

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

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

Vol. LV No. 15B – 1:30 p.m., Thursday, March 4, 2004

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 4, 2004

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Minimum Sitting Days for Legislative Assembly

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

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by Hector Tremblay, Greg Holland and Ric Zastre.

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

TABLING OF REPORTS

Hon. Oscar Lathlin (Minister charged with the administration of The Communities Economic

Development Fund Act): Mr. Speaker, I would like to table the Communities Economic Development Fund Quarterly Financial Statements for the quarter ending December 31, 2003.

INTRODUCTION OF BILLS

Bill 22—The Water Protection Act

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill 22, The Water Protection Act; Loi sur la protection des eaux, be now read a first time.

Motion presented.

Mr. Ashton: Clean water is something we take for granted in this province, Mr. Speaker, but we can no longer take the quality or quantity of water for granted. That is why we have introduced legislation that will make Manitoba a leader in Canada in terms of enshrining in legislation guidelines and standards for water in terms of establishing clear watershed planning, in terms of establishing water quality management zones and many other initiatives that will ensure we meet the challenge of not only preserving, but improving the quality of our water in this province.

Motion agreed to.

* (13:35)

Bill 27—The Agricultural Societies Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 27, The Agricultural Societies Act, be now read for the first time.

Motion presented.

Ms. Wowchuk: Mr. Speaker, agriculture societies are community-oriented, statutory corporations that carry on their activities in rural areas and communities in rural Manitoba, primarily through the efforts of voluntary members.

This bill modernizes the way that agriculture societies are created and regulated. The existing societies will continue. By making societies subject to The Corporations Act, the bill provides them with more flexibility to organize their internal affairs according to the wishes of their members.

Motion agreed to.

Bill 28—The Agrologists Amendment Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I move, seconded by the Minister of Transportation and Government Services (Mr. Lemieux), that Bill 28, The Agrologists Amendment Act, be read now for the first time.

Motion presented.

Ms. Wowchuk: The Agrologists Act requires people who practise agrology to be members of the Manitoba Institute of Agrologists. Subsection 1.2 of the act sets out a list of exemptions to this requirement.

This bill permits the Minister of Agriculture, Food and Rural Initiatives to make regulations to add to the list of accepted persons who can carry out the activities prescribed by the regulations.

Motion agreed to.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from Stanley Knowles School 27 Grade 5 students under the direction of Mrs. Loree Rowan. This school is located in the constituency of the honourable Member for Inkster (Mr. Lamoureux).

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

ORAL QUESTION PERIOD

**Brokenhead Casino
Smoking Policy**

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, second-hand smoke is a killer. The Premier either supports protecting the

health of all Manitobans, where he has the ability to do so, or he does not. In the case of the Brokenhead casino proposal, the Premier has the power, he has the authority, to say to them that you will not receive government's approval to establish a casino unless the licensing agreement includes the condition the facility is smoke-free.

Will the Premier use the power he has available to him to do that?

Hon. Gary Doer (Premier): Again, I want to congratulate the member from Carman who initiated with some passion, and carried through with some integrity, a process to discuss the expansion of the ban on smoking in Manitoba. The first time there was a smoking-ban bill brought in in Manitoba, I was the author of that bill.

It obviously only dealt with day care centres, health care centres, places where children were in place. It was a private members' bill. At that point, one could say it did not go far enough. The next bill is pursuant to the Speech from the Throne. It is pursuant to the document that was signed by the person who took the leadership to have the private members' bill in this Chamber. I only assume that the member opposite did not read the report.

* (13:40)

Mr. Murray: It is the First Minister that is hiding behind the report, because he is using a so-called jurisdictional issue to avoid making a politically sensitive decision. There is no jurisdictional issue, and he knows it.

Will the Premier stop trying to skirt the issue and just commit to including the condition in the licensing agreement that he must issue, that the Brokenhead casino will be a smoke-free facility? Will he do the right thing?

Mr. Doer: I only assume that the member opposite did not understand the report that his member signed, or does not read the report, or does not implement a report that his party signed. We signed the report. We promised to implement the report in the Speech from the Throne. We promised verbally with the public to implement the report. We are implementing page 20 of the report on section 9 of the legislation. I can only assume that the member opposite does not care about the signature on the report from his party

member or had not read the report before the signature was issued.

Mr. Murray: Mr. Speaker, if the Premier will not listen to us then maybe he will listen to law professor Bryan Schwartz who told the *Winnipeg Free Press* that provinces do have the right to implement laws of general application in areas under federal jurisdiction or, just maybe, he will listen to the mayor whose legal advisor told CBC yesterday that the smoking by-law would be included in negotiations for an urban reserve.

Mr. Speaker, if the mayor can enforce his smoking by-law on an urban reserve by including it in an agreement, can the Premier explain why the Province will not do it?

Mr. Doer: Mr. Speaker, I will again refer to page 20 of the report, and I know members like to skirt along the surface like little water bugs changing their position from one day to another, but page 20 of the report signed by the person, by the way, who had the most passion and most integrity of anyone on this issue, not the member opposite, states the task force recommendation of a province-wide smoking ban would apply in all enclosed public and indoor places where provincial government has clear jurisdiction. For example, while provincial jails such as Headingley are governed by provincial policy, federal institutions such as Stony Mountain are governed by federal jurisdiction. Other areas of federal responsibility including military bases, First Nations reserves, airports, et cetera, would be excluded.

Mr. Speaker, that is in the report. Members opposite signed it. They should have the integrity to be consistent in this Chamber.

Brokenhead Casino Smoking Policy

Mr. John Loewen (Fort Whyte): Mr. Speaker, in Thompson the all-party committee heard from Lloyd Martin, the vice-president of the Burntwood—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Loewen: Mr. Speaker, in Thompson the all-party committee heard from Lloyd Martin, the vice-president of the Burntwood RHA and an Aboriginal.

He urged the committee to ensure that the Province makes the smoking ban province-wide and that it applies in all areas of the province including on reserves. He also indicated that a province-wide ban was within the Province's sphere of influence.

Mr. Speaker, I would ask the minister why he is setting a different standard for on-reserve. Does he not believe that those on-reserve deserve the same protection as all other Manitobans?

Hon. Jim Rondeau (Minister of Healthy Living): I think the report is clear. What we have done is we have passed a law that was specific on covering areas of our own jurisdiction. As we learned just recently, there was a decision in the federal case where the gun registry did not apply to First Nations. This was the case of jurisdictional dispute. We wanted to make sure that the law was clear, the law covered what was under provincial jurisdiction and it looked after the health of Manitobans to the extent that the report recommended.

Mr. Loewen: Mr. Speaker, the minister is clearly telling those in smaller communities in Manitoba that he does not care about their health. He is more interested in his own politics.

Mr. Speaker, the minister mentioned in areas where the Province has jurisdiction. I would remind him the Province has very clear jurisdiction when it comes to licensing casinos. Will he do the right thing today and stand up and ensure Manitobans that any on-reserve casino will not be licensed unless it agrees to a policy to have a smoke-free environment?

* (13:45)

Hon. Tim Sale (Minister charged with the administration of The Gaming Control Act): Perhaps I could help the member to understand something. He has not spent a lot of time on First Nations communities. I am going to do this fairly slowly.

There are a number of First Nations communities in Manitoba, well over 50. Chiefs and councils have jurisdiction in those First Nations communities in regard to by-laws, in regard to a whole range of issues with which they have a fiduciary relationship with the federal government. When they pass a by-law, when they do anything in regard to Indian lands, they have to get the permission of the federal Minister of Indian Affairs.

Now that is an anachronism in my view, but that is the law. The law is that on the reserve, chiefs and councils are the government. We respect governments: federal governments, First Nations governments. It is a jurisdiction issue. I am sorry he has trouble with a big word like "jurisdiction".

Mr. Loewen: Mr. Speaker, with regard to jurisdiction, this Government had clear jurisdiction over gaming when they shut down the Dakota Tipi gaming operation. They had no trouble with jurisdiction then. They should have no trouble with jurisdiction now. The big word that he has trouble with is hypocritical, and that is what this Government continues to be.

I would ask him simply today to stand up and ensure all workers in Manitoba that they will be protected, that they will have the same rights regardless of where they choose to be employed. Will he do the right thing today, stand up and put his jurisdictional approval on a casino and ensure that it operates in a smoke free environment or that it does not operate at all? Will he protect Manitobans of all kinds?

Mr. Sale: First of all, Mr. Speaker, I am pleased to stand with the member from Carman, who had the integrity to put forward this proposal and signed off on behalf of his party, he thought. Secondly, the member seems to have confusion between gambling and smoking. We do in fact have the right to regulate gambling under the Criminal Code of Canada. That is very clear.

We do not have the right to regulate behaviours of a variety of kinds in First Nations communities. That is the chiefs' and councils' responsibility. That is smoking, Mr. Speaker, and I have no trouble understanding hypocrisy when I see it.

Regional Health Authorities Nursing Education Funding

Mrs. Mavis Taillieu (Morris): Last December the Central Regional Health Authority proposed a training program for nurses in southern Manitoba but has been told by the Minister of Health that it is very expensive. Since this was an election promise, can the minister tell this House if he has directed the RHA to find other means of funding to train nurses in southern Manitoba?

Hon. Dave Chomiak (Minister of Health): I have had some very fruitful discussions with Central and other regions with respect to expanding and enhancing nurse training programs, particularly in rural and northern Manitoba; because, as many people have recognized, during the 1990s when those programs were slashed, when the LPN program was eliminated, when the diploma program was cancelled, Mr. Speaker, we went from training approximately 800 to 900 nurses a year down to a low of several hundred which resulted in an overwhelming nurse shortage that faced both the previous government and our Government.

That is why we have tripled the amount of nursing positions that we are training in Manitoba, and we have had very fruitful discussions with the Central region.

Mrs. Taillieu: Mr. Speaker, a letter sent to municipalities within the Central RHA has asked for assistance in the form of a letter to support the Minister of Health and states: Government may be looking to us for some assistance of a more tangible nature. We are advising that at some point in the near future we may be requesting something more than moral support.

Can the Minister of Health tell this House why he is offloading the cost of health care training to municipalities?

Mr. Chomiak: Mr. Speaker, there are a number of issues related to this. There have been a number of proposals that have come forward from rural regions to enhance, for example, the South Eastman region brought forward a proposal for the first time in history to have surgery repatriated from the city of Winnipeg back to rural Manitoba. I am pleased to say that we repatriated surgery to Steinbach and to Ste. Anne from Winnipeg. In Burntwood, we have repatriated surgery from Winnipeg to Thompson, 300 to 400 surgeries, where people had to fly down to Winnipeg. There are several proposals on surgical repatriation that we are looking at.

* (13:50)

There are several proposals with respect to enhancing nurse training. We already operate two LPN training programs in rural Manitoba, in two rural communities which we have done over the last few years.

Mrs. Taillieu: He does not answer my question about where the money is coming from. Clearly, the escalating cost of health care has put this Government in a begging position. This is a backdoor tax that forces property owners to pay additional taxes towards provincial programs.

Can the minister tell this House if he has directed the RHAs to get funding from municipal taxpayers for training and recruitment of health care professionals?

Mr. Chomiak: There are a number of proposals in rural Manitoba. One of the proposals, it is very, very significant, Mr. Speaker, is the fact that we need additional clinical spaces with respect to training. Because we are training so many nurses, we do not even have opportunity for clinical spaces in order to provide the experienced nurses. One of the options being looked at in rural Manitoba, including the region in question, is having adequate physical space for physical training of nurses.

We take on those tasks. I might add that it was the Province of Manitoba that has rebuilt the Brandon hospital at over \$50 million. We rebuilt Boundary Trails in the vicinity of \$40 million. We rebuilt Beausejour hospital, Mr. Speaker. We are in the process of rebuilding Swan River hospital and we are also rebuilding Gimli hospital; all outside Winnipeg, all new.

Physician Recruitment Funding

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, many communities are having a difficult time in dealing with the BSE crisis. Community leaders are very sensitive to the issues facing local taxpayers. The town of Rivers has been billed \$13,300 by the ARHA for recruiting a doctor for their health care facility. Rivers currently does not have the mechanisms in place to deal with monetary requests of this size for a health care service.

Mr. Speaker, is it now this Government's policy to charge communities for the recruitment, retention and training of physicians?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, for a number of years various municipalities, towns and local governments have provided things like housing and special incentives in order to

keep physicians in rural Manitoba and to attract them to rural Manitoba.

We have now put in place a regionalized policy where RHAM, the Rural Health Association of Manitoba, has a central recruiting function as central recruiting agencies. It is not new, Mr. Speaker, in terms of municipalities providing housing and providing other benefits to health officials to provide them and keep them in their community.

Mr. Speaker, the municipalities contribute to health through a variety of functions, including larviciding, West Nile virus, et cetera, and that is consistent around the province of Manitoba.

Mrs. Rowat: Pitting community against community and cash donations have always been told as a no-no by the RHAs when economic development groups are trying to help the RHA recruit physicians. So that is inaccurate.

Riverdale hospital acute care has been closed since December 2003, with no indication of reinstatement. In a letter the mayor of Rivers sent to the Minister of Health on February 16, he shares his community's concerns and the pressures they feel to fund this request and to avoid the continued reduction of services for the Riverdale hospital. I am going to table the letter from the mayor of Rivers.

Mr. Speaker, is this recruitment service contract policy a province-wide initiative or is it exclusive to the town of Rivers?

Mr. Chomiak: Mr. Speaker, I have had discussions with the Rivers community as have other members from the Government and other communities. The member is aware that we are looking at various strategies in order to keep and retain the increased number of doctors that we finally managed to return to rural Manitoba to provide some consistency with respect to the rural situation. I anticipate that we will continue to have some successes in that area.

* (13:55)

Mrs. Rowat: The mayor has been waiting for a call or some direction from this minister on this and has not. Mr. Speaker, Mayor Oakey has asked for this Government's thoughts on the recruitment policy. He says we, as municipal politicians, will have to defend the use of municipal tax dollars to fund health care

and have to defend it to the ratepayers of Rivers. A special levy must be applied to this year's taxes and subsequent year taxes to fund what will be considered a provincial responsibility.

Mr. Speaker, why is the Minister of Health off-loading provincial responsibilities on the backs of the taxpayers of Rivers?

Mr. Chomiak: Mr. Speaker, we are not doing that.

Emergency Room Services Triage Guidelines

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, Dorothy Madden died in a hospital ER after waiting six hours to see a doctor. She never saw a doctor until she went into cardiac arrest and her son had to scream for help. The time she waited to see a doctor did not even come close to meeting the accepted emergency triage guidelines for timely and safe care. Can the Minister of Health tell us why these triage guidelines were ignored?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, the member might be aware that we put in place a task force to review ER situations and ER times. I might add that the Canadian Association of Emergency Physicians, the very people who the member refers to, sent me a letter complimenting us (a) putting in place our task force, and (b) indicating that we should put this on the national agenda since it is a problem right across the country.

Mrs. Driedger: Mr. Speaker, the minister is certainly avoiding the question of why we have such large gaps here.

Several miscarrying moms also waited longer than safely recommended by these guidelines. Today we hear of a man with appendicitis who also waited in an ER longer than he should have. All of these patients waited beyond what was safe and what was recommended. I would like to ask this Minister of Health again to attempt to answer this question: Why were these triage guidelines ignored? This is about patient safety.

Mr. Chomiak: Yes, thank you, Mr. Speaker. The Canadian Association of Emergency Physicians, who in fact have put in place these guidelines, state, quote: The time responses are ideals, objectives, not

established care patterns. I might add, they are revising those care patterns.

Doctor Chochinov, the head of emergency medicine at St. Boniface Hospital, said, and I quote: There are very few, if any, hospitals in Canada or the United States that were able to meet that standard.

Despite that, Mr. Speaker, I do not know if the member had the opportunity to read our local newspaper where it indicated that 25 more nurses are now going to be put into the ERs to help assist in this issue, in this situation, which is only one of the many responses we are taking to improve the situation in Winnipeg and in Manitoba.

Mrs. Driedger: Mr. Speaker, it is too bad the minister had to wait until Dorothy Madden died and over 10 moms were miscarrying before he did anything and he only did it once there were headlines in the papers.

