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of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 3, 2001

The House met at 1:30 p.m.

## PRAYERS

## ROUTINE PROCEEDINGS

## MINISTERIAL STATEMENTS

## Fédération provinciale des comités de parents

**Hon. Greg Selinger (Minister responsible for French Language Services):** Mr. Speaker, I have two statements today on French Language Services.

Monsieur le président, il me fait plaisir de souligner le vingt-cinquième anniversaire de la création de la Fédération provinciale des comités de parents.

*Translation*

*Mr. Speaker, it is my pleasure to highlight the 25th anniversary of the creation of the Fédération provinciale des comités de parents, or provincial association of Francophone parents' committees.*

*English*

On November 17 last, it was an honour to attend the anniversary gala of the FPCP, 25 ans de fierté [25 years of pride] during which the accomplishments of the past 25 years were celebrated. It was a great success. For 25 years now, this community organization has worked to create a milieu that promotes the full participation of Francophone children and families in their schools and in their community.

La FPCP appuie des regroupements de parents scolaires, des garderies communautaires et familiales, des prématernelles françaises et de francisation, et des Mini-franco-fun. En plus, la FPCP gère le CRÉE, le Centre de ressources éducatives à l'enfance et ses quatorze mini-centres, pour offrir des ressources aux familles francophones. Notre gouvernement est heureux

de pouvoir appuyer financièrement le réseau de CRÉE.

*Translation*

*The FPCP supports school-related parents' groups, community and family day cares, preschools run in French as well as those where children learn French, and French play groups. The FPCP also directs the CRÉE parent-child centres and its 14 mini-centres, to offer resources to Francophone families. Our Government is pleased to be able to fund the network of parent-child centres.*

*English*

From its beginnings in 1976 as a group of Francophone parents in St. Norbert who advocated for a French school for their children, the FPCP has become an organization that supports Francophone parents and families province-wide. There is a strong reason to celebrate. I would like to thank the leaders and members of the FPCP who have led these important initiatives during the last 25 years.

**Let's Talk! Dialogue**

**Hon. Greg Selinger (Minister responsible for French Language Services):** Also, I would like to table a statement:

Monsieur le président, j'ai le plaisir de déposer aujourd'hui devant l'Assemblée le document intitulé *Parlons-nous! dialogue*. Ce rapport a été publié en février 2001 par le Groupe de travail Dialogue qui avait été établi par la Fédération des communautés francophones et acadiennes du Canada.

*Translation*

*Mr. Speaker, I am pleased to table today in the Legislature the document entitled Let's Talk! dialogue. This report was published in February 2001 by the Dialogue Task Force set up by the Fédération des communautés francophones et*

*acadiennes du Canada, or federation of Francophone and Acadian communities of Canada.*

\* (13:35)

**English**

This report is the result of a national consultation by the Dialogue Task Force. A cross-Canada tour served as a basis for a fruitful exchange and dialogue with Anglophones, Québec Francophones, native peoples and ethnocultural groups regarding the promotion and development of the Francophone and Acadian communities of Canada. La Société Franco-Manitobaine participated in this process that was viewed as a constructive and dynamic approach to the future allowing communities to present themselves as agents of change.

La Société franco-manitobaine et la communauté francophone du Manitoba travaillent pour devenir davantage visibles auprès de la population du Manitoba et pour participer activement à tous les aspects de la vie au Manitoba.

**Translation**

*The Société franco-manitobaine and the Francophone community of Manitoba are working to heighten their visibility with the Manitoba public and to participate actively in all aspects of life in Manitoba.*

**English**

The Société franco-manitobaine has been increasingly successful in achieving its objectives: Promote the visibility and the participation of the Francophone community in Manitoba.

For example, Mr. Speaker, the Société franco-manitobaine recently participated in a conference entitled "French for the Future," which is co-chaired with the Canadian Parents for French. The conference brought together a few hundred elementary and high school students from both Français and French Immersion schools.

Tout récemment, la communauté francophone du Manitoba a pris de nouvelles initiatives

pour agrandir l'espace francophone au Manitoba. La communauté francophone du Manitoba veut inclure davantage les partenaires anglophones des mariages mixtes, les nouveaux arrivants, les francophiles et ses amis de la communauté anglophone.

**Translation**

*Just recently the Francophone community of Manitoba has undertaken new initiatives to expand its presence in Manitoba. The Francophone community is seeking better to include the Anglophone partners in mixed marriages, recent immigrants, Francophiles and friends from the Anglophone community.*

**English**

Collaboration, partnerships and dialogue with the community are all important elements in the implementation of French Language Services. I take this opportunity to reiterate our Government's commitment in this area.

**Mr. Denis Rocan (Carman):** Ça me fait grand plaisir de me lever cet après-midi pour répondre à la déclaration du Ministre responsable des services en langue française. De ma part et de la part de la communauté, tout ceux qui sont à la montagne, nous sommes très fiers de la FPCP, de la manière dont ils appuient les regroupements de parents scolaires, de la manière dont ils travaillent pour les garderies communautaires et familiales et les prématernelles françaises et de francisation et les Mini-franco-fun.

Nous sommes, dans notre circonscription, très fiers de la manière dont la FPCP a pris le temps de venir chez nous pour connaître nos besoins, de la manière dont ils ont réussi à mettre en place les différentes créations de la Fédération provinciale des comités de parents et de tous ceux qui ont fait partie de ce grand dialogue pour mettre en place tout ce que nous sommes fiers de représenter aujourd'hui.

Je suis très fier et j'aimerais mentionner, de la part du Parti Conservateur du Manitoba, le dévouement et l'appui qu'on a eu de Monsieur Filmon pendant qu'il était le premier ministre de notre province. Nous avons fait de grands pas avec les échanges entre la

communauté du sud et Saint-Boniface, et aussi avec Saint-Lazare et ces coins-là, et aussi dans la montagne.

Le groupe de travail qui a pris le temps de mettre en place le document *Parlons-nous! dialogue*, je veux féliciter ce groupe: Georges Arès, Mariette Carrier-Fraser, Marc Arnal, et Isabelle Chiasson. Nous sommes très fiers du travail qu'ils ont fait pour créer ce document, et j'espère que tous ceux qui ont le choix ou l'espoir de parler en français vont prendre le temps de regarder ce document.

Encore une fois, je veux remercier le ministre des Finances, le ministre responsable des services en langue française d'avoir continué à faire avancer tout ce qu'on a essayé de faire pour ceux qui veulent avoir l'opportunité de parler le français. Nous sommes très fiers de notre langue, et je voudrais remercier le ministre responsable des services en langue française. Merci, Monsieur le ministre.

#### **Translation**

*I am very pleased to rise this afternoon to respond to the statement of the Minister responsible for French Language Services. For my part and that of the community, the population of the Mountain region, we are very proud of the FPCP and of the manner in which they support school-related parents' groups, the way they work for community and family day cares, preschools run in French and those where children can learn French, as well as the French play groups.*

*In our constituency, we are very proud of the way the FPCP has taken the time to come to us and learn about our needs, of the way they have put into place the various creations of the FPCP, and of all those who were part of this great dialogue, to put into place all that we are proud to represent today.*

*I am very proud and on behalf of the Manitoba Conservative Party I would like to mention the dedication and support we had from Mr. Filmon when he was premier of our province. We took major steps with exchanges between the communities of the south and St. Boniface, and*

*also with St. Lazare and those regions and also in the Mountain district.*

*As for the task force that created the document Let's Talk! dialogue, I would like to congratulate the group: Georges Arès, Mariette Carrier-Fraser, Marc Arnal, and Isabelle Chiasson. We are very proud of the work they have done to create this document, and I hope that all those who choose or who hope to speak French will take the time to look at it.*

*Once again, I would like to thank the Minister of Finance and Minister responsible for French Language Services (Mr. Selinger), for having continued to advance everything that we tried to do for those who want to have the opportunity to speak French. We are very proud of our language, and I thank the Minister responsible for French Language Services. Thank you, Mr. Minister.*

\* (13:40)

**Hon. Jon Gerrard (River Heights):** Monsieur le président, je voudrais dire quelques mots sur les commentaires du ministre.

#### **Translation**

*Mr. Speaker, I would like to say a few words on the minister's statement.*

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

**Mr. Gerrard:** Monsieur le président, je suis heureux que le ministre des Finances et ministre responsable des services en langue française a parlé aujourd'hui de la situation des Francophones au Manitoba. C'est positif que, de plus en plus, il y a des occasions d'apprendre et d'utiliser la langue, non seulement au gouvernement mais partout dans la province. C'est important, mais il reste beaucoup à faire, et il est important de procéder toujours, pour arriver à une situation où les gens de langue française au Manitoba et les autres pourront parler le français de plus en plus.

Par exemple, pour moi, comme Anglophone, c'est un avantage de parler le français de temps en temps. J'ai trois enfants qui ont, tous les trois, suivi le programme d'immersion en français et

ils utilisent les deux langues, le français ainsi que l'anglais, ce qui est un grand avantage aujourd'hui. Merci, Monsieur le président.

### **Translation**

*Mr. Speaker, I am pleased that the Minister of Finance and Minister responsible for French Language Services has spoken today about the situation of Francophones in Manitoba. It is positive that increasingly there are opportunities to learn and use the language, not only within government, but throughout the province. This is important, but a great deal remains to be done, and it is important that we continue to move forward, in order to arrive at a situation where Manitoba Francophones and others will be able to speak French more and more.*

*For example, for me, as an Anglophone, it is an advantage to be able to speak French from time to time. I have three children, all of whom have taken the French Immersion program. They use both languages, French as well as English, which is a great advantage today. Thank you, Mr. Speaker.*

### **Housing Initiatives**

**Hon. Tim Sale (Minister of Family Services and Housing):** I have a statement for the House.

Mr. Speaker, last week in Québec City, I had the privilege of co-chairing the meeting of federal, provincial and territorial ministers responsible for Housing, and it is with pleasure today that I am able to advise all members of the Assembly and all Manitobans of the framework agreed upon by ministers which is aimed at increasing the supply of affordable housing across our country.

