

Second Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 10, 2004

The House met at 1:30 p.m.

INTRODUCTION OF BILLS

PRAYERS

Bill 31—The Flood Authority Act

ROUTINE PROCEEDINGS

PETITIONS

Minimum Sitting Days for Legislative Assembly

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Virginia Cramer, Katherine Lane and Marina Plett-Lyle.

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

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 31, The Floodway Authority Act, be now read a first time.

Motion presented.

Mr. Ashton: Mr. Speaker, this bill is very important. It continues the commitment of this Government to floodproofing in this province. It builds on much of the floodproofing that has taken place since 1997 in rural Manitoba. The protection that will be provided the city of Winnipeg will be one-in-seven-hundred-year protection. It will, through this act, create an authority that will own the physical assets. I want to indicate the operational authority will continue with the Department of Water Stewardship. This authority will also maximize economic and recreational opportunities, promote environmental stewardship, develop labour training and research partnerships and will make sure that all Manitobans are involved in this very important project. I hope all members will support this very important legislation.

Motion agreed to.

Bill 32—The Provincial Railways Amendment Act

Hon. Ron Lemieux (Minister of Transportation and Government Services): I move, seconded by the Minister of Water Stewardship (Mr. Ashton), that Bill 32, The Provincial Railways Amendment Act, be now read for a first time.

Motion presented.

* (13:35)

Mr. Lemieux: I am very pleased to introduce this bill today. The proposed legislation will formalize the department's long-standing practice of sharing costs associated with maintenance of all rail crossing protection with shortline railways. Mr. Speaker, new authority is also being established to appropriation

costs associated with the installation of new crossings protection, and the proposed approach parallels the existing process for cost sharing maintenance and capital costs with federally regulated railways. I look forward to discussing the proposed legislation in detail with my colleagues.

Motion agreed to.

Bill 36—The Highway Traffic Amendment Act

Hon. Ron Lemieux (Minister of Transportation and Government Services): I move, seconded by the Minister of Industry, Economic Development and Mines (Mr. Smith), that Bill 36, The Highway Traffic Amendment Act, be now read a first time.

Motion presented.

Mr. Lemieux: I am very pleased to introduce this bill today. The proposed legislation addresses a number of new traffic safety measures as well as a variety of housekeeping issues that rationalize and modernize existing provisions of the act. Of note are a new offence designed to increase the safety of emergency workers attending the incidents on the highway and the introduction of significant fines for motorists who speed through construction zones when workers are present. I look forward to discussing the proposed legislation in detail with my colleagues.

Motion agreed to.

Bill 37—The Labour Relations Amendment Act

Hon. Nancy Allan (Minister of Labour and Immigration): I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 37, The Labour Relations Amendment Act, now be read for a first time.

Motion presented.

Ms. Allan: This bill amends those parts of The Labour Relations Act relating to the settlement of collective agreements by the Manitoba Labour Board following a work stoppage of at least 60 days.

The amendments implement the consensus recommendations of the Manitoba Labour Management Review Committee, which is composed of respected employer and employee representatives in the province.

Bill 208—The Immigration Consultants Act

Mr. Kevin Lamoureux (Inkster): I would move, seconded by the member from River Heights, that Bill 208, The Immigration Consultants Act, be now read for a first time.

Motion presented.

Mr. Lamoureux: Mr. Speaker, more and more we are seeing the importance of immigration to our province and especially through the Provincial Nominee Program. More and more we need to ensure the consumers of immigration-related services are protected.

This particular piece of legislation or proposed legislation would go a long way in ensuring the consumers of immigration services would be protected. All in all, it would be a huge benefit for all Manitobans if this bill was allowed to be debated and ultimately voted and passed through this Legislature. Thank you.

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 public gallery where we have with us Settlement English for Newcomers, 20 visitors under the direction of Ms. Gail Leylek. This school is located in the constituency of the honourable Member for Point Douglas (Mr. Hickes).

* (13:40)

ORAL QUESTION PERIOD

Red River Floodway Expansion Master Labour Agreement

Mr. Stuart Murray (Leader of the Official Opposition): There has been a lot of talk in recent days about the Premier's plan to use the floodway expansion project to pay back his union boss friends by filling their pockets with union dues. The Manitoba heavy construction industry is saying that a master labour agreement will add anywhere between \$40 million to \$65 million in unnecessary project costs. That is the equivalent of half of this

Government's highways construction program, Mr. Speaker.

The Premier's minister has been all over the map on this issue. One day he says the agreement is a done deal. The next day he says the discussions are still ongoing. Will the Premier clear the air and tell us if the scheme to force all workers on the floodway project to be unionized is a done deal?

Hon. Gary Doer (Premier): The first time I ever heard of these types of agreements with projects was long before I was elected, dealing with problems in the construction of hydro dams. I know there were united hydro agreements in place with the building trades, arranged by former Premier Duff Roblin, to ensure the building of dams would not be halted by a labour dispute and put at risk the kind of cost-effectiveness that was needed.

The member opposite mentioned some words about the cost. I would point out the IJC already pointed out that every year this project is delayed, it would put us at a liability of \$85 million.

Mr. Murray: It has nothing to do with delay, Mr. Speaker. It is a matter of clearing the air if this Premier has included a master labour agreement in this or not. Is he forcing non-unionized companies to be part of a union in order to qualify to be part of this process? That is what it is all about.

Mr. Speaker, 95 percent of the industry in Manitoba is non-unionized. The Premier's union-member-only policy will either force unionization on an industry that is not unionized, or it will give jobs that belong to Manitobans to unionized companies that are outside of the province.

Why is this Premier draining jobs and draining taxpayer dollars to other provinces?

Mr. Doer: We are trying to drain water to reduce the flood opportunities. All employees under the construction trades are all covered under The Construction Wages Act. All people, all individuals working in the construction industry are subject to a provincial law called The Construction Wages Act.

So, Mr. Speaker, I would point out that this is not uncommon in the private sector. The Simplot fertilizer plant in the 1960s was built under this agreement. The Simplot fertilizer plant in the 1990s,

under the Filmon government, was built under this kind of agreement, the Hudson Bay Mining and Smelting in the early 1990s, under this agreement. The Hydro projects, the Nelson River dam, before any NDP government, was built, the Kettle Rapids, Long Spruce and then Limestone under the NDP was built under these kinds of agreements. Jenpeg, the eight-mile water diversion project, the Churchill River project, South Bay, other projects, even 407 in Ontario, that big friend of labour unions, Mike Harris, did the same thing.

Mr. Murray: Well, Mr. Speaker, the question was about the floodway, and I make reference to the fact that, by requiring all workers to be unionized and to pay union dues, half of those union dues will immediately leave the country as the Manitoba building trade unions are required to remit dues to their parent international union headquarters in Washington, D.C.

The floodway expansion is supposed to drain the Red River, not drain jobs and drain taxpayer dollars out of Manitoba. Why is this Premier, through this master labour agreement, trying to drain jobs and drain money out of Manitoba?

*(13:45)

Mr. Doer: Mr. Speaker, we did negotiate this agreement with the federal government and we did establish a floodway authority with an individual who is in charge of that floodway authority, Mr. Gilroy. He has been working with individuals to try to have training concepts for under-represented individuals in terms of the workforce. The training will take place for jobs in Manitoba.

I do not believe all those arrangements have been completed, but the goal of the floodway is to ensure in the most timely way possible that we can get the flood protection recommended by the IJC. It took us a couple of years to negotiate that because there were no negotiations after 1997 by the previous government.

We did agree with the former Prime Minister; it is almost the first anniversary of that agreement. We have since had an agreement now with Minister Rock to have a federal-provincial process that would allow us to do this environmental licensing in one year instead of three years, and everything we are

doing on this project is based on the fact we came within an inch in 1997 of being flooded.

The IJC has identified an \$85-million-a-year liability, and every part of the objectives of this whole project besides employing people is to make sure the floodway is up and running, the expansion is up and running as soon as possible and that is the management objectives established by the provincial government and by the federal government initiated and carried through by a very fine administrator, Mr. Gilroy.

Red River Floodway Expansion Master Labour Agreement

Mr. Ron Schuler (Springfield): Yesterday we learned that the forced unionization of workers at the floodway will cost all Manitobans between \$40 and \$65 million. I ask the Minister of Labour how much of this increase is for working men and women as compared to how much of this money will go to union bosses through union dues.

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Speaker, the floodway authority is going to be negotiating an agreement with industry and labour. The project agreement will give stability to the project and allow it to be completed on time and on budget. Any concerns in regard to anything that they have in regard to wages and in regard to membership, they can negotiate that through the collective agreement process.

Mr. Schuler: Mr. Speaker, on Saturday, July 22, 2000, the *Winnipeg Free Press* editorial wrote, and I quote: Mr. Doer is the Premier of all Manitobans but it is not clear that he listens to Manitobans who are not members of unions.

I ask the Minister of Labour: If the Government proceeds with this anti-freedom, anti-worker plan, will taxpayer money paid in forced union dues be paid to union bosses in New York, will it be paid to unions in the United States?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would just like to remind all honourable members once again when referring to a minister by their portfolios, or members by their constituency, even if quoting from another source.

Hon. Gary Doer (Premier): Mr. Speaker, I would have thought the leadership and vision that was implemented by former Premier Roblin when he realized there had been delays of over a year in the Grand Rapids capital construction costing hundreds of millions of dollars to the province of Manitoba, that the idea of having in place an overall agreement that is not inconsistent with The Construction Wages Act passed by this Legislature—let it be perfectly clear that the wages are covered under The Construction Wages Act. The wisdom of Duff Roblin to have an overall agreement to have no strike or lock-out, no strike or lockout; to have this project proceed in a cost-effective way was a very sensible idea, very sensible idea. I applaud former Premier Roblin, Mr. Speaker, not the extremism of the member opposite.

* (13:50)

Mr. Schuler: I ask the Minister of Labour, as your Premier forces working men and women to unionize if they want the opportunity to work on the floodway, will the forced unionization of workers at the floodway also apply to subcontractors and suppliers to the floodway project?

Mr. Doer: Mr. Speaker, we have heard before the kind of extremism of the members opposite. The sky is falling. The sky is falling. Well, we brought in legislation to amend The Labour Relations Act. The days lost to strike and lockout in 2003 is down 33 percent from their last year in office. We heard with the new Labour Relations Act that the ability to have certifications would result in forced unionization of everyone.

Well, Mr. Speaker, the unionization rate has not gone up or down since that legislation to reduce some of the unnecessary bureaucracy. They have been wrong every time they have made these sky-is-falling allegations, and they are wrong again for this extremist view. They should follow the wisdom of Duff Roblin.

Post-Secondary Education Tuition Freeze

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, during the last provincial election the Premier promised students that, if elected, his Government would continue to freeze tuition. Yet, this weekend, the Minister of Advanced Education (Ms. McGifford) reportedly said that

tuition freeze could not last forever. Will the Premier now confirm that it is the intention of his Government to scrap the tuition freeze in the upcoming Budget?

Hon. Gary Doer (Premier): You know, again, the hypothetical questions from the hypothetical research from the hypothetical members of the Opposition quite amaze me. The Budget is X number of days away. We do not know exactly how long. We are still working on some results of a \$134-million cut from equalization that we have to accommodate. But, Mr. Speaker, members opposite who jacked up tuition fees 10 percent, 10 percent, 10 percent have a lot of gall standing in their place after this Government reduced tuition fees 10 percent and have maintained that for undergraduate courses.

Mr. Speaker: Order. Before recognizing the honourable Leader of the Official Opposition, I would just like to remind all honourable members that all members in the House are honourable members. I would like to remind all honourable members.

Mr. Murray: Mr. Speaker, I understand that the Premier is unable to answer the question. It is unfortunate, because his Minister of Advanced Education says one thing, and he apparently is not aware of what her discussions might be.

It is clear, Mr. Speaker, that for the last several years the Government has instituted a tuition freeze that has tied the hands of our post-secondary institutions. Tuition freezes, popular though they may be, are cosmetic solutions that are denying our colleges and universities of badly needed funds.

Mr. Speaker, I just do not believe—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Murray: Thank you, Mr. Speaker. I just do not believe our students think that, when all else around us is going up in price, tuition can be frozen forever. It is unrealistic. Can the Premier please tell Manitobans why his Government refuses to give our post-secondary institutions the flexibility to set their own fees?

* (13:55)

Mr. Doer: Mr. Speaker, I remember going to a Brandon high school when I was in opposition and hearing from a number of Grade 11 students that were really quite worried that no matter how hard they studied and how well they did in school, the fact that tuition fees were going up 10 percent a year made it impossible for their families to afford university or even have the hope to go to university.

I am proud of the fact that we have reduced tuition fees by 10 percent. I am proud of the fact that we have increased the bursary fund to up to \$5 million for accessibility. I am proud of the fact that we have put \$50 million into the University of Manitoba and now have \$150 million in pledges from the private sector.

I am proud of the fact that we took action. They drifted. The engineering faculty building's roof was leaking when we came into office. We have a new building going up at the University of Manitoba, and they should be ashamed of themselves.

Mr. Murray: Mr. Speaker, this Government should not be deceitful to students and suggest that when all else around us increases in price, you can freeze tuition forever. Government should adequately fund our colleges and universities. They should allow them the flexibility to set their own fees, and they should require them to be accountable for the money that they are spending.

Because all Manitobans deserve equal opportunity to access a quality education, government should be ensuring that scarce education dollars go to those that are truly in need, Mr. Speaker. Can the Premier tell us today if his Government will scrap its tuition rebate program that gives all students regardless of their financial status a rebate, and instead redirect that money into scholarships and bursary programs to ensure that financial support goes to those students that actually need it?

Mr. Doer: Well, Mr. Speaker, there was a very, very minuscule, if non-existent bursary program when we came in. So the members opposite, you know, they feign indignation in this House. I just want to make one point. We are proud of what we have done in universities and post-secondary colleges. We have increased the enrolment by some 29 percent. I want to make sure the member opposite understands that none of us will live forever. None of us will be in

these legislative seats forever, and, you know, the word "forever" is an interesting term.

Education System Funding

Mr. John Loewen (Fort Whyte): Mr. Speaker, despite receiving close to a billion-dollar-a-year increase in federal funding since 1999, the Province's share of education funding has fallen from 61 percent to 57 percent every year since 1999. The Doer government has paid less and less of the overall cost of education in the province of Manitoba.

The result is property owners are faced with increases of 5 percent, some as high as 8 percent this year. Mr. Speaker, I would ask the Minister of Education when the Province will assume responsibility, true responsibility for funding education and provide the necessary funding to relieve the burden from property owners.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Education funding is the responsibility of our partners in the municipalities in the province of Manitoba and the responsibility of the Province of Manitoba. The fact is that education taxes have reduced by a net of 7 percent.

We have increased the property tax credit from \$250 to \$400. We have decreased the provincial ESL. We are continuing to improve the infrastructure which was sadly lacking by members opposite. We have increased funding to the tune of \$250 million to address serious infrastructure deficits, eight new schools, eleven replacement schools, over thirty with major funding projects.

We continue to fund education at a rate that is affordable, predictable and sustainable, and for five consecutive years, we have met our election promise to fund education at the rate of economic growth.

Mr. Loewen: It is unfortunate I have to remind the minister that it is the Province that has a constitutional responsibility to fund education. It is your responsibility, not the responsibility of the municipalities.

The only solution the minister offers school divisions to make up for the Doer government's inadequate funding of the education system is that they should drain their contingency fees. I am not

surprised, given the Doer government's history of raiding Hydro and draining the rainy day fund to meet their program spending needs.

Mr. Speaker, I would simply ask the minister when the Doer government will do the right thing and assume full responsibility for covering the costs of education and remove the burden from the property tax owners.

* (14:00)

Mr. Bjornson: Thank you for the question. Mr. Speaker, I did not instruct school divisions to drain their surpluses. The fact of the matter is there was over \$69 million in surplus, accumulated surplus. I asked school divisions to consider using a portion of those surpluses to offset any unnecessary tax increases.

It surprises me that members opposite would ask this question because it was reported in the *Free Press* recently that members opposite, in 1977 I believe was the year, asked school divisions to do the same thing. It does not really surprise me they would condemn us for making that request. What surprises me is that after five years of minus 2.6, minus 2.2, 0, minus 2 and 0, that school divisions actually had surpluses, Mr. Speaker.

Mr. Loewen: The minister should remember in 1997 the provincial government was not getting a billion dollars a year more from the federal government. That is his responsibility, that is his legacy. The minister's only response that he has to his unwillingness to properly fund education is to blame school divisions for overspending. He is actually blaming the school divisions for this problem.

I would remind the minister that, under the Doer government, he was given the final approval authority on budgets for school divisions that the Doer government forced to amalgamate. I would ask the minister: If he really believes these divisions are overspending, why does he approve their budgets?

