and Mail*, in the Toronto *Globe and Mail* when they made comment, an article written by the editor of *The Globe and Mail* commenting about this minister's new legislation. They called it a smash and grab legislation, a bill that would roll over the constitutional rights and freedoms of association and niceties of due process.

He believes, the editor, that it will not withstand a challenge under the Canadian Charter of Rights, and he quotes me in the article as being closer to the mark than the Justice Minister. He says, and he quotes me, I am closer to the mark when I said that I believe that it would probably survive only until the first defence lawyer wants to take a stab at it, and I stand by that comment.

Mr. Speaker, I hope that the minister takes notice of those comments, although of course, because we believe that we should be tougher on criminals and the gangs and criminal organizations of this province, I believe that we should support this bill and move it into committee if for no other reason because it goes after the criminal organizations. I believe that at an appropriate time there will be a challenge to this bill and I believe it will be a successful challenge. If this bill is challenged and if it is successful, this will fall directly onto the shoulders of the Justice Minister. I look forward to the comments of the various interest groups at committee. Thank you.

Introduction of Guests

Mr. Speaker: Before recognizing the honourable Member for Inkster, I would like to just have the attention of all honourable members because I would like to introduce a couple of guests that we have in the public gallery. We have Mr. and Mrs. Jack Kostiuik, who are the parents of the honourable Member for Minnedosa (Mrs. Rowat). On behalf of all honourable members, we welcome you here today.

* * *

*(16:50)

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I will not be long on my comments on this particular bill but I did want to put something on the record prior to it going to committee.

Mr. Speaker, I think it is fair to say that all Manitobans agree on the concept that in no fashion whatsoever should it be perceived or real that crime pays. We all want to ensure as much as possible that crime does not pay. I do believe that the Minister of Justice (Mr. Mackintosh) has recognized that fact, and if there is one thing that I have noted with this particular Minister of Justice, he is very much aware of what it is that Manitobans want to see done in the justice area of legislation and changes.

What I am not sure of or not convinced of is to what degree the minister is going to be successful in fulfilling the expectations he is creating, because the Minister of Justice, this Government, is creating huge expectations. I can only hope and trust that those expectations are going to be met. If they are not, Mr. Speaker, I think it behooves us in opposition to point out to Manitobans the degree to which this minister has led them along.

Mr. Speaker, an individual, one of my Chamber colleagues made reference to the federal Proceeds of Crime legislation, something that has been there for a good deal of time and to what degree, for example, has this department or the minister tried to work with the federal government to see if, in fact, maybe it could be complemented in some fashion.

But, again, we do not necessarily have the resources to do that type of research, but we are going to give the Minister of Justice the benefit of the doubt that he has done due diligence in this area, that he is not building up false expectations in Manitobans, because as the Member for Lac du Bonnet (Mr. Hawranik) has pointed out, if, in fact, this legislation does get challenged in court and gets defeated, this Government is going to have to wear that around their neck.

Mr. Speaker, as the minister continues to have numerous press conferences—and he is

great in terms of talking with members of the media. In fact, I would argue that maybe he says a lot of the types of things that I say in opposition, and, you know, in opposition I am a real optimist. I think that you really try to get a sense of what the public wants and you advocate very strongly for it, and I like to think that if I was then in government that I am going to do my best at fulfilling that. So, in that sense, this particular minister is really being aggressive in bringing in legislation, but, as a result of that, he is generating some media attention, and when you get that media attention and we see the minister on the news or read about him in the newspaper, the public as a whole starts to build up an expectation that this Government is really making a difference in the area of crime.

I find it very difficult to believe that in the last four years they have, in fact, done that. It was interesting, in Question Period the Leader of the Official Opposition (Mr. Murray) and, I believe, the Leader of the Liberal Party (Mr. Gerrard) raised the issue of Mr. Driskell and what was happening in that particular case. It was interesting what the Premier (Mr. Doer) said. The Premier said in regard to Mr. Driskell: That is the paramount concern and that still leaves it open to us, the issues dealing with the justice system, the systemic issues in the justice system that I guarantee to the public of Manitoba, we will have a systemic review of those issues.