The federal government has committed a total of \$680 million over five years to this affordable housing initiative. Manitoba's share of the federal funding is expected to be in the range of \$25 million over the duration. Provinces and territories will be required to match federal contributions overall. Provincial and territorial contributions may be capital or non-capital in nature, may be in cash or in kind. These contributions may be made by the province or territory or by a third party or a municipality.

The significant resources already committed by our Government to housing initiatives will be recognized as matching contributions.

With the framework negotiations now concluded, the federal government will begin negotiating bilateral agreements with each of the provinces and territories as quickly as possible. Manitoba will be beginning its negotiations within the next week or two.

I want to pay tribute to the federal minister, my colleague the Honourable Alfonso Gagliano, who provided outstanding leadership in these negotiations. I believe, Mr. Speaker, without his direct involvement we might not have had the positive outcome which we were able to achieve.

I also want to pay tribute to my predecessor in the chair, the Honourable Percy Mockler from New Brunswick, who first brought the Housing ministers of Canada together about 14 months ago, after an absence of some eight years, in meetings following the federal government's leaving this particular file in 1993.

Also, I want to recognize the work of the Honourable Chris Hodgson from Ontario, who provided the good leadership in London last August when we made important progress towards the achievement which we recorded in Québec last week.

\* (13:45)

The consensus framework established common objectives to increase Canada's affordable housing supply. It was agreed that supply initiatives may include interventions such as new construction, renovation, rehabilitation, conversion, home ownership, new rent supplements and supportive housing programs. It was also recognized that provinces and territories have the primary responsibility for the design and delivery of housing programs within their jurisdictions.

This initiative is agreed by all to be a short-term measure aimed at increasing availability of affordable housing. It is recognized that continuing efforts will be required to develop strategies to ensure the sustainability of our affordable housing stock. This initiative does not diminish

the commitment of federal, provincial and territorial governments to examine the need for long-term sustainable improvements to the business and tax climates for affordable housing in our country.

Renewal of Winnipeg's neighbourhoods is well underway as a result of community efforts and government programs such as Neighbourhoods Alive!, Mr. Speaker, property values are increasing in areas that have been targeted by community and government. Investing in communities benefits all Manitobans with increases in tax revenue and decreases in social problems.

Once the Province signs its bilateral agreement with the federal government, I am confident that we will continue to see increasing levels of revitalization and rehabilitation in many more neighbourhoods across Manitoba. Thank you, Mr. Speaker.

Sorry, Mr. Speaker, I neglected to note that we attached for all members the actual framework agreement, the wording that was agreed to in Québec, to the back of this statement.

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

**Mr. Speaker:** Order. Prior to recognizing the honourable Official Opposition critic, I would just like to remind all honourable ministers when reading from a written text, to follow the script of the text and not to deviate from the written statement.

**Mr. Jack Reimer (Southdale):** It is my pleasure to thank the honourable minister for bringing forth this statement in regard to his conference held in Québec, at which he was a co-chair. It is good to see that the minister has lobbied, and there has been success in getting the federal government back to the table in regard to affordable housing here in Manitoba.

The minister was right in his comments about how the federal government abandoned housing back in 1993, and then the emphasis and the direction were placed solely within the provincial jurisdiction and the municipalities to try to backfill. I imagine, through the lobbying

of not only this Government but governments throughout all of Canada, they saw the need for the federal government to be part of any type of program that was involved with neighbourhood renewal or housing initiatives in Canada. It is a good initiative.

I compliment this minister on the tenacity that he has to get this done, because it is of benefit for all of Manitoba in regard to the sharing of the \$680 million and Manitoba's share of \$25 million. I will note also that the minister, in fact in this weekend's paper, in regard to affordable housing in Manitoba did point out another area which I was glad to see that he has taken the initiative in, and that is offering and supporting the private sector to provide affordable housing in return for possible tax credits.

I would hope that this minister takes that initiative forward. As a member of Treasury Board and as a minister of the Crown, he has the ability to affect his colleagues. There is not only the private sector involved, the Government involved, but the homes and the initiative that will come through with private investment through tax credits of some sort is something, I believe, that this Government should look at very, very seriously. They have to be part of the initiative of growing not only with government money but private sector money getting involved with it, and through tax incentives, as he has pointed out in an article in the weekend paper, is a good initiative.

I hope he takes that message forward through Treasury Board through the Cabinet, so that when the new Budget comes out in the spring, the Minister of Finance (Mr. Selinger) will be able to announce some sort of tax credits for housing initiatives, expansion, renovation of some sort, so that the private sector and individuals throughout all Manitoba can realize the benefit.

Thank you very much, Mr. Speaker.

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

**Mr. Speaker:** Does the honourable member have leave? [*interjection*] Did I hear no? Does the honourable member have leave?

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave has been granted.

**Mr. Gerrard:** Mr. Speaker, I thank the minister for his statement, and I, too, would like to congratulate Alfonso Gagliano for his efforts and his leadership in building a federal program for affordable housing.

\* (13:50)

Though I have been very critical of the present government in a number of areas, I think there has been a modest but real effort in housing, and I think the changes, the increase in value in a couple of areas of the central part of Winnipeg, the North End, are a positive sign. There clearly are a lot of other areas where we need to improve the situation, and there is a lot more work to be done. Hopefully, this initiative will help move us in that direction.

I think the minister and the Government should also look at how in a broader sense we can help more people to own homes instead of having to rent, because of the various incentives, disincentives and so on that are in place. Hopefully, we can see with this kind of initiative more people owning and occupying affordable housing in the future.

## TABLING OF REPORTS

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I am pleased to table the following annual reports: Victim Services Annual Report 2000-2001; Office of the Chief Medical Examiner Annual Report 2000.

## INTRODUCTION OF BILLS

### Bill 9—The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act

**Hon. Gary Doer (Premier):** I move, seconded by the Minister of Justice, that leave be given to introduce Bill 9, The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act; Loi sur le personnel des Forces canadiennes (modifications relatives au droit de vote et aux privilèges rattachés à la

conduite des véhicules), and that the same be now received and read a first time.

### *Motion presented.*

**Mr. Doer:** I would recommend this legislation to the Chamber. It will provide for voting privileges to be extended for forces that are on peacekeeping or military actions on behalf of the public of Canada.

It will maintain the right of a driver's licence that individual personnel may not be dealing with as a priority when in their theatres of conflict or theatres of peacekeeping.

Thirdly, Mr. Speaker, this bill provides for new armed forces personnel that are transferred into Manitoba to have the right to apply their driver's licence from another part of Canada and have safe driving records reflected in merits which, in turn, allow for reduced both licence fees and Autopac rates here in this province.

I would recommend it to the House.

### *Motion agreed to.*

\* \* \*

**Hon. Gary Doer (Premier):** I would ask for leave to keep my promise to the Premier of Alberta and take my jacket off.

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

## Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have from Springs Christian Academy 42 Grades 9 and 11 students under the direction of Mr. Brad Dowler. This school is located in the constituency of the honourable Minister of Finance (Mr. Selinger).

Also, we have from Neepawa Area Collegiate 19 Grade 11 students under the direction of Mr. Bob Ferguson. This school is located in the constituency of the honourable Member for Ste. Rose (Mr. Cummings).



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

### ORAL QUESTION PERIOD

#### Adult Learning Centres Funding Commission of Public Inquiry

\* (13:55)

**Mr. Stuart Murray (Leader of the Official Opposition):** This morning we met with taxpayers and community leaders from the Morris-Macdonald School Division. They want answers. Under the Doer government, the taxpayers of Manitoba have been bilked out of millions of dollars. The question is: Which adult learning centres and school divisions inflated enrolment numbers, how much were the operators of adult centres overpaid and who is responsible for the repayment?

Ministers of the Government have been evasive. They have been inconsistent. They have been silent on the issue of adult learning centres in this province. They say one thing in this Chamber and then when they go outside and talk to the media, they say another thing.

The taxpayers of Manitoba have some serious questions that they need answers to. Will the Premier ask the Minister of Education (Mr. Caldwell) to step aside, and will the Premier do the right thing and call a commission of public inquiry into the issues surrounding the funding of adult learning centres in Manitoba?

**Hon. Gary Doer (Premier):** The member raises about six or seven issues in his rambling preamble. He also asked two questions in his first question. I have already answered the initial question a number of times. Secondly, the issue of having a public inquiry when it is prefaced with the statement of taxpayers' money, I would remind members that the Sophonow inquiry, I think, cost over \$4 million. The Auditor's report cost just a little over \$100,000. I think we are protecting taxpayers' money.

**Mr. Murray:** As we know from the document of the Provincial Auditor, it was an investigation of an adult learning centre, one adult learning centre in one school division. We know that

HOPE was operating adult learning centres in at least one other school division and that other school divisions are also involved in adult learning centres.

Clearly, the scope of the Provincial Auditor's report is too narrow. I ask the Premier again: Will he do the right thing and call for a commission of public inquiry into the adult learning centres in Manitoba?

**Mr. Doer:** Reading the Auditor's report, I note that in 1998 there was an audit requested and blocked, and regrettably for the parents and teachers and others that that was not dealt with. The Auditor's report—

**Mr. Speaker:** Order.

**Mr. Doer:** The Auditor's report deals with the specific allegations that we referred to the Auditor. *[interjection]* The member opposite had his chance when he was in Cabinet to call an audit. He chose not to. Maybe he should be a little bit quiet in this House. He had a chance to deal with this issue and he chose to turn the other way, regrettably.

Mr. Speaker, the Auditor deals with—*[interjection]* This is a very serious matter. Perhaps members opposite could listen.

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

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker. I know members opposite who have taken some misrepresentations of the Auditor's statements are trying again to pursue this issue. The Auditor's report does deal with other matters that came to his attention. All matters dealing with public financing, including the reductions we have made in the Budget from \$17 million to \$14 million this fiscal year are available for the Auditor to review, as a public servant to the Legislature of Manitoba, not the government of the day.

Thirdly, the RCMP are investigating matters that have been referred to them from the Department of Justice arising from the Auditor's report. As the Deputy Minister of Justice stated

publicly, it has been his experience that the RCMP will look at all matters they are concerned about. I trust the RCMP and the Auditor to deal with these matters.

