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of the
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DEBATES
and
PROCEEDINGS
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(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
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ASHTON, Steve, Hon.	Thompson	N.D.P.
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DYCK, Peter	Pembina	P.C.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 20, 2004

The House met at 10 a.m.

*PRAYERS***ORDERS OF THE DAY****PRIVATE MEMBERS' BUSINESS****DEBATE ON
SECOND READINGS—PRIVATE BILLS****Bill 300—The Winnipeg Foundation Act**

Mr. Speaker: Resume debate on second reading, private bills, on the proposed motion of the honourable Member for St. Norbert (Ms. Brick), Bill 300, The Winnipeg Foundation Act, standing in the name of the honourable Member for Russell (Mr. Derkach).

What is the will of the House? It is Bill 300, The Winnipeg Foundation Act.

Mr. Leonard Derkach (Official Opposition House Leader): Prior to calling this bill, I am sorry I was not in my place at the time you began the proceedings here, but can we revert back, Mr. Speaker, and I would ask the House for agreement to do Bill 212 this morning.

**DEBATE ON
SECOND READINGS—PUBLIC BILLS****Bill 212—The Pension Freedom Act (Pension Benefits Act Amended)**

Mr. Speaker: Is there leave to deal with the proposed motion of the honourable Member for Springfield, Bill 212? *[Agreed]*

So Bill 212, The Pension Freedom Act (Pension Benefits Act), standing in the name of the honourable Member for Transcona (Mr. Reid). What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Transcona? *[Agreed]*

Mr. Gerald Hawranik (Lac du Bonnet): It is a great pleasure for me to put some comments on the record with respect to our private members' bill, the

bill that is proposed by the member from Springfield, Bill 212, The Pension Freedom Act.

I have to, first of all, extend my congratulations to the Member for Springfield (Mr. Schuler) for introducing this very, very important bill. He had the courage, unlike members opposite, to introduce a bill that dealt with pension freedom in Manitoba. That is no small feat, Mr. Speaker, because the minister herself has stated in this House that, in fact, she will be introducing a bill but, obviously, there seems to be a lack of action from members opposite with respect to that. She talks about introducing it maybe in a year, maybe longer.

We are prepared to deal with it today. We are prepared to deal with it to ensure that Manitobans, and there are 180 000 Manitobans who are waiting for a bill such as this and who we have spoken to. We have spoken to many, many Manitobans.

We have received letters, as members opposite have received letters, from both the credit union system and from other private citizens who are concerned about the lack of flexibility in their pension plans.

I think, Mr. Speaker, this bill addresses that problem. As I have said before, the member from Springfield had the courage to introduce it, unlike members opposite. I would encourage the members opposite to in fact support this bill because it is an important bill to all Manitobans.

Mr. Speaker, I would like to point out, first of all, that there is another government, an NDP government in Saskatchewan that, in fact, has introduced a bill that is very similar to this and, in fact, has passed it about a couple of years ago. They have not seen any problems with the bill itself. They have not stated that there is a run on pension funds, as I think the member from Elmwood has stated in his debate. They have not had any problems with people draining their funds and not leaving themselves enough for the future.

* (10:05)

I would like to encourage the members opposite to support this bill because it is the right thing to do.

I have several constituents, a number of constituents from my area that have spoken to me about the pension reform. In particular, I have constituents from Beausejour, Lac du Bonnet, Ste. Rita, Pinawa, St. George, Pine Falls, Powerview, Whitemouth, Rennie. All of the major communities have residents within them that have spoken to me about the lack of flexibility in pensions. Under the current rules, they could not live long enough—they have supported that with documentation—to actually drain their pension plans under the current rules. I think that is a fact we have to take notice of, that in fact there has to be more flexibility within which people can take out pension funds.

I look forward to more debate from members opposite to see what they would like to put on the record. There has only been one member, the member from Elmwood in fact, who has put statements on the record with respect to this bill. He is the only one who had the courage to do so. I would like to hear from more members opposite with respect to their position on this bill because now we know that the member from Elmwood obviously is not in support of this bill. He is not in support of pension flexibility for Manitobans. I hope that his constituents take notice of that fact.

I have one member from Lac du Bonnet that came forward to me, who said that he needed more flexibility in his particular pension because he needs more money to pay for his deductible for prescription drugs. His deductible went up almost a thousand dollars under this administration, almost a thousand dollars. He has not got the funds. He does not have the money to pay it. What is he to do, not eat? I ask members opposite what is he to do? Support for this legislation would allow him to at least backfill the money that this government has taken away from him. I think that members opposite, I am sure, have other constituents within their own constituency in the same situation. Certainly, supporting this legislation would go a long way toward accomplishing that.

I have a Ste. Rita resident, someone who needs some renovations done to his home. He does not need it done 30 years from now or 20 years from now when he is able to take enough money out of his pension plan under the current rules. He does not need it then. He is a retired individual who needs home renovations now so he can live in his home. This is his money we are talking about. This is his

money. He is entitled to take it out of his pension plan, and this bill in fact allows him to do that. To say no to this bill is to say no to the person from Ste. Rita who wants to renovate his home now while he is still able to enjoy his home, and to say no to the Lac du Bonnet resident who cannot afford to pay for his deductible under the Pharmacare program which was increased by this government.

I do not think that there is any desire for Manitobans to delay on this particular issue. It is their money. Manitobans know where and when to spend their money. They know where and when to spend their money better than government does. Many companies have RSP plans in which an employer contributes 50 percent and an employee contributes an additional 50 percent. There is no restriction on that employee as to when and how much they can take out of their pension plan, out of their RSP, so why should there be restrictions in Manitoba with respect to other pension plans?

The member from Elmwood, of course, is in favour of insurance companies. He is not in favour of Manitobans, hardworking Manitobans who need the money now.

Having read his comments in Hansard the other day, it is pretty obvious that this government wants to control absolutely every aspect of Manitobans' lives. They believe that they know better than other hardworking Manitobans, Manitobans who have in fact earned the money, put the money in their pension plans, it is their money and they know better as to how it should be spent. That is exactly what this government is all about. We, on the other hand, we are of the view that in fact Manitobans should have the flexibility. It is their money and they know how to spend it. They are the ones who should be the guardians of their money.

* (10:10)

The experience in Saskatchewan has been just that. People have not had a run on their pension plans as a result of the legislation in Saskatchewan. They have not come forward and taken all the money out of their pension plans. They have in fact acted responsibly, as we expect all Manitobans to do. Manitobans are smart enough to know that if that is a pension plan for them, it is a pension plan not only now but it is a pension plan for the future. Manitobans know that, and they should have the

flexibility to be able to determine how much money comes out of their pension plan and when.

With that, I would just like to put those few brief comments on the record to ensure that Manitobans know where I stand on this issue and Manitobans know where our caucus stands on this issue, and that is with respect to trying to loosen the limits and increase flexibility on pension plans in Manitoba. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): I rise to speak to this bill. I think it is important that we look very seriously at this legislation. There is clearly a need for seniors to have more choice and more opportunity. The government may see that there are some possible problems with this. Well, the way to deal with that, quite frankly, is to get this bill to committee and then we can have public hearings, we can have public input. I think that the smart thing here is to get it through second reading and get it to committee so we can have public hearings, we can have really good input, and we can move it forward. Thank you, Mr. Speaker.

Hon. Tim Sale (Minister of Energy, Science and Technology): I am delighted to make some comments with regard to this very important issue. I had the privilege in the 1980s of being a member of the National Council on Welfare, which members will probably know is an advisory body to the Minister of Health and Welfare then, who was the Honourable Monique Bégin, and during that time, our council did three major reports on the issue of pensions and pension benefits. We were looking both at private sector benefits and public sector, in this case the Canada Pension Plan, which was then about 20 years old and, if members remember, at the time there were very, very high rates of inflation in the economy in the early 1980s, and the liability of the Canada Pension Plan was somewhat in question.

Members will also, I am sure, remember that in the 1980s the first strong cases in regard to the rights of spouses to benefit from pensions that were accrued, or capital in fact that was accrued, during a marriage or during, now in this century, a common-law relationship that lasts more than two years. The issue of course here is that it is virtually impossible in a true marriage or common-law partnership to tease apart the value contributed by each party to the accrual of assets in either pension or the assets in a non-pension form.

*(10:15)

Members opposite might remember that the most important Canadian case that set the tone for where the court was going to go in the longer term and therefore where pension benefits have gone in the longer term was a case involving a farm wife. In that case a divorce had taken place, and the farm spouse sued, ultimately successfully, for her share of the value of the farm property so that in retirement she would have the same rights to income derived from those assets as her male partner. Until that time, in spite of the old widows and orphans act and The Dower Act, there was no serious provision for female spouses.

In the main, Mr. Speaker, as you know, most of the traditional wage earners were men, and most of those who stayed home to look after children or simply to be homemakers were women. Now, we might wish that had not been the case historically, but it was the case. There had been an assumption for a long, long time, in fact Manitoba took part in the overturn of this assumption, that women were chattels or property.