Mr. Speaker, when a six-year-old Ontario boy died in an ER after waiting too long, the Ontario Minister of Health mandated the use of those nationally accepted emergency triage guidelines. The Canadian Association of Emergency Physicians also recommended to the Romanow Commission that these triage guidelines be used in all Canadian ERs. I would like to ask the Minister of Health if he will commit today to mandating the consistent use of that scale in Manitoba to ensure that all patients in Manitoba are going to be treated in a safe and timely manner?

Mr. Chomiak: Mr. Speaker, I will go further and indicate in the letter from that very association that the member now quotes from, which she did not quote from in 1998, 1999 when there were problems in Winnipeg hospitals of which she was responsible.

That association said, and I quote, about this Government: I would like to congratulate you on the prompt action taken by the Ministry of Health in appointing an emergency task force for Winnipeg Regional Health Authority. We are also supporting your endeavours in bringing this issue to the new National Health Council, as this grave problem requires a national strategy.

* (14:00)

I might add, Mr. Speaker, not only have we taken that action, but we have put in place special measures and interim measures to deal with the situation. We have an ongoing task force, and we have all kinds of mechanisms for dealing with complaints and issues that were not in place over the 11 lean, cutback, thousand-less, get-rid-of-nurse regime that the member opposite was responsible for.

Bovine Spongiform Encephalopathy Compensation for Producers

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, today is day 290 of the BSE crisis. Winnipeg Harvest Executive Director David Northcott recently visited some rural communities to thank farm families for the contributions they have made towards food banks. He learned that, because of the challenges like BSE, some farmers have been forced to use the food banks themselves. And as he said, I quote: There are families who are very much on the edge; when things reach these sorts of levels you get really worried.

Mr. Speaker, will the Minister of Agriculture now admit that this Government's BSE programs have been a complete failure and provide producers with a desperately needed cash advance?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): No, Mr. Speaker, I will not admit that the programs that we have put in place are a failure. In fact, the programs that we have put in place have put money into producers' hands. Over \$80 million has been put in place into producers' hands through the various programs that we have, and there are more funds that are available.

There is no doubt there is a very serious challenge facing farm families since this BSE crisis hit. The most important thing that we can continue to work on is to get the border open to increase slaughter capacity in this province, get more federally inspected facilities into this province, and in the meantime, my department and staff in the department are working very closely with producers.

Mrs. Rowat: Mr. Speaker, 290 days and we are still talking about what we are going to do here.

Mr. Speaker, it was recently reported that among rural Manitoba food banks there was a 55% increase in usage. As Ashern cattle auctioneer Buddy Bergner

said of the situation, I do not think it was this bad in the 1930s.

Mr. Speaker, will the Minister of Agriculture, who likes to mislead Manitobans of her Government's professed support of family farms, explain why our families are being forced to use food banks?

Ms. Wowchuk: Mr. Speaker, it is the member across the way who is completely going over the top when she talks about misleading. I would ask her to look at the programs that we have in place, and rather than go over the top on these issues, look at those programs, encourage producers to take advantage of them. Be there to support producers. That is what we should all be doing.

We should be supporting them and our Government has been there. We have been putting money in place, over \$80 million that is available, that has been put out. There is more money available there to support producers. Again, I say, Mr. Speaker, the most important thing we can do is continue to work towards opening the border, because that is what will create a movement of cattle in this province and across the country. We also have to look at how we can increase slaughter capacity in this province so we will never be in this same situation that we are so completely dependent on.

Mrs. Rowat: Mr. Speaker, it is deeply disturbing. Talking to the producers, talking to the ag reps who are doing their best to help the producers, are very disturbed that the people who put high quality, low-cost food on the tables are being forced, because of circumstances beyond their control, to use food banks in order to help provide for their families.

Will the Minister of Agriculture finally demonstrate that she has some understanding of the seriousness of this situation and commit to the support of a cash advance policy today?

Ms. Wowchuk: It is very interesting, Mr. Speaker, that the Leader of the Opposition (Mr. Murray) said put in place a low-interest loan program or a cash-advance program. We have put the loan program in place. Cash is flowing to producers. Over \$50 million has flowed out to producers through the loan program. More money is available. I would encourage the members opposite to show some real consideration for the producers out there, encourage them to take that cash to help them through this

difficult time so that they have funds to buy food. Rather than being critical of the programs, it is time the Opposition got on board and recognized that Manitoba has done far more than the federal government has done and, in fact, maybe they should ask the federal government—

Mr. Speaker: Order.

Livestock Industry Beef Prices

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, Manitobans want answers, they want action and they want accountability from this Government. In regard to BSE, let us go to the simple facts that cattle farmers are getting a fraction of the cost they once got for their cattle and consumers are paying just as much and even more in some areas. Why is this happening, and what is the Government actually doing to protect Manitobans?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I am glad the member opposite took interest in the BSE situation, not about interest in where he is sitting in the Legislature.

I can tell you, Mr. Speaker, this is an issue we continue to raise with the federal government. When we were talking about the BSE programs, we asked other provinces to support Manitoba's position that there should be a floor price. We did not get the support from other provinces on that. We have raised the issue of these low prices with the federal government, and right now the federal Standing Committee on Agriculture is reviewing this situation.

Certainly, the producers are not getting a break out of this because their price is too low. The consumer is not getting a break out of this. Somebody in the middle is making a lot of money, and we have asked the federal government to review this.

Manitoba Products

Mr. Kevin Lamoureux (Inkster): Let me try the Premier (Mr. Doer) and ask the Premier: Can we get the assurance from this Government that all provincial institutions, like our hospitals, will use Manitoba beef?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I can tell

you we have had discussions with institutions and we are trying to encourage more use of Manitoba products, but many of those institutes require product that comes through a federally-inspected plant. One of our challenges in this province is that there are not enough federally inspected plants in this province, and that is one of the issues we have been trying to address. There are certain rules and certain standards these institutions have to meet and many of them require that it is a product that comes through a federally inspected plant and has CFIA approval. Certainly, we are working and we have been working since this situation arose to have more Manitoba product used by Manitobans, and the Manitoba consumer has been very supportive.

Health Care Facilities Food Services

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is then for the Minister of Health. The Government has failed on answers, it has failed on action.

I would ask in regard to accountability. Regarding the supply of sandwiches to our health care facilities, all sorts of allegations have been made that point to government incompetence. I have even been told that there even may be a lawsuit. Will the minister attempt to clear the air and request that the provincial auditor investigate this whole matter?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am glad the member raised that question. I want the member to know that the provincial auditor did investigate the frozen food fiasco. The provincial auditor made a number of recommendations regarding the failed frozen food enterprise of members opposite, lack of planning, lack of accountability, and made a series of recommendations—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Mr. Speaker, I want the member to know that we are not going to institute a recommendation of that member's party leader who wanted us to charge for slippers and for meals and for all kinds of extras in hospitals. We are not implementing that policy that was recommended by that member's leader of the party, when he sat there and he supported that measure. We are not going that way, and

we are not going private like members opposite support either.

* (14:10)

Education System Internet Initiatives

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, my question is for the Minister of Education, Citizenship and Youth. Given the importance of addressing the digital divide, particularly in more isolated areas of northern Manitoba, what steps have been taken to deal with improving electronic equity and electronic access for students?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Thank you for the question, Mr. Speaker. We have improved overall connectivity to schools in the majority of communities. We have made tremendous progress improving the safety of children on the Internet through a number of initiatives and mechanisms, including educating students and parents on the risks involved in Internet use.

January 22, 2003, the departments of Education and Youth, and Energy and Science and Technology, announced the introduction of CyberSchools, a Manitoba Internet portal for all educators and students in Manitoba. This is available as a safe and secure environment for Manitoba students to develop their skills in using the Internet in order to communicate easily and effectively with others. So the portal is available, at no charge, to all K to S4 students, teachers and administrators.

From December 2003 to February 2004, there has been a 500% increase in usage in CyberSchools. We are conquering that digital divide, Mr. Speaker.

Brokenhead Casino Smoking Policy

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, yesterday the Premier (Mr. Doer) made a comment on the radio, and said that we had to go with science as opposed to anything else in regard to the smoking legislation.

Mr. Speaker, my question, I guess, to any minister who chooses to answer it: Can he or any minister table any studies or reports of a scientific

nature showing that employees of Aboriginal casinos are immune to the negative health consequences of second-hand smoke?

Hon. Jim Rondeau (Minister of Healthy Living): I think that what we have to do as a government, Mr. Speaker, is respect the jurisdiction of First Nations. In fact, we have an excellent example of Opaskwayak Cree Nation, who took a step where they made their mall non-smoking. They made this before many municipalities passed non-smoking by-laws.

One should not jump out and say they cannot be proactive. We want to work with other governments. We want to respect other governments, and we want to make sure that this law is implemented. We do not want it into a jurisdictional or constitutional battle. We want to protect the health of Manitobans as fast as possible, and we want to work with other levels of government. Thank you.

Mr. Tweed: Mr. Speaker, we do know that the Government can, if they choose to do as part of their agreement and part of their negotiations for a casino licence, include terminology that would advise them that they have to abide by the no-smoking regulations. That is a fact.

Mr. Speaker, my question is to the Minister responsible for Workers Compensation (Ms. Allan). Will the people employed in an Aboriginal casino, where smoking is permitted, be exempt from workers compensation should they contract an illness due to smoking, second-hand smoke?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, the member opposite raised questions yesterday, and I think it is important to note that this legislation that has been proposed in the House deals with areas that are clearly under provincial jurisdiction.

One of the areas clearly where there are differences in Manitoba in terms of workplaces is in terms of labour legislation. We have clear cases of federal application. The point here I think is very clear. This is a major step. This can be very difficult for a lot of Manitobans. I mean, let us not underestimate that a lot of people have been used to smoking in public places for a long time. This is going to be a major adjustment. But what we have done is in areas where we clearly have provincial jurisdiction, we have acted.

That, by the way, Mr. Speaker, was the recommendation of the all-party task force. I am just wondering which version the members opposite have, because it does not seem to be the one they signed when they ask these questions.

Mr. Tweed: Again the minister fails to answer the question. We know that in Ontario it was proven that second-hand smoke is a cause of cancer. We had the woman that contracted it and was used by this Government as part of the promotion of our no-smoking bill.

We know that Workers Compensation in Ontario is being charged through the compensation act for her health-related injuries. I am simply asking if we are going to have a government that is going to allow smoking in an Aboriginal casino where, through regulation, through the licensing of gaming, they can prevent that. Will they allow Workers Compensation or will they not allow Workers Compensation to pay any claims made against it from persons contracting illness through second-hand smoke? It is a simple question.

Mr. Rondeau: I think it is very important to note that what we have done is follow the recommendation. I question why the member opposite does not question why we are not doing it in military bases, why we are not doing it in the airport, why we are not doing it in other areas of federal jurisdiction.

What we are doing is we are following the report. We are following the report and passing the law where we are going to ban smoking where we have clear jurisdiction. We do not want to get it where we are in a constitutional battle. What we want to do is protect that health of all Manitobans in areas where we have clear jurisdiction.

I would hope that you can read the report. I would hope that you read the report that your members signed. This is what you agreed to. This is what we agreed to as all-party. This is good public health protection.

Bovine Spongiform Encephalopathy Compensation for Producers

Mr. Jack Penner (Emerson): Mr. Speaker, in 2002, the provincial and federal governments agreed that they would initiate a \$1.2-billion transition program

that would allow farmers to move from the CFIP program to the new AIDA program. The provincial government refuses, still refused to pay its 40 percent of that program.

Last year the federal government announced a \$460-million BSE program, which was 60-40 split. The provincial government terminated their portion of that program prematurely. They then went on the air and advertised and spent better than a hundred thousand dollars telling Manitobans that they spent \$180 million. Will the Minister of Agriculture tell this House why only 13 percent of cattle producers benefited from any of the programs?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, many more than 13 percent of the producers have benefited from the program that we have put in place. I would encourage the member that rather than be critical of the programs to think about helping producers and encouraging them to participate.

These programs have put over \$80 million worth of cash into producers' hands. This is a significant amount of money that is flowing through rural Manitoba. There is significant hurt in rural Manitoba. The best thing that could happen is for us to get back to some normal trade. Until such time, I would encourage the member to look at the programs that are in place and help people to apply for them rather than be critical of them because money is flowing to producers.

Mr. Speaker: Time for Oral Questions has expired.

Speaker's Ruling

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

During Oral Questions on Monday, March 1, 2004, the honourable Member for Inkster (Mr. Lamoureux) raised an alleged matter of privilege regarding activities that had taken place during the February 20, 2004, meeting of the Standing Committee on Crown Corporations, as well as the issue of notification for the February 27, 2004, meeting of the same committee. He concluded his remarks by moving

THAT the Speaker look into this matter and report back to the Legislative Assembly.

The honourable Government House Leader (Mr. Mackintosh), the honourable Opposition House Leader (Mr. Derkach) and the honourable Member for River Heights (Mr. Gerrard) also offered advice to the Chair on this matter. I then took this matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first condition of timeliness, the honourable Member for Inkster asserted that he did raise the matter at the earliest opportunity, and I will accept the word of the honourable member.

Regarding the second condition, I must advise the House, that according to the procedural authorities and rulings of Manitoba Speakers, matters of privilege that are raised in the House regarding events in committees must be raised in the House by way of a committee report. *Beauchesne* Citation 107 states "breaches of privilege in committee may be dealt with only by the House itself on report from the committee." Marleau and Montpetit state on page 128 of *House of Commons Procedure and Practice* that "Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual Member."

Similarly, Speaker Rocan ruled in 1989, in 1993 and in 1994 that the opinion of the Speaker cannot be sought in the House about matters arising in committee and that it is not competent for the Speaker to exercise procedural control over committees. In these three cases, he ruled that the proper course of action to be taken is for the issue to be raised in the appropriate committee at the earliest opportunity.

On this basis, I must therefore rule that the matter raised does not fulfil the conditions of a prima facie case of privilege. However this does not preclude the matter from being raised in the appropriate committee.

* (14:20)

MEMBERS' STATEMENTS

Social Work Week

Ms. Bonnie Korzeniowski (St. James): I am proud to rise in the House today to inform members that this first week of March is National Social Work Week. As a social worker myself, it gives me great pride to speak about this.

Mr. Speaker, this month, social workers throughout the country will celebrate the 14th National Social Work Week in recognition of the contributions social workers make to society. This year the theme for the week is "Social Work for Social Justice." This theme reflects the valuable work done by social workers who are often the ones dealing most directly with people who are most disadvantaged or experiencing the most difficulty.

Social workers are engaged in their work in many capacities. They work in schools, in hospitals and in personal care homes. They are also a critical part of our child welfare system. They are often the primary bridge between institutions of government and individual members of society. Social workers are everywhere, including in politics, doing very difficult work. In our caucus alone, Greg Selinger, Kerri Irvin-Ross and I are all social workers and can appreciate first-hand the rewards associated—

Mr. Speaker: Order. I hate to interrupt the honourable member but I just want to remind all honourable members, when addressing another member, it is by ministers by portfolios or members by their constituencies. I ask the co-operation of all honourable members.

Ms. Korzeniowski: I am sorry, Mr. Speaker. I should have referenced by constituencies. The Minister of Finance (Mr. Selinger), the Member for Fort Garry (Ms. Irvin-Ross) and I are all social workers and can appreciate first-hand rewards associated with a social-work career.

Through their labours, social workers help to advance humanitarian and egalitarian ideals. They advocate support and believe in the worth and dignity of every human being. The value of their work for the individuals they work with and for society is really immeasurable.

In Manitoba, National Social Work Week is organized by the Manitoba Institute of Social Workers and Manitoba Association of Social Workers. They represent 700 social workers and students throughout the province and are engaged in a variety of educational activities, including workshops this week aimed at helping social workers deal with the stress of their jobs.

I hope that the members of the House will join me in conveying our respect—

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

Ms. Korzeniowski: —and appreciation for the critical work undertaken by social workers throughout this province, not only during this week of national recognition but throughout the year. Thank you, Mr. Speaker.

Bovine Spongiform Encephalopathy

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, very often these opportunities are used to congratulate success stories. I would hope that the Premier (Mr. Doer) would be able to hear that this is one of those stories that is not a success story.

During the height of the BSE crisis, the Premier of this province said: Now the cattlemen of the province have a partner. Now they have a partner if the BSE crisis is now virtually gone. We can advertise how we are solving the problems of rural Manitoba.