\* (14:00)

**Mr. Murray:** Mr. Speaker, to quote the Premier, November 22: The truth will set us free. It will set us free.

This side of the House believes in honesty, respect and openness. That side of the House is inconsistent, they do not tell the truth, and they absolutely are leading Manitobans. On behalf of the taxpayers of Manitoba, I ask the Premier to do the right thing and call a public inquiry into the adult learning centres of Manitoba.

**Mr. Doer:** This is a member who two weeks ago was leading a party that the Provincial Auditor—*[interjection]* This is a party that two weeks ago the Provincial Auditor, for the first time in my memory and going back over Auditor's reports, said that he was misrepresented by, who, the Opposition party. We still do not have an apology from the Leader of the Opposition about misrepresenting the Provincial Auditor.

In a number of questions over the last couple of weeks and again over this last period of time, we have said one of our major concerns in the Morris-Macdonald School Division was the findings of the Auditor dealing with finances, but the reality that parents have dealing with their children in those school divisions. We have said for the last three or four weeks that we want to work with the independent trustee to ensure that the—

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

**Mr. Speaker:** Order. I would like to ask the co-operation of all honourable members in the House. This is a time for questions and a time for answers. I am sure all members will have their opportunity. Also, we have a lot of students in the gallery, and I am sure we all would like to present a good model for the students. I ask the co-operation of all honourable members.

**Mr. Doer:** One of our concerns at any school division that has been identified with

overexpenditures is to ensure that dealing with the accountability is to ensure that there is a transition that deals with kids, youth. We have tried to work with and will continue to work with the schools and students. We do not want to see the adult education program bumping school teachers in regular school programs and affecting in mid-course the quality of education for many kids in the classroom.

We are trying to deal with those two issues that have been given to us, the issue of fiscal accountability and the other issue, the whole issue of students' education.

We have trusted the Auditor. The Auditor has spent \$100,000 investigating both the specifics and the general issues. The Auditor has said that there have been improvements made since '99. More improvements have to be made. We will make those improvements with new legislation. The Auditor has recommended these matters go to the Department of Justice. They went to the Department of Justice on October 4. The Department of Justice has recommended further police investigations. Those are being conducted. We trust the RCMP to follow up on the issues raised by those audits.

### **HOPE Learning Centre Repayment of Funds**

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, the Premier's (Mr. Doer) words would have more meaning to Manitobans if in his handling of this entire affair he had had a consistent approach with everyone. I want to remind the Premier that it was his Government who came out on the high horse, blamed everything on Morris-Macdonald, fired the board, and yet will not answer questions about how his Government has dealt with the real problem, centres like HOPE, owned by the Orlikows.

I want to ask this Premier if he can explain to Manitobans why, in all of the public relations that his minister and himself as Premier went out to garner, all the high horses they rode on, they never once made a reference to the HOPE centres or announce publicly that they were going to try and retrieve money when they were getting 90 percent of the funding.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, of course, it is always a pleasure to rise for a question by the Member for Lac du Bonnet. When I was away on Wednesday, there were a couple of items taken as notice. I would like to deal with them before I respond to the question, if I may.

Okay, Mr. Speaker, items taken as notice on enrolment on Wednesday when I was at AMM and at a doctor's appointment. On enrolment—

**Mr. Speaker:** Order. For the information of all members of the House, when ministers are asked a question they are to deal with the question asked. If ministers are going to be answering a question that has been taken as notice, I do look over to that side of the House at later stages in the Question Period in case ministers are going to be responding to questions that they have taken as notice. So I do look that way during Question Period, but right now, when a question is asked, the minister's responsibility is to deal with the question that is asked now.

**Mr. Caldwell:** Thank you, Mr. Speaker. I will deal with those questions taken as notice later in the session today then.

Mr. Speaker, of course, 90 percent of adult learning dollars did not go to HOPE. It is another wildly inflated misrepresentation by members opposite. Adult education funding was channelled through school divisions who were charged as elected officials with representing the public interest in the expenditure of public funds.

**Mr. Praznik:** Mr. Speaker, I want to ask this minister a very straightforward question. Why did he not announce that he was going after the Orlikows and HOPE when the money that flowed through Morris-Macdonald, something like 90 percent of the dollars that were assigned to HOPE, went to the Orlikows and HOPE? Morris-Macdonald took a \$200 or \$250 admin fee. Why did he not announce that he was going after HOPE and the Orlikows for that money when he was firing the Morris-Macdonald board?

**Mr. Caldwell:** Mr. Speaker, we on this side of the House, when we were confronted with

allegations into the operations of adult learning centres in Morris-Macdonald School Division, took action that members opposite could have taken in 1998 by calling in the Provincial Auditor. and we stand by the Provincial Auditor's report.

**Mr. Praznik:** Mr. Speaker, it goes without saying. If the minister wants Manitobans to believe that he stands by the Auditor's report, why did he rise in this House two weeks ago and deny that he and his department had funnelled money through adult education to another school division? Why was he not honest with Manitobans on that day?

**Mr. Caldwell:** Mr. Speaker, I am surprised that members opposite, three weeks or four weeks into this discussion, have not read the Provincial Auditor's report where it indicates that indeed we did make that decision. We recognized that criticism and stated some time last month.

**Mr. Speaker:** The honourable Member for Lac du Bonnet, on a new question.

\* (14:10)

### HOPE Learning Centre Funding

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, I would like to ask the Premier (Mr. Doer) this question: How, under his Government, could they in February-March of last year order the Provincial Auditor to do an audit based on HOPE, then in April-May give HOPE \$625,000 of taxpayers' money, freeze it in May, reinstate it in July, terminate it in October and see it funded today? Could they provide an explanation to Manitobans for that course of events?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, again, the member puts incorrect information on the public record. But leaving that aside, we on this side of the House believe in due process and termination with notice. That is exactly what we did.

**Mr. Praznik:** Mr. Speaker, the minister's press release, after he orders the audit, gives \$625,000 of the people's money to HOPE.

I ask this minister—

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

#### Point of Order

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

I am obliged to stand up and draw your attention, and the member's attention, to *Beauchesne* Citation 409: A supplementary question should need no preamble.

The member seems to be getting into some pattern here of difficulty. Would you please remind him of that rule of this House? Thank you.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, he does have a point of order.

*Beauchesne* Citation 409(2) advises that a supplementary question should not require a preamble. I am sure the honourable member was just about to put his question.

\* \* \*

**Mr. Praznik:** I will put my question. Can the minister or the Premier (Mr. Doer) then please explain the Premier's remarks in this House which he made on November 16, 2001: Hindsight says we should not have entered into that contract with HOPE in July?

Would you please explain that?

**Mr. Caldwell:** Well, Mr. Speaker, hindsight indicates that there should have been an audit undertaken in 1998.

**Mr. Praznik:** Mr. Speaker, I would ask the Premier (Mr. Doer) if his minister—

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

**Mr. Speaker:** Order.

**Mr. Praznik:** Thank you. Mr. Speaker, I would ask the Premier if he does not want to have a

public inquiry and put people under oath, then would he get up in this House and be responsible enough, more than just wear a Calgary jersey, to get up in this House and explain his comment: Hindsight says we should not have entered the contract in July. Could he give us an explanation why money, no money, money, no money?

**Mr. Caldwell:** Well, Mr. Speaker, hindsight does, indeed, indicate that there should have been an audit undertaken in 1998. Hindsight also, I think, indicates that we were quite right to undertake an audit in 1999 to discover a system that was set up with no legislative authority, a system set up with no financial accountability, a system set up that had no accountability in terms of educational programs. We are getting to the bottom of this issue, and we are introducing legislation this session that should have been introduced in 1997.

#### Adult Learning Centres Repayment of Funds

**Mr. Harold Gilleshammer (Minnedosa):** The Provincial Auditor's report has indicated that between \$2.5 million and \$4 million may have been flowed as an overpayment to Morris-Macdonald School Division and subsequently that money was paid out to HOPE, Anokiiwin and others.

What process will the minister use to refine the exact amount that needs to be repaid? Can he in a clear and understandable answer, answer that question?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** We have appointed an official trustee to manage the affairs of the school division until the elections of 2002, and we have confidence in the trustee.

**Mr. Gilleshammer:** Is the minister saying that the official trustee will be responsible on his own of refining that number about the amount that has to be repaid?

**Mr. Caldwell:** I acknowledge and respect the official trustee for putting into place a program that consults with parents, that consults with elected officials in the school division and understand in fact that the first meeting for the

community is set to take place tomorrow in that regard. I applaud the official trustee for taking that view.

**Mr. Gilleshammer:** Will the Minister of Education confirm that the 90 percent of the funding that was flowed through to these third-party agencies will have to be repaid by them if in fact it is found that they were registering phantom students?

**Mr. Caldwell:** This is a curious turn of events, I suppose. The system of adult learning centres set up by the members opposite when they were in government put the onus on the deliverers of adult learning, that is the school divisions, for all financial accountability. That remains the expectation of this side of the House. Elected trustees, officials that are managing the affairs in the public interest, or supposedly managing the affairs in the public interest, are responsible in this regard.

#### HOPE Learning Centre Funding

**Mr. Leonard Derkach (Russell):** We have asked for a public inquiry to try to sort out the issues as they relate to the adult learning centres. It seems to be somewhat curious why the Premier (Mr. Doer) does not want to call the inquiry and what he perhaps has to hide.

The Auditor, on page 9, says and I quote: HOPE used non-certified individuals, did not provide appropriate facilities nor had materials, textbooks, supplies, curriculum documents in place to meet the requirements to offer the program in September 2000.

It clearly points to HOPE who did not have the necessary qualified—

**Mr. Speaker:** Order.

#### Point of Order

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, the members opposite have had several weeks on this issue. They have had plenty of time, particularly over the latter part of last week, to put together their questions. Would you please remind the members opposite

and rule accordingly that the rule of this House is a question must be brief? This was his introductory question, a preamble need not exceed one carefully drawn sentence. I think we were into our third sentence and none of them are carefully drawn. Would you please remind him of what our rules are?

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, he does have a point of order. *Beauchesne* Citation 409(2): A preamble should not exceed one carefully drawn sentence. I would ask the honourable member to please put his question.