Mr. Bjornson: I suspect the member from Fort Whyte is referring to an article that appeared in the *Free Press*, where there were no direct quotations around that allegation. Reading that article, I have not said what is in that article and I take exception to that, Mr. Speaker. We have taken on more initiatives to address this issue than members opposite, while

they increased the dependence on the municipally-leveled education support levies. As I said, we have increased the property tax credit, reduced the education support levy. We struck a committee to explore the whole issue of education funding, and I am anxiously awaiting that report.

School Division Amalgamations Cost Savings

Mrs. Bonnie Mitchelson (River East): Three years ago when the Doer government announced forced amalgamations of school divisions, they said there would be \$10-million savings that would go directly into the classrooms.

Mr. Speaker, I would like to ask the minister, three years later can he identify the \$10-million savings and which classrooms that money has gone into?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I have been meeting with a number of school divisions. One of the first meetings I had with Frontier School Division actually spoke about the fact they were able to realize over \$700,000 in savings as a result of amalgamation, and those \$700,000 were directly reinvested in the classroom where that money belongs, Mr. Speaker.

River East Transcona School Division Budget Approval

Mrs. Bonnie Mitchelson (River East): Those school divisions that were forced to amalgamate by the Doer government are required to send their preliminary budgets into the Minister of Education for his approval.

My question is: Did the Minister of Education approve the 7.9% budget that was sent in to him by the River East Transcona School Division?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Amalgamation has resulted in a number of new efficiencies in our school system. We have wage harmonization, we have improved and expanded programs, we have rationalized senior management to administration. We have rationalization for the central office especially in urban areas, and we are seeing the benefits of this process that we had the courage to engage in.

Mrs. Mitchelson: Well, if that is not a non-answer, Mr. Speaker, I do not know what is. The River East Transcona School Division passed on Monday evening a 7.9% increase to the taxpayers in the River East Transcona School Division as a direct result of a 1.24% increase from this Government, not the 2 percent that was announced by this minister. The minister has communicated with them and has not rejected that 7.9% increase.

Will the Minister of Education, today, now admit that the Doer government's forced amalgamation has left the River East Transcona School Division no other option but to put those huge tax increases on the backs of the ratepayers in our school division?

Mr. Bjornson: Mr. Speaker, our commitment to funding education has put \$105 million into the base funding. Members opposite in the same time frame put in \$15.2 million. What a significant difference.

We are doing our part to fund education at an affordable, sustainable and predictable level. Members opposite during the election talked about this possibility of removing the education tax from property, but they also suggested that that would be at the expense of arts, that it would be at the expense of phys ed, and that it would be at the expense of music; which sets back education about 50 years.

Workers Compensation Board Funding for Pan Am Clinic

Mr. Glen Cummings (Ste. Rose): My question is for the Minister responsible for the Workers Compensation Board. This Government has a shabby history of raiding Crown corporations. First of all, they go to Manitoba Public Insurance. Then they go to Manitoba Hydro. Now they appear to be poised to go to the Workers Compensation Board to raise funds that are normally raised by government and government is held responsible for.

Has the Minister responsible for the Workers Compensation Board now made herself familiar with the report that the WRHA put together for the Pan Am Clinic and appears to promote the purchase of a MRI by WCB?

Hon. Nancy Allan (Minister charged with the administration of The Workers Compensation Act): The Workers Compensation Board provides

health care services to each and every one of their clients right here in Manitoba. They are some of the most vulnerable workers that we have. They are injured workers, and it is absolutely critical that they provide those services to their injured workers in a timely manner. They will make those decisions in regard to how they provide those services at the board level, with the board, with the senior management. I have every confidence they will make good decisions in regard to how they provide those services, Mr. Speaker.

Mr. Cummings: Mr. Speaker, she may have confidence, but she is not demonstrating to us why we should have confidence that she understands what is going on. This report was written on June 6 of this past year. At committee, it was confirmed that it has gone to the Workers Compensation Board, but it is hanging in limbo over there. It has not been presented to the board apparently, and the board has not expressed an opinion on this report. If this report is indeed there, will she ask the board to express a view of the financial impact?

Ms. Allan: Mr. Speaker, I want to assure the member opposite that I will not be micromanaging this issue from my office in the Legislature.

Mr. Cummings: Mr. Speaker, I hear chirps across the way saying good answer. I wonder how they describe ministerial responsibility. This is a cross-government recommendation that monies taken from the employers of this province will be used to buy an MRI. Now, if that does not have an effect on the rates, if it does not have the effect on the funds of the MRI, then this minister should forthwith find out what that effect might be. Will she undertake to do that?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am glad the member raised the issue of MRI. I was very pleased to announce just this week that the Province has purchased a new MRI at Health Sciences Centre that will increase the scans by 5000 this year, up from the 17 500 that we are doing a year, which is a tripling of what happened when the member opposite was a member.

I might want to indicate, Mr. Speaker, yes, there is going to be a new MRI in at Pan Am Clinic, and, yes, the Province is paying for it. We are going to have more MRI capacity, not just at Health Sciences

Centre but at Pan Am Clinic and soon to be at Brandon Hospital, first time outside of Winnipeg.

Wuskwatim Dam Consultations—Manitoba Métis Federation

Hon. Jon Gerrard (River Heights): Mr. Speaker, my question is to the Premier with respect to the Wuskwatim dam. It is my understanding that the Manitoba Métis Federation is indicating that, to date, there has been no meaningful and proper consultation, nor accommodation, nor agreements with the Métis nation.

The approach the Government is taking is totally contrary to the recommendation in the Aboriginal Justice Inquiry commission report. I ask the Premier to indicate why he and his Government have failed to consult with the Manitoba Métis Federation in regard to the Wuskwatim dam.

* (14:10)

Hon. Gary Doer (Premier): Well, your question is wrong. We have been consulting with the Métis Federation. The question is completely wrong. Consultation does not mean that whatever people ask for, demand or request, we can agree to.

I understand there were various proposals, financial proposals, in place. I understand a significant amount of money has been assigned for training of Métis people for that project. I am not sure whether we have agreement or not. I will let the minister respond, but we were very close as I understand it. The statement that we did not consult is absolutely, patently wrong.

That does not mean to say when you consult with people that you agree to everything that they request or propose. We have a responsibility on the other side to make sure we are spending wisely, but we want to spend fairly with Métis people. I am confident we will do that.

Mr. Gerrard: Discussion about some training dollars does not represent full consultation. I have on good authority from the president of the Manitoba Métis Federation, both in his comments at the forum on February 23 and his personal comments to me yesterday, that the Manitoba Métis Federation has not been fully consulted.

The AJIC says specifically that any future major natural resource developments not proceed unless and until agreements are reached with the Aboriginal people in communities in the region, including the Manitoba Métis Federation and its locals and regionals. I ask the Premier why he has failed to engage in full and proper consultations with the Manitoba Métis Federation.

Mr. Doer: Our ministers have had full consultations with the Métis Federation. That does not mean, Mr. Speaker, that there is a full agreement. We have a responsibility to make sure that we are spending money fairly. If there is a discrepancy between what we have proposed, which is significant, and what people have proposed to us, which might be more significant, we will try to close that gap. We are now in the process of trying to close that gap.

Consultation to us, and I am not talking about the Métis, but it does not mean to us, it might mean to the member opposite that you go to a meeting and whatever people demand or propose, that you say yes to it immediately, even if you cannot afford it. That is not consultation. We are closing the gap, but we will do it in a fair way for the Métis people, and we will do it in a fair way for the people of Manitoba.

Mr. Gerrard: The president of the Manitoba Métis Federation has made it quite clear that what has taken place today does no way fulfil the requirements of the AJIC recommendations. There have been numerous problems already with the environmental assessment of the Wuskwatim dam. The process has been changed several times. There has been inadequate process in terms of not including a federal panel.

I would ask the Premier why he is proceeding in this fashion. Why is he failing to handle the whole process in an adequate fashion which recognizes groups like the Manitoba Métis Federation? Why has he failed, and why does he put at risk the Wuskwatim dam process and puts in place a procedure which may result in delays because of court challenges and legal challenges because he has not done his job properly?

Mr. Doer: Mr. Speaker, I know the Liberals are opposed to any development of Hydro. Of course, they called Limestone, which produced some \$3 billion in revenue with the new agreement that has

been reached, they call it lemonstone, and of course, that is why they have done so well in the North.

Mr. Speaker, the bottom line is that we have consulted with all organizations. I ask the member to be very careful. There is a quasi-judicial process in place and the member can stand up here and say this may happen, that may happen, this may happen. He used "may" three times in his question.

Let us let the quasi-judicial body make the definite decisions as they are entitled to do under the law. The member opposite should stop interfering in that quasi-judicial process.

Prostate Disease Reduction Strategy

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, every year there is a 3% increase in the number of new prostate cancer cases. Approximately 4800 Manitoba men are living with prostate cancer.

Could the Minister of Healthy Living tell this House what is being done to help Manitoba men who are afflicted with this disease?

Hon. Jim Rondeau (Minister of Healthy Living): Mr. Speaker, I thank the member for that question.

Yesterday we had the pleasure of announcing the start of construction on a new prostate cancer centre. It is a \$2.5-million investment. It is a state-of-the-art facility that is going to open this fall. It is wonderful that we have had great progress on decrease in the waiting lists. The waiting lists have been halved.

It was interesting to note that the people who have had prostate cancer gave us wonderful commendations as far as moving in the right direction, as far as being progressive on the issue and moving down in the wait list. In fact, if you look, CIHI has actually said that we have done a great job on the wait list. We will continue to work with the health care providers to improve the health care systems for all Manitobans.

Workers Compensation Board Funding for Pan Am Clinic

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, clearness and transparency around the actions and expenditures of government is most important. This

report that was done by Meyers Norris Penny has implications for the Workers Compensation Board of this province.

It clearly states the financial projection is presented on the basis that the clinic will be successful in obtaining \$5.059 million in financing from Manitoba Health and the Workers Compensation Board. I would like the Minister responsible for the Workers Compensation Board to tell the people of this province what due diligence has been done to demonstrate the impact on WCB.

Hon. Nancy Allan (Minister charged with the administration of The Workers Compensation Act): Mr. Speaker, I am really pleased that all of a sudden the members opposite are so concerned about our Crown corporations. I would just like to—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Allan: Thank you, Mr. Speaker. I would just like to remind members opposite that, thanks to when they were in government, we have one less Crown jewel here, and we need no lectures from members opposite in regard to due diligence around our Crown corporations, Mr. Speaker.

Mr. Cummings: Mr. Speaker, the employers of this province will get cold comfort from that answer when they realize that the fund which they solely contribute to and which is managed to the benefit of their workers is quietly being raided by the back door by this Government.

I am asking for accountability from this minister. What due diligence is being done to demonstrate any possible effect on the outcomes around WCB?

Ms. Allan: Mr. Speaker, I would just like to remind the member opposite that the Workers Compensation Board is only one of two fully funded workers compensation boards in Canada. It has the second-lowest assessment rates of any workers compensation board of any provincial jurisdiction in Canada. We have every confidence that the board of directors will move forward in providing services to injured workers. They will do due diligence. This will be a business case. I am not going to micromanage this from my office at the Legislature.

Mr. Cummings: Mr. Speaker, there is no accountability in the last two answers. We are simply asking this Government, through this minister, to stand up, be accountable for what is occurring under their tutelage in the Crown corporations in this province. The record up until now is abysmal.

She has not given any satisfaction about whether they will be purchasing or they will be leasing to own. Will she undertake to provide direction to the corporation, to at least present a position on this study?

Ms. Allan: Mr. Speaker, there is a board at the Workers Compensation Board with employer representatives, employee representatives and representatives for special interest groups. I have every confidence, as they move forward in this province to provide services to injured workers in this province, that they will do the due diligence around that to provide good services to our most vulnerable workers in this province.

Livestock Industry Cull-Cow Program

Mr. Jack Penner (Emerson): Mr. Speaker, the Doer government has spent a considerable amount of money advertising in the new \$6-million cull-cow program, which ended, by the way, February 16. Last night I met with about 50 producers in the Vita area. These producers were baffled by the large deductions being made from their cull program cheques.

Is the NDP government using this as a clawback program to get some of the money back from the previous Manitoba slaughter deficiency program?

* (14:20)

Hon. Gary Doer (Premier): Well, I met with a number of producers recently myself and they were very happy that we had announced, without support of the federal government, the cull-cow program. When the federal government first came out with the criteria of requiring slaughter, they were very pleased that we had developed the program. I know it cost between \$350 and \$400 to feed cattle in the winter that are affected. I know the 8% number was arrived at as the usual cull-cow numbers that would be normally going and being handled if the border had not been closed.

We certainly wanted the federal government to participate in this program. I think that hundred dollars per head to deal with the 8 percent-plus, I think up to \$192 from the federal government, if that has been announced, gets us closer to the amount of money that a producer will have to carry with this tragic situation of the border closure. We certainly believe this gets us part of the way to deal with the real, real pain of not having the border open and having a situation where cull-cows, instead of being dealt with in the normal way, have to be fed over the winter months.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

I Love to Read Month

Mr. Bidhu Jha (Radisson): I am very pleased to inform the House of my participation in I Love to Read Month by visiting Bernie Wolfe Community School. While at the school, I met many interesting students and learned about the diverse programs being offered there. In particular, I enjoyed reading to the kindergarten class. As a grandfather and a strong believer in education from childhood, I really enjoyed the time spent reading to the children. Their curiosity, evidenced by many questions about our Golden Boy, reflects the high quality of teaching at the school.

In keeping with the long history of Transcona naming schools after local social leaders, Bernie Wolfe Community School is named after a very proud community member and a former municipal councillor, Mr. Bernie Wolfe. It is fitting that he has a community school carrying his name.

I want to congratulate the students, the parents, the staff and the administration in the River EastTranscona School Division as well as a number of partners that make the Bernie Wolfe Community School such an asset in the west Transcona area.

The community school model is something that I, as well as our Government, strongly believe in. Bernie Wolfe Community School fulfils this vision. Furthermore, it serves as a joint use of the school with the City of Winnipeg. It houses a pool as well as an agreement for the creation of a drop-in centre

for the city of Winnipeg. There is a Ukrainian bilingual program in the school. The Scouts have activities there and there are senior volleyball leagues.

Mr. Speaker, I want to thank the students of Bernie Wolfe School for their participation in I Love to Read Month and recognize their school for helping us to build a better Manitoba where participation and education contribute to our collective well being.

Providence College and Seminary

Mrs. Mavis Taillieu (Morris): Mr. Speaker, I rise today to put a few words on the record about an award recently granted to Providence College and Theological Seminary located in my constituency in the community of Otterburne. Providence College received its first-ever Enrolment Growth Award awarded by the Accrediting Association of Bible Colleges and Christianity Today International. The award is in recognition of member schools that have achieved a record percentage of enrolment increase. Gary Schellenburg, Vice-President for Administration, accepted the award on behalf of Providence.

Providence College registered 452 students this past fall, totalling 717 students in both the college and the seminary. From the 2002 to 2003 school year, Providence has increased its enrolment by 12 percent, whereas member schools of the Accredited Association of Bible Colleges recorded an overall growth of 4 percent.

Mr. Speaker, there are 21 member schools in Canada, and Providence College was the only Canadian school to be recognized with a growth award. Not only is this award a testament to the high quality of instruction that attracts many students to Providence College, but it also acknowledges the hard work of the administration and recruitment departments. Many students are drawn to the facility which offers over 40 programs at the bachelor, master's and doctoral levels.

I would like to take this opportunity to congratulate Providence College and Theological Seminary on their Enrolment Growth Award, and acknowledge their ongoing commitment to quality post-secondary education in this province.

High School Curling Championships

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, I am pleased to rise before the House today to congratulate an exceptional group of young athletes. This past Saturday in Gimli, the Fort Richmond girls' curling team and the Gimli boys' team both won gold medals at the Manitoba High School Athletic Curling provincials. I am exceptionally pleased to make this statement because members of the Fort Richmond girls' team are students in my constituency of St. Norbert.

I would like to begin by congratulating the skip, Heather Pierson; third, Laryssa Grenkow; second, Sarah Norget; lead, Justina Neepin; and their coach, Patti Galenzoski. I would also like to congratulate the Gimli boys' team: the skip, B. J. Neufeld; third, Matt Johnson; second, Dan Hotel; lead, Paul Sigurdson; and their coach, Gord Anderson.

Mr. Speaker, I understand that it requires many long hours of training and preparation to acquire the skills necessary to compete at this level. Despite the rigours of the training, it is the enjoyment of the sport and the pursuit of their best that has led to this commendable achievement. I believe that the memories of these games will last for many years to come.

Their triumph demonstrates that the encouragement of your young people to lead healthy lives, to pursue their athletic potential and to achieve their goals is a valuable asset to our province. The efforts and teamwork of the Fort Richmond girls curling team are an inspiration and a valuable example for all Manitobans.

I look forward to following their future endeavours and to seeing the many achievements they accomplish in their lives. I would also like to thank the Manitoba High Schools Athletic Association for organizing the event and promoting the benefits of sports in our high schools through athletic and educational opportunities. It is through their encouragement that the total education of the student is cultivated. Thank you.

