

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

**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	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.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSON, 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.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
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MARTINDALE, Doug	Burrows	N.D.P.
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McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 13, 2008

**The House met at 1:30 p.m.**

**MATTER OF PRIVILEGE**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I rise on a matter of privilege.

**Mr. Speaker:** The honourable Member for Inkster, on a matter of privilege.

**Mr. Lamoureux:** Mr. Speaker, I would cite *Beauchesne's 27*: "A question of privilege ought rarely to come up in Parliament. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy. A genuine question of privilege is a most serious matter and should be taken seriously by the House."

It's with that, Mr. Speaker, that I rise because I do believe that it's critically important that the Legislative Assembly be very much aware what the impact that Bill 37 is going to have, not only on my individual rights but ultimately each and every member of this Chamber.

Mr. Speaker, we tried to get a better understanding of exactly what Bill 37 does, and I did appreciate getting the spreadsheet. I've had the opportunity to read through the bill, and I am very concerned in regard to what it is the bill ultimately is going to be doing to democracy in our province.

What I would like to do is to make it very, very clear. What I'm referring to is the opportunity to be able to communicate with Manitobans. I was first elected in 1988, and never before was there any type of limitations on me to be able to communicate with all Manitobans using direct mail. It's important to recognize that fact, that as an MLA I have a responsibility to communicate to my constituents. I also have a responsibility to communicate on very important issues to all Manitobans if it's deemed necessary.

What I'd like to do, Mr. Speaker, is to give some specific examples. What Bill 37 is doing is it's now going to put in a cap. So it's going to say that MLAs will have a limit in terms of just how much literature they can actually put out, or direct mail if I can put it that way. It also is putting up concerns in regard to partisan mail. So here's where I'd like to pick up. Every other day, if not every day, as you're aware, I present petitions. Those petitions vary on what I

believe are very important issues. I raised one petition dealing with the Crocus Fund. Thirty-three thousand Manitobans have lost millions of dollars. There are issues surrounding the government's neglect on the issue. As a member of this Legislature, I've taken it upon myself to send out mail to these people in anticipation that they might have an interest in filling out petitions and sending them back to me. It's an important role that each and every one of us has to play. It's a privilege that we have within this Chamber to be able to read these petitions.

Now, this bill brings up the whole issue of partisan politics. Well, Mr. Speaker, you know, I've attempted to claim the printing costs of these petitions, and it has been ruled that I can't. I've appealed to LAMC that I shouldn't have to be the one to pay for these petitions. After all, it becomes a document of the Legislature. It's okay to read it into our record. It's been ruled as being in order. Yet if I want to produce these, I have to come up with the costs. So I go down to Staples and then I produce them.

Well, Mr. Speaker, whether it's the Crocus issue, I could talk about the Provincial Nominee Program and the petitions that I circulate on those. I could talk about other petitions, and what I do is I use the privilege that we are all given that allows us to mail out to these people that might not necessarily be in our constituency, and I ask them then to respond. If they so choose, they can mail it back and it's a good way of communicating with all Manitobans.

Well, Mr. Speaker, the Government House Leader (Mr. Chomiak) the other day inside the Legislature made a statement, and I believe the *Hansard* came out yesterday. I believe that it really sets the true intentions of what the government is trying to do. I think that we all need to look at it, and I'm going to quote right from *Hansard*, May 7. I believe it was actually circulated yesterday, and in it it says—and it comes from the Minister of Justice or the Government House Leader—and I quote: "In fact, we are trying to prevent partisan mailings into places being paid for by the government. We're trying to prevent that. If the member is against that he ought to stand up."

**Mr. Speaker:** Order. The honourable member who is up on a matter of privilege, I have yet to hear what privilege has been denied the member. Also, when members rise on a point of order, it's to deal with a prima facie case to—*[interjection]* I mean when rising on a matter of privilege, it's to present a prima facie case for the Speaker to put it to the House for discussions. It's not the time for debating the issue because if I rule it is, then that would be the time to debate it. But we're getting into the debate of it, and I haven't heard the mention of what privilege the member is being denied.

**Mr. Lamoureux:** My apologies, Mr. Speaker. I should have mentioned right at the beginning, it's dealing with freedom of speech, which I think is absolutely, obviously very critical.

The member before me, Becky Barrett, sent out interesting materials while she was an MLA through the direct mail system, Mr. Speaker. She was enabled to, allowed to do the types of things that I was able to do right from 1988. It's critically important that MLAs are afforded the opportunity to be able to communicate with Manitobans. It is a way in which we can express ourselves. It provides for freedom of speech.

The government is, in essence, and through Mr. Chomiak's remarks—*[interjection]* I'm sorry. Through the Government House Leader's remarks, Mr. Speaker, I think it becomes very clear that he is trying to limit my freedom to be able to address the types of issues that are important, and those have never been challenged in the past.

The legislation, as proposed and as explained by the Minister of Justice (Mr. Chomiak), is going to put very serious restrictions on us, and we need to be aware of those restrictions, Mr. Speaker. The government doesn't have those types of restrictions. It has the opportunity to speak on all the different issues it wants, while at the same time it's trying to put a muzzle on the opposition's ability to be able to communicate.

That's the reason why I stand on the privilege today, believing ultimately that the wisdom of this Chamber will see that there is a serious infringement on my ability—and all of us, all of our abilities—to be able to communicate. Therefore, I would suggest to you, it's limiting our freedom of speech, Mr. Speaker.

So with that said, I would move, seconded by the MLA for River Heights (Mr. Gerrard), that the matter be referred to a committee of the Legislature.

**Mr. Speaker:** Before recognizing any other member to speak, I remind the House that contributions at this time by honourable members are to be limited to strictly relevant comments as to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Mr. Kelvin Goertzen (Steinbach):** I thank my friend, the Member for Inkster (Mr. Lamoureux), for bringing forward this important matter of privilege, and I certainly stand along with members on our side of the House to support his raising it and the arguments that he put forward.

I take him at his word that he raised this issue at the earliest opportunity, having reviewed *Hansard* which was just published and distributed to him.

On the substantive issue on whether or not it impinges on his role at the Legislature through his rights of freedom of speech being impeached upon, I would certainly agree with the arguments that were laid out by the member and certainly add a few others, Mr. Speaker.

\* (13:40)

I think all of us would agree, I would certainly hope all of us would agree here in this Legislature, even if members of the government, particularly the backbenchers, don't feel at liberty to express that opinion, that we have a responsibility as MLAs, as duly elected MLAs, to bring forward the concerns that are raised about legislation and other things that happen in the Legislature to our community. It's certainly more, Mr. Speaker, than us being able to communicate to residents in Manitoba, our constituents and others. It's about their ability and their right to hear about what's going on here in the Legislature, about legislation that impacts them each and every day.

I would defy members opposite, if you look at the legislative agenda here in this Legislature or any other government before, every piece of legislation in some way impacts a Manitoban. Every piece of legislation has an impact on the lives of Manitobans in one form or the other. There can be different arguments about how it is impacting them individually.

We as MLAs need that ability to ensure that Manitobans can hear about how the legislation and other things that are happening in the Legislature are touching their lives as individuals. They have the right to hear about the impacts of government in Manitoba and what it's doing in their lives. We have the freedom of speech. We need to be able to speak and communicate freely with those constituents, and they have the right to hear about what's happening in Manitoba. I do believe that this legislation will impinge upon their rights to get that information and upon our rights to transmit it to them, Mr. Speaker.

I would say to members opposite, I read the comments in *Hansard* that were referred to by the Member for Inkster (Mr. Lamoureux). When the Minister of Justice (Mr. Chomiak), the Government House Leader, speaks about partisanship and trying to restrict partisan mailings, that is very troubling because what can be construed as partisan and how does that impinge on our freedom of speech? Obviously, one might wonder whether or not any criticism of the government, anything that says that the government isn't doing something properly or right, is that a partisan nature? Is that a partisan speech? Is that something that the government is going to try to prevent to go out to other communities and to residents, people who have a right to hear about what's happening in the Legislature. That is certainly something that we would be concerned about, and I think all members of the Legislature should be concerned about.

It's not just us as opposition or the independent members of the Legislature. All of the members of the Legislature, the New Democratic backbenchers, as well, should be concerned because they have privileges that are also going to be impinged upon, whether at some point they're going to be in opposition. But even in their role as government backbenchers, they should be concerned about having their freedom of speech vetted through a government committee, because they are elected and responsible to the people who have elected them. They have to go back and explain what's happening in the Legislature, and without the freedom of speech, without the ability to do that, they won't be responsible; they won't be fulfilling their jobs that they're supposed to, as well.

So I do want to support the Member for Inkster (Mr. Lamoureux) in his matter of privilege. I do believe that Bill 37, along with my colleagues on this side of the House, believe that it impacts on our freedom of speech, not just for us—and this is an

important point I want to leave you with, Mr. Speaker—not just for us as individual members of the Legislature to go and tell Manitobans what's happening in the Legislature, but their fundamental right to know what's happening, to hear what's happening in the Legislature, is being impinged upon by Bill 37.

So I look forward to a positive ruling, Mr. Speaker.

**Hon. Steve Ashton (Deputy Government House Leader):** First of all, your role as Speaker, obviously, as outlined in *Beauchesne* 117, is to determine whether it's a prima facie case of privilege.

Mr. Speaker, I would submit to you that, indeed, there's not a prima facie case of privilege in this case. The member opposite is clearly debating a provision of the bill that's before this Legislature. It was introduced for second reading yesterday.

I would remind the member that brought that forward that he may wish to consider *Beauchesne* 640 which outlines the very significant importance of debate and, particularly, also, 659, which points to the fact that second reading is the most important stage of the bill in which members opposite have every opportunity to debate the principle of the legislation, and that's followed, of course, by the committee hearing process and third reading at which time members in this House can move amendments to deal with specific clauses.

So the member is not only engaging in what is essentially debate, he actually, Mr. Speaker, I believe is really pre-empting the very significant debate that will take place. I'd remind the member opposite as well, something that I know he's aware of, and that is in Manitoba we're the only jurisdiction that does have mandatory public hearings on all public legislation. In fact, there'll be an opportunity not only for the member opposite but for members of the public to talk about issues.

I'd also suggest that, in considering the matter of privilege that I think the member opposite skipped over, the very important sections that are in here in terms of freedom of speech, particularly I note 77 of *Beauchesne* which points out that we respect that fundamental right, Mr. Speaker. But, as we do in our orders at the Legislature where we have set times for debate and specific time periods, we have for quite some considerable period of time had rules and regulations in terms of mailings from members of the Legislature. Particularly we have had rules and

regulations, and that's why I find it surprising that the member would even not include this in his comments about partisan and non-partisan mailings.

I'll put aside, Mr. Speaker, the broader inconsistency of members opposite having difficulty with public funding of elections which allows for communication of political platforms. In this case we are having public funding of all political parties, something that builds on the current public funding which does allow for communication, probably the most significant element of our democratic process in an election. But, you know, I would point out that, for a considerable period of time, members have not been able to use taxpayers' money in this Legislature for partisan mailouts.

In fact, there's a very big difference between the three, what we call franks, where members can communicate with their constituents. They can say whatever they want. It can be as partisan as they want, and our mailings—and I sat for a number of years on LAMC. We already have restrictions in terms of mailings through LAMC. We have had for a considerable period of time. Members cannot under the guise of free speech use their mailing privileges to promote a political party. In fact, this predates when this government was in office.

I've had the ultimate luxury, I don't know if you can call it that, of being in opposition. Those restrictions were in place when members opposite were in government. In fact, the Member for Inkster (Mr. Lamoureux) was in place as well. So, Mr. Speaker, what's really being talked about here as we move to comprehensive reforms to our electoral processes and, by the way, including for the first time fixed elections, pardon me, fixed election dates. We had efforts to fix elections some time ago.

Mr. Speaker, I know the term "fixed elections" gets members opposite really riled up. You know, that spirit of the '90s flowing in their veins. There's nothing new in what's happening in the legislation other than making sure as part of an overall initiative, and I don't want to get into details of legislation, but clearly is establishing a fixed timetable. It's establishing restrictions in terms of government and Crown corporation advertising. It does not in any way, shape or form take away from ability of members to communicate to their constituents.

There will not be two, there will not be one frank. There will not be no franks. There'll be three franks. They can be as partisan as they wish, and all

that's happening is we're taking the existing practice that's been in place for many years in terms of mailings and through LAMC, which has representation from parties in this House and which has a responsibility to look at the budget each and every year. All it does is codify that in a way that's consistent with the other principle of the bill.

So, Mr. Speaker, just to finish, there is not a restriction on the right of members in terms of freedom of speech. The member can stand in this House, as he just did, and speak his mind within the rules of this Legislature. To suggest that taking an existing practice—an existing practice clearly delineates between partisan and non-partisan communication. I would say not only is there not a matter of privilege, I think it's unfortunate that the member opposite would actually use the matter of privilege in this case to suggest there's anything involving freedom of speech. This is debate on Bill 37. I would suggest the member participate in the second reading debate. I believe he's done that, and I would suggest that we have the debate there. And Manitobans can have their say as well.

We think it's a good bill, but this is not the time to debate the bill. There is no matter of privilege, Mr. Speaker.

**Mr. Speaker:** A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities, and I will return to the House with a ruling.

\* (13:50)

## ROUTINE PROCEEDINGS

### PETITIONS

#### Child-Care Centres

**Mr. Stuart Briese (Ste. Rose):** I wish to present the following petition to the Legislative Assembly:

These are the reasons for this petition:

There is an ongoing critical shortage of child-care spaces throughout Manitoba, particularly in the fast-growing regions such as south Winnipeg.

The provincial government has not adequately planned for the child-care needs of growing communities like Waverley West where the construction of thousands of homes will place immense pressure on the already overburdened child-care system.

The severe shortage of early childhood educators compounds the difficulty parents have finding licensed child care and has forced numerous centres to operate with licensing exemptions due to a lack of qualified staff.

Child-care centres are finding it increasingly difficult to operate within the funding constraints set by the provincial government to the point that they are unable to provide wages and benefits sufficient to retain child-care workers.

As a result of these deficiencies in Manitoba's child-care system, many families and parents are growing increasingly frustrated and desperate, fearing that they will be unable to find licensed child care and may be forced to stop working as a result. In an economy where labour shortages are common, the provision of sustainable and accessible child care is critical.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Family Services and Housing (Mr. Mackintosh) to consider addressing the shortage of early childhood educators by enabling child-care centres to provide competitive wages and benefits.

To urge the Minister of Family Services and Housing to consider adequately planning for the future child-care needs of growing communities and to consider making the development of a sustainable and accessible child-care system a priority.

To urge the Minister of Family Services and Housing to consider the development of a governance body that would provide direction and support to the volunteer boards of child-care centres and to consider the development of regionalized central wait lists for child care.