I want to just digress for a minute to share a little bit of marital history with the members, which, again, those who are members of churches may well remember, that in most traditional marriage ceremonies in fact there are still some ceremonies today where the tradition is that the father of the bride will walk her down the aisle.

Of course, there are many fathers who think this is a wonderfully romantic opportunity. Their little girl has finally come of age and she is going off to set up a new life with her new partner. Now, where this custom derives from is the medieval, and even into this century, notion that the woman, as a young, unmarried woman, presumably a virgin of course, was the property of her father.

Therefore, that is why there is this traditional question in old marriage services: Who giveth this woman to be married to this man? Well, frankly, you cannot give something you do not own. So the whole notion of the ownership of females is embedded in the older marriage services. In fact, there may be some members opposite who still have this kind of notion of the property of women being held by the patriarch of the family.

If anyone needs any more evidence of the power of patriarchy in culture, one needs to go no further

than to look at marriage ceremonies where the one who giveth the woman away is the male guardian. Whether it is the father or an uncle or a brother, some male had to give away this woman.

So this notion of property is deeply embedded in our culture, deeply embedded in the cultures of all members of this House, but I am afraid that in the bill that has been put before the House, it is still there. It is still there.

As I examined this bill, as someone who is interested in pensions and interested in spousal rights, interested in human rights and aware of the Persons Case in Manitoba, which is a very famous case—in fact we have Persons' Day, in which we celebrate the fact that the Supreme Court, the Privy Council in fact in those days, because the case went all the way to the Privy Council in England, that the final highest court of the land said women were persons.

Well now, what a radical notion. Well, if women are in fact persons, then they have the right to be seen as persons in all aspects of their life, that is, to be equally protected under the law in regard to the assets of a family or the pension benefits of a family. Likewise, the male partner in a marriage, or the other half of a common-law or marriage relationship, has the same rights.

When I did a very careful review of this bill, which I think that the members opposite put forward in good conscience and with good intent in mind, I think that unfortunately they needed to go back and examine some of their patriarchal assumptions because it still shines through this bill.

*(10:20)

The point of the bill is an important point, and that is that, as we evolved historically, the notion of pensions, there were two countervailing forces at work. There was the legitimate concern on the part of society as a whole and on the part of unions and governments to protect the income of persons when they were no longer able to work.

You might remember that the first seniors benefits were brought in by Bismarck in Germany. They were brought in and the age attached to those benefits was this magic age that we still talk about, 65. Why was Bismarck bringing in a pension at 65

for seniors? It was because the life expectancy of people in Bismarck's time was less than 65, so what he was doing was protecting those few fortunate people who lived beyond 65 with some state benefits.

Canada slowly, due to the tremendous work of Stanley Knowles, of whom we are all proud, I am sure members on all sides of the House are proud, finally moved to bring in seniors pensions in the 1920s, 1930s. We finally had a seniors pension capacity due to the tremendous work of the late Stanley Knowles, for which we I think are all tremendously grateful.

The two tugging forces to which I referred were the societal tug to have pensions protected and the individual desire to not be bound to that but to be able to make decisions about the disposal of one's income regardless of one's age. Those two forces are still at play today.

It is very common in labour negotiations and in discussions with younger workers for the younger workers to say, "We do not need a pension. What do I need a pension for? I want to buy a car. I want to start a family. I want to go to university. I do not want to have to put money aside for my retirement. Good heavens, that is 40 years from now. I do not need to worry about that."

Well, we all know the whole Freedom 55 kind of advertising campaign of London Life Insurance. If you do not start early, that evil day when you need the money, unfortunately, will see no money available for you because you did not start early. You cannot afford to put it all away in the last 10 or 15 years of your life so states and pension plans all over the world developed the notion of locked-in pensions that would not be available because the belief was that, unless this was done, people would not save for their retirement and the burden would fall on society instead of the individual to plan for her or his retirement. That is the one tug.

The other tug is, if you need access to those funds, what do you do. How do you get access to funds? Well, under the retirement savings plans that most of us invest in, they are not locked in. You can withdraw money from your RRSP, but you will pay tax at your marginal rate. The issue that is being raised by this bill is the question of locked-in pensions which are not accessible and cannot be

drawn, either private-sector pensions or locked-in, public-sector pensions.

Mr. Speaker, the question is what is the appropriate amount of freedom to give to people to withdraw assets for good reasons versus the question of what is the protection required. In that question of withdrawal flexibility, we have no argument. There needs to be more flexibility. We agree with the idea of flexibility in regard to accessing assets that are currently locked in by law. That is something that I think any sensible person would see.

The question then is to what extent should we allow people to withdraw assets from a pension plan that are intended for their retirement. Is there a reasonable limit? Is there a reasonable compromise? Should it be 100 percent? Should it be 10 percent? Should it be 10 percent a year? To figure out the limit on this, if there is to be a limit, is not an easy question.

The overriding issue, the overriding issue that I think the act before us unfortunately, inadequately addresses, and quite seriously inadequately addresses, is the fairness question. While all of us may say we would never, as individuals, do anything unfair to our spouse, unfortunately the real world is that marriages come apart, common-law relationships fail. Spouses who have a very significant interest in either survivor benefits, locked-in RRSPs or locked-in company pension plans have a duty owed to them by those of us who make laws to ensure that their rights are fully, transparently protected.

* (10:25)

That they have the right to, first of all, consent whether or not there will be a withdrawal, and that the laws which now protect RRSPs, for example, bankruptcy issues, have been properly and completely addressed. The question of creditor-proofing is very, very important. The question of who has the actual right to the income that will be withdrawn, is the income to be received by one spouse only, or is the income that would be withdrawn to be received equally by both spouses?

Those are very difficult and complex legal issues. They deal with a lot of questions which need to come before courts and which need to be very carefully thought out. I am afraid when I reviewed this bill and thought about my experience in the

1980s with the actual council of welfare and all the history of the unfortunate patriarchal and essentially anti-woman bias in much of our culture's history, that I saw that this bill does not adequately meet the tests that I believe are terribly important for legislation of this kind. The intent of flexibility is a good intent. The difficulty is, this bill does not meet those tests.

Mr. Peter Dyck (Pembina): I would like to just put a few comments onto the record and of course would like this bill to go to committee where we could hear from the general public as to their response to the bill which has been proposed by the honourable Member for Springfield (Mr. Schuler).

Again, I want to take it from the position of the letters that I have received from my constituents, and I want to assure you there have been many of them, basically from those who are involved in the co-operative movement, whether it is the local co-op or whether it is in the credit unions. I believe that they have a very valid point. Just to, again, explain the process.

The employer has put in 50 percent and the employee has put in 50 percent into this pension plan, and so they are looking at having access to that plan. I think it is perfectly legitimate. I believe it is a plan that is out there which now, of course, as time goes on and the baby boomers are at the point of retirement, they are wanting to access those funds.

The thing I found somewhat interesting was the MLA from Elmwood last week indicated that people would just go out there and, basically his comment was, just go and blow the money. I think his other comment was that they would go and buy a cottage. Now, No. 1, I do not see a big problem. If they have accumulated these dollars to going out and buying a cottage, whether that was a big issue. I think the Member for Elmwood (Mr. Maloway) said that as well, so whether they do or not, I mean, what is the issue here?

There seems like there is a real sensitivity, Mr. Speaker, to the comment that I made about buying a cottage. I know that the members opposite feel that that is not the right direction to go and I think I have touched a nerve in this process.

I would encourage members opposite to look favourably at Bill 212, to take a good look at this and in fact take the opportunity to hear from the general

public, and on the other side I would also indicate that I am sure they have had many letters from their own constituents. So I would encourage them to look at this, if they have not read the bill and explored it in detail, get a briefing on it. I am sure that the Member for Springfield (Mr. Schuler) would love to do that, to sit down and indicate clearly what the ramifications are of this bill.

With those few words, Mr. Speaker, I want to thank you for the opportunity to speak on behalf of my constituents who, again, have asked me to raise this in the House, have asked me to bring forward and to support the bill which would enable them to be able to access a portion of or all of the money that they have put into their pension plan over the years, which truly, I believe now, in their retirement or in their golden years, as some call it, would have the opportunity to access and to be able to use at will where they see it would be beneficial to them. Thank you very much.

* (10:30)

Mr. Speaker: The honourable Member for Springfield. Just a minute. That is your motion. *[interjection]* It is already standing in the honourable Member for Transcona (Mr. Reid).

Point of Order

Mr. Speaker: The honourable Member for Springfield, on a point of order.

Mr. Ron Schuler (Springfield): On a point of order, Mr. Speaker, could you canvass the House seeing as the government member seemed to be finished with debating this bill?

Could you canvass the House and see if there is leave to move this bill on to committee?

Some Honourable Members: Leave.

Mr. Speaker: Well, the bill is remaining right now—

Some Honourable Members: Leave.

Mr. Speaker: Order. The bill is already standing in the name of the honourable Member for Transcona (Mr. Reid).

An Honourable Member: I asked leave.