Marlene Bertrand

Mrs. Myrna Driedger (Charleswood): It gives me great pleasure to rise in this House to recognize the

recent appointment of Marlene Bertrand as a member of the Order of Canada.

Mr. Speaker, Marlene Bertrand's devotion to making Canada a safer place for abused women has been evident throughout her lifetime as she has consistently chosen to walk the unbeaten path in order to eradicate social injustices and assist those affected by family violence.

Spanning more than two decades, Ms. Bertrand's career has been characterized by her unfailing compassion, strength of character and optimistic vision of a day when a job like hers may cease to exist. Hired by the Brandon YMCA in 1982 to counsel women who had survived abusive relationships, Ms. Bertrand helped build a shelter from the ground up. Four years later, she moved to Winnipeg, where she became the executive director of Osborne House, a position she held for five years.

Currently the director of Manitoba's Family Violence Prevention Branch, a position she has held since 1992, Ms. Bertrand is a driving force behind one of Canada's most advanced networks of community resources and has helped shape public policy at the local, provincial and national levels while continuing to act as a mentor to social service professionals and countless women seeking strength and empowerment.

* (14:30)

Mr. Speaker, in a month when we have witnessed the tragic and violent consequences of domestic violence which have claimed the lives of Veronica Cropp and Erin Chorney, I would like to take this opportunity to express my sincere appreciation for the devotion and commitment demonstrated by Marlene Bertrand to the eradication of domestic violence in Manitoba.

I am sure that all members of this House will join in congratulating her on her appointment as a member of the Order of Canada. Thank you, Mr. Speaker.

Property Taxes

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to say a few words about education property taxes in Manitoba. Under the former Conservative government, when they were elected in 1988, the education property taxes made up only, at the local level, 28 percent of education funding; 72 percent came from the Province.

By 1999, at the end of the Conservative government, the proportion coming from the Province had fallen to 62 percent in the first downward slide in this area. Under the NDP, the downward slide has continued, and we have now moved from 62% provincial funding down to 57% provincial funding, and it looks like we are going to fall further.

Mr. Speaker, as the editorial in the *Free Press* today says very clearly, the provincial government is responsible for the mess of public school financing. It alone is responsible for education. Premier Gary Doer should halt the absurd, insufferable game that is being played with the taxpayers of Manitoba: this downward slide away from provincial funding and offloading onto the school boards.

What this is going to result in this year is major increases in property tax locally in most areas of the province, whether it be River Heights, Border Land, Portage la Prairie, Prairie Spirit or almost any other school division in the province.

In the election, interestingly enough, the Premier promised that he was going to lower taxes on farmland, and many are very concerned that the farm taxes on farmland, on education, will not be lowered, but will be going up by anywhere from three to seven to ten to maybe higher percentage points at a time when farmers clearly cannot afford this. This is a very concerning situation and it results directly from the recent actions of the NDP. There need to be major changes in this area.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call the debate on third readings on 8, 7 and 13.

DEBATE ON CONCURRENCE AND THIRD READINGS

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

Mr. Speaker: To resume adjourned debate on the proposed motion of the honourable Minister of Family Services and Housing (Ms. Melnick),

concurrency and third reading of Bill 8, The Employment and Income Assistance Amendment Act, standing in the name of the honourable Member for Minnedosa (Mrs. Rowat).

An Honourable Member: Stand.

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

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, it is my pleasure to rise in the House today to speak in favour of Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), introduced by my colleague the Minister of Family Services and Housing.

This legislation will mean that the Province is responsible for delivering social assistance benefits and programs to all Manitobans. Currently, outside Winnipeg, the Province administers the program for single parents and persons with disabilities and municipalities deliver for single individuals, childless couples and two-parent families.

Over the years many municipalities have advised us that this creates a difficult administrative burden for their staff, particularly for the smaller municipalities that do not have the resources to dedicate staff to this function. Mr. Speaker, I am pleased that our Government has been able to respond to those concerns.

Mr. Speaker, One-tier income assistance across this province will be of great benefit to rural and northern Manitobans as demonstrated by the overwhelming support of the Association of Manitoba Municipalities, where 90 percent of members endorsed a resolution in support of one-tier. The passage of Bill 8 will ensure that social assistance participants across Manitoba have consistent policies and practices in place, a clear understanding as to which level of government is responsible for providing assistance, trained staff providing social services, improved confidentiality, a consistent application process, improved transferability of benefits if participants relocate or their circumstances change, and increased access to provincial training programs.

This will have direct and immediate benefits for the 1100 families and individuals currently in receipt of municipal assistance and the 185 municipalities

involved in directly delivering assistance. Once one-tier is implemented, municipal assistance participants will be advised where the provincial office is, asked to come in, meet their worker and fill out a new application.

Provincial employees will also travel out to smaller, more remote communities to take the applications. These new applications will ensure that the Province has the most up-to-date information and that participants understand their rights and responsibilities under the provincial rates, policies and programs.

It is important to note that the legislation allows benefits to continue during a two-month window so that no benefits will be discontinued while waiting to have a new application taken. As many members of this House will know, the staff who currently deliver social assistance across this province are hard-working, skilled individuals.

I was pleased to learn, Mr. Speaker, that this Government has committed to working closely with each municipality that has dedicated staff to ensure that no municipal employees lose their jobs as a result of implementation of one-tier. I think this demonstrated concern for these employees demonstrates yet again how committed this Government is to the rural economy and rural jobs, particularly as we work through this ongoing BSE crisis.

Mr. Speaker, this Government's dedication to the interests of rural Manitoba is also demonstrated through the negotiation of a cost-neutral formula. Under this formula, municipalities will pay a fixed amount to the Province based on average costs over a seven-year period. This formula is intended to recognize years when caseloads are high, and when they are low, as they are now. The benefit to municipalities is that this formula is fixed, and will allow municipalities more predictability in their budgeting. If caseloads were to rise, municipalities would not have to worry about how to absorb additional costs, as any of the downstream risk will be borne by the Province.

*(14:40)

Mr. Speaker, the Province has also accepted responsibility for any program enhancements retroactive to 2001, including the cost of the recent restoration of the National Child Benefit Supplement and

the rate increase for single adults and childless couples.

Mr. Speaker, I have also had the opportunity to review some of the presentations tabled at the public committee hearings on Bill 8. It was a pleasure to see the views expressed by groups like the AMM and the Manitoba Municipal Administrators' Association in support of the bill's implementation.

I was especially heartened by the MMAA expressing specifically their commitment to continuing to offer employment to those seeking work or requesting assistance within the municipality. I would also like to take a moment to thank and pay tribute to the Association of Manitoba Municipalities, particularly their president, Stuart Briese, and their executive director, Joe Masi. Both individuals are likely well known to all members of this House, and their work with us in negotiating the cost-neutral formula and in systemically addressing the many issues brought forth by the municipalities is much appreciated.

Mr. Speaker, it is of great pleasure, then, that I add my endorsement to Bill 8. This legislation will be of great benefit to all rural and northern Manitobans, as it will insure that all social assistance participants will receive consistent, confidential service no matter where they live in Manitoba, and a significant administrative burden will be relieved. Currently, that burden is on the municipalities. Further, Bill 8 is yet another example of the commitment of this Government to rural Manitoba, rural jobs and the rural economy. I hope that we can agree to pass this bill as soon as possible, so that one tier can commence with the start of the fiscal year.

Mr. Jack Penner (Emerson): It gives me a great deal of pleasure to rise on The Employment and Income Assistance Amendment Act. I want to commend the Government for having brought this act forward. This act has been, I believe, requested by many municipalities for a number of years.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Mr. Deputy Speaker, I remember, probably a decade ago, when some of the local municipalities in my constituency started talking about the need for a one-tiered program that would look after employment income assistance kind of programs. Many of the municipalities said, at that time, that they could

not understand why governments of the day would not consent to taking on the whole matter of assistance to those that were in need. Municipalities, in many instances, simply did not have the resources to properly apply the program that needed to be applied.

There are any number of other issues that, I believe, enter into the whole matter of providing programs in a way that would make people feel that they are really part of a contributing sector in society. I think that is very important. There are many people in our province that simply have not the means or the wherewithal to live on their own, through their own means. Therefore, I think it is important that assistance be given, and be given in such a way that everybody has comfort with them receiving the kind of support that they need to become contributing members in society.

I also note in notes that were given to me that there are some of the municipalities, some of the larger municipal bodies that have concerns about this, concerns that this is an attempt to offload the cost or clawback as we are now seeing this happening in the BSE crisis where government is implementing programs and then deducting portions that have been paid through previous programs and thereby making these programs virtually, the new programs, non-existent. That fear has been expressed by some of the larger municipal bodies in the province of Manitoba.

Mr. Deputy Speaker, I think if I would quote the supervisor of the City of Brandon social service department who recently expressed concern that she does not know what the changes will mean for her and their five employees because they were the people, the body, that delivered the programs in Brandon and now have been given no indication what their positions will be. I think it behooves the Province of Manitoba and this Government that they at least give some level of comfort to those employees that might find themselves in a jobless type of a situation when this legislation is actually brought into operation.

I would strongly suggest to the minister and the Premier (Mr. Doer) that they should make all efforts to have those discussions with those municipal administrations and their employees to see if there is not some meaningful way that these employees could be brought into the provincial system, and they

become part of an integrated provincial system, and therefore need not have the fear that they might, in fact, be jobless.

I think there are other areas that have expressed similar concerns. I note that the Thompson councillor, Stella Locker, who also has expressed concerns the Province might have municipalities pay for the cost of the social assistance for people who are living off reserves. That is another issue that I think needs to be clearly addressed by the Province of Manitoba, the provincial government.

I think the NDP government needs to assure people that there will not be a difficulty caused to people that are on social assistance now and then might not be able to be on social assistance if and when the new program is, in fact, enacted.

This legislation, of course, is only a piece of legislation that allows for the establishment of the one-tiered system. It does not necessarily mean that this Government must or will, for that matter, immediately enact this program. We can pass this piece of legislation in this House, but if it is not given Royal Assent, then, of course, it does not become functional until the Government decides that they want to truly proceed and implement this kind of program.

We believe that there are numerous other areas that have similar concerns where there are part-time employees that have been hired by municipal councils that have delivered or help deliver the social programs that the municipalities until now have been delivering. Those people, again, find themselves at loose ends. They do not know what their future will be.

I would strongly encourage the minister and the Premier (Mr. Doer) to make sure that they have meaningful discussions with those employees and allay their fears that there will, in fact, be a position for them, as well, to be able to become and remain successfully employed in one way or another, either by the provincial government or in some other facet of employment, which should be ensured by the Province of Manitoba.

I think it is imperative, and I, again, want to say I congratulate the Province for having moved on this legislation. I think it is a step in the right direction, a good step in the right direction, and I commend the minister and also the Cabinet for having made the decision.

These kinds of decisions are not always easy, but we should be very careful at the same time that we do not disenfranchise some of the people that have been dependent on. We should make every effort to ensure that the people that will be moved from a municipal supports mechanism to a now-provincial support mechanism will be given every comfort that their services will not be adversely affected, but will be positively affected.

* (14:50)

Mr. Deputy Speaker, I think that will be up to the Province and the provincial government, the NDP government, to ensure that will happen. That can happen if the minister has the will, if the Cabinet gives her the authority, but until that has happened, I would have some concern about those people that are the most vulnerable in society in most cases.

I believe that the AMM, the organization of municipalities, has for a number of years suggested or lobbied hard that the Province should, in fact, make this step. I believe that the direction that this Government is taking now is in direct relationship to the tremendous effort that Stu Briese, the chairman of the AMM, has put into lobbying the provincial government to take this step.

Mr. Speaker in the Chair

Again, I caution the provincial government that when you do take on the initiative of bringing the whole social services, the social assistance programs into a one-tiered system, that you do it with conscience, that you do it with the best interest of those that we serve, those that are the most vulnerable in society, and that we do not implement this kind of legislation to be able to use an iron-fisted approach to dealing with those and making decisions that would see them in a lesser income position than they are today.

So, Mr. Speaker, with putting those few comments on the record, I want to say that we look forward to the initiatives taken by the provincial government by introducing this legislation. We also want to say that we look forward to the enactment of the legislation. Just passing it in this House does not suffice. We want to encourage the Government to take immediate steps to implement this legislation in a meaningful way. Thank you very much.

Mr. Speaker: No other speakers?

An Honourable Member: No.

Mr. Speaker: Okay, when this bill comes back before the House, it will remain standing in the name of the honourable Member for Minnedosa (Mrs. Rowat).

Bill 7—The Criminal Property Forfeiture Act

Mr. Speaker: To resume the adjourned debate on the proposed motion of the honourable Minister of Justice, (Mr. Mackintosh) Bill 7, The Criminal Property Forfeiture Act, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

An Honourable Member: Stand.

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

Mrs. Mavis Taillieu (Morris): Mr. Speaker, it is my pleasure to put a few words on the record today in regard to Bill 7, The Criminal Property Forfeiture Act. This bill enables the police chief or the commanding officer of the RCMP in Manitoba to apply to the Court of Queen's Bench for an order forfeiting property to the Government. Property may be forfeited if the judge is satisfied that it is acquired as a result of unlawful activity or it is likely to be used to commit certain unlawful activities.

I just have a little bit of concern with some of the wording, especially the word "satisfied." It is a very subjective word and could be applied subjectively. The judge may make orders to protect people of interest in property that is subject to forfeiture, but it says specified interest holders are entitled to automatic protection. Other interest holders must prove to the judge that they did not know about the unlawful activity or did all that reasonably could be done to prevent the property from being used to engage in unlawful activity. Again, a lot of subjective words call into question the ability of certain people to have to prove their innocence.

Forfeited property must be sold by the Government. After paying expenses related to the forfeiture sale of the property, the balance of the sale's proceeds are to be paid to the Victims Assistance Fund to support victims' services or crime prevention

programs and the Legal Aid Society of Manitoba. We would need to have transparency and accountability to ensure that this actually happens and government is really not tempted to keep the goods, so to speak.

There is general support for this bill with amendments, but, I think, in every active legislation there lurks the law of unintended consequences. I think this is one of the bills where we could see unintended consequences to innocent people. While the goal of The Criminal Property Forfeiture Act is to ensure that crime does not pay and make it more difficult for gang members to hide their ill-gotten assets while applying for legal aid at the expense of taxpayers, there could be innocent victims of this legislation, as I have said.

In fact, our Justice critic is doubtful that this law would stand up to a constitutional challenge, noting that the Justice Minister has not given it a lot of thought. That was out from an article in the *Free Press* last fall. In fact, former Attorney General Roland Penner argues that the bill flies in the face of the Charter. He said that the ideal of being innocent until proven guilty is not reflected in this bill. He also says it is suspiciously similar to criminal law, which only Ottawa can pass.

Property owned by gang members would be presumed to be the proceeds of crime unless proven otherwise and could therefore be ordered sold even if the gang member was not convicted of an offence. Being a gang member would be deemed the offence.

Now, I am not standing here in support of gang members or criminal activity in any way. I am saying, though, that there are unintended consequences for people that will not be familiar with where something has come, maybe from a third party, second, through one party and then through another. The onus would be put on them to prove their innocence rather than the courts to prove them guilty. This could affect people in our society who do not have the access to court systems and the means to get representation.

I would just like to reiterate a few third-party comments in regard to the unintended consequences. When we pass forward bills like this, we have to assure ourselves that these are going to affect the people that we want them to affect and not the people we do not want them to affect.

This permits, as I said, the confiscation of the property of members of a criminal organization, even if they had not been convicted of an offence or charged with one. Then, belonging to the organization defined by the Criminal Code as a group of three or more people who have a main purpose, that is, being the facilitation of a serious offence that would enrich at least one of them, would be justification enough. Again, it is very subjective. What exactly is a group of people banding together? Are they a criminal organization? We need to be very careful of what we are doing here.

* (15:00)

The Attorney General, who has previously moved to shut down legitimate businesses owned by gang members, says he believes the legislation can withstand a challenge under the Charter of Rights. But we are not so sure. Our opposition Justice critic is, I think, and I will quote from this article, closer to the mark. He says: I think it would probably survive only until the first defence lawyer takes a stab at it.

This proposed Criminal Property Forfeiture Act would allow a police chief, if satisfied that the property were obtained through breaking of any law, to ask the judge to issue an order forfeiting the property to the Government or to the court. Now, leaving that again, that subjective term of satisfied that there has been a legal activity or goods have been garnered by illegal activity, again I think there is room for interpretation there. We have to be careful of that and protect the innocent while still targeting the criminals.

The judge would have to be satisfied only on the balance of probabilities, not the more demanding standard of beyond a reasonable doubt. To prevent the forfeiture, the owner would have to prove the absence of unlawful activity. The owner of property would have to prove the absence of unlawful activity. That again puts the onus on an innocent person or a presumed innocent person, although in this case it is presumed a guilty person.

