

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

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Speaker*

**Vol. LV No. 13 – 1:30 p.m., Tuesday, March 2, 2004**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, March 2, 2004

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

### *PRAYERS*

#### **MATTER OF PRIVILEGE**

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I rise this afternoon on a matter of privilege. A matter of privilege is a very serious issue in this House and should be considered seriously when a member stands in his place to raise that issue.

Mr. Speaker, I rise on this issue because it is the first opportunity I have had to raise this matter in the House. Secondly, I have to convince the House that this is a prima facie case. In my opinion, this is a matter which questions the integrity, the reputation and the respect of every member in this Legislature.

The Minister of Science and Technology (Mr. Sale), who is responsible for the ethanol initiative, in his place yesterday said the Opposition in this House did not support the ethanol legislation that was passed in the pre-Christmas session.

Mr. Speaker, now is the time for truth. After the election, this Government decided it did not want to proceed with the last Legislature. After sitting only 37 days, the Premier decided he should curtail that session, a session in which this legislation on ethanol was in fact on the table. We were approached, as the Opposition, to agree to curtail that Legislature. Through a process of negotiation we, in a co-operative way, indicated that, yes, we would agree to curtail the session only if we could get an agreement of the Government to sit more regularly throughout the year. It was on that basis that we are in the House today.

Mr. Speaker, it was not the Premier (Mr. Doer) who decided to call the House into session in March. It was a negotiated agreement which this side of the House pushed for to have the House sit for at least eight days in the month of March, and if we can sit longer, we are prepared to do that.

This spirit of co-operation is one which we believe in. During that process of negotiation, the Minister of Science and Technology approached the critic on our side of the House on bended knee, cap in hand, whining and asking that we would consider passing this legislation in the course of two short weeks before Christmas. We looked at that legislation and we said there were some problems with it, but he approached us on the basis that this province would lose the opportunity to access federal money if we did not pass this legislation in the pre-Christmas season. So we agreed, Mr. Speaker.

\* (13:35)

Mr. Speaker, after the committee hearings, the minister approached me and approached the critic and thanked us for our support of the legislation. Now, in that same spirit of co-operation, we also broached the initiative of banning smoking in public places through a co-operative measure. The member from Carman is the member who initiated the whole process of banning smoking in the province of Manitoba. This was not a brainchild of this Government. It was a private member's bill that was brought in by the member from Carman. Then the Government, as it should, seized the opportunity to, in fact, expand this to the province and to look at this initiative as one of importance to the public of Manitoba, and launched an all-party committee to look at the initiative.

During that process, it was clear that the member from Carman was being targeted as responsible for this initiative and he did not shy away from that, because in this House there are people who feel a little bit nervous about something like this. On both sides of the House, I might add.

As a matter of fact, the First Minister of this province said publicly in Brandon that he sees nothing wrong in having a cigarette and a glass of beer in a tavern with his friends. So, Mr. Speaker, I wonder where he stands on this proposed initiative, or is he the same as his colleague, the Minister of Science and Technology who, out in the hallway, will thank you for supporting the legislation and then comes

into this House and says you did not support the legislation.

Mr. Speaker, I feel that every single member and every single minister of the Crown and every elected member must be honest. Our reputation and our integrity collectively depend on our being honest with ourselves and with all Manitobans. We have seen enough dishonesty when we deal with and see the issues that the federal government has to deal with today. We do not need that in this House. We do not need that in this province.

This minister has an obligation to apologize not only to this House but to all Manitobans, Mr. Speaker. More importantly, how insulting it is to all Manitobans to look at the Web page of the NDP, where they boldly say that we did not support this legislation. We have heard that from other members and ministers of the House.

When this legislation came to third reading and passage in this House, it was done on a division motion. The party in power, the Government, could have asked for a recorded vote on this matter if they wanted to really put us in our places and show that we did not support the legislation, but they knew that we supported the legislation. The other thing they knew, there were members on their side of the House who did not support it.

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

**Mr. Speaker:** Order. I would like to, once again, remind all honourable members privilege is a very serious matter, and I need to be able to hear every word that is spoken in order to make a ruling. I ask the co-operation of all honourable members, please.

**Mr. Derkach:** A bill passing on division in this House means that there are members who may support it, but there are also members who may have issues with the bill. There are members who may have issues with the contents of the bill.

Had this bill gone through the regular process and been debated in this House as a normal bill, Mr. Speaker, we could have ferreted out those elements of the bill which caused us difficulty, but because of the hastiness and this Government's pushing this bill through, ramming it through because they did not do their homework, because they have identified to

Manitobans that they are lazy, they do not want to come into the House to sit and deal with the public's agenda, because they only sat for 37 days, curtailed the session, and then wanted to come in at their pleasure.

I regret to raise these issues today, but it is because of that minister's comments in this House that we have to set the record straight.

\* (13:40)

When a motion is voted on, on division, that is exactly what it means. To me, it means there are members, it could be on both sides of the House, who have some issues with the bill. It does not mean that the party does not support the principle of the bill. We said very clearly in this House in the comments that were made, time and time again, that we supported the principle of the bill, and we wanted to see the ability of federal money to flow into initiatives in this province.

But, because of this Government's incompetence and their inability to deal with legislation in a proper process, they were forced into a situation where they had to ram this through in the course of a pre-Christmas session, Mr. Speaker. They were told that in committee. So, yes, we supported the legislation, the principle of the legislation. We endorsed the ethanol industry. We endorsed the ethanol initiatives in this province, totally.

My community, Mr. Speaker, was the first community in this province to launch an ethanol initiative under our government. So let not this Government today say that we were not supportive of this initiative and of it in principle.

**An Honourable Member:** Methinks the leader protesteth too much.

**Mr. Derkach:** The member from Brandon East could learn a few lessons. It is just unfortunate his cough has not returned.

In closing my remarks, I move, seconded by the member from Ste. Rose, that this matter now be investigated by you, as Speaker of our Legislature, and that the Speaker report back to this House on the specific passage and support by all parties of the ethanol legislation in the province of Manitoba. Thank you, Mr. Speaker.

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I know this matter was raised yesterday in the House as a point of order, and I rose to respond to it at that time. It would be our argument that this is not appropriately a matter of privilege.

First of all, I will not even deal with the time line issue, but 31(1) says: A dispute arising between two Members, as to allegations of facts, does not fulfil the conditions of parliamentary privilege. This does appear to be a dispute as to allegations of fact.

Mr. Speaker, the ongoing discussions that took place between the parties in the Government, Opposition and Liberal members in the House took place over some time in terms of ordering the public business and moving it ahead. One thing I think it is important to say on a preliminary basis is, I think the public indeed was well served by the members in this House working together to expedite certain business of the House during the period of time referred to by the Opposition House Leader. I think Manitobans expect and deserve that kind of co-operative effort when legislation is in the best interests of Manitobans.

Mr. Speaker, the issues really were canvassed yesterday in the House fully, and I understand that, as a result of some consultations with representatives from the Official Opposition and the minister's office, there was information given in advance to remove any barriers, if you will, or to make sure the Opposition was aware of the contents and detail of that particular piece of legislation. I think answers were provided to questions, even on an ongoing basis, if they arose to facilitate the co-operative efforts, and that should be applauded.

I think that, as a result of those discussions, the Opposition made a decision in the context of the whole agreement to allow the bill to go through the House in an extraordinary way, in the sense that it

was fast-tracked along with some other legislation. In that sense they certainly did agree to move the legislation along. There was no question about that.

When it moved through the House, as I said yesterday on second reading, it is my recollection that the Opposition did not indicate any division on the bill at that time. Therefore, they would be indicating at second reading, at that stage, that they were in support of what is the principle of the bill, and that is really what the vote is about at second reading.

\* (13:45)

It then went to committee, Mr. Speaker, and my understanding is that there were some discussions there, but the bill came out of committee and I do not recall if there was a vote in committee on the reporting of that bill. I do not recall that, but in any event what is important is that it came back to the House. When it came here for third reading, the final question was put to the House and I just quote from Hansard, page 394, December 4: "The question before the House is concurrence and third reading of Bill 2, The Biofuels and Gasoline Tax Amendment Act. Is it the pleasure of the House to adopt the motion?"

Some honourable members agreed. Agreed and so ordered. An honourable member agreed on division, Mr. Speaker, agreed on division, and just as my recollection was that the Opposition House Leader, at that time, had indicated on division.

As I said yesterday, unless I am advised otherwise, Mr. Speaker, I have been in this House for about 15 years, and when an Opposition House Leader would indicate on division, that indicates that there is opposition to that particular motion before the House.

Now the importance of a third reading motion is twofold, Mr. Speaker. The third reading motion is a decision in two regards. It first of all asks the House if the House agrees to the bill in its final form and second of all whether it should pass. It is a two-part question for the House. So, just based on the record, confirmed, by the way, from *Votes and Proceedings* which is our official record, it was agreed to on division. In other words, there was division. There was opposition to the final form of the bill and passage.

Mr. Speaker, that is not a judgment on my part. That is an observation. As I say, if you, Sir, want to say that division means something else, we are prepared to accept that. I will say this, though. I think it is important that, and recognizing that the Opposition, indeed, did facilitate passage of this legislation, they obviously had some concerns in its final form. Perhaps the best that can be said here is that there are right arguments on each side of this, but I think we should think beyond this particular circumstance, get on with the business of the public.

I think this should not in any way get in the way of co-operative efforts to move legislation, whether the Opposition in its final form agrees to the bill or not. I think, sometimes, that early consideration of legislation and early passage is in the best interest of the people who we are elected to serve.

I leave it at that. I do not believe it is a matter of privilege, but that is for you to rule, Mr. Speaker. Whether it is a point of order, I also question that, but it is, I think, a dispute on the facts.

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

### Standing Committee on Public Accounts Third Report

**Mr. Jack Reimer (Chairperson):** Mr. Speaker, I wish to present the Third Report of the Standing Committee on Public Accounts.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Public Accounts presents the following as its Third Report—

**Mr. Speaker:** Dispense?

**Some Honourable Members:** Dispense.

\* (13:50)

**Mr. Speaker:** Dispense.

*Your Standing Committee on Public Accounts presents the following as its Third Report.*

### **Meetings:**

*Your committee met on the following occasions:*

*Monday, July 29, 2002, at 10 a.m.*

*Monday, October 27, 2003, at 1:30 p.m.*

*Tuesday, October 28, 2003, at 1:30 p.m.*

*Monday, December 1, 2003, at 6:30 p.m.*

*Friday, December 5, 2003, at 10 p.m.*

*All meetings were held in Room 255 of the Legislative Building.*

### **Matters under Consideration:**

*Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001*

*Public Accounts Volume 1 for the fiscal year ending March 31, 2002*

*Public Accounts Volume 2 for the fiscal year ending March 31, 2002*

*Public Accounts Volume 3 for the fiscal year ending March 31, 2002*

*Auditor General's Report—Investigation of Missing Artifacts at the Anthropology Museum of the University of Winnipeg dated June, 2002*

*Annual Report of the Operations of the Office of the Auditor General for the fiscal year ending March 31, 2002*

*Auditor General's Report—Investigation of the Rural Municipality of St. Clements and Review of Municipal Financial Accounting and Reporting Standards in Manitoba dated September 2002*

*Auditor General's Report—Value-for-Money Audit, Student Financial Assistance Program dated September 2002*

*Provincial Auditor's Report—Investigation of an Adult Learning Centre ("The Program") in Morris-Macdonald School Division #19 dated September 2001*

*Provincial Auditor's Report—An Examination of School Board Governance in Manitoba dated October 2000*

*Provincial Auditor's Report—Value-for-Money-Audits dated December 2002*

*Auditor General's Report—Performance Reporting in Annual Reports – Current Practices Among Crown Entities dated December 2002*

*Auditor General's Report—Audit of the Public Accounts for the year ending March 31, 2002*

*Public Accounts Volume 1 for the fiscal year ending March 31, 2003*

*Public Accounts Volume 2 for the fiscal year ending March 31, 2003*

*Public Accounts Volume 3 for the fiscal year ending March 31, 2003*

*Auditor General's Report—An Examination of RHA Governance in Manitoba dated January, 2003*

*Auditor General's Report—Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003*

#### **Committee Membership:**

*Substitutions made prior to the December 1, 2003 meeting:*

*Mr. Santos for Hon. Ms. Allan  
Mr. Nevakshonoff for Mr. Schellenberg  
Mr. Derkach for Mr. Maguire*