Well, Mr. Speaker, you know, this Government has now been in place for over four years, and this is the first, I understand, that the Premier has actually acknowledged that particular area. Again, what I sense has happened is that this Government realizes, oh, oh, here is a public hot-button issue where we have to start making statements telling the public what they want to hear, and, as a result of that, again, maybe building up expectations.

Well, Mr. Speaker, where were those types of comments three, four years ago?

An Honourable Member: The problems were there then.

Mr. Lamoureux: My colleague from Steinbach has pointed out the problems were there back

then. The minister, this particular minister, was very much aware of it. I wanted, Monday, and I guess I have cleaned out my desk here. On Monday I was going to ask a question. My question, in essence, was about the Minister of Justice (Mr. Mackintosh), when he gave the assurances to Mr. Driskell, in opposition, that he would do something. Now that is on the micro-scale. That is on an individual note where he meets with someone, maybe a few people, and builds up that expectation.

When we get in government, if we get in government, I am going to be able to make a difference. We are going to be able to do something for you. It is symbolic. On the microscale, the minister did not have a problem in terms of building up the hopes of an individual, that in government they are going to be able to make a difference. When he had the opportunity to make the difference what did the minister really do?

I think there are many Manitobans who are disappointed in the way which this Government has dealt with the Driskell affair.

In fact that is one of the reasons why they hit the next public statement of: Now it is a systemic thing. We are going to deal with it. Issue out another press release. Not to fear.

Again, much like what the Minister of Justice did years back while in opposition, he built up an expectation and he was not able to deliver.

Now the minister is in, some would argue, a potentially dangerous spot, because if you start building up expectations the public have a right to see those expectations turn into reality.

Mr. Speaker, I truly believe the Government needs to follow through on the types of things they are telling Manitobans. We can point to ample examples of this Government's lack of performance where they made commitments and they failed to materialize.

I will tell you something, Mr. Speaker. There are some issues. If you knock on a door and you say, what is an important issue to you, you will get some people who will say health care. You ask another person and they might

say, I am concerned about the deficit or I am concerned about the environment or education.

One of the things I find is that on the issue of crime and justice, that issue crosses all generations. All people are concerned about crime and justice. That is why it is very easy for the Government to feed into that particular area. Hopefully, they are not creating too much in terms of false hopes.

Mr. Speaker, I did get the opportunity to talk to a number of police officers in regard to this legislation. I appreciate the Minister of Justice (Mr. Mackintosh) providing us the opportunity to meet and get a bit of a debriefing on the bill. I took advantage of the debriefing by sharing some of my thoughts with some police officers. I did get some feedback.

One of them raised the issue: What about Lake of the Woods?

There are a lot of assets I suspect that might be just outside of the province. What is going to happen in that sort of a situation?

Having said that, as I say, I did not want to speak at great length on this. I just wanted to emphasize that I am glad to see the bill is here. We look forward to going to committee and getting public feedback. I trust the expectations that are being built up are going to be met because if they are not met the minister can rest assured I will be informing my constituents of the Government's performance.

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

An Honourable Member: Question.

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

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

* (17:00)

Bill 10—The Gaming Control Amendment Act

Hon. Tim Sale (Minister charged with the administration of The Gaming Control Act):

Mr. Speaker, I move, seconded by the honourable Attorney General (Mr. Mackintosh), that Bill 10, The Gaming Control Amendment Act; Loi modifiant la Loi sur la Commission de régie du jeu, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table his message.

Motion presented.

Mr. Sale: Mr. Speaker, this bill was previously introduced in the spring session. It comes from work done by the board of the Manitoba Gaming Control Commission, which began in November of 2000. They have studied the act in its current form and have seen the areas of weakness. The commission, of course, was established pursuant to the Desjardin commission's report in the mid-nineties. It was established by the previous government as a relatively weak body. We are taking measures through this act that will strengthen the body significantly, give it oversight over all forms of gaming in Manitoba, including parts A and B of section 207 of the Criminal Code.

The transparency that will be required in the bill will include not simply the review of gaming commissions either in communities such as Winnipeg or on reserves but the activities of those commissions, the actual gaming activities that take place, the source and application of the funds raised and disbursed in those communities. The commission will also continue to have a very clear role in the approval of the licencing of personnel, the integrity of gaming in Manitoba.