If the owner were a member of a criminal organization, the law would consider that to be proof that the property was proceeds of unlawful activity in the absence of evidence to the contrary, again, a reverse onus. If someone owns a house and they belong to a purported criminal gang, we are assuming that these people gathered their house through illegal activity,

and maybe they did. Those are the people that we do need to target.

Certainly, there is merit to this bill, because we do want to reduce crime in the province of Manitoba. However, as I keep saying, we do have to be careful that we are not targeting the people that are not criminals.

In fact, the Justice Minister has introduced the bill that would stomp all over most people in the democratic society. It would be considered to be a cornerstone to law and order, the right to presumed innocence. The right protects citizens. This right to presumed innocence protects citizens from a police state.

Mr. Speaker, there is no law against membership in criminal organizations, but that has not deterred this minister. The police need not give any evidence about the property or how the so-labelled gang member obtained it, again, operating on the basis of presumption of guilt.

Some laws beg for a constitutional challenge. I think this is one bill that does. It will be subject to such a test, most likely by a lawyer acting for a gang member, likely on the taxpayers' tab of legal aid assistance. That it steps into a federal constitutional jurisdiction, that being the Criminal Code, will be argued. That is only the launching point. Without proof a person has actually broken a law, the civil process would permit this law to be used to hound and penalize presumed-innocent people. I am actually quoting this from a *Free Press* editorial from last December.

This bill is not about catching people committing crimes. It is about harassment. People are complaining how much harder it is now to outwit the smarter, quicker, more devious criminal element of society. This should not trigger the erosion of due process. It should force police with the ample investigative tools already available to them to get more sophisticated. What Manitobans need is for the Justice Minister to recognize and to remind police that the right in law to presumed innocence is precious to Canadians and Manitobans. Upholding that right for the suspect and unsavoury is the only way innocent people can be assured the law will work for them too.

In conclusion, I have said that we are in general support of this bill with amendments, but, as I said

earlier, in every act of legislation there does lurk the law of unintended consequences. I am speaking to be mindful of the people that will have to prove themselves innocent. That is against our Charter.

The people of the province have the right to expect the Minister of Justice and the Government to enact legislation that has teeth and is enforceable and, therefore, cost-effective. It would be a waste of scarce resources if our enforcement officers continued to bring people to court and then these people, once in court, are continually let off because there are no teeth in the law and it would be challenged as unconstitutional.

Mr. Kevin Lamoureux (Inkster): I too want to put a few words on the record in regard to Bill 7 before its ultimate passage, whenever it does. I suspect that there could be some other speakers on this bill and even possibly amendments.

Having said that, Bill 7, as I have been trying to follow it through in both second reading, in which the Manitoba Liberal Party supported it, going into committee stage, the principle of Bill 7 is a very positive one. I think it has the potential to be a very effective tool. When we were inside the committee I had made some comments. I made a comment both on the record and off the record. The essence is that the principle of the bill is a positive one.

We want to be able to see this bill ultimately become law, but I am a little bit sceptical in terms of the manner in which the bill was ultimately brought forward and how it is being brought through, because what I am hoping the Government is not doing is building up a false expectation amongst members of the public that government is actually doing something in regard to gang activities when in reality it is not doing what it is that it says that it wants to be able to do. I say that because I was a little bit suspicious of this bill ever receiving Royal Assent. I made that particular comment, both, as I said, on the record and off the record.

In one of the media articles, I had indicated that I would be prepared to buy the minister a Big Mac if this bill ever receives proclamation within the next year. The reason for that is I had asked specifically the minister if, in fact, there were going to be any additional amendments, because I believe that there is a need for additional amendments to this legislation. I had asked him if there were going to be any additional amendments, and he said outside of the

amendments, two minor amendments that we are making this evening in committee, that that is all he sees. Otherwise, that is going to be it. It will go through.

I figure that I am in a position in which I cannot lose. The worst-case scenario is the bill passes; I am happy; it gets Royal Assent. I have to buy the minister a Big Mac. Worst-case scenario is, once again, this Government has set up a misconception, or feeding the public that they are trying to do something on gangs. In fact, talk is cheap. The reality is that it does not materialize.

It will be interesting once, if we give the benefit of the doubt to the minister and he does get it proclaimed within the next year, proof will ultimately be in the pudding.

How effective will this tool actually be? Will we anticipate? The nice thing is, Mr. Speaker, I suspect that we will have something to measure this bill with before the next election. It is one of those bills in which I do plan to follow.

Mr. Speaker, I make reference to the need for amendments. I am sure that people are aware of possible problems. I can cite one example in which I had some discussion on. That is, let us say for example, I am a contractor. I go in and I do some work on a home. A week later, that house is, in essence, confiscated, or the property is taken away because of a gang affiliation. I, as an independent contractor, might have done some work. I am now going to be out of pocket money.

Nothing within the legislation addresses that third-party concern because of the windows of individuals to put in a claim. In that sort of a situation, that person is not covered. The minister indicated, and this is all in Hansard, the minister indicated that I have nothing to worry, because this Government has been working over the last year. That is, back in February when I was told this, the Government has been working in the past year in consultation, bringing this bill forward. Yet, when we were in committee, Mr. Speaker, the Manitoba Bar Association, one would think would be one of the first groups this Government would go to, had no idea of the bill.

It was not until the bill was actually brought forward that they actually were involved in that loop, Mr. Speaker. They share not only some of the

concerns that I just finished expressing, but other concerns. That is why I am somewhat wondering whether or not this particular bill will, in fact, receive Royal Assent.

The Manitoba Bar Association is an incredible association that has a high level of expertise, that the Government did not consult with in making a bill of this nature. The presenter, it was Mr. Stefaniuk, commented on the third-party liability, amongst other things.

For those that are not aware, he had stated: We are a volunteer organization that represents lawyers, judges and law students in the province. We see ourselves as a voice of the legal profession on matters of interest to the profession.

* (15:10)

This is definitely a matter of interest. Contrary to what the minister had said on the record, Mr. Speaker, it was not a group that was, in fact, consulted. Ultimately, if this bill does not receive proclamation, it is going to be because the Government chose to try to please the public, to play to the public wants as opposed to doing its homework in advance. If they did their homework in advance, there would be no doubt in my mind that it would receive the proclamation.

As you can see, Mr. Speaker, I am a little bit sceptical. I am hopeful that the Government knows what it is doing. I am an eternal optimist, many people tell me. I do hope that the Government is able to do what it is that is has been telling the public that it can do in regards to Bill 7. It will be interesting to see how long it takes before it is proclaimed.

I would even be prepared if the minister on the side wants to tell me: Kevin, you know, you are wrong. I will go out and I will buy him that Big Mac any time. If it is not within the year, Mr. Speaker, I plan to share in a very significant way with the constituents that I represent and others how this Government has really done a disservice in the issue of gangs in our province, because Manitobans as a whole recognize the importance of dealing with gang activities and want to see answers. They do not want to see talk. They have heard the talk. They want to see a government that is prepared to walk the talk.

We will wait and see. Manitobans will get the opportunity to pass judgement on this bill in a very

real way once it is in fact proclaimed, but if it is proclaimed prematurely, they will find that what might appear to be a nice tool will be an ineffective tool because it will not be utilized unless it can be demonstrated that it is a tool that is worth using.

Mr. Speaker, with those few words, I do not have any problem in terms of this particular bill going forward for a vote on third reading and would wait and see maybe if there might even be yet an amendment to the bill that might address some of these third-party liability issues. Thank you.

Mr. Speaker: Any other speakers? Okay, when this matter is again before the House, it will remain standing in the name of the honourable Member for Minnedosa.

An Honourable Member: Lac du Bonnet.

Mr. Speaker: Oh, I am sorry, I had the wrong bill. It will remain standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)

Mr. Speaker: To resume adjourned debate on the proposed motion of the honourable Minister of Education, Citizenship and Youth (Mr. Bjornson), Bill 13, The Public Schools Amendment Act, standing in the name of the honourable Member for Russell (Mr. Derkach).

An Honourable Member: Stand.

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

Mr. Ralph Eichler (Lakeside): I would like to put a few comments on in regard to Bill 13, the bill coming from the proposals that were set out from the Special Education Review that was started in the previous Progressive Conservative government in 1995 and 1999, of which my wife was on the Education Review Committee in 1995.

It is an issue that is very dear to our hearts. The review went into great detail and study. It is nice to see this first bill of the Minister of Education (Mr. Bjornson) being brought forward. It is a situation that definitely has huge impact on the province of Manitoba.

The first clause is allowing the minister to provide an education program for every pupil and the creation of the regulation by the minister. The second clause is allowing the minister to create a regulation that would set standards and make a dispute resolution process to be followed where there is disagreement about appropriateness of the education program being provided to a pupil by the school board.

This is where I think we run into a lot of problems. The selection of that process and the time that it takes is sometimes a long and difficult one. I know when I was administrator of Interlake School Division back in the early seventies and early eighties, the process seemed to take an awfully long time. The cost that was involved was humongous. Having said that about the cost, we certainly hope that the minister will see to it that the funding is in place to move the program forward.

It is a crucial program. I know our particular school division, in the last announcement, we had 0.1% increase in our education funding. On a \$25-million budget, that was \$16,000. It is not nearly enough. We are certainly hoping that the minister will take this in regard whenever we move forward on this particular bill, make sure the money is in place.

Manitoba is one of the few remaining provinces that does not address the right to access for special needs children in our legislation. Our kids deserve better from a government that has chosen to ignore the recommendations of the Special Education Review over the last four years. This will ensure the right to a quality education for all children and the responsibility of our provincial government.

Mr. Speaker, the Doer government has gone to great lengths during its election campaign trying to convince Manitobans that his Government has accomplished a lot. Yet, over the last three and a half years, his NDP government completely ignored special needs. Then, two days before the election, they rushed to introduce legislation aimed at helping them. It was a pre-election ploy and Manitobans had no reason to believe that the NDP government would follow through with it. We certainly encourage them to do so.

The review was to make recommendations to improve the effectiveness with special-needs children. This not only includes the children with hand-

icaps or disabilities but also gifted children. The gifted children, I remember very specifically when I was administrator of the Interlake School Division, were left out in the cold. This bill should alleviate some of those problems. Greater diversity of access to programs, services, providers is found in the larger school divisions but is a problem in the rural area and some of the northern regions. The practice of integration and adherence of inclusive philosophy are both found in Manitoba schools and supported by the research literature as best practices. That has been trying to be going on in several divisions across the province.

Most Canadian jurisdictions address special education directly in legislation. Manitoba is almost the only one of the jurisdictions that has not addressed the issue of right of access to education for exceptional children. Some of the recommendations of the Department of Education support the inclusion of support services and placement options. The other recommendation is to ensure the right of equality and the right to access education for exceptional children.

The other recommendation is that the Department of Education redefine the criteria for categories of support based on students rather than on labels that assume all children with certain disabilities require exactly the same level and type of support. The last recommendation, Mr. Speaker, is that the funding model be revised for special education with flexibility to increase funding based on identified local needs. Also, provincial funding needs to be allocated for support at increased levels of certain clinical and therapeutic services.

Again, I would like to see this bill move forward, and I would urge the Minister of Education to definitely dot his i's and cross his t's when it comes to funding this particular bill. As it does move forward, we certainly hope that the Province has the money there for it. Thank you, Mr. Speaker.

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

House Business

Hon. Gord Mackintosh (Government House Leader): Would you canvass the House to see if there is agreement to defer private members' business at 10 a.m. tomorrow in order to consider the con-

ference motion of Arthur Moug, with the understanding that, once consideration of the condolence motion is completed, the House will then resume consideration of private members' business.

Mr. Speaker: Is there agreement to defer private members' business at 10 a.m. tomorrow in order to consider the condolence motion of Arthur Moug, with the understanding that, once consideration of the condolence motion is completed, the House will then resume consideration of private members' business. *[Agreed]*

Mr. Mackintosh: Mr. Speaker, would you please canvass the House to see if there is an agreement to set aside the concurrence and third reading stage of Bill 7, The Criminal Property Forfeiture Act, in order to allow for a report stage consideration of this bill and that the usual notice requirements for report stage amendments for Bill 7 will be waived once report stage is completed. The bill is then to resume consideration where it has left off at the concurrence and third reading stage, and that is for tomorrow.

* (15:20)

Mr. Speaker: Is there agreement to set aside the concurrence and third reading stage of Bill 7, The Criminal Property Forfeiture Act, in order to allow for a report stage consideration of this bill and that the usual notice requirements for report stage amendments for Bill 7 be waived once report stage is completed. The bill is then to resume consideration where it left off at the concurrence and third reading stage. *[Agreed]*

Mr. Mackintosh: Mr. Speaker, would you please call second readings. There is one bill, and then debate on second readings starting with Bill 21, and then the rest of the bills in the order they appear.

SECOND READINGS

Bill 29—The Public Trustee Amendment Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 29, The Public Trustee Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Mackintosh: Mr. Speaker, this bill deals mainly with two sections of The Public Trustee Act. First, to clarify the role of the Public Trustee when acting as a litigation guardian of a minor. It recognizes that there are situations under other statutes where a minor can retain and instruct counsel and, as such, it would not be appropriate for the Public Trustee to be the litigation guardian.

As well, the bill removes the ability of the Court of Queen's Bench to direct the Public Trustee to fulfil any unspecified duty. The duties of the Public Trustee will continue to be those as set out in the Court of Queen's Bench rules.

Finally, there is a repeal of a section whereby the Public Trustee is automatically appointed as a litigation administrator of any estate in the province when served with any statement of claim or any proceeding under The Real Property Act.

The Public Trustee has no authority to consent or refuse the appointment but is forced to take on the administration at an economic loss to the department not for the benefit of the deceased or heirs but for creditors.

As the litigation is generally driven by creditors or parties pursuing insurance funds, this role is particularly inappropriate as the estates are not self-funding. The end result being that the indirect funders for the estates are the Public Trustee's disabled clients.

What is important to remember is that the claimants are not left without a remedy. It is open for anyone to apply under The Court of Queen's Bench Surrogate Practice Act for the appointment of the Public Trustee to handle an estate. This would provide an opportunity to the Public Trustee to make representation to the court as to the appropriateness of the appointment as there are often times others within the province capable of administering the estate.

I look forward to further consideration of this bill, Mr. Speaker.

Mr. John Loewen (Fort Whyte): I move, seconded by the Member for Southdale (Mr. Reimer), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

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

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

Is there agreement for the bill to remain standing in the name of the honourable Member for Charleswood? *[Agreed]*

The honourable Member for Carman, and prior to recognizing the honourable member, I will inform the House that the honourable Member for Carman has been granted his leader's unlimited time, so the honourable Member for Carman will have unlimited speaking time.

Mr. Denis Rocan (Carman): Mr. Speaker, I have been given this opportunity to stand here before you and express my personal views on the issue that is presently before us.

I would like to thank my leader for granting me an extension of the time that is traditionally allocated to the members and also for his support on this particular bill.

My personal thanks to the Minister responsible for Healthy Living, the Member for Assiniboia (Mr. Rondeau), for his introduction of this bill, Bill 21. What a wonderful accomplishment for a junior minister, his first bill in this Chamber and a bill that will have resounding effects across this great nation of ours, undoubtedly, as other provinces decide to follow our lead to make their provinces healthier places for their constituents as we have done here.

Other provinces were looking for a leader. They were looking for a province that would have the courage to stand up for the silent majority. Well, we have done it here again for this great nation of ours. No challenge is too big for Manitobans. Job well done, Sir.

I would also like to acknowledge that I am grateful for all the privileges that were given to me as I tried to guide what started out as my private member's bill through the House for several years.

This was due in no small part to my House Leader; the Member for Russell (Mr. Derkach); my former House Leader, the former Member for St. Norbert, Mr. Marcel Laurendeau; and also the acceptance of the Government House Leader, the Member for St. John's (Mr. Mackintosh). I do not believe that any other bill, whether it was a government bill or a lonely, little private member's bill, has had the opportunity to see so much time on the Order Paper of this Chamber.

The time spent spans not only this Thirty-eighth Legislature, but also the entire term of the Thirty-seventh Legislature that was started after the Doer government took over the reins of government back in 1999. There was also the acceptance of a resolution passed at one of the PC Party of Manitoba's annual general meetings, which I will touch on in more detail as I continue with my remarks.

I would also like to acknowledge the support of Paul Moist and the membership of the Manitoba Federation of Labour. I have to be honest with each and every one here that there were several times that I wondered: What the heck am I trying to do here? I thought that there was no way that such a controversial bill would ever see second reading, let alone get the support of a particular government.

It was during one of these stages that I finally felt a breath of fresh air, not much, but at least it was a small whisper coming from my dear friend, our Minister of Health, the Member for Kildonan (Mr. Chomiak), who was informing me that the Premier was considering an all-party task force to consider the effects of second-hand smoke. "Considering" was the operative word here, but I knew that there would be a chance, because the Minister of Health was aware that this issue was not going to go away and that sooner or later a government somewhere in the Dominion of Canada was going to have to deal with this particular issue. Then he gave me his word that he would do all that he could to get the task force up and running—voilà, step one accomplished. Now, I had a strong ally on the government side, and it is with someone whom I trust, someone whose word to me is his bond.