*Substitutions made during the December 1, 2003 meeting:*

*Mrs. Mitchelson for Mrs. Taillieu*

*Substitutions made prior to the December 5, 2003 meeting:*

*Mr. Aglugub for Mr. Dewar  
Mr. Martindale for Mr. Nevakshonoff  
Mrs. Taillieu for Mr. Derkach*

#### **Officials Speaking on Record:**

*Mr. Jon Singleton, Auditor General of Manitoba  
Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer*

#### **Reports Considered and Adopted:**

*Your committee has considered and adopted the following reports as presented:*

*Auditor General's Report—Investigation of Missing Artifacts at the Anthropology Museum of the University of Winnipeg dated June, 2002*

*Annual Report of the Operations of the Office of the Auditor General for the fiscal year ending March 31, 2002*

*Auditor General's Report—Investigation of the Rural Municipality of St. Clements and Review of Municipal Financial Accounting and Reporting Standards in Manitoba dated September 2002*

*Provincial Auditor's Report—An Examination of School Board Governance in Manitoba dated October 2000*

*Provincial Auditor's Report—Value-for-Money-Audits dated December 2002*

*Auditor General's Report—Performance Reporting in Annual Reports—Current Practices Among Crown Entities dated December 2002*

#### **Reports Considered but not Adopted:**

*Your committee has considered the following reports but did not adopt them:*

*Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001*

*Public Accounts Volume 1 for the fiscal year ending March 31, 2002*

*Public Accounts Volume 2 for the fiscal year ending March 31, 2002*

*Public Accounts Volume 3 for the fiscal year ending March 31, 2002*

*Auditor General's Report—Value-for-Money Audit, Student Financial Assistance Program dated September 2002*

*Provincial Auditor's Report—Investigation of an Adult Learning Centre ("The Program") in Morris-Macdonald School Division #19 dated September 2001*

*Auditor General's Report—Audit of the Public Accounts for the year ending March 31, 2002*

*Public Accounts Volume 1 for the fiscal year ending March 31, 2003*

*Public Accounts Volume 2 for the fiscal year ending March 31, 2003*

*Public Accounts Volume 3 for the fiscal year ending March 31, 2003*

*Auditor General's Report—An Examination of RHA Governance in Manitoba dated January, 2003*

*Auditor General's Report—Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003*

\* (13:55)

**Mr. Reimer:** I move, seconded by the honourable Member for Elmwood (Mr. Maloway), that the report of the committee be received.

*Motion agreed to.*

#### TABLING OF REPORTS

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I am pleased to table under The Regulations Act, a copy of each regulation registered with the Registrar of Regulations since the regulations were tabled in this House in September 2003, and more than 14 days before the start of this session.

**Hon. Tim Sale (Minister of Energy, Science and Technology):** I am pleased to table the Annual

Report of the Economic Innovation and Technology Council for the years 2002-2003.

#### INTRODUCTION OF BILLS

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

**Hon. Jim Rondeau (Minister of Healthy Living):** I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 21, The Non-Smokers Health Protection Act (Various Acts Amended); Loi sur la protection de la santé des non-fumeurs (modification de diverses dispositions législatives), be now read a first time.

*Motion presented.*

**Mr. Rondeau:** Mr. Speaker, Bill 21, The Non-Smokers Health Protection Act, implements the recommendations by an all-party task force on environmental tobacco smoke. The committee unanimously recommended to introduce a ban on enclosed public spaces and indoor work places as of October 1, 2004.

Manitoba is taking a leadership role in the country in protecting the good health of our citizens. I thank those who have made this legislation possible.

*Motion agreed to.*

#### Introduction of Guests

**Mr. Speaker:** Before we go to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us Lorene Mahoney who is the guest of the honourable Member for Rossmere (Mr. Schellenberg).

Also in the public gallery I would like to draw the attention of honourable members where we have with us today Heather Crowe of Ottawa, Dr. Mark Taylor of the Manitoba Medical Association and Murray Gibson of the Manitoba Tobacco Reduction Alliance. These visitors are the guests of the honourable Minister for Healthy Living (Mr. Rondeau).

I would like to draw the attention of members to the loge to my left where we have with us Harold



Gilleshammer, who is a former Member for Minnedosa.

Also, I would like to draw the attention of honourable members to the Speaker's Gallery where we have with us Mr. Harry Enns, who is a former Member for Lakeside.

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

### ORAL QUESTION PERIOD

#### Grace General Hospital Treatment of Nicolas Danyluk

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I would like to table a letter I received from Donna Alexander that details how one of my constituents, her 84-year-old father, Nicolas Danyluk, was subjected to horrific, inhumane treatment in the final days leading up to his death in September.

The letter details how Nicolas was found tied in a lounge chair in a hospital day room, naked, shivering, covered in dried feces. It details how his calls for help in the middle of the night went unanswered, so he was left to go, unattended, to the washroom. He pulled out his IV and on the way back from the bathroom, he slipped on the IV fluids, cut his head open and broke his glasses.

Mr. Speaker, there is no excuse for such mistreatment. Will the Premier tell us what steps are being taken today to put an end to this shocking indignity?

**Hon. Gary Doer (Premier):** Mr. Speaker, certainly we would want to apologize to any members of his family for the circumstances that have been articulated. I know before this became public, the family did meet with the Grace Hospital administration. The person in charge, Major McFarlane, did indicate to the family that he would investigate. He met with the family.

\* (14:00)

He also has said publicly and to the health administration that he is very, very troubled by the concerns and complaints that he heard directly in February. We accept his concerns, and we accept the fact that something went wrong and something must

change at the hospital. I think Major McFarlane and the people at the Grace Hospital have taken this concern very seriously, and I expect that they will be making recommendations to ensure that this does not happen again.

#### Health Care System Service Review

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I think it is always important in these debates that are very serious to understand that it was this Premier who promised Manitobans that he would end hallway medicine, fix health care in six months with \$15 million.

He gave his word to Manitobans that patients would be treated with dignity and respect. Mr. Danyluk was a war veteran. He fought for liberty and he died with indignity. If this Premier is to be taken for his word, he has failed. We understand that the hospital is reviewing this specific case, but an isolated review of this horrific incident does not go far enough.

Donna Alexander wants an investigation of practices at the hospital, including reviewing staffing and staffing of the ER. Will the Premier respect her wishes and ensure that a wide-ranging review is conducted, not just at the Grace Hospital, but at all of our hospitals?

**Hon. Gary Doer (Premier):** The member opposite mentioned hallway medicine. There were 29 patients in the hallway in 1999, the same day. There are two today, Mr. Speaker. So, let us not play, let us not raise that issue that has nothing to do with this case.

The Major of the hospital has already said to the public he is very concerned. Obviously, the Winnipeg Regional Health Authority is now investigating it. The Major was investigating early in February. I think the letter came into the hospital on February 2, and the administration met with the family within a week. So they are taking it seriously and everybody in Manitoba should take it seriously.

Mr. Speaker, the issues of staffing levels obviously will have to be reviewed by the hospital, and we await the facts of what happened. Obviously, nobody on this side of the House is justifying the treatment that Mr. Danyluk received in the hospital.

We have to find out what went wrong, why did it go wrong and how can we make sure it does not happen again.

**Mr. Murray:** It was under this Premier's watch that patients have died because they cannot get access to the urgent care that they need. They are crammed into hospital hallways and they are languishing on long waiting lists. So the last thing that we should expect to hear from this Premier is that somehow there has been any improvement in the health care system under his watch.

Mr. Speaker, the tragedy for families like the Danyluks is that the more money he spends, the worse off the province gets. Manitobans do not believe for one minute that this horrific mistreatment that Nicolas Danyluk received is isolated. They need assurances. They need a government to find out exactly why it happened, where it is happening and ensure that it never happens again, and not just at the Grace. This is going on across Manitoba.

Mr. Speaker, we are asking the Premier, who says about taking it seriously, why does he not take it seriously and ensure that there is a review that is province-wide on all our hospitals?

**Mr. Doer:** I would note, Mr. Speaker, that there was not even information available in 1999 on all the waiting lists in Manitoba. FIPPA requests that we had said that the information was not available.

Secondly, the CancerCare waiting lists are down from six weeks—

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

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker. The member opposite asked general questions about the health care system and asked specific questions about Mr. Danyluk.

In terms of Mr. Danyluk, Mr. Speaker, we are as concerned as any other Manitoban and we are as concerned as Major McFarlane of why this happened, what were the circumstances under which it happened, what can we do to make sure that this does not happen again. I actually believe the people at the Salvation Army, the Grace Hospital and Major

McFarlane care as much about this individual and the family as any member in this Chamber.

Mr. Speaker, in terms of the general issues raised by the member opposite, we are prepared to debate, discuss and reveal information that was withheld from the public in the past, all the specific waiting lists, where we have made progress, where we have made modest progress and where we have not made progress. Today, all Manitobans have that information. They can hold all of us accountable. I accept the comments made by Major McFarlane. I accept the staffing dedication at the Grace Hospital. I know for the nurses and doctors at the Grace Hospital this is also unacceptable, and I trust that they will solve this problem at the Grace Hospital.

### **Health Care System Quality of Care**

**Mrs. Myrna Driedger (Charleswood):** Concerns are mounting over the quality of care that our elderly have been receiving in Winnipeg hospitals over the past two years.

In fact, two years ago, when Peter Braun was in the hospital and something very similar happened then, an investigation was carried out and a commitment made at that time, two years ago, that this would never happen again. It has since happened twice more that we know of. Families have come forward with concerns, Mr. Speaker, 99-year-old Mary Wachnuk, Peter Braun was 69 and now 84-year-old Nicolas Danyluk.

I would like to ask the Minister of Health: How many more incidents like this is he hiding?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I do not think it is appropriate for an opposition with as atrocious a track record on health care as members opposite to raise individual death cases in the Legislature as they do.

Having said that, let me tell members opposite that following the 12 baby deaths we put in place a regime that, that said, No. 1, we would investigate all incidents and not attach blame; No. 2, when incidents occur we would put in place a critical incidents' reporting process; No. 3, we would put in place an office that was not in place before, the Protection of Persons in Care office to investigate these things.

All not in place for the 11 lean cutback years of the Tory government of which that member was a part. And, Mr. Speaker, we do follow-up on every one of these issues on a regular basis and, in fact, there are hundreds of investigations going on because there are millions of contacts every day and every week in this province.

**Mrs. Driedger:** Mr. Speaker, if the minister is saying that there are hundreds of investigations going on, that certainly is a concern because investigations are done when care is poor. So that is certainly not an endorsement of his health care system.

Mr. Speaker, this Minister of Health failed to keep his promise from several elections now that he was going to fix health care in six months with \$15 million. He promised people dignity and respect. Yet families are coming to hospitals and finding their loved ones lying in feces, urine and vomit. Where is the respect and the dignity that he promised patients? Where is he keeping his promise when he said he was going to fix health care in six months with \$15 million?

**Mr. Chomiak:** Mr. Speaker, I remind the member that we put in place something called The Protection for Persons in Care Act that has investigated a thousand complaints, and I have spoken with the critical incident and the complaints people at each facility.

They might not have had a system to follow up on complaints when they were government, but when we came to office we put in a system where people would have a place to go. We have put out documents. We have put out signs. We have encouraged people, when you have a problem, phone the facility. If the facility does not solve it, phone the region. If the region does not solve it, you have the option to go to the Protection for Persons in Care, and/or critical incident to be reviewed.

None of that was in place when members opposite were government. That is why they had so much trouble. That is one of the reasons they lost the election in '99, that they are trying to replay again in this Chamber.

**Mrs. Driedger:** This Minister of Health is saying do not call me, call everybody else. The buck does not stop with him. It belongs with everybody else. Mr. Speaker, patients deserve respect. I would like to ask this Minister of Health: When is he going to stop his

Government's acceptance of patients being left in their own urine, feces and vomit?

**Mr. Chomiak:** Mr. Speaker, the member ought to know that no one, including the hospital, the hospital care providers, the nurses, the nurses' aides, the people that are involved in this system, there is not a person in Manitoba that condones that kind of treatment.

What we said we would do that we are living up to, Mr. Speaker, is that when there is a problem we will look at trying to improve it and where we can, we will. We put in place institutional remedies to deal with the situation that were not in place before. There are some. There will be more because we are not perfect. People make mistakes and that will continue to happen. To the extent we can, we will try to resolve it and make it better every single day. That is why we have the Protection for Persons in Care. That is why we have critical incidents. That is why these issues are followed up on and looked at by all of the participants.