Mr. Speaker: Well, we could ask the will of the House if there is leave. Is there leave?

An Honourable Member: No.

An Honourable Member: Agreed.

Mr. Speaker: There is no leave.

Point of Order

Mr. Speaker: The honourable Member for Springfield, on another point of order.

Mr. Schuler: Mr. Speaker, on a point of order. Clearly the government members, the NDP members, are finished with debating this bill, and we have asked that this go to committee, and they declined leave for this to go to committee, for the record.

Mr. Speaker: Order. Points of order are to be raised for departure from Manitoba practices or a breach of a rule. Points of order should not be used for debates. The honourable member does not have a point of order.

Point of Order

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

Mr. Kevin Lamoureux (Inkster): I was just going to comment on the member's point of order, but you have ruled that it is not a point of order because we were prepared to give the leave if necessary, Mr. Speaker.

Mr. Speaker: Once again, I would like to remind all honourable members that points of order are not to be used for debate. They are to point out to the Speaker a breach of a rule or a departure of Manitoba practices. Are there any other speakers?

Point of Order

Mr. Speaker: The honourable Official Opposition House Leader, on a point of order.

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, on a point of order. You know, I did not hear any negatives when you asked for leave. Could you canvass the House again to see whether there is leave to allow this bill to move? I seemed to hear that there were all yeses.

Mr. Speaker: Order. I would just like to remind the House when the Speaker asks if there is leave of the House and if the Speaker hears a negative, that is where it stands. I did definitely hear a negative, so that is why there was leave denied. So I do not have to ask the House again for something that I already dealt with.

Now I will ask if there are any other speakers on Bill 212? Okay. When this matter is again before the House, it will remain standing in the name of the honourable Member for Transcona (Mr. Reid).

**DEBATE ON
SECOND READINGS—PRIVATE BILLS
(Continued)**

Bill 300—The Winnipeg Foundation Act

Mr. Speaker: Now we will move back to resumed debate on second reading of private bills and I will call resumed debate on Bill 300, The Winnipeg Foundation Act, standing in the name of the honourable Member for Russell. What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Russell (Mr. Derkach)?

Some Honourable Members: Stand.

Mr. Speaker: The bill will remain standing in the name of the honourable Member for Russell.

**DEBATE ON
SECOND READINGS—PUBLIC BILLS
(Continued)**

Bill 200—The Criminal Organizations Deterrence Act (Local Governments Acts Amended)

Mr. Speaker: Now we will move on to Bill—*[interjection]* Order. We will now—*[interjection]* Order. I need to hear the will of the House. I ask the co-operation of all honourable members, please.

Now I will call Bill 200, The Criminal Organizations Deterrence Act (Local Governments Acts Amended), standing in the name of the honourable Member for Rossmere (Mr. Schellenberg).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Rossmere? Stand?

Order. Is it the will of the House for the bill to remain standing in the name of the honourable Member for Rossmere?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Speaker: No?

Voice Vote

Mr. Speaker: All those in favour of the bill to remain standing in the name of the honourable Member for Rossmere, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed for the bill to remain standing in the name of the honourable Member for Rossmere, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion the Yeas have it. The bill will remain standing in the name of the honourable Member for Rossmere, and any member who wishes to speak may rise now to speak to it.

* * *

Mr. Kelvin Goertzen (Steinbach): It certainly is a pleasure for me to stand today to speak about Bill 200, The Criminal Organizations Deterrence Act. I want to again, as I have done in this House before, give credit to the Member for Lac du Bonnet (Mr. Hawranik), the honourable Member for Lac du Bonnet who has raised a number of important issues in this House related to justice.

He has done so in a number of different ways, of course. He has spoken up publicly about some of the concerns that our party has on justice issues in the province, but he has also done so by bringing forward private members' bills such as Bill 200 in the hopes that the government would support this important initiative, that the government would support this important piece of legislation.

Bill 200, The Criminal Organizations Deterrence Act, is certainly a very important piece of legislation that we have before us here today. It would give powers to ensure that certain authority would not be given to those who are involved in criminal organizations, organized criminal organizations, that

bylaws would be passed that would prohibit or regulate businesses carried on by members or associates of criminal organizations, like of course the Hells Angels. But that is only one, Mr. Speaker. So that is an important initiative that the Member for Lac du Bonnet (Mr. Hawranik) has brought forward, and I would be surprised if it would not receive all-party support.

I certainly would not understand why members of the New Democratic Party would not want to bring forward these types of stronger laws that would allow us to clamp down on organizations, criminal organizations that have spread and succeeded under the watch of this current government. It certainly is concerning that a government would not support legislation like this, to give police officers and municipal levels of government additional powers to clamp down on criminal organizations which, as I have mentioned, have grown and prospered under the watch of the New Democratic Party.

Manitobans, we know from discussions of course with individual Manitobans but also from polls that we have seen, are very, very concerned about organized crime in our province and the effect of organized crime. Because certainly there is a strong ripple effect when you have gangs within the province. We see it in the reflection on crime statistics where it comes to a relation of stolen vehicles.

I see the Minister for Healthy Living (Mr. Rondeau) is laughing when I mention the high rates of vehicle thefts in the province. I think that is unfortunate, because it might be a joke for the members opposite, but I think for the majority of Manitobans who are truly affected by these crimes on a day-to-day basis, that it is something that they want, tougher laws. They want to see government willing to take action. They want government willing to stand up and say, "Enough is enough. We cannot take any more of what is happening with crime in our province."

And they do not see that. They do not see that from the current government. They do not see that from the NDP. What they see, of course, on a daily basis is the Minister of Justice (Mr. Mackintosh) who lives from photo op to photo op. I understand that some members have spoken against pieces of legislation like this.

I find that absolutely incredible, Mr. Speaker, that members opposite would dare to speak against a

piece of legislation that would give additional tools to police officers in our province, additional tools to levels of government to clamp down on organized crime within our province and to do something, instead of sitting there and doing nothing like this government has done on criminal organizations across the last five years.

* (10:40)

Certainly we know that police officers in the province are frustrated. They are frustrated because in some regards they have a lack of resources to do the jobs that they need to do against these organized criminal organizations.

We know that there are people in the Crown prosecutors' office who are also frustrated because they lack the resources needed to do when these individuals are actually finally charged with a criminal offence and the wheels of justice are moving. We know that they have a difficult time because of the lack of resources that they have within their own jurisdiction.

So across the spectrum, Mr. Speaker, whether you are talking about ordinary Manitobans, whether you are talking about police officers, whether you are talking about prosecutors who are trying to bring these individuals to justice, there is frustration.

There is frustration because they do not have the tools, legislative tools, regulatory tools. They do not have the resources, the financial resources, to do the job that they so ably can do. There is no question that we have the faith on this side of the House in our men and women in law enforcement.

We have the faith in those who are in the Justice Department to do the job that they are set out to do, but they have their hands tied, Mr. Speaker, in many ways, proverbially, because they simply do not have the resources and the support from the NDP government to do the job that we know they can do. We have seen it in so many different areas.

Of course, we have talked about the organized crime trial which will be coming to trial eventually in this province. We have seen the difficulties that the Minister of Justice (Mr. Mackintosh) has had in dealing with that trial, whether there have been questions about the costs of the trial, and that seems to be never-ending, the escalating costs of the trial.

Part of that, of course, is because of the delay of the trial, that it has gone on so long it took the Minister of Justice many, many months to determine how the accused would be represented. He failed to take our advice early on in the process in saying that those members of that organized crime organization would not necessarily have the right to choose any lawyer that they wanted and have the taxpayers of Manitoba pay for that lawyer.

So the Minister of Justice is somewhat the maker of his own demise when we talk about the costs of the trial and the difficulty they were having in the justice system. So now there is an opportunity, Mr. Speaker, an opportunity that has been presented by the Member for Lac du Bonnet (Mr. Hawranik) to do something, to do something constructive and productive and something that Manitobans would look and say, "This is a good initiative; this is a good step in the right direction."

Finally, the government is doing something on organized crime even though it had to be spurred on by an opposition member of the Legislature. You know, Mr. Speaker, I think the members on this side would graciously, and the Member for Lac du Bonnet, I think, would graciously say, "Fine. You know, I brought forward this bill and I got things moving."

But if the government wants to take credit for it, if the government just simply wants to adopt it, he would say, "That is okay because I am in this for the right thing. I am in this to make Manitobans safer. We are in this to ensure that the crime rates in our province decline and not increase."

I applaud the Member for Lac du Bonnet for that benevolent spirit by bringing forward legislation like this and saying to the government, offering it in a sense, "Here is a good piece of legislation. Here is a well-thought-out tool," a well-thought-out tool for governments to use to ensure that the spread of criminal organizations that has happened under the watch of this New Democratic Party government since 1999 would be abated somewhat.

I think that is the spirit that all Manitobans want us as legislators in this House to act in, and it is the kind of spirit that the Member for Lac du Bonnet has brought forward. I wonder why there would be any resistance from members opposite, from members of the government, from doing something like this.