Mr. Speaker, that partner helped put one of my young constituents further in debt. He took out the full amount of money that he was eligible to borrow against his cattle operation. He sold his calves two weeks ago. He did not get enough money to carry the loan. This same young constituent was buying feed. He happened to be in the drought area. That is what this Government simply cannot get through its head. If you are in a drought area, it is a lot different dealing with the BSE situation because you are also buying feed for a vastly depreciated asset, one that costs you on a daily basis. But the Premier says: We have got a partner. Well, partner, I have people out there that have a problem.

Mr. Speaker, he sold the calves, cannot pay the loan and he does not have the ability, as a result of selling those calves, to further continue to operate his

farm because he does not have the feed. This Government thinks that a feed transportation subsidy is feed support in the time of a drought. It is not. It is simply an assistance in transporting already overpriced, high priced and exorbitantly priced feed where the ranchers are trying to obtain feed for their cattle.

Mr. Speaker, when we rise on this side and say the Government has failed time and time again to support producers who need assistance in the middle of this crisis, this demonstrates they have failed.

NSI FilmExchange

Mr. Drew Caldwell (Brandon East): Mr. Speaker, in winter, Winnipeg plays host to Canada's only 100% Canadian film festival featuring a lineup of the best feature and short Canadian films of the year from the country's top filmmakers and an amateur filmmaking competition.

The National Screen Institute FilmExchange is a celebration of Canadian film and Canadian filmmaking. This year, the FilmExchange features more than 40 Canadian feature-length and short films. Events during festival week include SnowScreen, an outdoor screen made entirely of snow; the industry centre, featuring professional development sessions and master classes in writing, directing and producing film, television and new media works.

Manitoba's locally produced film and television industry produces projects year round and, currently, one-third of all projects shot in Manitoba represent Indigenous works. In the past five years, Manitoba's film industry has grown from a \$17-million to an \$80-million-a-year industry.

* (14:30)

Our Government is proud to support this industry. We are pleased to support emerging filmmakers by introducing a new award providing \$10,000 to Manitoba's emerging filmmakers to assist these filmmakers with their projects. This recognizes those filmmakers who are in the early stages of their careers and need the resources to produce and complete a project.

The award encourages Manitoba filmmaking, supports the careers of emerging filmmakers and raises the profile of made-in-Manitoba films. The winner will be announced each year at the

FilmExchange Canadian film festival and the goal is to screen the complete film-award project at the following year's NSI FilmExchange Festival.

I am proud to note that Nathan Town of my home community in Brandon is competing in the national exposure competition with his film, *Surprise Visit*, which will be screened on Saturday afternoon, and I wish Nathan the best of luck in the competition. Mr. Speaker, this Government remains firmly committed to the growth and development of Manitoba's thriving film industry.

Natural Gas Outages (Stonewall)

Mr. Ralph Eichler (Lakeside): Mr. Speaker, I rise today to talk about challenges that Stonewall residents experienced earlier this winter. I am speaking about the two natural gas outages within ten days of each other late in January and early February. Homeowners, businesses and the staff and residents of the local hospital were scrambling to find ways to stay warm with the gas that was disrupted during a stretch of bitter, cold weather.

In spite of difficulties presented by the gas stoppages, Stonewall and area residents rose to the occasion. I would like to take a moment to thank them for their efforts. Whether they went door to door to notify residents of the problem, to relight pilot lights; whether they donated space heaters, food and warm clothing to help those in need, community members consistently pulled together.

I was impressed to see the rapid and well-organized responses by Centra Gas, Manitoba Hydro, the local fire department, the RCMP, emergency medical services, Emergency Measures, town administrators, among others. They handled the situation with the utmost level of professionalism as they ensured the safety and well-being of affected citizens.

Thanks go out to other communities and organizations that picked up the phone and generously asked if they could help. The media pitched in, too, by regularly updating the affected residents on ongoing developments. All their support was greatly appreciated.

I am proud the community of Stonewall pulled together so quickly and ably. I am proud to share this story with my fellow colleagues here at the Legislature. Thank you, Mr. Speaker.

National Show Your Heart Day

Ms. Kerri Irvin-Ross (Fort Garry): Mr. Speaker, I am pleased to rise before the House today to speak on my recent invitation as the guest of honour for the National Show Your Heart Day. This special day is part of Safeway's Because We Care Campaign.

The Because We Care Campaign began in 1998 by Canada Safeway Stores. Each Safeway store selects a cause or organization to support with the funds that are raised by the staff. The program works in partnership with the selected organization and employees of Safeway, who strive by numerous activities to raise funds.

Throughout the year, the staff organize numerous activities such as selling raffle tickets, organizing bake sales and carnivals. Every year it has been a tremendous success. Since 1998, Safeway has raised \$7.5 million for different charities across Canada.

This program has helped raise money for numerous programs and organizations such as women's shelters, senior's centres, disease research, animal services and nature sites. The funds raised help to foster support for people in need in our communities. In my constituency of Fort Garry, the McGillvray Safeway store held their "Because We Care Campaign" on February 14 for a 12-year-old girl, Katherina.

Katherina is a vibrant, caring and strong 12-year-old who attends General Byng School. The community came out to support this very important event. Peers, parents, grandparents and Safeway staff participated in activities throughout the day to raise funds to purchase equipment for Katherina to improve her quality of life. Activities included selling coupon books, decorating cookies and eating lots of cake.

The success of this event can be best represented by Katherina's beaming smile that she wore during the day. The event brought together a community in support of a very special child and family. I am grateful to have been invited to participate in this campaign. This event demonstrated the amount of community spirit in Fort Garry.

Finally, I would like to thank the employees of Safeway and the many community volunteers who worked hard to bring hope and happiness to those in our community in need. Thank you, Mr. Speaker.

ORDERS OF THE DAY (Continued)**GOVERNMENT BUSINESS**

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call third readings, the second reading and then adjourned debates in the order they appear on the Order Paper?

CONCURRENCE AND THIRD READINGS**Bill 7—The Criminal Property Forfeiture Act**

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 7, The Criminal Property Forfeiture Act, as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I move, seconded by the honourable Member for Russell (Mr. Derkach), that debate on Bill 7 be adjourned.

Motion agreed to.

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

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 8, The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Motion presented.

Mrs. Leanne Rowat (Minnedosa): I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik), that debate on Bill 8 be adjourned.

Motion agreed to.

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

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 13, The Public Schools Amendment Act (Appropriate Educational Programming), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Leonard Derkach (Russell): I move, seconded by the member from Emerson, that debate on this bill be adjourned.

Motion agreed to.

SECOND READINGS

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

Hon. Jim Rondeau (Minister of Healthy Living): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 21, The Non-Smokers Health Protection Act (Various Acts Amended); Loi sur la protection de la santé des non-fumeurs (modification de diverses dispositions législatives), now be read a second time and referred to a committee of this House.

Motion presented.

Mr. Rondeau: In December 2002, an all-party task force was struck to examine the issues of how to deal with environmental tobacco smoke in public and workplaces. I, along with six of my esteemed colleagues in this House, participated in as a member of this taskforce.

I would like to thank all members of the task force for doing a great job as far as going out, consulting with the public, listening to what the issues are and compiling a comprehensive report by which to draft legislation.

The report was very clear, it was very specific and it heard from thousands of Manitobans on the appropriate course of action that this Government should take.

Between the spring and fall of 2003, we held 13 public hearings in 12 different communities across

Manitoba. We also received submissions through the Internet and by mail. There was great participation.

The task force heard from a wide variety of groups including local business owners, municipal officials, health care professionals, healthy community committees, teachers, students and private citizens—just to name a few. We also met with the chair of the Advisory Council on Workplace Safety and Health.

Of the presentations and submissions that were made to the task force, approximately 70 percent were supportive of a province-wide ban in public and health workplaces. In their presentations and submissions, many people stressed that the goal of such legislation would not be to prevent members of the public and workforce from smoking, but to protect the general public and workers from second-hand smoke.

* (14:40)

Based on the information obtained through the public consultation process, the task force recommended that the provincial government enact legislation calling for a complete ban of smoking in all enclosed public places and indoor workplaces, where the provincial government has clear jurisdiction. This legislation was to come into effect on October 1, 2004.

The Non-Smokers Health Protection Act will give effect to those recommendations for the all-party task force. It will amend The Non-Smokers Health Protection Act to implement a province-wide ban of smoking in enclosed public places and indoor workplaces where we have jurisdiction.

Smoking will be banned in a vehicle used for work while it is carrying two or more employees. Smoking will be banned in indoor workplaces. What we are trying to do is we are trying to work with everyone to implement this in a timely manner.

I would like to go through some of the recommendations that the report does. I will read them into the record.

The recommendations are the following:

That the provincial government enact legislation calling for a complete ban of smoking in enclosed

public and indoor workplaces where the provincial government has clear jurisdiction.

No. 2: That the legislation come into effect on October 1, 2004, and that a public education campaign precede the implementation date.

No. 3: That the provincial government instruct the Department of Health to consult with the Advisory Council on Workplace Safety and Health in order to develop the legislation which would deal with the definitions and enforcement procedures for use in all enclosed public and indoor workplaces.

No. 4: That the provincial government continue to provide appropriate resources to support education, prevention and cessation initiatives, especially those targeted at youth as part of a comprehensive approach to tobacco control.

No. 5: That the provincial government work closely with the hospitality industry to develop strategies for addressing the anticipated negative impacts resulting from a province-wide smoking ban.

The sixth: That the ceremonial use of tobacco be exempted from the province-wide ban and that the Aboriginal community be consulted on an appropriate definition of ceremonial use.

As I question, sometimes, whether the members opposite actually read the recommendations, I hope that they do have a time to read the recommendations that their party sign. I think they are very comprehensive and they are very specific. The legislation addresses those.

The bill also amended The Municipal Assessment Act and The Workplace Health and Safety Act. The primary goal of this legislation is to protect the general public and workers from environmental tobacco smoke. As the trigger case of Heather Crowe illustrates, second-hand smoke can be deadly. What we want to do, and the goal of this legislation is to protect the health of Manitobans. It is a huge proactive step.

If you look at the things that cause good health, the major determinants of good health; one of the most important is the fact of whether we can get people to stop smoking. So far we have done an excellent job, where we have gone from 35 percent

to now 25 percent. We are working on that. It is decreasing.

What was really happy about this, was Probe Research looked at those who smoked and did a wonderful study when our announcement came out. They found out that 42 percent of the people under the age of 35 that are currently smoking will consider stopping smoking when the ban comes into place. If that goes, we will be leading the country as far as the change of smokers to non-smokers. I am very pleased to hear that.

As far as the public health perspective, this is a very proactive statement. I think it is a wonderful way to initiate the Ministry of Healthy Living, because what it is doing is it is showing people that we can take proactive steps to good health, not just treat the acute care or keep on building up the acute care system.

The ban will not apply to outdoor eating or drinking areas such as patios. It will enable parameters to be specified by regulation under the act respecting how much outdoor areas may be enclosed before they will be considered to be indoor public places. In other words, what we are going to do is we are going to define a patio, so that we do have a clear distinction of what a patio is or is not doing. What we hope to have is enough air so that it is a safe eating place and safe area so that there is good airflow.

We will provide a more level playing field, providing a consistent definition of what is enclosed and what is outdoor. Smoking will be banned in group living facilities, including facilities such as personal care homes, addictions and treatment facilities, palliative care units and hospices, residential care facilities, children's group homes, residential shelters and halfway houses. Such facilities, except where they are exclusively for children, will be allowed to have, but not required to have, a designated smoking room, and will continue to be free to decide by internal policy not to have a designated smoking room.

Tobacconist shops will be able to allow the sampling of products such as specialized blended tobacco in their shops, and this provision will mirror what is currently allowed in Winnipeg. Smoking prohibitions will not apply in relationship to traditional Aboriginal spiritual or cultural practices or

ceremonies, and we will work with community elders to make sure that we have a good definition that is acceptable.

Owners and employers will be responsible to enforce the ban in their own closed public places and indoor workplaces. They will be responsible to ensure that the required no-smoking sign is posted in accordance with the regulations, but, as we found in Winnipeg and the Brandon by-law, there has not been a huge issue on enforcement. There have not been a lot of charges laid.

There has been a huge compliance with the act. As I was told on the weekend in one rural community, they know it is a good measure for public health, and they are expecting it to actually go into place, and a number of people are applauding this decision.

The act will enable the appointment of inspectors to enforce the ban, and the police will also be able to enforce the ban. We have a number of groups that will do this. It is not anticipated it will be a huge compliance issue. In fact, with only a handful of cases since the ban has been implemented to 70 percent of the population, there have not been major enforcement issues.

The act will call for minimum and maximum fines for non-compliance. Owners and employers who fail to enforce the ban will be liable to a fine not less than \$500, not more than \$3,000, for the first offence; a fine of not less than \$750, not more than \$5,000 for a second offence; a fine of not less than \$1,000, not more than \$15,000 for a third and subsequent offence.

Individuals who smoke in contravention of the legislation will be liable to a fine of not less than \$100, not more than \$500 for the first offence; a fine of not less than \$200, not more than \$750 for a second offence; a fine of not less than \$300; not more than \$1,000 for a third and subsequent offence.

An important concept of this bill, though, is the act will continue to allow municipalities and organizations and businesses to adopt more stringent rules through by-laws or policy. Thus, the Brandon smoking by-law can continue to prohibit smoking on patios should they determine to do so.

It will also enable people to establish whether they want a non-smoking building, or if they wish

non-smoking policies. So, you have the WRHA and other RHAs that are banning smoking on property. That might continue, and this legislation allows it to continue.

I am pleased to be part of the development of this historic bill which will implement the first province-wide smoking ban in Canada. It will protect Manitobans from the harmful effect of second-hand smoke. It will decrease the numbers of people who are suffering from cancer and a number of ailments and chronic disease.

I would like to publicly thank the honourable Member for Carman (Mr. Rocan). He focussed us on this issue. He brought about a private member's bill. He was concerned about the good health of Manitobans.

I read a great statement which said that a statesman will look to the future of the next generation, whereas politicians are concerned about the next headline. I would like to congratulate the Member for Carman for his efforts in making a positive contribution to the long-term generational good health of Manitobans. He is a true statesman and should be proud of his accomplishment. This will make a huge difference to the health of Manitobans.

*(14:50)

What is also interesting is when I met with Heather Crowe, the waitress who contracted cancer from working in an environment where she was a non-smoker, and her family is non-smokers, but she ended up getting lung cancer from second-hand smoke, and she had the award from the Ontario Workers Compensation, she said that this is going to be a road map, and it is an important road map, because we do not want to allow where people continue to get chronic disease because of where they work.

If it was another substance that was causing death, and when we are talking about death, we are talking 48 000 people a year in Canada. That is atrocious. So what we have to do is we have to ensure that people are not subjected to chemicals that cause disease. If it was another substance other than tobacco, would it be allowed in the workplace, that would cause death?

I hope that the Opposition looks at this as a proactive public health issue. I hope they look at it as

something that we can work together in co-operation in the long term for all of Manitoba. I think it is a very positive first step.

The other thing that has not been mentioned in this bill, and the Opposition has brought up repeatedly, is: why are you doing it in certain areas? Well, what we have done is we have made a very good decision which was mentioned in the task force report multiple times; we would ban smoking on areas of clear provincial jurisdiction. Members opposite are worried about the health of our citizens, and so are we.

However, we did not want this legislation tied up in constitutional issues. What we wanted to do, as the all-party task force pointed out, is that we would do it in clear provincial jurisdictions. We did not pass this legislation to cover areas like federal jails, like Stony Mountain. It does not cover armed forces bases. It does not cover areas where we do not have clear provincial jurisdiction, and I think that was wise, because we do not want this tied up.

The members just have to look at the headlines in the last couple of weeks where the public health officer in Kenora passed a non-smoking ban and it was thrown out. Why was it thrown out? Because he did not have jurisdiction to pass that ban.

We have a case in the gun registry where the federal government has a national gun registry, and it was thrown out on First Nations, because they did not have clear jurisdiction. Now the members opposite may wish to assist lawyers by having constitutional wrangling about this issue.

What I am concerned about, and what our Government is concerned about, is the good health of Manitobans. What we want to do is proactively pass this legislation to make sure that the areas under clear provincial jurisdiction are covered, so that we have better public health policy and that is what this did. In fact, we have a great quote from the Grand Chief of the AMC, Dennis White Bird. It says: It gives me confidence that there is a Canadian constitution that respects our rights, as well as a government in Manitoba that respects the rights of First Nations people.

