

**Fourth Session - Thirty-Seventh Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**First Session—Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
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	Assiniboia	N.D.P.
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, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 11, 2002

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### MINISTERIAL STATEMENTS

#### Kyoto Protocol

**Hon. Tim Sale (Minister of Energy, Science and Technology):** Mr. Speaker, I have a statement for the House.

Yesterday the Kyoto Protocol was ratified by a parliamentary vote of 195 in favour and 77 against. This clear majority in Parliament represents the clear majority of Canadians who wanted Kyoto ratified and who want meaningful action to reduce greenhouse gases.

The Kyoto accord, signed by nations around the world in 1997, was an agreement already 10 years in the making. The starting point was here in Canada in 1988 at the Toronto Conference of the Changing Atmosphere. The conference was headed up by former Prime Minister Brian Mulroney. At the conclusion of the meeting, a statement was issued calling for a 20% reduction in greenhouse gases. The statement read: Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequences could be second only to a global nuclear war.

In 1992, further consensus was reached through the United Nations Framework Convention on Climate Change. Agreement was reached by 150 countries to take action to slow climate change by limiting human-caused greenhouse gases. In 1993, Paul Martin also committed a 20% reduction in greenhouse gases.

\* (13:35)

The Kyoto Protocol, at a 6% reduction, is clearly a modest first step compared to the ambitious target set by federal leaders and

ministers during the 1980s and 1990s. The previous Conservative government agreed with the 6% target and agreed that hydro power was a means to meet that target. The former government further agreed to working together with industry to meet Kyoto targets and time frames. There was also a commitment to a climate change plan which, regrettably, was never produced.

Today, exactly five years after the signing of the Kyoto accord, the need to act has never been greater. Canadians spent \$5 billion last year alone because of the severe droughts faced by producers in Alberta, Saskatchewan, and to a lesser extent here in Manitoba. Ontario spent \$1 billion in smog-related illnesses and had one of its worst seasons on record with 30 smog days this past summer. Predictions that temperatures will rise from one to five degrees worldwide are already being realized in northern climates. Arctic Ocean temperatures are rising faster than expected and glaciers are melting in Alberta. In Manitoba, melting winter roads are causing serious safety concerns as well as economic hardship for our northern communities.

We are also seeing serious changes to Manitoba's wildlife habitat. Projections show enormous loss of our boreal forest by 2050. One can hardly contemplate the huge economic impacts this will have in terms of forestry and tourism, let alone the environmental impacts of losing this ecosystem that is so important to Manitoba.

There is no question we must act and we are proud to say that our Government is acting. In 2001, we commissioned the Climate Change Task Force that had representation from business, labour, agriculture and academic institutions. The task force produced excellent recommendations that called for the ratification of Kyoto and that focussed on economic opportunities for Manitoba. Our Climate Change plan, released this past fall, committed to meeting those recommendations through concrete actions that would take us beyond Kyoto

targets. We have already begun that work. The conversion of the Selkirk plant from coal to natural gas makes Manitoba almost coal free. Our low emissions mean that less than 4 percent of our economy will be subject to Kyoto reduction targets. This compares with 35 percent of the Alberta economy.

We can point to what has been achieved just in the last week. With modest provincial investment, we are already leveraging millions of investment dollars to build on our strength as a leader in bus manufacturing in North America. Manitoba is partnering with industry and the federal government to move forward on hydrogen fuel cell development with the testing of the hydrogenics engine by New Flyer.

We also announced that our enormous hydro advantage will be supplemented by wind power. Seven new wind monitoring sites will confirm Manitoba's wind potential.

Today we released our panel report on ethanol that shows the future for this industry looks very bright. The report notes that ethanol production and use will keep \$57 million circulating in the Manitoba economy. The report identifies Manitoba as one of the lowest cost producers of grain-based ethanol in North America. The Manitoba Chamber recommended a mandate for ethanol as soon as possible to secure the full benefits of an ethanol industry. A side benefit is the potential to increase the number of fed to finish livestock through increased high protein grain production. While we know there will be some transition with Kyoto, corporate giants such as BP, Shell, Du Pont and Alcan are already meeting and exceeding Kyoto targets without hurting their bottom lines.

We also have leaders in our own community. Tembec has just announced that it has reduced emissions by 46 percent. I am going to table a copy of their most recent report as a part of my statement. Hudson Bay Mining and Smelting has also reduced their emissions by 35 percent. In the months and years to come we are confident that government, business, communities and individuals will work together to meet and exceed Kyoto targets in a way that benefits our economy and, most importantly, in a way

that protects our environment for future generations of Manitobans.

\* (13:40)

**Mr. Ron Schuler (Springfield):** I would like to thank the minister for bringing this statement to the House. Clearly this is a very important part in our country's future, the way we are going to deal with the Kyoto Protocol.

One of the things I would like to point out to the minister and his Government, though the vote was 195 in favour and 77 against, unfortunately it took the government closure to move that particular bill along. For something as serious as Kyoto, something that is going to have a major impact on the way we live and the way our children live, I am not too sure closure was the right way to proceed with something as significant as the Kyoto accord.

I would point out to the minister and his Government there was another national policy that the federal government came out with some years ago that also took closure to move forward, a major national policy initiative that was supposed to be \$2 million in cost. That was supposed to be recouped, and instead it is at the billion dollar mark.

When we go into these major, major policy initiatives on a national perspective, we have to be very careful what it is that we lay out, and using closure is probably not the best way to go. I think the overriding issue about the whole Kyoto accord is that it actually leaves more questions than answers. The overriding question is: What is the cost and what is the impact to Canadians?

Unfortunately, throughout the whole debate, whether on a national scale, whether here in this Chamber, over the last few weeks we have asked the Government and we have asked the minister the questions: What are the costs? What are the impacts? We have certainly had a lot of studies, a lot of paper thrown in front of us but never a comprehensive analysis sector by sector of where the Government feels some of the cost impacts or, in fact, benefits might be.

One of the concerns we have on this side is the Government has laid out a fairly ambitious

program to try and meet the 6% reduction by creating green credits and they have not really focussed on where they would like to see some of the savings when it comes to greenhouse gases. The minister and his Government today received an ethanol report, a report that makes a very compelling argument for ethanol and lays out some very interesting recommendations. Again, it comes down to how much will the public have to subsidize. Is it going to have to be mandated? Where is the Government going to go with this to make it viable that it proceeds?

We are finding that we are a little bit into a time crunch. For us to meet that 6 percent we have to move on these issues. They have to move forward or else we will be forced, if we are not reducing greenhouse gases, if we are not creating green credits, we will have to go on the international market and buy green credits from countries like Russia who have mismanaged their economy and thus seem to have green credits.

There are very significant plans, whether it be hydro, the east-west corridor, ethanol. We have seen wind power being introduced. All of them are in initial stages and will take a long time and, frankly, will take an awful lot of investment to bring on line. I think it is becoming of the Government not just to receive reports and not just to make statements to the House, it is time now to have action on behalf of the Government.

Mr. Speaker, No. 1, we need to see what the costs are going to be. Where is the Government going to go with supporting? Where is the plan? How are they going to fund all these projects besides running to Ottawa and asking for more money. The provincial government is going to have to pony up with some cash. I think that is where Manitobans are. When they take the gas nozzle and stick it into the gas tank, what they want to know is how much are they subsidizing the ethanol industry. When they flick on a light switch, people want to know how much is this going to cost.

\*(13:45)

We know Manitoba Hydro has a significant debt. Adding a lot of debt on to it may not be the

best way to go about it, but we have to proceed with a plan. It has to be well thought out and it must be laid in front of the public. Certainly, we look forward to it. Unfortunately, we believe that Kyoto got off to a bad start, starting with closure and we hope this Government will come up with a plan and present it for debate to Manitobans.

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

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

**Mr. Gerrard:** Mr. Speaker, I rise to indicate that I support the Kyoto Protocol, but that I think there are some issues which are very important to Manitoba, and indeed to all of us, which still need to be dealt with adequately. First of all, there is a very clear scientific basis for increase in atmospheric carbon dioxide over the last number of decades and a very good basis for believing that this is primarily due to human activity. There needs to be concern about this change in atmospheric carbon dioxide and its impact on our global activities.

The scientific evidence for increases in global temperatures is still at somewhat of an early stage and we will need to follow this for a number of decades to go before we really know what is happening and what the impact is really from these changes in carbon dioxide.

I give you, for example, a graph that I recently saw for the temperatures at Churchill, Manitoba, which go back several hundred years. They would not be consistent with an increase in the average temperatures at Churchill, Manitoba, over that period. So, clearly, monitoring is one of the things that is very important.

It is also important that we employ a precautionary principle, because the potential impacts of these changes in carbon dioxide are very significant. I think it is wise to proceed but we need to do so with caution, with care and with very good provincial planning. The Province has started, has some reasonable activities underway but I suggest there is still a long way to go before there is an adequate provincial plan for Manitoba to address fully the issues of global

warming and the increase in carbon dioxide in the atmosphere.

#### TABLING OF REPORTS

**Hon. Diane McGifford (Minister of Advanced Education and Training):** I am pleased to table the Status of Women's Annual Report for 2001-2002.

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, I would like to table the following statement: The Statement as to Fidelity Bonds, prepared pursuant to section 20 of The Public Officers Act, being Chapter P230 of the Continuing Consolidation of the Statutes of Manitoba.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I am pleased to table, under The Regulations Act, a copy of each regulation registered with the Registrar of Regulations since the regulations were tabled in this House in November, 2001.

#### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to direct the attention of all honourable members to the public gallery where we have with us from École Provencher 47 Grades 5 and 6 students under the direction of Ms. Sharmila Sukhan and Mr. Maurice Gauthier. This school is located in the constituency of the honourable Minister of Finance (Mr. Selinger).

Also in the public gallery we have from Winnipeg School Division, Elmwood High Adult English as a Second Language program, 15 students under the direction of Mrs. Linda Smyrichinsky. This school is located in the constituency of the honourable First Minister (Mr. Doer).

Also in the public gallery we have from Dakota Collegiate 27 Grade 9 students under the direction of Mr. Larry Patrick. This school is located in the constituency of the honourable Member for St. Vital (Ms. Allan).

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

#### ORAL QUESTION PERIOD

##### Health Care System Private/Public Agreements

**Mr. Stuart Murray (Leader of the Official Opposition):** In the past year there have been two major reports on the future of health care in Canada. Both the Kirby report and the Romanow report are in agreement that we must ensure every Canadian has timely access to all medically necessary services. We agree wholeheartedly with that recommendation. Despite what members opposite might say, neither Kirby nor Romanow recommended closing private clinics. Again, on this side of the House we agree.

\* (13:50)

In a poll conducted in late October by Western Opinion Research, 80 percent of Manitobans supported providing the option to go to government regulated private clinics that are fully covered by medicare, 80 percent.

Will the Premier commit today to abiding by the will of the people who elected him and will he increase the number of contracts government has with private health care facilities to provide timelier access to Manitoba patients?

**Hon. Gary Doer (Premier):** Mr. Speaker, can the member identify any private clinics that we have closed?

**Mr. Murray:** They do not close them, they buy them out.

Mr. Speaker, Dr. Reid Waters, the Director of Western Surgery Centre in Winnipeg, says his clinic performs about 4000 surgeries each year on cataracts, cancerous skin and injured hands. These are procedures that are contracted out by the Government of Manitoba to this privately run clinic. In fact, Doctor Waters says he can perform the surgeries more efficiently in his clinic than he can in the city's large hospitals.

Does the Premier disagree with Doctor Waters who says that private clinics like the Western Surgery Centre are run leaner and more efficiently than our large city hospitals?

**Mr. Doer:** Mr. Speaker, the member may not know, but we are moving surgeries out of some

of the higher cost teaching hospitals to places like Concordia Hospital. We are moving surgeries out of a higher cost hospital to Steinbach and Ste. Anne. We are moving more surgeries into the Winkler-Morden hospital that has been established, the Boundary Trails. We are moving more surgeries to the Thompson Hospital. We are moving more outpatient work to the Bois-sevain clinic that we have since announced. We will have more surgeries in Brandon. We will have more out-patient work in Brandon, because we fulfilled our commitment to redo the capital that was promised seven times by members opposite.