\* \* \*

**Mr. Derkach:** I want to ask the Minister of Education why after he had withdrawn the funding from HOPE for using non-certified teachers he in fact reinstated that funding with uncertified teachers.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Of course, there are more inaccuracies put on the public record in the question. On this side of the House, we believe in acting responsibly in providing stability to the children that are in our public school system and providing accountability for fiscal resources.

The member makes mention of page 9 of the Auditor's report which indicates a litany of problems associated with an adult learning centre program that members opposite designed and put into place. That is not the way that this Government will operate.

\* (14:20)

**Mr. Derkach:** Mr. Speaker, I want to ask the Minister of Education why he reinstated HOPE's funding when in fact it was HOPE, started in September of 2000, that created the problem by using uncertified teachers, by inflating the numbers and not having certified texts in the classrooms.

**Mr. Caldwell:** Mr. Speaker, this gives me the opportunity to put on the record again that the problem was created by a policy designed by members opposite that provided for no accountability of educational programming, no

accountability for fiscal resources, taxpayers' dollars that went out the door to the tune of tens of millions of dollars.

Mr. Speaker—

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

**Mr. Speaker:** Order.

**Mr. Caldwell:** It took a change of government to finally ask the Provincial Auditor to engage in something that was first sought in 1998 under the watch of members opposite.

### Anokiiwin Centre

#### Funding

**Mr. Leonard Derkach (Russell):** Mr. Speaker, then I want to ask the Minister of Education, since he cannot answer the previous two questions, whether in fact the Anokiiwon centre, that was again under Morris-Macdonald School Division, whether in fact that learning-training institute had inflated enrolment figures for that fiscal year.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, of course, the Anokiiwin centre was set up with great fanfare by members opposite, and, of course, the Anokiiwin is no longer part of the adult learning centre spectrum in Manitoba.

### Provincial Drainage System Government Action

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question to the Minister of Conservation. Not long ago the minister's colleague who is responsible for Agriculture was puffed up and proud of herself for contributing \$12 million in crop insurance to farmers who were unable to get a crop in because their fields were too wet in the spring.

Now reasonable analysis suggests that \$9 million of this \$12 million would not have been needed if the Minister of Conservation had his act together and had the provincial drains working well. I ask the Minister of Conservation—

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

**Mr. Speaker:** Order. I am sure all the members would like to hear the question.

**Mr. Gerrard:** I ask the Minister of Conservation when he is going to act on the drainage issue, because his inability to have the provincial drains performing well is costing farmers and taxpayers millions and millions of dollars.

**Hon. Oscar Lathlin (Minister of Conservation):** I am happy to answer this question again. I dealt with it over and over again at AMM in Brandon last week, and no, they were not happy to hear the responses I had to give because I had to give them the truth, the truth being that there were 10, 12 years of neglect on the part of the former government, and—

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

**Mr. Speaker:** Order.

**Mr. Lathlin:** Mr. Speaker, in fact, I toured the R.M. of Brokenhead, I believe it was about a year ago, and I saw first-hand the problems they are experiencing in that rural municipality. In fact, I was given an extensive tour by the members of the council of Brokenhead, and as we were touring some of the drainage ways that—

**Mr. Speaker:** Order.

**Mr. Gerrard:** Mr. Speaker, my supplementary to the Minister of Conservation. I ask: When the Lydiatt provincial drain, which the minister visited a year ago, is so badly maintained, that the ditch is so poor that the municipal road is caving into the ditch, compromising safety, why has the minister failed to act in over a year when he knew about this problem a year ago?

**Mr. Lathlin:** Mr. Speaker, you know I was about to finish my response to the last question, and I will because I want to put this issue in perspective here for the House. That is, when I was touring the municipality, I asked one of the councillors: Who is the MLA for this area? *[interjection]* Yes. They did say the Member for Lac du Bonnet (Mr. Praznik). So I said: Did you

ever go to the member with your concern here? They said: Yes, every year. Of course I asked what was the response. Well, obviously, the response was zero because of what I saw there.

Mr. Speaker, I am happy to report to the House here that, for the first time in several years, we have increased the funding allocated to the drainage budget.

**Mr. Gerrard:** My supplementary to the Minister of Conservation: Farmers and municipal leaders would like to know why the minister is not able to get the provincial drainage system working well. Why is it the minister is even refusing to meet with a lot of municipal officials? Why was this work not done this fall when there was a wonderful opportunity and you are putting farmers at risk for major problems next year?

**Mr. Lathlin:** Mr. Speaker, I can indicate to the House here as well that without any consultation whatsoever the federal government decided to take unilateral action through the Department of Fisheries and Oceans. They have allocated 40 positions to Manitoba; 20 are in Dauphin right now. They are not helping us at all because it would be better if the federal Fisheries and Oceans and the Manitoba Conservation Department could have worked this plan out prior to them releasing the positions here in Manitoba.

Mr. Speaker, we have formed a committee with the federal government to address this issue, and it is being addressed.

#### **Morris-Macdonald School Division Public Meeting**

**Mr. Frank Pitura (Morris):** Mr. Speaker, I would like to ask the Minister of Education for clarification of an earlier statement he made today. He has indicated that tomorrow night there is going to be a public meeting held in the Morris-Macdonald School Division. I would like to ask the minister if that meeting is open to the public.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, I am advised that tomorrow Mr. Krawec will meet with the first of two advisory committees that

have been established to provide him with advice in respect to school division matters.

**Mr. Pitura:** Well, Mr. Speaker, then I would ask the minister: Is the meeting tomorrow night a closed-door meeting?

**Mr. Caldwell:** Mr. Speaker, Mr. Krawec is the trustee involved, and that is a question that is best put to him.

#### **Trustee Election**

**Mr. Frank Pitura (Morris):** Mr. Speaker, based on the answers I am getting from the Minister of Education, I would ask the minister that he immediately call for an election of trustees so that the taxpayers of the Morris-Macdonald School Division can be represented.

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Well, I am not sure that there was a question in that assertion, Mr. Speaker. There was some advice offered there, but there certainly was not a question.

\* (14:30)

#### **HOPE Learning Centre Repayment of Funds**

**Mr. Harold Gilleshammer (Minnedosa):** I would like to have the Minister of Education clarify an earlier answer. He indicated that HOPE will not be responsible for any repayment, that all repayment must be done by the school division. Can he confirm that was his answer?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, I will remind members opposite again, at least those who were around as part of the previous government when the system of adult learning centres in this province was established, that the school divisions received the adult learning funds and passed along resources to HOPE and other providers.

The divisions, Mr. Speaker, and the elected trustees were responsible for ensuring that credits, diplomas, teacher credentials and accountability met proper standards.

There is responsible authority here and it is our desire to ensure that responsible authority does have a framework under which to operate. That is why we are having legislation this session, Mr. Speaker, something that should have been done in 1997.

**Mr. Gilleshammer:** On a new question, Mr. Speaker. This clearly points out—

**Mr. Speaker:** Order. The honourable Member for Minnedosa, on a new question.

**Mr. Gilleshammer:** This clearly points out why we need a public inquiry. This minister has indicated that the school division is going to be totally responsible for the repayment of money identified by the Auditor.

Clearly, what this minister is saying is that the Orlikows are off the hook. They must be made to repay this money that was flowed based on enrolment that they sent through to the Morris-Macdonald School Division that proved to be false.

**Hon. Gary Doer (Premier):** Mr. Speaker, I think it is an insult to the RCMP who are investigating this matter to suggest that anybody will be off the hook.

#### **HOPE Learning Centre Repayment of Funds**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, the question was asked fairly specifically and fairly clearly of the Minister of Education, that the Premier (Mr. Doer) decided not to answer but got up on his feet anyway.

The question was with respect to monies being returned from the HOPE learning centre who overstated enrolment. Now, my question is: Why is this Government protecting HOPE? Is it because of the principals of HOPE being Lionel and John Orlikow?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Mr. Speaker, we are protecting the interests of the taxpayer of Manitoba.

**Mr. Derkach:** Mr. Speaker, I want to ask whether or not this Government, through its trustee, Mr. Alec Krawec, is prepared to recoup the dollars that were paid to HOPE and to Anokiiwin because of their overstated enrolments, centres that are run by Lionel Orlikow, John Orlikow and Elaine Cowan.

**Mr. Caldwell:** Well, Mr. Speaker, the character assassination continues in this House.

In 1998, the Department of Education raised alarm bells, red flags, that there was something amiss in adult learning centres in the province. Members opposite chose not to act. They put into place a program across the province allocating millions of taxpayers' dollars to assist them without a legislative framework, without any fiscal accountability, without any program accountability.

It took a change in government to ask the Provincial Auditor to engage himself in this affair, Mr. Speaker. We accept the Provincial Auditor's report. We have confidence in the Provincial Auditor, and we have confidence in the RCMP to further investigate.

#### **Morris-Macdonald School Division Repayment of Funds**

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, the Minister of Education and the Premier (Mr. Doer) continue to evade a very important question for the taxpayers of Morris-Macdonald. Their school division may have been responsible, but it has the right to go after third parties. This minister has fired them and taken over that right and responsibility.

We are asking a very clear question. Having fired Morris-Macdonald, will he now exercise their legal right on behalf of their taxpayers for third-party recoveries against HOPE, Anokiiwin and anyone else who may have reported bad numbers? Will he do his job?

**Hon. Drew Caldwell (Minister of Education, Training and Youth):** Well, Mr. Speaker, if members opposite, including the Member for Lac du Bonnet (Mr. Praznik), who was the Cabinet minister in 1998, had taken the advice of the Department of Education and undertaken an



audit, I would be curious to know who in the previous government decided not to proceed with an audit after repeated requests from the Department of Education.

My expectation is that every legal avenue will be pursued and every legitimate financial opportunity will be pursued to recoup taxpayers' money that obviously went astray with no bookkeeping to the tune of \$2.5 million to \$4 million in Morris-Macdonald, as identified by the Auditor.

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

### Speaker's Rulings

**Mr. Speaker:** I have a few rulings for the House. Order. May I remind all honourable members, when the Speaker is standing members should be seated in their chairs.