To encourage all members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed day-care facilities in their constituencies.

This is signed by Russell Woodrow, Carmeco Acongi, Tom McGinney and many, many others.

**Mr. Speaker:** In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

### Long-Term Care Facility—Morden

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background for this petition is as follows:

Tabor Home Incorporated is a time-expired personal care home in Morden with safety, environmental and space deficiencies.

The seniors of Manitoba are valuable members of the community with increasing health-care needs requiring long-term care.

The community of Morden and the surrounding area are experiencing substantial population growth.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to strongly consider giving priority for funding to develop and staff a new 100-bed long-term care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute-care patients instead of waiting placement clients.

This is signed by Pete Guenther, Kevin Harms, Joyce Lesparance and many, many others.

### Child-Care Centres

**Mrs. Myrna Driedger (Charleswood):** I wish to present the following petition to the Legislative Assembly:

These are the reasons for this petition:

There is an ongoing critical shortage of child-care spaces throughout Manitoba, particularly in fast-growing regions such as south Winnipeg.

The provincial government has not adequately planned for the child-care needs of growing communities like Waverley West where the construction of thousands of homes will place immense pressure on the already overburdened child-care system.

The severe shortage of early childhood educators compounds the difficulty parents have finding licensed child care and has forced numerous centres to operate with licensing exemptions due to a lack of qualified staff.

Child-care centres are finding it increasingly difficult to operate within the funding constraints set by the provincial government to the point that they

are unable to provide wages and benefits sufficient to retain child-care workers.

As a result of these deficiencies in Manitoba's child-care system, many families and parents are growing increasingly frustrated and desperate, fearing that they will be unable to find licensed child care and may be forced to stop working as a result. In an economy where labour shortages are common, the provision of sustainable and accessible child care is critical.

We petition the Legislative Assembly of Manitoba as follows:

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To urge the Minister of Family Services and Housing to consider adequately planning for the future child-care needs of growing communities and to consider making the development of a sustainable and accessible child-care system a priority.

To urge the Minister of Family Services and Housing to consider the development of a governance body that would provide direction and support to the volunteer boards of child-care centres and to consider the development of regionalized central wait lists for child care.

To encourage all members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed day-care facilities in their constituencies.

This is signed by Derrick Reynolds, Sean Fair, Krista Babinsky and many, many others.

#### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us today the summer tour guides for the Manitoba Legislative building. We have Krista Wawrykow, Lori Darragh and Rachelle Sorin. They are accompanied by Daisy Giesbrecht who is a tour officer and Vanessa Gregg who is the manager of the Visitor Tour Program.

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

## ORAL QUESTIONS

### Bill 37

#### Government Intent

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, almost every day, regular Manitobans come to meet with MLAs from different parties to share their concerns about what's going on in health care, what may be going on in finance, about what might be happening in Child and Family Services. These are important and sensitive conversations that all MLAs need to be able to have with regular Manitobans.

Under the Premier's election-fixing bill, he wants to regulate who meets with Manitoba MLAs. While we support the idea of transparency with respect to hired guns, we have concerns about the regulation of who MLAs meet with who may be coming forward with issues and concerns that they want brought forward in this forum.

Mr. Speaker, the Premier has indicated that he's basing his legislation on the federal legislation and, as usual, he's only telling part of the story. In fact, what he's doing is he's basing his legislation on the old Liberal legislation that led to ad scam. The Gomery inquiry recommended that the registrar of lobbyists be an independent officer of the Legislature, not a partisan political appointee.

I want to ask the Premier why it is that in his election-fixing bill, he is making the registrar a partisan appointee of Cabinet instead of an independent officer of the Legislature as Gomery recommended and as has been adopted by the federal Parliament. Why is the Premier siding with the ad scammers when he should be siding with Manitoba taxpayers?

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, the holier-than-thou question from the member opposite, one should recall that the only party convicted of attempting to vote fix is on that side of the House, not on this side of the House.

\* (14:00)

One should also pay attention to the fact that certainly we do not take exception to the recommendations from the Chief Electoral Officer or any other officer of this Legislature. The issue of the registrar in Manitoba, the issue of a lobbyist registrar, the legislation was modelled after both the provincial legislation in Alberta and some sections of the federal law. The registrar will not be a person



accountable to a Cabinet minister. It will be an individual appointed in an office of an independent officer of this Legislature. It will be somebody that will not be required to be—

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

**Mr. Speaker:** Order.

**Mr. Doer:** It won't be an individual that is appointed by Cabinet.

I would point out, Mr. Speaker, that the old way of having Cabinet appointing returning officers, which was recommended for eight years by the Chief Electoral Officer, was denied in terms of the members opposite with their government. It was one of the first acts we took.

This position will not be, in our view, required to be a full-time position. We would want that position in consultation with members opposite either to reside in one of the other bodies that report to the Legislature—for example, it could reside with the Ombudsman; it could reside with the Chief Electoral Officer; it could reside with another officer of the Legislature. I want to say to the public we were very critical of the Child Advocate being appointed and reporting to the members opposite when they were in government. We argued strongly that that should be an officer of the Legislature, and I want to say to the people of Manitoba we will have that position reside in a place that's independent of the Cabinet of the day.

**Mr. McFadyen:** What the Premier has just said is directly contrary to what his election-fixing bill actually says at this moment. But if the Premier is suggesting now that he is amending that point in the legislation to make the registrar an independent officer of the Legislature, then we commend that amendment.

I want to ask the Premier since he's on a roll: Will he also amend the bill to get rid of taxpayer-funded grants, handouts to Manitoba political parties?

**Mr. Doer:** Well, Mr. Speaker, the member opposite was part of a chief of staff who condemned them in opposition and took them in government. In fact, the member opposite received partial funding from the taxpayers in 2007. He actually received more money as a grant than the government of the day did. His predecessor, Mr. Murray, received quite a bit less. Obviously, Mr. Murray did not have the same

resources as the member opposite had although he did have better election results in 2003.

I note today the member opposite wants the shortened question period. Mr. Speaker, there's no greater democracy than question period. Why would a member and a Leader of the Opposition want to shorten question period? What's he afraid of, Mr. Speaker?

**Mr. McFadyen:** Firstly, I want to thank the Premier for flip-flopping on the issue of the registrar, as he just did in the response to the first question. I think I hear him flip-flopping on the issue of legislative rules. We appreciate his commitment to reforming the rules of the Legislature.

While we're on a roll, Mr. Speaker, will he commit to going all the way on democracy in Manitoba? Will he commit to withdrawing Bill 37 and have him call full public hearings so the people of Manitoba can have input in this important piece of legislation?

He has flip-flopped once in his first response; flip-flop No. 2 in his second response. Can we have flip-flop No. 3 and move to full democracy in Manitoba?

**Mr. Doer:** Well, we have full democracy in Manitoba. It's called an election, Mr. Speaker. It's called an election.

Now, Mr. Speaker, he has spent the last 12 months complaining about the election results and democracy in Manitoba even after he outspent us in the last election campaign.

Mr. Speaker, he is the only Leader of the Opposition in the western democratic world to ask for less time in question period. I can't believe a Leader of the Opposition proposing that to members of the media. Maybe he should be discussing [*inaudible*] giving them some gratuitous advice.

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

**Mr. Speaker:** Order. Let's have a little decorum, please.

**Mr. Doer:** Mr. Speaker, I support the longer question period. We like the accountability of question period to answer questions specifically. Why doesn't he discuss issues that are important to Manitobans? Why doesn't he discuss the hog moratorium on the hog valley in Manitoba? Why doesn't he discuss that issue? Instead of whining to the media, why doesn't he discuss school closure

legislation? Because he has no position on issues that are important to Manitoba. That's why we're in government. He's dealing with the relevancy of question period. He's got to start dealing with issues.

**Bill 37**  
**Government Intent**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, if that is the Premier's idea of the definition of democracy, I think he needs a new lesson and, maybe, perhaps, I can help the Premier out a little bit. Things like censoring communications between MLAs and their constituents, things like forcing Manitobans to contribute to political parties that they don't believe in, things like one-party states, things like dictatorships, these are things that are not democratic.

What is this Premier, what is the government afraid of? Why do they feel that they need to trample on the rights of Manitobans in order to get their message across?

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, I know the member opposite has some very important items on the private members' legislative agenda for the House. I would point out—

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

**Mr. Speaker:** Order. Let's watch our language here. All members are honourable members. I heard a comment that is very unparliamentary, but at this point I don't know where it came from. Let's watch our language in this House. We only use parliamentary language.

**Mr. Doer:** Thank you very much, Mr. Speaker.

First of all, I want to say I'm really proud of our candidate in Tuxedo in the last election campaign. We think democracy was alive and well in that campaign, and we accepted the results of the voters of Tuxedo.

I noted, Mr. Speaker, that while the member is feigning indignation she accepted a rebate in the Tuxedo constituency for the Conservative Party. This is, of course, the old Tory policy, say one thing in opposition but do something quite a bit different in your own practices.

There is no censorship. There is no prohibition of the Conservative Party of Manitoba paying hundreds of thousands of dollars to send partisan ads out to every—or partisan mailing out to every Manitoban every day. They can do that. They have

the legal right to do it. The question is will the taxpayers pay for the Conservative Party to send partisan ads out to ridings like we see in Ottawa with partisan ads being paid for by the taxpayers? You can send mail out all you want. Go ahead, send the mail out.

Of course, members opposite talk about democracy. I think there is a set of billboards the members opposite said would not be legal, a set of ads the members opposite described would not be legal. There's a whole campaign against the proposed partial hog moratorium legislation. We're not whining about it. It's part of democracy.

\* (14:10)

**Mrs. Stefanson:** Infringing and impeding the rights of average Manitobans, Mr. Speaker, is not democratic, and that's what this bill does. I think the Premier, in his election-fixing bill, should be very careful because not only is it a recipe for ad scam 2, but it also forces Manitobans to contribute to political parties that they don't necessarily agree with or believe in. It's not democratic. It's unconstitutional and it leads us, as Manitobans, down a slippery slope to a one-party state.

Mr. Speaker, if the NDP is so afraid of a decline in support for their party they should consider changing their policies, not forcing undemocratic legislation on Manitobans. Why are they forcing this legislation on Manitobans?

**Mr. Doer:** Well, Mr. Speaker, we love debating policies. We would love to debate the school closure legislation. We would love to debate the partial hog moratorium in Manitoba. The members opposite, the Leader of the Opposition (Mr. McFadyen), former campaign manager, he loves to talk about these kinds of backroom issues, and we're more than welcome to talk about those issues.

But, I would point out, Mr. Speaker, the member opposite collected \$11,756 as a rebate. Now, did every one of the people in Tuxedo vote for the member opposite? No, they didn't, and, you know, this is only partial funding of political parties.

Let's be very clear. The Conservative Party of Manitoba, they can spend a million dollars a day on partisan attack mailings out to every Manitoban every day if they want to. That is not prohibited in this law. Go ahead, spend your money on that if you'd like. That's your choice, but, Mr. Speaker, why can't they live—you know, the next question they're going to ask is about balanced budgets.

They don't want to live within the balanced budget that's presented in the Legislature. They want to have an absolute blank cheque for partisan mailings into the ridings on one hand. Well, if they want to have partisan mailings, they're going to have to partially pay for them under this law.

**Mrs. Stefanson:** Mr. Speaker, we are here to debate in a free and democratic society, and we are here to debate the members opposite, their political policies and so on. What we will not allow to happen is that the Premier get away with introducing and passing undemocratic and unconstitutional legislation in Manitoba. That's what we're here to do, to ensure that he doesn't get away with passing this kind of legislation that is undemocratic and unconstitutional.

Mr. Speaker, the Premier should stand before Manitobans and withdraw this bill. Will he do that now? Will he do the right thing for Manitobans for the sake of democracy?

**Mr. Doer:** I know that accountability, in my view, should go both ways in question period, and I would point out that the last time members opposite—

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

**Mr. Speaker:** Order. The honourable First Minister has the floor.

**Mr. Doer:** Thank you, Mr. Speaker.

The Member for River East (Mrs. Mitchelson), my MLA, said, and I quote, that a legal opinion contained by the Canadian Taxpayers Association finds this gag law violates the Charter of Rights and Freedoms, dealing with checks and balances that we placed in legislation dealing with banning of union and corporate donations to make sure that legislation is passed without fear or favour in this House. The members opposite made all kinds of legal allegations, claimed that the legislation would be lost under the Charter of Rights. They were wrong then and they're, again, wrong today.

Mr. Speaker, one of the greatest democratic issues the members opposite have raised for years is to move to a fixed election date. One of the greatest prerequisites for a premier, before this legislation that's proposed, is to have a date that could be set by the Premier. I know with Premier Filmon we went four and a half years, four years and seven months. We never knew when the election was. The members opposite talk about advertising and other things. We didn't whine about it. We didn't complain about it. We just got on with discussing issues to Manitobans.

But I would point out, one of the largest issues members opposite asked for and wanted in terms of the balance in this legislation was a fixed election date. We have proposed that in the legislation along with a number of changes.

Mr. Speaker, members opposite, if they run for federal politics, if they run for federal politics, they will get \$1.95 for every vote. I know they won't want to take that money, but every MLA I know on the Conservative side took a taxpayers' rebate in the last election campaign. Shame, shame.

### Bill 38

#### Impact on Crown Corporations

**Mr. Rick Borotsik (Brandon West):** What a farce, Mr. Speaker, because every member on that side of the House took the same rebate, and the fact is their rebates were much larger than what the rebates on this side of the House—

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

**Mr. Speaker:** Order.

**Mr. Borotsik:** That's a farce, Mr. Speaker. They took the rebates. They should be responsible for—

**Mr. Speaker:** Order.

**Mr. Borotsik:** —puts a lot of misplaced *[inaudible]* sticky fingers of the Minister of Finance (Mr. Selinger). He says he—

**Mr. Speaker:** Order. All members in the House are honourable members. I think we're getting a little close to unparliamentary language here. I'll caution the member here to pick his words very, very carefully.

**Mr. Borotsik:** Thank you, Mr. Speaker.

They did place their mistrust in the Minister of Finance. He says he will not abuse Manitoba Hydro, but past experience does not give us any confidence.

Will the minister admit that in 2002 he took \$203 million from Manitoba Hydro, money Manitoba Hydro did not have, to balance his mismanaged budget?

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, under the old balanced budget legislation, Hydro was outside of the reporting entity and, as a result, members opposite took money through the backdoor to pay for government-responsible infrastructure in the north. Hydro paid for that infrastructure. It was only noted in some obscure footnote in the back of the annual report, and

that was one of the many unfortunate outcomes of the old balanced budget legislation.

Under the new legislation, Hydro is in the reporting entity. Any money taken out of it has to be public, has to be available in the Legislature, and I can assure you none of that money will be used to balance the budget because it's all in. It can't be counted twice under this law. That's illegal now.