Certainly, I think Manitobans if they were to read the debate, and we will do our best to inform them about this particular piece of legislation and what is happening here in the Legislature, would wonder why the government would have opposition to this. Why would they not consider taking this tool that has been offered to them, taking something so valuable to fight organized crime and adopting it as their own?

I think the member for Lac du Bonnet has said that he would be happy to have that happen, but the Minister of Justice does not seem to want to take this gift that has been offered to him. Instead, he is probably busy working up another news release, working up another photo opportunity, looking for something that is going to get him in the papers, but is not necessarily going to make Manitobans any safer.

I know that the Minister of Justice is quite busy developing these news releases in his department, looking for a photo op. I think he considers himself more the public relations officer of the New Democratic Party, of the government, than he does, really, consider himself the Minister of Justice, but that is not what Manitobans expect of their Minister of Justice. They expect more than that. They expect their Minister of Justice to be looking at creative ways that, certainly, are within the law, within the Charter, within our Constitution, but proper ways to find a way to restrict these particular organized criminal organizations.

The Minister of Justice, of course, I am sure, is reminded often about criminal organizations. I think that at one point and maybe still today the Hells Angels had a retail shop.

An Honourable Member: It is still there.

Mr. Goertzen: I am advised by the Member for Lac du Bonnet (Mr. Hawranik) that there still is a Hells Angels retail shop close to the Minister of Justice's constituency office. So it is not as though he is not reminded on a semi-regular basis—

An Honourable Member: No photo op on that one.

Mr. Goertzen: The Member for Springfield (Mr. Schuler), I think, properly points out, there was no photo op when that particular retail establishment opened up. I did not see the minister cutting the

ribbon on the Hells Angels retail outlet. I did not see the minister sending out a news release saying, "Oh, we have a new business in Manitoba. The Hells Angels are increasing the economy in Manitoba." Perhaps they even vote for him. I do not know. I would not go so far as to presume what their political leanings are, but certainly, if they did vote for him, members of this Legislature would understand why, because not only is he apparently a good neighbour but he does not want to bring in the kind of legislation that would really hurt the business that they are in.

That is disappointing, Mr. Speaker. I am sure that members of the public, Manitobans, are discouraged, disappointed that this government, that the Minister of Justice has not taken the opportunities to craft his own policy first because that would be something that I think Manitobans would expect that the Minister of Justice would take the initiative on his own, his own initiative to develop legislation that would put restraints on criminal organizations, but he has not done that.

In fact, what has been left to have happen in this Legislature is all the initiatives on criminal organizations, all the initiatives, all the ideas have to come from this side of the House. The Minister of Justice, I guess, feels somewhat ashamed that it was not his idea, feels somewhat ashamed that he was not really fulfilling his own role, fulfilling his own job and does not want to take the advice.

Perhaps he tells the members opposite, the backbench members of his caucus, "Oh, we cannot support this bill," and they stand up and they speak against the legislation and do what they are told, follow their own briefing notes and follow the lines. Perhaps even some of them were wondering why would we not support a piece of legislation like this. I think, if they took the time to read beyond their briefing notes to actually read the particular piece of legislation, many of the opposition backbenchers would question themselves, "Why would we not support a piece of legislation like this? Why would we not support something that might in fact lessen or reduce organized crime in the province?"

So I would challenge members of the opposition, certainly backbench members, to question their own Minister of Justice (Mr. Mackintosh) and ask him, "Mr. Minister, why is it that we cannot support a particular piece of legislation for this? Why is it

when Manitobans are asking for solutions, when Manitobans want solutions to organized crime, when they are crying out for answers, why can we not support a particular piece of legislation like this?" I do not know, maybe the minister could bring forward, if he has a particular concern about an issue, maybe he would want to raise it in the form of a small amendment, a friendly amendment.

Perhaps the Member for Lac du Bonnet (Mr. Hawranik), would be willing to sit down and to discuss something like that, but there is not even that type of gesture from the Minister of Justice because if it does not get him in the paper, if it does not get him in front of a camera, he is not interested. He is not interested in that particular piece of legislation. So, when violent crime is rising in the province, when auto thefts are rising in the province, the Minister of Justice does nothing other than send out news releases.

I know that my time is expiring for this speech, Mr. Speaker, and unless there is leave of the House for me to speak longer, I would certainly be willing to do so. I would just ask members of the government to reconsider this position. Do what is right for Manitobans. Do what is right for the safety of our province. Move forward on Bill 200 and support the bill.

*(10:50)

Mr. Speaker: Any other speakers?

Mr. Glen Cummings (Ste. Rose): I will put down my shield here.

Mr. Speaker: I am sorry to inform the honourable member, but I have just been notified that the member has already spoken to this bill.

Are there any other speakers? Seeing none, when this matter is again before the House this bill will remain standing in the name of the honourable Member for Rossmere (Mr. Schellenberg).

Bill 201—The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended)

Mr. Speaker: Bill 201, The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended), standing in the

name of the honourable Member for Selkirk (Mr. Dewar).

An Honourable Member: Stand.

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

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, forgive my enthusiasm, I rose earlier not realizing that we had not yet moved to this bill.

I certainly commend this bill to the House, because I think it has the kinds of issues that need to be discussed forcefully and forthrightly in this House. It is about safety on the streets. It is about, I think, fairness in the justice system. Of course, those who want to go to the extreme would say that fairness in the justice system says that we extend equal opportunity to everyone for defence within the system.

But the public does not necessarily view what is happening today under this government, particularly where we are dealing with criminal organizations, do not see what is happening with the government today as being what they would view as fair. It may be fair to those who are being charged inasmuch as they are entitled or seem to feel they are entitled to the most expensive choice of defence that is available to them.

Yet if we look at this in context, there are people out there in the \$20,000 to \$25,000 total family income who are not eligible for legal aid. If they are charged with something serious, they will, first of all, have to give up their own chattels in order to make themselves eligible for legal aid. If they do not, eventually their bills will be eaten up by legal aid and they will take a lien, as I understand it, against their chattels.

Therefore, we have a system that is starting to become increasingly skewed, I would suggest, against the working poor in this province, despite the espoused position of the government of the day. I think they have turned their backs on those who are essentially the working poor. They are the people that get up in the morning every day, go to work and put in an honest day's work, but they work at the lower end of the food chain, as people like to refer to it these days.

Yet in many, many respects they are the people that are consistently contributing to society in a

meaningful way. They are consistently attempting to provide a meaningful lifestyle for their family by being continuously and honourably employed. They commit themselves to a civil and a prosperous society in a way that an awful lot of the rest of us might well envy, if you consider what commitment they make in order to continue functioning at that level.

Yet, if we were to look at them relative to how they might be protected in the courts of this land relative to someone who is part of a criminal organization and yet claims that they have no chattels and claims that they are then able to fall back on legal aid to defend them and then, as has been seen when we were dealing with a Hells Angels associates trial, taxpayers of this province ended up with a \$2.7 million bill for defence.

The most experienced criminal defence lawyers in the province were able to be engaged. That to me speaks to a problem that this government along with many others have probably not been willing to address. This bill, I think, strikes to the heart of that question. It puts a reverse onus, and I am not legally trained so perhaps that term is not the correct one, but certainly it puts an onus on the accused if they are believed to be part of a criminal organization that they would in fact have to prove that they are not before they would be eligible for the type of assistance that I just described.

I know there are those in the legal system who would decry that kind of an approach. But we are, I think, in this country not only well known for the fairness of our justice system, but the fact that there is access to all for some kind of legal protection so they will get fairly treated as they find themselves trapped in the system or engaged in the system depending what the nature of their involvement or perhaps their activity or probably their activity may have put them in contravention of the law.

Having said those things, Mr. Speaker, I look at this bill and I say why do we not have more civilized debate in this House around this type of a bill, just the same as we probably should have some civilized debate around the bill that my colleague was trying to have debated a few minutes ago.

The fact is we can, I think, make a difference by laying out concerns, by setting aside some of the political rhetoric, and I use an example.

I believe that the criminal organizations, the Hells Angels, have established themselves much more securely in this province in the last four or five years than was ever contemplated in the nineties. Of course, now in the public debate all we argue about is did they come in May of 1999 or did they come in June of 2000 or was it November of 1999. That does not serve the public. What does serve the public is the kind of debate that we need to have around this type of legislation.

The same, I would argue, is the legislation that was just being discussed about pensions. I think that the government of the day can be offended if they want, but in the end the pensioners of this province will judge them on whether or not they honestly want to respond to a concern that has been honestly put forward. It is a fair question. I am talking about having a civil debate about whether or not there is a different way of administering pensions.

I have a constituent who came to me and said, "I work in the co-operative system and those who are in the higher echelons of the co-op, who have some mobility with their jobs, they will move to Saskatchewan." There is that province again, the province that the Manitoba government today wants to only compare themselves to, Saskatchewan.