During Oral Questions on Monday, November 19, 2001, I took under advisement a point of order raised by the Official Opposition House Leader (Mr. Laurendeau) regarding the response given by the honourable Premier (Mr. Doer) to a question asked by the honourable Member for Russell (Mr. Derkach). The Official Opposition House Leader cited *Beauchesne* Citation 417 and stated that answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate. The honourable Member for Russell and the honourable Government House Leader (Mr. Mackintosh) also spoke to the same point of order. I took the matter under advisement in order to consult the procedural authorities.

I thank all honourable members for their contributions to the point of order.

I would first like to address one item that occurred when the honourable Government House Leader spoke to the point of order. In his comments he raised the use of unparliamentary language and asked that the record be checked. In essence, the honourable Government House Leader was raising a new point of order. At the time, I should have intervened to advise him that a separate point of order should have been raised. In the future, I will take care to ensure

that I clarify with members whether a separate point of order should be raised.

Regarding the substance of the point of order raised by the honourable Official Opposition House Leader, I have ruled in the past that my interpretation of Manitoba's leader's latitude is that *Beauchesne* Citation 417 does not apply to leaders and that I will continue to use this interpretation until I am given other directions from both House leaders. I have not been given that direction, so therefore I must rule there is no point of order.

\* \* \*

**Mr. Marcel Laurendeau (Opposition House Leader):** Regrettably, Mr. Speaker, I must challenge your ruling.

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

### Voice Vote

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

**Some Honourable Members:** Yea.

\* (14:40)

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

**Some Honourable Members:** Nay.

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

### Formal Vote

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

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

The question before the House is: Shall the ruling of the Chair be sustained?

### Division

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

**Yeas**

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

**Nays**

*Cummings, Dacquay, Derkach, Driedger, Dyck, Faurshou, Gillehammer, Helwer, Laurendeau, Loewen, Maguire, Penner (Emerson), Praznik, Reimer, Rocan, Schuler, Tweed.*

**Madam Clerk (Patricia Chaychuk):** Yeas 31, Nays 17.

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

\* \* \*

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

During Oral Questions on Monday, November 19, 2001, I took under advisement a point of order raised by the Official Opposition House Leader regarding the response given by the honourable Premier (Mr. Doer) to the honourable Member for Russell (Mr. Derkach). The Official Opposition House Leader cited *Beauchesne* Citation 417 and indicated that leader's latitude did not apply as the question had not been addressed to the honourable Premier. The honourable Premier also spoke to the same point of order. I took the matter under advisement in order to arrange a meeting with House leaders to discuss the application of leader's latitude in the Assembly.

I thank the honourable members for their contribution to the point of order.

The point of order once again raises the issue of leader's latitude, an issue that has been the subject of much discussion in the House. The interpretation that I as Speaker have given to leader's latitude is that the latitude extends to

party leaders whenever they have the floor during Question Period, whether it be to ask a question or to respond to a question. I have also indicated that the Speaker is the servant of the House and that until I am given different direction by both House leaders I will continue to apply this interpretation. To date there has been no agreement in terms of a different interpretation, so therefore I will continue to apply leader's latitude according to my understanding of what that latitude entails.

Therefore I must rule that there is no point of order.

\* \* \*

**Mr. Marcel Laurendeau (Opposition House Leader):** Regretfully, Mr. Speaker, I must challenge your ruling.

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

**Voice Vote**

**Mr. Speaker:** Shall the ruling of the Chair be sustained? All those in favour, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Formal Vote**

**Mr. Marcel Laurendeau (Opposition House Leader):** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** Recorded vote having been called for, call in the members.

Time allowed by the rules has expired. The question before the House is: Shall the ruling of the Chair be sustained?

**Division**

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

**Yeas**

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

**Nays**

*Cummings, Dacquay, Derkach, Driedger, Dyck, Faurshou, Gilleshammer, Helwer, Laurendeau, Loewen, Maguire, Mitchelson, Penner (Emerson), Praznik, Reimer, Rocan, Schuler, Tweed.*

**Madam Clerk (Patricia Chaychuk):** Yeas 31, Nays 18.

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

\* \* \*

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

\* (16:50)

During debate on the motion for an Address in Reply to His Honour the Lieutenant-Governor and on the amendment thereto on November 23, 2001, the Deputy Speaker (Mr. Santos) took under advisement a point of order raised by the honourable Minister of Consumer and Corporate Affairs (Mr. Smith) concerning language used by the Official Opposition House Leader during the raising of a point of order. Specifically, the honourable Minister of Consumer and Corporate Affairs noted the use of the words "stating lies." The Official Opposition House Leader also spoke to the same point of order. The Deputy Speaker took the matter under advisement in order to verify what was said on the record.

In reviewing Hansard for November 23, 2001, page 341 attributes the following remarks to the Official Opposition House Leader: "the only scurrilous we are seeing is the scurrilous actions of the people on that side, which goes

very well with the lies they are putting on the record."

The word "lies" has been the subject of interventions by Manitoba Speakers in the past, as it is one of those words that could be ruled as parliamentary or unparliamentary, depending on the context of how it is used. Usage of the word certainly has the ability to create disorder.

Examining the context of how the word was used in this instance shows that the Official Opposition House Leader did not address the word to any specific member or members and used the word in a generic sense towards one side of the Chamber. In conformity with rulings given by Speaker Dacquay on December 8, 1997, where the words "one big lie" were ruled in order because they were not directed at specific members, and on May 4, 1999, where the words "never encountered so many liars" were also ruled to be parliamentary because they were not directed at specific members, I am ruling that the word "lies" was in order because it was not directed towards specific members. I would, however, like to caution all honourable members to be prudent and judicious in their choice of language in this Chamber so that we can avoid repetition of similar incidents where disorder is created.

I would also like to note for the record that during the raising of the point of order the Official Opposition House Leader used the word "scurrilous" in connection with members on the Government side, even though he was raising the point of order about the use of that very word by the honourable Member for Interlake (Mr. Nevakshonoff). I would like to remind all honourable members that it is not accepted practice to use the raising of points of order as an opportunity to put questionable language on the record.

**MEMBERS' STATEMENTS****Vanier Cup**

**Mr. Daryl Reid (Transcona):** Mr. Speaker, this past weekend I had the pleasure and honour to join several thousand Manitobans at the Toronto SkyDome to cheer on our very own Manitoba Bisons football team. For the first time in 31

years our Bisons were playing in the Canadian university football championship game and for the Vanier Cup. In front of nearly 20 000 people the Herd played the University of Saint Mary's Huskies, the Atlantic Conference champions. It was an exciting and entertaining game.

After several struggling years, Head Coach Brian Dobie and his coaching staff have recruited and nurtured this group of young athletes into one of the best football teams in all of Canada. This year the Herd completed the regular season with a near perfect record, then went on to win the Canada West Conference championship game and then the Churchill Bowl to advance to the Vanier Cup game.

While the Herd finished the Vanier first quarter down 12-3, a Manitoba touchdown and field goal in the second quarter gave the Huskies a rare feeling as they trailed for only the second time this year. At half-time the Huskies had a slight lead, 18-13. In the second half the Bisons encountered a Huskies team that would not be denied the 2001 Vanier Cup. Full credit goes to the Saint Mary's team and quarterback Ryan Jones, who made some excellent plays. Our Manitoba Bisons football team should be very proud of their accomplishments this year. While dominating the west, the Bisons team also represented eight of thirteen Canada West defensive all-star players.

Prior to the Vanier Cup game Coach Brian Dobie was recognized and awarded Coach of the Year honours, something that I am sure he, all Bisons players and fans can be proud of. The Bisons are a young team and have grown immensely this year as individuals and as a team.

Next football season the Herd will be back, rejuvenated, eager once again to challenge for the Vanier Cup. Thanks for a great season, Bisons. Go, Bisons, go.

#### **Paul Normandeau**

**Mrs. Myrna Driedger (Charleswood):** I rise today to recognize the achievement of one of my constituents, Mr. Paul Normandeau, and to congratulate him on his receipt of the NFL-CFL National High School Coach of the Year Award

for his work as head coach of the Kelvin Clippers football team. Mr. Normandeau received the award last Friday in Toronto at the coaching awards that were part of the Vanier Cup week. He was nominated for the honour by Scott Coe, a former Clipper now playing with the University of Manitoba Bisons.

In nominating his former coach, Mr. Coe wrote: Even if Coach does not win, I feel the nomination will reflect how important he has been to me, as well as the program at Kelvin. As part of the award, a grant of football equipment will be bestowed on both the Clippers and the Bisons, and Mr. Normandeau was a guest of the NFL at the Vanier Cup game on Saturday.

Mr. Normandeau has been coaching the football team at Kelvin High School since 1988, and he has been credited with the great rejuvenation of the football program in that time. Under his guidance, the Clippers have not missed the playoffs in 13 years, and he has led them to two Winnipeg High School Football League championships.

In addition to his duties at Kelvin, Mr. Normandeau has coached in Manitoba's provincial teams program and served as a director of program development for Football Manitoba. Both of these commitments have been made entirely on a volunteer basis. Off the field, Mr. Normandeau is a valued member of the Kelvin faculty. A teacher in Manitoba for 20 years, he serves as Social Studies Department head at Kelvin. His classes in history, world issues and law are extremely popular, and there are as many students who recall him fondly for his love of history and art as for his love of football.

I know all the members in this Chamber join me in congratulating Paul Normandeau on being named Coach of the Year. His commitment to the scholarly and athletic development of Manitoba's youth is commendable and inspiring.

#### **McElhoes & Duffy**

**Ms. Nancy Allan (St. Vital):** It is my privilege to rise today in this House to recognize an important family-owned business in my constituency that recently celebrated its 80th

anniversary. McElhoes & Duffy is a full-service general insurance brokerage, specializing in automotive, residential and commercial insurance.

\* (17:00)

Started in 1921, it is now the oldest continuous family-run business in St. Vital. McElhoes & Duffy has the distinction of being named one of the top 10 small businesses in Manitoba Business Magazine's Star 40 Small Business Survey. Today the president, Gerry Corrigan, and his brother, Steve, the vice-president, continue to serve the insurance business as well as their community.

I would like to take this opportunity to thank Jerry and Steve for holding a customer appreciation barbecue and get-together in September to celebrate their 80th anniversary and for inviting the whole St. Vital community to join them. McElhoes & Duffy is a well-known business in the St. Vital constituency, having been associated with many community groups and events.