I was pleased, Mr. Speaker, to note that in the spring of 2003 the Auditor General also underscored the importance of having this kind of increased capacity in the Gaming Control Commission pursuant to his investigation of the Dakota Tipi Gaming Control Commission and the unfortunate events that happened on that reserve. So I commend the bill to all members for their careful study. I look forward to its passage to committee for clause by clause. So

you will be passing it through to committee today, Len?

Mr. Mervin Tweed (Turtle Mountain): I move, seconded by the Member for Southdale (Mr. Reimer), that debate be now adjourned.

Motion agreed to.

Bill 5—The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers)

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale)—if you would just sit down for a second, thank you, the Minister of Energy, Science and Technology, suitably seated—that Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers); Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (conseillers des demandeurs), be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill and I table the message.

Motion presented.

Mr. Selinger: Mr. Speaker, the proposed amendments provide for the establishment of a claimant adviser office to assist claimants in the appeal of a decision of the Manitoba Public Insurance Corporation with respect to a bodily injury claim. Many claimants do not understand their entitlements under the Personal Injury Protection Plan, nor do they understand the scope and purpose of the appeal process. As a result, they feel intimidated by the process and are often not prepared or comfortable presenting their case to the appeal commission.

This bill recognizes the need to provide assistance and advocacy for claimants. The claimant adviser office will assist claimants in appealing an MPI review decision to the commission by explaining the process and providing assistance in preparing for an appeal, and, where required, appearing before the Automobile Injury Compensation Appeal Commission on the claimant's behalf.

Advisers will assist claimants in determining what evidence is required to support their position as well as assisting claimants to prepare for the appeal hearing. Advisers will help claimants to make their points in a more clear, concise and supported manner. This should allow appeals to proceed in a more expeditious manner by reducing the number of hearing delays and adjournments.

The cost to establish and operate the office will be recovered from the Manitoba Public Insurance Corporation. It is also important to note that the amendments specifically provide that the minister responsible for the claimant adviser office must not be the Minister responsible for the Manitoba Public Insurance Corporation.

Mr. Speaker, with these few comments I am pleased to recommend the bill for consideration. Thank you.

Mr. Mervin Tweed (Turtle Mountain): I move, seconded by the Member for Southdale (Mr. Reimer), that debate be now adjourned.

Motion agreed to.

Bill 9—The Manitoba Immigration Council Act

Hon. Nancy Allan (Minister of Labour and Immigration): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 9, The Manitoba Immigration Council Act; Loi sur le Conseil de l'immigration du Manitoba, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill and I table the message.

Motion presented.

Ms. Allan: I am very pleased at this time to introduce Bill 16. This act will allow the Minister of Labour to establish a council to advise the Government on the ambitious immigration and integration strategy supporting future economic growth.

Mr. Deputy Speaker in the Chair

As many of my colleagues are aware, Manitoba's action strategy for economic growth outlines a plan to double immigration to 10 000

annually. I believe the creation of the Manitoba Immigration Council will strengthen the ability of my department and the ability of the Government to meet Manitoba's immigration goals.

The action strategy is strongly based on recommendations of the Premier's Economic Advisory Council after input of Manitobans from diverse sectors. It states: It is clear that Manitoba needs an increase in immigration to keep its population and workforce in balance. Guiding us to strengthen our commitment to partnerships with business, labour and the community, the strategy directs that we build on existing advantages to reach Manitoba's economic goals.

Through the proposed appointment of a 12-member council from business, labour and multicultural organizations, we will strengthen existing community relationships and develop new partnerships to ensure that our programs support newcomers' full participation in Manitoba's dynamic future.

* (17:10)

The council will provide advice and information to the minister in three key ways: attracting immigrants; provision and the development of settlement services; and aiding the development of crucial supports to retain immigrants in Manitoba. As provinces and countries compete globally for the attention of potential immigrants, these tasks grow more challenging.