Mr. Speaker, then, as promised, in December 2002 an all-party task force was struck to examine how to deal with the effects of second-hand smoke in enclosed public places. I would like to publicly thank our chairperson, the Member for Dauphin (Mr.

Struthers), who took on an active role in promoting the committee, and to Tanya for arranging the details of our schedule.

* (15:30)

What was also reassuring, Mr. Speaker, was that the Premier also put a Cabinet minister on the task force, the Member for Brandon West (Mr. Smith), who was extremely helpful at all of our meetings. The Member for Fort Whyte (Mr. Loewen) was also a valued member of the committee, for he was never afraid to push the envelope. When you are in a street fight you want to make sure that your back is always covered, and he had his hands full making sure that I always watched my p's and my q's.

We also had the added support of a particular medical professional, the Member for River Heights (Mr. Gerrard), who knew the terminology that was being expressed by the medical community. I thank him for his input in this capacity.

The Member for Selkirk (Mr. Dewar) played an invaluable role. I believe the Member for Selkirk questioned each and every one of the individuals who was not afraid to make a presentation. For him, I thank for his attendance.

Mr. Speaker, then all of us on *The Little Engine That Could* headed out on his fact-finding mission. There is something to be said about fate. We no sooner headed out and then, all of a sudden, people like Dr. Mark Taylor, the head of the Manitoba Medical Association, started making presentations and explaining to us the benefits of implementing a comprehensive ban.

He and his organization were influential in getting the public's attention focussed on the merits of the province-wide ban. He brought in people like Donny Lalonde, our Manitoba golden boy of boxing, and Khari Jones, our Winnipeg Blue Bomber hero, to help promote a safer workplace and healthier lifestyle for all Manitobans.

Heather Crowe courageously shared her heart-wrenching story, which was an added plus. I am glad to say that Ms. Crowe is currently doing quite well.

The media, especially the print media, did an excellent job of giving us a positive spin at almost every turn. Legislative reporters such as Mia Rabson,

Dan Lett and Frank Landry were able to keep the issue front and centre on our behalf, for which I am thankful.

These are just some of the individuals that helped this process along. It truly was an all-party task force. We were given the opportunity to hear the pros and the cons about banning smoking in all enclosed public places in the province of Manitoba—albeit, the pros outweigh the cons. We heard from many different groups and organizations, such as the municipal officials, hotel and restaurant representatives, and the RHAs also took time to present to us. Some of the more touching stories came from the younger generation, who wanted a smoke-free environment to live in.

Mr. Speaker, we also had the good fortune to meet with Wally Fox-Decent, the chair of the Advisory Council on Workplace Safety and Health. The Legionnaires even made a presentation to the task force, talking about closures and the right to smoke because they are veterans.

Each and every one of us present here today, I am sure, has the greatest of respect and admiration for the World War I and World War II, and any other vet who took up arms on behalf of his or her country. We would not be standing here in our places had it not been for these brave souls.

I, by virtue of my mom and dad both serving in the Great War, was granted the right to be called as associate member of the Legion, and that was 20-some years ago. As memberships have dwindled, I am led to believe that anyone wanting to join a Legion can do so without any stipulations about having family members who served in any of the wars. So they are private clubs with a membership attached.

I thank everyone who presented for taking the time to provide information and feedback to the task force. Mr. Speaker, let me inform all Manitobans that I, the Member for Carman, did sign the all-party task force report on the province-wide smoking ban, and that this bill, Bill 21, mirrors what was said in our report. This bill will amend The Non-Smokers Health Protection Act to broaden the ban on smoking in enclosed public places, including indoor workplaces and places where people work or live together in a group setting.

I wholeheartedly accept the principle of this bill, since second-hand smoke is hazardous to the health of all Manitobans. Those who choose not to smoke should not be subjected to but should be protected from the harmful chemicals given off by cigarettes.

Mr. Speaker, why did we recommend what we did? Let me explain. The harmful toxins in cigarette smoke can cause a myriad of diseases such as lung cancer in adults and sudden infant death syndrome in young children. Currently tobacco-related diseases account for about 45 000 deaths in Canada each year. The total medical bill for treating tobacco-related diseases in Canada amounts to over \$2.5 billion annually. Imagine how many lives could be saved, the improved quality of life, and the reduction of government spending on health if fewer people were exposed to second-hand smoke.

The ultimate goal is to have fewer and fewer people taking up smoking. Our young people are no longer associating smoking with something that is cool and classy. Instead, it reminds them of cancer and lung disease. I am sure that I do not need to remind all honourable members that children watch and mimic our every move. We teach them the difference between right and wrong and try to ensure that they grow up strong and healthy.

It is important that we strengthen the example with respect to smoking that we as a society provide to our young people. In 2001, 22 percent of Canadians were smokers. In Manitoba that number is estimated to be 26 percent. Thankfully, Manitobans smoke fewer cigarettes than the national average. They light up on the average about 15 times per day, while the national average is over 16. Unfortunately, and I know from personal experience, smoking is a difficult habit to break. It is important to create a supportive environment for those who are trying to quit or are contemplating quitting.

I and other Manitobans believe that this bill will help produce this supportive environment and will encourage people towards a smoke-free lifestyle. I realize that implementing this bill may have negative impacts on businesses. But this is no reason to halt the progress that will be made to the health of Manitobans. We must realize that the failure to implement this bill will contribute to the death toll caused by second-hand smoke. It is inhumane and irresponsible to subject employees to an environment that will

slowly take their lives, as it has been doing to folks like Heather Crowe, a waitress from Ontario.

* (15:40)

The Minister for Healthy Living (Mr. Rondeau) stated in a government news release on March 2, 2004: "We take seriously the concerns of the hospitality industry expressed during public hearings and continue to consult with businesses as we move forward toward our October 1 implementation date." I am pleased to hear that the minister is attempting to find a common ground between the business community and Bill 21.

I also believe that the health of all Manitobans should be protected from second-hand smoke. Unfortunately, one segment of Manitoba's population may not be protected due to a question of jurisdictional authority—also a sore spot that I will touch on later.

In February of 2004, the Canadian Institute for Health Information released a document entitled *Improving the Health of Canadians*, which included a section on Aboriginal people's health.

It revealed that the health of First Nations Inuit and Métis, measured by life expectancy and many other health indicators, is worse than that of the overall Canadian. The average life expectancy for male First Nations on-reserve status Aboriginals is seven years less than the life expectancy of non-Aboriginal men. It is five years less than the average for Canadian women. In terms of smoking, 38 percent of First Nations are smokers, as compared to 22 percent of non-Aboriginals—a rate over 40 percent higher.

According to the Canadian Institute for Health Information, based on the best available data, Aboriginal people have lower health status than Canadians as a whole. Knowing the substandard health conditions experienced by the Aboriginal population, I have to question why their governments are not trying everything they can to improve the health of their Aboriginal population.

The Doer government will say it is a matter of jurisdiction, and it appears that that may be the case. But we cannot just give up there, can we? Can we? In yesterday's paper, I do not want to try and embarrass individuals, and I will not talk about the specifics, an Aboriginal woman says—and she is

talking about a different issue, mind you: Evidence shows that Aboriginal women are less valued than other women. We are daughters. We are sisters, lovers, aunties, grandmothers. Why do our lives have less value? Why?

Mr. Speaker, as I sat in that chair for half of my career in this Legislature—we are going on now something like 16, 17 years, sat in that chair for about 8 years—I have never, in that period of time, seen a particular piece of legislation go through this Chamber that clearly says: white man this way, Indian this side.

I have never seen this. I have done some research, not only while I sat in that chair and the eight or nine years since, there has never been a piece of legislation go through this Chamber that said those people's lives are not as good as mine. They are women and they are children and there are men who deserve to be protected.

Yes, Mr. Speaker. Yes, I signed the agreement. Yes, I did, banning smoking in all enclosed public places where we had clear jurisdiction. I am not a hypocrite, and let me clarify that statement. The same day that that document was made public, the same day, I had a reporter ring me up. The individual had just talked to the Member for Dauphin (Mr. Struthers), and wanted clarity on where we have clear jurisdiction. To make my point, I said to the individual, our report clearly says where we have clear jurisdiction.

I said the federal government in their facilities, their office buildings, the RCMP building, Canada Post office, I believe I said the airport, I said we do not have jurisdiction over those facilities. But they would be crazy not to follow in our footsteps.

I believed that they would just step in line. That was my thought. Never once did I ever make a distinction about Aboriginal versus the white man. That did not enter the conversation. In fact, to make my point, whilst we were putting the recommendations together, there was a particular one that I felt, geez, are we ever smart: that the ceremonial use of tobacco be exempted from the province-wide ban, and that the Aboriginal community be consulted on an appropriate definition of ceremonial use.

Why would I have put that in there if I had no control on a reserve? Why would I have done that? In my mind, I just thought we were banning smoking in all enclosed public places. We put this in here. I figured, okay, that is cool. If they want to have a powwow, and if they want to smoke their peace pipes, if they want to do that ceremonial smoke, we should give it to them. It is their culture, their heritage and their traditions.

We have no right to step on that, and I wanted to do that. I figured, good for us. We will do that. At no time, again, in my mind did I see any kind of separation about these two different cultures. Mr. Speaker, you know from where you sit, when you look at this vast crowd of smart individuals before you, you see people. I know that, because I speak from experience.

He does not see government, opposition, a rump party. He does not see that. He does not look if we are white, we are black, we are Ukrainian, we are Indian. He does not see that. He applies the rules that we have put here before us, and nowhere in those rules does it say that I have to make a special law for Aboriginal, and then for white man.

You cannot, again, I reiterate, find a law. What I did find out only today, thank you very much, was what we have been doing in the past. Yes, yes, all this fancy legislation that we put before us and we all debate, whatever the title might be, we talk about it, we talk about it and how good it is for each and everyone of us. That is what we say.

This gets third reading. Pass. On we go. Royal Assent. Thank you very much, we are done. What happens at that point, I am told today at noon, is that that legislation is given to First Nations. They look at it. H'm, Labour Relations Act. That does not apply. Railroads, that does not apply. Floodway, that does not apply. That is what happens.

I never knew that. We pass law. Cool. We do that. So my question is: Why this one piece of legislation now, do I have to say a particular culture, you are this way, and another one, this way?

I am sure the Member for The Pas (Mr. Lathlin) would want to work with the communities in the North to try to convince them of the validity of what we are trying to do here.

* (15:50)

An Honourable Member: They are already doing it in OCN.

Mr. Rocan: I hear that there is discussion. There is discussion right now.

An Honourable Member: No. It is done.

Mr. Rocan: Done? Well, then, I will congratulate the member. I trust the honourable member and if he tells me that, I will. If it is only the casino, I have a problem. If it is on any enclosed public building—because that is where our intentions were to go.

Mr. Speaker, I have to take a few moments. Being an individual who cares deeply about each and every one of these rules that I have ever had the opportunity to read, I came across one time a powerful little book. It begs reading into our record.

The same powers of disallowance that belonged to the imperial government previously with respect to acts passed by colonial legislatures have been conferred by the British North America Act on the Government of the Dominion. It is now admitted beyond dispute that the power of confirming or disallowing provincial acts has been vested by law absolutely and exclusively in the Governor-General-in-Council. In the first years of the Confederation, it became therefore necessary to settle the course to be pursued in consequence of the large responsibilities devolving on the general government.

In the first 20-some-odd years, 8000 acts were passed. Of them, 45 were disallowed. It does not happen very often.

Authorities concur in the wisdom of interfering with provincial legislation only in cases where there is a clear invasion of Dominion jurisdiction or where the vital interests of Canada as a whole imperatively call for such interference. The powers and responsibilities of the general government in this matter have been well set forth by a judicial authority. There is no doubt of the prerogative right of the Crown to veto any provincial act and to apply it even to a law over which the provincial Legislature has complete jurisdiction, but it is precisely on account of its extraordinary and exceptional character that the exercise of this prerogative will always be a delicate matter. It will always be very difficult for the federal

government to substitute its opinion instead of that of the legislative assemblies in regard to matters within their jurisdiction without exposing itself to be reproached with threatening the independence of the provinces.

The injurious consequences that may result in case a province re-enacts a law or manifest probably grave complications would follow and, in any case, under our system of government that disallowing of statutes passed by a local legislature, after due deliberation asserting a right to exercise powers which they claim to possess under the BNA Act, will always be considered a harsh exercise of authority unless in cases of great and manifest necessity or where the act is so clearly beyond the powers of the local legislatures.

We are not stepping over our bounds, Mr. Speaker. We are trying to protect the lives of women and children and individuals who live not only in the traditional home as we might know it but on reserves. They have that right. I would like to suggest to the Premier (Mr. Doer), the Minister of Health (Mr. Chomiak) and the Minister responsible for Healthy Living (Mr. Rondeau) that we should do whatever we can to try and get the Aboriginal community to accept and implement the same law that we are presently putting in place for non-Aboriginal Manitobans. Like everything in politics, we know that the issue is not cut and dried.

At an AGM of the PC Party of Manitoba about a year or so ago, there was a particular resolution banning smoking in all enclosed public places. It hurts me, Mr. Speaker, to say at this point in time I think I have finally figured out the solution, the problem with Conservatives. We do not see a difference between different people. We see people as people. When the party discussed this particular issue, on a particular weekend, in a particular convention, it was decided to ban smoking in all enclosed public places for everyone. We do not put tags on people. That is not our nature as Conservatives. We treat people as equals. We really do. We do not put these little tags on and say, you, you go in that corner, you go in this one. Maybe that is our problem. Special interest groups, excuse me, we treat everybody the same. We treat everybody the same.

But to be able to stand here today and discuss this particular bill which I signed on to, which I am proud of, people will say, well, we do not have

jurisdiction. Well, then, we do not have jurisdiction. Maybe. Maybe. I doubt it, but that is what I am being told, and by the people who were telling me, I have to agree. That is probably the case.

In an interview with the *Winnipeg Free Press* in February of 2003, the Premier was quoted as saying that he believes a smoking ban is impractical and better left to the municipalities. In November 25, 2003, a *Brandon Sun* article states that the Premier personally feels cigarettes and beer go hand in hand in the province's taverns. These were some of his initial comments that were tracked by the public.

Let me share a similar story about my friend the Premier of this province, and when I say my friend, you must remember that he and I were both elected at the same time. It is during these past 16 or so years that this friendship and mutual respect has developed. Yes, it is true that at the beginning he was not enamoured with the idea of banning smoking, but what you do not know is that through his tough-talking exterior he finally confided in me that he was coming around, that he was reading and listening to all of the concerned parties and that the arguments were valid ones and that he is more supportive now than ever.

Often we would hear him refer to this as the Denis Rocan bill. Privately, he throws that in my face, for there were many times that we had the opportunity to speak about it and discuss how it was progressing along. He knew that in my heart, in my soul, that I was into seeing something done to protect all Manitobans.

For his support, I am also grateful, because I know that it was not an easy thing for the Premier to accept. He had to come full circle, which he did once the facts were presented.

I am hopeful that soon we may see a national smoking ban. So far Ottawa-Hull and some regions in British Columbia have smoking bans. Both the city councils in Winnipeg and Brandon have implemented smoking bans. The city of Thompson is on the verge of implementing a smoking ban. In the United States of America, California, Oregon already have state-wide smoking bans for enclosed public places. New York is currently contemplating a ban. Internationally, Ireland banned smoking in all of its pubs, nightclubs and restaurants in 2002.

* (16:00)

This past winter I had the opportunity to visit an old friend of mine in Western Australia, an individual who had been in politics for 40-some years. One day, as we were talking about our respective provinces and state, I informed him of our task force and their fact-finding mission, at which time he proceeded to explain to me their position on this issue. Clive says to me, you know, Denis, only about 10 years or so ago, we had men-only bars. Cool. The reason for this is because the Aussies are rough and tough, he says. We wrassle alligators, we fight with snakes and we eat Vegemite. This is where men are men. Then, about seven or eight years ago, the government started the process to ban smoking. He, being the president of the Western Australia Opera House, recalled thinking: my word, has the government gone mad? There will be a revolution. There will be blood in the streets and that the Aussies would never accept the logic from the government to ban smoking.

The weeks following, there were a few dissidents who tried to make an issue of the smoking ban, he says. Then they found out that they were alone in their fight. Then, he said, here we are, eight years later. I would never even have thought about it, had you not mentioned it, or raised the issue. We do not even think about it, he says. We walk into bars, restaurants, he says, there is no smoking. That is just the way it is, down under.

So it is not only Manitoba who realizes the importance of banning cigarette smoke. This is a public health issue that affects everyone, each and every one of us. I would implore—I would implore the Member for Rupertsland (Mr. Robinson), the Member for The Pas (Mr. Lathlin), that they work with us, because we want to work with them.