Jerry sits on the board of directors of Old St. Vital BIZ and volunteers at many of the community events. As well, Mr. Corrigan has been both the president and the chair of the Insurance Brokers Association of Manitoba. He is now the director of the Insurance Brokers Association of Canada.

Mr. Speaker, it gives me great pleasure to see a family-owned business flourishing in our province. Businesses like these are grassroots assets and contributing members to the communities that we live in.

#### **Dr. Jaroslav Rozumnyj**

**Mr. Leonard Derkach (Russell):** I rise today to offer my sincere congratulations to Dr. Jaroslav Rozumnyj on being chosen as the 2001 honouree by the Oslita Foundation. *[phonetic]* The Oslita Foundation *[phonetic]* was established in 1982 to provide Manitoba Parents for Ukrainian Education with a permanent source of funds to ensure that each child in Manitoba has the opportunity to communicate fluently in Ukrainian, promote the development of the English-Ukrainian bilingualism program in

Manitoba's public and parochial schools, to promote increased awareness of the Ukrainian-Canadian cultural heritage, and to promote an understanding of Canada's cultural and linguistic diversity.

Throughout his career, Doctor Rozumnyj has been a long-time supporter of the Ukrainian language education and has worked to educate a generation of Ukrainian language teachers and scholars by creating an environment conducive for the appreciation of the Ukrainian language and culture. During his tenure as head of the Department of Slavic Studies from 1976 to 1989, he rebuilt and expanded the department's program to become the largest in North America.

Doctor Rozumnyj has edited over six volumes and published over 150 articles, essays and reviews. He is currently editing the Canadian volume of the *Encyclopedia of the Ukrainian [phonetic]*, four books of essays, and is preparing a collection of his selected articles for publication. For his dedication and strong community involvement, Doctor Rozumnyj has received the University of Manitoba Outreach Award and the Surchenko *[phonetic]* medal.

On behalf of all members, I extend sincere congratulations to Doctor Rozumnyj.

#### **Wat Lao Xayaram Buddhist Temple and Community Centre**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I want to congratulate the Wat Lao Xayaram Buddhist Temple and Community Centre for two events that took place there recently. I was pleased to attend the official opening of their new temple and community centre located in the former City of Winnipeg fire hall at 180 Sinclair Street. They have done a beautiful job of renovating it, much of it done by volunteers.

On October 20, a community event took place at the temple to commemorate the September 11 terrorist attacks against the U.S.A. Money which had been collected from the Laotian Buddhist community across Canada was presented to representatives of the Canadian Red Cross to aid the families of victims of the terrorist attacks.

I want to thank Mr. Marc Desrosiers, regional director, and Lynda Gilchuk, from the Canadian Red Cross for being present to accept the donation, which will be forwarded to the American Red Cross.

Also present were representatives of the Laotian Mennonite community and the Laotian Catholic community as well as M.P. for Winnipeg North Centre, Judy Wasylycia-Leis. Thank you to Mr. Somsonouk Phetanoumorn [*phonetic*], President of Wat Leo Xayaram of Manitoba, for organizing this event.

The Laotian community in Canada is very familiar with persecution, suffering and death in their homeland, which is why they are in Canada. As a result of their experience, they have great compassion for the victims in the USA and Afghanistan. I believe the generous response of the Laotian community to the terrorist attacks indicates that they are an integral part of our society while keeping their language, culture and religious beliefs intact. We welcome them into our North End neighbourhood as part of our multicultural and multifaith province.

## ORDERS OF THE DAY

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call the debate on second readings, the bills as they appear in the Order Paper, please.

### DEBATE ON SECOND READINGS

**Bill 2—The Security Management (Various Acts Amended) Act**

**Mr. Speaker:** To resume debate on second readings on Bill 2, The Security Management (Various Acts Amended) Act, standing in the name of the honourable Member for Fort Garry (Mrs. Smith). Is there a will of the House for the bill to remain standing in the name of the honourable Member for Fort Garry? Agreed?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Speaker:** I heard a no. We will try this once more.

Bill 2, The Security Management (Various Acts Amended) Act, standing in the name of the honourable Member for Fort Garry (Mrs. Smith). Is there a will of the House for the bill to remain standing in the name of the honourable Member for Fort Garry?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** It is the will of the House for the bill to remain standing in the name of the honourable Member for Fort Garry. Agreed? [*Agreed*]

**Mr. Jack Penner (Emerson):** Well, thank you very much, Mr. Speaker. Certainly, since September 11, when all of us watched in horror what happened in New York and a number of other places in the United States, we have all watched and listened to the discussions and debates that have taken place, indeed, worldwide. We have all looked at our own families and said: What does this mean for the future of the very families that are entrusted to us and the stewardship that we are entrusted with for them?

I have always paid heed to advice that was given me after I was elected but before I entered this legislative place, and the advice that I was given was when emergencies do occur from time to time, take time before you react inadvertently. I think so we should as well on Bill 2 in regard to so-called or perceived emergencies or emergency measures or, indeed, legislation that would deal with those perceived emergencies.

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

I think it behooves all of us that we assess very carefully what in fact we want to put in legislation and how restrictive we want laws to become, because, as I said in my opening statement, it behooves all of us to become good stewards. We, especially those of us that are charged with making laws and making regulations that should deal with all in society, indeed, are charged with a responsibility far

greater than most. Therefore, we in this Legislature must indeed take care that we do not overreact to situations such as were perpetrated by a few in a world society that caused chaos in the thinking of many people. We are charged with the responsibility of sitting back and making sure that legislation we draft does indeed protect the most fragile of the individuals in our society.

When I look at this act, and when I look at some of the statements that the minister made originally when we started discussing the possibility of changing or amending the legislation that deals with security in this Legislature, I cannot help but reflect on what he said. He said we must put a new lens on what we do as a jurisdiction. I was encouraged by that when he used the term "a new lens" because it said to me that he was willing to look at the broad issue of providing for society. Yet, when I read the act, I see the exact opposite. I see that he narrowly focussed his lens, and he has told the optometrist to grind into a focal point, almost to the point of being a magnifying glass, with which he viewed how to deal with terrorism or the likes, or the perceived terrorism in this province.

I think one needs to reflect a little bit about some of the discussions that we have heard about the federal act, and then one needs to sit down and read what is in the federal act and just listen to how people are reacting to that act and then take a look at this act and look at how much tougher this act is and how it might in fact reflect on those very fragile individuals that we have in society that need to be protected. Then we need to ask ourselves: Does this bill do that? Does this bill protect the weakest link, or are we just looking at those that perpetrated a violence on society the likes of which North America had not seen before, and are we overreacting, in some sense overreacting to the perpetrators that indeed should be brought to justice and take actions to ensure that things like that could not happen again?

\* (17:10)

In doing so, one must look at what the minister said next. The minister said next that Manitoba is a low risk in terms of terrorist activities. I could not agree more with the

minister when he said that, because I do truly believe that Manitoba is a low-risk area. Then he goes on to say this legislation clarifies roles and responsibility and does impose some new requirements on the citizens, but he does not reflect on what new roles will be imposed on citizens of Manitoba. He does not say that.

Then he goes on to say: Although we believe that dangerous goods and hazardous waste are properly and safely handled today in Manitoba and the risk of a violent act involving these materials is small—and I agree with that; they are small—he imposes in this act legislation that would have us believe that the term "hazardous waste" need to be done away with and interjects just a one-word change and reflects on contaminants.

Now contaminants and hazardous waste have a totally different meaning, because contaminants can be interpreted almost whichever way a lawmaking authority or an individual describing something or even somebody perceiving something can put a different interpretation on.

Contaminants have a very broad scope, and I would really suggest to the minister that he might want to rethink the change in doing away with the terminology of hazardous waste. He says this in Part 1 of The Dangerous Goods Handling and Transportation Act, and it reads: "in clause (c), by striking out 'hazardous waste' and substituting 'contaminants'; and that puts a totally different meaning on the whole act. I am not sure that the minister truly wants to impose that change on society, or whether this is very deliberate in attempting to bring a whole new meaning to the word "hazardous waste" or the elimination of the term "hazardous waste" in The Dangerous Goods Handling and Transportation Act.

Can you imagine me, a farmer, taking a load of potatoes that have gone bad out of my shed and transporting them down the road into a field and being stopped by an inspector, and the inspector says, well, that could be a contaminant. It could contaminate a water stream if you dump it close to a water stream or if in fact some part of this could run into a water, it could contaminate that water stream. Is that what we

intend to do with the changes in this act, or do we want to leave The Dangerous Goods Handling and Transportation Act to describe hazardous waste? There is a huge difference, and I think we need to reflect on that.

In section (d), we say, "require any person handling or disposing of dangerous goods or contaminants"—not hazardous waste—"to develop and submit to the director a security plan that is acceptable to the director concerning the dangerous goods or contaminants and the person's activities, equipment and facilities."

Now I read the speech of the Minister of Agriculture (Ms. Wowchuk) and the comments she put on record regarding this bill, and she reflects very, very narrowly on one aspect of Bill 2. That is the agricultural portion or The Pesticides and Fertilizers Control Act. Yet this bill, Mr. Deputy Speaker, is much, much broader than that.

I think we need to reflect also on the changes being made in section (f) of The Dangerous Goods Handling and Transportation Act, where it says: "(f) require any person handling or disposing of dangerous goods or contaminants to implement any security measures that the director considers appropriate to enhance the security of the dangerous goods or contaminants and the person's activities, equipment and facilities." That means, I suppose, that every farmer in this province today is going to be required to have a permit from the minister to allow that person to haul a load of fertilizer, to take his sprayer out to the field and spray for mustard or quack grass or, for that matter, flea beetles in a Canola crop. It will require a farmer to totally change the way they have done business till now simply because we have changed one word in this act.