\*(14:10)

#### **Lilac Residence (Hamiota) Emergency Call-bell Service**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, the health care system is in chaos and this minister refuses to take responsibility.

Mr. Speaker, after four phone calls from myself to the minister, who refused to answer the calls; and after a letter from the critic for Health and myself to the minister, who refused to answer the letter; the minister refuses to respond to the desperate pleas of seniors at the Lilac Residence in Hamiota.

Today, Mr. Speaker, resident safety is at great risk because lifesaving call-bells have been yanked without notice. Mr. Rick Sim, who has muscular dystrophy, depends on his call-cord and could die within minutes if he goes into respiratory distress and cannot get help immediately.

Mr. Speaker, how can this minister justify this action, since we are told that the directive came from his department?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I would expect the Member for Russell to perhaps correct the record. Perhaps when he called

me several weeks ago and I left messages saying I am calling you, Len, the Member for Russell, I will try to get back to you, and left that twice, perhaps the member missed those messages on his cell phone answering machine. Perhaps the member can correct the record on that.

Having said that, Mr. Speaker, look into the credibility of the entire issue. I understand that that issue has been resolved.

**Mr. Derkach:** Mr. Speaker, the minister says he called me. If there is something wrong with the answering services on our cell phones, then I will accept that.

Mr. Speaker, that is not the issue here.

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

**Mr. Speaker:** Order. I would like to remind all honourable members, when the Speaker rises, all members should be seated and the Speaker should be heard in silence.

I was calling for order because I need to hear the questions and I need to hear the answers. If there is a breach of the rule, I am sure each and every one of you would expect me to make a ruling. I cannot make a ruling if I cannot hear if there is a breach of a rule.

I ask the co-operation of all honourable members, please.

**Mr. Derkach:** Mr. Speaker, I say to the minister in full honesty that if he, in fact, returned my calls, and I have made the statement today, I certainly apologize to him for that.

I was at a meeting where residents have been told that they must now call an ambulance, instead of the nurse down the hall. The reality is that the ambulance will take that resident from the back of the building to the front of the building where the same nurse will have to attend.

Can the minister tell the people of Hamiota how he can support something so ludicrous, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, I thank the member for correcting the record in that regard. As the member

knows, I take this very seriously. I take all matters very seriously. I appreciate the member acknowledging that.

Secondly, Mr. Speaker, as I indicated in my earlier response, the call service has been reinstated.

**Mr. Derkach:** Mr. Speaker, I stand in my place here and thank the minister for intervening and correcting that problem. But I want to ask him: Why did it take an article in *The Globe and Mail*, in the *Free Press*, and a letter from the critic and myself and from the people in Hamiota?

I was at a meeting where the people from the ARHA said there is no negotiation, this is going to be cut and that is it. Mr. Speaker, when is he going to send the directive to that ARHA to get their act together?

**Mr. Chomiak:** It is interesting, Mr. Speaker, in the member's first question, he said to me I understand this was at your directive. Now the member says when is he going to send the directive to the RHA not to do this, which is a total contradiction.

Mr. Speaker, when the members got rid of the Manitoba Health Services Commission and set up a regional health authority, by members opposite, they put them in places of operations around the province. They are responsible for operations. I understand the private facility, in juxtaposition to the hospital facility, has had an arrangement for years of a call-button display that assists. I understand that there were discussions going on with this regard. I understand that the call system has been reinstated. I think that bodes well for the community and for the individuals involved.

### **Gaming Addictions Suicide Rate**

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, since taking office, this Premier has increased the number of VLTs and casinos. He has increased the hours that the VLTs are allowed to operate. He has increased the amount of money spent to advertise gambling.

What do we have to show, Mr. Speaker, for this Premier's addiction to gambling revenues, well, Manitoba now has one of the highest incidences of gambling addiction in Canada. Under his watch,

under the watch of this Premier, there have been at least 12 suicides in Manitoba related to a gambling addiction.

Will the Premier now admit that his Government's increased reliance on gambling revenues is having a devastating impact on Manitobans? Will he now agree to that, Mr. Speaker?

**Hon. Gary Doer (Premier):** Mr. Speaker, I would note today that voluntarily, last summer, we became one of the only jurisdictions in North America to ban smoking in the casinos. We expect the rapid rise in gambling expansion took place between '88 and, while actually in the early nineties after majority government and 1999. Actually, this year, I believe you will find in the year 2004 that the percentage of money from gaming revenue as a percentage of revenues to the provincial government, unlike the years when the Tories were in office, will actually go down.

#### **Economic Growth Reliance on Gaming Revenues**

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, he can try to shift the blame, but he cannot shift the shame. Rather than building more casinos and feeding off peoples' addictions, this Premier should be introducing a long-term economic strategy that would lead to real growth in Manitoba.

The bottom line, Mr. Speaker, is it is a competitive, lower-tax strategy that is clearly the right way to grow our economy and increase government revenue. Will this Premier put an end to his reliance on increased gambling revenue and commit to providing a more competitive tax environment in the next Budget? Will he do the right thing to grow the economy?

**Hon. Gary Doer (Premier):** Mr. Speaker, we have had a greater population increase with a growing economy that was identified this year under this Government than ever took place in any year under the Conservative government.

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

**Mr. Speaker:** Order.

**Mr. Murray:** Mr. Speaker, only the NDP would stand up and applaud the fact that there have been no

new jobs created in Manitoba. Shame on them. The fact of life is that this Premier is addicted to gambling revenue, because he has a spending habit.

What is more troubling is the more money he spends, the worse off the province gets. Despite his addiction to the gambling revenue, he has been running a deficit for the last three years, and he is deliberately trying to hide that from the public.

The fact is that this Premier will never adopt generally accepted accounting principles because he does not believe that he has to be accountable to the public. He certainly does not believe, and we know this from Hansard, in balancing the Budget. Will the Premier just admit the reason he is continuing to expand gambling in Manitoba is to feed his insatiable spending habit?

**Mr. Doer:** Well, first of all, Mr. Speaker, the largest overexpenditure in government this year is for agriculture. It is for the emergency aid in agriculture, almost 50 percent over budget for emergency aid in agriculture. Are all members in favour of that, or are they now opposed to it? I want to know what your position is on emergency aid for agriculture and beef producers. What hypocrisy.

#### **Brokenhead Casino Smoking Policy**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, the Minister responsible for the Gaming Control Commission has indicated that the proposed Brokenhead casino is moving forward. After extending the deadline three times, the minister responsible, who some have dubbed the keno king, has indicated to the media that he believed the Government's three-times-lucky policy would be invoked and the process would proceed. Will the minister advise if smoking will be allowed in the Brokenhead casino?

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

**Mr. Speaker:** Order. I would just like to, before recognizing the honourable minister, remind all honourable members that when addressing another member, it is ministers by their titles and other members by their constituencies even when quoting from other sources. All members should be addressed in the proper fashion. I ask the co-operation of all honourable members.

\*(14:20)

**Hon. Tim Sale (Minister charged with the administration of The Gaming Control Act):** Mr. Speaker, we are very proud as a government to work with First Nations communities on the development of northern hydro resources, on the probation service, on the child welfare service, on economic development throughout Manitoba with Swan Lake First Nation and with Brokenhead First Nation to partner on an ethanol project which they have signed on to as a project they want to see their community benefit from.

I hope all members will support that. We were proud to support the Bostrom commission, which said that we should try to work with First Nations to develop up to five casinos. Brokenhead has met a very critical time line in making it possible for us to examine, to do the due diligence on whether the American and Canadian financing proponents will meet the tests that we will impose on our due diligence process.

When that process is complete, the Gaming Control Commission will make its recommendation, Mr. Speaker. I am proud to work with our First Nations on their economic development.

**Mr. Loewen:** Mr. Speaker, the all-party committee on environmental tobacco smoke received a large number of presentations calling for the provincial government to provide a level playing field. Is the minister indicating that his Government is ignoring these requests and creating a separate set of standards for Aboriginal casinos?

**Mr. Sale:** Mr. Speaker, the all-party commission recognized the jurisdictional issues in its report. I think if you look at page 20, the last paragraph in the second column, there is an example. For example, while provincial jails such as Headingley are governed by provincial policy, federal institutions such as Stony Mountain are governed by federal policy. We recognize the jurisdictional responsibilities of different levels of government and we respect them.

**Mr. Loewen:** It should not be my job to remind the minister that he has control over the regulations as far as licensing casinos. It is his jurisdiction. It is his decision.

The Premier has stated in Brandon that he personally felt a beer and a cigarette go hand in hand in a tavern and that smoking should be allowed in bars.

Will the Premier clarify his commission? Does the Premier fully support The Non-Smokers Health Protection Act? Will he confirm that today?

**Hon. Gary Doer (Premier):** The members opposite are taking a little liberty with a joke in a speech, but, having said that, I did—[interjection] I apologize at an attempt at a joke. Mr. Speaker, it is on the record. A couple of years ago I stated I did not think that bars were essential services.

I want to congratulate the all-party committee. I want to congratulate the member from Carman, who I think did inspire all of us. I want to thank the thousands of Manitobans that came out to the presentation.

This Legislature should not be about just my opinion or your opinion, I think debate and public education. I acknowledge the fact that the all-party committee report was an excellent document and provided excellent recommendations. The legislation mirrors the recommendations made by all members of the Legislature. I would ask members opposite to remember what they signed and agreed to on page 20, Mr. Speaker.

#### Point of Order

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

**Mr. Loewen:** On a point of order, the minister has just put misinformation on the record, which I am sure he would like to see corrected—

**Mr. Speaker:** Order. I would like to remind all honourable members that a point of order is to point out to the Speaker a breach of a rule or a Manitoba practice. I would just like to remind all honourable members, it is not to be used for disputing facts for other members. It is a breach of a rule of a Manitoba practice, so I just want to remind all honourable members of that. I am sure that the honourable member was going on the guidelines that we use for points of order.

**Mr. Loewen:** It is a breach of the rules here because the minister clearly indicated that all members of the task force signed on to the report. I just want to make sure the record is clear that I did not sign on to the recommendations of that report. The information that I brought to the Chair of that report was totally

ignored, and we were given no time at any time to correct it. I wanted to make that correction for the record.

**Mr. Speaker:** Okay. On the point of order raised—

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

**Mr. Speaker:** Order. Once again, I would like to remind all honourable members, matters of privilege, points of order, are very serious matters.

On the point of order raised by the honourable Member for Fort Whyte, he does not have a point of order. It is a dispute over the facts.

### **Non-Smokers Health Protection Act First Nation Casinos**

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, we hear the Government and the Premier (Mr. Doer) always talking to the public about being a government for all Manitobans. Today, the Province introduced a smoking ban bill that prohibits smoking in all public places. The impetus of the bill was to protect the health of people who are exposed to second-hand smoke. My question: Can the minister responsible advise all Manitobans that this legislation will include Aboriginal casinos?

**Hon. Jim Rondeau (Minister of Healthy Living):** Mr. Speaker, I think it is very important to note that what we wanted to do was protect Manitobans' health from smoking. What we did was we worked with the all-party task force, which went to 12 different communities, found out the input from all Manitobans.

The recommendations, which were signed off by all parties in the Legislature, and they were given four days notice by e-mail to make sure that we could have all their input. We sent that out, we asked for people's input, and what we did was we got recommendations which were followed in this legislation, I am proud to say.

**Mr. Tweed:** So what the minister is saying, Mr. Speaker, is that he is going to allow smoking in Aboriginal casinos, and therefore, he is not presenting a bill to the Province of Manitoba that represents all Manitobans. We know that the Province has jurisdiction on the environment. You spill a litre of fuel on a reserve, you face the penalties.

We know that they have jurisdiction on Child and Family Services. We know that they are spending millions of dollars of Workers Compensation money to bring them up to the Manitoba standard. Yet, today, the Premier and his minister stand and say that they are going to have a double standard for the Aboriginal communities in our province.

I will ask the minister again. Will he clarify for the record: Is the minister prepared today to state that smoking will not be allowed in Aboriginal casinos?