Mr. Speaker, in addition to that with the Pan Am Clinic and other clinics that we have announced, we are doubling the number of surgeries in the Pan Am Clinic and not paying a penalty under the Canada Health Act.

The matter of the specific question raised with the Western clinic, the situation, the only change in the status in that clinic is the cost of cataract surgeries have gone from \$1,000 to \$700 since we came into office.

**Mr. Murray:** Despite all the rhetoric, Manitobans continue to wait and wait for surgery. That is the record of the Doer government when it comes to health care.

Mr. Speaker, it is clear from this Premier that he has absolutely no faith in the private sector to play a serious role in the health care system in Manitoba. We on this side of the house disagree with that Premier. The private sector has played a valuable role for decades in providing timely access to care for Manitobans within the publicly funded system.

The Pan Am Clinic was a classic example of that until their appetite for purchasing said they had to own the bricks and mortar. I have said several times in this House that we would work with the Doer government to develop a policy framework with the regional health authorities so they can use it as a guide to contracting out health care procedures.

My question to the Premier: Will he be cancelling the contract they currently have with the Western clinic or will he be purchasing that

clinic, as he did with the Pan Am Clinic? What is his plan?

**Mr. Doer:** Mr. Speaker, I think we have in fact extended the contract and reduced the costs with the takeover, with the public ownership of the Pan Am Clinic. So I think Manitobans are better off.

Let us deal with the essence of the question on surgeries. There is no question that we continue to work at reducing the surgery time for people in Manitoba. We will graduate tonight 72 nurses out of the Red River RN program, a training program that was cancelled—

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

**Mr. Speaker:** Order.

\* (13:55)

**Mr. Doer:** Thank you, Mr. Speaker. Seventy-two nurses will graduate out of an RN program that was cancelled by members opposite. The RN program was cancelled by members opposite the same time they fired a thousand nurses here in Manitoba.

Mr. Speaker, the members opposite promised in government, seven times, seven times they promised to rebuild the Brandon General Hospital. Seven times they broke that promise. We have come into office and the commitments that have been made but not fulfilled over the years for the Health Sciences Centre, for the new surgical theatres that are necessary, we are building them for Manitoba patients for decades to come.

### **TVT Surgery Reduction**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, Mary, an 80-year-old female constituent of mine, is desperately in need of TVT surgery to control urinary incontinence but is denied it because, according to the WRHA, there is no funding to cover this procedure this year.

I would like the Minister of Health to tell us why there has been a dramatic decrease in the number of TVT surgeries for women this year.

Why the rationing of this procedure to Mary and over 200 other women in this province who desperately need this procedure done?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, the member and the aspiring consultant to the Tory party have raised this issue of the TVT on several occasions and we have discussed that issue on several occasions. We expanded the capacity for TVT, provision of TVT in this province.

**Mrs. Driedger:** Mr. Speaker, based on the minister's answer, I would like to ask him why he is today providing misinformation to the House and why he previously provided misinformation to the media and to Manitoba women on the number of TVT procedures in this province when previously he said there were 100 done this year. Why has he misled Manitobans when only 20 have been done this year?

**Mr. Chomiak:** Mr. Speaker, I notice the member is trying to rehash an issue that she was found incorrect on again, but I just remind the member that the year is not over.

**Mr. Speaker:** The honourable Member for Charleswood.

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

**Mr. Speaker:** The honourable member for Charleswood has the floor.

**Mrs. Driedger:** Mr. Speaker, I would like to table a Freedom of Information document that actually supports my assertions that only 20 have been done year to date, contrary to the minister telling the *Free Press* reporter that there were 100 done this year. There are only 20, and he misled the people of this province.

I would like to ask this Minister of Health to explain why Mary, who desperately needs this procedure, is being denied it: Why will he not give her back her dignity and a better quality of life, instead of fudging his numbers and playing politics with a serious women's health issue?

**Mr. Chomiak:** I hope the Member for Charleswood listens very carefully to my response. If

the members would stop chirping I might be able to explain it to the Member for Charleswood.

\* (14:00)

First off, the Member for Charleswood said we are doing less procedures. In '99-2000 it was 22; 2001 it was 159; last year was 95. That is the member's own information and she constantly brings that.

Mr. Speaker, I want the member to know that this year to date there was a number attached to that and I told both the *Free Press* and the member. We know the WRHA is doing more. I ask the member, as she has so often done in this House, raised an issue, made an allegation and you come to me at the year end and look at the number done to date and you will see it will continue with our increase over Saskatchewan and our increase over the numbers that you did when you were government.

I hardly think 159 the year before last was a decrease, nor 95 last year, and there will be that many this year.

### Hip Replacement Surgery Waiting List

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, Mrs. Mazur a 60-year-old woman from Onanole, Manitoba, has been waiting in pain since May for double hip replacement. Mrs. Mazur, who had to quit her job as an elementary school teacher because the pain was too much for her, was told she would have to wait until March 27, 2003, for one hip to be replaced. Can the Minister of Health today please explain to Mrs. Mazur and her family why she has to wait nearly 11 months for surgery to relieve this agonizing pain in her joints?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, as I have indicated on many occasions, we have increased dramatically the number of procedures we are doing in this province. That is not to say that it is still not a continuing problem. I might add, the *Globe and Mail* had a story that compared hip rates and knee rates across the country and said the place to be if you need it is not in Québec but in Manitoba. The Canadian Orthopedic Association did a cross-Canada



survey and said, while there are long waiting lists across the country, the second shortest waiting lists are Manitoba.

I do not accept that that is a good situation, but it is better. We are working on it, Mr. Speaker, and we have improved.

**Mrs. Smith:** Mr. Speaker, the average wait for hip replacement surgery is about 6 months, according to the WRHA. Can the minister explain why Mrs. Mazur has to wait nearly 11 months, unable to play with her grandchildren, unable to work, until March 2003 for this surgery?

**Mr. Chomiak:** Mr. Speaker, as I have indicated to members opposite when they come to me with specific problems about specific situations, I am prepared to deal with that situation. I am prepared, as we always have been, to look at that specific situation.

**Mrs. Smith:** Mr. Speaker, is the reason that Mrs. Mazur and many others like her have to wait in pain for her surgery because the orthopedic surgeons in Manitoba are indeed out of money, already having reached their surgical cap for the year?

**Mr. Chomiak:** One of the things I am very satisfied with, Mr. Speaker, is we had five additional orthopedic surgeons in October of this year from October of the previous year. We are continuing to increase and, as I indicated, while the situation is not great, I can tell you it is better than it was during that period members opposite of 11 years do not want to talk about, firstly.

Secondly, I admit there are difficulties. There are waiting lists. We are doing more but our waiting lists, according to the orthopedics of—*[interjection]* Mr. Speaker, according to the orthopedics review that was done across Canada by the orthopedic surgeons of Canada, Manitoba has the second best waiting list in the country. Now I admit they have to be better and we are working on it and we continue to work on it. We do more than they did when they were in office. That is for sure.

### Cardiac Surgery Waiting List

**Mr. Peter Dyck (Pembina):** Martha Thiessen from Winkler has been waiting since October

2001 for corrective surgery to repair a structural cardiac defect. Now that is 14 months. Can the Health Minister please explain to Ms. Thiessen, a once active 50-year-old woman, why she has been waiting in fear for over 14 months for her surgery to be scheduled when, according to the WHRA, the average wait for cardiac surgery is between one and five months?

**Hon. Dave Chomiak (Minister of Health):** Yes, that information that was provided to members opposite, I am very happy to say we now provide. I tried to get comparative statistics on that information when the previous government was in office, and they did not have that. We provide that information. We put that information out.

The period one to five months is for elective cardiac surgery. We put in place the Ontario system of determining priority with respect to cardiac surgery. We have a wait list co-ordinator under one co-ordinator. We contact the patients. We are working it out on a regular basis.

**Mr. Dyck:** Mr. Speaker, this is a rather arrogant answer and it is also part of the broken promise: six months, \$15 million.

Can the Health Minister please tell Ms. Thiessen and her family if the reason she has had the stress of waiting for over 14 months for cardiac surgery is the shortage of cardiac surgeons in Manitoba?

**Mr. Chomiak:** Mr. Speaker, from what I understand in terms of cardiac surgery, one of the lessons from the Sinclair inquiry was that we have a sufficient number of cardiac surgeons to carry out a sufficient number of surgeries so they can have the appropriate number of surgeons to do the number of surgeries.

In the case of Manitoba, Mr. Speaker, I am advised by the WRHA they have an appropriate number of surgeons to deal with the number of cardiac surgeries we have in Manitoba.

**Mr. Dyck:** This is 14 months. Can the Minister of Health give his personal assurance that Ms. Thiessen will receive her surgery, and when? I would say sooner rather than later.

**Mr. Chomiak:** Mr. Speaker, the member indicated in his question from the FIPPA information he obviously received from the WRHA that the waiting period is one to five months. He has set out a waiting period of 14 months and I am prepared to look into that particular situation. I think there might be more information the member could provide.

#### **Minister of Health Correspondence Routing**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, despite increasing the health care budget by over \$650 million a year, this minister has failed to deliver on his promises. Waiting lists are longer, hallway medicine still exists, and, as we are hearing, people are waiting in agony for their surgery. I am very pleased that the minister is indicating today he is willing to listen to people, he is willing to hear of their problems and he is willing to provide solutions.

I just wonder if he could explain to Manitobans why that is in direct contradiction to his annual health report where his staff, under his direction, report to the people of Manitoba proudly that one of their major accomplishments, and I quote directly from his report: Is to have implemented a system for referring ministerial correspondence regarding direct service delivery to regional health authorities.

I would like this minister to explain to Manitobans: Why has he instructed his staff to forward his mail to the RHAs? Is he so sick of hearing from Manitobans about the ills of our health care system that he simply cannot stand seeing any more complaints, or is it because he knows he has no answers?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, when the Sinclair report came out it talked about—[interjection] Well, I know members did not care about the Sinclair report and did not work on it, but they ought to listen to what the results were.

**Mr. Speaker:** Order.

#### **Point of Order**

**Mr. Speaker:** The honourable Member for River East, on a point of order.

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, *Beauchesne* 417 indicates that answers to questions should be brief, deal with the matter raised and not provoke debate. A very simple question to the Minister of Health: Is he asking bureaucrats in the regional health authority—

\* (14:10)

**Mr. Speaker:** Order. On the point of order raised, the honourable member pointed out to the Speaker 417. She read the rule out very correctly and she has pointed that out to me. Now I will deal with the point of order. I have heard enough to deal with the point or order.

The honourable Member for River East has a point of order. *Beauchesne* 417 is very clear, 417: Answers to questions should not provoke debate. That is very clear. So I ask the honourable minister to conclude his answer.

\* \* \*

**Mr. Chomiak:** Mr. Speaker, as I was starting to indicate, the Sinclair report, which has been a guiding principle of what we have done in respect to dealing with complaints, talked about a more proactive response to complaints raised by families and patients at the site, so that we could get away from what happened, so that things would not be covered up.

We put in place the Protection for Persons in Care Office that moved complaints to a particular agency to deal with patient complaints. As we move in that entire process, we want to have the complaints with operational issues dealt with at the operational level so patients can have contact with individuals who provide the service, in response and in reaction to the Sinclair inquiry to provide information to the public.

**Mr. Loewen:** Mr. Speaker, I would ask this minister who has the responsibility to Manitobans to run and manage the health care system: If he is so confident that he has some solutions to solve the health care crisis, why is he instructing his staff in a report which he says he has the privilege of giving to this Legislature, the privilege, why is he instructing his staff to get the letters out of his sight?

He does not want to hear from Manitobans. He does not want to see the problem. Is it

because he does not care, or is it because he has no answers?

**Mr. Speaker:** Order.

**Point of Order**

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, what we are seeing is a clear abuse of the rules. It is well known to the honourable member opposite that a supplementary question, which is what this question was, requires no preamble. The member was going on with preambles, postambles and midambles. Would you please remind him of *Beauchesne*?