**Mr. Borotsik:** Well, I suppose, Mr. Speaker, that the minister has admitted to his illegality by taking \$203 million out of Manitoba Hydro in 2002, because that's exactly what he did. He did it out of the backdoor. Now he wants to do it through the front door.

In the year 2000, Autopac was his victim. Mr. Speaker, \$20-million worth of Autopac premiums were going to sneak its way into his operational budget, but except for a public outcry. The Finance Minister has been caught twice with his fingers in the cookie jar.

Why should Manitoba taxpayers, Autopac ratepayers and Manitoba Hydro users believe anything that this Finance Minister has to say?

**Mr. Selinger:** Mr. Speaker, MPI was created by the New Democratic Party of this side of the House, and that institution provides the lowest Autopac rates in North America. The members opposite would dearly love to privatize that, as they would Hydro, as they would liquor, as they would lotteries, as they would day care, as we found out last week in the House. They prefer private delivery of day care.

We know what the members opposite are all about. They're taking public assets, like the telephone system, keeping them outside of the reporting entity, selling them off cheap, and then using that money to balance the budget. That's illegal under this new law. It will no longer be possible for the members opposite to steal public goods.

\* (14:20)

**Mr. Speaker:** Order. I just remind the House that all members are honourable members, and I don't think there's a member in this House that would be stealing anything. I'm pretty sure of that. The honourable Minister of Finance, I ask you to withdraw that, please.

**Mr. Selinger:** I withdraw that comment, Mr. Speaker.

**Mr. Speaker:** I thank the honourable member for that.

**Mr. Borotsik:** Mr. Speaker, if anybody should know about that, it should be the Finance Minister. He says that—

**Mr. Speaker:** Order. I just made a ruling, and I don't appreciate members reflecting on my ruling. So I would ask the Member for Brandon to withdraw that first comment.

**Mr. Borotsik:** Mr. Speaker, I withdraw the comment.

Mr. Speaker, this isn't balanced budget legislation. This is a paint-by-numbers. The Finance Minister can use any numbers he wants to paint an excuse for overexpending now. Public Accounts that I have before me right now show that there's \$958 million in net income from Crown corporations in 2006. There's \$703 of net income in 2007. This is an awful lot of money for this Finance Minister to play with.

Knowing what he has done in the past, why should we trust this Finance Minister to keep that money simply on a balance sheet and not use it for his misspending, what he has done in the past?

**Mr. Selinger:** The member opposite brings up the record of the government. I will just note for the record that under the existing balanced budget legislation we balanced every single year, nine years in a row, a record unequalled by members opposite. We've had six credit-rating upgrades, a record unequalled by members opposite.

Contrary to what the members did, where they kept the pension liability off the books, we changed the law, that you have to address the pension liability for teachers and public servants. We have put \$1.8 billion into that for teachers and over \$300 million of that available—we've made that available for public servants. We have taken what was a \$3-billion liability growing to \$8 billion. We have put a plan in place to bring that down over the next 20 years.

We have been more fiscally responsible and the result has been upgrades from credit-rating agencies.

### **Bill 38**

#### **Impact on Post-Secondary Institutions**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, with Bill 38, post-secondary institutions will now be included in the new summary budget.

Given that this NDP government likes to dip into bank accounts of other institutions when it's short of cash, as we saw with Hydro and MPI, I'd like to ask: Is the Minister of Advanced Education at all concerned that Bill 38 will allow her government to tap into these post-secondary institutions to balance their books?

**Hon. Diane McGifford (Minister of Advanced Education and Literacy):** Mr. Speaker, it is a red-letter day when we get a question about post-secondary education. I think we had one in December. When the Member for Russell (Mr. Derkach) was the post-secondary education critic, we had one or two, so it's a very rare day.

But the answer to the question is, no, I have absolutely no concern whatsoever.

**Mrs. Driedger:** Mr. Speaker, it's more of a red-letter day when we get an answer from this minister. There wasn't an answer there. This Minister of Advanced Education does not pay a lot of attention to details of post-secondary institutions. She prefers to deal with more head-in-the-clouds intellectual kinds of stuff.

Mr. Speaker, how will this Minister of Advanced Education be able to protect post-secondary institutions from her own government if it decides to siphon off money to balance their books?

**Ms. McGifford:** Well, you know, Mr. Speaker, there was such a hullabaloo over there I don't think that the member heard me answer her question. The answer to the question was I have absolutely no concern whatsoever with regard to post-secondary education, and her question I think is rather silly.

**Mrs. Driedger:** Mr. Speaker, this NDP government has already meddled with university finances by forcing a nine-year tuition freeze on them and not backfilling those losses. So it's not a stretch to think that they wouldn't interfere again and siphon off dollars in order to fund their spending sprees.

I'd like to ask this Minister of Advanced Education if she will protect post-secondary institutions from her Premier (Mr. Doer) and her Finance Minister and vote against Bill 38.

**Ms. McGifford:** Well, two points, I suggest that the member familiarize herself with accounting rules and with the details of Bill 38.

But, Mr. Speaker, I want to make the point that in the '90s, the funding to post-secondary education

was 16.5 increases. During our time in office, it's been 63.6 or 400 times more. This member has nothing to tell me about post-secondary education.

### **Bovine TB Government Testing of Elk**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, my question is to the Minister of Conservation. The latest case of tuberculosis found in a cattle herd in the Riding Mountain eradication area has caused a great deal of concern to livestock producers and ranchers in the area. The loss of habitat in the Riding Mountain caused by beaver flooding of meadows has caused elk to be pushed out into the grazing and hay-land areas.

I want to ask the Minister of Conservation if he could inform the House what monitoring his department has been doing in that zone and how many elk have been tested in the last year for tuberculosis.

**Hon. Stan Struthers (Minister of Conservation):** Mr. Speaker, indeed it's a very important question that the Member for Russell asks. It has a big impact on not just the elk population and I think the great things that Riding Mountain National Park offers to people, but also an impact on the farm community that surrounds Riding Mountain National Park.

That's why our department and the Department of Agriculture have been working very diligently with CFIA at the federal level and Parks Canada to make sure that we increase the number of tests that are done. That has been done from year to year to year, and that number continues to increase.

If the Member for Russell has some good suggestions that he can give us in terms of even increasing that more, all the better, Mr. Speaker. We'll continue to be open to ideas from the Member for Russell.

**Mr. Derkach:** Well, Mr. Speaker, the fact that a case of tuberculosis was found in a cattle herd outside the park means that elk outside the park have been in contact with cattle that are grazing on hay lands outside the park.

I want to ask the minister responsible for this, who is the Minister of Conservation, if he can tell the House and also the producers of this province how many elk his department has tested in the last year for tuberculosis outside of the park, Mr. Speaker.

**Mr. Struthers:** Mr. Speaker, there has been very good work done by all the agencies involved in this.

There's been a number of decisions that have been made, not just between those agencies, but along with the rural municipalities that surround the Riding Mountain National Park, along with the cattle producers who we meet with on a regular basis.

We're looking for ways to better this program to make sure we get even more elk collared and even more testing done in conjunction with farmers and hunters in the area.

**Mr. Derkach:** Mr. Speaker, in past years, elk were trapped outside of the park and then tested for tuberculosis. Ranchers, producers in the area are concerned that this action has stopped, and, in fact, elk outside of the park are not being caught today and are not being tested for tuberculosis.

I'd like the Minister of Conservation to clear this up and inform Manitobans whether or not elk caught outside of the park have been tested for tuberculosis this year or last year and how many have been tested in the past year to give the comfort to producers that, in fact, monitoring is continuing and is on an ongoing basis by his department.

\* (14:30)

**Mr. Struthers:** I can absolutely make the assurance to the Member for Russell that that monitoring is a strong program. It continues.

We're looking for ways to work with all of the user groups, all of the stakeholders, to make sure that that number increases every year, and it has increased every year, Mr. Speaker, because we know that it's important to get that data so that we can make good decisions to protect not only the cattle herd in Manitoba, but the elk herd within the park.

#### **Northern Communities Youth Suicides Reduction Strategies**

**Mrs. Leanne Rowat (Minnedosa):** Yesterday I asked the Minister of Aboriginal and Northern Affairs (Mr. Lathlin) what he was going to do about the youth suicide crises in northern Manitoba communities. He didn't have an answer.

We've since learned that the government's response to the Children's Advocate report was to issue yet another report that is nothing more than a rehash of some very grave statistics. There's no plan to get these children the help that they need.

Mr. Speaker, I'd like to ask the Minister of Aboriginal and Northern Affairs: As an advocate for

First Nation families, why are you remaining silent while the child suicide rates continue to rise?

**Hon. Eric Robinson (Acting Minister of Aboriginal and Northern Affairs):** We certainly want to make clear in this Chamber that one suicide is too many in the province of Manitoba, anywhere, on any of the reserves that we have in the province of Manitoba.

Now let me say, further, Mr. Speaker, the Premier (Mr. Doer) and I have been to many of the northern communities, including Shamattawa, on a number of occasions. In fact, when we landed there one time, the plane stopped just when we had landed—perhaps you'd remember this, as well, Mr. Speaker—and they had to send another plane in.

But we heard first-hand—*[interjection]* Let me finish. Mr. Speaker, let me tell you first-hand from the community members some of the frustration that the parents and the community elders were experiencing with the high degree of children that were solvent-addicted and the tremendous challenge that exists there.

Now, what we got to remember here, folks—

**Mr. Speaker:** Order.

**Mrs. Rowat:** What the minister is getting at, and I've also heard, first-hand, a woman approaching me and saying these children are our hope, and they're losing hope. So, Mr. Speaker, I can agree with that statement.

The number of children that are dying from suicide in Manitoba went from 13 in 2003 to 25 in 2005, while the population remained stable. There's been a dramatic increase in suicide in recent years with a significant increase among children under 14 years of age. This government has been promising to address this issue for years and nothing has changed except that more children are dying at a younger age.

Mr. Speaker, what concrete steps is this minister going to take today before we lose more children to suicide?

**Mr. Robinson:** You know, it's a sad situation, Mr. Speaker, that we have this unfortunate issue that's in our backyard.

I want to say to the member, in all sincerity, that this is an issue that this side of the House doesn't take lightly. Yesterday I had the opportunity of speaking with the columnist from the *Winnipeg Free Press*

about some of the issues in Shamattawa, and I advised her that it might be a good idea for her to visit the community to see first-hand the circumstances that the people have to live under.

Now, I have worked with a lot of honourable journalists in my time. I've had the opportunity of working with Doug Nairne and Bruce Owen who have travelled to that particular community with me, Mr. Speaker, and it's not any one level of government's responsibility, but entirely our responsibility as society.

We need the federal government, who is a trustee for Indian people. We also need the provincial government on board. *[interjection]* Let me finish—and also the local government responsibility of the chief and council to work in addressing this very, very serious problem. We should not be politicizing.

**Mrs. Rowat:** It is a collective responsibility. It is, through the Jordan's Principle, the concept of joint and collective responsibility to ensure that children do receive the supports that they require.

In 2002, Mr. Speaker, this government made a promise regarding protecting Aboriginal youth. It is time for this government to act. The report states, efforts have to be comprehensive and they have to be co-ordinated at all sectors within the community and with governments. We need strong measurables and we need strong outcomes. Families need support. Families need hope.

Mr. Speaker, will they commit today that the recommendations from 2008 and take action now?

**Mr. Robinson:** You and I know that this issue goes back to 1988 and even before that. When the Aboriginal Justice Inquiry first made the recommendations, Mr. Speaker, we brought those recommendations to the attention of the government of that day in 1991, and repeatedly through the 1990s. Do you think anything happened? No.

When we came into power, we took action and we formed a grass-roots-oriented committee to address the issues that Indian people were faced with, including Shamattawa, to hear them first-hand on some of the issues they felt had to be done in order to address the problem. Now, unfortunately, just about every child in the community of Shamattawa has experienced solvent abuse in one form or another, and that is regrettable in this day and age.

With respect to the ongoing work, yes, this government is committed to working with the community on an ongoing basis to continue addressing this very, very serious issue that we should not be taking very lightly.

### **All-Weather Road Public Consultations**

**Hon. Jon Gerrard (River Heights):** To the Premier: I understand the Premier is working with his government on the all-weather permanent Dickstone Road which crosses through the Grass River Provincial Park with a permanent ridge to be constructed across the Grass River. I understand this is a major initiative of the government undertaking in one of the most beautiful and pristine parks in Manitoba, the Grass River Provincial Park.

Why is the road being built through the park instead of north of the park and direct to Highway 10, and will there be public consultations, including First Nations and Métis in Snow Lake, Sherridon, Pukatawagan, Flin Flon and Winnipeg?

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Just let me say, first of all, that we're very proud of our \$4-billion 10-year plan that we have in place for transportation in this province. It's been long overdue and we thank all of our partners. We had a 2020 Vision consultation committee, Mr. Speaker, if I might just explain, that there were consultations taking place with First Nations communities, with rural municipalities and many other interest groups, including the Heavy Construction Association, and so on, in Manitoba.

So we take great pride in the fact that we consulted Manitobans first prior to taking action and putting a \$4-billion 10-year plan in place. We're very proud of our record, not only on winter roads in the north but many other roads that we're endeavouring to tackle and to fix in northern Manitoba.

**Mr. Gerrard:** I would ask the minister: How many people when he consulted on the \$4-billion plan did he tell about the Dickstone Road through Grass River Provincial Park? I would think that there's not very many.

The reality is that this is one of the highest-risk areas for woodland caribou, a herd which is on the endangered species list and at high risk. I ask: Will there be provincial money going into this road or the bridge? Will the installation of the road be followed by any logging or cottage development in Grass River Provincial Park? Can the minister table today

the peer-reviewed management plan for woodland caribou in that area or even the park plan which is now more than 20 years old?

**Hon. Gary Doer (Premier):** The member would know that the Farlinger report talks about the vulnerability of the woodland caribou on the east side, so I would note that for the member.

Secondly, Mr. Speaker, it's a licensing proposal by Tolko, I believe. It's not the provincial government. It is before the public right now for public input and public hearings.

#### **Mailing and Printing Privileges Amendments to Legislation**

**Mr. Kevin Lamoureux (Inkster):** For over 11 years, the Premier and I sat in the opposition benches. Never during that time did the Premier of this province back then ever put limitations on our abilities to be able to communicate to the constituencies which we felt were important. Never did the Premier do that.

In opposition, the current Premier was able to send out as much literature as he wanted, and that literature included Inkster and many other constituencies. Today, as the Premier, he has invoked a double standard, one that puts limits on the opposition.

\* (14:40)

**Mr. Speaker:** Order. I have to caution the member to be careful in choosing his words because I've taken this issue under advisement. So I'd be very careful on the question I'm raising here if I was the honourable member. I'm cautioning the honourable member.