**Mr. Rondeau:** Mr. Speaker, I would encourage the members opposite to read the report that they signed on to. In the report, it specifically states that we would focus on provincial jurisdiction. We would not work in areas where we did not have clear provincial jurisdiction. The report said that we would ban smoking where we had clear provincial jurisdiction. That is what the all-party task force said. That is what we heard. That is what the members opposite signed on to, and that is what we are going to do.

**Mr. Tweed:** Mr. Speaker, it is very obvious that the Doer government has a double standard when it comes to treating Manitobans. He treats the rest of Manitobans one way and Aboriginals another way, and his implementation of this bill will show it. He is not interested in protecting the health concerns of all Manitobans by not including Aboriginal casinos.

Mr. Speaker, I will ask the minister who can make this recommendation and make it part of the agreement that they sign with Aboriginal casinos: Will he today make it a part of the agreement that Aboriginal casinos must abide by the recommendations and abide by the bill that is presented to the Legislature today?

**Mr. Rondeau:** Mr. Speaker, it was very clear in the recommendations from the all-party task force that jurisdictions under federal jurisdiction, i.e., federal penitentiaries, military bases, even the airport, are not under provincial jurisdiction in this legislation.

What we have done in this legislation is we have ensured that what is under provincial jurisdiction, the areas under provincial jurisdiction, will be under the smoking ban. I think our long-term goal is to ensure that we have good health, and make sure we have a law that will withstand any challenges and will actu-

ally improve the good health of Manitobans. Thank you.

\*(14:30)

### **Education System Funding-Property Taxes**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question today is to the Minister of Education. Because of the minister's approach, many school divisions will have no recourse but to raise local property taxes. For example, in Portage la Prairie School Division, local education property taxes may have to increase by more than 7 percent, and similar or greater increases are likely in many other school divisions. These horrific increases are coming at a time when the farm community is under huge stress because of BSE and other difficulties.

I ask: Why is the NDP government continuing the disastrous and inequitable policies of the former Tory government, which produced a lower proportion of provincial funding for schools and resulted in big increases in local education taxes on property?

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Mr. Speaker, I happened to be watching the weather channel and the long-range forecast looks like the Tory funding record: minus 2 percent, minus 2.60, minus 20.

So, Mr. Speaker, not only are we in for some good weather, but Manitobans are in for some very predictable, affordable and sustainable funding formulas by this Government. We have increased funding in the base by \$105 million in our first five years here. This represents a 13.5% increase compared to the 2.2% increase we saw in an election year from members opposite. We will continue to fund education in a predictable, affordable and sustainable way.

**Mr. Gerrard:** Mr. Speaker, we all know that imitation is the sincerest form of flattery.

In opposition, the present Premier, in this Legislature, accused the Tories of offloading on local property taxpayers. Now the Premier is copying the Tories, for under the NDP, the proportion of provincial funding has fallen from 62 percent to 57 percent, and will likely fall further this year. Local school boards are being forced to raise property taxes.

My question to the Minister of Education: Why has the NDP adopted and continued the terrible Tory policies? Whatever happened to NDP promises to have fairer funding for education, and to the NDP election promise to help farmers by lowering education taxes on farm land?

**Hon. Gary Doer (Premier):** Mr. Speaker, we were critical of the Tory government cutting back the property tax credits in a budget in the early nineties, and we promised in the election in '99 to grow education funding at the rate of growth of the economy. We have done that every year we have been in office.

We promised to increase the property tax credits by \$75 in our first two years. People can now subtract \$400 which is not part of the formula the member opposite is using. It is not covered, the \$175 million in property tax credits. We promised to do that. We did that. We promised to phase down the ESL, the second education tax. We have brought that down by some \$30 million. That too is not in the formula the member opposite is using. We promised to invest in capital investments that are critical for the future, Mr. Speaker. If we look at how much money this member cut out of post-secondary education when he was a federal Cabinet minister, shame on him for raising this today.

### **Pension Plans Credit Union Employees**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Minister of Labour. If you work and contribute to a pension plan in a credit union or a co-op in Saskatchewan, after you retire that person is able to withdraw whatever amount he or she finds is most appropriate; not in Manitoba. They are limited to 6 percent.

I have had two constituents who say they will leave Manitoba before they subject themselves to this particular restriction. The NDP attitude of trust me, we can spend your money better than you can, cannot prevail.

Will the minister tell us today that she will bring in the necessary legislation that will ensure that employees who make pension contributions are able to withdraw funds that will put them on an equal playing field with other provinces like Saskatchewan?



**Hon. Nancy Allan (Minister of Labour and Immigration):** Mr. Speaker, I would like the member to know that the Pension Commission review presented the Government with a report on recommendations. That review is on the Web site. We are asking for comment in regard to the report until the 31st of March of this year. Then we will decide how we move forward in regard to bringing in legislation around The Pension Benefits Act.

#### **Library Services Government Initiatives**

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, since 1999 education and lifelong learning have been top priorities for this Government. As all members of this Legislature know, libraries play a predominant role in enhancing the literacy and knowledge of our citizens. Since we have just finished celebrating I Love to Read Month, I would like to ask the Minister of Culture, Heritage and Tourism to please share with the House what he has done to enhance library services for Manitobans.

**Hon. Eric Robinson (Minister of Culture, Heritage and Tourism):** Mr. Speaker, allow me to congratulate, first of all, the schools and the educators throughout the province of Manitoba, including all members of this Assembly who took the time to go and read a book, perhaps, to a classroom.

I want to say that we truly appreciate the efforts of the community. I think it is important to point out that in spite of difficult times, the current time with the BSE in southern Manitoba and with the forest fire situation in northern Manitoba, we still have the ability to read. For the first time in over 10 years, rural and northern libraries have received an increase in operating and collection of alternate funding.

In South Eastman, we have brought the total to \$50,000; in the northern part of this province, \$40,000; in Westman, \$84,000; in the Interlake, \$60,000.

In addition, I might add, our Government has begun two pilot projects to allow accessibility for all Manitobans located on reserves in St. Theresa Point and in Nelson House.

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

#### **MEMBERS' STATEMENTS**

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

**Mr. Speaker:** Order. Would members who wish to have a conversation please do it in the loges or out in the hallway. It is very, very difficult to hear members' statements. I ask the co-operation of all honourable members, please.

#### **Hamilton Hotel, Neepawa**

**Mr. Glen Cummings (Ste. Rose):** I want to mark the passing of the Hamilton Hotel in Neepawa. It was gutted by fire. In fact, it was totally destroyed by fire on the 1st of February. It was one of the community's oldest buildings, a well-known landmark, and will indeed be sorely missed. At a time when rural hotels are going through more pressure and more financial difficulty than they ever have, I would suggest, but certainly in recent history, we have now seen 20 percent of the hotels in my constituency have disappeared due to this fire.

\*(14:40)

Mr. Speaker, it was built originally as a luxurious, three-storey brick hotel in 1905 by an entrepreneur by the name of Dan Hamilton along with other local investors who provided notes of \$10 and \$15 towards its construction, which could be redeemed when the project was completed.

The hotel was built so that travellers would have a comfortable place to stay, be able to relax and be entertained. It has admirably served those goals. As long-time area resident Mary Chaplin said of the hotel, "I remember walking in there and it was a wonderful place with a grand staircase. Anyone could sit in the waiting room, and it was all lovely," as Mary so fondly remembers it. Over a hundred years, the Hamilton was a popular meeting place and I am sure the walls, if they could talk, would tell some wonderful and interesting stories about the changing nature of agriculture in our rural communities.

Mr. Speaker, I would also like to thank the firefighters who battled the blaze for over 17 hours in very tough weather conditions. That included crews from Neepawa, Minnedosa, Carberry and Gladstone. Thankfully, there were no serious injuries. I also wanted to acknowledge that there were a number of people in the community who assisted through providing coffee, shelter and support. This grand hotel will be sorely missed, but I think it needs to be remembered in the history of this province.

### Learning Disabilities Awareness Month

**Mr. Doug Martindale (Burrows):** Mr. Speaker, March is Learning Disabilities Awareness Month, the purpose of which is to raise awareness for persons with learning disabilities and for those who support them. The Learning Disabilities Association of Canada is affiliated with learning disabilities associations in each province and two territories of Canada.

In Manitoba, the association was established in 1966 with chapters in Winnipeg, Portage and Brandon. They have also dedicated much of their time to fostering awareness in Manitoba. The number of Canadians with a learning disability is a staggering three million, or one in ten. According to a study conducted by school principals, an average of 12 percent of children have a learning disability. Oftentimes, children must receive a form of remedial education, and a high percentage drop out of school. However, this is not only an affliction suffered by children. Many adults also suffer from one of the many forms of learning disabilities. A child may carry the disability into their adult years. Learning disabilities are therefore lifelong.

Mr. Speaker, learning disabilities may refer to a number of disorders. They result from impairments in one or more processes related to perceiving, thinking, remembering or learning. They also range in severity and may interfere with the acquisition of oral language, reading, written language and mathematics. Learning disabilities may also involve difficulties with organizational skills, social perception, social interaction and perspective taking.

To succeed, Mr. Speaker, individuals with learning disabilities require early identification and timely, specialized assessments and interventions involving home, school, community and workplace settings. There also need to be interventions which are appropriate for each individual's learning disability subtype. Therefore, I hope that this month will help to raise awareness, and as a province, we will continue to foster inclusion for all people, schools where all students, including those with diverse needs and abilities, have a sense of personal belonging and achievement.

#### Ashly Larson

**Mrs. Leanne Rowat (Minnedosa):** Mr. Speaker, it is a privilege to share with this Assembly the

accomplishments of an impressive young woman by the name of Ashly Larson, a Senior 4 student from Erickson Collegiate, who was recently the only Canadian youth delegate at a conference for the Society for Range Management in Salt Lake City, Utah.

Miss Larson is a constituent of the Member for Russell (Mr. Derkach). I have had the privilege of corresponding with her as she and her family have been struggling through the dealings of the serious issue of BSE.

The Society for Range Management is an international organization that promotes the sound management and use of range land which is the world's largest land base. The conference, which attracted 1000 delegates from all over North America, featured a high school youth forum. Miss Larson was one of only 28 students selected to attend the conference.

Miss Larson was invited to attend the conference based on an essay she wrote. Her essay dealt with dugout management, addressing important issues such as controlling beaver populations and managing water supplies. High school delegates to the conference were chosen based on their high degree of interest in the range and natural resources field as well as their efforts to learn more about this particular area.

Miss Larson has had the opportunity to present her paper to her fellow youth delegates and to share ideas about range management. The many hours Miss Larson has spent assisting her father and grandfather on their ranch have given her firsthand experience with the issue of range management and its impacts on farm operations.

Miss Larson has also been active with the local 4H beef club. I understand Miss Larson hopes to pursue a career in agricultural and environmental journalism. I am sure her participation in the Society for Range Management Conference has only reinforced her goal of increasing public awareness of issues related to the agriculture sector.

I would like to take this opportunity to congratulate Ms. Larson on her success with the Society for Range Management essay competition, and extend our sincere wishes for continued success in the future. Thank you, Mr. Speaker.

### Prendergast Centre

**Mr. Bidhu Jha (Radisson):** I had the opportunity most recently to visit the Prendergast Centre Association in Windsor Park at their monthly soup and bunwich gathering. Prendergast is a dynamic community association, and I would like to inform members of the House about the valuable contribution they make to Windsor Park seniors and to the community in general.

The Prendergast Centre has been offering diverse and interesting programs to members of the community for the past two decades. It was founded 20 years ago in the former Prendergast School by community groups who recognized the need for a facility which could house the social and recreational activities of youth and seniors.

Today, there is an astounding diversity of programs and services available at the centre. The centre is home to two seniors groups, one French- and one English-speaking, with 220 members in total. The seniors groups meet regularly for their recreational programs and are among the most active members of the centre.

Prendergast is a home to three daycare centres, which care for a total of 260 children. There are two classrooms from the J. H. Bruns Collegiate off-school site, the Windsor Park and the Southdale AA group and Métis Child and Family Community Services. As well, several community recreational groups use the gymnasium facilities on week nights.

I enjoyed meeting with this very enthusiastic group at the centre and seeing their personal commitment to our community. Through their active involvement they have made and continue to make Windsor Park a healthy and vibrant neighbourhood. Thank you, Germaine Montsion, chairperson of the centre, for inviting me to meet the many active members of the centre.

Mr. Speaker, the centre is an active and vibrant part of Windsor Park community, and on behalf of all members, I would like to extend our support to their members. This centre provides Manitobans with a wonderful example of how active community involvement can enrich our lives regardless of age and ability. Thank you.