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

**Mr. Mervin Tweed (Turtle Mountain):** On the same point of order, I would just like to point out the only people being abused are the people of Manitoba being—

**Mr. Speaker:** Order. Prior to making a ruling, I want to remind all honourable members the purpose of points of order is to point out to the Speaker a breach of a rule or a departure from Manitoba practice, not to be used for debate. I just want to remind all honourable members.

On the point of order raised by the honourable Government House Leader, he does have a point of order. *Beauchesne* 409(2) advises that a supplementary question should not require a preamble.

\* \* \*

**Mr. Speaker:** I ask the honourable Member for Fort Whyte to please put your question.

**Mr. Loewen:** Mr. Speaker, I would ask the minister clearly to explain to Manitobans why he has instructed his staff to get the letters off his desk. Is it simply because he has no answers or because he does not care?

**Mr. Chomiak:** Mr. Speaker, I am not sure if members opposite understand that the

Department of Health has regionalized and that regions undertake, as we followed the Sinclair recommendations, Sinclair and Thomas both recommended that the Department of Health should move into a standards review and should move into risk management and administration and keep away from direct delivery.

I know members opposite do not believe in the Sinclair report, never followed it. We are following the recommendations of Sinclair and Thomas. That is why we followed it. That is why we are following it and implementing it. That is why we put it in the annual report, for heaven's sake. Members opposite are trying to make a political issue out of something I do not think the member opposite quite understands.

**Mr. Loewen:** Mr. Speaker, I would ask this minister if he could explain to Manitobans if the reason he asked his department to get the letters off his desk was so that they could focus on another, a second major accomplishment which they report in his annual report to this Legislature which is to increase the quantity of newsletters produced. More newsletters, less answers. I do not care. I want to write reports. What is it?

**Mr. Chomiak:** Mr. Speaker, I know during the 11 years of Tory government not one Health Minister visited and had public meetings with the public, but if the minister—

**Mr. Speaker:** Order.

**Point of Order**

**Mr. Speaker:** The honourable Member for Fort Whyte, on a point of order.

**Mr. Loewen:** Mr. Speaker, point of order. *Beauchesne* rule 417: Answers to questions should deal with the matter raised and should not provoke debate.

I did not ask the minister about 1995. I asked him why he has instructed his staff to get the letters off his desk so he can produce more newsletters. Can he answer that?

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

**Mr. Chomiak:** On the same point of order. I was trying to explain to the member that when I went out and consulted with the people of Manitoba, one of the major recommendations was that we provide more information to the public, that the public has more information.

That not only was recommended by our consultations but that was recommended by Justice Sinclair.

**Mr. Speaker:** On the point of order raised by the honourable Member for Fort Whyte, it is not a point of order. It is a dispute over the facts at this point.

\* \* \*

**Mr. Speaker:** The honourable Minister of Health, to please conclude your answer.

**Mr. Chomiak:** The Sinclair report said more information to the public and we are providing it. The Sinclair report also said put into place where the Department of Health becomes a different type of entity than in the past in order to prevent and to deal with issues. We are trying to evolve toward that.

I am sorry members opposite do not understand the implications, Mr. Speaker, but that is not only why we are doing it, that is why we are reporting it in the annual report, reporting that we are providing more on-site response and we are attempting to increase the ability of patients to have access to front-care providers, which is a very integral part and very much a recommendation of Sinclair.

### **Greenhouse Gas Reduction Agricultural Sector**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question is to the Minister of Energy, Science and Technology.

Greenhouse gases produced in the agricultural sector of Manitoba make up about a third of Manitoba's production of greenhouse gases. In the Province of Manitoba Climate Change Action Plan, the Government refers to carbon sequestration in agriculture, and some

wonder if the minister is planning to convert some of Manitoba's agricultural land to trees.

I ask the minister today to be more specific about his plans for reduction in greenhouse gases in the agricultural industry in Manitoba so that agricultural producers can know what to expect.

**Hon. Tim Sale (Minister of Energy, Science and Technology):** I think, Mr. Speaker, first of all, it was clear from the study we released this morning that you can very effectively use our agricultural sector in terms of the production of ethanol to increase both the secure markets for wheat or corn, but in Manitoba's case mostly wheat for the production of ethanol. That means farmers have secure markets. It means you can then use the distillers' grains either wet or dry that come off that process to feed cattle and have a complete cycle. When you turn any land that has been cropped repeatedly into continuous or permanent cover you increase the agricultural sink.

So we do not take the approach that we certainly know best and we will do it centrally. What we do is we work with the Cattle Producers. We work with the Keystone Agricultural Producers. We work with our rural communities to take advantage of the natural advantages in the farming and in the rural economy. That is why ethanol production is such an important issue.

**Mr. Gerrard:** My supplementary to the minister, I ask: Why is nitrous oxide, the greenhouse gas produced from nitrogen put on fields by farmers, which is far and away the large majority of the greenhouse gas produced by the agricultural industry, not even mentioned in the Government's beyond Kyoto Climate Change Action Plan?

How can it be a real plan if this greenhouse gas which makes up such a huge proportion of the agricultural production of greenhouse gases is not even included?

**Mr. Sale:** Mr. Speaker, I think neither the member nor I would claim to be farmers. I think that is probably an important point to put on the record. My understanding as a layperson is that when you apply fertilizer in the appropriate

amount, in the appropriate levels, it is absorbed and used by the crop. When you apply it inappropriately, it can off-gas, it can run off and cause serious problems.

Manitoba's farmers do not want to waste their resources. They do not want to put fertilizer that is not needed on their land or fertilizer that runs off on their land because it lessens the economics of crop production.

So, Mr. Speaker, I think we work with our farm community to make sure that we use our fertilizers efficiently and appropriately. That is what my colleague the Minister of Agriculture does.

\* (14:20)

**Mr. Gerrard:** My supplementary to the minister. I ask the minister: When there is such a win-win scenario here, farmers benefiting from more efficient use of nitrogen, Manitoba benefiting from decreasing greenhouse gases, why is the Government's plan not even including a mention of nitrous oxide? Will the minister commit to a rewrite of his plans so it includes a third of the greenhouse gases in this province?

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** I can tell the member farmers were involved in the writing of that report. In fact, Chris Hamblin, who is now the chief grain commissioner in Manitoba, was involved in writing that report. The committee had full support of it.

I would also tell the member that farmers are taking very progressive steps in addressing issues such as the waste of fertilizers and nitrates as he talks about. Mr. Speaker, farmers in Manitoba have worked and are very active in the use of the practice of zero till, which is very important in reducing the amount of fertilizers and chemicals. There is precision agriculture that farmers use that ensures there is not excess fertilizer applied to the land.

I can tell the member farmers are very concerned about the application and the proper use of chemicals and fertilizers. They do not want to waste the money on doing them and they do not want to hurt the environment either.

### **Ethanol Production Benefits to Manitoba**

**Mr. Jim Rondeau (Assiniboia):** Mr. Speaker, I understand that a report on the potential of ethanol production has been recently produced. I would like to ask the Minister of Agriculture and Food what benefits Manitoba will realize in our province if we move forward on this initiative.

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** I thank the member for that particular question because the panel report that was released today is a very important report for the agriculture industry and one that rural Manitobans participated in to a great degree.

Mr. Speaker, rural Manitobans have expressed their interest in production of ethanol because it offers the opportunity to diversify the agriculture economy, but there is another huge advantage that comes from the production of ethanol. As we produce ethanol, if I say there was a full mandate, there would be a reduction of emissions of approximately 130 000 tonnes of carbon dioxide.

If you look at the amount of emissions that would be eliminated from tailpipes of cars, there are huge benefits and that helps us fulfil our commitment to Kyoto. So there are benefits for the agriculture industry. The agriculture industry is very interested, and it does help us meet our commitment to Kyoto.

### **Ethanol Production Government Subsidies**

**Mr. Mervin Tweed (Turtle Mountain):** Now that we have received the advisory panel's report, just one question for the minister. Can he tell Manitobans how much the Government is prepared to subsidize the ethanol industry in order to facilitate the building of plants in Manitoba?

**Hon. Tim Sale (Minister of Energy, Science and Technology):** I am sure the member knows the panel's recommendation is that the subsidy level be fixed at around 25 cents a litre, including the federal and provincial subsidies. The federal subsidy is currently 10 cents on the excise tax. We are working very hard, my

colleagues in agriculture, the environment and myself, with our federal counterparts to encourage the federal government to move to either a regional or a national ethanol mandate as the United States has done.

The American subsidy is the equivalent of 23 cents a litre Canadian, so we are asking the federal government to look at that, and of course it depends entirely what they do what we will need to do to make sure our industry is viable and successful in Manitoba.

### **Livestock Industry Tuberculosis Control**

**Mr. Jack Penner (Emerson):** As we all know, the beef industry, the livestock industry in this province, is a very significant part of the economy. The beef industry is a \$500-million industry. All of us enjoyed the lunch they provided for caucus members downstairs in our cafeteria today.

I want to ask the minister today whether she agrees with the importance of the industry, and when will she and her Government take action to quarantine Riding Mountain National Park and once and for all deal with the eradication of the tuberculosis situation that exists in our wildlife herd in the Riding Mountain area?

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, if the member was at the same lunch I was this afternoon he will know I clearly emphasized the importance of the beef industry in this province. I thanked them for the support they have given us and for working with us on such important issues as the TB strategy.

It is very interesting that the members opposite would talk about addressing the TB issue. When they knew about the TB problem in Riding Mountain in 1997, they did nothing with it. All they did was capture the elk and then we had to dispose of them.

I can tell the member opposite we have put in place a strategy. The Manitoba Cattle Producers are working with us, with Agriculture, Conservation, Riding Mountain National Park and CFIA. So there is a plan. The Cattle Producers support the plan. We will continue to

work with them to ensure we have a viable beef industry in this province, but I can tell the member we did a heck of a lot more than they ever did because they put blinders on their eyes and they knew there was TB.

**Mr. Jack Penner:** On a new question. I want to remind the minister we were very supportive of her Government last session to not only introduce for her when she was away, to provide legislation that would give her the authority to a quarantine in an area where TB or other diseases were suspected. She has done nothing with that legislation.

We ask her today whether she would use her own legislation to put in place a quarantine around Riding Mountain National Park and force the federal government to eradicate the disease of TB once and for all in Manitoba.

**Ms. Wowchuk:** Mr. Speaker, I am quite surprised the member would even put those comments on the record. The member fully knows the elk in Riding Mountain park are a federal responsibility, but I can tell the member we are doing much more than they ever did. There is a document. There is a strategy, an implementation plan that has been put in place in conjunction with the beef industry.

The recommendations of this committee where the Cattle Producers were involved does not recommend wiping out the elk herd in the park. It recommends reducing the numbers. It recommends fencing. He recommends disease prevention and research. The member is not being very honest if he thinks that he is representing the beef producers when he says that the elk herd should be eradicated.

### **First Nation Casinos Minister's Comments**

**Mr. Harold Gilleshammer (Minnedosa):** Following the defeat of the casino vote in Brandon, the Member for Brandon West (Mr. Smith) said there are not other options for other communities. The timetable has expired now. Does he stand by those words?

**Hon. Scott Smith (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** Mr. Speaker, as the member

opposite highlights and mentions, as we followed through with the Bostrom report and gave the opportunities to the First Nations, something the members opposite sat on and did not do, we have developed a process that had time lines and had set time lines for it.

Mr. Speaker, when processes are initiated and followed through certainly we have dealt with those processes. We have now said we were sitting down, going over the positives and negatives with the people that have been involved in that process, something these members never did. I can tell you we will continue to do that.

\* (14:30)

**Mr. Gilleshammer:** The Member for Brandon West went on to say: We have no intention of starting a new casino application process. Does he stand by those words?

**Mr. Smith:** Mr. Speaker, as we meet with folks that have been out in the community, as I had mentioned, certainly we will hear the positives and negatives from those folks.