I want to also reflect on the changes that are made to The Emergency Measures Act, because this will require that the emergency measures preparedness plans that are currently, in large part, the responsibility of local jurisdictions, will now become the responsibility of the minister. Similarly, the local authority, if they do not draft or have not prepared according to the minister's will an emergency preparedness plan, the minister will have the authority now under this

bill to draft that plan for them and consequently charge them the fees and all other charges and pass them on to those municipalities that have not, in the minister's view, done so adequately. Look at the powers we are giving to one person in this province, to one department in this province, and it does not say the Cabinet, does not say Executive Council. It says minister, and there—

**An Honourable Member:** It could be you.

**Mr. Jack Penner:** That is right. It could be me. *[interjection]* I know the Member for Brandon East (Mr. Caldwell) is saying not for a long time. Well, Mr. Deputy Speaker, times in this business are very often very short, very short, and the people in the province will decide how long it will be that the honourable Member for Brandon East is going to be in power or not in power. They will decide that. I would suspect they will look on acts such as this, and they will decide whether it is time for the NDP-Doer administration to leave or not leave. I mean, they will decide.

I think all of us in this Chamber respect the decision of the general public when it decides which party they think should govern. I think, in a large part, it is the trust of the people that we have to earn as members of the Legislature in this business of prescribing and setting law and writing law, and that is where the people will judge us as to who they will trust, as to what kind of laws have been passed by this socialist administration in this province today or whether they in fact trust the other group that is sitting and waiting to become government. The time will tell.

\* (17:20)

I think the other part that I want to reflect on is in The Manitoba Evidence Act, where, under Objection to disclosure of information, in section 10.2(2): "A minister of the Crown in right of Manitoba or Canada or other official may object to the disclosure of information before a court, person or body"—and therein lies the problem, "person or body"—"with jurisdiction to compel the production of information by (a) certifying orally or in writing to the court, person or body that the information should not be disclosed on



the grounds of a protected public interest; and (b) specifying the nature of the protected public interest." I think herein again lies the uncertainty that people will reflect on.

I think the other one is the Disclosure order where a protected public interest in 10.2(8): "If the court concludes that disclosure would encroach upon a protected public interest, but that the public interest in disclosure or the right to a fair trial of a person accused of an offence under a provincial statute outweighs in importance the protected public interest, the court may, by order, authorize the disclosure, after considering (a) the public interest in disclosure; (b) the right to a fair trial."

If you look then at 10.2(3): "If an objection is made under subsection (2), the court, person or body shall ensure that the information is not disclosed other than in accordance with this section." Again, we are looking very closely at what kind of information can, or cannot be, released or needs to be brought forward to ensure that the very least in society, the very smallest person in society is indeed protected.

I think, when we look at this whole bill, we need to be very conscious of the challenge that I think might, in fact, be brought forward under the constitutional challenge. I think it is important that, when we look at this whole bill, we realize the true impact of what is being determined here.

I want to move to Part 5 of the bill, The Pesticides and Fertilizers Control Act. I think this is one that farmers and farm dealers, the implement dealers and many others will come to respect for what it really is. This part of the bill and the changes that are being made in this part of the bill will come to haunt the Minister of Agriculture (Ms. Wowchuk), will come to haunt the Premier (Mr. Doer) of this province and will come to haunt every Executive Council member in this Chamber today.

I would say that section 24: "Section 1 is amended by adding the following definitions in alphabetical order," and that is, "aerial spraying equipment means—"

**Mr. Deputy Speaker:** Order, please. A point of order being raised by the honourable Government House Leader.

#### Point of Order

**Hon. Gord Mackintosh (Government House Leader):** While I am thrilled to finally hear some views from the other side on this bill, I just want to remind the member opposite that we are debating the principle of the bill and that reference to particular sections by rule, by precedent, and for good reason is not appropriate at this stage. I just leave those remarks, Mr. Deputy Speaker.

**Mr. Jack Penner:** I am really a bit amazed that the Minister of Justice would rise and question my right as a member of the Legislature to deal with specific parts of a bill that affects all of society. Is this Minister of Justice now saying that my rights as an individual should be questioned in this House when we are dealing with a bill that will affect society in this province and indeed, maybe, in other parts of the country in years to come? Is that what he is saying? I think that the Minister of Justice needs to apologize to this House.

**Hon. Steve Ashton (Minister of Transportation and Government Services):** Having been on both sides of the House at various different times, I can recall numerous occasions where points of order were raised to just draw members' attention to the fact that under our parliamentary system, which is a system that was developed over hundreds of years to protect the rights and abilities of people to debate in this House, one of the clear elements of that is that second reading is a debate on principle, that the committee stage and third reading are the part of our debate where we deal with specific sections.

So, before the member gets up and starts his comments, I think he should reflect on the fact that Speakers in this House have followed the parliamentary tradition and have indicated that the purpose of second reading debate is to discuss the principle of the bill, not specific clauses. The member was making many comments that were general comments on the second reading. The House Leader (Mr. Mackintosh)

only got up when he started quoting specific sections, which is out of order.

**Mr. Deputy Speaker:** May I encourage all members of the House to abide by the rules of procedure. It is on second reading that we discuss the basic principles of the bill. It is at the stage of the committee hearing when you can go to the details of the bill.

\* \* \*

**Mr. Jack Penner:** Thank you very much, Mr. Deputy Speaker, for—I think I would rather use the word "admonition" than "ruling," because I think what the Deputy Speaker has said is that we should attempt to stick to the principles of the bill. I think so far I would suggest to the Minister of Justice (Mr. Mackintosh) that I have done exactly that, because the principle that I am talking about is the right of the individual in society and what this bill does and how this bill calls into question the rights of individuals to in fact live as a free society and how this bill challenges those rights.

I think when we look very closely at some of the specifics that are identified in this bill we must reflect on those specifics in making the case that the principles of justice and fairness to all in society need to be reflected in all legislation that we put before the House. So I say to the honourable minister who has brought this bill forward that when he deals with section 24 which talks about "aerial spraying equipment," and it talks about pesticides, and it talks about fertilizers, and in (b), "prescribed equipment that is designed for spraying pesticide or fertilizer from an aircraft," and then goes on to say, " 'ground-based spraying equipment' means prescribed equipment that is designed for spraying pesticide and fertilizer from the ground." Now, I would like to know what this in fact means. Does this mean that, when I carry a little spray can off my shoulder and spray a few patches of weeds or spray some mosquitoes around a puddle, is this deemed ground-spraying application materials; or, in fact, when I carry around a hand-held little spray can to spray bugs in my garden or, indeed, little weeds in my garden as is the case now in many cases, is that a ground application, a prescribed ground application or, when I look at the whole area of

controlled products, means prescribed pesticides or fertilizers?

When I go back to the start of the bill and I look at the wording changes, when I look at the wording changes that the minister has drafted into this bill under the dangerous goods and handling, and we have gone from "hazardous waste" to "contaminants," and I look at how that might be interpreted when we talk about controlled products such as prescribed pesticides and fertilizer, I have to wonder what the intent of the minister is in this regard.

\*(17:30)

Is it indeed designed to do what some of the people that they are very close to have encouraged them to do, to stop all uses of herbicides and pesticides in this province? Is that what this is designed to do, because it can do that? This bill has the ability to withdraw all those dangerous contaminants from use in this province. This bill would allow that to happen, and I think therein lies the danger. That is the principle of the bill. Surely, the minister realizes that, and if he does not, then I would suggest he is severely lacking in his ability to understand or wanting to understand what the real meaning of this bill might in fact mean to industries such as the farm industry.

Then, when you go to section 33, and here again, Mr. Deputy Speaker, I refer to the principle of what is being implied here, maybe more than what is written, report of missing inventory, a person who becomes aware that more than a prescribed amount of controlled product that was in his or her control or possession is missing must report to the minister, not to the authorities, not to the department, but to the minister, must pick up the phone or make a trip into the city and report to the minister in accordance with the regulations.

Now, the minister may enter into agreement with the Government of Canada or another province or territory of Canada, a foreign country or a state, a province or a territory of a foreign country respecting the recognition of licences for the application of pesticides and fertilizers. That is the way it goes on to read. It is a bit confusing. One part of the act, just very briefly, we talk

about missing material. How do we know what principles or what aspects of this bill we are going to put in place through regulations or other to ensure that we keep track of every little bit of material that will be used on the farms? The Minister of Agriculture (Ms. Wowchuk) touched on only two aspects of this, ground spraying and aerial spraying, and said, well, ground sprayers would only be those that are used in fogging applications in cities and towns, really did not want to tell the farmers that each and every piece of their spraying equipment would now be subject to this act, no matter how big or how small it is, that it is not just foggers. It says ground application spraying devices and aerial. So this is much, much broader than what the Minister of Agriculture put on the record. I just want to make sure that the people of Manitoba know this.

Then, in that same portion of the act, we go on to read, sharing of information. We go on to see the sharing of information, including personal information, and this is where we get into the rights of that little individual that I talked about initially in my opening comments, for the purposes of any law respecting the provision or use of pesticides or fertilizers, the use of pesticide or fertilizer spraying equipment, or the safety or security of persons. Now, if this Minister of Justice (Mr. Mackintosh) decides the day after tomorrow that in order to protect the persons or any person in this province he will outlaw all fertilizer and pesticide use in this province, he can do that under this act. This gives him the authority to do that.

Is that what you are after? Is that what this Executive Council of this province and the backbenchers sitting on the NDP side really want? Do you want to give that kind of power to that Minister of Justice? Do you trust him enough? I do not. I do not trust him any more than I trust the Minister of Education (Mr. Caldwell) in this province. Nor do I trust him any more than I trust the Premier (Mr. Doer) of this province. They have demonstrated clearly that they are untrustworthy in some of the things that they have done.

I want to go to section 4(2.2). "An inspector may remove any records or documents that he or she is entitled to examine or copy or otherwise

produce but shall give a receipt to the person from whom they are taken and promptly return them on completion of the examination or copying." That means that any records—any records—an inspector wants to remove from your premise of business, from your dwelling or place of business or any other place of occupancy that you have in the province, they have the right to remove them without question. I think we need to reflect very closely what that means.

Then they go on to say: "No person shall obstruct, or make false or misleading statements to, an inspector who is carrying out duties or functions under this Act." Then, "Subsection 7(1) is amended in the part after clause (b) by striking out '\$1,000.'—and they are talking about the fines—"and substituting '\$10,000.'" So anybody making a statement to an inspector who knowingly or unknowingly makes a false statement is subject to a \$10,000 fine. It does not say here knowingly. They might not know and make a statement. You really have to wonder how draconian some of the applications of this legislation really are.