**Mr. Lamoureux:** Can the Premier clearly indicate to this House why it is it appears that he has a double standard? He has a standard that when he was in opposition, it was okay to have opposition rights, but now that he's the Premier of the province, it's okay to walk all over opposition rights.

Can the Premier explain the double standard that he's brought to the Manitoba Legislature?

**Hon. Gary Doer (Premier):** Mr. Speaker, I know the members opposite always—in the predecessor bills, they opposed it. They opposed the banning of union and corporate donations. Eventually Ottawa and Jean Chrétien brought in a similar act. They opposed other measures dealing with fair fight of elections. They opposed it in this House. Eventually

in Ottawa, Paul Martin brought those measures in, now endorsed by Stephen Harper.

Mr. Speaker, the issue for mailings, you can mail as much as the Liberal Party gains and raises in terms of funding but there will be a budgeted amount of money. LAMC will determine how best to allocate it, not myself. It will be LAMC.

Mr. Speaker, this is a sensible way to go. You have complete freedom of mailing into any community and any area of Manitoba, but the taxpayers won't pay for a blank cheque in terms of partisan mailing.

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

#### **Speaker's Ruling**

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

Prior to routine proceedings on May 1, 2008, the honourable Official Opposition House Leader (Mr. Hawranik) raised a matter of privilege regarding the distribution of Bill 37.

The honourable Official Opposition House Leader contended that the bill was not distributed to members in a timely manner and that the media were not provided with copies in the Chamber as per usual practices.

The honourable Government House Leader (Mr. Chomiak), the honourable Member for Inkster (Mr. Lamoureux), the honourable Minister of Family Services and Housing (Mr. Mackintosh) and the honourable Member for Steinbach (Mr. Goertzen) also offered advice to the Chair.

I took the 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.

The honourable Official Opposition House Leader indicated that he was raising the issue at the earliest opportunity. However, the actions he complained of took place on the previous day. It is possible that the honourable Official Opposition House Leader could have raised the issue on April 30.



I'm not saying that the issue is out of order due to when it was raised. I am merely observing that the issue could have been raised earlier.

Regarding the second condition of whether a prima facie breach of privilege has occurred, I would like to explain to the House what the process for distribution of a bill is.

Once the first reading motion for a bill has been agreed to, the sponsoring member or minister is then provided with a letter authorizing distribution of the bill within the Chamber. Until that distribution letter has been signed and returned to the table, the bill cannot be distributed. The sponsoring member or minister has the option of authorizing immediate distribution or of authorizing distribution at a later time or on a later date by providing specific instructions. There is no requirement in the rules that the distribution must take place immediately, and this is a decision of the sponsoring member or minister.

In the case of Bill 37, the letter of distribution was provided to the sponsoring minister. However, the distribution letter was not returned immediately to the table, therefore the bill was not distributed right away. As soon as the letter of distribution was signed and provided to the table, the bill was then distributed, and the distribution was completed by 2:43 p.m.

As some members have contended, the distribution in this instance was later than what is the usual case. Joseph Maingot points on page 223 of the second edition of *Parliamentary Privilege in Canada*, "a breach of the standing orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege." There have also been numerous rulings from Manitoba Speakers to indicate that a breach of the rules or the failure to follow the usual practice of the House is a matter of order and not privilege. In addition, as previously noted, the decision of when a bill will be distributed is a decision that the sponsoring member or the minister can make, and it is not a requirement that distribution take place immediately.

The honourable Official Opposition House Leader also contended that the media did not receive copies of the bill in the press gallery. I should note for the House that Assembly staff does not provide copies to the media in the press gallery. Copies are always provided to the media office. In addition,

parliamentary privilege only extends to members of the Legislative Assembly and cannot be claimed on behalf of the media, as a protection of parliamentary privilege does not extend to the media.

Although members may disagree over the timing of when the bill was distributed and may find the timing to be discourteous, a breach of privilege did not occur as the sponsoring member or minister does have the ability to decide whether distribution will be immediate or at a later time or date. I would therefore rule that there is no prima facie case of a breach of privilege.

I also want to give a reminder to all members—*[interjection]* Order, please. I also wanted to give a reminder to all members that in raising points of order or matters of privilege in the House, it is not appropriate to be bringing the non-partisan staff of the House into disputes between the various parties in the House. The staff at the table, the Clerk's office, the Journals Branch, the Committees Branch, the Chamber Branch and the *Hansard* are all non-political, non-partisan staff of the House and, as such, serve all members equally and provide excellent service. They also do not have the ability to defend themselves on the record, and as Speaker, I am sure I speak for all members on all sides of the House when I say that it is not appropriate to be dragging non-political staff into disagreements, and I hope we do not see this happen again in the future.

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, Mr. Speaker, and certainly, you've delivered your ruling, but my intent at the time was certainly not to discredit the table officers. It certainly wasn't the intent, but certainly to highlight the fact that the tactics used by this government were really intended to muzzle the opposition's response to that bill.

So, regrettably, Mr. Speaker, I'd like to challenge the ruling.

#### Voice Vote

**Mr. Speaker:** The ruling of the Chair has been challenged. All those in favour of sustaining the ruling of the Chair, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

### Formal Vote

**Mr. Hawranik:** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

\* (15:10)

Order. The ruling of the Chair has been challenged.

### Division

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

#### Yeas

*Allan, Altemeyer, Ashton, Bjornson, Blady, Braun, Caldwell, Dewar, Doer, Howard, Irvin-Ross, Jennissen, Jha, Lemieux, Mackintosh, Maloway, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Wowchuk.*

#### Nays

*Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurschou, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Stefanson.*

**Madam Clerk (Patricia Chaychuk):** Yeas 30, Nays 19.

**Mr. Speaker:** The ruling of the Chair has been sustained.

### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on House business.

**Mr. Gerald Hawranik (Official Opposition House Leader):** On a point of order, Mr. Speaker.

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

**Mr. Hawranik:** Mr. Speaker, I just want to briefly indicate that my intent in raising the matter of privilege certainly was not to discredit the table officers, and, as I indicated before, it was to highlight government's intention, I think, to muzzle the opposition. Certainly, on this side of the House, we respect all of their work that they do. We value what they do, and we believe that they are professional in every way, so if I offended the table officers, I certainly apologize.

**Mr. Speaker:** I thank the honourable member for those comments. It's not a point of order, but the House accepts the comments.

Okay, we will now move to members' statements.

### MEMBERS' STATEMENTS

#### Concordia Hospital Foundation Gala Dinner

**Mrs. Bonnie Mitchelson (River East):** I had the great privilege to attend the Concordia Hospital Foundation's 25th Gala Anniversary held on May 8 at Fort Garry Place. The sold-out event was called Stride for Excellence, and the evening raised funds for the Concordia Hip and Knee Institute and honoured local sport hero, Cindy Klassen.

As a charitable organization, the Concordia Foundation works with the community to maintain high-quality health and wellness services to the people of Manitoba through the Concordia Hospital, Concordia Place, Concordia Wellness projects, and Concordia Village.

This year's gala included a silent auction, a live auction with Bill Knight and stand-up comedian and CBC radio personality, Dean Jenkinson, who was master of ceremonies. Six-time Olympic medalist, Cindy Klassen, was presented the Martin Bergen Award, and she is certainly worthy of this recognition.

Since 1984, this award has been given annually to an individual who has made long-standing contributions to the communities served by Concordia and to society at large. Ms. Klassen is an inspiration to others for the work she does on and off the ice, and I would like to congratulate her on this latest achievement.

Not only did everyone in attendance enjoy the evening's festivities, but we were also raising some funds for the Concordia Hip and Knee Institute. Concordia Foundation aims to raise \$500,000 through their campaign, and all proceeds from the gala went towards this objective. Funds raised will provide for equipment for the institute which will be used for research and direct patient care.

The success of this event and the many other campaigns done by the Concordia Foundation reflects the strength of the community who recognize the importance of high-quality health-care services, and they are so generous in their support of these goals.

I would like to commend the board members of the foundation, the staff and the volunteers for all their dedicated work in the area and for, once again, organizing such a successful gala. Congratulations to Cindy Klassen for receiving the Martin Bergen Award, and, finally, thank you to all the sponsors of the event and those who attended for their support. It was a wonderful evening, honoured a great individual and recognizing a worthy cause. Thank you, Mr. Speaker.

#### **Irene Johnson**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, Tuesday, April 22, was a sad day for Cranberry Portage. The oldest citizen of our community, Mrs. Irene Johnson, passed away at the age of 96. Irene spent the last 60 years of her life in Cranberry Portage. She first worked at Athapap Lodge; later she worked on the radar base which metamorphosed into Frontier Collegiate Institute.

I first met Irene in 1972 when she was working in the cafeteria of Frontier Collegiate Institute and I was an English teacher at the same collegiate. Her future husband, Sveinn Johnson, also worked at FCI. Sveinn and Irene were a wonderful couple, friendly, outgoing, generous, pillars of both church and community. She enjoyed cooking, baking and community service. Sveinn was more into gardening, woodworking, crafts and especially, fishing.

Of course, since Sveinn was from Iceland originally, it was a point of pride for him to do well at catching fish. My wife and I well remember that Sveinn and Irene's gardening skills made up for our lack of gardening skills. They supplied us with vegetables most summers and with fish most winters.

Irene was proud of her Sveinn. Sveinn could make or do anything, folding canvas fishing shacks, wooden toy trains, gorgeous cedar chests, tin can airplanes, beautiful spinning wheels, miniature horse and wagon teams and a host of other items. Sveinn could knit a pair of Icelandic wool mittens in a matter of a few hours.

Sveinn and Irene were a love story. I know how much Sveinn will miss Irene. I want to assure my good Icelandic friend that all of us miss her terribly.

On behalf of the Legislature, I offer condolences to Sveinn, to Joyce and Terry McLennan and family, Deneise and Cyril Craig and family and Dennis and Evelyn Gaboury and family. Rest well, Irene. You will not be forgotten. Thank you, Mr. Speaker.

\* (15:20)

#### **Manitoba Nursing Week**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I'm pleased to rise in the House today to recognize Nursing Week in Manitoba which runs from May 12 to May 18 and also coincides with National Nursing Week. This week's theme is, "Think You Know Nursing? Take a Closer Look."

Nurses deserve both our respect and our admiration. Nursing is a noble profession but, unfortunately, can be overlooked for the hard work and dedication of its practitioners. Today, I would simply like to say thank you to Manitoba's nurses.

Front-line nurses work diligently to ensure that patients receive high-quality health care in Manitoba. Nurses not only provide physical support but they also provide emotional support. They offer care and compassion when we are in our greatest time of need, and they do so tirelessly. It has to be acknowledged that nursing is becoming a more demanding profession as nurses deal with more complex cases and the demands of an aging population. Frequently, nurses accept overtime shifts, subsequently putting their patients ahead of their own families. The health-care system could not function without them and their efforts remain invaluable.

There remains a critical shortage of nurses in Manitoba. I encourage young people interested in this profession to pursue it. It is crucial that we have more LPNs, licensed practical nurses, working in more facilities to assist registered nurses. The need for nurse practitioners is vital, and it is imperative that we fill these vacancies as soon as possible.

Mr. Speaker, nurses are a critical part of Manitoba's health-care system. I cannot thank them enough for their dedication to their patients. I ask the members here today to join me in recognizing the wonderful job that nurses do and the energy and devotion, the quality care they portray in their jobs every day. Thank you very much.

#### **Selkirk Water-Monitoring Equipment**

**Mr. Gregory Dewar (Selkirk):** I'm pleased to bring to the attention of the House the recent investment that was made to upgrade water-monitoring equipment along the Red River in Selkirk.

I, along with our Member of Parliament, James Bezan, announced that the provincial and federal governments have each contributed \$20,000 for new

equipment and technology that will give access to real-time information on the Internet about water levels, rate flows and velocity in the Red River. The old equipment took days to provide the information to water managers. As well, the new equipment will be located in Selkirk; the old equipment was located in Lockport.

Data from the new equipment will be very useful for staff, for the Water Stewardship staff, for a variety of purposes such as monitoring ice-jams in Selkirk, determining inflows to Lake Winnipeg and determining the magnitude of the Red River flow through Winnipeg and the expanded Red River Floodway. This information is an essential tool for flood forecasting, for industry, local residents, and for water quality, research and knowledge. I want to thank my colleagues in the federal government for this important investment in our community. Thank you.

#### **Multiple Sclerosis Awareness Month**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, May marks Multiple Sclerosis Awareness Month in Manitoba and across the nation. MS is the most common neurological disease affecting Canadians. In fact, Manitoba's incidence rate of MS is amongst the highest in Canada.

A number of MLAs are wearing a red carnation boutonniere today in recognition of MS Awareness Month. The MS Society provides crucial services and programs to people living with MS. A variety of events are held throughout the year in Manitoba to raise awareness of multiple sclerosis and its effects and also to fundraise in order to support research services and programs for individuals living with MS.

The Super Cities Walk for MS was held across the province from April 27 to May 10. It was an opportunity to support members of our community who face the challenge of MS on a daily basis. The MS Read-A-Thon is an annual fundraising event whereby participating students embark on an intensive three-week reading program and collect pledges for books they have read.

This year, 588 students in 23 schools across Manitoba raised \$26,415 and read over 300,600 minutes. This year's top reading school was École Dugald school which read 73,048 minutes. The school that raised the most funds this year was Winkler Elementary School with \$4,834.48.

The RONA MS Bike Tour is yet another opportunity for participants to fundraise to support MS research. Three separate bike tours take place throughout the province between May and September. These bike tours give participants an opportunity to ride through Manitoba and change the lives of Manitobans living with MS.

The hard work of volunteers and participants in these fundraising events enables the MS Society to continue providing services to people living with MS, improving their quality of life and to find a cure for this debilitating disease.

I ask the members here today to join me in recognizing the efforts of these tireless individuals and to thank them for all they have done in our fight for a cure. Thank you, Mr. Speaker.

### **ORDERS OF THE DAY**

**(Continued)**

#### **GOVERNMENT BUSINESS**

##### **House Business**

**Hon. Steve Ashton (Deputy Government House Leader):** First of all, Mr. Speaker, I would like to announce the Standing Committee on Public Accounts will meet on Wednesday, May 14, at 7 p.m., to consider: Volumes 1, 2, 3 and 4 of the Public Accounts of the year ended March 31, 2006; the Auditor General's Report - Audit of the Public Accounts of the year ended March 31, 2006; Volumes 1, 2 and 3 of the Public Accounts for the year ended March 31, 2007; the Auditor General's Report - Audit of the Public Accounts for the year ended March 31, 2007; the Provincial Auditor's Report - Investigation of an Adult Learning Centre ("The Program") in Morris-MacDonald School Division # 19, dated September 2001.

Pardon me. The latter report on Morris-MacDonald has already been passed, so it won't be necessary, Mr. Speaker.