We have said on this side of the House we are not looking at expanding gambling in the province of Manitoba. We have basically given the opportunity to the First Nations. Those are the folks that had the opportunity in this past process. That is something this Government holds very true, and that is the process that has been followed. It is a process we have carried out, I will tell you, with the addition of First Nations in the process, something again I will mention members sat on and never did, and we are not interested in expanding gambling by the Province of Manitoba in the province.

**Mr. Gilleshammer:** Perhaps the member does not understand his own words. I would ask him again. He indicated that he has no intention, the Government has no intention, of starting a new casino application process. Is that the policy of government?

**Mr. Smith:** Mr. Speaker, we are asked if at the present time we are looking at establishing any new initiatives. We are looking at talking to the people that have been involved in the process.

Certainly, I can tell you when the members opposite were questioned on social policy, it is something this side of the House took into consideration for our community members in the First Nations. That was the process that was initiated following up on the Bostrom report. That process was carried out by this side of the House as that side of the House sat on that report and did not give the advantages that we did to the First Nations people in the province of Manitoba.

**Mr. Gilleshammer:** Mr. Speaker, the Member for Brandon West also said a review of the provincial policy is not in the cards, nor will his Government re-open a bidding process to consider new proposals for Aboriginal casinos. Is that the policy of this Government?

**Mr. Smith:** Mr. Speaker, I will say again the policy of this side of the House is to consult with members that members on the opposite of the House did not consult with.

I will tell you further, Mr. Speaker, that as we continue on with our process in speaking to members that were involved in the past process, certainly we have sat down and we have talked about the positives, we have talked about the negatives. I will say again the Province of Manitoba has not been interested in expanding gaming in the province of Manitoba. Certainly, any processes that may be hypothetical that the member is mentioning here on the other side could be in the future, but we have not at this time established any guidelines or a process for expanding gaming in the province of Manitoba.

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

### Speaker's Ruling

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

**An Honourable Member:** Not again.

**Mr. Speaker:** Again, again.

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

**Mr. Speaker:** Order. I would like to remind all honourable members when the Speaker rises, all

members should be seated and the Speaker should be heard in silence. I ask the co-operation of all honourable members, please.

Following the prayer on December 5, 2002, the honourable Member for Arthur-Virden (Mr. Maguire) rose on a matter of privilege to assert that the Premier (Mr. Doer) had deliberately misled the House regarding financial statistics and comments that had been provided as answers in Question Period on November 28 and December 2.

After offering comments on the issue and tabling several documents, the honourable Member for Arthur-Virden moved:

“THAT this House censure the Premier for his contemptuous actions in knowingly placing misleading information before this House which was not accurate, based upon information already tabled in this Assembly by his own Finance Minister (Mr. Selinger); and

“THAT the Premier be directed to apologize to the Legislative Assembly and the people of Manitoba for bringing such false information before this House and undermining the integrity and respect of this Legislature.”

The honourable Government House Leader (Mr. Mackintosh) also offered advice on the orderliness of the motion. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for a matter to be ruled in order as a matter of privilege: First, was the issue raised at the earliest opportunity; and, second, is there sufficient evidence that the privileges of the House have been breached to warrant putting the matter to the House.

On the first condition, the honourable Member for Arthur-Virden advised that he did indeed raise the matter at the earliest opportunity. There were no delays in the 24-hour-turnaround time for the delivery of Hansard for those days, so I respectfully suggest that perhaps the matter could have been raised earlier.

Mr. Speaker, regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, Joseph Maingot advises on page 224 of *Parliamentary Privilege in Canada* that an admission that a member had intentionally misled the House would be required in order to establish a prima facie case of a matter of privilege. This concept is supported in Manitoba precedents by a ruling from Speaker Walding in 1985, a ruling from Speaker Phillips in 1987, by seven rulings from Speaker Rocan, from the period 1988 to 1995, by nine rulings from Speaker Dacquay, from the period 1995 to 1999, and by a ruling that I delivered on August 6, 2002.

In her 1987 ruling, Speaker Phillips stated: A member raising a matter of privilege which charges that another member has misled the House must support his or her charge with proof of intent. And, as ruled by Speaker Dacquay on April 20, 1999: Short of a member acknowledging to the House that he or she deliberately and with intent set out to mislead, it is virtually impossible to prove that a member deliberately misled the House.

Although the honourable Member for Arthur-Virden cited that the honourable Premier provided information that was different than the information tabled by the honourable Member for Arthur-Virden, the honourable Member for Arthur-Virden did not provide proof that the honourable Premier purposefully intended to mislead the House, nor did the Premier state during Question Period that he set out to deliberately mislead the House. In addition, *Beauchesne* Citation 31(1) advises that a dispute arising between two members as to allegations of facts does not fulfil the condition of parliamentary privilege. I would therefore rule that the matter is not in order as a prima facie case of privilege.

## MEMBERS' STATEMENTS

### Shriners Hospital for Children

**Mr. Denis Rocan (Carman):** Mr. Speaker, during this very special time of the year, when each and every one of us is bestowing Yuletide greetings to one another, it is also a time of remembering and also a time of giving.



Mr. Speaker, Shriners Hospital for Children is a network of pediatric specialty hospitals founded by the Shriners, where children under the age of 18 receive excellent medical care absolutely free of charge. There are 18 orthopedic Shriners hospitals, three Shriners hospitals dedicated to treating children with severe burns and one Shriners hospital that provides orthopedic, burn and spinal cord injury care.

Shriners hospitals are located throughout North America, 20 in the United States and one each in Mexico and Canada. These centres of excellence serve as major referral centres for children with complex orthopedic and burn problems.

Mr. Speaker, as a proud member of the Khartum Shrine and also a proud member of this Assembly, I would like to ask members of this Assembly if they would be willing to allow me to place a small collection box in the messenger room, No. 270, on the west side of the building, starting for today and lasting until tomorrow.

I would ask you, Mr. Speaker, to ask members of the House if there would be leave to allow me to put this little box in the messenger room for collection purposes until the House rises tomorrow.

**Mr. Speaker:** Is there leave for the honourable member to place the box in the messenger room?  
[Agreed]

\* (14:40)

#### **Queen's Jubilee Medal**

**Mr. Gerard Jennissen (Flin Flon):** I would like to honour all of the recipients of the Queen's Jubilee Medal in the Flin Flon constituency. Some of the recipients will have their medal presented to them by Bev Desjarlais, M.P. for Churchill. I will be presenting the Queen's Jubilee Medal to the following five recipients on December 16. In alphabetical order, the five worthy recipients are Mr. Hyacinth Colomb from Mathias Colomb Cree Nation of Pukatawagan. Mr. Colomb is a recipient of the Order of Manitoba, former chief, natural resources representative, trapper, wild rice grower and respected elder.

Mr. Graham Craig from Flin Flon. Mr. Craig is a popular former mayor of Flin Flon and is

active in many community and cultural events. He is the spark plug behind the Flinty project. I might add the Flin Flon boardwalk has become a unique tourist attraction.

Mr. Jack Forsyth from Snow Lake. Mr. Forsyth of Forsyth's Agency is an equally popular three-time former mayor of Snow Lake. He is a tireless advocate of enhancing the enormous tourism potential in northern Manitoba. He continues his fine work as chairperson of the Grass River Corridor Tourist Association, Inc.

Mrs. Margaret Head from Cranberry Portage. Mrs. Margaret Head is a well-respected elder who together with her husband, Alfred Head, now deceased, was instrumental in building the Manitoba Métis Federation. She has worked tirelessly for NCI, Native Communications Inc.

Mr. Mark Kolt, city solicitor for Flin Flon. Mr. Kolt and his wife Crystal have been instrumental in the spectacular cultural revival in the Flin Flon region. Everyone knows Flin Flon's great reputation as a hockey city, but not everyone knows that Flin Flon is equally competent in the performing arts.

For example, Flin Flon has an excellent choir of over 100 members. Flin Flon has an outstanding drama group, the Ham Sandwich Productions.

I thank Mark Kolt for his pivotal role in all things musical in Flin Flon, and particularly for his efforts in the musical *Titanic* and his unique musical *Bomber Town*. Congratulations to Mark Kolt and to the other recipients of the Queen's Jubilee Medal. Thank you, Mr. Speaker.

#### **Hog Industry**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, in conjunction with my member's statement today, I wish to table a petition from 5000 Manitobans calling for the moratorium on the construction of new hog barns in our province.

My personal view is that we do not at this point need such a moratorium if there is effective provincial action on an urgent basis, but that it is very important that we hear the voices of 5000 concerned Manitobans.

The petition clearly shows a very great lack of trust in the actions of the present provincial government. Along with the petition, a press release raises very grave concerns about the provincial government's policies, standards and enforcement as they relate to the hog industry. These concerns need to be taken seriously.

The NDP government, for example, still has not fully implemented the Tyrchniewicz report. The delays, the procrastination, the lack of action by the present NDP government may lead to a situation where such a moratorium may be necessary in the future. Action is urgently needed now, Mr. Speaker, to restore public trust in the provincial government and to make sure that in the future the hog industry is on a sound environmental basis and that it is not compromised by a government which does not act when it should have.

#### Census—Farm Families

**Mr. Jack Penner (Emerson):** It gives me great pleasure to rise today on this occasion to make a member's statement, first of all, to congratulate the beef producers for a very successful year that they have had, and, secondly, to publicly thank them in this House for coming to this Legislature and providing us with an excellent meal today.

I want to rise, however, today specifically on a matter of the census for the 21st century and the impact of the Canadian farm operations specifically in Manitoba. The census indicates that we have seen a decline in the farm population of 13.6 percent in the province of Manitoba, the second largest in all of this country outside of Prince Edward Island.

I want to indicate that this might be an indication to the Minister of Agriculture (Ms. Wowchuk) of this Government to recognize the difficulty that farmers, specifically young farmers, are facing today in this province. We saw in this same census that the major portion of farmers leaving this province and leaving agriculture in this province were young farmers, under 35 years of age, at the income level of \$25,000 or less.

We have lost almost half the farmers in this province since the last census in the province of Manitoba. That is after the minister made such a

big to-do in her own riding when she invited federal Minister Vanclief to come to her riding to sign the APF agreement. The APF agreement was signed with the understanding that there would be full participation by both levels of government. Yet the Province of Manitoba and this minister have refused to pay the \$40 million that was indicated in that APF agreement for farmers in Manitoba.

#### Glenlawn Collegiate Theatrical Production

**Ms. Linda Asper (Riel):** Glenlawn Collegiate's December drama production, *Dark of the Moon* by Howard Richardson, played from December 4 to 6, 2002, in the school theatre. It combined a spooky Romeo and Juliet theme and a setting reminiscent of both *Deliverance* and *O Brother Where Art Thou?* in the Deep South.

Sue Quinton, drama teacher, said that *Dark of the Moon* was a challenging piece, a metaphor for young people struggling to be what they want to be. The play combined Appalachian folklore and music with a story of a witch who falls in love with a human in a backwoods community. Glenlawn students played on guitar and fiddle, the traditional southern music enjoyed by all.

Thirty-seven students were in the cast and five student musicians supported them. Tara Orpin played Barbara; Richard Hornung was John; and Dan Isaak played Preacher Haggler. Another 30 students played a crucial role creating a hillbilly shack built on a revolving platform that spun to reveal the interior and exterior settings. These students also painted a backdrop of the Tennessee Appalachian mountains. Staging a musical is a team effort. The students and teachers should be proud of their success and their contribution to our community.

Congratulations to Sue Quinton and her colleagues, to Donna Bulow, school principal, and to such talented students and to all who made the musical *Dark of the Moon* very successful. Best wishes for their future endeavours.

#### ORDERS OF THE DAY

#### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you canvass the

House to see if there is leave to deal with second reading of Bill 10, The Elections Finances Amendment Act, given that the bill is not yet listed on the Order Paper for second reading today?