Then, when you go to Part 8, The Public Health Act, we talk about "dangerous disease" and we talk about "premises." If "premises" means "lands and structures or either of them," and that means your house, your dwelling, what does this bill allow? This bill allows an inspector or a person of authority without warrant to walk into any one of your places of residence any time of day or night to do these inspections. What excuse do they need? The only thing they need to say to you: We are here to look at "a body of water," "a motor vehicle or a trailer," "a train or a railway car," "a boat, ship or similar vessel," "an aircraft," "a substance, a thing, plant, animal or other organism." What are "other organisms"?

This is the principle that we are talking to, Mr. Deputy Speaker. You asked before whether I was addressing the principles of this bill. There is so much unknown in this bill it is almost unbelievable, and that is the principle that I am addressing, the principle of the unknown. How will this bill reflect on any individual citizen in this province no matter what colour, what race, what creed or who they are?

*Mr. Speaker in the Chair*

This gives total administrative authority to the individual, to the Minister of Justice (Mr. Mackintosh). Is that not scary? We had some people that had come here as foreigners a long time ago, come here, and they said: We once saw something similar reflected in an act prior to the Second World War, something similar, and I think that is what we need to reflect on. I think we need to be very careful that we do not allow the questionable principles of this act to be set aside. I think we need to ensure that indeed every individual's privacy needs to be maintained by and recognized and respected by this Government.

This Minister of Justice has forgotten what it means to respect an individual's right, and that is what is drawn into question in this bill. That is the reason I have read into the record some of these sections of this bill, the seven or eight bills that are being changed in this act, and what it really means to the individuals rights in a free and democratic society.

\* (17:40)

This Minister of Justice is doing it under the auspices of an event that occurred in a neighbouring country of ours, and I find this questionable. I find this kind of action by a minister trying to impose these restrictive laws, restricting the rights and freedoms of individuals in this kind of an attempt and sort of hide them under the auspices of ensuring that we will not have terrorism in this country.

I find this a very serious attack on rights and freedoms. If this law should come into being, Mr. Speaker, I would suspect that the first thing that will happen is it will be challenged under the Constitution of this country, and I think rightfully so, because we deem ourselves a free nation of individuals that we trust and have faith in. Yet this minister wants this Legislature to ram this through this House so that people of this province will not properly be able to assess what the meanings to their individual rights and freedoms really are.

I say to this minister that the Government of this country, of this province, owes the people of this province the right to give adequate time to reflect properly on the meaning of this bill and

how it in fact impedes on their rights of the individual. I say to this minister that he should come before this House, and say: We will set aside this bill for a proper public debate and proper public scrutiny, that the public can truly reflect on the meaning of this bill.

I think, Mr. Speaker, that it would behoove the Premier (Mr. Doer) and his Executive Council to take a hard look at what is happening under this bill, to take a real, hard look at what is happening. They would do themselves a great favour if they would indeed say: We will delay the passage of this bill and we will not ram this through this House at this time. We will leave this before the people to give them lots and lots of time, adequate time to assess what the true meaning and the intent of this bill really is.

I think we will find that you will get good advice, that this Legislature would get good advice from the public, because I do really trust in the public input. I really do trust the integrity and the sincerity of the people of Manitoba. We should give them the right to properly assess this bill.

I ask, not only do I ask, I beg the Minister of Justice to give proper scrutiny of this bill to the people of Manitoba before you insist on a final vote on proceedings in this House.

**Hon. Jon Gerrard (River Heights):** I rise to speak to Bill 2, which deals with security issues. This bill clearly comes before this Legislature in the wake of the terrorist attacks of September 11 with some need, in the wake of that attack, to address a variety of issues within the province of Manitoba.

We have had an all-party security task force which has been working together for the last month or so. Leaders of all three parties have been to Ottawa talking about security issues for the province of Manitoba with Minister John Manley, with the ambassador from the United States to Canada and with others at the federal level. The progress that has been made at the security task force committee, which has provided a forum to bring forward a variety of issues on security and handling security, I think has been important.

This bill—I think it is significant—addresses some real and substantive issues and makes some changes which are necessary in the way we handle vital statistics, in the way we deal with public health, as it applies to concerns around anthrax or small pox or Lassa fever or the Ebola virus, changes related to the proceeds of crime, handling of dangerous goods, aerial spraying and security training. I think, in general, that it is important to acknowledge that we do need to make some forward steps in these areas.

There is, I believe, an important principle, however, and that is that we should proceed in this area with balance and with some care. We should make sure that we do have solid input from citizens with regard to how things are to be handled from an individual rights issues, human rights issues as well as from concerns as they relate to the safety of our citizens.

I think we should take our time in looking at this legislation. We should look at it very carefully and make sure that there is adequate time for people to have input and for the citizens of Manitoba to make sure that they are not only aware of what is in this act but have an adequate time to respond and to provide the kind of input that can move us forward.

There are some principles that are expressed in this act which I think are important to talk about at this stage. The first principle that I would like to discuss, as it applies to this act, concerns emergency management in the province of Manitoba. Emergency management deals with the mitigation or the prevention of problems. It deals with preparedness for a response to emergency. It deals with the incident response or the response to an emergency, and it deals with the recovery. Emergency management, of course, deals with everything from fires to floods to health threats to whatever may be an emergency in this province, and, of course, in the wake of September 11, we are particularly concerned about emergencies which might involve terrorist attacks.

Now there is an important principle, I would suggest, Mr. Speaker, and that is that there be a co-ordinated system, the jurisdiction within the Government which has the primary role for

preparedness, has the primary role for response, because to have one doing the preparedness and the other doing the response creates a dislocation, the discoordination, the potential that you have people taking over at the time of a response who have not been involved so much in the preparedness. You end up with things happening which were not part of the initial plan because people have been going in different directions.

So I think there is a fundamental and very important principle here that we should look at and make sure that we have right in this bill, and that is that there should be one place in government which has the primary responsibility for emergency management and for the coordination of all four components: prevention mitigation, the preparedness, the response and the recovery.

\* (17:50)

In the context of this principle, I believe there is a real concern in this act in that we have a Manitoba Emergency Management Organization which now changes so that its focus in this act is primarily on preparedness. It has its name changed to be the Emergency Measures Organization, and the concern here deals with the function as well as the name.

"Measures," in most dictionaries, refers to the extent, range, capacity of something, a standard of comparison. It does not really fit the criteria here which is a management system, and most organizations have moved away from calling themselves measures to be management organizations, and this would be a retrogressive step in taking a narrower view of what would be the requirements in dealing with an emergency.

The change reflects a shuttle emphasis within the Manitoba Emergency Management Organization from one that has the duty and responsibility to assure a provincial emergency management system toward a department which is charged primarily with assuring that local authorities' plans are in place and up to date. This really is not inadequate. Indeed, as one looks carefully at The Fires Prevention Act, one sees that under this legislation the principle is now put in the legislation that it is the Fire

Commissioner who will have primary responsibility for emergency response, that the disaster response effort now falls under the Fire Commissioner, who is a civil servant who reports to the Minister of Immigration and Labour.

The concern here is that while the fire department is a vital component of a community emergency management plan, it is only one component of the plan, and the Fire Commissioner's Office is one component of an overall provincial emergency management program. In some circumstances they may lead, but normally when they respond, the fire department has the responsibility to deal with a specific fire or chemical spill, not the responsibility for the overall plan, the overall management, all the way from prevention, through preparedness, through response, through recovery.

It is important, when one looks at how management of emergencies is dealt with, that the fire department be able to focus on the critical areas which are needed in extinguishing fires. If one looks, for example, at the September 11 disaster in New York, the fire department's role was essentially completed when the fire was extinguished, then experts in building trades were required.

It is a mismatch for firefighters to be doing building demolition or clean-up. Why would the Fire Commissioner's Office have to be in charge and responsible to delegate authority to building a dike to the Conservation Department, instead of the Conservation Department having the primary role here?

We have, in Manitoba, built up a pretty effective system over many years. I think in looking at how it operates in the future, we need to be quite careful that we do not have a system which has got two heads, Emergency Measures Organization and the Fire Commissioner's Office, and results in some real problems during emergency responses.

I think that we all have a lot of respect for the Minister of Labour and Immigration, but I think, given the circumstances around an emergency disaster response, that putting the Minister of Labour and Immigration as the primary ministerial commander in terms of emergency

management is not the appropriate way to do this. Indeed, as I suggested last week in the House, I think that emergency management really, as other jurisdictions have found, is a core central function and probably would be better right under the office of the Premier so that you are able to co-ordinate all activities well without having departmental turf wars and battles over who is responsible.

So it is an important principle that needs to be looked at as we further consider this act. It is one that is very important for us to have in this province, a competent, effective, skilled emergency management process and program and organization, which has the responsibility all the way through, from a prevention or mitigation to preparedness, to response, to recovery.

This act has some attention to areas like aerial spraying. While this clearly was a concern that arose as a result of the September terrorist attacks and the concern that there may be people who are flying small airplanes and could be involved in terrorist activities, I think it is very important that this is an area where we look carefully at what is appropriate, what is balanced, what meets the test of providing an effective control, ability to intervene and prevent terrorist acts but at the same time make sure that farmers, gardeners, where there may be people using pesticides and fertilizers in their gardens, that we have an act which works and is effective but at the same time attends to reasonable details, is common sense and does not provide constraints to the average activities of citizens on farms or in their gardens or in other circumstances. I think that this is quite important.

There is a principle in this act which is clear, and that is that there should be better training of security personnel. Clearly this arose because of concerns that airport security, that the people there should be properly trained. There is a good principle here and that is that all the people who are working in the security industry should be trained to an appropriate level needed for their position, whether it is airport security, those in private industry or public security guards. I think this is an aspect which needs to be looked at because this bill seems to focus primarily on the private not on the public and may not in fact provide the kinds of guarantees or options that

we need to ensure that in airports and other public domains that those who are working in these areas have the appropriate training. This is an important principle, and I believe these principles should be looked at carefully.

The Public Health Act needs to again be looked at as do the vital statistics and proceeds—

**Mr. Speaker:** Order. When this matter is again before the House, the honourable Member for River Heights (Mr. Gerrard) will have 25 minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 3, 2001

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