Responsibility for immigration is shared jointly by federal and provincial governments to effectively attract, settle and retain immigrants who will fully contribute to Manitoba communities. My department has recently negotiated and signed a new Canada-Manitoba immigration agreement in June of this year. It provides for the development of new initiatives to meet regional needs, address barriers to the recognition of qualifications and support settlement and integration.

As well, it encourages the movement of temporary workers and international students and builds on the collaboration with minority language communities as part of the Provincial Nominee Program. These tools are necessary to

fulfil Manitoba's commitment to meeting the action strategy for economic growth by giving the Province greater flexibility to set our own immigration targets. In support of our mutual goals, the federal government has stated its commitment to allow greater numbers of immigrants to come to Manitoba through the Provincial Nominee Program as well as through others such as the humanitarian and family reunification stream.

Mr. Speaker in the Chair

A council will help Manitoba maintain its excellence as an innovator among provinces and breakthrough immigration initiatives such as our Provincial Nominee Program. Leading across Canada with the highest intake of provincially selected nominees, our total immigration for 2003 is expected to increase by 30 percent, reaching approximately 6000 arrivals, the highest number in over a decade.

In a tradition of leadership and innovation, Manitoba continues to be a testing ground for new initiatives, working partnerships and pilot projects. Among these are the first tri-level community sponsorship agreement with the governments of Winnipeg and Canada one year ago today and the recent international student off-campus work pilot. Without these innovations, Manitoba will fall short of efforts to address skill shortages, retain our best and brightest and meet the challenges of a highly competitive global economy to be the destination of choice for immigrants.

There are many challenges associated with attracting and keeping immigrants who live, work and fully contribute to our communities. Not only will the council help government find ways to ensure Manitoba is a province of choice for people seeking a better life, it will assist in establishing effective supports for newcomers to build new lives here and more quickly contribute to making this province a growing and dynamic place. It will advise the minister on strategies to retain newcomers strengthening their ties and commitment to staying in Manitoba.

Growing through immigration is essential in meeting Manitoba's long-term labour needs. Immigration has contributed to the province's

economic growth and has contributed to our province's diverse and multicultural landscape. Building on the diversity broadens our opportunities with continued economic growth making Manitoba a unique and vibrant player in the global economy. This new council will embody our province's respected immigration approach of responding to the distinct needs of our communities and business stakeholders while hearing the voices of our newest Manitobans.

The Manitoba Immigration Council Act will provide for the establishment of a 12-member council, and they will be appointed by Cabinet with three-year terms. This legislation and the work of these new council members will help us sustain our position as a leader in proactive immigration growth based on community priorities for the benefit of all Manitobans.

I therefore commend the bill for approval of the Assembly.

Mr. Ron Schuler (Springfield): I move, seconded by the honourable Member for Turtle Mountain (Mr. Tweed), that debate now be adjourned.

Motion agreed to.

Hon. Gord Mackintosh (Government House Leader): My understanding is that the Lieutenant-Governor is on standby now for Royal Assent, Mr. Speaker.

ROYAL ASSENT

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

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

* (17:20)

Mr. Speaker: Your Honour:

At this sitting, the Legislative Assembly has passed certain bills that I ask Your Honour to give assent to.

Madam Clerk (Patricia Chaychuk):

Bill 2—The Biofuels and Gasoline Tax Amendment Act; Loi sur les biocarburants et modifiant la Loi de la taxe sur l'essence

Bill 3—The Helen Betty Osborne Memorial Foundation Amendment Act; Loi modifiant la Loi sur la Fondation commémorative Helen Betty Osborne

Bill 4—The Employment Standards Code Amendment Act; Loi modifiant le Code des normes d'emploi

Bill 202—The Nellie McClung Foundation Act; Loi sur la Fondation Nellie McClung

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

His Honour was then pleased to retire.

Mr. Speaker: Please be seated.

Hon. Gord Mackintosh (Government House Leader): Season's Greetings to all members and staff and to our pages. I hope we are able to spend some good, quality, meaningful time with our families, Mr. Speaker. If we could call it 5:30?

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, on behalf of the Opposition and members of this House, I would like to extend our Season's Greetings and a Merry Christmas to all members and their families and extended families and also the staff of this Legislature. I do hope that we have a prosperous new year.