The jurisdictional issue is important, because we want to make sure that the law goes through; that we do extend the ban as quickly as possible, so that we

can be proactive as far as the good health of Manitobans, and we do not want it tied up in jurisdictional issues.

Sometimes you wonder why the members opposite just question whether it is Aboriginal casinos, and they are not questioning whether it is military bases. They are not questioning whether it is in jails. Their whole focus is on the Aboriginal issue. You question, sometimes, whether they had that same issue on the good health, like the Healthy Baby program where we extended benefits. No, they were arguing the opposite.

I think what they should do is get their story straight. They should be consistent when their party signs off. I think it is very important that they become statesmen, where they look at the large picture of doing a proactive bill for good health of Manitobans. I think the Member for Carman (Mr. Rocan) showed good statesmanship in taking a consistent approach, saying we should ban smoking on areas of clear provincial jurisdiction. He was consistent on that. He signed off on the report for the members opposite, and we followed the recommendations.

I think if the members opposite actually took the time to read the report—and I encourage them to read the report, because it is a very good report, they would recognize that the law mirrors the report. Because it was an all-party effort, and all parties signed off on it, that is what we did in legislation.

I think since November, when I became Minister of Healthy Living and I was given this file, a number of people from the members opposite could have come and talked to me. They knew I had the file, but the instructions were, from all parties, to construct legislation that mirrored the report and that is what happened.

As far as other issues in the legislation, I hope that we get this passed by October 1. Currently, some of the efforts that we are doing is we are working with the industry. We have extended some hours of VLTs so that the industry can get ready because of the negative impact that may occur on some industries. The good part is that we are listening to industry and we are working with industry as was outlined in the report.

The other thing that we have done in the report, which is really exciting, is we are starting to focus

more and more of our campaign on stopping smoking for youth. We have a campaign that involves kids in junior high which is reviewing ads on negative non-smoking and that is moving forward, and that is very exciting. We have the non-smoking community looking very good.

Now the important part that members opposite should really note is it was exciting. *[interjection]* It is interesting to see the Member for Steinbach (Mr. Goertzen) is screaming about how he does not believe in the legislation, but the interesting part is that we had, on the opening, wonderful support from the medical community, from the public health community, from the community in general. We had all sorts of people there. I am pleased to bring a bill, the first bill from the Healthy Living focus, to bring good health and it is a determinant of good health. It is interesting that members opposite squawk about what we can do and they do not understand the whole jurisdictional issue, but if they would read the bill, if they read the report, they will see that they mirror and they do mirror well. I think what would happen is that in good faith what we have to do is not look at your political headlines. What we have to do is look at the good health for all Manitobans and that is what this bill does.

I encourage the Member for Steinbach to read the bill, because if he does he will realize that his party signed off on it and he is a member of a party and he should probably reflect the same attitudes and same values of his members. If the party signed off, I, in good faith looked at that, saying if your party signed off on it, your party agrees to it. If that is not the case, I guess, I stand corrected that when your party signed off on the all-party report and agreed to it, that is what I then crafted the legislation by. Now, I encourage you to read it. I encourage you to look at it and I also encourage you to realize that we wanted to make sure that we pass it with as few issues as possible. One of those major issues is the right for self-government, the understanding that we can only legislate where we have constitutional responsibility. Although a lot of Manitobans go to Kenora because they have cottages there, that does not give us the right to pass a law in Kenora. We have to only pass a law where we have clear provincial jurisdiction. That is what we are doing.

We do care about the health of all Manitobans, but we do also understand the legal realities and that is why we passed it accordingly. I am proud of the

bill. I am proud of the Member for Carman who has worked very, very hard on the issue and is truly an honourable member, and I am very proud of the fact that we got a task force that went around the province, got good information on this important issue and passed it on. I am looking very much forward to creating the road map for all of Canada and leading Canada as far as healthy living strategy and keeping people healthy rather than treating sickness at the back end.

Mrs. Myrna Driedger (Charleswood): I move, seconded by the Member for Russell (Mr. Derkach), that debate be now adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

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

Mr. Speaker: Now we will resume debate on second reading on Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers), standing in the name of the honourable Member for Turtle Mountain (Mr. Tweed).

An Honourable Member: Stand.

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

* (15:00)

Bill 6—The Cross-Border Policing Act

Mr. Speaker: Bill 6, The Cross-Border Policing Act, standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

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

Bill 9—The Manitoba Immigration Council Act

Mr. Speaker: Bill 9, The Manitoba Immigration Council Act, standing in the name of the honourable Member for Springfield (Mr. Schuler).

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

Bill 10—The Gaming Control Amendment Act

Mr. Speaker: Bill 10, The Gaming Control Amendment Act, standing in the name of the honourable Member for Turtle Mountain (Mr. Tweed).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Turtle Mountain? *[Agreed]*

Bill 11—The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets)

Mr. Speaker: Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets), standing in the name of the honourable Member for Lac du Bonnet.

Some Honourable Members: Oh, oh.

Point of Order

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I believe the Member for The Maples (Mr. Aglugub) was standing on Bill 9.

Mr. Speaker: Is it the will of the House to revert back to Bill 9? *[Agreed]*

Bill 9—The Manitoba Immigration Council Act

Mr. Speaker: Bill 9, The Manitoba Immigration Council Act, standing in the name of the honourable Member for Springfield (Mr. Schuler).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Springfield? *[Agreed]*

Mr. Cris Aglugub (The Maples): I want to welcome this opportunity to speak in support of Bill 9, The Manitoba Immigration Council Act. I want to address the subject matter because it is an issue of utmost concern to myself, to numerous people in my

constituency and to the whole population of Manitoba.

Mr. Speaker, the issue of immigration in Canada is not a new one. Policy on immigration is as old as the country itself. However, what is new is the content of the policy and the ways in which the laws and programs apply to new immigrants.

This is the first bill of its kind which was specifically adopted at council to address the issue of immigration to Manitoba. As I said, I am in support of this proposed bill, a bill which demonstrates the Government's commitment to their responsibility to the future of this province and the future of Canada. For I know that a strong future in Manitoba and Canada can be found in immigration.

The Manitoba government has been proactive and innovative in its immigration programs. The Canada-Manitoba Immigration Agreement originally signed in 1996, and renegotiated in 2003, includes the annex on Immigrant Settlement Services, the provincial nominees and the exchange of information.

Under the terms of the annex on Settlement Services, the Province is responsible for the administration and delivery of Settlement Services. The Manitoba Provincial Nominee Program is the largest in Canada, accounting for approximately 70 percent of provincial nominee arrivals in Canada.

In October 2003, Canada and Manitoba also signed a memorandum of understanding for a pilot project that will permit international post-secondary students studying in the province to work off-campus.

Mr. Speaker, there are two categories of immigrants under the Manitoba Provincial Nominee Program: one is skilled workers and the other is business immigrants. The provincial nominees are a class of economic immigrants under the Canada Immigration and Refugee Protection Act. Under the Manitoba Provincial Nominee Program for skilled workers, Manitoba recruits, screens and nominates prospective immigrants with the skill to fill specific Manitoba labour market requirements.

Also offered by the federal government is a sponsorship program. Under this program, persons who are close relatives, such as spouse, dependant children, parents, grandparents, orphan brothers and

sisters of someone already in Canada can be sponsored by that family member to come to Canada. However, the need of immigrants does not end with their final arrival to Manitoba. There are many barriers and issues they will have to face once they arrive. Some may need to learn a new language. They also must overcome economic barriers, such as finding employment, education and a new place of residence. They must also learn their rights and responsibilities in their new country of residence.

Under the agreement signed in 1998, British Columbia and Manitoba assumed direct responsibility for the design, administration and delivery of settlement services to newcomers who settle in those provinces. Québec has had responsibility for immigrant settlement since 1991 under the Canada-Québec accord. In all three cases, the agreements provide for federal funding. These services are to be reasonably comparable to services provided across the country.

In Manitoba, the Settlement and Labour Market Services Branch of Manitoba Labour and Immigration formed newcomer services. It assists newcomers with their settlement in Manitoba. Its ultimate goal for immigrants is participatory citizenship and long-term residency in the province. They also develop, co-ordinate, support, deliver and fund settlement-related programs and services.

Manitoba also provides an immigrant integration program. The purpose of this program is to facilitate the economic and social integration of immigrants in Manitoba. The Manitoba Immigrant Integration Program provides funding and staff support under two components: immigrant settlement services and adult English as a second language services. Its program includes a delivery assistance component to enhance activities that support settlement and adult ESL delivery and development.

I am proud, Mr. Speaker, of the government achievements in regard to immigration. With these innovative strategies, Manitoba has doubled the annual provincial immigration levels since 1998. However, I am sure there is still much that needs to be done regarding immigrants to Manitoba.

I think that Bill 9, which establishes an Immigration Council, will be of great benefit to new immigrants. As we are all well aware, this bill will establish the Manitoba Immigration Council, which

will provide information and advice to government about immigration to the province. I would add, much needed advice in regard to attracting new immigrants to the province, settlement services, initiatives to develop and promote the retention and attraction of immigrants.

I think, Mr. Speaker, that this legislation will provide much needed direction for the Government. Currently, there is a gap in the policy, in particular, a lack of understanding and information in regard to immigration and the programs which may be needed for new immigrants and ways of encouraging more immigrants to the province.

This is a positive step forward and I support passing of Bill 9. Thank you, Mr. Speaker.

Mr. Speaker: Any other speakers? Seeing none, the bill will remain standing as we previously agreed to.

Bill 9 will remain standing in the name of the honourable Member for Springfield (Mr. Schuler) when it is called again.

Bill 10—The Gaming Control Amendment Act

Mr. Speaker: Now we will move on the Bill 10, The Gaming Control Amendment Act, standing in the name of the honourable Member for Turtle Mountain (Mr. Tweed).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Turtle Mountain? *[Agreed]*

Any speakers on Bill 10?

Bill 11—The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets)

Mr. Speaker: Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets), standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik). Stand?

An Honourable Member: Stand.

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

* (15:10)

Bill 12—The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund)

Mr. Speaker: Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund), standing in the name of the honourable Member for Pembina (Mr. Dyck).

An Honourable Member: Stand.

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

Bill 14—The Gas Tax Accountability Act (Financial Administration Act Amended)

Mr. Speaker: Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended), standing in the name of the honourable Member for Portage la Prairie (Mr. Fauschou).

An Honourable Member: Stand.

Mr. Speaker: Stand? Is there agreement by the House for the bill to remain standing in the name of the Member for Portage la Prairie? *[Agreed]*

Bill 15—The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments)

Mr. Speaker: Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments), standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik).

An Honourable Member: Stand.

Mr. Speaker: Stand? Bill 15? The honourable member will speak.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I take great pleasure in debating Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments) on behalf of the constituents

of Lac du Bonnet and, of course, on behalf of my caucus.

I would like to first begin by thanking all the caucus members for all of their contributions this week in terms of debate on Bills 16 and 17. I note that I really had a great deal of co-operation from my caucus members in debating those two bills. I listened with great interest in terms of what my caucus members had to say in those two bills. I thank them for their contributions. There may be some amendments that are coming in report stage, third reading, and, of course, during committee, but I would like to thank them for all their contributions and their thoughtful debate for those two bills.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Bill 15 is a bill that speaks about police powers, and I think that the title of the bill certainly is reflective of its contents. Over the years we have noticed an erosion of police powers across the province. We have seen a judicial assault on those powers in many of the cases that have been decided in Manitoba. We have also seen a Charter assault on police powers as well.

There really must be a balance between civil liberties and police power in any province and in any country. I think that the balance needs to be there. Bill 15 enhances those powers. It does a number of important things.

Firstly, it provides for vehicle impoundment for up to 48 hours in the event that it can be proved that vehicles were racing on a public street. I think that is important, because we did not have that authority before. Those who are caught doing that, and it is proved that they are doing that, certainly vehicle impoundment would be a very appropriate remedy.

Secondly, the bill looks at the length of licence suspension for theft of motor vehicle parts and possession of stolen motor vehicle parts. It seemed odd that the length of licence suspension was different for the theft of motor vehicle parts than it was for possession. What this bill does now is to make the remedy, the length of suspension, the same. The length of suspension is based entirely on the value of the parts. I invite all those members who have not read the bill to familiarize themselves with that particular provision.

The third thing the bill does is it allows police at a roadside stop to ask the driver if he or she has been drinking or has taken drugs without the necessity of providing the driver with the opportunity to consult a lawyer first. In some ways, it will come as a surprise to many of our members and members across the way that, in fact, lawyers did not have the right to ask a driver after they stopped them at a roadside stop whether or not they were drinking or whether they had taken drugs. We thought it was the case, but in the spring of 2003 the Court of Appeal ruled that police had no authority to ask an individual whether they had been drinking or taking drugs, which is really quite odd, we thought.

What this amendment does is give legislative authority to the police to do that. Without the bill, an officer can only check a driver's licence, a record of insurance and vehicle registration, unless of course he has reasonable and probable grounds that an offence has occurred, such as do they have liquor on their breath, do they have slurred speech, and so on. What this bill does is to clarify legislatively the power and the right of police to ask an individual at a roadside stop whether in fact they have consumed alcohol or drugs. I think it is only fitting that the Legislature plugs that loophole that was there since the spring of 2003.

I think by far the most important provision of Bill 15 is the provision with respect to a field sobriety test. The Province cannot make criminal law, only Parliament can do that. Criminal law is not within the jurisdiction of the Province. In other words, impaired driving is a criminal offence and the Province cannot, in fact, legislate with respect to criminal law. The jurisdiction of the Province lies with respect to suspension of drivers' licences and impounding vehicles. When convicted of a criminal offence such as impaired driving the federal government determines the fine and then records the criminal record. The Province suspends the driver's licence and impounds the vehicle. That is the jurisdiction of the Province.

Mr. Deputy Speaker, the bill approves, I believe it is the most important part of this bill, it actually approves a field sobriety test in legislation. The field sobriety test is intended to test for, and in my view it is important that we test for drugs, particularly marijuana or even impairment by prescription drugs. This is one of the tools that an officer can use at a roadside stop. The officer can require a field sobriety test at the roadside from drivers and refusal to take

that test and conviction of it results in the vehicle being impounded for 60 days and a three-month licence suspension, which by the way is the same as refusing a breathalyzer at a roadside test. Failing the test, the field sobriety test, and the conviction of same results in the impoundment of the vehicle for 60 days and three months' licence suspension, which is identical to what a driver would receive if they were found guilty of impaired driving.

Failure of a field sobriety test is grounds as well to ask for a breathalyzer test if the officer feels it is warranted. If the individual fails then it results in a criminal conviction and a fine and/or jail. Failure of a field sobriety test, which of course now becomes legislatively approved, may be grounds, along with other impairment evidence such as glassy eyes, slurring speech, lack of focus and so on, it may be grounds to charge and convict someone of impaired driving or under the influence of drugs, or the police may have grounds to demand at that point, if they are under the influence of drugs, a saliva, blood or urine sample to convict someone of impaired driving by reason of being under the influence of drugs.

* (15:20)

I think it is important to have a drug test in the sense that Parliament may decriminalize marijuana before the end of the month and I believe this will lead to an increase in use of marijuana in the province, especially by driving. I think there is increased likelihood that people may drive while under the influence of marijuana. This field sobriety test does set the standard whereby police would then have grounds to test for drugs, if they do fail, and it can be done at this point by a saliva, blood or urine sample for a drug impairment test.

In principle, in broad general terms, we are in support of Bill 15 because the bill provides more investigative tools and powers to police in the battle against impaired drivers in Manitoba and on Manitoba roads. Those who abide by the law and those who do not drive impaired, I feel, have nothing to fear from Bill 15.

The highlight of the bill, in my opinion, is approving the field sobriety test in legislation. This test, while widely in use in the United States—and those of us who have watched American television channels will be familiar with it.

It is a test that is frequently administered on the roadside. The officer subjectively forms an opinion as to the sobriety or the degree of impairment from the results of the test. The test is a three-prong test. First, it is a balance test, standing on one foot for a period of time.

Secondly, the individual walks a straight line and turns around and determines whether or not there is that balance. Third, there is an eye-tracking test which checks whether the eyes move in a smooth motion rather than a jerky one while following an object that is moved across the field of vision by the officer.