### Winkler Community Events

**Mr. Peter Dyck (Pembina):** I want to share with you the celebration of some events I had the privilege of attending. One was on February 19 and the other on February 20.

First of all, on the 19th we celebrated the Citizen of the Year award for the city of Winkler. Mr. Peter W. Enns was the founder of what is now known as Triple E Canada. Mr. Enns was a local entrepreneur and had a vision for Winkler and the surrounding community. He had a desire to create good jobs for people in the area and to be a good corporate citizen. As a result of his vision and hard work he has left a legacy that is the envy of many a community.

This has resulted in an industrial boom that has changed the landscape of the city of Winkler. It is gratifying to see that his family has continued in that tradition, and now head the largest companies in the city of Winkler. Thank you, Mr. Enns. Thank you to the Enns family for your vision and for the contributions you continue to make to our community.

On that same evening, the guest speaker for the evening was Mr. John Buhler, and, of course, he is an entrepreneur as well and from a neighbouring community. In his address at the assembly, he indicated that actually he was a relative of Mr. Peter W. Enns, so this was somewhat interesting in that both of these gentlemen had a vision for the area and, of course, proceeded with that vision.

The following day, Mr. Speaker, I had the opportunity to attend another celebration, and this was the opening of a new expanded facility at Grandeur Housing, also within the city of Winkler. The president, Mr. Bill Siemens, who is the CEO of the company also, indicated that the key to the success of this company was the employees that they had within the community. So he was celebrating the fact that he had many people working for them, but he also celebrated the fact that one of the members, who had been with him for 25 years and was now the CEO, had made great contributions to the company. Thank you very much, Mr. Speaker.

\* (14:50)

### ORDERS OF THE DAY

#### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate

on second readings of Bill 12, to be followed by second readings in the following order: 17, 16, 15, 18.

### DEBATE ON SECOND READINGS

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

**Mr. Speaker:** Resumed debate on second reading on Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund), standing in the name of the honourable Member for Ste. Rose, who has 10 minutes remaining.

**Mr. Glen Cummings (Ste. Rose):** Mr. Speaker, I was reviewing a number of the comments that I made at the closing of the session yesterday relevant to this bill. Frankly, it comes down to whether or not the people of this province can trust this Government and the intent behind this bill.

As I have indicated, there are a number of issues and problems around permitting and licencing and allowing overload transportation or dealing with the very question that we have, sections of roads that need to be travelled with heavy vehicles that are not built to standard. It is not just whether or not those roads are built to standard. It also has to do with the collection of fees and the application of those fees.

While the Government can talk about managing those fees in order to protect the road in question so that it might be upgraded so that it is made suitable for carrying the loads, it also puts the situation where when a government such as we have today takes a major portion of the transportation budget and fires it into another less populated part of the province, maybe the North would be a general way to describe it, and the commerce that is occurring or not occurring on the rural roads in rural Manitoba, in the southern part of Manitoba, is unable to access quality roads for transportation. We now have a government that through this bill appears to be inviting those who need their roads upgraded to pay for it, not just user pay, but perhaps put out some hard cash to improve the load carrying capacity of a piece of road that they need to carry on business.

Mr. Speaker, I would like to look at an analogy of why I consider this to be a bit of an attack on the

opportunity to encourage businesses to locate in this province and to locate in parts of the province such as those that I represent. I can recall that when we came into government in 1988 there seemed to be a policy in place and was clearly being enforced, frankly, that said if you build a new structure along a highway you shall also be responsible for paying for the cost of access. That cost of access, generally that is a quarter of a million, three hundred thousand, even now, I have understood, up to a half million.

Mr. Speaker, in dealing with that, let us take a specific example in order to demonstrate what I am talking about. It was troublesome for the government that I was part of as well. I believe that it is, in fact, the responsibility of government to provide infrastructure from general revenues in a way that is best appropriated across the province so that we all participate in the overhead associated with providing roads that are suitable to do business in this province.

A plant, an elevator company decides to relocate, multimillion-dollar project, they relocate because they want to take advantage of the railway system discounts, and they want to eliminate, and very often they are eliminating a number of other smaller projects, elevators that may or may not have been in use for quite some length of time. I modify that because I have seen some pretty darned good elevators knocked down in the last two or three years.

The truth of the matter is that when they relocate, they are relocating in order to access the railway discounts. They are also relocating in such a way that they hope that they can draw all of the truck traffic possible into their place of business.

To then say another half a million dollars' worth of expenditure will be required in order to provide the access road seems to me to dictate that there are places where those companies may end up relocating that may not be for the best purposes of the community they hope to draw grain from or for the purposes of getting discounts on unit trains, which is the most efficient way of shipping large volumes of commercial product, whether it is grain or whether it is any other product.

The bottom line, when government is not responsible for the establishment of these turning lanes as an example, and I use that only as one example, is that companies will choose to locate in

the city of Winnipeg, in Brandon. They will locate along Highway No. 5, Highway No. 16, Highway No. 1, the RTAC routes across this province. That is forcing the companies to choose where they are going to relocate, and it is choosing to leave a number of other potential areas unable to access. It is frustrating for the minister of highways at the time. I can remember the frustration that went with the location of the high-throughput elevator at Donald.

All of a sudden, they needed a half a million dollars worth of road construction to provide the access to that facility, but it turned out to be a very prosperous, high-volume location. It is easy to argue that Agricore, Manitoba Pool's predecessor, United Grain's predecessor, can in fact afford to pay for the cost of that infrastructure, but you can go to companies such as those who provide some of the backbone in communities that I represent.

We have a wood-preserving company. We have a modest hog-killing facility. When those facilities were established, they were established with a great deal of risk, a great deal of expenditure on the part of small companies. To turn around and be zinged with another half a million dollars worth of access road, which did not necessarily fit into their business plan, could have caused one or both of those facilities to be relocated somewhere else. In fact, that was a very significant factor in the overhead that was associated with setting up Springhill hog-slaughtering facility at Neepawa.

When I mentioned earlier that it allows discretion in a way that I think is unreasonable or has an opportunity to cause those of us who represent areas of high demand for repair and maintenance of our roads, it has potential for an offload, a potential to say to companies such as I just described or companies that may presume to locate—could be in Swan River, could be down the road in Russell, it could be in Hamiota, but location, location, location is what real estate people will tell you. It is also true for those who are locating manufacturing that has to attract truck traffic.

It is very relevant for those who need to market some of their products. The case of a number of plants is that they have access to raw product. They want to locate where they can best gather that raw product if they are manufacturing or processing. So, when they choose those locations, if one of the

problems of choosing that location is that they have to add to their basic infrastructure costs, then they may choose to locate in places that would not be as advantageous for some of the smaller rural communities in Manitoba. When I say smaller, Hamiota is not a tiny community. Hamiota would be an example, however, as is Ste. Rose, not to be overlooked in opportunities for expansion in a number of different types of enterprise.

So, if we offload these costs onto companies that are of modest means because we say that the larger ones can afford it, I mean, why not. Then we end up with a situation where these companies may well choose to be somewhere else. If you have a tough budget, half a million dollars can swing your decision one way or another. The second part of that is that the Cargills of the world probably can afford to put in something towards infrastructure. Those of us who were here for some of the debate on the facility in Brandon, the debate on the potato processing facility in Portage, know that the companies do contribute towards their infrastructure, in many cases relevant to treatment of sewage. That is expected. They provide a level of treatment that is appropriate before that sewage is discharged into the public system, but the key there is before it is discharged into the public system.

\*(15:00)

I believe that there is some relevance here in terms of whether or not, in the case of roads, there is in fact a public system, if that public system is available for service to the community. Frankly, and it may hurt some members across the way, I look at this bill and I see the possibility of them having an unequal application of policy that would require some of the examples that I gave to put up infrastructure costs. There is a discrepancy between who can do it and who cannot do it. I know that hard business facts would say if you cannot afford to do it, you should not be in business.

I think everyone in this Chamber can speak of and can be proud of businesses that started on a shoestring that now employ dozens if not hundreds of people. That however was a problem when they were first starting and their cash outlay that would be required for the infrastructure would have an enormous effect on how they might choose a site. Unless they had some philosophical reason or unless they had some attachment to a community, they would

end up making a decision based on simply the hard facts of what it would cost them to locate and where.

At a time when rural Manitoba has seen an enormous change relative to the federal grain transportation program, where this province has not, in my mind, received a fair allocation of monies on the Prairie grains transportation program that was supposed to provide assistance on roads, I must say that I question when I go to Brandon and I see a sign up where access into the city of Brandon, which incidentally, happens to be also accesses to some elevators, where that is considered eligible to receive significant support under the prairie grains transportation program. I happen to think that that may have been a program motivated by something other than the best allocation of dollars to move the most amount of grain in this province.

With those factors, which are in some respects beyond the control of government, the Government appears, through putting this bill in place, to be saying we want to be able to have public-private partnerships. In other words, we are going to make it possible for you to put money in your road so that you can fix it up to the standard that you need. I suggest that that kills the potential to create an enormous inequity. I hope people in this House would recognize, as I hope I have proven over the years that I am not a philosophically hidebound socialist. I look—[interjection] Well, thank you. I feel better already.

But the fact is I am advocating through concerns that I am expressing about this bill, that in fact government has the responsibility, has a broader responsibility to make sure that there is an equitable opportunity and distribution of access to roads, and that is why I want to make sure that I express, on behalf of what I believe, that potentially over the years there will be large numbers of value-added processing that will begin to occur in this province. That includes, by the way, things like assembly yards for livestock.

Mr. Speaker, I will give you another example of where we have roads that did not quite meet the standard for loaded semis. So what happens is, we have the farmer who had the facilities who made an agreement to use his site as an assembly yard for the large hog plant in Brandon, so that when they opened in the morning and they started the shift, he could assure them that there would be feedstock, if you

will, truckloads of hogs coming into that plant on schedule, but he had to meanwhile take loaded semis into his area in order to assemble them overnight. The only way he could manage that was to send a truck down to No. 1 highway and offload part of the load off that semi onto another truck and then the two of them go down the road to his place.

Now, it could be argued that he knew the value of upgrade that would be necessary on that road. I gave a couple of examples yesterday of where people have been historically doing business on roads that were not up to the standard that they needed but have not been broken down by the weight that they put on them, and all of sudden the rules of the game seem to change and they are now caught. I can frankly see where some of my constituents who are caught in that bind may want to say, we will put money into the roads so we can continue to do business. That is wrong. If this bill purports to make it so that people caught in that situation will put money into their roads in order to make it possible for them to continue business, I would suggest that this Government has something more in mind than actually just improving the roads of this province.

**Mr. Denis Rocan (Carman):** Mr. Speaker, it is my pleasure to address, on second reading, Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act, which would establish the Trucking Productivity Improvement Fund here in Manitoba.

I want to first acknowledge the need to properly invest in our province at our country's core municipal infrastructure and transportation assets. There are three primary objectives which must be addressed: first, a national infrastructure program targeting investment in Canada's core municipal infrastructure; secondly, a national highway program to reinvest in Canada's national highway system; and, thirdly, strategic infrastructure investments which seed funding for infrastructure assets which create or facilitate new economic assets.

Mr. Speaker, these are the priorities of western Canadian road builders and heavy construction associations, and it is a backdrop for my comments here today. The Doer government, and specifically the Premier, must understand that maintaining and improving our transportation network must be a priority over his many special interests and highly questionable initiatives. The Premier (Mr. Doer)

must also understand that the Manitoba Trucking Productivity Fund cannot be the only means by which our province's transportation infrastructure is improved. This does not get this Government off the hook for its responsibility to prioritize this important sector.

Mr. Speaker, to further make my point, let me quote the Manitoba Trucking Association, which supports user fees being allocated to highway infrastructure. The association says that the proposed amendment as well as a government pledge for more fuel tax dedication is not enough to reverse the problem of deteriorating highways. We have heard the words of the minister on this amendment, and I want to take him at his word. I accept the fact that he believes transportation to be a vital component of our provincial economy. I believe that he sees a potential to have innovative partnerships between other levels of government and the sector.

What I am concerned about, and what the people of Manitoba are concerned about, is how this fund could be misused. Make no mistake, Mr. Speaker, the people of Manitoba are wise and able to see through any scheme this Government could create. This cannot be used as a slush fund every four years for the benefit of this Premier (Mr. Doer) or his Government. Neither can it be used to offload the responsibilities of the Doer government when it comes to the problems we have of deteriorating highways and infrastructure.