I can remember the day when the people of this province would not stoop so low as to try and be equal to Saskatchewan. Now we are striving to be equal with Saskatchewan. That I think is a reflection on what leadership this government is not providing to the economy and to the infrastructure and the opportunity within this province.

So, when I look at the comments, and I know that he will be flattered to hear me mention his name, but the Member for Elmwood (Mr. Maloway) loves to rattle my chain about Autopac and matters of that nature. But he put on the record something that I find appalling, and yet if he represents his government with this comment, then I think the seniors of this province will have cause to reflect on whether or not the NDP truly represents the elderly, the infirm in some cases, and in many cases the working poor as I was just talking about in The Taxpayer Protection Legal Representation Act. You can tie the two—*[interjection]* Well, the Member for Selkirk (Mr. Dewar) wants to laugh. The laugh will be on him when the pensioners in his riding find out what the attitude of his government is about pension reform. I

quote from the Member for Elmwood (Mr. Maloway), "This is their approach to public—

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have six minutes remaining and will also remain standing in the name of the honourable Member for Selkirk.

* (11:00)

PROPOSED RESOLUTIONS

Res. 3—Federal Gun Registry

Mr. Speaker: The time being 11 a.m., we will now move to resolutions and the resolution that we would be calling forward will be Resolution 3 standing in the name of the honourable Member for Interlake, Gun Registry.

Mr. Tom Nevakshonoff (Interlake): I move, seconded by the Member for Selkirk (Mr. Dewar) that,

WHEREAS the federal government introduced the ill-conceived federal gun registration scheme; and

WHEREAS the firearms registry scheme will serve only to penalize law-abiding gun owners; and

WHEREAS many serious crimes are committed with illegal guns from the United States which is not adequately addressed in the federal government's registry program; and

WHEREAS the cost of this program was initially estimated at \$2 million but has since ballooned to over \$2 billion; and

WHEREAS by scrapping the registry, these funds could be diverted toward important areas such as gun smuggling prevention and support programs and policies; and

WHEREAS the Manitoba government has spoken out against the program on numerous occasions and will not prosecute registration offences under the firearms act or the Criminal Code; and

WHEREAS several provinces have asked Ottawa to suspend the registry.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the federal

government to abandon the gun registry and to divert funds and energy towards other more necessary areas of crime prevention; and

BE IT FURTHER RESOLVED that this Assembly direct the Clerk of the Legislative Assembly to send a copy of this resolution to the federal government.

Mr. Speaker: It has been moved by the honourable Member for Interlake, seconded by the honourable member for Selkirk,

WHEREAS the federal government—

Dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Nevakshonoff: It gives me great pleasure to rise in the House today to address this resolution and I will begin by saying that it enhances my faith in democracy to see this finally come to the floor of this Chamber because it is something that I have been very keen on ever since I became a member, and I introduced this a long time ago. To see it finally in here is very reassuring to me.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Before I decided to run for the New Democratic Party in Manitoba, here in 1999, this was something that was an issue with me and I wanted assurance from our party that we have a strong stand against the federal firearms registration act. I am very, very pleased to see that our government has taken a strong stand against this policy. I would like to make it known to the House, to enforce to the House the strength of the policy that our government has against this act. We feel that it is wrong, that it does not serve any real, useful purpose, that it penalizes normal people as opposed to going after criminals and really is a monumental waste of money. That is the essence of our opposition to it, and we have come out with one of the strongest policies in the country, I believe, in opposition to this policy.

I want to commend the Minister of Justice (Mr. Mackintosh) in our province here for putting in place very strict guidelines in opposition to this firearms act. Our prosecutors have been instructed not to

pursue any charges laid against individuals either under the firearms act or under the Criminal Code of Canada, for that matter, which I think is probably the most stringent opposition in the country to this particular act, even stronger in opposition to it than the government of Alberta, which is held up in this Chamber and across the land as being the epitome of western Canadian thought.

I think on this particular front that the Manitoba government has set the bar at a new height in opposition to the firearms act. So I am very proud to be a member of the provincial New Democratic Party on that basis and a member of this government, which has taken forceful action against this particular act.

I remember when the feds were rolling this out, there was a lot of disinformation about the act. They were leading people to believe that it was a safety issue and were sort of lumping other policies of the past in with this. One of the things that they were trying to put across was that it was a safety issue. A lot of people were misinformed to think that trigger locks and safe storage was a part of this policy, and that was not the case.

Those policies were brought in under previous legislation and really had nothing to do with the registration act. Essentially the registration act, as far as I am concerned, was an insidious policy of the federal government to basically get tabs on where all the guns in the country were.

I think their final objective, to be quite honest with you, was to eventually identify where all the guns were. They were going to slowly eliminate them and slowly round them up and essentially disarm the people.

The right to bear arms is part of the U.S. Constitution. It is one of the things that I admire about our American brethren to the south, the fact that they have put this in their constitution. That is a very important principle that we cannot overlook.

If the people do not have the right to defend themselves, not only against foreign invasion or whatever, but against the state themselves, then you are moving closer and closer towards totalitarianism. That is something that certainly I do not agree with and I do not think any law-abiding, freedom-loving Canadian or Manitoban could agree with.

I have had opportunity to travel overseas in the past. I spent some time in the former Soviet Union, which was a Communist country at one time. One of the things that I learned when I was over there was that they had very, very strict laws against the ownership of firearms in that country. It was to the point where if you possessed a long gun you were immediately arrested and moved off into the gulag. That was a conscious policy of that government, to keep the people disarmed so that essentially they could control them.

When the Americans formed their constitution, the fact that they recognized that the people have the right to defend themselves is the essence of democracy and has always been the case in our country until the Liberal government, in their questionable wisdom, decided to move against this. This firearms act was a step in that direction, to disarm the people of Canada and eventually move us towards a police state, in my mind.

* (11:10)

Now, I am a rural Manitoban. I am also a hunter. This gun registration law, I find, inhibits us on that front as well, just on a farming front alone. People in the urban centres may not realize it, but firearms are tools to our farmers. We have livestock, we have cattle, calves out in the pasture that have to be protected. There are a lot of predators out there. Any farmer worth his salt has probably got several firearms just to defend his livestock alone.

I have a small farm myself in Poplarfield, but I also own a fishing lodge up in northern Manitoba. I have to confess, not confess, but I want to put on the record that in the 30 years that I have been in that business, I have had to deal with wildlife problems.

I have shot three bears in the last 15 years. The Minister of Conservation (Mr. Struthers) is not here, but I have to confess I did not have any licence to hunt bears when I took this action, but I did so in defence of my property and defence of my family.

The gun that I used to shoot one bear in particular, no, it was not registered, I have to inform the Member for Inkster (Mr. Lamoureux), but I was not thinking about registration or the federal law when this black bear was trying to crawl through the front door window of my brother's cabin with his

wife and my two little nephews, aged one and three years old.

This bear was in the process of pushing through the screen into their cabin. I was not thinking about registration when I pulled the trigger on that animal. I have had to kill many bears in defence of my property up there and will continue to do so.

The fact that the federal government seems to feel that they have to regulate this activity of mine, that they have to—

Mr. Deputy Speaker: Order, please.

Point of Order

Mr. Deputy Speaker: Does the member rise on a point of order?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Deputy Speaker, on a point of order. I would ask if the member would entertain a question. It is a very simple one, just wanting to know if in fact his guns are currently registered, if he would do so.

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

Hon. Gord Mackintosh (Government House Leader): It is regrettable the member would interrupt debate on this important matter. I am sure that the Liberals would love to divert attention from what is a very important Canadian debate and an important position being advanced by the Member for Interlake.

Mr. Deputy Speaker: It is a matter of differences of opinion. There is no violation of the rules of the House, which is the basis for a point of order.

Mr. Nevakshonoff: Well, thank you, Mr. Deputy Speaker, and thank you for that ruling. It is obviously a blatant attempt by the Member for Inkster to distract me from debate and try and digress away from the topic of the day, which is the federal firearms registry.

Obviously it is a sensitive topic to them. I recall when this whole thing was rolled out years ago. I recall the federal government promising us that it

would only cost \$2 million. Two million dollars, Mr. Deputy Speaker, that is what they said it would cost to register all the guns in the country. Where is that cost today? It is not \$2 million, it is probably approaching \$2 billion now.

It is my understanding that just recently, or just today as a matter of fact, they made an announcement that now they are going to limit the annual budget, the operating budget for this registry to \$25 million. So you can understand why Canadians are upset with the Liberal government having promised to put the whole system in place for \$2 million. Now they tell us that, aside from the set-up costs and all that, not just \$2 million but \$25 million is going to be spent every year to maintain and operate this dysfunctional and entirely unnecessary system.

Nobody is opposed to safe storage and things like that. Certainly I am not and my guns are all locked up in my house. My ammunition is put away so that my young nephews or my children cannot get access to it. We are not opposed to that. That is all fine and dandy and any responsible gun owner I think would agree that we have to store our firearms correctly. The fact that all of our long guns have to be registered and recorded and stored in some little drawer somewhere in Ottawa so that Big Brother can check up on us from time to time, and eventually over time disallow this or that particular firearm and come around and gather them up is insidious, and it is a violation to our rights to freedom in this country.