The value in the field sobriety test, in my opinion, will be as a legislatively-approved test that the police can administer to test for impairment by drugs such as marijuana and cocaine, or even prescription medicines. In my view, if your ability to drive is impaired, you are impaired. It does not matter whether you are impaired by alcohol or drugs. The impairment is the same, and if you are impaired, you should not be driving.

Under the current law, that is before Bill 15, the field sobriety test was being used as a test for impairment, but it was not regarded as conclusive evidence of impairment. It was a factor that was to be considered as evidence of impairment.

With the passage of Bill 15, failure of the field sobriety test and conviction of that failure carries the same penalties by the Province as that of being convicted for impaired driving except, of course, it does not carry with it a criminal record as a result.

Refusal to perform the test at roadside and conviction of that refusal carries the same penalties as that for being convicted of refusing to take a breathalyzer, again, without imposing a criminal record on the person that did refuse to take it.

Failure or refusal results in a 24-hour immediate licence suspension, and conviction of a refusal results in that three-month licence suspension and a 60-day impoundment of the vehicle. Greater impoundment periods are provided for in the bill for subsequent convictions.

Bill 15 does not create criminal law. Only Parliament can do that. Bill 15 simply creates licence suspensions and impoundments which are within the

jurisdiction of this Legislature. Conviction of refusal to take that field sobriety test, or conviction of failing the field sobriety test does not carry with it, as a result, any criminal record.

Stats Canada reported in November of 2003 that the rate of drivers in Winnipeg charged with impaired driving dropped 8.7 percent in 2002 from the year previous in 2001, while the rate of charges in the province as a whole dropped 7.7 percent during the same period of time.

However, there is no room for complacency. Do not take solace. I ask the minister not to take solace in those numbers, nor any comfort in those statistics. Even though the rate of Manitoba and Winnipeg drivers charged with impaired driving has dropped, police and anti-drunk driving groups are not impressed.

The Winnipeg Police Service and the RCMP both say that the statistics do not tell the whole story. Winnipeg police traffic inspector Stan Tataryn was quoted in the *Free Press* on November 8 of last year as saying, and I quote: If we had more resources out there, maybe the rate would have gone up here. I do not like going on statistics based on arrests. It is nice to see this, but we do not want to get lulled into a false sense of complacency. There is still a lot to do.

In the same article in the *Free Press*, Winnipeg RCMP constable Chris Blandford said he is also sceptical of the latest statistics which show a small drop in drivers across the province being charged with impaired driving.

He was quoted as saying, the statistics are actual events where people have been caught, but I do not think it reflects just how many impaired drivers are out there. Maybe enforcement procedures have changed and manpower issues have impacted on it. I think there is more that we have to include, so we have to look at the whole picture.

I think, Mr. Deputy Speaker, a more accurate study of how many impaired drivers are out there was done in Alberta two years ago when several hundred vehicles were pulled over. In that study, it was found that one in every 25 drivers had been drinking to the point that they were impaired. I think that is a proper study, not necessarily how many people, in fact, were charged.

Ron Sudbury, the president of the Winnipeg chapter of Mothers Against Drunk Driving, shares the same concerns as police. He said, I would like to say impaired driving is going down, but I have concerns with just using police statistics of people charged. I do not think it is a fair assessment.

It was revealed by Statistics Canada in the same report that Saskatchewan recorded the highest impaired driving rate in the country at 618 people charged for every 100 000 people age 16 and over. The high rate may simply be a positive statement for the state of enforcement in Saskatchewan. Maybe they have more police officers looking for impaired drivers or maybe more police officers spend more of their time looking for impaired drivers than in Manitoba.

In any event, I believe that the value of this bill is in increasing the likelihood that more impaired drivers will be caught, which, of course, will mean safer streets and roadways in our province, which of course means less property damage, less personal injury, less traffic deaths due to impaired drivers.

I believe that the most value of this bill will be providing our police with the additional approved tool, being the field sobriety test, which will be effective in testing those who are impaired by drugs, either illegal drugs or prescription drugs. We all know that Parliament will be decriminalizing the simple possession of marijuana, and, as a result of that decriminalization, we can expect that there will likely be increased usage as well as increased demand for marijuana.

As a result, we will likely see an increase in drivers who are impaired as a result of smoking marijuana. Bill 15 provides the tool for testing for impairments, one which is legislatively approved and one which will stand up in court, so those who are convicted of impairment by drugs are penalized with licence suspensions.

Just in the last few months, Mr. Deputy Speaker, we have read several headlines in our newspapers: one, the *Winnipeg Free Press*, such as: Marijuana raids rising, on February 12, 2004; and Citizens tipping off police on marijuana grow ops, on February 13, 2004; *The Winnipeg Sun* stating: Growing problem, rise in pot cultivation tip of the iceberg, say cops, on February 15, 2004.

From January 1, 2004, to February 12, 2004, less than one and a half months, the Winnipeg Police seized almost \$12 million in marijuana from a dozen or so grow operations in Winnipeg. So far most of the dozen grow operations found this year were in residential areas. No neighbourhoods are immune from marijuana growers and many are connected to the Hells Angels.

Constable Shelly Glover, who is the Winnipeg Police spokesperson, indicated on February 12 that they are in every area of the city, and most are connected to drug gangs like the Hells Angels. She further stated that the police could uproot even more grow houses if they had the manpower to respond to all the tips they get from upset Winnipeggers who turn them in.

I know this Government and this Justice Minister (Mr. Mackintosh) are sensitive about the Hells Angels, because, in fact, the Hells Angels came to Winnipeg under this Government, on this Justice Minister's watch in the year 2000, when they formally took over the Los Brovos motorcycle club. It is well documented that the Hells Angels moved into Manitoba in the year 2000, and this Government and the Justice Minister both sat back and let it happen.

*(15:30)

While we support in general broad terms the principle of this bill, to give police more authority and power to charge those who are impaired by drugs, I would implore this minister to take seriously those grow operations that are in fact popping out all across our province and give the police authority and the resources to charge those who are impaired by drugs. I want him to take seriously those grow operations and the criminal organizations in this province.

Do the honourable thing, and do what Shelly Glover suggests. Add more police resources so they can close down more grow operations, because, as she said it, if police had more manpower to respond to all the tips from Winnipeggers who want to turn them in, they could do serious damage to the gangs and the criminal organizations, including the Hells Angels.

What is this Government and this minister waiting for? Are they afraid to take on the criminal

organizations? I submit they are. All the evidence points to a fear by the Doer government and this Justice Minister (Mr. Mackintosh) to take on the Hells Angels and the criminal organizations in this province.

I give a number of examples in my comments to this bill. They start with the feeble responses of the Government and this Justice Minister to date. I note that a little over a year and a half ago the minister introduced The Civil Remedies Against Organized Crime Act. He stood on a pedestal. He stood on a pedestal in front of the media, in front of Manitobans, and he told us that this will take on the criminal organizations in this province, that they have no place in this province. If he was serious, the bill would have been different than what it was.

When I asked in Estimates just last year about the effect of that act, The Civil Remedies Against Organized Crime Act, I was shocked at the response by the fact that there have only been 12 charges, not convictions, but only 12 charges with respect only to one provision of the act, and that is for wearing the wrong clothing in bars. Is this what we have come to expect from our Justice Minister? He has raised the level of expectation of Manitobans with respect to his ability to get rid of the Hells Angels and other criminal organizations in this province. He has raised that level of expectation and he has failed to deliver.

That bill, The Civil Remedies Against Organized Crime Act, was touted by the Justice Minister to be able to shut down a retail establishment that was just down the street from the Justice Minister's own constituency office, River City Choppers. He touted this bill as being able to shut that business down. It never did. It did not even come to close.

Another bill that we have seen the minister introduce in the last few months is The Criminal Property Forfeiture Act. He has introduced this bill as a result of his failures in The Civil Remedies Against Organized Crime Act. He acknowledges, I think, himself that that bill was a failure. He introduced The Criminal Property Forfeiture Act to try to remedy that failure. I feel that The Criminal Property Forfeiture Act is a desperate attempt by this minister to put any kind of dent into criminal organizations. As I predicted then and I will stand by my words, I believe that bill will fail and will fail miserably. The reason it will fail is I do not believe it

will meet a constitutional test. I have stated that publicly and I stand by those statements.

What really took me by surprise were the comments by a very unlikely ally in that statement that I made with respect to constitutionality of that bill. I found a very unlikely ally in the former Attorney General and one of the colleagues of the Minister of Justice, Mr. Roland Penner, who is now regarded as a constitutional expert at the Faculty of Law at the University of Manitoba, really a very unlikely ally in my comments to the bill. He is a self-professed constitutional law expert at the U of M and the paper quoted him. I was really quite surprised that he took my position on the bill and he agreed with me.

I would ask that the Justice Minister, before he introduces any more bills, perhaps he should consult with Roland Penner at the U of M. I think it may not be a bad idea before he introduces bills to raise the level of expectation by Manitobans in the ability of the Justice Minister to run the criminal organizations and the Hells Angels out of this province.

With that, Mr. Deputy Speaker, that concludes my comments. I hope that the members across the way will, in fact, try to debate this bill as well. I noticed that over the last couple of bills that we have not really had any participation, which is really surprising. I am not sure why, but obviously they do not support the Justice Minister's bills. With that I would like to leave my comments on the record. Thank you.

Mr. Kevin Lamoureux (Inkster): I actually rise just to put a few words on the record in regard to Bill 15. This is, in principle, a piece of legislation, Mr. Deputy Speaker, that we could, in fact, support going to the committee stage.

I think, through time, we have seen change in attitude, and I made reference to that change of attitude when I was addressing a different bill the other day inside the Chamber. Again, it just kind of reinforces. You know, as MLAs, we try to gauge what it is that our constituents want to see happen in the province, and one of the consistent questions that I always pose in the form of surveys into the constituency. We get a fairly decent rate of return.

In the last one we did in 2003, I had somewhere in the neighbourhood of just over 350 surveys

actually returned. A couple of the questions I asked were regarding drinking and driving, just to try to get an assessment of how people were feeling. It is always interesting when you compare some of the stats from earlier questions that I would have posed back in the mid-nineties, even early nineties, on this very important issue. What you will find is that people, again, are generally getting that much more less tolerant with drinking and driving.

You know, the government of the day, I remember Mr. McCrae at the time came up with legislation to try to appeal to what the public, in essence, was demanding. Now we see this Government, just a different political party, again, trying to appeal to what the public is demanding. With the feedback that I am receiving is, in principle, that we should be supporting this sort of piece of legislation, and that is why I say, in principle. It is a good piece of legislation that we should see go into the committee and get some sort of feedback on it.

I know one of the questions that I asked on the survey, for example, is for the second-time offender that is caught drinking and driving. You will find that the tolerance, you know, you get caught once and there seems to be still some sympathy, not much, but there is some sympathy.

But when you start getting to the second charge, and in many cases there is even a third charge, you find that the tolerance level of people just starts to fade, and fade very, very quickly. I think that anything that reinforces the danger of drinking and driving is positive. So this legislation, like their other pieces of legislation that attempt to deal with that, in principle, is a good thing, because it just reinforces what society really wants to see happen. This bill itself gives the police officer the authority to field or test for sobriety for any driver which the officer feels is driving under the influence.

* (15:40)

You know, I think there is this mentality that is out there that many drivers have is that, look, if we get pulled over—*[interjection]*

No comment. Let Mr. Campbell do his own governing.

Mr. Deputy Speaker, that train of thought might have passed. As I was saying, it will allow the

driver's licence to be suspended, and what quite often happens is, many people think that, look, if you are caught drinking and driving, do not work with the peace officer. If he wants you to walk the line, you just say, no, I am not going to walk the line. They do not want to participate in the breathalyser test and so forth. So, in many ways, we need to make changes to the legislation. In other ways, we have to reinforce what the law really is.

This is why when we look at the suspension for 24 hours, where a peace officer and all of us inside this Chamber have a tremendous amount of respect for the type of work that peace officers throughout the province do on our behalf. That is why I do not have a problem in general of allowing the discretionary authority of our police officers, or peace officers, to be able to do the things that it is going to take in order to make sure that our roads are that much safer.

The member from Steinbach who talked about a ride that he had taken in a police vehicle, and I understand that he was doing that in a voluntary capacity. When you get in that sort of a situation, as I have had the opportunity to sit in the cruiser car in a volunteer capacity, you do get a better sense of the type of responsibilities that they have.

When we see this type of legislation, on the surface, it appears to give yet another tool that a police officer can use. That is why I say in principle the legislation that we are looking at does have the merit, at the very least, to go through the second reading and hear what others might actually have to say on it.

For myself, knowing a few constables or police officers, will make sure that legislation such as this is at least made available, so that if they do have some feedback and maybe are not able to participate directly, or even indirectly, in giving their feedback, I can afford them the opportunity through me to give me what their thoughts are.

But my general sense is that this legislation could be a positive tool for peace officers. Having said that, I know that there is always going to be concern in terms of the rights of the individual. I always want to ensure that those rights are protected.

So I think you need to put into place at times checks that allow for an individual's rights to ensure

that the individual rights are, in fact, being protected. There are different ways in which one can do that. I can recall that at one of the meetings that I had, an individual that had suggested maybe what you do is, a police officer would be obligated to provide, or leave some sort of a card, so that the individual that maybe had to perform a test of this nature is aware of what they can do if they are not happy with what had taken place.

So I think that there is some responsibility on our part as legislators to ensure that those rights are in fact also being protected, while at the same time ensure that we are providing tools like this for our peace officers.

There is another aspect of the bill that I want to comment on, and those comments on the sponsorship I will wait for Bill 9, which will be great fun. Hopefully, I will get leave to be able to speak awhile for that one.

The other part of this bill is in regard to street racing, Mr. Deputy Speaker. I do not think people really gauge to the degree in which they should the seriousness of street racing. It happens in the weirdest places at times, whether it is out in rural Manitoba in some of those remote areas, to suburban areas where you would be surprised to see it happening. I can recall one constituent who visited me over at McDonald's and talked about Ritchie Street when I was knocking on some doors out west of Mandalay Drive, and that same street came up, Ritchie Street.

At some point, it is so bad that they just cannot have their windows open, and, yet, on a Friday night or a Saturday night, you will find that our peace officers are heavily taxed in terms of their availability. Quite often, all of a sudden, you hear the screeching of the tires, and they look out the window and they know what is happening. They do not even need to look out of the window.

If they attempt to call the police station, they know that it is going to be a while before an officer is going to be able to make it out, which makes it extremely difficult to be able to deal with that safety issue. I know of a number of residents that are, in fact, very frustrated in that area as a direct result of the police officers' inability to be able to really get at that particular problem.

As I say, that area of the city is an area in which I would not have thought it would have been the most easy, facilitating place to have street racing, but it exists. I know it exists because I have been told of it on numerous occasions from constituents in that area.

I do know that it happens in other areas also, Mr. Deputy Speaker, whether it is the suburban street to our major artery or regional streets in the city of Winnipeg, along Portage Avenue, too. As I say, some of the racing that is done out on our highways, you know, this is where I look at the legislation and it, again, allows yet another tool for our peace officer to be able to try to address that issue.

Again, this is one of the reasons why, in principle, it is a piece of legislation that we do not have a problem in terms of going to committee and, ultimately, pending on what comes out of committee, if there are amendments, if there is a need for amendments to address maybe one or two of the concerns that I make reference to, ultimately, see it passed, because I am sure people throughout the province would appreciate the types of tools that this has to offer for our many different peace officers throughout the province.

It is interesting that the bill also deals with the length of licence suspensions, Mr. Deputy Speaker, for motor vehicles and off-road vehicle parts in the possession of stolen parts the same, so that, in fact, licence suspensions have proven to be fairly effective in the past, so bringing in or widening the scope of it can be a positive thing.

I know I had opportunity to raise with the Minister of Justice (Mr. Mackintosh) the issue of the ATV vehicles, you know, quads and snowmobiles. There are these off-road vehicles that are exceptionally powerful nowadays. In fact, you can buy some of these off-road vehicles. You are talking \$10,000, half the price of new vehicles, very, very pricey and exceptionally dangerous.

Every year, we hear of fatalities. We do not necessarily hear of the number of accidents that are caused, Mr. Deputy Speaker. There are just tremendous problems in that area that we need to look at and what role that theft of or even driving of these vehicles. So it does not even deal with just theft, but driving, also, and the impact that this legislation and,

in particular, some of the clauses dealing with the licence suspensions, have to do with those off-road vehicles.