\*(15:10)

There are many concerns. Those problems that I speak of about the quality of our roads are many, and they are growing. For example, I, personally, as well as many of my colleagues on this side of the House, receive calls from my constituents and businesses and industry about the roads and bridges that are in terrible condition. We also receive concerns about deteriorating safety conditions on our roads and about the inability of people to do business because of the poor quality of our highways.

There is consensus, at least on this side of the House, that more work needs to be done on our roads to improve them. We know the fund is intended to help pay for highway repairs required because of overweight and oversized vehicles, improvements to highways and other projects related to transportation and the trucking industry.

Mr. Speaker, let us examine the amendments for just a moment, what they will do, and how this fund is to be used. The creation of the new Manitoba trucking productivity fund, also known as MTPIF, whose primary purpose is to provide a mechanism for the private sector or other levels of government to partner with the Province to fund specific improvements would be dedicated to highway infrastructure improvement projects such as upgrading the load-carrying capacity, productivity and safety of the highways. The fund would also link the benefits of increased truck weights with associated increased costs to highway infrastructure. The fund would be designed to generate revenues for highway projects from several sources including permit fees for overweight and oversized vehicles to help upgrade specific segments of the highway network, and financial penalties for overweight truck violations.

Mr. Speaker, the minister says this amendment is not meant to be a money-maker. I want to believe the minister and take his word because I know him to be a good man, but how can Manitobans trust this Premier who has such an out-of-control spending habit? Immediately, some important questions come to mind about this entire issue.

Will the Government raise the costs of permits for overweight and oversized vehicles as well as increase the fines? This Premier and his Government, time after time, have been quick to feed their spending habit by raising a variety of fees and fines.

Mr. Speaker, what is to prevent that from happening under this fund? I think about the many small users that may not be able to afford hefty fee increases for permits or fines. Also, I speak about the many farmers in my constituency of Carman who frequently need to haul heavy loads. Will this legislation, because of the overspending of this Government, simply be used as a tool to bleed more money from Manitobans?

Will it become increasingly difficult for users like the farmers of my constituency and many others to access the highway system if permit fees rise dramatically? Mr. Speaker, the goal should be to increase productivity, but I fear that because of the greed of this Government, the opposite will occur.

Mr. Speaker, other questions come to mind. If the province drives up permit fees some firms will have no choice but to pass on the cost to consumers.

Others, like producers in my constituency, may be unable to recover the increased costs.

Will Manitoba be less competitive compared to other jurisdictions if there is an added cost to doing business here related to road usage?

Will businesses want to expand if they have to help build or upgrade roads or turning lanes going into their facilities?

What happens if a company enters into an agreement to contribute, over a number of years, towards a specific project, but that company goes bankrupt part way through the agreement? What happens to the funds that they have already contributed?

What happens if a company relocates part way through the agreement? Would they get their contribution back? There are many questions that require clarification and answers.

The Government's brief track record is not stellar. Again, I am concerned that instead of this Government adhering to its responsibility to maintain and enhance this province's transportation infrastructure, it appears to be looking for ways to offload its responsibility onto others.

This Government recently committed to \$600 million in highway construction over a five-year period. Yet, in its first year, it was unable to live up to its first instalment of \$120 million. Where did the money go? What other special interests of this Premier came along to usurp the dollars that were critical to the safety and to the economic well-being of our citizens and our businesses and our industries?

This Government, the Doer government, was elected to manage the affairs of Manitoba taxpayers. It is only reasonable that Manitobans would expect that their tax dollars are being managed wisely and will be invested wisely to maintain our infrastructure now and for generations to come.

I conclude my remarks by stating clearly the Doer government does not have a revenue problem. This Premier has a spending habit, and it is out of control. I look forward to seeing this bill debated further at the committee stage. Thank you very much, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the honourable member for Lac du Bonnet (Mr. Hawranik), that we adjourn debate on Bill 12.

*Motion agreed to.*

## SECOND READINGS

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Smith), that Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, I am pleased today to introduce a bill that will, in my view, provide some good improvement to the operation of Manitoba's Domestic Violence and Stalking Prevention, Protection and Compensation Act.

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

Since this legislation was brought in and later proclaimed, it is my understanding that thousands of victims or survivors of violence in Manitoba have applied for and been granted the civil orders of protection set out in the legislation. Despite the impressive number of orders that have been granted in Manitoba and the many Manitobans who have benefited from those orders, there are, in our view, still improvements that can be made, based on the experiences.

The amendments in this bill were developed with the benefit of the input from a multidisciplinary group that met and reviewed implementation issues with respect to the act, at my request, and made a number of recommendations for improvement. I am grateful to all the members of that working group for their hard work and dedication in providing me with their recommendations on how this important civil provincial legislation could be strengthened.

One of the most significant changes in the bill, Mr. Deputy Speaker, is around the area of expanding



eligibility to seek civil orders of protection to more victims of violence. No longer will family members need to have resided together in order to claim relief based on domestic violence. This will mean that individuals subjected to violence by relatives with whom they have never resided, for example a grandmother seeking relief against a grandchild, will be eligible to seek protective orders under the act.

\* (15:20)

I think, importantly, persons who have had a dating relationship, whether or not they have ever lived together, will be able to seek relief under this act. I believe the last time that I looked, this is only the second piece of legislation in Canada to recognize the need for protection in dating relationships. Indeed, I think the area around violence in dating relationships is one of the new frontiers of counter-ing relationship violence in the world.

The bill will also ensure that the act better takes into account the cycle of violence by allowing protection orders to be made in situations where violence or stalking may not be occurring at the particular time of the application, but has occurred, and there is a reasonable likelihood that it will resume, and the victim has an imminent need for protection.

The bill will also significantly extend the protections relating to children. While children will also benefit from some of the proposed changes of general application that I have mentioned such as allowing protection orders to be made where there is a reasonable likelihood of stalking or domestic violence resuming or continuing, there are a number of amendments specific to the application to children.

The financial compensation provisions in the act will specifically refer to children, to clearly allow compensation to be sought from the respondent for monetary losses suffered by a victim's children. In addition, a new publication ban respecting provisions relating to both protection and prevention orders will protect the safety or well-being of children.

In order to ensure that protection orders reflect the victim's current protection needs and circumstances, the bill provides that new orders will be valid for three years after they are granted. Justices of the peace will have discretion to make orders that

will be valid for longer periods in certain cases. This three-year period is significantly longer than the limitation periods in place in most other provinces with similar legislation, Mr. Deputy Speaker.

This amendment recognizes concerns expressed by law enforcement officials that in some cases orders of protection are not set aside by the parties and remain in effect after parties reconcile. A three-year limitation period is less likely to perpetuate the cycle of violence than a shorter termination period. It ensures victims of violence will have ample time to either seek a longer term order in the Court of Queen's Bench, known as a prevention order, or consider whether in fact they still need or want to have a protection order in place at all.

Amendments will also provide that protection orders will clearly set forth the termination date of the order. Victims will be able to apply for new protection orders within three months of the expiration date of the order so they need not wait until an order has expired to seek new relief. In addition the act will specifically provide that the mere fact the respondent has complied with the protection order is not in and of itself evidence that protective relief is no longer required.

This bill also contains amendments to allow individuals to be designated to provide assistance to victims seeking protection orders in person or via telecommunication. The act currently provides that lawyers and peace officers can assist in this matter. Designated other individuals to assume these responsibilities will better address the needs of many victims. Indeed, we have heard loud and clear from shelter workers of the important role that they can play on behalf of victims in this process.

Mr. Deputy Speaker, the changes in this bill are important, and, in our view, will significantly improve the operation of the legislation. Manitoba will continue to have the broadest civil domestic violence and stalking legislation in the country. We believe that these changes will help the lives of Manitobans for many years to come.

I add that, in addition to both substantive issues, the title of the bill has been I think the subject some concern over time. It is quite lengthy. The act is being renamed The Domestic Violence and Stalking Act by the proposals set out in this bill. I look forward to the involvement of members opposite and

look forward to hearing if they have some suggestions for further improvement.

**Mr. Gerald Hawranik (Lac du Bonnet):** It gives me pleasure to debate this bill on behalf of the constituents of Lac du Bonnet, being Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act.

I think it is important that I put on the record a little bit of an historical perspective with respect to family violence. There is none better than what was related to me by the Supreme Court of Canada Justice, Beverly McLaughlin. She stated that for centuries the law trained its sights on violence outside the home. Assaulting, wounding or maiming a stranger in the street brought the full force of the law's investigative and penal apparatus into action. The same was true for violence perpetrated by strangers inside the home.

But the law took a different view when family members wreaked havoc on one another. Only in cases of most grievous harm, such as murder, did the law involve itself. A cone of silence was often dropped over much of the rest, effectively muffling the cries of the victims. The silence extended even to reports of child sexual abuse as Nicolas Bala and Sara Edwards of Queen's University noted in their 1999 report, *Legal Responses to Domestic Violence in Canada and the Role of Health Care Professionals*. Such reports were dismissed as exaggerated or fabricated or simply quietly ignored, historically.

The law, faced with family violence, often chose to pretend that it did not exist. It was not even reactive, much less proactive, yet the problem, however hard we tried to ignore it, was, and remains still, all too real. The evidence shows that almost one-third of women in Canada are assaulted at least once by a husband or intimate partner. The evidence also shows that children are far more likely to be abused or killed by a parent or trusted adult than by a stranger. The consequences of family violence are devastating to the individuals involved and to society. All victims of violence suffer personal pain and humiliation, but victims of domestic violence often suffer the added burden of knowing unceasing fear as well as guilt and shame.

As a society, we too pay a significant price for family violence. Violence begets violence. Our

courts and prisons are full of people who perpetuate the cycle. We cannot precisely calculate the direct and indirect costs of dealing with the social and criminal consequences of domestic violence, but we know they are very high.

During the last few years, as a society we have confronted family violence. We have stopped ignoring it. We have put it on the social agenda. We have acknowledged that inequality in the family is the dark heart of domestic violence. We have accepted that it crosses all socio-economic lines and exists in all forms of family relationships. We have come to understand that anyone at any age, including the elderly, can be at peril. Finally, we have come to understand that sexual, financial and emotional abuse can be as devastating as physical abuse, and all involve issues of power and control.

In view of all this, we have decided that we must not only react to violence but take proactive steps to minimize it. An important step was to break the privacy veil. Chief Justice Antonio Lamer wrote that privacy must not be allowed to trump the safety of all members of the household. Police now investigate allegations of domestic abuse more promptly and frequently as a result of that decision.

We took another step forward again, afterwards, when we broadened our view of what constitutes a criminal offence. Before 1983, men who forced their wives to engage in sex without their consent could not be charged with rape. Now it is possible.

\* (15:30)

Stalking, once dismissed as being inconsequential, is recognized as a serious threat to personal injury. Since 1993 the Criminal Code has permitted prosecution of the offence of criminal harassment to deal with this.

A third critical step in the development of the law in this regard was the realization that crimes of domestic violence must be evaluated not just in terms of the physical context of who did what to whom, but in the full context of the social and psychological realities. Court decisions on family violence now take this reality into account. Dealing with the social and psychological aftermath of family violence is now the norm.

Lawyers, including family law practitioners, now routinely collaborate with the courts, with

police, with legislators, educators, health care professionals, clergy and social agencies to reduce the incidence and the impact of family violence. Lawyers representing separating parties play a special role. They work with people on the front line, like the staff of women's shelters, to assess the risk to women and children fleeing abusive relationships and help them develop safety plans, especially during the critical post-separation period.

According to Stats Canada, marital separations substantially increase the rate of spousal homicide for women. Between 1991 and 1999, when a woman was killed by her husband it was eight times more likely that she was estranged from him than still living with him. Preventing these tragic consequences by providing essential support in the post-separation period is a proactive approach.

Another example of proactive conduct is creating courts specializing in cases of domestic violence, something that we did as a government before 1999.

Slowly, through a proactive stance, the situation seems to be improving. The most recent statistics show that while reporting of domestic violence has increased, its overall incidence is diminishing. The law's attack on family violence appears to be having an impact. More and more people are getting the message.

Bill 17 is a strengthening of the existing act, including expanding the categories of people eligible to seek protection under the act to include persons in dating relationships and family members who have never lived together. I think that is important in respect to Bill 17, because certainly now you can only seek protection orders against others if you are married to that individual or cohabiting.