Hon. Jon Gerrard (River Heights): I just want to thank the Legislative staff and all those who have worked so hard in support of the efforts of the Legislature. I wish all members of the Legislature, their family and friends, all the best of the holiday season.

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, again, obviously, it has been said, but on behalf of all of us here, we would like to wish each and every one of you a very, very Merry Christmas, a Happy New Year. We appreciate the hard work that has been put into this session. We look forward with great, great desire for the calling of the next session. Thank you very much.

Mr. Speaker: Also, on behalf of myself and all the Legislative Assembly staff, the Clerks, the

Hansard, reporters, gallery attendants, all the Legislative Assembly staff, we wish each and every one of you and your families all the best in the holiday season.

Is it the will of the House to call it 5:30?
[Agreed]

The hour being 5:30, in accordance with Rule 2(1), this House is now adjourned and stands adjourned to the call of the Speaker.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, December 4, 2003

CONTENTS

ROUTINE PROCEEDINGS		Oral Questions	
Presenting Petitions		Economic Development	
Highway 32		Murray; McGifford	408, 409
Dyck	403	Murray; Smith	409
Co-op Program for Nursing Students		Hells Angels Associates	
Driedger	403	Hawranik; Mackintosh	410
Sales Tax Proposal		Livestock Industry	
Reimer	404	Penner; Wowchuk	410
Red River Floodway Expansion		St. Boniface General Hospital	
Taillieu	405	Driedger; Chomiak	411
		Murray; Chomiak	414
		Tweed; Chomiak	417
Tabling of Reports			
Manitoba Lotteries Corporation, Quarterly Report, Six Months, April 1, 2003 to September 30, 2003		Dorothy Madden	
Smith	405	Goertzen; Chomiak	412
		Tweed; Chomiak	417
All-Party Task Force on Environmental Tobacco Smoke		Immigration Consultants	
Rondeau	405	Lamoureux; Allan	416
		CT Scan	
		Irvin-Ross; Rondeau	416
Ministerial Statements		Speaker's Statement	
National Day of Remembrance and Action on Violence Against Women		Hickes	418
Allan	405		
Rowat	406	Members' Statements	
Gerrard	407	National Day of Remembrance and Action on Violence Against Women	
		Brick	418
Introduction of Bills			
Bill 17--The Domestic Violence and Stalking Prevention, Protection, and Compensation Amendment Act		Royal Canadian Legions	
Mackintosh	407	Derkach	419
Bill 18--The Improved Enforcement of Support Payments (Various Acts Amended) Act		Dickens of a Sale	
Mackintosh	407	Irvin-Ross	419
Bill 207--The Medical Amendment Act		BSE Assistance Program	
Derkach	408	Penner	419
		Bookmates Program	
		Altemeyer	420

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Concurrence and Third Readings

Bill 4—The Employment Standards Code
Amendment Act

Taillieu	421
Murray	422
Rowat	422
Schuler	423
Allan	426

Bill 202—The Nellie McClung Foundation
Act

Derkach	427
Gerrard	428
Brick	430
Rowat	430
Driedger	431
Dyck	432
Murray	433

Second Readings

Bill 13—The Public Schools Amendment Act

Bjornson	434
Stefanson	435
Lamoureux	436

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

Melnick	437
Rowat	439
Lamoureux	441

Bill 7—The Criminal Property Forfeiture Act

Mackintosh	441
Hawranik	442
Lamoureux	444

Bill 10—The Gaming Control Amendment Act

Sale	446
------	-----

Bill 5—The Manitoba Public Insurance
Corporation Amendment Act (Claimant
Advisers)

Selinger	447
----------	-----

Bill 9—The Manitoba Immigration Council
Act

Allan	447
-------	-----

Royal Assent

Bill 2—The Biofuels and Gasoline Tax
Amendment Act

	449
--	-----

Bill 3—The Helen Betty Osborne Memorial
Foundation Amendment Act

	449
--	-----

Bill 4—The Employment Standards Code
Amendment Act

	449
--	-----

Bill 202—The Nellie McClung Foundation

	449
--	-----

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/leg-asmb/index.html>