* (15:50)

Again, I am thinking everything from the snowmobiles to the ATVs to the Sea-Doos. I would hope that we will be able to get some further clarification from the Minister of Justice, whether it is in committee, or it is in third reading on this aspect, so that we have a better understanding in terms of just how all-inclusive this legislation is.

Having said that, Mr. Deputy Speaker, the only other thing that I want to comment on, and, again, it deals with the off-road vehicles, because quite often when we think of issues such as drinking and driving, people think of it in terms of the cars and the trucks, the vehicles that are on the road. I think certain legislation covers some of the things that I am about to say, but in other areas maybe we can be enhancing. We should not underestimate the amount of drinking and driving that occurs with off-road vehicles.

I believe that, if we did some research in this area, what you will find is that there are likely more off-road vehicles being used after drinking in a percentage sense than with vehicles. Yet those off-road vehicles, and I am really picking on the three, the quads or the three-wheelers to the Sea-Doos, one could even say motor boats to the Ski-Doos. Those types of operational vehicles also need to be given that extra public attention so that even if we bring in legislation and it addresses that, the public mentality is not as in-depth in terms of knowledge on those types of issues as they are with the vehicles on our roads. I think that we need to do some more work in terms of that sort of drinking and driving.

With those few words, Mr. Deputy Speaker, that is all I really have to say about Bill 15. As I indicated, in principle we would like to see it go to a committee and look for the feedback that whatever public members feel would be appropriate to provide us. Thank you very much.

Mr. Ralph Eichler (Lakeside): Mr. Deputy Speaker, I move, seconded by the member from Fort Whyte, that Bill 15 be adjourned.

Motion agreed to.

**Bill 16—The Manitoba Public Insurance Corporation Amendment Act
(Denial of Benefits for Offenders)**

Mr. Deputy Speaker: To resume debate on second reading of Bill 16, standing in the name of the honourable Member for Russell (Mr. Derkach), with 22 minutes remaining.

Mr. Leonard Derkach (Russell): Mr. Deputy Speaker, I am just going to conclude my remarks on this bill. I think I have made my position known on this bill.

Although the government of the day is moving on some good issues on this, this is an issue that was brought forward into this House by our side of the House in Question Period during the last session. It was when the Portage situation came to light, and we petitioned the Government to move at not allowing a benefit to go to somebody who perpetrated an action. That is what we really were after, but the Government has moved on this bill far too far in my view in that there are some draconian measures that are being taken by the Government with regard to the penalties that they are imposing on the dependants of someone who has perpetrated the crime or the offence. It is not the family or the dependants of the individual who are to blame for any action that may be taken by the man who caused the offence or caused the crime. They should not be the ones who pay the price.

Now, in the old legislation there were some measures there that did in fact penalize the dependants. They were wrong. The Government now has moved beyond that in a more draconian fashion and has imposed even greater penalties on the dependants of families who are the victims, if you like, of someone who commits a crime. So, Mr. Deputy Speaker, it is almost a double penalty.

The other issue I raised in my remarks was the issue of benefits being denied to somebody who has caused an offence and has hurt himself or herself. That then shifts over to the Department of Health. We as taxpayers still pick up the cost. It should not be the taxpayer that picks up that cost.

The taxpayer did not cause the offence or the accident. That cost should either be picked up by that individual or that cost should be picked up by the insurance where the rates are paid to. That should not

reflect back on the general taxpayer of the province. We have an issue with that. I have an issue with that, I should say.

Those are the two areas that I find somewhat offensive in this bill in that the Government did not need to move in those areas. It did not need to take that action. We could have avoided that complex formula that the minister put in place to determine how those benefits would be diminished to the dependants of a person who committed a crime or an offence.

Although I think the initiative of the minister was right, I think he has gone too far in terms of penalizing dependants. I think that he should rethink that. We should probably encourage him to bring forward amendments in the committee stage or in report stage, because then and only then will we be able to completely feel comfortable that this is the kind of legislation that is good for all Manitobans and is going to indeed improve what we have out there in terms of how we deal with those people who either through negligence, through their own perhaps abuse of alcohol or other substances cause situations which either bring them into a criminal situation or an offensive situation or indeed commit a crime because they are under the influence of a substance.

With those few comments, I will end my remarks on this bill at this stage. I look forward to the committee stage. I certainly will look forward to putting more comments on the record when this bill goes into third reading. With that, Mr. Deputy Speaker, I thank you.

Mr. David Faurshou (Portage la Prairie): Mr. Deputy Speaker, I move, seconded by the honourable Member for Pembina (Mr. Dyck), that debate now be adjourned.

Mr. Deputy Speaker: It has been moved by the honourable Member for Portage la Prairie, seconded by the honourable Member for Pembina, that the debate on Bill 16 be now adjourned. Agreed? So ordered.

There is some procedural difficulty here. Because the honourable Member for Portage had already spoken on the bill, he cannot adjourn. So somebody has to do it.

Mrs. Bonnie Mitchelson (River East): Mr. Deputy Speaker, I move, seconded by the Member for Pembina (Mr. Dyck), that debate be adjourned.

Motion agreed to.

* (16:00)

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

Mr. Deputy Speaker: Resume debate on Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act, standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire).

An Honourable Member: Stand.

Mr. Deputy Speaker: Is there leave for the matter to remain standing in the name of the honourable Member for Arthur-Virden? *[Agreed]*

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

Mr. Deputy Speaker: Resume debate on the proposed motion on Bill 18, The Improved Enforcement of Support Payments (Various Acts Amended), standing in the name of the honourable Member for Russell (Mr. Derkach).

An Honourable Member: Stand.

Mr. Deputy Speaker: Is there agreement that it should stand in the name of the honourable Member for Russell? *[Agreed]*

* * *

Mr. Speaker in the Chair

Mr. Speaker: The honourable Government House Leader (Mr. Mackintosh), what is your will?

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, we have gone through government business today. Unless there are other members that wish to speak on the bills that are before the House, it looks like the House would be adjourning.

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, I regret that, in fact, the House finds itself in this position at this time, but

there are bills on the Order Paper which we are still waiting for briefing on. So our side of the House has put up speakers on most of the bills we have been briefed on, and certainly we would be prepared to continue debate on these bills as soon as our briefings are complete, and then we can continue with the debates on the rest of the bills.

Mr. Mackintosh: Mr. Speaker, with all due respect, it has nothing to do with briefings on the bills. There are bills on the Order Paper where there have been briefings. *[interjection]* Well, if there are more speakers, then the business of the House can continue and the legislation can move along. I leave that. If there are no other speakers, as I said, it would fall to the House to adjourn, presumably.

Mr. Speaker: Order. I am going to give two proposals here.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Two proposals: that the honourable House leaders wish to recess for five minutes to speak together, or we can have a—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. Or we could call it 5:30. What is the will of the House? First of all, is the House leaders' wish for five minutes to meet? *[Agreed]* Okay, the House will recess for five minutes for the House leaders to have a very short meeting.

The House recessed at 4:03 p.m.

The House resumed at 4:06 p.m.

Mr. Mackintosh: In light of the discussions, there are no further speakers today on the legislation. Very good. There is another speaker.

Point of Order

Mr. Speaker: The honourable Member for Inkster (Mr. Lamoureux), are you up on a point of order?

Mr. Kevin Lamoureux (Inkster): Actually, Mr. Speaker, I would welcome the opportunity to speak on Bill 9 if that would be possible. The only concern I would have is that I was going to ask if it would be okay if I go a little bit over my time for Bill 9.

Mr. Speaker: Order. What I heard the honourable member propose was for us to revert back to Bill 9 if the honourable member had extended speaking time. What is the will of the House?

Mr. Mackintosh: On a point of order, I am sure there would be leave of the House to revert back to Bill 9 for the member to express his views. The rules of the House state that there are 30 minutes to speak. I think giving leave for the member to speak should give him ample opportunity. Of course, there will be time in committee and time at third reading, but I think we should all agree to the rules that we have all agreed to, recognizing that the member should have a right to speak on the bill.

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

Mr. Lamoureux: I can respect what the Government House Leader is saying, Mr. Speaker. The only reason I made that suggestion is because I was not necessarily prepared to speak on it today, but I would love the opportunity to speak on it today. I somewhat anticipated that there would be more debate, but here is an opportunity. I am game for the opportunity. If the Government House Leader wants to call the bill, I would be more than happy to express my thoughts on why this is a bad bill.

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

Mr. Derkach: On the same point of order, Mr. Speaker, we have no difficulty in allowing the member from Inkster to speak on this bill, but one must be attentive to the business of the House because we have already gone through the order of the bills today at one time. At that time, there was ample time to get up to speak. We do not mind. Unfortunately, it is for the Government to organize the business of the House, but we certainly do not mind, as an opposition party allowing the independent member to stand and lay his comments on the record on Bill 9.

Mr. Speaker: This is for clarification before I even call the bill. When I call the bill, I can ask the leave of the House to revert back and it would be entirely up to the member after his allowed 30-minute speech if he asks for leave of the House to continue at that time. It is entirely up to him, and it would be entirely up to the House to say yes or no.

Right now, what I am asking the House is, is there leave for the House to revert back to Bill 9, The Manitoba Immigration Council Act, which is standing in the name of the honourable Member for Springfield (Mr. Schuler)? Is there will of the House for the bill, if it is approved, to remain standing in the name of the honourable Member for Springfield? Is there leave of the House to revert back?

Some Honourable Members: Leave.

Mr. Speaker: There is leave. The leave has been granted, and once the member debates it, it will remain standing in the name of the honourable Member for Springfield. *[Agreed]*

* (16:10)

Bill 9—The Manitoba Immigration Council Act

Mr. Speaker: The honourable Member for Springfield, I am calling Bill 9, The Manitoba Immigration Council Act.

The honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): Thank you, Mr. Speaker. I appreciate your assistance in walking us through this.

Bill 9 is a bill which I have a great deal of trouble with. What I was thinking is that I do not know if I will be able to contain my remarks to 30 minutes, and after I say my words on the record, I am afraid that the Government might not want to give me leave to be able to continue what I think is really important.

It is really important to highlight the major flaw of this piece of legislation. If you read it, Mr. Speaker, you would think that there is not really too much to it. The Government wants to take a positive initiative. The problem is that maybe I have been around a little bit too long and have seen a little bit too much manipulation. This is, in essence, what I see this bill as.

You know, I remember years back when they used to have the Manitoba Intercultural Council. There was the NDP at the time and, boy, they were an awfully big fan of it coming up. As the years went on with MIC, the NDP just kind of lost interest. The reason why they lost interest, Mr. Speaker, was because they saw an organization in which they could not ultimately control. The initial reasoning

and rationale behind the Manitoba Intercultural Council from the NDP's perspective was to try to be able to manipulate ethnic communities throughout Winnipeg. What they found out, the reality is that the leadership within those communities was not going to allow the New Democratic Party to manipulate them and do the things that they wanted to do. That is really where the problem began.

Now, what I see is a bill in which this Government wants to give authority to a group of individuals who, ultimately, I believe, is going to do a tremendous amount of damage. I do not see the positives coming from this group. I do not see why this Government, this particular minister, cannot just do what other MLAs do, and that is consult with their constituents, consult with the different immigration people that are out there.

Mr. Speaker, there is no shortage of individuals scattered throughout this province who have an expertise in dealing with immigration, racial, all sorts of problems that minority groups are facing today. Ultimately, I would even suggest that even within their own caucus, one would think that this Government would have the confidence within that caucus, that there is enough background there, that they would be able to draw the ideas that they believe are necessary in order to move this province forward on the whole multicultural spectrum.

I look at this bill and I have to wonder if this is just a vote of non-confidence in their own back bench and their ministers because if they had the confidence in their members, I do not believe that this particular piece of legislation would, in fact, be necessary. Do they know the consequence of this legislation and how it could be twisted around in order to manipulate Manitobans and, ultimately, I believe, do the opposite of what it is actually intended or boasting it is going to be able to do?

Mr. Speaker, one individual kind of gives the yank. I do not know if he is referring to yank me or yank the bill. I would suggest to you, it should be yank the bill. This is a bill that just does not deserve the support of this Legislature. If people really had an understanding of what it is that they are hoping to achieve—and I do not know who came up with this. I suspect it had a lot to do with the former MLA from Inkster, Ms. Barrett, and a cluster of other individuals that kind of got around and said, hey, what can we do? We have to do something political here.

Wow, did they come up with a bombshell because, quite frankly, politically, I can understand the rationale behind this bill. I can understand the political opportunism by producing a bill of this nature, but why? Why would they go for appointments? Well, the simple reason is that if you do not go with appointments, what you could end up with is something similar to an MIC where there are a number of New Democrats from the past that were not necessarily the biggest supporters of MIC, because there they kind of went in their own independent way. This is going to be strictly appointments by the Government.

I cannot believe that the individuals in the know could actually support and believe that this is going to be healthy for the province. It might be healthy for the party. I will give them that, Mr. Speaker. I will suggest to you that if this legislation passes, it will be healthy for the New Democratic Party as it attempts to manipulate different groups, because we see that today.

There is so much opportunity in our province, so much opportunity. The would-be immigrants, the possible immigrants that could come to our province to enrich our province economically, socially, you name it, it is so overwhelming what they could provide our province. What does this Government actually do? They would rather play politics with it as opposed to try to deal with it.

Mr. Deputy Speaker in the Chair

I could cite examples. We got into the Estimates, and one of the highest demands in the province is for health care workers, in terms of labour. Yet we have a wonderful program, a program which was started prior to this Government taking office, this party taking office. It is known as the Provincial Nominee Program, Mr. Deputy Speaker.

Under that program, this Government has an opportunity to be able to do wonders for our province. In certain areas, it has been a bit of letdown, because they could be doing so much more. The example I would give would be for health care workers.

You know, many would say that Manitoba needs doctors, Manitoba needs nurses, especially if you look in our rural communities. Well, what role is the PNP playing in trying to deal with that demand? If

you are a nurse, or you are a doctor from abroad, how is it that you are going to be able to use or take advantage of that particular program?

This Government has been in office for how long, Mr. Deputy Speaker? To what degree have they been actually able to start focussing the restructuring of the program that is going to be able to take into consideration professions like registered nurses and doctors?

In other areas, there has been some movement, very grudgingly, areas possibly like specialty cooks, something that is in high demand in certain areas. Here is a wonderful program and the Government could be doing more. Why not?

As regards immigrants that come to our province, if you want immigrants to stay in our province, enhance family reunification. If would-be immigrants come here because they have family members here, the chances of them staying in our province are far, far greater.

Well, the Province could play a role in this. I have had discussions with members of Parliament and others where the family, under adaptability, under the PNP, if you gave more points to the adaptability, you would see, Mr. Deputy Speaker, more emphasis then put on family members. The more family members we get to come to the province of Manitoba, the more successful the program is going to be, because the program, first and foremost, was there for economic reasons. A big part of the program is you want to make sure that those people who are coming to the province are staying in the province. The best way to ensure that is taking place is through that family reunification type of program. It is kind of a spin-off, and that is why we should be giving more points to it.

The other day I asked the Minister of Immigration (Ms. Allan) two questions. Number one, the question of resources. Why does she not provide—you know, at one time, it was less than three months and you could actually go through the system. It is just a question of management. But, you know, when it comes to management, the New Democrats will mess it up every time. Now you are waiting, it could be up to eight months. Well, then, the minister, in one of the newspapers, says, well, no, no, no, it is four to six months. I do not believe what the minister is saying, quite frankly. I think that the minister

should be more forthright with what the actuality really is.

* (16:20)

There are individuals that have been waiting over eight months. Ask her to tell me that I am wrong. I know I am right, Mr. Deputy Speaker, because I have had individuals that have waited over eight months.

So what does the minister say? Well, finally, because I raised it back in the fall, the minister says, well, look, we are going to look at allocating resources, and then she reaffirmed it in the hallway. So, through a little bit of embarrassment of lack of action, it looks like the Government might actually give some additional resources so that we can get it back to under three months.

It is that management issue. They do not understand it. That is what I would argue.

There were two parts to that question. The really important part to the question was, the resources were wonderful, but with the additional points for adaptation under the PNP, the program giving additional points, what was the minister's response to that aspect, Mr. Deputy Speaker? She just ignored it. She did not even respond to it in the answer. I do not know if she addressed it out in the hallway. All I know is in the answer to the question, she just ignored it.