I have already made a commitment to the Minister of Health (Mr. Chomiak) that I would like to participate in trying to convince the First Nations people that what we are doing here today—not only is it good for us, that it is good for all Manitobans. Dr. Mark Taylor has already put in place a way to try and convince professional people to work with us. We do not want any segment of society left out. No child, no woman, no man should be segregated by what we are trying to do for the people of this province.

Thank you very much, Mr. Speaker.

Mr. Speaker: No speakers?

Mr. John Loewen (Fort Whyte): I apologize for my delay in standing, Mr. Speaker. I was sure that we would have a member from the opposite side stand and speak to this historic legislation, but as we have seen in this entire session, the preference of the Government is to remain silent. One has to wonder what their motive is.

It is with a great deal of pleasure that I rise to put some words on the record regarding Bill 21, although I will preface my comments by saying that I am as disappointed in this bill as I am in the report that resulted from the committee hearings. I will touch on that further, in a little bit.

I do want to congratulate the member from Carman for not only his strength and perseverance, but also for his foresight to have raised this issue in this Legislature, long before it was accepted practice to ban smoking, and long before there was common recognition of the destructive nature of smoking and second-hand smoke amongst many legislatures and the broader public.

The Member for Carman (Mr. Rocan) did his research; he understood the facts. He knew from his personal experience some of the damage that could be caused. He showed not only tremendous strength, but he once again demonstrated to every member of this House his tremendous knowledge of the rules, of the procedures, of the process of this House, and he used that to bring this bill forward in a variety of ways. I want to congratulate him on that as, indeed, an historic moment, not only in Manitoba, but all across Canada, that a member, particularly a member on the opposition benches, has been able to bring a bill of this magnitude and carry it to the stage where it is today. So, Mr. Speaker, I do congratulate him.

I would also like to echo his comments in terms of my thanks to the chairman of the committee, the member from Dauphin, as well as the other members who, along with myself, went to a number of meetings throughout the province. We did stop at 11 different communities during the course of our travels, and at each community we were welcomed with open arms. Even though we were there to listen to information on what, in some places, was a very contentious issue, we were treated with respect everywhere we went.

Mr. Speaker, I would also like to just briefly mention Tannis Cheadle, who was assigned from the Department of Health to work with our committee. She did a lot of the legwork in terms of setting up our meetings, in terms of organizing not only the meetings but attempting to organize the committee. A little bit like herding cats, I am sure, was her experience. She did a marvellous job of getting the meetings advertised, making sure that people knew the meetings were coming to their communities, and, as a result, we did hear a tremendous number of presentations.

Last, but not least, and she will know this. She did a wonderful job of providing sustenance at the meetings for the committee members in particular, and those in this House who have been involved. Some of these committee members know that those cookies go a long, long way to carrying us through meetings. So, Tannis, thank you for your efforts and your hard work.

I want to lay out a little bit of history and my experience with regard to the all-party committee and put on the record exactly what led up to my refusing to sign the recommendations that led to this report and, in fact, were incorporated in this report.

The committee was established, as is mentioned in the report, over a year ago. We did, within the course of a year, have 12 committee meetings where we allowed public input in 11 different communities across Manitoba. I would also like to thank everybody who took the time to come to the committee meetings, to stand up and give their thoughts. For many of the presenters it was difficult. We heard from a lot of people who had never spoken in public, who had never dreamed that they would be in front of a legislative committee, putting their opinion and their position on the record. It took a tremendous amount of courage for a lot of them to show up. I want to say, on behalf of myself and I think everybody on the committee, we do appreciate the courage that they showed and appreciate the information that they shared with us.

*(16:10)

As I said, we had these 12 meetings. The last one, the last two, actually, were in Winnipeg towards the end of September, September 25 and 26, and that, basically, set out our year of hearing from Manitobans on the effects of environmental tobacco

smoke, taking their opinions in, and then it was our task as a committee to come up with a report. I want to just lay out the process that was undertaken by the Government because, Mr. Speaker, I find it very offensive the way the government members handled the creation of the report that came out of the committee meetings and which ultimately led to my decision to refuse to sign the report.

After a year of travelling and hearing from Manitobans I received an e-mail on November 6, a Thursday, at 5:22 p.m., and this e-mail was sent to all the committee members at the time. I will read it for the record: "It is very important that the all-party task force on Environmental Tobacco Smoke meet again as soon as possible in order to reach agreement on the recommendations." It goes on to indicate that the member from Dauphin-Roblin has set a meeting on the following Monday. So this was received at 5:22 on Thursday. We are to be called to a meeting, a very important meeting on Monday, November 10, to reach agreement on recommendations.

That was confirmed by a further e-mail at 4:31 on Friday, November 7. So, after a year's work, this is the type of notice that the government members give to committee members, an e-mail. I must remind all members that the House was not sitting. You know, at that time there were members from urban centres, there were members from all across the province that were on this committee, and we are receiving e-mails at 4:31 on a Friday afternoon confirming that we are to be at a meeting at ten o'clock on Monday morning. That speaks to the duplicity of this Government in terms of the process regarding this report.

Well, fortunately, I was in the Legislature on Friday and I did get the e-mail and was able to attend the meeting. We went to the meeting that morning, that Monday morning. The first thing that the chairman talked about at that meeting was the need to reach a consensus on the recommendations. That was my understanding of how this committee was to operate, that as a committee we were going to go around and listen to Manitobans and then we were going to try, amongst the six of us, to reach a consensus on what the report would say.

Well, that is fine. I was a little disappointed at the short notice and, you know, again, surprised that the member from Dauphin one day in the House would shout across to me that we had four days

notice of a meeting. Again, that is his idea of notice, from 5:30 on a Thursday night that there may be a meeting, confirming it at 4:30 on a Friday night that we are to attend a meeting on Monday morning. You know, if you look at the calendar and count the days, you could say four days, but it is curious to me why he would try and jam us up.

I was to find out at this meeting on Monday, November 10, why we were being jammed up for time. It became obvious to me when at that meeting, immediately after telling us that we should try and reach consensus in terms of our recommendations and our report, the minister spread around a list of recommendations. Now, no one had asked me prior to this meeting what my recommendations would be coming out of all the committee meetings that I had attended. I was handed a list by the chairman of the committee. That is fine. I appreciate that somebody had gone to a lot of work to put this together, but my understanding upon receiving the list was that we would try and reach consensus on what the recommendations would be.

At that meeting, and the meeting only lasted about 45 minutes, I raised two very serious concerns with the member and the chair of the committee. I told him that with regard to recommendation No. 1 that I was particularly disturbed that there would be a clause in there that would refer to indoor, enclosed public and indoor workplaces. I took offence to the words: where the provincial government has clear jurisdiction. I will come back to that. So that was one issue I raised.

The second issue I raised was that the second recommendation indicated that the legislation would come into effect on October 1, 2004. I objected to that on the basis that 70 percent of the province was already covered and that, in fact, October 1, 2004 was too far out, that we could work, we could get legislation passed in the spring session. Everybody seemed to be on side with that. We could have the ban go into effect sometime in the summer, which, I believe, would be much more convenient, particularly for business owners, so they would not be sending the smokers out in the cold, as it can be in early October, at the implementation of this. We could have introduced it over the course of the summer and had people adjust to it without being faced with a harsh weather that comes in October. Those were the two objections that I had.

We left that meeting, and I was under the impression—I think all members were—that we were going to be called back for a second meeting. Those were the recommendations. Some of the other members on the committee had revisions that they wanted to see to the recommendations, and I am sure they will speak to those in due course. I was certainly under the belief that the Government was going to listen to what I had to say and that we were in fact going to try and reach a consensus.

Much to my surprise, I then got another e-mail—excuse me, I just want to check the date here because I want to make sure that I have got the facts straight. I got another e-mail that was sent to me on Friday, November 7, confirming, and this was after—Mr. Speaker, I do need to correct one thing because I think I said November 10 and I meant November 6. I am sorry, our meeting was on November 6, a Thursday. After that meeting I received another e-mail on November 7 at 4:31 on a Friday, advising me that there would be a second meeting on November 10, and that on November 10, the purpose was to reach a formal agreement on the recommendations. This was confirmation on November 7, after our meeting on November 6. Just to clear up the record, the first two e-mails were November 3 and November 4. But confirming, on November 7 there would be a meeting on November 10, at which point we were to reach formal agreement.

I advised the chair of the committee immediately that I would be out of town the following week, and it would be impossible for me to attend that meeting. I asked perhaps if we could schedule another date. The response I got was no. It was imperative that the meeting go ahead. It was urgent that the meeting go ahead on November 10 so that we could reach a final decision on what the wording would be. That was less than a week after we had received the initial recommendations. Much to my surprise, they refused my request to change the meeting date. They did indicate that I could reach the meeting by phone, but unfortunately, at the time the meeting was on, I was not in a position where I was able to attend the meeting even by phone.

Mr. Speaker, when I returned from my out-of-town trip, I found out that, once again, the recommendations had been placed before the committee, and no one was given an opportunity to reach a consensus on what the recommendations had said. The recommendations that I had made in an attempt

to reach consensus the previous week were totally ignored. No feedback, no reasons why, just completely ignored. I could see the writing on the wall.

* (16:20)

I understood from the first meeting—and I understood this because I attended 9 of those 12 meetings—I understood from the questions that were being posed to the presenters by members of government, that there was, in their view, an attempt to somehow make it seem as if this legislation should not apply on reserves. That is why I objected to the wording "clear jurisdiction." We had heard throughout the presentation process that, in fact, there was some dispute about whether there would be jurisdiction for the provincial government in this matter. I think the member from Carman outlined the jurisdictional nature. There was no presenter that indicated to us either that we would not have jurisdiction, there would not be jurisdiction on reserves; and, in fact, there was no presenter who asked us to exclude reserves on the basis that it would not be good to have a smoking ban on reserves, as well.

Mr. Speaker, the die had been cast. The Government's decision had been made, for whatever reason, and one can only speculate as to the reasons why the Government took this tack. I think that some have indicated to me that the Government took this tack because of the issue of on-reserve casinos. That they wanted, in particular, to be sure that the Brokenhead Reserve proposal went forward, and that is why they had given them three extensions, in order to meet the requirements for their proposal. They realized that without the ability to have the gamblers smoke in that casino, that the financing for that casino might, in fact, fall through.

So I wonder, Mr. Speaker, what logic is behind the Government crafting this recommendation. It certainly was not anything that the committee members heard during our presentations.

Mr. Speaker, I want to touch a little bit on comments made by the Minister of Healthy Living (Mr. Rondeau) when he introduced this bill, because I take offence to a number of the comments that he has put on the record. I think it is important that the true facts be put on the record.

I quote from Hansard, from the Minister of Healthy Living: "I, along with six of my esteemed

colleagues in this House, participated in as a member of this task force."

Well, anyone hearing it would definitely have the impression that the Minister of Healthy Living was an integral part of the task force. I would ask the minister, and I hope the minister is listening attentively, how many meetings he attended.

Mr. Speaker, the answer is none. He did not attend one meeting of the task force to hear presentations for Manitobans. Not one. Not even the ones in Winnipeg. He did not come to Brandon. He did not come to Elkhorn. He did not come to Swan River. He did not come to St. Pierre. He did not come to Boissevain. He did not come to Beausejour. He did not come to Gimli. He did not come to Thompson. He did not come to Selkirk. He did not attend one. He did not come to ones in Winnipeg, where he lives. He could not even afford two days out of his schedule to come to those meetings.

So, Mr. Speaker, when he stands up in this House and starts to pontificate on how wonderful this report is, and how it is reflective of the views of Manitobans, I would ask him: How does he know? There is another important fact here. All of those meetings were taped. I have asked for transcripts of all of those meetings, and I cannot get them. I cannot get the transcripts of the meetings. I do not know why.

Mr. Speaker, as part of the committee, I have notes. I took notes at every meeting I attended. I would like to go back and verify some of those notes against the transcripts. Not only can I not get those, but again, I am going to quote from Hansard, and this again is a comment from the Minister of Healthy Living: "The report was very clear, it was very specific and it heard from thousands"—thousands, plural; which is at least 2000—"of Manitobans on the appropriate course of action that this Government should take."

Well, I would ask the minister once again would he please share with me the thousands of reports, the thousand pieces of information that I, as a committee member, did not receive.

Because, Mr. Speaker, the report is very clear, and I quote from the task force report: The task force heard from a total of 225 Manitobans on the issue of ETS; 225. Now that is some 1775 less than the

minister purports to have heard from. I guess that is NDP math.

Not only that, but of these 225, Mr. Speaker, 115 people made oral presentations. The rest, 70, came via the Internet, and 40 submissions were through the mail.

I have never received a copy of any of the submissions that came via the Internet. I have never received a copy of any of the submissions that came by mail. So how can we in this Legislature, how can any one of us stand up and say, how can the minister stand up and say that this report is a true reflection of what we heard from Manitobans?

It is not. I can assure you from the presentations that I heard, I did not hear all 115 presentations because I was not able to attend all the meetings, but I was at most of them and I heard most of them. Not one person, not one individual recommended that there be an exemption for reserves, not one.

So, when the minister stands up in this House and says that this report is reflective and is specific about what we heard from, according to him, thousands of Manitobans, I take great exception to that. I will leave it up to you to determine what the truth is in this matter, but I can surely tell you that the task force did not hear from thousands of Manitobans.

Now, Mr. Speaker, again, the minister goes on to say, and I quote from Hansard again: "As I question, sometimes, whether the members opposite actually read the recommendations." I would ask the question of the minister: Did he actually read the presentations? Did he listen to the presentations? I do not think so, because, if he did, he would understand as clearly as I understand that this report does not in fact reflect what we heard from Manitobans.

I do not, as I said, have a transcript, hopefully, I will get it, of all the presentations, but I do want to touch on one that we received from Lloyd Martin. We received this in Thompson. Lloyd is the vice-president of Aboriginal Health for the Burntwood health unit, and he gave a very impassioned presentation.

He told us that according to their statistics in the Burntwood health region that 43 percent of females and 37.5 percent of males in that health region were smokers. That is in contrast to figures he had. I think

they are a little lower now, but his figures indicated that in Manitoba 25 percent of females and 29.4 percent of males were smokers.

So, obviously, in the health region that he represented in and around Thompson, there were a large number of smokers that need help. In fact, those people who do not smoke need some relief from second-hand smoke, more relief there than possibly in other communities in Manitoba in terms of the percentage of smokers.

Mr. Martin urged us to endorse a ban in all public facilities and in all workplaces. That was his message to us. At the same time, he indicated that there were some traditional uses of tobacco amongst the Aboriginal community that he felt we should be supportive of and they should be exempted within the report.

If we ever do get a transcript of the committee meetings, there will be, in his words, I do want to identify for the record that he felt that it was very, very important that the ban also apply on reserve.

In fact, Mr. Speaker, he went on to explain that in his view and in the view of the Burntwood health unit that the residents on reserve deserve the same protection as every other Manitoban. So he was asking for a reasonable request to include reserves.

* (16:30)

Now, in his speech regarding the introduction of this bill, the minister clearly indicated that the experience in both Brandon and Winnipeg has been that there has been a huge compliance with the act. There has not been any trouble, not been any enforcement problems with regard to the smoking ban in either Winnipeg or Brandon.

So why does this minister expect that there will be an enforcement problem on reserves? Quite frankly, if they simply amend the bill and take out the exemption for reserves, I am sure they will be faced with the same issue. There will not be a compliance problem. People understand whether they are on reserve or off reserve. People understand whether they are white, whether they are Aboriginal, the harmful effects of smoking and, in particular, of second-hand smoke.

There will not be one class of citizens in Manitoba that says, we do not believe that. We are

not going to obey that because, somehow, we think that our smoking or our exposure to second-hand smoke is not harmful. Yet, this Government, the Premier stands up time after time after time and says: We govern for all Manitobans.

Well, clearly, this Premier has trouble living up to his words. His party has trouble living up to their words. Mr. Speaker, if this Government truly believed and was truly interested in governing for all Manitobans, they would go with the science which demonstrates over and over and over again the harmful effects and the results of not only smoking, but of exposure to second-hand smoke. I would implore this minister to go back. I know he has not done it, so I would ask him to read or, if there is not a transcript, at least take the time to sit down and listen to what people had to say at those meetings that he chose not to attend. Maybe, then, he would have a better understanding of what it is that Manitobans want from their Government, and he would have a better understanding of why I refused to sign this report.

Mr. Speaker, I must say one of the reasons why I was so sceptical when I saw the recommendations was because I had had a similar experience with this Government on an all-party task force that had to do with the movement of the Princess Pats from Winnipeg. At the time, there was some concern that they would be moved out of Manitoba. We had an all-party task force to see what solutions we could come up with to ensure that the base and the force were, in fact, kept in Manitoba.

Well, I sat on that with government members and, clearly, from the get go they had one agenda, and their one agenda was to move that base to Shilo. They had no interest in seeing what they could do to keep the base in Winnipeg and to see what other options were open and available to Shilo. There were other options, but this Government and, in particular, the Member for Brandon West (Mr. Smith) who served on that all-party committee with me, had no interest at all in opening his mind to other possibilities.