**Mr. Speaker:** Is it the will of the House to deal with Bill 10 for second reading? *[Agreed]*

\* (14:50)

## SECOND READINGS

### Bill 10—The Elections Finances Amendment Act

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I do not know if there is leave needed to have the Member for St. Norbert (Mr. Laurendeau) second this because it is a money bill. I think that was just on first reading, but if there is leave for the member to second it—

**Mr. Speaker:** Is there leave for the honourable Member for St. Norbert to second—is there leave? *[Agreed]*

**Mr. Mackintosh:** Mr. Speaker, I move, seconded by the Member for St. Norbert (Mr. Laurendeau), that Bill 10, The Elections Finances Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

### House Business

**Hon. Gord Mackintosh (Government House Leader):** On a point of order, a matter of House business actually, Mr. Speaker—

**Mr. Speaker:** On a point of order.

**Mr. Mackintosh:** Would you canvass the House to determine if there is leave to have no quorum calls this afternoon?

**Mr. Speaker:** Is there agreement of the House to not have quorum counts for the afternoon. *[Agreed]*

\* \* \*

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, this bill is the result of suggestions from the Chief Electoral Officer of Manitoba for some amendments to The Elections Finances Act as we approach the last quarter of the election cycle. The suggestions were on two fronts. First, the officer was concerned about the amount of time and record keeping being spent on tracking and recording donations in kind of a minimal value. In past Chief Electoral Officer reports, he has suggested that a scheme be developed to ensure that small items donated in kind would not attract the same degree of record keeping as larger cash donations. The officer stated that this requirement was "unduly burdensome and impractical."

He recommended that this be changed, but in a way that set the value of donations at a low enough level so that contribution and spending limits will not be circumvented. This bill will accomplish that goal. Once the bill becomes law, any individual may make two donations in kind of items valued under \$15 to a candidate, a leadership contestant, constituency association or registered political party per year.

Members across the way have expressed concerns, and members on this side, about how to account for the three-bean salads at potluck dinners. This provision takes care of that.

The second series of recommendations made by the Chief Electoral Officer relate to auditing services. He recommended that the audit subsidy should be reviewed and adjusted so that the subsidy more closely corresponds to the complexity of the audit services required. Consequently, this bill makes a series of amendments to the way subsidies are provided for the auditing of statements required under the act.

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

To reflect the increasing complexity of elections finances and to ensure accountability, increasing time and money is needed to be spent on these auditing returns. Consequently, this bill increases the maximum amounts that the Chief Electoral Officer can authorize to be paid for audits. Up to \$16,000 will now be available for

auditing the annual statement of a registered political party. Up to \$30,000 will now be available for auditing the election statement of a registered political party, and up to \$1,500 will now be available for audits of the statement of a candidate or a leadership contestant.

The Chief Electoral Officer maintains that auditors perform an important role and provide a level of assurance that financial statements are in compliance with The Elections Finances Act. With these changes, the officer can be confident in the professional quality of the statements he is receiving. The bill also makes two other amendments relating to auditing services. Where an auditor donates part of his or her services in completing an audit, that donation of time will no longer be considered a donation in kind. Otherwise, an auditor working for less than the usual fee would have been in violation of the law.

These amendments will also allow auditors to be paid as soon as they complete the audit and it is filed. Currently the auditor must wait until the Chief Electoral Officer reviews and certifies the entire election return. In a similar vein, the act will be amended to allow a candidate to retain surplus funds to pay for auditing fees beyond the subsidy. Currently, excess funds must be transferred to the central party.

I would like to thank the Chief Electoral Officer for these suggestions and thank the representatives of the parties in the Legislature for the development of the amendments and the timely dealing with this proposed legislation.

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Mr. Deputy Speaker, I am prepared at this time to move this bill to committee.

**Mr. Deputy Speaker:** Is that agreed? *[Agreed]*

Is the House ready for the question? The question before the House is that Bill 10, The Elections Finances Amendment Act, be now read a second time and be referred to a committee of this House. *[Agreed]*

#### House Business

**Hon. Gord Mackintosh (Government House Leader):** On House business, I would like to

announce that the Standing Committee on Law Amendments will meet tomorrow at 10 a.m. to deal with Bill 10 if there is consent of the House for the committee to meet at the same time as the House and to waive quorum for the time that the committee meets.

**Mr. Deputy Speaker:** Is there unanimous consent that the House committee meet concurrently with the House at 10 a.m. tomorrow, Thursday, December 12, with no quorum called in the House in the morning? *[Agreed]*

The Standing Committee on Law Amendments will meet tomorrow, December 12, at 10 a.m. to consider Bill 10.

**Mr. Mackintosh:** Would you canvass the House to see if there is leave for private members' resolutions to be dealt with intersessionally in accordance with the process outlined by the new-rules package with the time frames for the process to be determined by the House leaders?

**Mr. Deputy Speaker:** Is there leave of the House for private members' resolutions to be dealt with intersessionally in accordance with the process outlined by the new-rules package with the time frames for the process to be determined by the House leaders? *[Agreed]*

**Mr. Mackintosh:** Mr. Deputy Speaker, would you canvass the House to see if there is leave to deal with report stage followed by third reading stage of Bill 2?

**Mr. Deputy Speaker:** Is there leave to deal with report stage of Bill 2? *[Agreed]*

\* (15:00)

#### REPORT STAGE

#### Bill 2—The Civil Remedies Against Organized Crime and Liquor Control Amendment Act

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Deputy Speaker, I have an amendment to Bill 2.

I move, seconded by the Member for Minnedosa (Mr. Gilleshammer),

*THAT Bill 2 be amended by adding the following after section 15:*

## BAN ON GANG COLOURS IN PUBLIC PLACES

### Gang colours forbidden.

**15.1(1)** No person shall wear gang colours in any public place.

### Definition of gang colours

**15.1(2)** In subsection (1), "gang colours" means a sign, symbol, logo or other representation identifying, associated with or promoting a group of persons who conspire to engage in unlawful activities.

### Offence and penalty

**15.1(3)** A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction,

(a) in the case of a first offence, to a fine of not more than \$1,000. or to imprisonment for a term of not more than three months or to both; and

(b) in the case of a second or subsequent offence, to a fine of not more than \$2,000. or to imprisonment for a term of not more than six months or to both.

**Mr. Deputy Speaker:** I am sorry, but the Chair has been informed that an earlier amendment was distributed yesterday, and therefore we should deal with that amendment first. Then we will return to the amendment being proposed by the honourable Member for Lac du Bonnet (Mr. Hawranik).

### Point of Order

**Mr. Deputy Speaker:** On a point of order, the honourable Government House Leader.

**Hon. Gord Mackintosh (Government House Leader):** We are prepared to give leave for that amendment to be dealt with first, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Is there leave that the honourable Member for Lac du Bonnet's (Mr. Hawranik) amendment be dealt with first by the House? *[Agreed]*

\* \* \*

**Mr. Hawranik:** Mr. Deputy Speaker, the amendment that is proposed, in fact, amends the bill and widens the effect of the bill.

Part 2 of Bill 2 essentially amends The Liquor Control Act to forbid gang colours in any liquor-licensed premises, and the amendment that I propose widens the scope of that provision. Part 2 of the bill really only forbids gang colours in premises that are deemed under The Liquor Control Act, which means that it forbids gang colours in licensed restaurants, it forbids gang colours in bars, it forbids gang colours in beverage rooms and lounges and so on—a very narrow application with respect to Bill 2.

However, one must realize that there are only adults in these premises, and the Government is obviously high on protecting adults from the influence of gang colours, but not children. My amendment speaks to banning gang colours in all public places and protecting not just adults but also children. Adults, I believe, can formulate their own reasoned opinions about gangs; children often cannot, so why would the Government only stop at liquor-licensed premises?

I refer to an article on November 30 in *The Winnipeg Sun* entitled "Gang colours to be banned in bars," and I noticed in the comments by the Finance Minister (Mr. Selinger) in that article that he says: The feeling is, wearing gang colours can incite violence.

He is also responsible for The Liquor Control Act. He says: Gang colours can incite violence, and it is simply to address keeping the peace in these kinds of places. That is why he was in favour of Part 2 of Bill 2.

Does the Finance Minister expect us to believe that violence is only incited in liquor-licensed premises? In fact, in the same *Winnipeg Sun* on November 30, there was an article, just on the next page, which says that a young man was beaten into a coma on a B.C. street because he was wearing a red coat. He was wearing a red jacket the night he was attacked, which was the colour of a rival Victoria-area gang. His skull was fractured, and he remains in a semi-coma in a Toronto rehabilitation centre.

So, obviously, gang colours do not just incite violence in liquor-controlled premises. It

happens in public places; it happens on streets; it happens in shopping centres; it happens in schools, not just in liquor-licensed premises.

Why would this Government stop at banning colours simply to liquor-licensed premises? Is it now, therefore, acceptable by proposing this legislation, is it now acceptable to the Government to wear gang colours in schools and shopping centres, in non-licensed restaurants and supermarkets or in other public places?

We proposed an amendment at committee stage to forbid gang colours in all public places, similar to the amendment that is proposed today. I can tell you that this was rejected by all NDP members in committee. They voted against that amendment. Why would they do that? Why would the Government place children, innocent children at risk? Children are impressionable and they are vulnerable and they are at risk. They may look up to gangs and they may hold them up as role models.

Children have a strong desire to belong. They want friends and friends are important. I speak from experience here. I have two daughters, and during their early teenage years, Mr. Deputy Speaker, and in the years leading up to those teen years, there was a time when my daughters—and I know that it is likely that all of us have experienced it, those of us who have children or even grandchildren—treated friends better than their own family. There was a strong desire to be with friends rather than be with family. Children at this stage in their life, they want to belong, and belonging with a group is intensely important to them.

Vulnerable children are those who are lonely and without friends and during the early teen years, in particular, when children pick on each other and they change their friends frequently. If a child finds himself or herself without a friend for an extended period of time, they become particularly vulnerable, and at that stage they may turn to a gang for comfort and for companionship and for friends. Joining a gang gives them a sense of belonging, and allowing them to display gang colours and emblems in a public place will encourage young people and young children to join a gang.

Is this what we want? I do not think so. If this minister is serious about curtailing the formation of gangs, this single amendment, the single amendment before us today, would do much more about curtailing gang activity and gang formation than his entire Bill 2, or any other bill that he may wish to introduce. We need to take a proactive approach to gang formation. We need to stop gangs from forming in the first place. Let us take more measures to prevent gang formation, because the end result will be that we will then have to take less measures after gangs are formed.

The Minister of Justice (Mr. Mackintosh) stated in committee that he may look at an amendment to The Public Schools Act in the spring. In the meantime, though, our children are not protected. I believe this issue requires immediate action, not just another broken promise from this Government. We need action now.

What about other places where children gather, such as in shopping malls and shopping centres? Gang colours are not just in schools. Support of this amendment will allow us to hold our heads high at the end of this session. We need to support this amendment now, and sooner rather than later.

This Justice Minister at committee said the constitutional rights of gangs in Manitoba. What about the constitutional rights of innocent and impressionable children who are being exposed to gang colours in schools and in shopping centres, in playgrounds and on the streets? What about the constitutional rights of parents who struggle to protect their children from the influence of gangs? We should be looking more at protection for the general public, for children and for our parents, not for the constitutional rights of gangs.

\* (15:10)

Let me draw an analogy with respect to constitutionality. That analogy is with respect to smokers. We have the constitutional right to limit or to ban smoking in public places. We know that. We seem to have the jurisdiction to limit smokers. Yet we only stop gang colours in bars and beverage rooms. By implication, I

believe this Government is treating gangs better than law-abiding smokers.

The Government is proposing to ban gang colours from bars and says it is constitutional, yet banning gang colours elsewhere is not constitutional. I believe the Government should give its head a shake and wake up and smell the coffee. That argument is invalid in my opinion, and I happen to be a lawyer.

I implore members opposite to support this amendment, and I implore the Minister of Justice (Mr. Mackintosh) to support this amendment. If the minister is not supporting it, I ask that members opposite look within their hearts and within their consciences to vote with this amendment. It is time to do the right thing, and it is time that we leave this Legislature for the fall sitting with our heads held high, that we do not have our heads bent over in shame because we have not protected our most vulnerable members of society, our children and our grandchildren.