**Mr. Speaker:** It has been announced that the Standing Committee on Public Accounts will meet on Wednesday, May 14, at 7 p.m., to consider: Volumes 1, 2, 3 and 4 of the Public Accounts for the year ended March 31, 2006; the Auditor General's Report - Audit of the Public Accounts for the year ended March 31, 2006; Volumes 1, 2 and 3 of the Public Accounts for the year ended March 31, 2007; the Auditor General's Report - Audit of the Public Accounts for the year ended March 31, 2007.

**Mr. Ashton:** I will shortly be making an announcement in terms of private members' resolutions, but in terms of House business, could you please call Bill 28 and then the bills on the Order Paper for motion of second reading, in order?

**Mr. Speaker:** Okay. We will be dealing with second readings, Bill 28, and then in order as they appear.

## SECOND READINGS

### Bill 28—The Strengthening Local Schools Act (Public Schools Act Amended)

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** I move, seconded by the honourable Minister of Science, Technology, Energy and Mines (Mr. Rondeau), that Bill 28, The Strengthening Local Schools Act (Public Schools Act Amended); Loi sur le renforcement des écoles locales (modification de la Loi sur les écoles publiques), be now read a second time and be referred to a committee of this House.

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

#### *Motion presented.*

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Bjornson:** I am pleased to address this House today for the second reading of Bill 28, The Strengthening Local Schools Act, an act to amend The Public Schools Act.

\* (15:30)

With Bill 28, our goal is to work with parents, school boards and educators to develop a new way of looking at our schools and their role in the community. In light of population and demographic shifts in schools being reviewed for closure, our government, with this bill, now introduces measures to protect community schools and maintain schools as a valuable asset for students, families and communities.

In recent years, increased immigration to Manitoba has resulted in substantial increases in student enrolment in certain schools and school divisions. However, in parts of the province, enrolment has been declining steadily in divisions and in schools, especially throughout many parts of rural Manitoba. As well, demographic and population changes, even within a single school division, often result in a shift of students and

enrolment growth to new residential developments and away from older neighbourhoods. The result is that school divisions have felt it necessary to close schools. Approximately 80 schools have been closed since 1990.

Currently, there is no legislation governing school closure in Manitoba. The only procedures in place are a set of policy guidelines which divisions have been following since 1982. As more schools are identified for closure, I believe the old procedures we have followed are inadequate to meet the educational challenges faced by parents, communities and school boards. It is my belief that having a local school makes a positive contribution, first of all, to the quality of education, especially for younger children.

Of course, it is not sufficient to keep the school open and not address the related issues of underutilized space in the school, of the needs and wishes of the local community, and costs. But the presence of a school is often a measure of the vibrancy of the community. The schools are not just sites used Monday to Friday from 9 a.m. to 3:30 p.m. for traditional teaching and learning. They can and should be used for a variety of community purposes. Many schools are already doing this and we want to expand on it.

With Bill 28, government will impose an immediate moratorium on planned school closures. With this legislation, schools may not be closed without the approval of the minister. I believe this is a necessary first step to provide a period of stability while governments, school boards, and communities work together to develop a different approach and attempt to move away from the idea that school closure is an appropriate solution to declining enrolment and cost pressures.

School divisions will have a duty to work with government and their communities to develop appropriate alternative community uses for schools in addition to providing student instruction. This will be particularly important for schools under threat of closure because of declining enrolment. Although it is government's intention that schools will remain open, Bill 28 recognizes that there may be exceptional circumstances. The legislation does make allowances for this, but I want to make it clear that the primary objective of this bill is to help keep schools open, not find alternative ways and means of closing them.

**Mr. Speaker,** there are many possible appropriate alternative uses for empty space in

school buildings. One of the most compatible uses is child care. The recent significant announcement by my colleague the Minister of Family Services and Housing (Mr. Mackintosh) on early childhood education initiatives demonstrates this government's commitment to supporting the important work of schools and in recognizing the needs of our communities in keeping those buildings open.

As well, new capital funding has been made available to provide and improve facilities for child-care centres, and this is a long-term commitment. Also, over the longer term, government will work toward the development of regulations on school closures to replace the 1982 school closure guidelines, and, therefore, guide any school closure process in the future. Over time, possibly several years, the power over school closures will be returned to school divisions, but with a new regulatory framework that emphasizes the need to work to ensure the viability of schools and their surrounding communities. Government will consult with school divisions on the development of those regulations.

Another matter addressed in the legislation is the school bus travel time for rural students. The transportation of students on school buses is a common sight in rural Manitoba. Route consolidations, driven by declining student numbers and the closure of schools, have created some long bus ride times in some parts of the province. In many cases, students must travel over an hour, one way, to school, and this certainly can't be good for their education. Bill 28 will address this concern by requiring school boards to make best efforts to reduce school bus one-way ride times to no longer than an hour. Boards will be expected to work with government to implement this over the next five years, which I believe is a reasonable time frame. The bill also enables the minister to make regulations establishing ride times and establishing reasonable rates of compensation for parents whose child's travel time would exceed such a limit and who, therefore, would transport their child to school and back themselves.

Government expects to provide financial support to divisions in order to achieve our shared objectives in the transportation of students. Mr. Speaker, this bill will allow the designation of a school as a community school, expanding upon our successful community schools philosophy and program initiative. There are currently 22 schools receiving funding under this program with an emphasis on

schools in lower income neighbourhoods. The initiative will build upon the program already in place, and it will maximize the positive involvement of families and organizations in the schools and the identification and utilization of community resources with the aim of providing the best possible education to our students.

On the issue of costs, keeping the school open may not add extra costs for a school division in addition to what they are already spending, but closing a school does usually add extra costs and inconvenience for parents and for students who must travel further to get to school. Divisions do not close schools to reduce costs. However, government has funding programs in place to support schools, including special funding arrangements for small schools.

Our government is committed to increase education funding on an annual basis at the rate of economic growth, increase the proportion of education funding funded through provincial general revenues, and will follow through on our commitment to support Manitoba's community schools. We will continue to work with school divisions to ensure schools are properly funded.

Finally, Mr. Speaker, in keeping with the philosophy of community schools, Bill 28 creates a consequential amendment to The Public Schools Finance Board Act. That act will be amended so that the Public Schools Finance Board must consider, when administering the capital support grant program, the curriculum and instructional needs of programs offered by school divisions, particularly as they pertain to students in kindergarten to grade 8.

In closing, Mr. Speaker, I believe that, with this legislation, we are breaking new ground in our approach to public schools in Manitoba. I recognize all the challenges that school divisions face, and with this bill we are looking to the future in trying to meet some of those challenges. Schools are important for students and their families, and they are vital to the health of communities. This bill recognizes that having a local school is important for the quality of the total educational experience, especially for younger children.

Thank you, Mr. Speaker.

**Mr. Ron Schuler (Springfield):** I do wish to make a few comments on the record in regard to Bill 28.

I'd like to take this House back to September 26, 2007, when I had the opportunity to get up and ask a

question. Just to set the context, I had been at a public meeting. It was a review meeting of Westview School. I went as an observer. I noticed that the Member for Radisson (Mr. Jha) got up and did an amazing amount of grandstanding about how, and I should quote him, no *Apocalypse Now*, was his comment, that there was a lot of time. They didn't have to be worried; there would be a lot of time.

I asked the question, and I quote directly from *Hansard* of September 26, 2007: "I ask the Minister of Education whether his department school review policy is still, in fact, a 20-month process and whether school boards still have the authority to decide the viability of the school?"

The answer back: "Certainly when school divisions are faced with issues such as declining enrolments, they do have difficult decisions to make with respect to the viability of the facilities."

He goes on to say later on in his answer: "We know how important they are to the community, and school divisions have difficult decisions to make when it comes to school closures."

Mr. Speaker, that was in fall of 2007.

At no point in time did the minister ever indicate in his answer, or any answer after that, that it was his intention to interfere in the school board's process of evaluating schools. I take it, at that time, the minister must have known that he was going to be bringing some kind of legislation in, but what he did is he allowed school boards to expend a lot of energy and a lot of money. He allowed parents to go through an awful lot of anguish and anxiety; a community's basically tearing themselves apart. These meetings, certainly the ones that I attended, were not the most pleasant of meetings. There was a lot of angst in the room and people were very perturbed. They were perturbed at what was happening to their community and what was happening to their school.

\* (15:40)

It is unfortunate that the minister took the amount of time he did and, really, there was no reason to take that amount of time because he had no intention of consulting with anyone anyway. This was not a consultative process. He did not consult with parents, nor did he consult with school trustees. I know he and his government have attempted to spin something else, but on CJOB of April 29, 2008, a letter that was, I suspect, sent by Carolyn Duhamel, she said, and I quote: MAST did not ask for a review of school closure guidelines. We did not ask for a

legislative moratorium on school closures. Moreover, it was our understanding that we would be consulted, as would other key groups in this process, and were given assurances that this would occur. Such has not been the case. Sincerely, Carolyn Duhamel, Executive Director of MAST.

So we can dispense with the minister trying to somehow convince this House that he did consult, because he didn't. That is unfortunate because, as I've read, that was an assurance he gave, and it shows how little his word actually carries in the community because he is not prepared to live up to the word he gives. The world I come from you're only as good as your word, and I'd say the minister has failed abysmally when it comes to living up to giving his word and living up to it.

I know it's very agonizing. I know it's been very agonizing for parents. I was at that meeting and I listened to the presentation. At that point in time the point of the presentation was to put facts and figures on the record to lay out some maps and parents stood up and, quite upset, quite emotional, started to talk about what was going to happen to their school. The officials present kept saying, well, you know, this is a first process. This is a process laid out by the Member for Gimli, the Minister of Education (Mr. Bjornson). They were following his guidelines, and at that time it would have been easy for the minister to say, there's no need to go through this agonizing process. There's no need to waste taxpayer dollars on this because I plan on shutting the entire thing down.

Not just was it dishonest to the parents, not just was it unfortunate for the parents, it was a waste, an unmitigated waste of taxpayer dollars that this minister got involved in by not being upfront and honest school trustees. What did he say? What was his claim? He said, I give you my assurance that consultations will take place. That did not happen. So, in good faith, you have two sides in this equation, on the one side you have the school boards spending a lot of energy and a lot of money, and we are talking in the hundreds of thousands of dollars in staff time, wages, in consultants, in getting reports, in getting statistics, all of that, and all of it could have been mitigated by the minister simply saying, no, it's not going to happen. Don't even start the process.

So I guess it's an unfortunate bill in the sense that it was very poor timing on behalf of the minister. He could have indicated to all parties involved that at no point in time was it his intention to allow this to

go through, and he didn't either have the courage or he didn't have the forewithal. He didn't live up to his word. He allowed parents to dangle in the wind, to great anguish and passion and emotion all for naught because, in the end, nothing was going to take place anyway.

The other part of this bill that I know we've heard a lot about out in the community is that once again the minister has done the typical NDP approach, milk the issue for as much politics as you can and put no money where your mouth is. This is a costly exercise. We know that this is going to cost communities. This is going to be expensive for communities, and some of the ideas that were initially floated by this minister were appalling at best. They were appalling. They were going to bring all kinds of organizations, doctors' offices, lawyers' offices, and in my meetings with him he flip-flopped on that one. He said, no, no, what I mean to say is we're going to make drop-in centres and we're going to make all kinds of stuff.

**An Honourable Member:** Are you opposed to that?

**Mr. Schuler:** I'd like to point out to the minister—and the Member for Transcona (Mr. Reid) asks if I'm opposed to that. I would point out to the Member for Transcona—because I suspect he has no children in school and thus no vested interest, and, actually, I do—I have a vested interest in my school being a secure facility, and I have great difficulty with the Member for Transcona somehow indicating that anybody and everybody should have access to a K to 6 school with no vetting, with no nothing, and that they should be allowed into the school when, on a monthly or two- or three-month basis, our schools are exercising lockdown exercises.

My seven-year-old came home the other day and said, what happens, Dad, if you're caught in the hallway and there's a lockdown, you can't get into your classroom? They are now teaching them, you go to a bathroom and you put the lid down on the toilet, you squat on the toilet so that nobody can look underneath and see you and they can't see you above.

What this government, what the Member for Transcona, the Member for Gimli (Mr. Bjornson) are advocating is that we fling open the doors and allow absolutely anybody and everybody into our schools. I said to the minister in our briefing that I would never, never stand for that kind of a thing. We have to be very careful. Anything in our schools should be school-related. I have no problem with day cares being put in there. I have no problem with education

programs being put into our schools, but when it goes beyond that, it is a terrible idea. It is a terrible, terrible idea, and I can't believe the Member for Transcona or the Member for Gimli would be proposing something like that.

This bill should have had going with it proper funding for those communities whose schools are no longer viable. We know it's about a \$300,000 cost to keep a school open. The minister should have stood up and said, we will take the politics to the hilt on this, because they do anyway; it's all politics on that side. On the other hand, we will put our money where our mouth is. They did not put the money up where their mouth is.

They should have worked with the school divisions and said, we are willing to work with you on how we can keep these schools open, how we can keep them viable and how we fund them. But, no, that's not what the Member for Gimli, the Minister of Education did, and that is another one of the failings of this bill.

Not just didn't he consult, not just did he let parents hang out there in the wind and not know what's going on, and then at the end say, well, all your efforts and your fighting was for nought, he should have, he should have done the right thing, and he should have put funding in place to help these schools open, because, otherwise, all what this is from this minister and his cohort, the Member for Transcona (Mr. Reid), is crocodile tears; that's all it is. They weep and they cry for the small schools and then give them inadequate funding and force the local taxpayers—the local taxpayers are the ones that are going to have to pay for it.

It's this minister who should have put the money up and should have helped out the school division. He should have said, on the one hand, we don't want to see small schools closing, but, on the other hand, we will help them keep those schools open.

The minister has failed parents. The minister has failed teachers who are taking the brunt of the program cost because of his misguided policies. The minister has failed communities because now it's up to the communities to fund these schools instead of the minister. The minister has failed, and it's unfortunate that he didn't put proper funding in with Bill 28 like he should have done. These communities, these parents, the teachers, the school divisions, they deserve to have more than what they got in this legislation.



This is unfortunate in the way that it was introduced, that they allowed all of the shenanigans to take place, to allow parents and communities—I was there, there were children there. To drive angst levels up to unbelievable heights and then to shut it all down at the last minute, that is very, very poor management at best, and it was bad politics.

What they should have done is they should have consulted, they should have then brought in legislation with proper funding, and they should have done it earlier on, not at the last minute.

I thank the Chamber for the opportunity to put a few comments on the record.