As a matter of fact, Mr. Speaker, I remember sitting in the Premier's office and the member from Brandon West was on the other end of the phone. He was in Brandon when it was announced that the base would move from Winnipeg to Shilo, in spite of the

fact that we had been out to the base and had heard from a great number of officers and members that they, in fact, wanted to stay in Winnipeg. They did not want their families disrupted. When it was announced that the base would be moved to Shilo, this minister jumped up, basically, almost came through the telephone lines with glee because, oh boy, it was going to be in Shilo and was that not wonderful because, somehow, he thought maybe that would work politically to his advantage. No regard whatsoever for the families in Winnipeg. No regard whatsoever for Winnipeg in what they would be losing, just self-serving politics at its basest level.

That is why, Mr. Speaker, I knew when I saw those recommendations that there was politics behind this. I realize that my time is limited, but I will say for the record—thank you.

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

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to Bill 21, The Non-Smokers Health Protection Act. As Liberals, we are in general support of this legislation, but we disagree strongly with certain aspects of this bill.

The bill is positive, in that it moves Manitoba forward with respect to decreasing the exposure of workers and others using indoor spaces to tobacco smoke. Indeed, before going further, I want to say a thank you to the many Manitobans who came out to the 13 community meetings that we held as part of the all-party task force.

I would like to thank the Manitobans who made presentations; who came, who listened, who made a contribution in one way or another. Because I think that most, but not all, of this bill represents what we heard in the task force hearings. Let me give some sample quotes.

From Lloyd Martin in Thompson: Each of us individually and collectively have a role to play in creating conditions that support health.

From Dale Yeo in Roblin: "This issue is all about young people."

From Judy McKinnon in Selkirk: "All workers have a right to a smoke-free workplace." It is important that she said "all workers in Manitoba."

It is predictable that people will die if nothing is done; what we heard in Winnipeg.

Murray Gibson said: "It bothers me that many of my friends and parishioners who were smokers have died young."

Mr. Speaker, we are supporting this bill because we want to improve the health of Manitobans and we want to create a society in which people will not be dying young because of exposure to tobacco smoke.

From Joel Kettner, Chief Medical Officer of Health in Manitoba: "Tobacco is a huge public health problem. It is the No. 1 cause of disease and premature death in Manitoba."

I think that we need to recognize that, in taking this measure, in passing this bill, we will be taking an important step for all Manitobans, we hope.

From the Manitoba Lung Association presentation in Winnipeg: "Twenty minutes of breathing second-hand smoke at levels similar to those measured in bars activates blood platelets involved in the clotting process as much as it does pack-a-day smokers."

The importance of that observation is that it only takes 20 minutes of exposure to second-hand smoke to have significant effects that can have adverse implications for heart attacks, strokes, heart disease and other medical problems.

Mr. Deputy Speaker in the Chair

So it is important that we pass Bill 21, in order to help the health of Manitobans. Before I go ahead to discuss one of the contentious acts, I want to thank my colleague the member from Inkster, who participated in one of the all-party task force meetings. I want to add that the Liberal Party was the only party in which all its caucus members participated in at least one hearing.

I want to add, Mr. Deputy Speaker, that we were one of only two parties that were represented at all hearings. Given the size of our caucus, I think that we did very well in listening to Manitobans as part of this process.

Now, Mr. Deputy Speaker, let me discuss an area of quite significant contention with respect to

this bill. The area of contention concerns whether First Nations communities are included, together with other communities in Manitoba, under this legislation.

* (16:40)

Mr. Deputy Speaker, I want to put our position very clearly. We Liberals believe that this legislation should be a law of general application, and that First Nations communities be covered like other communities. The issue of whether a provincial law has jurisdiction in First Nations communities came up in this Legislature in 2002, when we were discussing The Fortified Buildings Act. I would remind members of the discussion at that time. In committee, I pointed out that it is important with respect to The Fortified Buildings Act that First Nations communities are included and protected similar to other communities in Manitoba so that gangs do not see a selective ability to set up fortified buildings in a First Nations community and, in this way, escape the purview of the provincial legislation and the provincial capability for enforcement.

I will refer the honourable members in the Legislature to the discussion that took place at that time. I asked the following question: "I have a question for the minister. It relates to the ability and the effect of this act in dealing with situations in First Nations communities. Can you clarify the act and whether it will pertain throughout Manitoba or whether it will be limited to certain areas of Manitoba?"

The Minister of Justice, who is the present Minister of Justice (Mr. Mackintosh), replied: "Mr. Chair, this is a law of general application in the province of Manitoba.

"I understand from administrators that where a complaint would be received from our First Nations there would be an investigation and presumably there would be discussions with chief and council in terms of action on a complaint."

I then asked: "Can such a complaint be brought forward and investigated by any citizen of Manitoba anywhere in the province, or are there limitations?"

The Minister of Justice, who is the present Minister of Justice, replied: Mr. Chair, if the information comes from a Manitoban, it would be dealt with by the branch. That includes a complaint from a

person in whatever capacity. There is no differential treatment based on the office that one might hold or the status of the Manitoban who is making the complaint. The investigation would take place as set out on page 3.

I then asked the minister—this is in Hansard: "I just want to get that absolutely clear. What you are saying is that where any citizen of Manitoba brings forward a concern about the presence of a fortified building, which is a contravention of the act, whether that building is within a First Nations community or anywhere else in the province, it would be subject to similar investigation and action under the act. Is that correct?"

The Minister of Justice, who is the present Minister of Justice (Mr. Mackintosh), replied. He said: "Well, as I said earlier, the law is one of general application. If there are complaints that are relayed, they will be responded to. As I say, there may well be communications with the band and council that would depend on circumstances, as well as the local law enforcement agencies, as part of the response from the department."

What is very clear is that provincial laws of general application apply to all Manitoba citizens, whether they live in First Nations communities or other communities. The comments of the Minister of Justice on The Fortified Buildings Act, as I quote them here, are very clear. The Province does have clear jurisdiction to pass laws of general application which apply to all communities in Manitoba. The present Minister of Justice has made this very clear in his comments, which are recorded in Hansard in the legislative debates.

I signed the report of the all-party task force on Environmental Tobacco Smoke because I believed when I signed the document and I believe now that the Province does have clear jurisdiction in passing laws of general application. The Premier (Mr. Doer) and his Government had a choice when he and his Government introduced this legislation. They could have and should have made this a law of general application that includes First Nations communities as well as other communities in Manitoba.

The Premier should have listened to the presentations that we heard. The Premier should have been in Thompson to hear the words of Lloyd Martin. Lloyd Martin is an Aboriginal leader who is

presently the vice-president for Aboriginal Health for the Burntwood Regional Health Authority. You can go to the Web page and there you will see the picture of Mr. Martin and his title, even today.

I will quote from the presentation of Mr. Martin, as follows: As vice-president responsible for Aboriginal Health, my role is to promote the health of all the residents of the Burntwood health region. I would suggest that the responsibility for health is a shared responsibility among all of us, and that each of us, individually and collectively, have a role to play in creating conditions that support health. We are all accountable for some portion of health, as individuals, families, neighbourhoods, communities, agencies and organizations, businesses, and governments. All of us are accountable for what is within our sphere of influence to create healthy communities. And instituting a province-wide, 100% smoke-free law is within the Government of Manitoba's sphere of influence. That is a direct quote, Mr. Deputy Speaker, from Mr. Lloyd Martin.

I will continue with his words, again, a direct quote: Health certainly is the rationale driving the need for a 100% smoke-free law to protect all Manitoba residents from second-hand smoke. I feel I hardly need to mention the adverse health effects of breathing second-hand smoke or environmental tobacco smoke as I believe the harms are already well understood by most people. I will take some time to review the health effects of exposure to second-hand smoke to make sure it is entirely clear why we need a law now to protect all Manitobans.

Mr. Deputy Speaker, that ends my initial quote. At this point, Mr. Martin listed the many health problems associated with second-hand smoke. Such health problems were detailed by many presenters and, of course, are one of the major reasons why we have this bill before us now.

Mr. Deputy Speaker, I want to now continue quoting from the words of Mr. Lloyd Martin. He said as follows: Recent studies have measured changes that occur within the body even when people may not experience any specific symptoms such as impaired lung function tests, indicating that the body is not able to provide oxygen to the tissues to maximum potential. Increases in heart rates and blood pressure and changes to the lining and constriction of blood vessels supplying blood to the heart, which has been documented to occur within as little as half an

hour exposure to second-hand smoke. So, even with a short exposure time, and without symptoms, some physiologic harm is occurring to those who share smoke-filled air in public places or workplaces.

Mr. Martin continues: I want to also make the distinction between the effects of smoking and the effects of exposure to second-hand smoke, which are, in fact, separate but additive. Some might argue that many people who work or attend smoky bars or other establishments are mostly smokers, so why bother protecting them from second-hand smoke?

In fact, the health effect of exposure to second-hand smoke in public places adds additional risk over and above the health consequences of smoking. This is because second-hand smoke has even more health-harming toxins than the smoke that is inhaled, as well as the fact that restaurants, bars, and other establishments that allow smoking have between one and a half and seven times the concentrations of the products of second-hand smoke than the homes of smokers.

In a study of the health of bar workers before and after the state-wide smoking ban in California, both respiratory symptoms and measures of lung function improved after bars become smoke-free for workers who were smokers, as well as non-smokers. So smoke-free public places should equally protect everyone regardless of smoking status.

* (16:50)

Mr. Deputy Speaker, as mentioned, one of the prominent, serious health concerns related to second-hand smoke is cancer. Second-hand smoke contains over 4000 chemicals, of which 1000 are harmful to humans, and more than 50 are known carcinogens. The International Agency for Research on Cancer, the IARC, has classified cancer-causing agents into various groups based on the degree of certainty with which they cause cancer.

Group 1 carcinogens are those in which a causal relationship has been established between exposure and human cancer. For any Group 1 agent, there can be no safe level of exposure. In other words, there is no low level below a certain threshold where a small amount of exposure can be deemed safe. Second-hand smoke has been classed as a Group 1 carcinogen. This means that for second-hand smoke, along with other Group 1 carcinogens such as asbestos,

mustard gas and benzene, the only acceptable level of exposure is, essentially, none.

Mr. Deputy Speaker, that ends the second quote that I make from the presentation of Mr. Lloyd Martin. I include that quote to make it very clear to all that Mr. Lloyd Martin has done his homework, that he knew what he was talking about when he talked about the harmful effects of second-hand smoke, because the sorts of comments that he was making were echoed by many, many other presenters. Clearly, the comments he was making are well backed-up in the medical literature.

Mr. Lloyd Martin continued his presentation and discussed the traditional use of tobacco. He said, and I quote: Traditionally, tobacco is used for ceremonial purposes, such as for smoking in the pipe ceremony ritual, for offering rituals, for tobacco ties as well as other sacred rituals as appropriate. It was never intended to be used for addictive purposes. In fact, when Elders are asked about ritual use of tobacco, they affirm that tobacco was originally used only by a select few of the really old people. The exception was when a person was going through an exceptionally difficult time in their lives, such as the loss of a loved one. The tobacco use in this case was a temporary measure, was not used disrespectfully for addictive purposes. The Burntwood Regional Health Authority will continue to support any activities that centre around this traditional use of tobacco.

Mr. Deputy Speaker, that was a very clear statement about the traditional use of tobacco in the Aboriginal community from Mr. Lloyd Martin. I listened very carefully to that statement. When the first draft of this report was presented to us as task force members, when the first chapter or the first draft was provided by the MLA for Dauphin-Roblin, who, by and large, had done a commendable job, I pointed out to the MLA for Dauphin-Roblin that he had failed to include the recommendation of Mr. Martin, that we make sure that the traditional ceremonial and ritual use of tobacco by people in the First Nations communities was exempt. This, then, was included in the final draft as a result of my bringing this up and my having listened carefully to the presentation of Mr. Lloyd Martin, which apparently the MLA for Dauphin-Roblin had not listened to as carefully.

Mr. Martin concluded his presentation with the remarks: In summary, I would like to express again,

my full support and the support of the Burntwood Regional Health Authority for the province of Manitoba to move quickly and with confidence to adopt a new smoking law for Manitoba, a new law that ensures 100% smoke-free indoor public places in all settings—in all settings, Mr. Deputy Speaker.

Mr. Deputy Speaker, there is no equivocation. It is very clear. After his presentation, we in the task force engaged in a short question-and-answer period with Mr. Martin. In response to our question as to whether the ban should apply to all communities, including on-reserve communities, he said, unequivocally, yes, the smoking ban should include First Nations on-reserve communities. He further provided the following advice to members of the task force. He said: With zero tolerance, "smaller communities may not be able to enforce as much, but people in smaller communities deserve the protection of the law even when enforcement may not be quite as effective."

Mr. Speaker in the Chair

Now, Mr. Speaker, I have quoted extensively from Mr. Martin's presentation because it was clearly an excellent presentation made by an Aboriginal leader in the health community.

Mr. Speaker, when we were in the early phases of the task force and I was discussing with the chair of the task force the locations of the meeting sites, I pressed the chair to have a meeting in one of Manitoba's First Nations communities. Sadly and inexplicably, my request was denied by the chair, and when we were given the final list of communities, there was not an Aboriginal community on the list.

No meetings were set up to occur in First Nations communities. This was not just an oversight, because there had been a very specific request from myself to the chair of the task force to include First Nations communities. I still believe that my rights as a member of the task force and the rights of First Nations people in Manitoba were reduced by this decision of the chair.

Quite frankly, in fact, even today when I think about this decision not to include meetings in First Nations communities, I get upset and angry at the way that the member from Roblin-Dauphin chaired that aspect of the meeting.

Nevertheless, Mr. Speaker, I have since visited First Nations communities during the course of my duties as an MLA and Leader of the Manitoba Liberal Party. For example, I was in Norway House in February of this year, and while there, I took the occasion to tour the hospital.

I am pleased to report to this Legislature that the hospital is doing very well, is well managed, and that the hospital's laboratory received very high ratings. Indeed, I am told it received the second highest rating in all of the province on a recent accreditation, and I want to congratulate the people of Norway House, those who work in the hospital and in the laboratory.

While I was visiting the Norway House First Nations community, I asked there for an opinion as to whether the smoking ban should include First Nations communities, and those I talked to said, yes, the ban should include First Nations communities as well as others.

Mr. Speaker, it is our view, the Liberal view, that the recommendations of the task force are best interpreted in light of the eloquent presentation by Lloyd Martin to the task force that the Province of Manitoba does have clear jurisdiction and that the legislation should apply to First Nations communities as well as to all other communities in Manitoba, that all Manitobans should be protected and have healthier lives based on this legislation.

Mr. Speaker, there are some other issues that we raised in relation to the all-party task force, and indeed because we felt that the final document might not fully reflect some of the things that we heard, we tabled a minority report on environmental tobacco smoke the same day as the all-party task force report was tabled in this House.

We provided the minority report for people because we wanted to make sure that what we heard was fully reflected in what was reported. I will quote briefly from our minority report presented by myself and the MLA for Inkster.

First, under the section which deals with the principles of the province-wide ban, we are clear that one of the principles is equality. We say: "Various presenters stressed the importance of treating all Manitobans equally."

Mr. Speaker, Lloyd Martin, the vice-president for the Burntwood RHA, stressed the need to have the ban effective in First Nations communities equally with non-First Nations communities, with the exception that the Aboriginal uses of tobacco for ceremonial and spiritual purposes must be allowed.

Second, in another section, the section dealing with implementation, we say the following: We recognize that there needs to be some special acknowledgment of First Nations communities and Aboriginal people, and we say this: "A period of time is needed to implement the ban." It is needed to allow time for "consultations with members of the Aboriginal community to ensure smooth implementation in Aboriginal and non-Aboriginal communities at the same time."

The vice-president of the Burntwood RHA said clearly to the task force: The ban needs to be province-wide, including First Nations. It is important that this be done. The Province may need a month or two to manage and ensure the details of the implementation are worked out smoothly.

* (17:00)

Mr. Speaker, we agreed to the October 1, 2004, effective date in part because we realized that there would need to be appropriate consultations and procedures put in place in all communities to ensure effective enforcement and implementation of the ban. This is our view.

Now, we had some other concerns which we outlined in the minority report. I will just mention two of these briefly, Mr. Speaker. We say, "This report provides our strongly held view that smoking cessation aids should be supported under provincial Pharmacare. We feel the wording in the all-party task force report is too weak in this area. We believe that a compassionate approach to Manitoba citizens who are smokers is needed to help those who are addicted in their efforts to stop smoking."

"We also provide references"—this is in the report—"to the scientific effectiveness of smoking cessation aids like nicotine gum from a large study in which a major participant was Doctor Anthonisen, a former Dean of the Faculty of Medicine, University of Manitoba."