You check with Manitobans, you check with immigrants, and you will find that that is a critically important part of the program. Many Manitobans, many immigrants want to see that aspect of the program extended, Mr. Deputy Speaker. What does this minister do? Completely ignores that component. Well, again, it just kind of reinforces a mentality that this Government has. That is, they know the type of buttons that they should push, and the actions, and what it is that they can say in their political speeches. But action speaks louder than words. Time and time again, especially in this area, the Government lets us down.

Even you yourself, Mr. Deputy Speaker, I am sure, are very knowledgeable about the immigration community in particular, and many of the issues facing immigrants and minority groups, as I see you and your spouse at many different types of events.

We recognize, we know, what the problems are. We do not need to have a minister going around selecting the individuals that he or she—in this case, she, because it happens to be a female minister—selecting the individuals that she wants in order to be able to say, here are the knowledge foundations of immigration and racial and cultural diversity issues. These are the people, the masterminds of our province, and they can go out and about. All of them, political appointments from this minister. How open is this Government going to be to outsiders participating in appointing? If this is going to be a legitimate advisory group, and that is one, huge, big if, how are they going to ensure that there is some sort of independence to it?

I have absolutely zero faith based on their past. The issues that I made reference to, in terms of the PNP program, as an example, have been there for years. The Government has not acted on it. All they do is say, well, we have that wonderful program, or the best in Canada. Well, anyone could have made it the best in Canada, because some provinces do not even have a PNP program. Anyone could have done that if you just look at the demands and the needs and desire for people to come to our province and the people within the province that want to get people to come to our province. They do not get the credit for expanding it. In fact, if they were doing their job right, we could be at that 10 000 mark that the Premier boasts that he wants to get to.

I remember debates inside the Chamber that occurred in which the Government would say, well, we want to get 4000 immigrants coming to the province of Manitoba, or they will take a hard number. Mr. Deputy Speaker, I would ultimately argue, a fair share is based on a percentage. To determine what sort of mixture of immigrants the province can take in, you have got to look at social and economics and all this kind of stuff.

What sort of a number are we really looking at? In any given year, there will be some fluctuating numbers, but that should be the target. The Premier says 10 000 because he believes that is the number that people that he is trying to cater to want to be able to hear. I have not heard articulation from this Government as to where or the types and so forth other than they will play up to depending on the group that they are dealing with.

Mr. Speaker in the Chair

That is why when you look at this legislation, all I see is it is an extension of the NDP trying to manipulate different ethnic communities. If you want to tell me otherwise, well, maybe the best thing you can do, if you want to give me some assurances, the best thing you could probably do is commit to bringing in amendments to this legislation at the very least that will ensure that the minister or this Government is not responsible for the appointments of this committee.

Then I would suggest to you there might be some merit for it. Failing that, I could never support this. I would appeal to individuals that understand, on the government benches in particular, the impact, the real impact it is going to have, not the political advantages of having it, but the real impact it is going to have on these ethnic communities.

If you really understand it, you will see that this is a bad bill and should not be passed in its form. If you could somehow come to me and justify, if the Minister of Immigration (Ms. Allan) wants to come out to a town hall meeting, I will be more than happy to co-sponsor one.

I will co-host any sort of a discussion group that the minister wants in any community and debate the merits of this bill. I feel that confident as long as it is an open forum that the minister will lose out, because people will see past what it is that this minister is trying to pull off.

The unfortunate thing is that this minister is new in this portfolio, because I understand that this bill actually was attempted to be brought in prior to the last provincial election. So it is unfortunate that it has been kind of tossed on her lap, and hopefully the current minister will re-evaluate.

An Honourable Member: She can handle it.

Mr. Lamoureux: Well, the Deputy Premier says that she can handle it. Well, she sure has not handled her questions, in terms of, well, you know, when you talk about family, well, they say, oh, oh, oh. Well, you talk about family reunification. Where was the answer when it came to increasing the points under the PNP for adaptability? Why did she completely ignore that aspect of the question?

That was a critical issue. If you check with people that are using the program, that is what they

want to hear. Yet she completely ignores it. So should I be happy with that type of a response from a question? I suspect if they were in opposition that they would not be happy with an answer of that nature, because it is a very serious question, and it affects lives.

Mr. Speaker, there are certain policies, and if you go to embassies and some of these immigration officers abroad, and I do not know how many members have been to some of these embassies, they are almost treated like semi-gods of sorts, because you have people that desperately want to be able to come to Canada, desperately want to be able to come to Canada, and the amount of influence that they carry.

That is why over the years the Immigration office has developed protocols that have to be followed. Last fall I raised up protocols in committee because of allegations that were being made of preferential treatment, and how did the Government respond? You would not believe how the then-minister, the current minister of water, how coy and how tough it was to draw any sort of information out on it, Mr. Speaker.

You have to have protocols and processes put into place that are going to ensure the integrity of the program. I believe that the Government is moving now, has made some significant improvements. I can honestly say the number of complaints in the last five-six months I have had in regards to it has gone down considerably.

*(16:30)

So I am not 100 percent sure in terms of what they did. They must have been somewhat nervous because they must have done something, but at least it has gone down. That is why I say, if you deal with all the different issues that are out there, and I believe that we do not need to have a committee, a political committee, to give advice to this Government, to any government, whatever political stripe that they might be. That is why if you look at the bill and you try to give it a fair assessment as to is it in the best interests of the committee to have a strictly politically appointed advisory board to provide advice on important issues to the province. Given the track record, I believe, Mr. Speaker, that this bill is a mistake.

As I indicated, with all sincerity, I would challenge any member of government, the Premier (Mr. Doer), the Minister of Immigration. The member from The Maples had a town hall the other night out in The Maples. I understand there were several hundred people possibly that showed up for it. It just goes to show the high level of interest. I suspect, Mr. Speaker, that even if you canvass the people inside that room, or if you have town halls of a similar nature, it would not be difficult to get people out. I have workshops all the time on the Provincial Nominee Program. I can tell you it is not difficult to get people out.

I would challenge anyone in the Government to be able to sit down and try to justify this piece of legislation to them. I would come up with an alternative to it. I will bet you that you will find a vast majority, if it is an open forum, will turn it down flat. They will get to understand why it is the Government is proposing this legislation.

I must confess that I was hoping to be a little bit manipulative in the sense that I was hoping the Government would give me unlimited leave in being able to speak on this bill. What I had somewhat envisioned, and some of you might recall Jay Cowan on final offer selection. Jay Cowan did a fabulous job. He actually was just sitting in the back row, good seat apparently. He would just kind of pace and he talked for hours and hours on final offer selection. It was an important bill for him and the community which he represented. I do not know if I could ever talk for hours and hours endlessly, but I am quite prepared, and I still would be prepared, to at least to attempt to talk to this bill and really try to convince people, as Jay Cowan did back then, in terms of why it is that this is not a bill that is good for the province.

When you look at the number of immigrants—and we are all immigrants, Mr. Speaker. We are all immigrants. I do believe that even our Aboriginal people crossed over. I do not necessarily understand. I do not have an A-plus in history, but if I am wrong, if this land was occupied since the creation of the earth, then I am wrong I guess.

I do want to be sensitive to this. It is well recognized that the Aboriginal people were our first people here. I would not want to do anything to take that away from it. Having said that, immigration is what has made our province what it is today. The

future of our province, in most part, is going to be based on future immigration.

We have industries today throughout the province that would not be there if it was not for our immigration communities. There are industries that would be nonexistent, certain areas of services that we provide all Manitobans in dealing with issues like health care, in dealing with issues like our garment industry. There are endless numbers of economic and social activities that even today's immigrants play such a critical role to the overall development of our province. When you look at where we are going to be getting immigrants from in the future, Mr. Speaker, I think that we should be going out of our way to try to open the doors of Manitoba.

You know what? We were given a gift from the federal government, quite frankly, that gift being that bilateral agreement dealing with the PNP. That is the gift. I think that we should treasure it, and, where we can, let us take advantage and change it and modify it, and make immigration even that much more of a high priority for our province, because the higher the priority in dealing with that huge issue, the more emphasis we put into that today, the healthier we are going to be as a province tomorrow.

What would the population of our province be, Mr. Speaker, if it was not for immigration? We would not have an increasing population in the province of Manitoba. People recognize that. So, if we are talking about the future, we have to be talking about immigration; we have to be talking about the different types of programs that are out there.

You do not need politically appointed individuals to sit around a table and advise government on it. It is just not necessary. If the argument for that can be justified, you know, we all have different committees. I have committees on education, health care, and justice, and I am missing one or two, in the community which I consult with on a regular basis. I do not need legislation in order to get that advice.

If I am going to try to set up some sort of a quasi-judicial or some sort of a truly independent advising committee in the sense of reaching out to other levels of interest groups, such as, let us say, the Manitoba Bar Association or other groups that are out there that have the ability to make the appointments as opposed to the minister, well, then the

Government might have some validity for arguing for having an advisory group.

You might be able to sell me on that, and I might even be someone that could be brought on board with that. But what I cannot be brought on board with is the type of bill where the minister or the Government makes the political appointments. That is the biggest flaw in it. Still, even if you address that flaw, you are going to have to tell me what it is that you do not really understand, and what relevance it has to this particular bill. On those things that you really do not understand, maybe I can give you a tip as to someone within your caucus that might understand, or someone within the Opposition that might be able to help enlighten you. But I do not think the issues are all that complicated that you should not be able to figure it out.

There are some things that you could be doing, that you are not doing. It is interesting, you have Bill 9; I have another bill for first reading. It is on the books, and I am not as optimistic about the 80-day session, even though it would be wonderful to see the 80-day session one actually pass. You never know, we might be able to build up some momentum inside the Chamber on that one, because if you canvass your constituency you will find out they are really upset you only sat 37 days last year. They expected more, but, anyway, that is getting a little bit off topic.

I do have another bill that is there. I have another bill, and, you know what, I am not charging you a thing for this bill. There is free advice. You have to like free advice, Mr. Speaker. This bill, I believe it is actually even done in terms of its print, so if you really want to have it, I can see if we can get it released earlier. What that is, that is all about immigration consultants.

You want a problem area? Deal with immigration consultants. There is a huge, huge issue that is out there, with immigration consultants.

Mr. Speaker, when we talk about immigration consultants, the idea of the bill—

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

* (16:40)

Point of Order

Mr. Lamoureux: On a point of order, Mr. Speaker. Can I just raise a point of order, if I may?

Mr. Speaker: On a point of order.

Mr. Lamoureux: I know there was some discussion in terms of allowing me to have just a little bit of leave, maybe another five, ten minutes, so that I can conclude on my immigration consultant idea. It is free advice. It is a good bill, and just in case Bill 9 does not pass, then at least you have something that you can work on if you do not accept my bill. So I will just ask if I can have five minutes just to give a quick comment on it.

Mr. Speaker: The honourable Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): On the point of order, I know the bill being debated is Bill 9. I understand the member has completed his remarks. We eagerly anticipate and await his other bill on consultants, and at that time I am sure he will have a full 30 minutes to expound once he knows what the bill says after the drafting is completed, Mr. Speaker. So, therefore, we would like to conduct some further business in the House now.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Inkster, it is not a point of order. On the point of order raised, it is not a point of order, but the honourable member in his point of order asked for an extension of 10 minutes extra to conclude his speech. So I am now asking the House if the honourable member has an extra 10 minutes to conclude his speech. Does the honourable member have 10 minutes?

An Honourable Member: No.

Mr. Speaker: No. It has been denied.

House Business

Mr. Speaker: The honourable Government House Leader, on House business.

Hon. Gord Mackintosh (Government House Leader): On House business, Mr. Speaker. I am just wondering if you can canvass the House to determine if there is leave to go to second readings so that the Deputy Premier can move second readings of Bills 28 and 27 that were introduced for first reading today.

Mr. Speaker: Is there leave to go to second reading of Bill 27, The Agricultural Societies Act, and Bill 28, The Agrologist Amendment Act? Is there leave for the minister to go into second reading?

An Honourable Member: No.

Mr. Speaker: Leave has been denied.

Mr. Mackintosh: I believe the request from the Opposition was were there any government members that wanted to speak on legislation. We could do so now. Given, particularly, that the minister is out of the province next week, this would allow the introductory remarks to be put on the record and then there could be an adjournment of that debate.

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, one of the reasons we initially had said no to leave was because, you know, it is up to government to organize their affairs, I mean they have been government for four years now. They have had a significant amount of time since the session started in the fall, and if, in fact, they planned their schedule appropriately, and knew that the minister was going to be away next week, she should have had her bills on the Order Paper and had them introduced so they could follow the proper process.

Mr. Speaker, this is a government that is disorganized and does not have its act together. We will give her leave to introduce them this time, but we are giving fair warning to the Government that they are the governing party. They have to have themselves organized to run the affairs of government. It is not up to opposition to attempt to give leave to accommodate a government that does not have its act together.

Mr. Speaker: Is there leave for Bills 27, 28 to be given second reading? Is there leave?

An Honourable Member: To move to second reading.

Mr. Speaker: To move to second reading. Okay. It has been agreed to.

SECOND READINGS

Bill 28—The Agrologists Amendment Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I certainly want to thank the Opposition for giving leave for me to put comments on the record and on this particular bill and then—oh, I have to move. I am sorry.

I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 28, The Agrologist Amendment Act, be now read a second time and be referred to a committee of this House.

Motion agreed to.

Ms. Wowchuk: I began by saying I want to thank the Opposition for allowing me to move this on earlier in order that I could get my comments on the record, and then they could debate this bill.

The proposed amendment for The Agrologists Amendment Act would be an amendment to provide for regulatory making powers to allow for regulations specifying persons or classes of persons who are not deemed to be practising agronomy.

Mr. Speaker, it is the certified crop advisors who have requested that their members be deemed eligible to prepare manure management plans, a requirement of large livestock operations under the Livestock Manure and Mortalities Management Regulation.

Mr. Speaker, the Certified Crop Advisors association is affiliated with the American Society of Agronomists. The American Society of Agronomists is a very large organization with over 14 000 members certified in the United States and Canada. The people who are certified are any advisor or consultant that spends the majority of their time advising growers on agronomic practices that can meet standards of the program. They have a fairly intensive training program.

The materials that they use in their program are materials that are developed by committees of the association. In Manitoba, we have about a hundred members of the CCA. These people work in a variety of organizations that provide agronomic supports and

services to Manitoba farmers. They would mainly work for people who are involved in the fertilizer and crop production dealerships and have a very hands-on approach and work very closely with farmers as they prepare their fertilizer plans for their farm. I think that they can play a very important role for us as we move from 400 animal units to 300 animal units that will require the approval of manure management plans.

These are people that have asked for recognition and the ability to practise in this area, and I am pleased to bring this amendment forward. We have had support from various groups who have asked that this amendment be moved forward. I hope that we will see the Opposition support this amendment as well, because this is something that is recommended by producers. I feel that this group of people, these certified crop advisors, do have the skills and, certainly, consultation has been held with the CCA regarding their desire to be deemed eligible to prepare manure management plans.

* (16:50)

We are having discussion with the MIA on this issue, and we will work with both organizations, but, ultimately, what we have to think about is how do we provide services for farmers. Ultimately, that is what the role of my department is in how we can improve services for farmers.

By bringing this amendment forward, we will bring another group of people in who, at present time, will work with farmers in providing them advice on their fertilizer application and crop producers and now will also have the ability to, when this legislation is passed, prepare manure management plans.

As we look at the increased livestock production in this province, whether it be cattle, whether it be hogs or poultry or other species, manure management plans become more and more important. As we look at other legislation that we are bringing forward with regard to the importance of our water quality, these people will be able to provide us with an important service. I hope that we can have the support of the Opposition. Certainly, I am prepared to sit down with my critic and provide him any information, but it is a very small amendment to the bill. We hope to be able to have opposition support, Mr. Speaker.

Mrs. Bonnie Mitchelson (River East): I move, seconded by the Member for Pembina (Mr. Dyck), that debate be adjourned. I would just ask the minister whether—

Mr. Speaker: Order. Before moving an adjournment, if you wanted to ask the minister a question you would have to ask leave of the House for her, if she would be willing to answer a question before you adjourned the debate. If that is what you were doing. I am not sure what you were doing. So you are just moving adjournment for the debate. Okay.