\* (15:50)

**Hon. Jon Gerrard (River Heights):** I rise to speak to this bill which tries to put a straitjacket, a moratorium on education in Manitoba. If the government is ready to put a moratorium on closing schools, is it going to put a moratorium on opening schools? What else will be put in a straitjacket as the minister bullies and takes over the decision-making of local school boards? Moratoriums are generally very poor public policy. Indeed, moratoriums are basically tools for those who have failed very, very badly and are reaching for a last desperate measure to cover up their own inadequacies.

That describes the sad position of the Minister of Education (Mr. Bjornson), that he has not been able to work well with the school boards. He has bullied them, tried to do everything he can to manipulate school boards. The school boards have tried to stand up for the quality of the local education that they are delivering against the bullying activities of the minister. So we have some grave concerns about this legislation.

You can take a school division like Park West. Mr. Speaker, I'm trying to talk to this debate. There seems to be some other members who are trying to insert cross opinions, or what have you.

But take a division like Park West. Here is a rural school division which, in order to meet their requirements of the minister, may well have to keep a school open with 15 students, employing two teachers. Will the minister provide the funding for two teachers for 15 students, or will they have to increase the number of students in other classrooms elsewhere in the division? Mr. Speaker, the minister should be providing answers to these questions. Fundamentally, what we are about is ensuring the highest possible quality of schooling for children.

There are in Park West School Division some 18 bus routes which would be affected by the one-hour mandatory maximum time frame that a student can be in a bus. Those 18 bus routes would have to be changed, additional resources put on. It will mean some very considerable additional expenditures. Is the minister ready to come forward and write a cheque to make sure that those resources are there?

Clearly, it would have been far better if the minister had been ready to sit down with the school divisions and work through options to help the school divisions, rather than to say, well, I give up. I'm going to put a moratorium on it. I'm totally unable to run this department or run the schools in this province. The only thing I can do is put a moratorium on it. That is where we are, it would appear, with this bill. So that is the reason why we have some very significant concerns.

We are looking forward to hearing the presentations at the committee stage. I think that one of the things that we would find is that school divisions and their leadership often have some very creative ideas for being able to provide high-quality education. But those creative ideas, and letting them flower and improve education for people in Manitoba, are likely not going to be possible with the minister's moratorium. When the minister moved his moratorium bill, he forgot that he should have been talking and working with school divisions instead of just trying to think that he can get his way either by bullying school divisions or by putting moratoriums on them.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the Member for Pembina (Mr. Dyck), that debate on this bill be adjourned.

*Motion agreed to.*

### House Business

**Hon. Steve Ashton (Deputy Government House Leader):** As I indicated earlier, I would like to announce, pursuant to rule 31(8), that the private member's resolution to be considered for next Tuesday will be the one put forward by the honourable Member for St. James (Ms. Korzeniowski), and the title of the resolution is Spanish Civil War.

**Mr. Speaker:** It has been announced that the private member's resolution to be considered next Tuesday will be one put forward by the honourable Member

for St. James. The title of the resolution is Spanish Civil War.

\* \* \*

**Mr. Speaker:** Okay, second reading of Bill 14, The Criminal Property Forfeiture Amendment Act.

**Bill 14—The Criminal Property Forfeiture Amendment Act**

**Hon. Gord Mackintosh (Acting Minister of Justice and Attorney General):** I move, seconded by the Minister of Competitiveness, Training and Trade (Mr. Swan), that Bill 14, The Criminal Property Forfeiture Amendment Act, be now read a second time and be referred to a committee of this House.

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

*Motion presented.*

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Mackintosh:** I'm pleased to present this bill to the Legislature, Mr. Speaker. It arises from extensive consultations on organized crime and completed for the department by former Deputy Attorney General Bruce MacFarlane. Indeed, this topic was one of the priorities assigned to Mr. MacFarlane following on some rapidly developing changes and investments that were being made in criminal property forfeiture both in this country and in the U.K. in particular.

The review conducted by Mr. MacFarlane included an examination of the existing forfeiture law, the views of experts in forfeiture legislation, and developments in case law in Canada, selected Commonwealth countries, and the United States.

Of course, we'll have an opportunity to discuss the bill in detail at the committee stage, but there are some important points that I think are worthwhile for the second reading debate.

The bill allows for the appointment of a director within the Department of Justice to be responsible for making application to the courts to forfeit property used for unlawful purposes or the proceeds of unlawful acts. This is a new approach, amending the existing act under which applications had to be made by chiefs of police. This change was made in consultation with police and in response to findings from the MacFarlane review, which pointed to the

need for a forfeiture model based outside of police departments.

Bill 14 introduces changes to the existing act by appointing and outlining the duties of an asset manager who will be responsible for the management of seized assets and the disposal of assets ordered forfeited by the courts. The bill also establishes a new criminal property forfeiture fund where all proceeds from the sale of forfeited property must be deposited. Technical changes are also proposed to provide greater flexibility with judicial oversight to obtain interim orders for property that is alleged to be an instrument or proceeds of unlawful activity.

The bill also introduces an amendment to provide flexibility for disposing of property ordered forfeited by the courts.

Mr. Speaker, Bill 14 also amends the process for distributing the proceeds arising from the sale of forfeited property. After covering expenses for the costs of the application and management and sale of the property, funds can be distributed to compensate victims of the unlawful activity that led to the forfeiture, remedy the effects of unlawful activities, promote safer communities through payments to programs operated by law enforcement agencies that are intended to enhance the practices and training of law enforcement agencies or reduce or prevent crime, and other programs or purposes prescribed by regulation.

\* (16:00)

Finally, Mr. Speaker, this bill proposes technical amendments to ensure that Manitoba's act keeps pace with developments in forfeiture case law in other jurisdictions. The bill recognizes that organized crime and others engaged in unlawful acts often co-mingle the proceeds of unlawful acts with other income to make it difficult for authorities to trace. The bill addresses this practice by requiring no direct link between an unlawful act and the proceeds which are the subject of the court order. If the court is satisfied on the balance of probabilities that an unlawful act resulting in a profit occurred, it then falls to the owner of the property in question to prove that the unlawfully obtained funds were not used to acquire the property in question.

These amendments arise from an extensive review, as I said, Mr. Speaker, of organized crime and consultations with more than 120 organized crime experts in policing, prosecutions and

corrections in five provinces, two U.S. states and the federal government. It also reflects our discussions with forfeiture experts whose advice has also helped shape these amendments. I, for one, recall the important contributions to the developments of law in this area that I was honoured to attain from experts in the United Kingdom in 2006.

So, Mr. Speaker, I think, with those brief comments, I look forward to the support of this House and to the movement of this bill through the legislative proceedings. Thank you.

**Mr. Gerald Hawranik (Lac du Bonnet):** I just want to put a few brief comments on the record on Bill 14.

Our concern, of course, Mr. Speaker, has been, even with the parent bill, the bill which, in fact, this piece of legislation amends, which was passed three years ago, was completely ineffective and resulted in absolutely no charges and no convictions. I recall, a few years ago, when the then-Minister of Justice stood up on a soap box and proclaimed how he was taking on the gangs of the province. The result was zero, no convictions, no charges under that particular piece of legislation. So we're welcoming this piece of legislation, welcoming it, but certainly waiting to see whether or not, in fact, this piece of legislation will change the parent legislation and allow for convictions and allow for seizures of property as it was intended to do in the first place.

Mr. Speaker, there are some positive aspects to the bill. First of all, there's no need for property to be connected to a specific offence before seizure, and that widens the ability, I believe, of the director, in this case, to seize property and to sell property and to take on the gangs of this province. The director versus the police chief, the jury is still out in terms of whether that's going to be an effective measure. I know other jurisdictions have made that change. It seems to have worked for them.

I point only to British Columbia, in fact, has had the legislation for just over a year. They've frozen \$5 million of gang assets and also realized on \$3.5 million of gang assets. They had 12 cases in the first year, Mr. Speaker, which they were able to use that legislation. Ontario, \$5 million of assets that were seized and sold, and \$11 million frozen in total. That particular piece of legislation in Ontario came into force in 2003, I think the very year that our Criminal Property Forfeiture Act did take effect and did come into force. The difference is, in Ontario, they're actually using the legislation. In Manitoba,

we haven't. I would lay that at the feet of the Justice Minister, in terms of, not only the way the bill was presented three or four years ago, but in the way it was structured. Certainly, Mr. Speaker, those types of impediments to using the bill, on the face of it, should have been apparent. We shouldn't have to necessarily amend the bill to deal with those kinds of assets.

But, today, we find, of course, that the bill is being amended. Mr. Speaker, there are some positive amendments to The Criminal Property Forfeiture Act. We're hoping that they're going to make a difference, and we will certainly hold the government accountable should they not.

Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** I, too, wanted to put a few words on the record and express some thoughts that, I think, are important for us to make note of. I guess, this minister, and it's interesting that it's the Minister of Family Services (Mr. Mackintosh) that has actually brought forward this particular bill because he was the minister that was responsible for bringing forward the original bill. When he brought forward that original bill, he had all this fanfare go out and propaganda saying how wonderful, how aggressive the government is in terms of hitting the crime people. They're going to get money and bring it in and redistribute it out to the victims, and things of this nature. He had some pretty positive headlines out there.

Well, Mr. Speaker, this bill highlights that the government made a mess of things back then. In fact, back then, when this bill was being debated, I suggested the principle of it was good, that the idea behind it is worthy of pursuing. But I suggested back then that this minister was using it more as a political tool than he was in terms of, as a tool that would really make an impact in the province of Manitoba.

In fact, I was so confident of it, Mr. Speaker, it got me in a little bit of trouble with you. Let me explain. What happened is that we went into the committee and we talked about the bill as it was and I said that there's no way that this bill is going to pass and be effective, that the government has no intention of seeing this bill actually become law to the degree in which the regulations would pass and there would be convictions. I was convinced of it because I thought there were quite a few flaws in it.

In fact, one of the local media papers picked up on my comments back then and there was an

interesting story. I had indicated that if, in fact, I was proven to be wrong, I would buy a McDonald's meal for the Minister of Justice at the time. Well, just under the year, wouldn't you know it, the Minister of Justice then passed the regulation and I did something I know that you wouldn't condone inside the Chamber. I had brought in that empty Big Mac container and inside that empty Big Mac container were some coupons for McDonald's because I wanted to ensure that the minister, I was a man of my word, that he proclaimed it, I was going to give him those McDonald's coupons.

Well, Mr. Speaker, I'm starting to think that the minister owes me some McDonald's coupons because I was right. This law that he passed didn't work out—and some suggest Dubrovnik's. Well, you know, by the time you factor in interest and the fact that I gave him the benefit of the doubt, maybe it might be in order, but I would settle—at the time he suggested he would rather it be Salisbury House as opposed to McDonald's. Well, I'll let the current Minister of Family Services (Mr. Mackintosh) kind of reflect on that particular commitment.

It all boils down, Mr. Speaker, to me being able to say I told you so; that the government was, in fact, wrong back then and the real reason why they brought in the legislation is because the then-minister was very good at putting his finger up and gauging what the public wanted to hear and brought in more press releases to try to impress the public that this government was tough on crime. In fact, I can recall a question period where I had a handful of press releases from this minister. You could just kind of fan through them, there were so many press releases. I was on a political panel with CJOB and, you know, this minister's approach on dealing with crime in Manitoba was fairly simple: talk tough, bring in whatever you can whether it's effective or not, and blame Ottawa. That's the story on this government in fighting crime, Mr. Speaker.

The reality is that crime has gotten a lot worse in this province. *[interjection]* Time and time—his members say, wrong. The facts are there. You know, Mr. Speaker, we don't even record many of the crimes today that occur that were recorded in the '90s. That's how bad it's gotten. We've got young people that are stealing things that don't even have to go to a court or any other form of a consequence. They're given a warning. *[interjection]*

\* (16:10)

The lawyer from Minto, the lawyer from Minto says—again, he's taking the government's line—blame Ottawa. Well, Mr. Speaker, you don't have to blame Ottawa because you know what? Even your own Minister of Justice (Mr. Chomiak) has acknowledged that there is more that they could be doing in dealing with the issue that I've just finished raising. So the Member for Minto (Mr. Swan) is offside with what the Minister of Justice has actually admitted because the reality is the provincial government does have some ability to make a difference. They just don't realize it because they don't understand how it is that you need to deal with crime.

I raised the issue in terms of police. The current Minister of Justice and others were quick to rise to their feet and say, well, the Member for Inkster doesn't support increasing police officers, increasing the number of police officers. They kind of take the quotes a little bit out of context. Maybe, periodically, I have done that, where I have taken things a little bit out of context, but nowhere near to the degree that government has, Mr. Speaker.

Imagine, if you will, that you had a government that wanted to demonstrate leadership. Could you imagine that? And you had a Minister of Justice who said, you know what? Instead of saying we're going to increase the number of police officers, we're going to look at what we're doing internally in the Department of Health and maybe free up those thousands of police hours that are being wasted in our hospitals. Put those police hours on our streets or in our community police offices.

What about our courts? What about in terms of other issues such as call screening that takes place? You know the City of Winnipeg has acknowledged that there's a need for us to be able to look at how that current resource is being utilized. I commend the current chief of police in terms of his initiatives and his boldness, to explore ways in which we could better use our police force.

Well, Mr. Speaker, there are many things that we could be doing that would make a real difference. The minister who is responsible for Justice needs to get out of that track, the track that the former minister put this government in that is so deep. That says one thing—blame Ottawa and talk tough. That's the track that they're in. The sooner that they get out of that track and take more responsibility, then we will start to see a better overall program that will be far more effective.

Don't feed government policies strictly on media releases. The best example of that, when you look at this bill, and you think in terms of some of the consequences that are there. Mr. Speaker, recently, the government came out with a new policy, a policy by the way which the former minister ridiculed me on. The former minister, when I talked about ankle bracelets, thought that was a terrible idea. Yes, the minister did. He thought it was a terrible idea and years went by, and he did nothing. Then just prior to an election, the government announces we're going to bring in ankle bracelets. Nothing happened. The election went through. They were able to talk tough again. Election goes through, new budget, now we have the ankle bracelets.

The problem is they don't understand the benefits of having a comprehensive ankle-bracelet program. What they went for was the GPS, the most expensive ankle bracelets that were out there. As one individual has already demonstrated, all you've got to do is just cut them off. If you're going to commit the crime, you cut them off. The Minister of Family Services (Mr. Mackintosh) laughs. Well, you know what? The ankle bracelets were not there to prevent crimes. The ankle bracelets were there to ensure things like curfews. That's why I always thought the best ankle bracelet that's out there is the Martha Stewart special. In essence you have this beacon, a homing beacon and a receiver, and you have to stay within a certain distance. If you go beyond that distance, well, then you're in violation. Now, again, much like the GPS, it's not going to prevent you from committing a crime, but what it will do is it will assist probation and police services as to whether or not the individual is where they're supposed to be at certain times.

So what about Bill 14? We now have a bill—have I gone over my six minutes? No. Mr. Speaker, I'm going to wind up very quickly.