Research done right here shows the effectiveness of anti-smoking cessation aids and, yet, this was not adequately reflected. The research work done here in Manitoba by distinguished scientists like Doctor Anthonisen was not adequately reflected in the report. This is not in the legislation, although it could be applied or implemented separately from the legislation. We hope the Government will proceed to do that.

We also, Mr. Speaker, in our minority report say that we believe that the rights of smokers to smoke when they are not affecting other people should have been more clearly delineated, so that smokers and minority rights would be protected. There is a right spelled out in this to smoke in certain designated hotel rooms, but I believe that there could have been a clearer statement here, in terms of the rights of smokers, so that we protect all Manitobans from second-hand smoke, but we actually put in legislation something about the rights of smokers to smoke when they are not going to be harming others.

With these comments, Mr. Speaker, I will bring my remarks to a close. We will certainly support this bill at second reading. We are in agreement with the large majority of what is in this bill. We hope that during the committee hearings, there will be many presentations, the ability to make amendments to this act which will make sure that all Manitobans are covered by this legislation, that all Manitobans have their health protected. It is in the interests of all Manitobans that we work to do this for all Manitobans. Surely, in the Legislature, we are elected to represent all Manitoba citizens in all communities. That is what we are here for. That is why we need to listen very carefully at the committee stage and look at making some changes to bring this into line so that all Manitobans will be similarly protected.

Mr. Gerald Hawranik (Lac du Bonnet): I welcome the opportunity to debate Bill 21, The Non-Smokers Health Protection Act, on behalf of all the residents of the constituency of Lac du Bonnet, all of the more than 25 000 residents there.

I would like to thank, as well, all those who showed up at the committee hearings across the province. I know the member from Fort Whyte did the same, and he was at many of those hearings, so he heard many of the presentations that were brought forward. I would like to thank them for their courage in coming forward and speaking either for or against

the bill, particularly those in Beausejour. In fact, one of the committee hearings was in Beausejour, and at the time I had made plans to attend, but as luck would have it I could not be at that hearing. I was out of town instead, and I regret having not made the hearing in Beausejour.

Even though I was not there, I did notify the various hotel owners and some of the other interest groups who expressed a concern about the bill. I notified them that the bill was, in fact, coming forward to the community of Beausejour, and that they would then have an opportunity, at least, to have some input in terms of how the bill was going to be implemented, over what part of the province it was going to affect and what people were going to be affected. Many of them expressed an appreciation for that, for being notified. I helped some of the presenters, in fact, come up with some of the statistics that they presented at the hearing as well. They were very appreciative of that fact.

Mr. Speaker, I note that a group of the presenters in Beausejour was the elementary school students, some of the elementary school students in Lac du Bonnet who, in fact, had an interest in terms of making a submission with respect to this bill. I was not there at the time, but I spoke to the principal, Doug Craig, about it, and a number of other people at the school, who stated that the students really enjoyed making a presentation to the committee and that they felt that they had input and that at least their views were being considered. They also remarked that the committee members were very polite and very appreciative of their presentation.

I would like to say that, of course, Doug Craig, who is actually a neighbour of mine just in the Rural Municipality of Brokenhead—I live in the Rural Municipality of Brokenhead just outside Beausejour, and he is one of my next door neighbours and a very good school principal in the elementary school in Lac du Bonnet. He has been there for a number of years and is very conscientious and is trying to keep up with the issues, trying to inform the students in the school about the issues that are out there. I was really quite impressed with the fact that he did speak to his students and he brought them forward to make that presentation. Of course, the staff helped all the students with their presentation, and that made a difference to the students in terms of their involvement with respect to this bill.

I support the bill in principle and I do not think there is anyone in this Legislature who does not, but I do have some concerns about it. A number of them have to do with process. Process is very important with the development of any bill before it is presented to the Legislature. One of the concerns I have, I think it was one of the statements that was made by the Minister of Healthy Living (Mr. Rondeau) within the last week in this Legislature. It really set me back on my heels because he emphatically stated to the Legislature that there were thousands of presentations made by Manitobans to the all-party committee. He emphasized the word "thousands." I was really quite impressed that he knew that there were more than a thousand presentations, except when I found out from our committee member, the member from Fort Whyte, just shortly afterwards that, in fact, there were just over 200 presentations. That led me to think that perhaps the Minister of Healthy Living is really out of touch with his issues. It is supposed to be a health issue, and he is certainly out of touch. He should, in fact, correct that statement that he made in the House. We heard today from the member from Fort Whyte that, in fact, there were only 225 presenters across the province.

The other thing that really set me back on my heels is when I found that the Minister of Healthy Living, in fact, was not even a presenter at the all-committee hearings, nor did he even attend one of the committee hearings. So that really surprised me and shocked me when the Minister of Healthy Living does not even present at the all-party committee in spite of the fact that many of the hearings were held in Winnipeg and close to his own constituency. It gives me a bit of a concern in terms of his attitude, in terms of promoting the bill and so on. Is he really, in fact, in favour of this bill? I guess that is the question I have.

* (17:10)

I have a concern as well with process with respect to this bill, and, as I mentioned earlier, process is very important with any bill. We have to ensure that the public, in fact, does have an opportunity to make presentations and that their presentations are heard and they are heard with respect.

As I mentioned before, there was one presentation in Beausejour which was to cover the entire constituency of Lac du Bonnet, and I can tell you that the constituency of Lac du Bonnet is not a small

constituency. It is a constituency with over 25 000 people residing in it. It extends north to south from Bissett all the way down to Ste. Rita in the south and to Rennie and goes as far west as the beaches area near Lake Winnipeg and as far east as the Ontario border. It is a very large constituency, and only one hearing was, in fact, scheduled for the constituency, that being in Beausejour in the extreme west end of the constituency. That gives me some concern because of the fact of the distance of travel for people who want to come to the all-party hearings.

In fact, I had some comment when I was in Bissett the other week, and Bissett is located about a two-and-one-half-hour drive north of Beausejour. When I was in Bissett the other week, they mentioned that, in fact, they would have liked to have attended the all-party hearings, the committee hearings on the Health Protection Act, and they, in fact, could not do so because of the fact of the distance. It was a factor. They would have liked to have seen more hearings, particularly in our constituency.

Our constituency, the Lac du Bonnet constituency, is severely impacted by this bill. I can tell you that our constituency is quite unique in the province in many ways in the sense that we have four or five communities of similar size, and then we have many, many more communities in a population of anywhere between about 75 people and about 300 people.

In that constituency, I have 15 beverage rooms, and I do not think that there is a constituency in this province that has as many beverage rooms and hotels than we do. We have 15 beverage rooms; we have many lounges, many licensed restaurants; and, in addition to that, we have four legions in the constituency. So we have 19 beverage room licences, in total being 15 hotels and 4 legions. Therefore, this bill is going to have a serious impact on the businesses within the constituency.

Another complaint I had with respect to the all-party hearings is that the advertising for the public meeting that occurred in Beausejour for the smoking hearings appeared in only one newspaper and that one newspaper covers less than 50 percent of the constituency by area and just a little over 50 percent of the constituency by population. I am not sure whether the members across the way realize, but we have five newspapers in our constituency, not one. Every time I have to advertise to bring greetings on

behalf of myself as the MLA for the area, I advertise in all five. What really concerned me, of course, was the fact that the current government put an ad only in one newspaper, which only covers half of the constituency by area, and that was a bit of a concern.

That was a complaint brought to me as well by the president of the Lac du Bonnet Chamber of Commerce, and I would have thought that, if the all-party committee was holding hearings in our constituency, they would have notified at least all of the Chambers of Commerce within the area to ensure that they would have an opportunity to come and make presentations to the all-party committee. In fact, that was not the case.

What I found was that only one ad was placed in one newspaper, and none of the interest groups, such as the Lac du Bonnet Chamber of Commerce, or the Beausejour Chamber of Commerce, or the Whitemouth Chamber of Commerce, or the Pinawa Chamber of Commerce or even the Chamber of Commerce from the Pine Falls-Powerview area, were ever notified.

That concerned me, and that concerned them as well, because they did not have a chance to make a presentation if they had not seen it in the newspaper. That was a bit of a concern to me, and I know it is a concern, particularly to the one Chamber of Commerce president who, in fact, phoned me and told me of his concern, and I share in those concerns.

I also found out that the all-party committee, in fact, had contacted the Lac du Bonnet elementary school to ask for a presentation. While there is nothing wrong with that, it really concerned me that the Chamber of Commerce, which is an interest group, and no one can deny that they are an interest group in the area, was never contacted with respect to those hearings.

I have economic concerns with respect to this bill because the bill has an impact on rural Manitoba, and is really an assault on the constituency of Lac du Bonnet in particular, because, as I mentioned, we do have 19 beverage rooms within the constituency, 15 hotels and four legions.

Prior to the hearings, though, I can tell you, Mr. Speaker, I went to each of the hotel owners that we have within the constituency. I either touched base with them or with someone else in the operation. I

went to try to talk to every hotel owner with respect to the issue, and the message I got from them was that, as long as the province-wide ban that they expect this Government and the all-party committee to recommend covered the entire province, they were not overly concerned about it.

They knew that it would affect their businesses. They knew that perhaps it would result in fewer people going to their hotel and less business for them. But they were concerned that the ban, in fact, would be province-wide, and now, when they find out, of course, that First Nations reserves are exempt, they may change their opinion with respect to the bill.

The bill really has a huge impact on the economic condition of smaller communities within my constituency. In particular, I talk about several small communities like Elma, Rennie, Bissett, Manigotagan, Garson-Tyndall, Seven Sisters and Whitemouth. Each one of those small communities has a hotel in it. For example, Elma, population 75, has a hotel and a grocery store and a service station.

If that hotel closes, it involves a very serious impact on that community, and I am not so certain that a community like that would survive in the long term. That concerns me, and that concerns the owner of the Elma hotel, so much so that he was quoted in the *Free Press* about six months ago as saying that, in fact, it will have a serious impact on his hotel.

So there are some huge impacts to this bill on smaller communities, but I can understand why we are introducing the bill. I can understand for health reasons it is very important. I can understand on a personal level why we are doing it because, in fact, my parents were smokers. There are six children in our family and all of the children did not smoke. So we grew up in a smoking household, and most of us, in fact, even developed allergies, smoke allergies, as a result of that.

I am concerned about the fact that First Nations reserves will, in fact, be exempt from this bill. It really creates a non-level playing field, particularly with the constituency of Lac du Bonnet. I would like to hear the member from Selkirk's comments on this bill because he is going to be seriously impacted by the provisions of this bill, as our constituency is. I look forward to hearing what he has to say in terms

of what impact it is going to have on the Selkirk constituency.

It really creates a non-level playing field because of the fact that First Nations reserves are exempt from the provisions of this bill. If you travel 20 to 40 minutes away from the Brokenhead River reserve, most of the bars and restaurants in the constituency of Lac du Bonnet are located within that 20 to 40 minutes. Certainly, if they are required to be non-smoking, the smokers from our constituency, of course, will just travel to the Brokenhead River reserve, to the casino, and either grab a bite to eat there or gamble there.

* (17:20)

Really, what it does, what they are forcing our communities, particularly those that are close to the Brokenhead River reserve, to do is really forcing smokers to gamble. This, maybe, is not a bad thing for the Doer government because they have problems in terms of trying to control their spending.

The economic plan of the Doer government seems to be to increase gambling in Manitoba. I can tell you, Mr. Speaker, that when I was in Powerview a couple of weeks ago, I was in a restaurant—and it is just a service station with a small convenience restaurant there, a fast-food restaurant—and I was really shocked to look up near the ceiling to find a keno machine. I know they have been placed in Laundromats and so on, but I just could not believe it when I saw it in a fast-food restaurant in Powerview.

As was pointed out today by the member from Fort Whyte, Manitobans spent more money on gambling last year than they did on Christmas presents. This bill, of course, will have a huge impact on our existing hotels and legions within my constituency, as I mentioned before.

Another issue with respect to process is that, when the MLA for Fort Whyte requested on March 4 a transcript of all submissions to the all-party committee, he received no reply. What is the Government afraid of? Why did the Government not share the submissions with the committee members and the public? What are they concerned about?

Are they concerned that the all-party committee report, in fact, does not reflect the concerns that were provided to the all-party committee at the hearings?

Are they concerned that the report does not reflect the submissions that were made?

I am not sure what they are concerned about, but my concern is that, with respect to process, the MLA for Fort Whyte should be entitled to a copy of those transcripts and has not yet received them.

Mr. Speaker, I can understand why the bill, as I said before, is being introduced, and why we should all, as MLAs throughout the province, support the bill. It is really a health issue. While I mentioned some of the concerns that our businesspeople in Lac du Bonnet constituency have with respect to the bill, and legitimate concerns about the economics of rural communities and so on, I still support the bill in principle. I do have some concerns, as I say, because of the people in our constituency. In principle, of course, I do support the bill. There are good reasons, and all of them related to health.

Manitoba currently has one of the highest per capita rates of tobacco use in the country. Statistics from the Canadian Tobacco Use Monitoring Survey show that 26 percent of all Manitobans smoke, 28 percent of all Manitobans age 15 to 19 smoke, 37 percent of those aged 20 to 24 smoke, and 30 percent of all those aged 25 to 44 smoke.

Mr. Speaker, in the latest Statistics Canada report, youth smoking is down in Manitoba from 28 percent in 2001 to 23 percent in 2002. But, in 2002, Manitoba led the nation in the number of people quitting smoking with 45 000 Manitobans deciding to quit.

What really concerns me, of course, is that, when I go past some of the high schools in our constituency, I see young people smoking, and the fact that they are not quitting. I know that this bill, in fact, will make it more difficult for people to continue with the habit, and I think anything we can do to get in their way, to encourage people to stop smoking or to smoke less, is certainly something that we should all support.

In 1996, smoking remained the No. 1 preventable cause of death and disease in Canada. So, therefore, I think we have an obligation to support a bill that might stop people from ever starting to smoke or, in fact, have them stop smoking after they have started the habit.

Smoking is also responsible for one in five deaths in Canada, which is about five times the number of deaths caused by motor vehicle injuries, suicides, drug use, homicides and AIDS combined. I think that is an alarming statistic that we should all take note of.

Mr. Speaker, the task force's recommendation of a province-wide smoking ban, of course, applies to all enclosed public and indoor workplaces where the provincial government has clear jurisdiction. What it fails to do is it fails to address many areas where we should be concerned about allowing indoor smoking. That includes federal institutions, like federal prisons like Stony Mountain Institution, which is governed by federal policy. It also includes military bases, airports and anything under federal authority.

I think it took many of us and many of those within the Government by surprise, that First Nations reserves are, in fact, excluded, yet not one presentation, I understand, was made by someone who asked that Aboriginal reserves and First Nations reserves be exempted from the provisions of this bill. Yet we see across the way, the members across the way have stated that this bill is reflective of the presentations that were made and the recommendations that were made by the all-party committee. How could that be, when, in fact, not one presentation was made to exclude Aboriginal reserves from the provisions of this bill?

The other thing that alarmed me during this past week was when the member from River Heights mentioned that there was not even an all-party committee meeting on a First Nations reserve. I could not understand why. The First Nations people make up anywhere between 10 percent and 15 percent of Manitoba's population, and there was not even a committee hearing on a reserve. I just cannot understand that. Of course, the Government has the authority as to where to set these hearings, and they are fully responsible for that. I think they should be held fully accountable for that.

Aboriginal people are no different than other people. They get sick from cigarette smoke. They contract cancer from cigarette smoke. They have wives, they have husbands, they have children, they have grandparents, and they are entitled to that protection as much as other Manitobans. They are Manitobans, and they deserve that protection that is

under this bill as much as anybody else in Manitoba. I am really concerned about that.

I know that one of the excuses used by the Government about why Aboriginal reserves are not included within the ambit of this bill is the fact that they say reserves are a federal responsibility. Well, yes, I would agree with that to a certain extent. They are still Manitobans, and they are entitled to the protection of the Legislature. They are entitled to a protection of the laws that are passed by this Legislature, and my opinion is they should be included

In fact, Mr. Speaker, even Professor Schwartz of the University of Manitoba agrees, because he quotes the fact that laws of general application apply to Aboriginal reserves as they do to other Manitobans, and Professor Schwartz said in a radio interview the other day that, in fact, there is a strong argument that the provincial laws could validly apply with respect to this bill. He says it is a bit tricky. Federal law, of course, applies on Aboriginal reserves but laws of general application passed by the province of

Manitoba as well apply. In fact, he quotes section 88 of the Indian Act, which is a federal statute, which provides that provincial laws of general application can apply to Aboriginal people. Therefore, he stated a smoking ban of general application might be applicable on a reserve, even though some other provincial laws might ordinarily not be, but that would be by virtue of federal statute he says.

He also says, Mr. Speaker, that there is some considerable scope for provincial laws to apply. Not only because of the inherent—

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Lac du Bonnet will have five minutes remaining, and it will also remain standing in the name of the honourable Member for Charleswood (Mrs. Driedger).

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

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