I see my little light is blinking. I am sure there are many other members in the House here who would like to put their comments on the record, and I thank you for the opportunity for raising this today.

Mr. Gerald Hawranik (Lac du Bonnet): I am very pleased to put some comments on the record on behalf of the residents of Lac du Bonnet constituency. This is a very important issue for Lac du Bonnet residents, and I can tell you at the outset that we would, in large part, support the resolution because of what it says.

Really I am quite surprised that the member from Interlake would even introduce a resolution like this. In fact, I really would be surprised that it would have come from members opposite. I say that because when the initial gun registry legislation, the federal gun registry legislation, was put forward by the federal government, members opposite spoke in

favour of it. How could they now be against it? They spoke in favour of it. It is on the record. They were initially in favour of gun control, initially in favour. In fact I believe it was the member from Minto and even the Minister of Energy, Science and Technology (Mr. Sale) who spoke of gun legislation right in this Legislature. They seem to speak out of both ends of their mouth at times, and we see that on other issues in this Legislature.

The federal Liberals of course introduced the legislation. We were against this type of legislation. We expected that it would cost millions and millions of dollars, but it did not just cost millions, it cost billions. The cost of gun registry now is up to \$2 billion. It is a total waste of taxpayers' dollars. This is after the federal government, before it proclaimed that legislation, anticipated that it would only cost \$2 million to \$4 million. I remember the press release. I remember the articles that were written about it, and \$2 million to \$4 million is what they projected the cost of this registration. It ballooned to \$2 billion and it is still going.

I think we have to cut our losses. I would agree that the federal government should just abandon the legislation altogether and just forget about it because Manitobans all are against the gun registry. It is not legislation that will prevent crime. It is not legislation that I believe will help in the investigation of crime, to investigate particular incidents that will lead to a suspect. I do not believe that is the case. Criminals will not register their guns, only law-abiding Manitobans will.

As we heard today, the member from the Interlake would not even admit whether or not he in fact registered his guns. I would like to know whether the member from Interlake did. I have guns as well. I have nine guns. I have nine rifles. Many of them came from my father, because he was a hunter and a trapper. I registered every one of them, because I am a law-abiding Manitoban, every one of them. I do not disagree with the law. I follow the law absolutely, and I registered every one of my rifles.

* (11:20)

I do not agree with the legislation. I do not agree with it at all, but I am a law-abiding Manitoban. I expect that members of this Legislature ought to be law-abiding as well. If the member from Interlake did not register his guns he should speak to the

Minister of Justice (Mr. Mackintosh). Maybe he is in a conflict of interest here. He is introducing a resolution to get rid of the gun registry.

Yet he, perhaps, I do not know, he has not admitted whether he has or he has not, but if he has not registered his guns, is he not in a conflict of interest here in this resolution? I think he is if that is the case. I think he ought to determine whether or not he is in a conflict, and if he is, perhaps he should let somebody else from his caucus introduce a resolution like this.

The federal Liberals in fact have introduced this legislation. They should have taken notice of what other countries have done. In Australia and other countries around the world it did not work. It is not going to work here in Canada. It is making law-abiding Manitobans criminals, is what this legislation is doing, particularly if they do not register, as some members may not have in this House.

As I say, there is a direct conflict of interest by the member from Interlake. In fact, I heard him say that he shot three bears without a licence. I cannot believe it. He put it on the record that he shot three bears without a licence, and the Minister of Justice was listening. Where is the Minister of Justice now? That is what I would like to know.

The member from Interlake has absolutely no credibility. To hunt without a licence, that is the first thing, and, secondly, perhaps not to register his guns.

Point of Order

Mr. Deputy Speaker: A point of order being raised.

Mr. Nevakshonoff: I just want to correct the Member for Lac du Bonnet. I was not hunting without a licence, Sir. I did not say I was hunting. I said I was defending my family and my property when I took this action. I am sure if you saw a bear crawling through the window of your brother's house with his two young children in there you would take similar action. This is not hunting, Sir. This is defending the life of a member of your family. That is not hunting. I want to correct you on that point.

Mr. Kelvin Goertzen (Steinbach): With the information on this point of order, I want to let the House know that it was not that long ago, less than a year ago, that I had a call from a constituent of mine

who shot a bear on their property in defence of their family, who had three young children on the lot. I phoned the minister of then-Conservation at the time. I asked the Minister of Conservation would he take care of it, and he said that he would not, because the law is the law. So what is law for my constituent is law for this member. Follow the law. Shame on the member.

Mr. Deputy Speaker: I have to halt the discussion on this point. The point of order is degenerating into a debate, which is not the purpose of a point of order. There is no point of order here, because it is a matter of differences of opinion. No point of order.

* * *

Mr. Hawranik: I appreciate the member from Interlake sort of correcting the record where it may be needed to be corrected. But at the same time I can tell him that I hunted and I trapped and I have had experience with many bears as well. What I found them to be was very timid. It is very rare that you see a bear in person, because they try to avoid you. But having said that, if he had some extenuating circumstances, of course I would understand that.

The legislation itself is really a government boondoggle. First the federal government decided that they would impose a registration fee. Then they decided after there was a public outcry that there would be no registration fee. It was unbelievable. I registered, I paid my registration fees. It took me almost two years, almost two years from the time I sent in the application, I made the deadline, but by the time it came back, I had nine rifles that I sent in for registration. Five came back as registered properly, two of the registrations came back with a problem with serial numbers which I had to correct later. How simple can you get? Nine registrations, two of them had problems and they sent me a notice that two of them were delayed and, presumably, I suspect it was because the federal government ran out of money for the gun registry. A week later I saw in the paper that, in fact, money was forthcoming to continue the program, and a few weeks later I got those two registrations.

Out of nine rifles, I could not believe the problems that I had with them. But, in fact, I did register them because, while, as I say, Mr. Deputy Speaker, I do not agree with the legislation whatsoever, I do agree with upholding the law and

with abiding by the law no matter how I disagree with it.

The gun registry became a Manitoba election issue even though, in fact, it is not a Manitoba issue in the sense that it is not Manitoba legislation. I remember campaigning particularly in the Pine Falls, Lac du Bonnet area, Mr. Deputy Speaker, where I kept seeing signs about gun control legislation and so on all along the area that I was campaigning. The people in my constituency feel very strongly about gun legislation. They are not in favour of gun legislation whatsoever. Many of my constituents are hunters, they are trappers, they are fishers, and, on a week-to-week basis in hunting season or in trapping season in particular, they do carry a rifle during that time because of what they are doing. They feel that they are law-abiding Manitobans, and they felt that they should not have to register.

I can tell you all of my constituents that I talked to did register as well because they are law-abiding citizens of this province, and in spite of the fact that they did not agree with it, they did, in fact, register their rifles and their guns.

It is interesting to note, too, what was said by the member from Interlake in the sense that he says that he is proud of being a member of the New Democratic Party because of the fact of their stance on gun control. Well, one of their resolutions says, "WHEREAS the Manitoba government has spoken out against the program on numerous occasions and will not prosecute registration offences under the firearms act or the Criminal Code." That is what the resolution reads.

Yet, one and a half years ago we found out there was a policy that the government, obviously, had been hiding just before the election. It was found, in fact, by the previous Minister of Justice from our side. He found that in the library of Parliament, and it stated that it supported the enforcement of the legislation. It supported it. All of a sudden, just before the election, they found out that, "Oh, oops, we got caught," and the current Justice Minister issued another press release, stood up on another pedestal, combed his hair and said, "No, we are not in favour of gun control." Because it was a coincidence, of course, that it was a few months just before the election. He did proclaim that he was not in support. But, of course, this was just before an election.

The police and conservation officers, I can tell you, Mr. Deputy Speaker, had not been instructed to investigate infractions. Prosecutors have been instructed not to prosecute infractions, but the police and conservation officers have not been instructed to investigate, which really is surprising to me. This is really just a half-hearted effort by the Justice Minister to quell public opinion and maybe he is in favour of this legislation for all we know.

Part of the resolution also indicates that the money should be going toward crime prevention activities and crime prevention programs. Yet the government has given us cause to believe that in Question Period yesterday they lack support for crime prevention programs because they lack support for the family violence intervention legislation. This is a program whereby police officers are teamed with social workers to deal with the increasing domestic violence cases in Winnipeg and to defuse a very potentially violent situation within homes.

What we have heard from the members opposite was that they are not willing to invest just \$500,000, a half a million dollars, to keep this program going and, instead, Mr. Deputy Speaker, that program will be ending on June 30. To say that, well let us use the money from gun control toward crime prevention and yet not to use \$500,000 which really is a paltry sum in the scheme of things in the budget of Manitoba, and not to use that to continue a very important family violence intervention program, I think is very hypocritical.

* (11:30)

So with that, I would like to put those few concerns on the record. I, in fact, support the resolution. Thank you.