Let us do the right thing. Let us not let party politics stand in the way. If the Government were proposing this amendment, I can tell you that on this side of the House, we would support that amendment. It is time for legislators to take a stand against gang formation, and this is a critical first step. Let us do the right thing and support this amendment. Thank you, Mr. Deputy Speaker.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I want to thank the critic for spending the time that I know he did, and I am looking at this bill. I was certainly eager to hear from the Opposition on any improvements to strengthen the legislation. As a result of the committee hearings, there were four suggestions made for change, and we are later going to propose to the Legislature adoption of one of those.

But, Mr. Deputy Speaker, on this particular amendment, we are not in a position to support this, and I say unfortunately. I say that not as a matter of politics as much as law, and I will explain that.

First, this provision in the bill with regard to gang colours in licensed establishments is the first of its kind that I know of certainly in this

country, so it is breaking new ground. I am very keen to see how far civil-provincial legislation can go to counter the challenge of organized crime. So any amendments that could serve that purpose while withstanding a court's scrutiny, it will certainly be attractive to this side.

But, with regard to the amendment, I can advise the member that the staff and people who were consulted in putting this legislation together, they did consider whether there was an ability to have a general prohibition against gang colours in public places. They concluded that it would be highly unlikely to survive a constitutional scrutiny, not on the basis of any charter consideration but really on the basis, more than anything, that it is an incursion into the federal criminal law power under 91(27) of the Constitution Act.

Mr. Deputy Speaker, of course, the advice being that puts an obligation on me not to introduce legislation where I am advised that it is highly unlikely to survive a challenge. I have not brought in legislation, and I would not, where I was advised by the experts in this area of constitutional law, of which Manitoba is recognized for having a very strong branch, that provisions are likely unconstitutional. I can also say that it is difficult to identify any area of provincial jurisdiction that would arguably accommodate this amendment. In that regard, the amendment differs from the provisions in Bill 2, which are directed towards preventing the disruptions and disturbances in licensed premises caused by gangs, in which arguably are in, certainly in relation to provincial jurisdiction, to regulate the conditions for the sale of alcohol within the province under 92(13) and (16) of the Constitution Act.

This proposed amendment, Mr. Deputy Speaker, is a free-standing prohibition whose purpose is not to enforce the provincial regulatory scheme, nor does it appear justifiable, at least under any arguments that we have been looking for under provincial jurisdiction over crime prevention.

So, that being said, I regret that we are not in a position to support this, but I will say, as I said in committee, that we will continue, over the coming months, to look to see if there are ways

to strengthen the exercise of provincial jurisdiction through civil laws to counter organized crime, including dealing more effectively with the challenge of gang colours. I think this bill does attest to the fact that the more one looks at a challenge, the more one can come up with a way to bring in innovative laws within provincial jurisdiction and which are likely to survive constitutional scrutiny. Thank you, Mr. Deputy Speaker.

**Mr. Harold Gillehammer (Minnedosa):** Mr. Deputy Chair, I would like to speak to this amendment. I congratulate my colleague from Lac du Bonnet for bringing this forward in the form of a friendly amendment to make the Government's bill have more teeth and be stronger. I would hope the Minister of Justice would have an open mind on this legislation because I think it is very, very significant. He has indicated that he thinks it may not survive a challenge. Of course, we do not know that until the process has taken place, and, in fact, if there is a challenge, I daresay I read defence lawyers indicating, when he tabled and announced and discussed the bill in public, that they raised the same issues with him, whether this bill would be able to withstand a court challenge.

He indicates, and I do not disagree, that there is some very fine staff in the Department of Justice, but, again, they are offering an opinion, and until legislation like this, and, as I say, the whole bill may get thrown out. Why not add this to the bill and have it go through that due process? I do point out that this is a friendly amendment, that it will make this bill stronger. I would hope that the fact that the advice is coming from the other side of the House is not a detriment to the minister's thinking on this, because it has the opportunity to strengthen the bill and bring into force more tools for law enforcement to attack this very real problem.

Gang colours, of course, are symbols, symbols of gangs who live by unlawful activity. To very narrowly focus this on licensed premises is, I think, wrong. As my colleague has pointed out, children are very impressionable. They probably spend almost as much time in the mall as they do in the schools, and you are going to allow gang colours to be used and flaunted in those venues, where an amendment to this

legislation would give teachers and principals and schools and school boards more authority, more clout to deal with this.

The schools are often the place where young people, impressionable young people, gain their knowledge and admiration for gangs. Gangs appeal to those who sometimes have not found positive and useful outlets for their energy and their thinking. I think schools would be a prime place to deal with this issue when young people, at very youthful ages, are impressed with those they see flaunting authority, flaunting the law. By strengthening this bill, it would not only give police officers and the people enforcing the law but also the schools the ability to deal with this.

This bill provides for a very narrow application of what is new law. I do not understand why the Government would not broaden the application. It is going to be challenged. I think defence lawyers are saying that already, that they see challenges being mounted possibly all the way to the Supreme Court on this legislation, and I do not understand the department and the minister saying, well, we think this will withstand the challenge and we have kept the bill simple and narrow.

\*(15:20)

I think it is a mistake. I think it is a mistake that the Minister of Justice (Mr. Mackintosh) and the Government will regret. We see too much violence in society now, whether it is brought on by copycat activity from what young people see on television, what they hear about in the streets, and certainly we are living, I believe, in a more violent society. Anything we can do to protect our children, I think, is very, very important, and I would urge the minister to maybe in the next few hours, in the next day or so to relook at this issue.

I know he is not hearing me right now, but that he certainly will be able to read my words. I am sure the departmental staff will be interested in reading not only my contribution but the contributions of other members who feel very strongly about this. We see this as an opportunity, an opportunity to set a new standard, an opportunity to break new ground in this whole area of dealing with gangs. I think, as one who is



sort of an outsider and reads the paper and watches the media, you cannot help but feel distressed by the allure of these gangs and the way they pose for the newspaper photographers and the television cameras and the way that they intimidate in and around the courthouse and I daresay in the courtroom, that they live by intimidation. Their gang colours are what I think gives them that bravado.

I would urge the minister to take a good look at this amendment. I think it is a positive one. If the legislation is going to be challenged anyway, they are not going to perhaps throw the whole thing out, but there may be parts of it that do not meet the challenge.

But this would be a legitimate case for the extension of this bill to have schools included. Why not? I am sure that you will get the support of school boards, of superintendents and principals and educators across the province, and I know the Minister of Education (Mr. Lemieux) is listening very carefully. Educators are feeling that they do not have the tools that they used to have. They do not have the authority that they used to have. They do not have the ability, I think, to absolutely count on parents to support them.

As an educator, I know I often said if the school and the family worked together on a problem, we can solve a lot of them. We are seeing a society now where both the students and the parents are saying, well, if you do this or if you impose this kind of restriction or behaviour modification on me, I am going to call my lawyer. I am going to take you to court.

I think we need to reverse that trend. We need to make students understand that they have a responsibility to society to behave and not to emulate older young adults, older students, gang members, by copying the way they dress and wearing these colours. I would hope that the Minister of Education stands up to speak to this amendment, because I think it would be well received by educators and schools across this province if they felt that they had an ally in the Minister of Education to back them up on this.

So again, I would close by saying just allowing this prohibition in licensed premises is

much too narrow an application. I think that the bill can be strengthened. It does not matter who gets credit for this. It is just a stronger piece of legislation that we can all be proud of. I would urge the Government to take this under consideration, to seek further legal advice and to allow it to go to a court challenge if they so wished.

**Mr. Jack Penner (Emerson):** I want to rise and put a few comments on the record regarding the amendment that our honourable colleague has put forward. I want to congratulate him for bringing this amendment forward, because I truly believe this really demonstrates a willingness by the Opposition party to help Government in drafting and assisting in drafting legislation that will truly benefit the people of Manitoba.

Some of the comments made by my colleagues here just a few minutes ago, I think, demonstrate the direction that this amendment is intended to be targeted to. That is the young people, the children, especially those who are very impressionable, of a very impressionable age. Very often we think of those as the 8-year-olds to 15-year-olds. They are very often the ones that love to wear the sports jackets or the colours of sweatshirts and those kinds of things.

I want to identify with heroes. I believe that this legislation was in large part intended by Government to express that. I want to say that my colleagues have the best intention at heart. It is not to embarrass this Government, nor not to embarrass this minister, but to assist in ensuring that the legislation that we pass during this very short session will be such that it will be meaningful. I think my colleague has clearly demonstrated an ability to look at the length and the breadth of the legislation that was before us and the depth of it and has offered by way of an amendment here today to assist in ensuring that this piece of legislation will actually have the effect that it ought to have.

This, by the way, Mr. Deputy Speaker, is not the first time that members opposite have had the occasion to or the will to co-operate with the Government. I think it is our nature and our history that we think that we were elected to assist in ensuring that the general policy emanating out of this forum be such that it would in fact serve best the people of Manitoba.

In that tone, my colleague has drafted and proposed this amendment to ensure that we would demonstrate to this NDP government our willingness to assist them in providing the kind of legislation that would truly serve in the best interests of those who are very vulnerable in society, our young people.

As I said, this was not the first time that this has happened.

In the spirit of co-operation we conceded to acting on an all-party committee and assisting the Government to make decisions and help give them direction on the floodway.

The all-party committee that the Premier (Mr. Doer) established was welcomed by us, because we thought that we could assist in contributing to the knowledge base that would be required to come to an agreement with people from south of the city of Winnipeg, north of the city of Winnipeg and indeed the people in the city of Winnipeg to ensure that proper protection would be afforded through measures taken that would see the least harm done.

\* (15:30)

Therefore, we agreed. As a matter of fact, we recommended to the Government through that all-party committee that the dam at Ste. Agathe should not be built because it would probably cause far more damage upstream of Ste. Agathe and maybe even downstream of the city of Winnipeg than the floodway that was built by the former Premier Duff Roblin. We all know how Mr. Roblin was criticized when he, first of all, initiated the process to build the floodway around the city of Winnipeg, yet today Mr. Roblin is seen as a hero for having stood firm on the commitment that he made to protect the city of Winnipeg from future flooding, and it has worked well.

We truly believe that we have reached a time in history when we should take another look at that structure, and therefore we agreed to assist the Government and an all-party committee to come to that conclusion, as we did.

I also want to remind this Chamber that we also agreed in joining forces with the Government, as an opposition party, and the Minister of

Agriculture (Ms. Wowchuk) in doing a tour around the province of Manitoba when it became apparent that the agricultural woes of the farm community were such that they could no longer continue their vocation as we thought they should be able to continue.

I think the severity of the economic situation on the farm has been demonstrated just recently, Mr. Deputy Speaker, and of the economic situation of this province by the census that we have seen come out lately. We have seen the biggest migration of people involved in the industry of agriculture move out of this province, throw up their hands and say we are not going to continue farming in Manitoba any longer.

Thirteen and a half percent of those farmers have left. Probably one could argue that the largest number of those people have left during the last three and a half years. It is during that period of time when the Minister of Agriculture (Ms. Wowchuk) actually promised in the election that they would protect the family farm.

So, for that reason, we knew that criticism would be there. For that reason, we agreed that we would assist this Government in trying to come to a position that we could in a joint effort take to Ottawa and try and convince Ottawa that they should participate in a program.

The third time we assisted and were willing to participate in a joint effort to create a better social environment, a better economic environment for this province was when the Minister of Agriculture wanted to go to Ottawa and appear before the standing committee, make the case for agriculture in Manitoba before the standing committee in Ottawa.

We agreed that we would participate and support the efforts of Manitoba and Manitoba farmers and go with her to Ottawa and stand beside her and support her in that effort.