What Bill 14 is doing is Bill 14 is now rectifying the previous minister's mess. The current Minister of Justice (Mr. Chomiak) admitted in Estimates that the costs that are involved will be years before we're able to recover, so Manitobans should not be thinking we're going to get this big, huge amount of cash coming from the criminals, and that the victims are going to be bathing in money. That's not what's going to happen. The first few years, chances are we're not going to see anything in terms of any cost recovery to the degree it's going to actually cover the cost of administering the legislation.

Is the legislation good, as it was a couple of years ago, Mr. Speaker? The principle of the legislation is good. I think now that we've seen changes that it could even become more of a practical piece that, in fact, Manitobans would benefit by its passage.

With those few words, Mr. Speaker, we're prepared to see the bill go to committee. Thank you.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Turtle Mountain (Mr. Cullen), that we adjourn debate.

*Motion agreed to.*

#### **Bill 15—The Climate Change and Emissions Reductions Act**

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** I move, seconded by the honourable Minister of Labour (Ms. Allan), that Bill 15, The Climate Change and Emissions Reductions Act, now be read a second time and be referred to a committee of this House.

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

*Motion presented.*

**Mr. Speaker:** His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

**Mr. Rondeau:** This legislation is part of the government's commitment to mitigate and adapt to the effects of climate change while building a foundation of a strong, green economy. This bill commits Manitoba to reduce greenhouse gas emissions by December 31, 2012, to 6 percent less than Manitoba's total emission of 1990.

This legislative commitment, the first of its kind in Canada, also puts us on track to meet the commitment under the Western Climate Initiative. This is a commitment to meet the Kyoto objective. Mr. Speaker, Manitoba is amongst the lowest emitters in the country with emissions approximately 20 megatonnes. Between 2000 and 2005, the emissions rose only 100,000 tonnes compared to 2 million tonnes the decade before.

While these are positive trends, Manitobans have committed themselves to being part of a global solution to climate change and we know we can do more. The legislation, therefore, recognizes the importance of working with the various sectors of the Manitoba economy to achieve our climate change

goals. To this end, the bill enables government to enter into agreements with different sectors of the economy for the purpose of reducing greenhouse gas emissions.

The government will report on specific measures being taken to reduce emissions in our transportation and agricultural sectors. We will use third-party organizations, like NRCan, to use the stats. This will be part of the larger requirement for the government to report on its climate change actions every two years beginning in 2010.

The 2010 report includes a special requirement to indicate whether emissions are lower in that year than they were in the year 2000. This requirement ensures that we can demonstrate progress toward our 2012 goal. After 2012, the reporting requirement begins every four years. This legislation also allows the government to create a regulatory framework to designate a public registry that will profile Manitoba projects that reduce emissions.

Green buildings: the bill will require government to codify the green building policy and regulation, thus ensuring energy efficiency as a top priority for government-funded projects. This saves money in the long term. The bill also will enable governments to adopt green building operating and management standards for the government agencies and other entities receiving certain types of government funding.

\* (16:20)

Mr. Speaker, while the government has an obvious interest in ensuring that construction projects receive government funding that meet the recognized efficiency standards, there's also an equally important need for new buildings constructed in our province to be efficient. To achieve this goal, the bill will require implementation of a new building construction standards for water energy efficiency by 2010, and I understand the Department of Labour is working expeditiously on this and in good time.

The legislative framework facilitates new economic development opportunities for Manitoba including developing expertise in green building design, and fostering continued growth in our construction and building materials industries. This gives us a good opportunity to demonstrate to the world we can be very, very energy efficient.

In addition, Mr. Speaker, the bill encourages the use of geothermal heating units in residential

dwellingings by making a portion of the system non-assessable and, therefore, not subject to municipal taxation. Although we have about 3.6 percent of the population, we do have over 30 percent of geothermal installations and that is increasing. I'm pleased to see that.

The vehicle efficiency standards are another way to reduce greenhouse gas emissions. The government will continue to lead by example and set a standard for new passenger vehicles and light trucks acquired for the use of the government. It will also establish a motor vehicle standards advisory board to recommend ways to improve the efficiency and reduce emissions from new, privately owned vehicles for the purpose of establishing a made-in-Manitoba vehicle standard starting in 2010.

A vehicle standard will reduce Manitoba's reliance on fossil fuel imports and keep more money in our province. It will also foster the advancement of new technology such as the plug-in hybrid vehicle in which we've had a nation-wide conference here in the city.

Reducing emissions from landfills is also a crucial part of the government's overall strategy for decreasing greenhouse gas emissions. The bill will apply only to those landfills that are known to be a significant source of greenhouse gas emissions in Manitoba. At this time, only the Brady Road Landfill and Summit landfill have been identified on Environment Canada's list of Manitoba's largest emitters. The Brady site is Manitoba's largest landfill and the largest untapped source of landfill gas in Canada. The bill will require the owner-operator of these sites to develop a plan to reduce greenhouse gas emissions from their landfills and implement the plan by 2010.

Mr. Speaker, 98 percent of Manitoba's electrical power comes from clean, renewable hydro-electricity. Manitoba Hydro has one of the remaining coal-generating stations at Brandon. It's one of the largest emitters within Manitoba, emitting approximately 360,000 tonnes in a given year depending on the usage. The bill will restrict the use of coal to generate power in emergency situations as drought or system reliability after December 31, 2009. This is part of Manitoba's overall strategy to reduce coal, including a tax on coal emissions and coal reduction strategy that will encourage the use of biomass as clean, green alternatives.

In conclusion, Manitoba's climate change objectives cannot be achieved in isolation. As various measures in the bill are implemented it will be necessary for the government to consult stakeholders and the public.

Mr. Speaker, this bill is only one element, albeit a very important one, of the government's commitment to working with Manitoba to address climate change. Manitoba has put forward a strong climate change action plan containing over 60 actions to reduce greenhouse gas emissions and adapt to climate change. This government will continue to introduce programs and incentives that support the reduction of greenhouse gas emissions. Recent announcements include \$145 million over four years to address climate change.

Mr. Speaker, I was pleased to give a briefing to my critic, and the members of the opposition and I look forward to working with them to ensure that Manitoba does indeed have a very bright, green future. Thank you very much.

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Speaker, I certainly thank the minister for his comments on this particular bill. I think we all believe in the environment and in doing the right thing for the environment, and, obviously, the public at large across this country believes we should be doing the right thing for the environment as well.

Sometimes the politicians, though, get caught up with some of those ideas and like to bring forward legislation that looks good in principle and looks good in name. Quite often, particularly with this government, Mr. Speaker, they bring out legislation that gives the impression that we're doing something in this regard, in terms of the environment. I guess politics certainly has quite a bit to do with perception and how the public perceives them to be doing their job and, quite frankly, this particular bill, The Climate Change and Emissions Reductions Act, will give Manitobans the impression that the government has a long and thought-out plan in terms of how they're going to deal with climate change here in Manitoba. But I'm not so sure when we look at the reality whether that is, in fact, the case going forward. I'm not sure this particular government has thought this particular legislation through.

I think it's very important when we introduce legislation which, and in this case is quite encompassing, will impact many Manitobans, that they have a really good idea of how the bill is going to work in the future. So I think, Mr. Speaker, it's

very important that we engage Manitobans and we do have a discussion, and eventually get this bill to committee so that Manitobans can have a good hard look at what this particular bill is trying to do, what it is trying to accomplish.

The other point, I think I should make, at this point in time, Mr. Speaker, is the issue that the devil is in the details. What this particular act does, it allows the minister quite a bit of latitude in terms of, first of all, developing legislation under this act and bringing forward regulations. The other thing it does is it allows the minister the parameters to set targets and then evaluate those targets. It basically doesn't allow any, very little, third-party involvement in terms of setting targets, and then if we don't meet those targets, what are the repercussions? That's something, I think, that should be fairly important when we look at legislation.

So this bill does give the minister a lot of powers, a lot of authority. One of the other issues that it provides the minister with is the authority to appoint quite a number of advisory committees. Actually, it's kind of an open-ended act in terms of setting up advisory committees. We're not sure just what the intent of all those committees will be or could be, and I guess we'll have to wait and see how that unfolds under the regulations. That's really the point I'm trying to make, Mr. Speaker. This is a fairly encumbering act. It's a large document. It's going to involve a lot of areas of the province and a lot of different components in the province. It's important that Manitobans understand how it might impact them.

But the unfortunate part, Mr. Speaker, is we won't know how it's going to impact them until the regulations come forward under this particular act. That's why we have to point out to Manitobans that the devil is in the detail when it comes to this particular legislation.

In fact, some of the definitions are not even alluded to in this particular act. So what the Minister of Energy is trying to do is let us agree with him and go down the road in blind faith that he's doing the right thing for us. But, Mr. Speaker, it's our job, as opposition, to try to let Manitobans know where we think this bill is going, what the minister is going to do with it, and we have to make sure that Manitobans are engaged. We're not just going to pass a particular bill because the title on the front looks nice. That's not our job here as opposition. So we're certainly

going to look forward to more discussion on this particular piece of legislation.

We look at Bills 37 and 38 that the government brings forward, and you look at the headlines. They try to sell Manitobans that it's a nice neat couple of pieces of legislation that won't really impact them. But, when you get down and look at the actual detail in those particular bills, you'll realize that there are very many far-reaching details that can impact all Manitobans. Mr. Speaker, those are the things that the government, of course, doesn't tell you up front, and try to pass the legislation just based on title alone.

Mr. Speaker, just to point out one of the issues that I have with this particular bill. It gets into talking about conserving water in certain structures around the province. I think we all have an interest in conserving water. But the government doesn't have a big picture in terms of how we're going to look at the big picture in how we deal with water. We're in a situation in southern Manitoba. We're facing dry conditions. Part of the province is looking for water because we have had some development over the years. Populations are expanding in certain areas of the province, and they do need water. We don't have a big-picture way to deal with those types of water issues. Instead, the government comes in with a bill here and starts tinkering with conservation in various bills, instead of looking at the big picture.

\*(16:30)

So, Mr. Speaker, it's something that I think—this particular bill looks at different sectors around the province. We look at agriculture and transportation, you know, that are highlighted in this particular bill. We know what this government has done for the hog industry in Manitoba. Well, I don't know what the minister is going to do with the cattle industry in Manitoba. Maybe the minister is going to issue some farmers corks and we're going to have to cork these cattle so they don't release any greenhouse gas into the atmosphere. Maybe this is the next sector. I know the Minister of Conservation (Mr. Struthers) last week talked about going sector by sector by sector in dealing with environmental issues across the province. Maybe this is the reason. This is the next bill, the next piece of legislation that they're going to crack down on rural Manitoba, Mr. Speaker.

So, certainly, we have some reservations with this. We're not sure exactly what the big game plan is with this particular government, but we think it's important we advise Manitobans that there are issues

here. There are good things happening in other jurisdictions. I know the Canadian government is working diligently to look at climate change and emissions, and we think the minister should be working in close consultation with the federal government in addressing those sort of issues, too. We know what he is doing in this bill. He's cherry-picking different sectors. He's cherry-picking ideas from different areas and trying to implement them in terms of this particular legislation.

There are obviously some issues here that are going to have to be addressed. We certainly want to have Manitobans engage in this particular piece of legislation because it is going to be a fairly comprehensive and far-reaching piece of enabling legislation, Mr. Speaker.

With that, I just wanted to put those comments on the record. We look forward to possibly having this bill go to committee at some point in time.

Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I'm going to say a few words about The Climate Change and Emissions Reductions Act.

We've been, as Liberals, calling for the government to set targets, going back to 2000 or 2001, for about seven years. So they have delayed and delayed and delayed and delayed, and finally we have a piece of legislation about seven years after when we should have had it. But at least the government has done something, and I am pleased to see that the minister has, you know, started to learn a little bit more about greenhouse gases. I was a little disappointed that he had to read almost all his speech looking down without hardly ever looking up, and I hope next time he's got a little more on top in the material so he doesn't have to read it so much. But we'll wait. We'll wait for the minister to learn a little bit more.

*Mr. Rob Altemeyer, Acting Speaker, in the Chair*

One of the reasons why I'm concerned about certain elements of this act, even though we're supportive of the effort to set targets, is that there's a section in here, Mr. Acting Speaker, which says that the minister is the one who determines the method of calculating greenhouse gases in Manitoba. Well, we're a little sceptical about the minister's ability to do this in an independent way. It's called sort of a conflict-of-interest approach that the NDP have got. The Premier (Mr. Doer), I think, said that, well, if we don't meet our targets you can throw us out at the



next election. So he's put the minister in charge with the mandate to set the way that the greenhouse gases are calculated so that they don't miss their targets. We just are a little sceptical about the minister himself being able to calculate greenhouse gases adequately, and let's put that on the record.

The reports that we're going to get in 2010, in 2012 and 2016, that's three reports in the next 10 years. You know, for something which many have described as the most important global issue of our day, three reports in 10 years doesn't quite do it. That's why we introduced our own bill, being sceptical of the minister's ability to deliver, which would require reporting every three months and knowing exactly where we are, instead of having to proceed in a bit of a fog, as the minister probably is going to do.

This report from 2010 clearly should be tabled by March 31, 2011, before the next election, not after. Right? I mean, it would be a travesty if this report was presented after the election showing that they didn't produce and they were unlikely to deliver. You need a real plan, and what you've got is a lot of ad hockery. There are not very many people yet who are convinced that you're going to be able to get us by December 31, 2012, to 6 percent below 1990. *[interjection]*

We haven't had a chance to run the government in Manitoba for a while so—

**An Honourable Member:** It'll come.

**Mr. Gerrard:** It'll come, the way this government is acting. That's for sure.

We are quite interested in how the regulations are going to be made with regard to the public registry, whether there's going to be adequate information provided. Certainly, that's important. I note in the government's climate change plan that there are some reductions estimates in different parts of the economy, in agriculture, in areas of transportation, and so on, and we look forward to the minister providing a lot more detail in terms of how he's going to go from where we are now to get those reductions because there is a lot of, you know, uncertainty because of the fuzziness of where those estimates came from about whether the minister is going to be actually able to deliver.

I note that there is some concern in the greenhouse gas section, and I would suggest that the minister have a look at this, that the only industrial

emitters are very large emitters and that there's going to be a need to capture some of the intermediate-size emitters, and let people know what the intermediate-size businesses are producing in Manitoba. That's going to be quite important because, if the minister completely forgets about small- and medium-sized business, then that's not going to be a very good situation.

So we'll be watching the minister quite carefully to see if, in fact, he's going to be able to pay attention to some of the really important businesses in Manitoba, the small- and medium-sized businesses. Thank you.

*Mr. Speaker in the Chair*

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Lakeside (Mr. Eichler), that we adjourn debate.