Mr. Gregory Dewar (Selkirk): I want to first of all just congratulate my colleague, the Member for Interlake (Mr. Nevakshonoff), for bringing forward this very important resolution on behalf of our caucus, Mr. Deputy Speaker, on behalf of members, on behalf of Manitobans and on behalf of law-abiding Manitobans who have had to endure this gun registry brought forward by the federal Liberal government.

All of us in this house—well, we will see where members do stand in this House because a couple of seats down from me is the Member for River Heights

(Mr. Gerrard), the Leader of the Liberal Party, who stood up in the House of Commons and voted in favour of this gun registry. So what we can say, he is in fact the father of the gun registry in terms of members of this House. So we are obviously interested in hearing what he has to say, or the Member for Inkster (Mr. Lamoureux), when they get up to speak to this resolution. I think it is important that we as members in this House know that the Liberals have supported the gun registry.

I have, like others members in this House, used firearms since I have been a child. My father would take us hunting. We lived just west of Selkirk in the Oak Hammock Marsh area and we would often go into that area of the Interlake and we would hunt in the fall like many Manitobans. I still have, recently. I have not in the last couple of years, but we always had firearms in our home. I can inform the House that there were no illegal acts that were performed by anyone with those firearms.

My uncle, when he passed away, left a shotgun to me in his will. I still have that firearm and I tell members in the House that I did register that firearm. I went through the process of registering. I always believe that, and I campaigned in 1997 against the Member for River Heights (Mr. Gerrard), I might add in that federal election, and many of the constituents that I met both in Selkirk and in the Interlake area, they said, "Well, I am not going to register my firearm." I always advise them that in fact they should abide by the federal law. I think because it is, after all, the law of the land and I think that they should do so.

However, I read with some interest our federal member of Parliament, probably was not one of his major planks in his platform, was probably one of the major reasons why he was elected in 1997, was in fact his opposition to the gun registry. Even now I read in the paper recently in the last year, he is actively encouraging his constituents to not register their guns, but I would suggest—*[interjection]* Yes, he is. The Member for Elmwood (Mr. Maloway) said he was an ex-policeman.

We all recall when the registry came down. The Liberals at that time said the cost was going to be in the range of \$2 million. They brought it in so they could chase a few votes in the major cities in Canada. They needed a sign that they are out there fighting crime, so they decided we needed some

votes in the major cities, Toronto, Montreal, Vancouver, so they brought in this scheme.

I can tell you it is only the law-abiding gun owners that had to register their guns. You can say that the members of the Hells Angels and the criminals out there, they did not register their guns, and they have not registered their guns. They said it is going to cost \$2 million. We have since learned that it is well over \$2 billion. How much could that provide if we had that \$2 billion spread across this country, but that would have provided for Manitobans.

Yesterday we had a resolution in this House calling on the federal government to provide additional assistance to farmers that are having to cope with the BSE crisis. That would have bought a lot of feed for their cattle.

We have the Liberals in this House daily standing up and saying, "Spend more money, spend more money," and this \$2 billion could have been spent on dealing with some of the serious issues that we are faced with here in this province, whether its health care, education, Mr. Deputy Speaker, instead of making criminals out of law-abiding gun owners. Again there are massive amounts of money being spent to basically accomplish absolutely nothing. We have learned in the paper today that the federal Liberals, as we are on the eve of yet another election campaign, are trying to manoeuvre around this issue. They know that this is not, that it is really, truly wild, and as I said, I campaigned out there in 1997 and I campaigned federally in 2000, and this is one of those issues that is a true vote-determining issue for individuals. You talk to some—*[interjection]*

"Well, you know, I have never voted, but this is one issue that angers me, that is going to motivate me to get out and to vote against the Liberal Party. I have never voted before, but I used to vote Liberal." We are hearing this more and more even now, "Well, at one time I voted Liberal but I am never going to vote for them again because of this boondoggle over the gun registry." And we have heard this throughout—*[interjection]*

Mr. Deputy Speaker, I can safely tell my colleagues from the Conservative Party that they are not quite on the radar screen either, in terms of their support, at least in my area where they had a hard

time to find a candidate to run against me in the last provincial election.

But anyway, the Conservative Alliance, the Alliance Party that has been taken over, or the Conservative Party was taken over by the Alliance Party, Mr. Deputy Speaker, there is no doubt that they have taken an opposition to this. I think that is well known, as have our government and our Minister of Justice (Mr. Mackintosh).

As the Member for Interlake (Mr. Nevakshonoff) has said, this Justice Minister has taken one of the strongest stances against, and this government has taken one of the strongest stances against this registry in Canada. I am proud of that. This registry has been challenged by many provincial governments including our own. We have, since we have come into government, intervened in the Supreme Court case, Mr. Deputy Speaker. We have written three letters to the federal Minister of Justice to state our objections. We have implemented a new prosecution policy. In fact, to date no one in Manitoba has been prosecuted under the firearms act. I understand that conservation officers, as well, are advised not to prosecute anyone under a violation of the gun registry because we do realize that it is a boondoggle.

We do realize that it is a waste of several millions of dollars, several billions of dollars. As was revealed today in one of the local newspapers, the federal Liberals are now looking at trying to limit the annual expenditures on this registry to \$25 million. First of all, they said it was only going to cost \$2 million for the whole program and now they are saying, "We are going limit it to \$25 million a year."

Well, I believe Manitobans and Canadians have had enough of this boondoggle, enough of this federal Liberal government, Mr. Deputy Speaker. I want to commend my colleague from the Interlake for raising this, for bringing forward this resolution. I think it is critical that we as Manitobans continue to work to encourage the federal government to abandon the registry entirely. Do not spend that \$25 million year after year. Now they are saying it is \$25 million. First of all, they said it was only going to be \$2 million, but now they are saying, "Well, it is going to be only \$25 million per year," after we have already wasted the \$2 billion. We do not have any confidence at all that the federal Liberals will be able to maintain their costs to \$25 million on this registry.

As I was mentioning earlier, Mr. Deputy Speaker, I registered my shotgun. It took me a year and a half before I received the information. I was not certain until the very last moment that in fact my gun was registered. I contacted the registry down in, I think it is in New Brunswick, and they informed me that in fact, yes, it was. Because I was concerned that, because of the length and because of the misinformation that was put out there by the Liberals, I was not certain whether or not my firearm in fact was registered.

* (11:40)

The notion that registering these guns will make people safer has not been demonstrated. As I said, it was simply a tactic by the Liberals to try to win some seats in some of the major urban centres in this country. Perhaps they were successful on that, I do not know.

An Honourable Member: The gangs are not registered.

Mr. Dewar: As my colleague from Elmwood said, you know, the gangs are not registering their guns. The members of the Hells Angels—and we were talking about that—came into this province in 1997 when the Conservatives were in power; 1997 is when the Hells Angels came into Manitoba. You can be certain that they are not registering their guns.

But you know that this scheme is forcing law-abiding Manitobans to become criminals. Hunters, fishers, other individuals, collectors, people who received, as I have, it was inherited to me. The federal government have been slow in assisting farmers in the BSE issue, the health care issue. Of course, as we head towards a federal election everyone is talking about more money for health care, more money for farmers, tax cuts. As we head towards this federal election, everyone is revitalizing that old refrain.

But the reality is there was an opportunity here to have spent that money, that \$2 billion, in important programs here in Manitoba, and they, the federal Liberal government, did not do it. I think the Liberals in this House—the Member for River Heights, as I mentioned, was one individual who stood up when it came to the vote on this in the House of Commons and voted in favour of it. We are looking forward to his comments.

So, once again, I want to congratulate the member for Interlake (Mr. Nevakchonoff) for his thoughtful resolution, and I urge all members to support it. Thank you, Mr. Deputy Speaker.

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, I found it truly amazing sitting in my place listening to the member from Interlake introduce this resolution and then deliver his thoughts on it.

An Honourable Member: His confession.

Mr. Lamoureux: You know, some might call it a confession, in good part maybe that is what it was. I am going to suggest to the Minister of Justice (Mr. Mackintosh) that he listen very closely and maybe read what it is the member of Interlake actually said. In the resolution, if we go to the WHEREAS it says "The Manitoba government has spoken out against the program on numerous occasions and will not prosecute registration offences under the firearms act."

I would suggest to you that there is a very clear conflict of interest for the member from Interlake even to propose this resolution. If I am wrong, I would appreciate the member standing in his place and saying, "I am wrong." But I tell you what I heard from the member was that he has firearms that are not registered. I find that inexcusable, as a member of the Legislative Assembly, being in such direct violation of the law. I would ask for the Minister of Justice or suggest to the Minister of Justice that he look into this.

Quite frankly, the member from Lac du Bonnet said that he does not support the legislation but he supports following the law. There are laws that I might not like, but as a citizen of this country, I obey the laws. Here is a legislator not only—

Point of Order

Mr. Deputy Speaker: A point of order.

Mr. Nevakshonoff: First of all, to correct the Member for Inkster, I never did say that my firearms were not registered.