#### **Point of Order**

**Mr. Deputy Speaker:** Order, please. On a point of order, the honourable Government House Leader.

**Hon. Gord Mackintosh (Government House Leader):** A point of order, Mr. Deputy Speaker, on the rule of relevance. The Member for Lac du Bonnet (Mr. Hawranik) rightly said that this is a serious matter, and that member put some significant work into his amendment. I would just ask that you could draw the Member for Emerson's (Mr. Jack Penner) attention to the rule of relevancy and if he could contain his remarks to the matter before the House. I am sure we would like to hear his views on agricultural policy, but there is a long-standing practice that we keep our remarks close to the matter before the House.

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

**Mr. Jack Penner:** On the same point of order, Mr. Deputy Speaker, if the Minister of Justice and the honourable Government House Leader would have listened very carefully, he would have heard me demonstrate our willingness to co-operate on a joint effort to make things better in this House and to draft better policy, to draft better support for Manitobans and to even assist them in drafting better legislation. That is the effort that is being made here today.

**Mr. Deputy Speaker:** On the point of order raised, the issue before this House is the amendment on Bill 2. I think the Government House Leader has a point of order.

\* \* \*

**Mr. Jack Penner:** As I said just a little while ago, it is our intention and our member of the Legislature's intention, the Member for Lac du Bonnet's intention, as I have just said a little while ago, to assist, as we have previously done in many other areas, in helping this Justice Minister come up with a better piece of legislation that would serve the people of Manitoba and the efforts by this Government, who we congratulate for bringing forward legislation which we do not think is quite adequate. That is why we are bringing this amendment. We believe that, by strengthening this legislation, as we have done with other matters and other issues, in offering our assistance to negotiate on behalf of the Government in Ottawa, to appear with the minister in Ottawa, to travel with the

ministers to help them support in drafting positions, so we do here today.

Our member for Lac du Bonnet has clearly put forward a case that we believe would strengthen the legislation dramatically and would deal with gang colours in a meaningful way. We believe that it is in the best interests of all Manitobans that gangs, and if it be gang colours, be dealt with in a meaningful way. We truly do not believe that this Government has done so or demonstrated an ability to do so. Our member for Lac du Bonnet, the critic for Justice, is proposing an amendment that clearly would identify associations with or the promoting of a group of persons who conspire to engage in unlawful activity.

It clearly identifies a person who contravenes and is guilty of an offence and is liable on summary convictions, in a case of a first offence, to a fine of not more than \$1,000 and, in the case of a second offence, to a fine of not more than \$2,000. I believe that this amendment that is being proposed by the honourable Member for Lac du Bonnet (Mr. Hawranik) would certainly strengthen the hand of our Minister of Justice in dealing with those that are perpetrators of justice. We believe that it truly would discourage younger people, stop them from wanting to participate in gang activity.

The removal of the gang colours, whether it means a sign, a symbol, a logo or other representation identifying, associated or promoting a group of persons who conspire to be unlawful surely is an aberration to you and me, Mr. Deputy Speaker. Surely it is against everybody's will to have that kind of promotional material removed from our streets. Surely we could agree to that. So we would hope that the Minister of Justice (Mr. Mackintosh) would agree to supporting this amendment in the best interests of all people in Manitoba and in the best interest of the children of the people and the families of Manitoba.

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

\*(15:40)

**Mr. Harry Enns (Lakeside):** Mr. Deputy Speaker, I had not really intended to comment

on this matter until I heard from the Minister of Justice (Mr. Mackintosh). That prompts me to take up a few moments to put on the record a growing concern that I believe is shared by a number of Canadians. It is a somewhat different tack. The Minister of Justice, acknowledging that the very bill that he proposes may be challenged constitutionally, suggests therefore the amendment of my learned friend from Lac du Bonnet, you know, would only add to those considerations and should not be considered.

Well, Mr. Deputy Speaker, I believe quite frankly it is high time that we as legislators look for ways to have our actions challenged constitutionally. It is a growing frustration, which, by the way, should not be a surprise to those of us traditionalists like myself who forecast that this in fact would happen with the adoption of the Charter of Rights that was brought in with some fanfare but not without controversy to Canadians back in 1984, I believe, or thereabouts. When was the Charter of Rights? When did we adopt the Charter?

**An Honourable Member:** '82.

**Mr. Enns:** '82, or thereabouts. You see, here we Canadians go again mixing apples and oranges and then not always being satisfied with the outcome. If you want a different form of government, then let us be brave enough and change our form of government, but operating under the parliamentary system of government, there is, in fact, no place for a written constitution. As the Mother of Parliaments, as the mother of whom we pick our governments from, England still does not have a written constitution. If you want a republic—*[interjection]* No, they do not. They have declarations such as the worthy declaration that Prime Minister Diefenbaker brought in with respect to certain rights and so forth that Canadians should enjoy. Do you remember that? Eh? *[interjection]*

No, no. In fact, it is a very nice document. It espoused many of the things that are, in fact, contained in our Charter of Rights, but what we have allowed to happen is non-elected people, judges and the like, to make our laws. We are standing right here now fearing to pass legislation because an unelected judge is going to knock it down. That is a problem. Under the

parliamentary system, this is the highest court in the land, in the province. The House of Parliament is the highest court in the land in Canada. When legislators come together and decide for good or bad to pass a law, in this case we are saying that we want to outlaw the use of uniforms or colours.

Now, we, in our collective wisdom, in a majority and in fact in a bipartisan way pass such a law, but what are we doing? We are expressing through the constituents that we represent the will of the people of Manitoba, but some lawyer is going to challenge that, find a judge and is going to countervail the actions of 57 elected members. That is nonsense, Mr. Deputy Speaker. That is nonsense. So, quite frankly, rather than be cowed by the suggestion from the Minister of Justice that this amendment in fact adds to the invitation of such of a challenge, let it be, and let it be challenged. Then we will further that debate, which I think is coming in Canada, as to whether or not we want non-elected judges to be passing more and more laws in our country, or do we in fact want to hold Parliament supreme in this area.

That is a legitimate debate. It might move us to other things. If in fact we are going to allow the judges to do it, well then, as I suggested, maybe some of the table benchers might have heard it when we were last assembled here with all our fine judges before us, in a loud stage whisper I informed my friend: Would it not be fair if we told them that part of the Conservative plank was to vote for elected judges? There was a titter running among the judges. It certainly caught their attention. In fact, as they were leaving, one of them said: I will meet you on the hustings. One of my favorite judges, by the way, Judge Ron Meyers, but that is a legitimate debate some time in the future.

If what we do in this House no longer counts and will be challenged on an increasing basis by non-elected judges, let us have that debate. I cannot see for a moment, quite frankly—I know the Minister of Justice is here but—some of his colleagues are listening—*[interjection]* what is wrong, it would only reinforce the present government and the Minister of Justice to have this law struck down constitutionally so that he

can honestly, with some credibility hold up his hand: Look, I am doing my best to the fellow citizens of Manitoba to contain the gang actions and the likes of this only to have it struck down by lawyers and judges.

So, Mr. Deputy Speaker, I think we should, in the spirit of bipartisanship here, adopt what I consider to be a clearly thought-out amendment that only strengthens the bill, no way detracts from the bill. You know, sometimes amendments tend to vary the original intent of the bill, but surely it cannot be said of this amendment. The only reason why the Minister of Justice (Mr. Mackintosh), the Government is thinking about not accepting this bill is well, that it might be constitutionally challenged, even admitting that the whole bill might be constitutionally challenged.

So, Mr. Deputy Speaker, I want the honourable Minister of Justice, and I want you, Sir, sitting in the chair of the Chief Magistrate of this Chamber at this particular time, to take it upon yourself and carry this message with feeling and with conviction to your colleague the Minister of Justice. Tell him that this one is actually a freebie. I mean, he can give in to the Opposition here. Nice gesture of Christian charity and the Christmas spirit as we break for the wonderful holiday of the Christmas spirit. This is something that he can do at no expense politically to him or to his party, only a plus. You will carry that message, Mr. Deputy Speaker. I know you will. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Deputy Speaker:** The question before the House is the proposed amendment of the honourable Member for Lac du Bonnet on Bill 2.

Is it the pleasure of the House to adopt this motion?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Deputy Speaker:** All those in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Deputy Speaker:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Deputy Speaker:** The Nays have it.

#### Formal Vote

**Mr. Gerald Hawranik (Lac du Bonnet):** Yeas and Nays.

**Mr. Deputy Speaker:** A recorded vote has been asked. Call in the members.

*Mr. Speaker in the Chair*

**Mr. Speaker:** Order. The question before the House is the amendment moved by the honourable Member for Lac du Bonnet (Mr. Hawranik). Do members wish to have the amendment read?

**Some Honourable Members:** No.

**Mr. Speaker:** Dispense?

**Some Honourable Members:** Dispense.

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Cummings, Driedger, Dyck, Enns, Faurshou, Gerrard, Gilleshammer, Hawranik, Helwer, Laurendeau, Loewen, Maguire, Mitchelson, Murray, Penner (Emerson), Penner (Steinbach), Pitura, Rocan, Schuler, Stefanson, Tweed.*

#### Nays

*Aglugub, Allan, Ashton, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 21, Nays 30.

**Mr. Speaker:** I declare the motion lost.

\* \* \*

\* (16:40)

**Mr. Mackintosh:** I move, seconded by the Minister of Finance (Mr. Selinger),

*THAT subsection 1(1) be amended by replacing the definition of "police chief" with the following:*

"police chief" means

- (a) the chief of police of a municipality,
- (b) the commanding officer of the Royal Canadian Mounted Police in Manitoba, and
- (c) a special constable appointed under *The Provincial Police Act* who is in charge of police services for one or more First Nations communities.

**Mr. Speaker:** It has been moved by the honourable Attorney General, seconded by the honourable Minister of Finance,

*THAT subsection 1(1) be amended by replacing the definition of "police chief" with the following:*

"police chief" means

- (a) the chief of police of a municipality—

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Mackintosh:** I wanted to thank the Member for River Heights (Mr. Gerrard) for bringing this issue forward in committee. This is to recognize that the chiefs of police of First Nations forces are not chiefs of police of municipal forces and recognizes their distinct status. That is the sole purpose of that report stage amendment.

**Hon. Jon Gerrard (River Heights):** I just wanted to thank the Attorney General for listening to my comments at the committee stage and making the change, which, I think, is a good one.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment proposed by the honourable Attorney General

*THAT subsection 1(1)—*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

#### Voice Vote

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

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed, say nay.

**Some Honourable Members:** Nay.

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

\* \* \*

**Mr. Mackintosh:** I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 2, The Civil Remedies Against Organized Crime and Liquor Control Amendment Act, as reported from the Standing Committee on Law Amendments and subsequently amended, be concurred in.

**Mr. Speaker:** It has been moved by the honourable Attorney General, seconded by the honourable Minister of Finance, that Bill 2, The Civil Remedies—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense. Is it the pleasure of the House to adopt the motion? [*interjection*] Order. I just need to inform the House that concurrence is a non-debatable motion. You can speak at third stage.

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

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Let us canvass the House to see if

there is leave to deal with third reading of Bill 2, Mr. Speaker.

**Mr. Speaker:** Is there leave of the House to deal with third reading of Bill 2? [*Agreed*]

### THIRD READINGS

#### **Bill 2—The Civil Remedies Against Organized Crime and Liquor Control Amendment Act**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Justice, that Bill 2, The Civil Remedies Against Organized Crime and Liquor Control Amendment Act; *Loi sur les recours civils contre le crime organisé et modifiant la Loi sur la réglementation des alcools*, be now read a third time and passed.

#### *Motion presented.*

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, as I have said in committee and I have said before in this House, we support this bill. It is anti-gang legislation. It is breaking new ground, and we feel that legislation is necessary to counteract the gang activity in Manitoba. There is no place for criminal organizations or gangs in Manitoba. We do not think that there is any place in Manitoba for them.

Having said that we support it, we support it, of course, with some reservations. Some of the amendments that I proposed highlighted some of the difficulties with the bill and the areas in which we felt that needed strengthening. Unfortunately, the Government decided not to support us in those amendments, but I think that those amendments were constitutionally sound. I think those amendments would have strengthened the bill and would have helped eliminate gangs in Manitoba and stopped their formation in Manitoba. I am really disappointed that those amendments did not pass, because they really strengthened the bill and gave the Government and the police forces across the province the ability to deal with gangs more effectively than what currently exists in Bill 2.