Motion agreed to.

Bill 27—The Agricultural Societies Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I move, seconded by the Minister of Conservation (Mr. Struthers), that Bill 27, The Agricultural Societies Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Ms. Wowchuk: Again, I am pleased to be able to speak on a bill that has been worked on for some time by staff in my department as well as many people who are involved in the ag societies.

Manitoba's 62 ag societies are active community organizations with many of them over a hundred years of age. Ag societies are deeply woven into their communities through traditional activities such as fairs and exhibitions. The act governs the basis for ag societies, the method by which they are incorporated and organized as well as the foundation for their receiving grants, conducting business and accountability.

Several ag societies have been questioned regarding their status and consequently their ability to operate and receive grants. The proposed act will provide a broadened definition of ag societies giving them a wider scope to carry out more non-traditional activities, thereby becoming a more active supporter of the agrifood sector. There has been consultation with the 62 ag societies. We will continue to have discussions with them as we move forward on this.

Mr. Speaker, I want to point to a situation that arose. It was, I believe, in the Stonewall area. The

rules under the existing act are very strict about when you are supposed to have meetings and when you are supposed to—just some very strict rules. In fact, one ag society, Stonewall, I believe, got into some difficulties because of the prescriptive nature of the existing act. We want to address those. The changes and amendments in this act recommended a cover of the following areas. These changes will be allowing ag societies to expand their range of activities in promoting agriculture and they will clarify the objectives of society to reflect their current roles. If you think back to when society started and when the first act was written many things have changed in agriculture and societies many times do not want to just work on fairs. They want to become more involved in educational activities and other activities in the community. This will give them the flexibility.

There will be a streamlining of the granting process to allow flexibility in accomplishing objectives of the society. There will be a clarification in the title of the societies and we will also clarify relationships as outlined in The Pari-Mutuel Levy Act. The streamlining and acknowledging of the ag society's responsibility and administration of the organization as well will be addressed.

Under sections 5, 6, 7 and 8 there is a clarification process for organization of new societies, also clarification of the membership privileges, duties, responsibilities and the reporting of the organization, the administration, the suspension and the dissolution of societies. As well, the streamlining will be removing the day-to-day society's responsibilities as to quorum, setting dates of their annual meetings to be set in their general society by-laws. So again this will give more responsibility to the societies and give them more ownership on how they will set their own by-laws and conduct their day-to-day business.

When you think about the people who are involved in ag societies, we all know people that many times volunteer in a variety of organizations. Their time is very tight. So we want to allow the societies to have more flexibility in their day-to-day responsibilities.

This act will also be ensuring the privileges of the corporation of ag societies and clarify the statutes of incorporating the societies which may have an impact under other acts in the Legislature.

Mr. Speaker, these are the areas we are addressing in this bill. As I said, this is a bill that has been worked on with the societies and one they have asked us to bring forward.

As I speak on this bill I also want to recognize the work and the importance of ag societies in the rural communities. I look only at my community where the Swan River ag society does a tremendous amount of work. The biggest event in which they participate is the annual fair.

There are similar fairs that are held in communities right across the province. In fact, there has been a change in ag societies where the Red River ag society brings agriculture very closely to the cities by running their show just outside of the city and giving the opportunity for young people to learn more about agriculture.

* (17:00)

As we look at rural communities with less and less people involved in agriculture, these societies play a very important role in educating urban children, urban adults about the importance of agriculture and the role agriculture plays, but, as I said, societies are also changing their role and want to play a much bigger role in education. They want to play a bigger role in environmental issues. So this will allow societies to broaden their scope. Certainly, these are changes that we have talked about. As I said, I do not see any negatives in this bill. It has long been the goal of the societies to have their act modernized. They have been asking for update in language in various sectors of the act. The act also recognizes the MAS, Manitoba Agricultural Societies, as the umbrella organization for the ag societies.

I believe that, when the Opposition has the opportunity to look through this bill, they will see it as one that is addressing the needs of the members that serve on ag societies. They will see this as a bill that gives the ag societies more flexibility in doing their day-to-day affairs but also clarifies the role of the organization and streamlines many aspects.

With those few comments, Mr. Speaker, I would be prepared to have this bill go to committee or have members of the Opposition make comment on it and would be prepared to talk to my critic on the various aspects of the bill. I want to give the opposition members the assurance that there has been very

thorough discussion on this bill. It has been developed in consultation with the various ag societies and will be discussed at their annual meeting which is coming up very shortly. Thank you.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for River East (Mrs. Mitchelson), that we adjourn debate.

Motion agreed to.

CONCURRENCE AND THIRD READINGS

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I wonder if there would be agreement of the House to revert to adjourned debate on third readings, Bill 8, The Employment and Income Assistance Amendment Act, to allow a member to put comments on the record and the matter can remain standing.

Mr. Speaker: Is there leave to revert back to Bill 8? *[Agreed]*

Mr. Doug Martindale (Burrows): Mr. Speaker, I am pleased to put a few remarks on the record regarding Bill 8, The Employment and Income Assistance Amendment Act.

The former minister wants to know if I support one-tier in Winnipeg. I guess I would have to go through Hansard and look at what I said when I was the critic, which, of course, is why she is asking me. In fact, I would have to look at Votes and Proceedings to see if we voted for it. I think we did. I think we supported that, but maybe the former minister has a different recollection which she might want to put on the record. I will have to look that up. That is a good question.

This bill has actually a very long and interesting history, and I have some of it with me. I have a briefing binder from 1986 with me. At that time, the NDP government under Howard Pawley was considering changing welfare in Manitoba, welfare reform they called it. They were looking at absorbing

the City of Winnipeg caseload and the rest of Manitoba.

At that time, the minister was Muriel Smith. The briefing notes are very interesting and I will refer to them because it talks about why they would want to do this. I think it was basically to improve the delivery and the quality of service to all Manitobans because there were a number of problems. For example, some of the pressure to move to a one-tier system for the whole province was coming from the chief operating officers or chief administrative officers from municipalities and towns. They did not really want to be in the business of interviewing people and assessing applications and making recommendations to councils because they were not trained as social workers. They would prefer that someone else do this. So they were urging the Province and the municipalities to get out of the two-tier system.

It was debated many, many times at the rural Manitoba municipalities association and, finally, by about 1999 they passed a resolution with, I think, about 90% support, asking the Province to take it over. I know that the former minister is familiar with this issue, because this was an on-going issue for at least a decade.

I know that in 1988 when Len Evans was the minister responsible that, by that time, Cabinet had approved a process by which it was going to be phased in. First of all, they were going to take over the City of Winnipeg caseload, and then the rest of Manitoba. All the data is here on the numbers, on how much it would cost. At that time, caseloads were much higher. The cost was in the multimillions, a very considerable cost.

But, going back to the delivery of the system, in fact, at that time the system was very, very different, because there was cost-sharing with the federal government. Fifty percent of welfare was funded through the Canada Assistance Plan and fifty percent by the Province and municipalities. That all changed, as the former minister remembers. That had a big effect on Manitoba.

The independent members in this Legislature should be interested in this because, in fact, one of them was a federal Cabinet minister and voted to eliminate the Canada Assistance Plan, which funded 50 percent of social programs including daycare and welfare assistance.

The result was, and I am going by memory here but, I think, it was \$240 million in the first two years. That was the amount that was cut to the province of Manitoba alone, because of the change to the Canada Health and Social Transfer. That happened when a man named Mr. Martin was the Minister of Finance, in Ottawa.

Those cuts had a cascading effect on Manitoba, because then the Manitoba government started cutting other services to make up for that \$240 million. That all started with the federal government. We should remember that, because it had a huge impact on Manitoba. In fact, that was probably the main reason that the provincial government cut welfare rates, because of the \$240 million in cuts from the federal government in transfer payments, because the cost-sharing was eliminated.

But, going back to the problems with the original two-tier system, there was a variation in standards and assistance levels amongst the municipalities, because each municipality set its own rates. There were no floors. One of the problems was that some municipalities set the rates so low that people either did not apply, or they applied and they realized they could live on that amount of money. Some people even moved to Winnipeg because the rates were quite a bit higher in Winnipeg, probably higher than almost any municipality in Manitoba.

In 1986, the figures were that 80 percent of all the recipients lived in Winnipeg. I know that, by the time I was critic—I was critic from '93 to '96—it was something like 89 percent. I remember debating a welfare amendment in committee and hearing that something like 89 percent of all the recipients lived in Winnipeg, and that was partly because of the abysmal rates in rural Manitoba.

Some municipalities discouraged application, as well; so people moved to Winnipeg. Some of the same were not trained as social workers and there was a feeling that there was a lack of compassion for the people who were applying.

Mr. Speaker, then, there was a problem with confidentiality. Even though people may be trained in confidentiality, my understanding is that, the way it worked was that the applications went to the council. You might have nine people on a council. So you are expecting all the staff and all the councillors to keep things confidential. But we know in a

small community that is very difficult and that that did not always happen. So people in the community found out who was applying for welfare, who was receiving welfare.

In fact, one of my colleagues tells me that people do not want to go to the R.M. office or the town office. They do not even want to be seen going in the door, because people would assume that they are either applying for welfare or they are on welfare. In fact, I was told that people do not apply for certain programs. The example that was given to me was KidSport. They did not want to go to the R.M. office and apply for KidSport, to have a subsidy for a registration for a sports program, because people would think they were going to apply for welfare. Those kinds of things happen, unfortunately, in small communities.

So, by moving to a one-tier system, there is an advantage in terms of confidentiality. In fact, I am told that the staff will go out to rural Manitoba and visit people in their homes to take an application if they do not have transportation to get to the nearest community where there is Family Services and Housing staff.

And then, the lack of administrative resources in small municipalities, as I said, you know, you would have a staffperson, a chief administrative officer, who would be doing everything for the town council or R.M. council, not just administering social assistance but everything, probably including getting the agenda ready for council meetings and doing welfare. So these people are wearing many, many hats, but they frequently did not have training as social workers.

The Province had difficulty instituting reforms affecting employable clients. I am not sure what that refers to, but in the bill there is a very good clause that requires municipalities to make best efforts, I guess, to employ people in their municipality. I think that is a good obligation and a reasonable obligation, and I think municipalities want to see people inside their boundaries employed and will try to find jobs for them.

As I said, by 1988, Len Evans was the minister. I guess maybe we could call him the grandfather of this bill. I guess that makes Muriel Smith the great-grandmother of this bill. I do not know what role the Member for River East (Mrs. Mitchelson), I do not

know what that makes her, but I know that she worked on this issue because she brought the City of Winnipeg into provincial control when she was the minister. I know that those things take a long time, and I know there are a lot of negotiations that go on.

* (17:10)

Now, between 1988 and 1999, the biggest change was taking in the City of Winnipeg. Eventually, the rural municipalities came around, and so there were negotiations. The main negotiations, my guess, would be on the cost-sharing formula, so that there is still some financial obligation, but it is based on numbers based on caseloads from a period of about, let me see now, I think it was 1995 to 2003, something like that. If the caseload goes up, the provincial government will bear the increased cost. I guess, if the numbers go down, the rural municipalities are stuck with the numbers in the formula, but they agreed to it. They negotiated this agreement.

What are the benefits of this legislation? We believe there will be consistency of policy and practice across Manitoba. There will be a clear understanding on the part of all participants as to which level of government is responsible for providing assistance, and I think that is important for the recipients. Many times people phone my office with federal problems or with City of Winnipeg problems, and we refer them. People are not happy when we refer them to another level of government because they believe or feel that we are passing the buck. We try not to do that, but, on the other hand, we feel we do not have the resources to handle everybody's problems, with all their federal problems and all their City of Winnipeg problems, so we do refer people. I think it is advantageous to have a one-tier system where people know that there is only one level of government to go to for the program of last resort, as it is called, Employment Income Assistance, and that would be the provincial government.

There will be better-trained staff providing service. There will be improved confidentiality for participants. There will be a consistent application process across Manitoba and improved transferability of benefits if participants relocate.

How many people will this affect? Well, it will not affect very many people, because, as I said before, Manitoba was already providing assistance to at least 90 percent of recipients. In fact, currently 185

municipalities deliver municipal assistance, and the majority of recipients are in Brandon, Thompson, and Swan River. Across rural and northern Manitoba, approximately 1100 households currently receive municipal assistance. Across Manitoba, including all categories of Employment Income Assistance, there are approximately 32 500 households receiving assistance. This number has dropped considerably. Historically, it is going down. In '93-94, it was almost 50 000 households across Manitoba.

I think I will conclude there and just summarize by saying that I think this is good legislation. I do not think there is anything particularly partisan about this. I know that the previous government was working on this. It was really a matter of time until the rural municipalities came around, and that

happened in 1999. It took some time to negotiate this and to draft the legislation, and I think it is a win-win situation. It is good for the recipients. I think it is good for the municipalities that used to deliver it, and it is basically cost-neutral, because the costs are spread out over a lengthy period of time when there was a high caseload and a much lower caseload. So, I think, many, many people will benefit from this amendment.

Mr. Speaker: Any other speakers on Bill 8? When this matter is again before this House, this bill will remain standing in the name of the honourable Member for Minnedosa (Mrs. Rowat).

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 4, 2004

CONTENTS

ROUTINE PROCEEDINGS			
		Livestock Industry Lamoureux; Wowchuk	616
Presenting Petitions			
Minimum Sitting Days for Legislative Assembly Lamoureux	609	Health Care Facilities Lamoureux; Chomiak	616
Tabling of Reports		Education System Jennissen; Bjornson	617
Communities Economic Development Fund, Quarterly Report, Nine Months, April 1, 2003 to December 31, 2003 Lathlin	609	Speaker's Ruling Hickes	618
Introduction of Bills		Members' Statements	
Bill 22--The Water Protection Act Ashton	609	Social Work Week Korzeniowski	619
Bill 27--The Agricultural Societies Act Wowchuk	609	Bovine Spongiform Encephalopathy Cummings	620
Bill 28--The Agrologists Amendment Act Wowchuk	610	NSI FilmExchange Caldwell	620
Oral Questions		Natural Gas Outages (Stonewall) Eichler	621
Brokenhead Casino Murray; Doer	610	National Show Your Heart Day Irvin-Ross	621
Loewen; Rondeau	611		
Loewen; Sale	611		
Tweed; Rondeau	617		
Tweed; Ashton	617		
Tweed; Rondeau	618		
		ORDERS OF THE DAY	
		GOVERNMENT BUSINESS	
Regional Health Authorities Taillieu; Chomiak	612	Concurrence and Third Readings	
Physician Recruitment Rowat; Chomiak	613	Bill 7--The Criminal Property Forfeiture Act	622
Emergency Room Services Driedger; Chomiak	614	Bill 8--The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba)	622
Bovine Spongiform Encephalopathy Rowat; Wowchuk	615	Martindale	648
Penner; Wowchuk	618		

Bill 13–The Public Schools Amendment Act
(Appropriate Educational Programming) 622

Bill 11–The Manitoba Public Insurance
Corporation Amendment Act (Protection of
Crown Assets) 627, 629

Second Readings

Bill 21–The Non-Smokers Health Protection Act
(Various Acts Amended)
Rondeau 622

Bill 12–The Highways and Transportation
Amendment and Highway Traffic Amendment
Act (Trucking Productivity Improvement
Fund) 629

Bill 28–The Agrologists Amendment Act
Wowchuk 646

Bill 14–The Gas Tax Accountability Act
(Financial Administration Act Amended) 629

Bill 27–The Agricultural Societies Act
Wowchuk 647

Bill 15–The Highway Traffic Amendment Act
(Police Powers Respecting Unsafe Drivers and
Miscellaneous Amendments)
Hawranik 629
Lamoureux 634

Debate on Second Readings

Bill 5–The Manitoba Public Insurance
Corporation Amendment Act (Claimant
Advisers) 627

Bill 16–The Manitoba Public Insurance
Corporation Amendment Act (Denial of Benefits
for Offenders)
Derkach 637

Bill 6–The Cross-Border Policing Act 627

Bill 9–The Manitoba Immigration Council Act
Aglugub 627
Lamoureux 639

Bill 17–The Domestic Violence and Stalking
Prevention, Protection and Compensation
Amendment Act 638

Bill 10–The Gaming Control Amendment
Act 627, 629

Bill 18–The Improved Enforcement of Support
Payments (Various Acts Amended) Act 638