Just to further enlighten him, I will tell him that all of my firearms are registered. I do not agree with the law. I do not like the law. But I am a legislator, and I do not believe in civil disobedience. I might not

agree with it, but it is the law of the land, and I will conform to the laws of the land.

So I did not like to, but I did register my firearms. I just want to correct the member from Inkster on that point.

Mr. Deputy Speaker: There is no point of order. It is a dispute over facts. The honourable Member for Inkster has to be recognized first, before he starts.

* * *

Mr. Lamoureux: Mr. Deputy Speaker, that is why I challenged the member from Interlake to stand up in his place. When we were involved in some of the possible heckling and discussions I had raised on the point of order, we were trying to get clarification in terms of just if the member did have all of his firearms registered.

The way in which the member was evasive, you know, I will re-read the statements that he has made. But all members are honourable. Given the member's response, I would give an unqualified apology to the member from Interlake. You know, what it does is it does speak to the importance of when we are addressing resolutions of this nature that we be forthright with individuals.

You know, the member also brought up the issues of bears and then stated very clearly, well, it was in defence. There were three bears and they were in defence.

Mr. Speaker in the Chair

The member did clarify that issue. But he never did clarify the other issue, in terms of the gun registration. So now that he has, I will accept that.

Having said that, Mr. Speaker, there still are some concerns that we have. I think that we need to be aware of the fact that there is a history to the gun registration. This was not a Liberal idea per se. It came from a majority, a Senate majority, a Tory Senate majority in the form of a recommendation when it actually came, before it went to the House of Commons.

There were representations that were made across the country, including police agencies that supported the need for gun registration. In fact, there

were members of the New Democrats. We all remember the member Becky Barrett. Becky Barrett wanted bullets to be registered.

There were all sorts of concerns at the time. You know, the road to Damascus was full of New Democrats, conversions, if you like, on the whole issue of gun registration, once they determined that it was not politically popular. Well, we have seen it now for the last few years.

There is no doubt there are concerns. I understand that issues are being reviewed. That is wonderful. But I would suggest, still suggest to the Minister of Justice (Mr. Mackintosh) that this resolution, the resolution that we have before us today is suggesting that the Department of Justice ignore it completely, ignore the registration completely, no prosecutions.

Well, I would suggest to you that there may be occasions when there are criminal activities that have occurred in which rifles or guns might not have been registered, but they were involved in that criminal activity. The direction that is being given from this government is not to uphold the law. Whether or not you agree with the law or not, respect the fact that it is the law. Could you imagine if Ottawa instructed the RCMP, "We do not like this provincial law. We do not want you to implement it."

What would the Minister of Justice (Mr. Mackintosh) be saying? He would be yelling from his seat, saying, "How dare they not respect that law?" We expect the RCMP to respect the laws that the provinces pass. It is one thing for the government of the day to say, on the one hand, "We oppose it." It is another thing if they are not going to support the law. I believe that there are laws of the land, whether it is provincial or federal, in which you will get legislators, you will get others that will say, "We do not like that law," but whether you like the law or not, there is expectation that you will enforce the law.

* (11:50)

The fact remains, Mr. Speaker, I do believe that there is a moral responsibility of governments to respect the administrations of the cities, the provinces and, in Ottawa, national laws. I too have concerns in terms of gun registration, as many Canadians have concerns in regard to it. Even our

Prime Minister has concerns regarding certain aspects of the gun registration. Having said that, I think all in all, that we have to, at the very least, and that is why I want to speak today, emphasize the importance of respecting laws that have been passed.

Quite frankly, Mr. Speaker, that is where the disappointment on my part is. You know, I look to the Minister of Justice (Mr. Mackintosh) and would like a clear indication if he does not like this law and he says, "Because I do not like it, we are not going to prosecute," I wonder the impact that could have on those criminal offences in which that charge could have been laid. Maybe someone who committed a crime, whether it is serving or at least being taken into consideration because they were in violation of that particular law. That is one thing that comes to mind.

The other is maybe the minister and the NDP can get into their caucus meeting and they can determine what other laws they do not like. Maybe there are some other federal laws that they do not like. Maybe there are some municipal laws that they do not like. Can we maybe ask for a list of the laws that they do not support? In this way the Crowns can be told these are the laws that you are not supposed to enforce because of the provincial entity: "As a New Democratic Party, that happens to be governing at this point in time, we do not support all these laws and therefore do not bother prosecuting."

It is a ridiculous thing for the government to be doing. I truly believe that. I suspect, if there were instructions from our mayor or council or Ottawa, whether it is the Winnipeg Police department or to the RCMP, or other administrative civil quasi judicial bodies, whatever it might be, not to respect provincial laws, that this Chamber would be at an uproar.

That is the reason why we look to the Minister of Justice (Mr. Mackintosh) and really have to call into question why it is that he is doing this. I suspect, and I will speculate, and I got in trouble when I speculated a little bit earlier, but I will speculate that it has more to do with politics, Mr. Speaker. I was here when the gun registration was being introduced in Ottawa, and I tell you, you could hear a pin drop. When it was being dropped, people did not know what to say. Those individuals like Becky Barrett and others had stronger opinions as to what should be happening and that Ottawa did not go far enough.

But then, once the wind started to blow one way, individuals were maybe given the gag order as parties had to do some positioning.

I have had others indicate to me, Mr. Speaker, that they are somewhat surprised with the positioning of some political parties because to say that this is just a purely—you know, that the Liberals are the only ones that supported gun registration, is not true.

There were non-profit associations throughout the country, right from advocacy groups, women's advocacy groups, up to law enforcement groups that felt that there was some merit to gun registration. The blind approach of, get rid of it, it has absolutely no place, I am not any more convinced of that argument today than I would have been in the past. Maybe there is a way in which it could be made to work even better.

I think that the government really has not done service to this particular issue. Yes, they have addressed the political optics. They know what to say in order to try to generate public resentment on this particular issue, but I do not know if they are really giving a strong social conscience approach in many of the people, I must say, that support the New Democrats, that are actually quite disappointed because of the irresponsible approach.

It is one thing to be quiet. It is another thing to bring forward motions or give directives to the Department of Justice and question in terms of just to what degree the Minister of Justice really wants to follow the WHEREAS. It surprises me.

I trust the Minister of Justice will want to put a few words on the record on this. I know other members do, the member from Ste. Rose, in particular, and the member from Steinbach. I anxiously await those comments.

In particular, I would be interested in knowing if there are other laws that the Minister of Justice does not feel that the department should not enforce.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I think that we just actually saw, based on a false assumption and a very unfortunate one, the kind of persecution and the kind of finger-pointing, the kind of allegations of criminality that this federal registration scheme results in and what

has caused a concern, particularly in western Canada. We saw it right in front of our eyes, Mr. Speaker. I think it is very unfortunate that law-abiding citizens are going to be targeted as we just saw today.

I want to say this, that as we are speaking in this House, coincidentally, the federal government is speaking to Canadians about the future of the gun registry scheme. I think it is very unfortunate, and indeed it is a spit in the eye disproportionately of western Canadians, I think a spit in the eye of common sense and fiscal responsibility that the federal government today has recommitted to this boondoggle of a gun registration scheme.

I want to make it clear that, in this government's view, this gun registration scheme has nothing to do with gun control. The gun registry is not about controlling guns, nor is it about public safety. I will get on to talking about what it actually is, aside from the fact that it is a huge squandering of rare taxpayer dollars that could be directed to public safety initiatives that can make Canadians safer.

Now, what we have before this Legislature I think is an important voice being directed at the federal government. I understand why the Liberal members and indeed the Member for River Heights (Mr. Gerrard) will likely not support this resolution, but we have to in different ways speak out on this matter. This is a different way of putting together our voices. It is a collective way, because so far the voices, particularly in western Canada, of northern Canada, of those who have thought through what this registration scheme is all about, have not been heard.

In fact, today they have been explicitly denied and rejected by the federal government. Why they would do this heading into a federal election campaign is unbelievable. Here they just put the gun registration scheme back, front and centre on the electoral agenda, and in doing so they have just raised the ire even more of those who were expecting either abolition or a very significant change to the registration scheme.

This is not going to help the Liberals whatsoever in the West or in Manitoba. I think they have shot themselves in the foot, not just on the substance of what they have decided on but the timing of it.

* (12:00)

But, so be it, because what I want to talk about in my brief moments is what public safety means to Canadians and how the gun registration is irrelevant to our quest for greater public safety.

Mr. Speaker, this gun-registration scheme was put together, cobbled together, to provide a one-line answer to concerns, particularly in the urban east, concerns around the issues of public safety, domestic violence and gun crime.

One of the more articulate individuals that has spoken in favour of gun registration in Canada was a former chief of police in Winnipeg, Mr. Cassels. I

heard him once say that information is protection and power for police officers, and if police know before they go to a call that there is a firearm, a long arm in the house, they will be better protected.

Mr. Speaker, when I conclude my remarks I will show that that is a false sense of security.

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have 11 minutes remaining.

The hour being twelve noon, we will recess and reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 20, 2004

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