*Motion agreed to.*

**Bill 16—The Child Care Safety  
Charter (Community Child Care  
Standards Act Amended)**

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** I move, seconded by the Minister responsible for the Status of Women (Ms. Allan), that Bill 16, The Child Care Safety Charter (Community Child Care Standards Act Amended), be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (16:40)

**Mr. Mackintosh:** Mr. Speaker, I'm pleased to introduce this bill. It's one part of the 12-part, five-year Family Choices agenda for early learning and child care that was released by the Province two weeks ago. It is, to my understanding, the first legislated comprehensive child-care safety charter in Canada and will speak, of course, to an obligation for licensees of child-care centres and homes to establish safety plans and codes of conduct, to review them annually, and to have them approved by the director of Child Care services.

Mr. Speaker, the safety charter is modelled after the Safe Schools Charter that was introduced in this Legislature and is now in place in the province of Manitoba. The key elements in the child-care safety charter are similar to the school charter; however, the content and structure respond to some important differences between child care and the school

system. These include the different ages of children enrolled, as young as 12 weeks of age and up to 12 years of age in the child-care system, the daily involvement of parents and others who play an active role in the provision of child-care services as well as the range of locations for child care in Manitoba.

Specifically, Mr. Speaker, the proposed amendment speaks to the responsibility of licensees to protect Manitoba children by developing and reviewing comprehensive plans for conduct, safety, and emergency responses. By doing so, the emergency preparedness of providers is to be strengthened. This will serve to assure parents that providers are indeed equipped to deal with the range of safety and emergency situations that may arise while their children are in licensed care.

Mr. Speaker, with regard to safety plans, it does build on a history of regulations, albeit that have tended to focus on fire safety, but will require each program to establish a safety plan to include visitor access control, procedures to safety-check both indoor and outdoor spaces, emergency practice drills, the respective roles in the event of an emergency, and emergency procedures to deal with bomb threats, fires, chemical spills, weather- and health-related emergencies, threatening behaviour, evacuation, parent contact and communications, especially with a school or other organization in the same building. The safety plan must also reflect the policies in place to meet the needs of children who have diagnosed anaphylaxis.

With regard to the requirement that each program have a code of conduct, the codes must include what constitutes unacceptable behaviour consistent, of course, with the developmental capabilities of the children that are enrolled, but also must include bullying, abuse, discrimination and other harmful conduct. As well, the use of e-mail, electronic devices and Internet must be addressed. Consequences for unacceptable behaviour must also be addressed.

So it requires that, in reflecting the act itself, child-care centres in homes provide an environment that is conducive to the health, safety and well-being of children. This amendment builds on that important foundation.

Currently, the act does oversee or accommodate some safety regulations, but they have tended mainly to focus on fire safety but also, to some extent, deal with meeting safety standards for furnishings and

equipment, public health inspections in centres, and behaviour management.

Many child-care centres in homes already have policies and procedures in place related to these existing regulations; however, the act does not require a code of conduct, for example, for staff and adults that are involved with the facility. In addition, safety requirements do not specifically address, as I think I've encapsulated earlier, the range of potential emergencies of licensed centres and homes may encounter today.

So these codes and plans will require centres in homes to turn their mind to, and articulate and review these new policies and procedures so that every effort will be made to ensure children's health, safety and well-being. The proposed amendment will strengthen the emergency preparedness of providers by having them work collaboratively with safety professionals in developing and revising their safety plans. The updated safety plans will assure parents and providers continue to be equipped to deal with any safety emergency situation that may arise while their child is in licensed care.

Mr. Speaker, this represents our continuing commitment to assure Manitoba families that, in addition to a nurturing and positive environment, the early learning and child-care programs throughout the province have taken extra measures to provide the utmost degree of security for our children.

I look forward to the debate and movement through the Legislature of this important piece of legislation.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, we have a number of pieces of legislation that are before us, some more controversial than others. Some are fairly straightforward. I like to think of Bill 16 as something that's fairly straightforward. It's something that I think that in most part the principle of it is worthy of support. We would look forward to it actually going to committee to see the types of comments that might be brought forward. The general idea of providing for a code of conduct and the safety plan would make sense.

One would maybe question, and maybe the minister could provide at some point in time some information if the department, in any way, has one of those examples, or maybe it's an appendix or maybe they plan on bringing in regulation. I'm not completely clear on it, as to if they have codes of

ethics or, I should say, code of conducts and safety plans that have already been somewhat drafted to help facilitate those centres that are going to be in need of incorporating them. I think that there would be a great benefit by the Province, in essence, providing that standard to ensure that there are, at the very least, some common elements that go throughout the province.

It's interesting, when I heard the minister talk about every effort to making reference to health—and I realize it's in the context of this particular bill—but I was saddened earlier today to see members' response to another bill that would have dealt with the second-hand smoke in vehicles in the government's response. Unlike the government members, we see the merit of this bill, support it going to committee, and we would hope that they would see the merit of private members' bills that would also look after the health and welfare of our children.

Thank you, Mr. Speaker.

**Mr. Speaker:** The honourable Member for Pembina (Mr. Dyck), you were not rising to speak to the bill?

**Mr. Peter Dyck (Pembina):** I wasn't. No.

**Mr. Speaker:** Okay. I just wanted that for clarification.

**Mr. Stuart Briese (Ste. Rose):** I'm pleased to put a few words on the record with regard to Bill 16, The Child Care Safety Charter (Community Child Care Standards Act Amended).

As we've seen before, I think there's a lot of talk here, but there has to be some action that's taken. They talk about a code of conduct in day cares; I wonder if they have a generic code of conduct that they're going to put out there for these day cares to work off of. Many of the day cares are very small. They're home-based with four or less children in care. We wonder about how onerous the putting this legislation in place was going to be on those smaller day cares.

We know that there's a 12-point child-care agenda, which the minister referred to, called Family Choices, and that this was one step of that. This is one step of that agenda. There are many other phases to it that he's announced, and we will be watching very closely to make sure that he puts all those other 11 points in place over the next five years. We'll be monitoring that.

\* (16:50)

Codes of conduct and safety plans sound great, but, ultimately, they are meaningless if their compliance isn't monitored by the department. There doesn't seem to be a lot of meat in this bill in the case of compliance.

Several years ago the NDP mandated codes of conduct for schools, but they didn't do a very good job of monitoring those either. Hopefully, we're going to see a better job done with day-care facilities.

One of the things I would like to mention is I'd like to take an opportunity to commend the child-care providers throughout the province in day-care facilities and home-based day cares. They do provide safe, quality child-care, regardless of what the government legislates, and they provide that care everyday. They are doing a wonderful job without legislation such as this imposed on them to develop these codes. They do that even though we're short of spaces, we're short of early child-care educators, and we're short on salary paid to those early child-care educators. They're being lured away to other professions because of salary. So we run into those shortages all the time.

One of the proposals in the Family Choices, the 12-point agenda, is that there will be 6,500 more funded child-care spaces. That's somewhat a little bit of smoke in mirrors, because a lot of them aren't new spaces. They are existing spaces that are now being funded, and the NDP are trying to pass them off as new spaces. In order to open up actual new spaces, they'd need to address the shortage of early childhood educators and the shortage of physical space, and they haven't done either of those.

I would guess, rather than spend a whole lot of time and resources on Bill 16, the child-care community would prefer the government focus on the issues that are impacting their ability to operate on a daily basis. They're a much more serious issue than code of conduct.

As I said before, I think this will have a severe impact on some of the small day cares. In conclusion, I would want to see this bill go to committee. I think we will get some feedback at committee, and we will follow it from there.

Thank you very much, Mr. Speaker.

**Mr. Dyck:** I move, seconded by the honourable Member for Arthur-Virden (Mr. Maguire), that we adjourn debate.

*Motion agreed to.*

**Bill 19—The Liquor Control Amendment Act**

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** I move, seconded by the Minister responsible for Labour, Immigration and Multiculturalism (Ms. Allan), that Bill 19, The Liquor Control Amendment Act; Loi modifiant la Loi sur la réglementation des alcools, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Swan:** I am pleased to speak to this bill which has five main purposes. First, it will address safety concerns in licensed premises. It will further promote the responsible consumption of alcohol. It will satisfy the needs of the public, industry, associations and stakeholders. It will keep pace with changes and improvements in the hospitality industry, and it will ensure a level playing field within the industry.

Mr. Speaker, in December 2007, the government received a report from the safety in licensed premises working group outlining 13 recommendations to improve safety in licensed premises. This group was led by the Manitoba Liquor Control Commission and comprised of representatives from Manitoba Justice, Manitoba Tourism Education Council, Winnipeg Police Service, the Manitoba Restaurant and Foodservices Association, the Manitoba Hotel Association, and a cabaret operator.

Bill 19 addresses those recommendations put forward in the report which must be dealt with by legislation. Mr. Speaker, the most significant amendments in the bill will provide the commission with the authority to conduct a safety evaluation of a licensed premise and require changes, should there be a serious incident. It will further allow the president and CEO to immediately close or prohibit the sale of liquor at or from a licensed premise due to public interest concerns. It will also allow the licensing board and the board of commissioners to impose monetary penalties for those licensees found in breach of The Liquor Control Act.

Mr. Speaker, these amendments will standardize closing rules by having cabarets vacated 60 minutes after the sale and service of liquor has ceased, similar to beverage rooms and cocktail lounges. This change is intended to lessen late-night problems and after-hours operations associated with premises whose primary business is liquor service.

In addition, Mr. Speaker, Bill 19 amends the contents of public notices for new premises by requiring the maximum hours of liquor service to be posted. This is intended to provide communities with better information regarding the potential impact of a new licensed premise.

Other amendments to the legislation will allow minors to attend family-oriented events when a beverage room is operating as a dining room such as on Mother's Day when they're accompanied by a parent, spouse or guardian. This change addresses issues in rural Manitoba where often the hotel beverage room serves as the most viable place for large community gatherings and dining events but also ensures that such events are held in premises that employ trained staff as opposed to unlicensed halls with untrained volunteers.

Mr. Speaker, Bill 19 also standardizes the number of drinks that can be served to one patron in a licensed premise depending on the volume of alcohol. This amendment would allow a patron to purchase either two drinks for him- or herself or to purchase one drink for himself or herself and another for a friend, partner or spouse. Currently, this practice is only allowed under a spectator activities licence for large sporting events and some golf courses. The change would permit two drinks to be served to a patron at one time in all licensed premises providing set volume amounts are not exceeded.

This change continues to be in line with the commission's efforts to promote the responsible service of alcohol within a licensed establishment. Licensees will be expected to ensure that a person is not in possession of more than two drinks at one time, and servers must continue to monitor patrons to prevent the over-service of alcohol.

Other amendments to the legislation will allow for the donation of rare or expensive products to be auctioned by charities and for the sale and auction of estate liquor collections.

Mr. Speaker, we believe this bill addresses the recommendations put forward in the *Safety in Licensed Premises* report while speaking to the concerns of the public, industry and stakeholders in meeting the changing needs of society. Underscoring all these changes, this government and the commission continues to support and promote the responsible sale, service and consumption of beverage alcohol.

I therefore recommend Bill 19, The Liquor Control Amendment Act, to the honourable members of this Legislature and look forward to their support. Thank you.

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, it gives me great pleasure to rise to put a few words on the record today on Bill 19, The Liquor Control Amendment Act.

There are good things in the act and things that we can certainly support. Unfortunately, it took some serious, serious situations and a death to bring about some of the amendments in this act. For that reason, Mr. Speaker, we're a little bit sad about that; but, regardless of the fact that the changes are precipitated by the report on the safety in licensed premises, the report came out of the violent and fatal events at the Empire Cabaret in the fall.

One of the issues that arose out of that same situation was not that the individual lost his licence, the fact that he got another licence for another facility and then turned in the licence. Hopefully, this amendment act would take care of that situation, Mr. Speaker. We certainly would not have done what had taken place at that time.

Mr. Speaker, the fact that this act has come up so quickly after that situation, one could argue that the Justice Department, if it would have and could act with the same response time, it would even be more effective to take the weapons out of the hands of the known perpetrators and criminals and get them off the street.

The parts of the act that we think are positive are the changes that are aimed at improving the safety of the patrons, and really one would think that the safety of all of the patrons would have been first and foremost in licensing of any facility, whether that be in rural Manitoba or in Winnipeg, that that would have been the norm prior to this amendment.

It's a good plan to allow the commission to conduct a safety evaluation. One would have thought that they did that on a regular basis—

**Mr. Speaker:** The honourable Member for Lac du Bonnet.

**Mr. Gerald Hawranik (Lac du Bonnet):** Yes, Mr. Speaker, I note that it's getting close to 5 o'clock, and, certainly, I would ask for leave to extend the sitting in the Chamber till five minutes after 5 to

allow the Member for Emerson to conclude his remarks.

**Mr. Speaker:** Is it the will of the House to extend the sitting for the honourable Member for Emerson to conclude his comments? *[Agreed]*

\* (17:00)

**Mr. Graydon:** Thanks for that leave, Mr. Speaker.

It is a good plan to allow the commission to conduct a safety evaluation and require licensed establishments to make changes if the patron's safety is at risk. One would think that that would have been a normal procedure prior to this amendment.

What is more important, of course, is that the inspectors exercise good judgment, and that's always a bit of an issue. As the minister well knows from some of the conversations that we've had, the inspectors' powers, sometimes, really aren't effective in certain situations, although in a licensed situation he does have the ultimate power. We would hope that is used in a democratic fashion, Mr. Speaker.

So, while on this side of the House we have no serious concerns with this bill, we believe that the bill could have gone farther. If they were truly committed to keeping Manitoba bar patrons safer, there needs to be changes in the ways that the justice system operates as well, Mr. Speaker.

While the bill was open for amendments, Mr. Speaker, perhaps the minister would have considered that private wine stores could have been included in this type of legislation. It seems that he doesn't consider that, but, if he would have consulted with us before, we'd certainly helped him out, and I think we could have convinced him.

One of the other issues that has arisen, Mr. Speaker, since we've been briefed on this bill, of course, is that there have been some problems or some hardships felt within the rural communities about what they can and they cannot do, and what they've been written up for. I think the minister understands that this bill could have gone a little bit farther in that respect.

It's unfortunate that it took events of a tragic and violent nature to spur these changes, Mr. Speaker, but, that being said, the bill's intent is good. With that, I would close my remarks on Bill 19.

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

**An Honourable Member:** No.

**Mr. Speaker:** Okay, just before I recognize the honourable Member for Inkster, I just wanted to make clarification that, when the honourable Member for Lac du Bonnet was on his feet, I had recognized him for a point of order. It was not a point of order.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I'm prepared to continue the debate on the bill, or we can

just call it past 5 and continue it at another time, whatever the will of the House is.

Mr. Speaker, I would move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate be adjourned.

*Motion agreed to.*

**Mr. Speaker:** Okay. The hour being past 5 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 13, 2008

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