Some of the reservations that we have, first of all, in terms of the constitutionality of the bill, of course, Manitoba cannot legislate in the area of criminal law. Only Canada can do that. Only

Parliament can do that. There is evidence of criminal law in the bill, and I know that there are detractors out there. There are people out there who say that the bill is not constitutionally sound. I believe, though, you will find that there will be others who will disagree. So it is on the border, I feel, but I feel that it is necessary that we do pass the bill.

The evidence of criminal law within the bill, first of all, it says that it is only to allow a police chief to enforce this bill. Our amendment was to allow any Manitoban to take an action as long as they would have evidence to support this bill and to support any charges against Manitoba gangs. My amendment to allow any Manitobans to take action to enforce this bill would have in fact been evidence to a court that this is not criminal law. So I am not sure why the members opposite chose not to support that amendment, because I think it would have strengthened their constitutional argument.

I believe that it is unprecedented that a province, on a civil law legislation, would prohibit Manitobans to take action under the bill. I think everyone should be entitled to their day in court. The Criminal Code, which is the criminal legislation, allows private individuals to, in fact, take action and take private prosecution against criminals, and the Criminal Code is criminal law. So why would we not allow private individuals to take an action under this act? I think that, if we would have allowed private individuals to do that, we would have a stronger argument that this, in fact, is constitutional legislation.

Again, another reservation that we had with respect to Bill 2 is that Bill 2 is really not wide enough in its scope. The net is very small. I do not believe, in fact, that this will be effective against the Hells Angels store. It only takes away five possible provincial licences. So, if you are a member of a criminal organization, you are prohibited only from selling liquor, gasoline and cigarettes and from holding a retail sales tax licence.

I believe that one has to look at not what the bill says that you cannot do, but you have to look at what the bill says in fact that you can do. As a member of a criminal organization, you can operate any service business in Manitoba or even a towing company with impunity. This bill does

not stop that. The bill will not shut down River City Choppers as the Government hopes. Even if it can be proven that this business is owned or managed by a criminal organization, which I believe is doubtful, the only remedy available to the Government is to pull and cancel its retail sales tax licence. It does not sell tobacco. It does not sell liquor or gasoline. Given the nature of the mail-order business that River City Choppers is in, if the business changed its business plan to only sell goods to people out of province by mail order, the business will not require a retail sales tax licence and will be operating within days of having been shut down.

\* (16:50)

I am really disappointed in terms of the Government's response to our amendment with respect to gang colours and banning gang colours from public places, which includes schools, playgrounds, shopping centres, community centres. It really baffles me when government does not pass an amendment to legislation like that. It really tells me that they are not out there to protect children, they are out there to protect themselves. I think that not passing that amendment was a mistake.

In fact, the minister had mentioned in committee that he was prepared to move, likely to amend The Public Schools Act to prohibit gang colours in schools. We hear today that in fact he says that is unconstitutional. If it was okay the day before yesterday in committee, it is not okay today? I do not buy that argument. I think that members opposite should be ashamed of themselves in not supporting that amendment. It has got nothing to do with politics and everything to do with children and the protection of children. It has nothing to do with politics. I think it is a mistake for them to have taken that position.

Despite all the shortcomings in this bill, our caucus is supporting this bill because it is an attempt, I do not believe it is going to be a highly successful attempt, but at least it is an attempt at anti-gang legislation. I would urge that all members pass this legislation. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak fairly briefly on this

legislation. The intent of this legislation, which is to decrease the ability of gangs to operate in Manitoba, is good, but I have some concerns that the intentions expressed in the law by the Government may be less effective than one might hope when this actually comes to a court of law.

There are several reasons for being concerned about this, including the one that the Member for Lac du Bonnet (Mr. Hawranik) has brought forward, which is the mixing of civil and criminal law, which, in a sense, is present in this bill, which may, in fact, make it subject to constitutional challenge. I think that there are some other issues here which may render prosecutions difficult.

The definition of a criminal organization, which essentially is a criminal organization as defined under section 2 of the Criminal Code of Canada, is not necessarily an easy thing to prove—that an individual is a member of a criminal organization. This was the case with some of the anti-gang legislation that has been passed in recent times. We have, indeed, in Manitoba the white elephant building that was purchased by the previous government and which has never been used, which was to house the trial of gang members, but, in point of fact, it proved much more difficult to prosecute under the law which used gangs or criminal organizations as part of that law. I think that we will have to see how this works in a court of law, but I suspect that prosecutions may not be as easy as one might hope for.

Second, I am concerned that the ability here to apply to a judge for an order where an individual is a member of a criminal organization and owns or manages a business may be subject to circumstances where corporate structures can be used in a variety of ways to make it much more difficult to prosecute an individual than one might hope. The concern is that the corporate structures can be so organized in a variety of ways, and it may, in fact, be much more difficult than the Government hopes to be able to prosecute under this legislation.

I am pleased that the Government has listened in terms of the issue of Aboriginal police chiefs. I think it is important that Aborig-



inal police organizations are recognized and that we are certain that this law will apply in jurisdictions within Manitoba where there are Aboriginal police forces operating.

*Mr. Deputy Speaker in the Chair*

So, with the reservations that I have expressed, I will support this bill and hope, in fact, that it turns out to be more useful than some of the cautionary notes that I have mentioned today.

**Mr. Deputy Speaker:** The honourable Government House Leader.

**An Honourable Member:** He will be closing debate.

**Mr. Deputy Speaker:** He will be closing debate. Is there anybody who wants to speak before he closes debate?

**Some Honourable Members:** No.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Deputy Speaker, just a few points. Some of the amendments and suggestions from committee were, I think, very interesting, and one, in particular, strengthened the bill. There are other amendments, I am afraid, that would have weakened the bill. The amendments that we were advised would not withstand constitutional scrutiny would serve to weaken the bill, and it is not the kind of legislation that one wants to see struck down in court.

In particular, I am very concerned about the approach in one amendment, which was to expose ordinary Manitobans to risk or harm because of an idea that it is not only a police chief that should be able to go to court to seek orders. Mr. Deputy Speaker, we cannot support that kind of approach. We think that, not only should the police have contact of an application before the courts because it knows best the strategies and intelligence and has the evidence, in fact, about any criminal organization activity, but to expose Manitobans to both the cost and any risk of intimidation or harm, I think, is not in interests of public safety. We did see this approach, as well, under the former Community Protection Act, and we changed that with the

safer communities act. So we are recognizing on this side that the burden and the responsibility and the cost of pursuing these challenges should rightly rest with the police and under the safer communities act with the Justice Department.

Having said that, Mr. Deputy Speaker, we look forward to seeing what use can be made of this new tool in the arsenal of police in Manitoba. It is the first of its kind, with the exception of the third remedy in here, which is based on Ontario statute. It is our hope and expectation that this will, in certain circumstances, of course, depending on the available evidence and strategy, provide some additional remedy against the challenge of criminal organizations. Thank you.

**Mr. Deputy Speaker:** Is the House ready for the question? The question before the House is the third reading of Bill 2, The Civil Remedies Against Organized Crime and Liquor Control Amendment Act.

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

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Deputy Speaker, is there leave to deal with Bills 3 and 4 at report stage and third reading?

**Mr. Deputy Speaker:** Is there leave to deal with Bills 3 and 4, report stage and third reading? *[Agreed]*

\* (17:00)

## REPORT STAGE

### Bill 3—The Legislative Assembly Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** Mr. Deputy Speaker, I move, seconded by the Member for St. Norbert (Mr. Laurendeau), that Bill 3, The Legislative Assembly Amendment Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Mr. Deputy Speaker:** This is a non-debatable motion.

*Mr. Speaker in the Chair*

**Bill 4—The Fire Departments Arbitration  
Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Labour (Ms. Barrett), that Bill 4, The Fire Departments Arbitration Amendment Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**THIRD READINGS**

**Bill 3—The Legislative Assembly  
Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Member for St. Norbert (Mr. Laurendeau), that Bill 3, The Legislative Assembly Amendment Act, be now read a third time and passed.

*Motion presented.*

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I would just like to put a few words on the record. I think that, clearly, the success of this bill following the next election and the election after that depends clearly on having recommendations from the commissioner which are going to be reasonable, and that those recommendations will have to come back here to the Legislature to be voted on, and that, from previous experience, any commission recommendation which is unreasonable or exorbitant is likely to not get through this Legislature.

So there is a critical, I think, a very critical and important component which members and the public should be aware of. That is that, although there may be comparisons with other jurisdictions, we are a province that is different from any other, and that things need to be looked at very carefully in the light of our province and the history of the province here, and that we need to have reports which are going to be

reasonable if this Legislature is going to feel comfortable in agreeing with them and passing them. Thank you.

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

**Bill 4—The Fire Departments Arbitration  
Amendment Act**

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, I move, seconded by the Minister of Labour (Ms. Barrett), that Bill 4, The Fire Departments Arbitration Amendment Act; Loi modifiant la Loi sur l'arbitrage relatif aux services de pompiers, be now read a third time and passed.

*Motion presented.*

**Hon. Becky Barrett (Minister of Labour and Immigration):** Mr. Speaker, just very briefly, I appreciate the speed with which the House has brought forward and dealt with this important piece of legislation.

Again, as I stated in second reading, thanks to all the people who have been involved over the last number of years including the City of Winnipeg, the paramedics association and all three sides of the House to make sure that paramedics come under binding arbitration so that the critical services that they provide to the people of Winnipeg will not be compromised. Again, I thank the members of the House for their expeditious treatment of this legislation.

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

\* \* \*

**Mr. Marcel Laurendeau (Official Opposition House Leader):** I think you might find that there is a will to call it six o'clock.

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

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 11, 2002

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>		Livestock Industry Jack Penner; Wowchuk	430
<b>MINISTERIAL STATEMENTS</b>		First Nation Casinos Gilleshammer; S. Smith	430
Kyoto Protocol			
Sale	419		
Schuler	420		
Gerrard	421	<b>Speaker's Ruling</b> Hickes	431
<b>Tabling of Reports</b>		<b>Members' Statements</b>	
Annual Report of the Status of Women for the fiscal year ending March 31, 2002		Shriners Hospital for Children Rocan	432
McGifford	422	Queen's Jubilee Medal Jennissen	433
Return under section 20 of The Public Officers Act dated December 11, 2002		Hog Industry Gerrard	433
Selinger	422	Census–Farm Families Jack Penner	434
Copy of Regulations filed under The Regulations Act, being Regulations Nos. 163/2001 to 183/2002		Glenlawn Collegiate Theatrical Production Asper	434
Mackintosh	422		
<b>Oral Questions</b>		<b>ORDERS OF THE DAY</b>	
Health Care System		<b>GOVERNMENT BUSINESS</b>	
Murray; Doer	422		
TVT Surgery		<b>Second Readings</b>	
Driedger; Chomiak	423	Bill 10–The Elections Finances Amendment Act Mackintosh	435
Hip Replacement Surgery			
J. Smith; Chomiak	424	<b>Report Stage</b>	
Cardiac Surgery		Bill 2–The Civil Remedies Against Organized Crime and Liquor Control Amendment Act	
Dyck; Chomiak	425	Hawranik	436
Minister of Health		Mackintosh	439, 446
Loewen; Chomiak	426	Gilleshammer	440
Greenhouse Gas Reduction		Jack Penner	441
Gerrard; Sale	428	Enns	443
Gerrard; Wowchuk	429	Gerrard	446
Ethanol Production			
Rondeau; Wowchuk	429		
Tweed; Sale	429		

Bill 3–The Legislative Assembly Amendment Act	449	Gerrard Mackintosh	448 449
Bill 4–The Fire Departments Arbitration Amendment Act	450	Bill 3–The Legislative Assembly Amendment Act Gerrard	450
<b>Third Readings</b>			
Bill 2–The Civil Remedies Against Organized Crime and Liquor Control Amendment Act Hawranik	447	Bill 4–The Fire Departments Arbitration Amendment Act Barrett	450