This bill expands the category of people, of course, who may be entitled to protection orders. That is, I believe, extremely important. Those who can obtain protection orders under this bill now include those who are in dating relationships and those who are family members, such as, for example, brothers, sisters, grandparents, parents, adoptive parents and children. Some of these people may be in need of a protection order. This amendment allows that.

The legislation at this point does not allow a judge to require an individual who is violent to

obtain counselling or therapy for their actions. This amendment, this bill, allows judges to make such an order. I think that is an important step forward as well in the battle against violence.

I believe, as a PC government, that we have had an excellent record in the past, before 1999, including the introduction of zero tolerance when it comes to domestic violence, one which we are extremely proud of. We are pleased to support this legislation that builds on those previous initiatives.

One of our concerns, Mr. Deputy Speaker, is that unless the Government provides police and justice officials and the necessary resources, the necessary financial resources to properly administer and supervise and enforce these amendments, more women will instead become victims of domestic violence. We are concerned that in fact the bill is acted upon and not just left in legislation and not acted upon.

I think I would like to highlight some of the things that we did as a government, the support that we lent to prevent domestic violence for 10 years prior to 1999. I will just highlight some of them.

In 1999, Mr. Deputy Speaker, the Manitoba research on family violence, based at the University of Manitoba, received money to continue collecting data and information on operations of Manitoba's family violence court. We established this unique court. This signalled Manitobans' determination to deal with the silent crime of domestic violence in a specialized court.

The information provided by the centre helped government ensure the continued successful operation of this court for the benefit of all Manitobans. It was established in 1991, and it was part of the government's overall efforts to deal with domestic violence through a zero tolerance policy.

In 1999, the successful Victims First cellular phone program was expanded to communities outside Winnipeg—in Portage la Prairie, Winkler, Brandon and Selkirk.

In response to the Lavoie inquiry in September '97, we announced \$1.7 million in funding to help Manitoba families caught up in the tragedy of domestic violence. We hosted, in 1997, a national conference in September, designed to bring people

together to share information and experiences, to find better approaches to the problem of domestic violence.

In 1994, we opened a crisis centre in Selkirk, Winkler and The Pas. Women and children of Manitoba seeking shelter from domestic violence were provided newer and better equipped facilities, with the opening of Nova House in Selkirk, Genesis House in Winkler and the Aurora House in The Pas.

In 1989, we were very proud to open Manitoba's first domestic violence shelter for Aboriginal women and children. That was a \$340,000 commitment at the time.

In April of '92, we stepped up our attack against domestic violence by committing a 10.4% increase to programs for victims.

These are just some of the initiatives and there are many more initiatives that we, in fact, as a government introduced prior to 1999. So we have a history of dealing effectively with family violence issues, and we look forward to supporting a bill that would, in fact, strengthen the work that we did prior to 1999.

I think it is important that we understand, in relative terms, some of the statistics that are out there in terms of violence against women and facts about violence against women. In Canada, 82.6 percent of victims in reported cases of sexual assault were women. In 70 percent of the reported cases of sexual assault, the victim knew the accused, and in 62 percent of them, the victims were under age 18. Women accounted for 88 percent of all reported spousal domestic violence victims in Canada. Some 20 percent of women who leave an abusive partner experience continued and often more severe violence during or after the separation.

In many cases, in fact, in almost 40 percent of cases, children witness the violence against their mothers when they were in violent marriages.

Four out of every five Canadian victims of spousal homicide in 1999 were female, and six out of ten Canadian incidents of spousal homicide involved a history of domestic violence of which police were aware. What the statistics found were that young women, under 25, are at the greatest risk of spousal homicide.

Around the world, at least one woman in every three has been beaten, coerced, or otherwise abused in her lifetime. Most often the abuser is a member of her own family and increasingly gender-based violence is recognized as a major public health concern and a violation of human rights. The effects of violence can be devastating to a woman's reproductive health as well as to other aspects of her physical and mental wellbeing.

It is important that there are protections available, as we said, not only just to women that are in a spousal relationship, whether that being in a marriage or common-law relationship, but that be extended outside that relationship to other family members including children, including grandparents, and so on.

We have heard many cases over the last number of years with respect to parental abuse and grandparent abuse, and this bill, in fact, addresses some of those concerns and provides judges with the ability to issue protection orders for them when it is appropriate.

\* (15:40)

I want to bring forward some of the incidents that have happened over the last couple of years in which protection orders possibly could have been issued and were, but never were followed through in terms of trying to enforce those court orders. I think one of the important aspects of this bill is that you can issue a protection order, but if the order is only worth the paper it is written on, it is of no effect whatsoever.

There has to be enforcement, Mr. Deputy Speaker. There has to be enforcement of these court orders. It is not simply good enough to pronounce them. There have to be resources available to enforce the court order, otherwise it becomes useless, and I can give you a number of examples where that is the case.

In May of 2003, Joel Geddes in the city of Winnipeg killed Morgan Trudeau, and Joel Geddes was under a court-ordered curfew at the time. In spite of that court-ordered curfew, he murdered an individual during that curfew period. So it matters not whether there is a court order, what really matters is whether that court order is going to be enforced.

Another example, in May of 2003, again the same year, same month, Thanh Phan killed an individual named John Tan, and, again, Thanh Phan was under a curfew. He was under a court-ordered curfew, and during that curfew period, killed another individual. So, it matters absolutely not whether or not he has a court order, but whether in fact that court order is going to be enforced.

Another example, in the fall of 2003, one of my constituents, Cheryl Zechel in Lac du Bonnet, was at home with her children and she was killed by her common-law partner who she was estranged from at the time. Her common-law partner was charged previously and was convicted previously of violence against her, and as a result of the latest charge, which would have been just a few months before she was killed, he appeared in court, was given bail and was given a no-contact order.

With that no-contact order, he was required not to be within a certain distance of Cheryl Zechel. Now, had there been some enforcement, today she may be alive. But simply giving a court order and expecting the individual to comply with it is not enough, particularly with violent offenders. With people who are charged with violent offences and have a history of violent behaviour, those kinds of people should not only receive the court order of no-contact, but there should be some enforcement.

Another example, recently, in fact a couple of months ago, Veronica Cropp was killed, and again there was a no-contact order issued against the perpetrator. He came back and killed her unnecessarily. In fact, she was killed in February, and he was under a court order. Again, if there is no enforcement, if there are no resources to ensure that court orders are enforced, what is the use of pronouncing a court order?

So it is our position, of course, that there ought to be enforcement, and there ought to be resources available by the Justice Department to ensure that its court orders are enforced. If court orders are not enforced, it really speaks to the integrity of the justice system as a whole, because people who realize that after getting a court order they do not really have to comply with it, unless they get caught, of course. In fact, if no one is there to enforce that court order, they are not likely to abide by that court order.

I know that the current Justice Minister promised in the fall of 2002 to look at GPS to monitor criminals, particularly those who are violent and who have no-contact orders. He promised to do that in 2002, and he also promised to do it in 1999 before the 1999 election. To date, he has not done anything about it.

In the fall of 2002, he announced at the time that he was even meeting with equipment suppliers for ankle bracelets. What happened? That is my question to the Justice Minister. What happened to that commitment? We heard nothing after that. He said he was meeting with equipment suppliers to ensure that there were GPS monitoring systems or ankle bracelets available and required to be worn by people who are charged with violent offences and have no-contact orders against them. He failed to deliver on that promise.

In the meantime, these four victims, whether it is Morgan Trudeau or John Tan, Cheryl Zechel and Veronica Cropp, died waiting for his promise to be fulfilled. Now they are all deceased. All of their murderers were out on bail, and they either had no-contact orders against them or they were under curfews. Had the Justice Minister fulfilled his promise, some of them may be alive today. I think he ought to take responsibility for that.

The minister also promised a comprehensive bail review on June 10, 2003. He promised that because Joel Geddes [*phonetic*], who had killed Morgan Trudeau in May of 2003, was released on bail on May 26 and then on June 6, 2003, he killed Morgan Trudeau. He was under that curfew. The next instance after that was the next month when Thanh Phan beat John Tan, causing his death while he was under a court-ordered curfew at the time of the slaying.

After those two incidents the Justice Minister promised in this Legislature, promised to the media in fact, that he would deliver a comprehensive bail review. That was done on June 10, 2003. He promised that in front of the cameras, in front of the media and in front of this Legislature. I can tell you that he thinks that he delivered on that promise.

Through the FIPPA, I requested a copy of the bail review document. His response to that bail review was a two-and-a-half-page presentation to the Federal-Provincial Justice Ministers' Summit in

2003. Is this what the Justice Minister expects us to believe as being sufficient for a comprehensive bail review? Is this what the Justice Minister expects Manitobans to believe is a comprehensive bail review—a two-and-a-half-page document that all he did was present it to the Federal-Provincial Justice Ministers' Summit in September of 2003? I think Manitobans expect more and I think Manitobans deserve more.

There are certain things that he can do as a Justice Minister. I know that he likes to hide behind the federal Justice Minister by saying that it is the federal government's responsibility, but there are certain things that he can do as a provincial Justice Minister that he has not. He can instruct his Crown attorneys to oppose bail in all cases where the accused had previously breached court-ordered bail conditions. He could do that now. He does not have to wait until the Criminal Code is changed. He can also oppose bail for violent offences. He could make sure that his Crown attorneys do that.

Thirdly, he can ensure that the Crown attorneys appeal inappropriate bail releases. There is a policy position to that extent. Yet he has done none of that. He has done absolutely nothing. If he is really serious, he could obtain the support of all the other provincial Justice ministers to review bail and present a unified voice to the federal Minister of Justice regarding changes to the bill provisions under the Criminal Code. Yet he has failed to do that. All he has really done is delivered an internally produced report done with his own staff, a two-and-a-half-page report which he feels is a comprehensive bail review.

In my opinion, he has to do a proper review with meaningful commitments, and he has not delivered on that promise. As stated before, court orders are meant to be followed. They are meant to be enforced, and those types of court orders have to be monitored. I would urge that the Justice Minister (Mr. Mackintosh) implement an ankle bracelet system as he has in fact promised in 2002 and before the 1999 election. They are used in Saskatchewan, and I am told that they are used quite successfully. If for some reason he feels that they are inadequate, there are GPS systems that are available to monitor those who are restricted on bail to no-contact orders, or restricted to certain areas pursuant to court orders. He announced in the fall of 2002 that he was looking at a GPS system. He even announced meeting with equipment suppliers. To now turn around and do

absolutely nothing is completely unacceptable to us and completely unacceptable to Manitobans.

\* (15:50)

I would like to conclude my remarks on this bill by saying that we do support the principle of the bill because of the fact that it includes people other than people who are in spousal relationships, whether they be common-law or marriage situations, that they include others that may need protection. We support it from that point of view, but with the caveat that unless those orders that are issued and given out by the courts are enforced and the resources are available from the Justice Department, they mean little to nothing. Thank you, Mr. Deputy Speaker.

**Mrs. Leanne Rowat (Minnedosa):** I rise today to put a few words on the record about Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act. I believe that this legislation is important as it recognizes the need to be ever expanding the tools at our disposal to deal with domestic violence and stalking. This bill builds upon legislation introduced by the Filmon government in May of 1998 that provided civil remedies to those dealing with the issues of domestic violence and stalking.

The former PC government led the way across Canada in terms of addressing the terrible issue of family violence. This record included the introduction of zero tolerance when it comes to domestic violence, one we are proud of and one we are pleased to support. This legislation builds on previous initiatives.

However, I would like to point out one concern with respect to these legislative changes being proposed for amendment. Unless the Doer government provides police and justice officials the necessary resources to properly administer and supervise and enforce the proposed amendments, their effectiveness could be diminished. I would encourage the Government to be mindful of this when making those changes.

I would also like to point out that it is unfortunate that the current administration, out of desperation for cash, chose, a few years ago, to introduce wide-open alcohol sales and consumption on Sundays. Given the frequent correlation between alcohol abuse and domestic violence, one must

question whether this policy change has, in fact, worked against the Government's goals of reducing the incidence of domestic violence. As the minister has outlined, the bill builds upon the existing legislation by expanding the categories of people who can seek protection under the act to include people in dating relationships as well as family members.

The legislation also makes changes with respect to requirements for granting a protection order. It recognizes the fact that, although a person may be complying with a protection order, it does not discount the fact that there can be an ongoing need for protection from an abuser. In other words, this legislation enables protection orders to be granted when domestic violence or stalking is ongoing or if it has occurred in the past and there is a reasonable likelihood that the behaviour will continue or resume. This legislation also provides the courts with the ability to require someone who has committed domestic violence or is a stalker to obtain counselling and therapy.

Bill 17 also provides the courts with the power to order a respondent to pay compensation to a victim of abuse for monetary losses such as loss of income, legal fees and expenses related to moving, counselling or security measures. This bill recognizes that Manitobans in certain circumstances may need protection orders against others even though they are not married or cohabitating. Those who can obtain protection orders under the amendments will now include those who are in dating relationships and those who are family members such as brothers, sisters, grandparents, parents, adoptive parents and children.

I would just like to take a moment to thank the current administration for the work undertaken in the area of domestic violence following on the heels of a number of initiatives undertaken by the Filmon government. For example, in 1991 the Family Violence Court was established as part of the Filmon government's overall efforts to deal with domestic violence through a zero tolerance policy. The Family Violence Court was the first of its kind in North America and has proven to be an important tool in helping families deal with domestic violence and helping them navigate through the legal system.

The Filmon government was also instrumental in the creation of the Family Violence Unit of

prosecutors, a family dispute services program, a Women's Advocacy Program, and a Corrections domestic violence unit. In 1997 the Filmon government unveiled the Victims First cell phone project where cell phones are provided to victims of domestic violence in high-risk situations. The phones are programmed to dial only 911 by touching any button and pushing send. This was also a first of its kind in Canada. It reflected the government's commitment to finding innovative and practical ways to deal with the crime of domestic violence. It was later duplicated in a number of other Canadian jurisdictions.

I think we can all agree that we must be more vigilant in tackling all forms of domestic violence, be it spousal abuse, child abuse, parental abuse or elder abuse. Violence against anyone is simply intolerable. Right now someone in Manitoba is being subjected to physical, sexual, psychological or financial abuse.

Domestic abuse respects no boundaries. The abuse is perpetrated by, and against, the younger and older members of society alike. It affects people from all socioeconomic and ethnic backgrounds. Abusers pay no heed to their victim's perceived intellectual or physical capacity to defend themselves.

The effects of domestic violence and stalking can be physically, emotionally and economically devastating for the victims. Ultimately, some will pay for this abuse through their lives.

According to a report assessing violence against women, Mr. Deputy Speaker, a statistical profile, victimization data showed that 3 percent of Canadian women who were living in a spousal relationship in 1999 had been physically or sexually assaulted by a partner in the preceding year. Moreover, between 1974 and 2000, 117 women and 44 men were the victims of spousal homicide in Manitoba.

The statistics on domestic violence and stalking are deeply disturbing. In 2002, 101 248 women and children were admitted to 483 shelters across Canada. In Manitoba, the Manitoba Association of Women's Shelters sees over 6000 women and children seeking assistance and responds to more than 20 000 crisis calls in an average year. In 2003 alone, the YWCA Westman Women's Shelter of Brandon assisted 665 women and their children who were affected by domestic violence.

In discussion with both crisis workers and victims of domestic violence, it is clear that there are a wide array of challenges caused by the family displacements resulting from domestic violence. For example, for children who are forced to leave their home community as a result of domestic violence may find their school routines being disrupted. Children may be without access to education for days or even weeks. There have been cases where children who have left their communities and school behind could not attain school while they were in the shelter because they did not have a permanent address.

Mr. Deputy Speaker, I believe it is important that the ministers involved sit down and discuss ways to address this serious issue and these serious challenges so that the impact on children is minimized wherever possible.

As policy makers, it is critical that we confront issues like domestic violence and stalking head on through legislation enhancements that are tough on offenders and that recognize the varied nature of domestic violence. It is critical that as a government we continue to support programs that assist victims of violence, as well as research into various forms of abuse. It is essential that we maintain contact with those who are in the front lines of dealing with domestic violence who can tell us first-hand which programs and services are working and where there is room for improvement.

With that, Mr. Deputy Speaker, I will close my remarks on Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act. I look forward to an engaging discussion on this bill at the committee stage.

\*(16:00)

**Mr. David Faurschou (Portage la Prairie):** Mr. Deputy Speaker, it is a privilege for me once again to have the opportunity to rise in the Legislative Assembly to participate in the debate of Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act as presented to the House here in second reading.

Mr. Deputy Speaker, I realize the bill draws much attention to the domestic violence and stalking and prevention which has been undertaken by the Province of Manitoba, I believe, regardless of which administration takes charge of this issue, whether it be Progressive Conservative or New Democratic

Party. It has been an initiative because of the very nature of these violent acts and what we as government must do in order to prevent further activity in this area which draws so much grief to not only those immediately in contact with the violent act, but those that are family members and associates of the individuals affected.

As was highlighted by my colleagues, a high percentage of those involved are female. Being a father of two young daughters, it concerns me greatly that the potential of my daughters being affected by domestic violence is a significant concern to myself.

We have to recognize that in this society of free and open movement of individuals and wanting to, yes, preserve the rights and freedoms of those accused and those that have come in contact with the law and have served their sentences, we must always be conscious of the responsibility that we have as legislators to safeguard the reoccurrence of violence by individuals that have had previous contact with the judicial system.

*Mr. Speaker in the Chair*

I know my colleague from Lac du Bonnet made specific reference to incidents involving those persons that had been involved with the judicial system and continued, in their course, to involve themselves in violence, even though they were known to the judicial system. The ultimate price was paid by individuals with their lives of the shortcomings of our judicial system as it pertains to domestic violence.

Mr. Speaker, I know that there have been great strides made towards the supports for victims of domestic violence insofar as the women's shelters. I know well in Portage la Prairie, having served as a board member for Portage la Prairie's women's shelter the number of family members that have been affected, and affected deeply, by domestic violence.

It is not just that one occurrence that we see and then ultimately forget, but there are, as was mentioned, a high number of family members, dependants, that witness and are affected by the acts of domestic violence, that must live with that experience all of their lives. We must be diligent in this respect, Mr. Speaker, to do whatever it takes to stamp out domestic violence and to be understanding of what programs work and what programs are



failing. There have been instances where there were failings.

I know that in place at the present time there is a cell-phone program which offers to those victims the security of quick access to supports and to prevent further violence, but is that enough? Is that truly enough? I know the minister is in the House this afternoon and listening to comments. He expressed at an earlier occasion in this Chamber that he was examining technologies now available to monitor and to track individuals who have been known to the judicial system as one who participates in domestic violence and stalking. It is incumbent upon us, as legislators and those in government, that the necessary resources are available to track individuals who are known to the judicial system, to make absolutely certain that the court orders and conditional discharges are adhered to. We know that there have been breaches and unfortunate consequences of those breaches.

So whether it be a micro chip or an ankle bracelet—I just cite those two as potential options, there are others—that we are diligent in our responsibility to safeguard those already victimized. Mr. Speaker, it will not be the last occurrence. We are here in the House with the responsibility to try and address the issues, not only for those that have already had experience in this regard, but to do all that we can so that, as I expressed, daughters of mine and daughters of others in the Chamber, and sons, do not have to come upon the violent acts and to live with the experience if we can at all prevent it.

Mr. Speaker, I also do want to caution the minister that we have to understand the very nature of relationships and to make certain that there are not abuses of the laws of the land and to quickly evaluate the incidents of violence and of stalking and to make certain that the professional help that is required to defuse potentially violent situations in very quick order are available to those concerned. I know specifically of an incident in Portage la Prairie where this counselling would have averted a very tragic end.

Mr. Speaker, I believe that it is incumbent upon the judicial system to make absolutely certain that evaluations are made of individuals who are responsible for violence and stalking that are before the courts, be effectively evaluated, not just violent and anger management programs and therapy. We

have to effectively understand the very nature of the individuals by evaluation as to whether or not the anger management or the course that was taken or the therapy that was prescribed has been effective. I know that court orders were established in this case to which I refer, and yet, because of legitimate reason, the individual did not comply with the court order and was forgiven for not attending the program, and continues to this day to be of a concern to the community and family in Portage la Prairie. It is with a great deal of concern I rise today to debate Bill 17 because it is lifelong that individuals must live with the experience, and it continues to affect not only their lives but the ones that they come in contact with. Individuals that have been the victims of a date rape bear those scars for a lifetime.

There is a young girl, a neighbour of ours, who was a victim of a date rape who expressed her emotion in a very violent act not too long ago, expressing her emotional state of affairs by pushing her mother down a set of stairs and breaking her ankle. This was just an expression of her frustration and her obvious inability to cope with the situation that she faced that ultimately resulted in her being raped by an individual whom she was dating. This situation is not being supported by therapy. The individual concerned is still at large.

\*(16:10)

I know that our court systems attempt to do all that they can and are sometimes not fully comprehending the potential violent situation. That is what brings me back again to the court orders. Individuals are charged and conditions provided that they go and see psychologists and seek out counselling, but I want to impress upon the minister the very vital component in all of this is to understand through evaluation whether or not success has been achieved through the therapy, counselling programs that have been prescribed. Without those assurances, one always is in doubt and lives in fear.

The family in Portage la Prairie continues to live in fear because the court orders were not fully complied with but were forgiven for the circumstances. I am asking, at this point in time, evaluation of an individual before the conditional discharge of the court order is completed so we are assured that the individual has received the necessary support that he or she might need to once again be

offered freedom within our society today. It is a concern, as I have outlined before, and it is something that I hope that this Government is listening and will continue to support.

Two concerns I would like to leave with the minister in this House today are the length of time that a vacancy was in place at the victim services position in Portage la Prairie, the front line of defence that deals with individuals who have experienced this type of violence. The victim services position is now filled, and I welcome Deanna Henry to Portage la Prairie. I trust that her position as the Victim Services Co-ordinator in Portage la Prairie is one that is fulfilling, not only from her perspective, but that is welcomed and satisfies the needs of the victims in Portage la Prairie.

Another concern I have, Mr. Speaker, is that a lot of programs on education that provide awareness of potentially violent situations, potential situations that erupt and ultimately have devastating effects, were delivered out of the Crime Prevention Office in Portage la Prairie.

Mr. Speaker, the Crime Prevention Office in Portage la Prairie will be closing this year, that very storefront. Easily accessed service will no longer be available. This was an initiative which garnered province-wide recognition by the former mayor of Portage la Prairie, Mayor Glenn Carlson, in co-operation with the Justice Department for the opening of the Crime Prevention Office. This office served the purpose extraordinarily well and I believe accomplished its mandate.

However, Mr. Speaker, funding, as one must recognize, requires from time to time to be renewed. The current Government did not see fit to renew the funding and support for this initiative, leaving the city of Portage la Prairie to effectively fund entirely the operation of the Crime Prevention Office in Portage la Prairie.

*Mr. Deputy Speaker in the Chair*

Mr. Deputy Speaker, it now has been seen, within budget deliberations by members of City Council of the city of Portage la Prairie that this program can no longer be afforded unilaterally. Therefore, the imminent closure of the Crime Prevention Office in Portage la Prairie will take place later this year.

I would like to leave with the Minister of Justice the thoughts that I have expressed here in the House today, that he take very seriously and act with the understanding that very quick resolution of the potential violence situations, and I know that the zero tolerance law that has been passed by this Legislative Assembly does prioritize calls attended to by members of law enforcement agencies here in the province of Manitoba, quickly defusing the situation before it becomes violent.

But, Mr. Deputy Speaker, one has to get equally enhanced response by other supports, persons who are professionally trained to evaluate the individuals that are involved in these situations to determine whether or not release by the individual pending court appearance is in fact in the best interest of the public. We have to be assured through evaluation that the individual, upon their release, is not going to re-engage the already victim and victims of the altercation which was acted upon by the law enforcement agency.

Mr. Deputy Speaker, I really would appeal to the Government to use this common sense suggestion and make absolutely certain that the resources are available, that the situation not be repeated, as my honourable member from Lac du Bonnet cited in the Legislature today. Also, upon conditional discharge, when one is ordered to attend anger management classes that once those classes have been attended that an evaluation as to the effectiveness of the anger management class be made, thereby assuring the general public that we have an individual coming back into the general population that is no longer a threat, not only to the existing victims but other potential victims.

I know that my comments today have been rather limited in their scope, but I wanted to narrow it down to very specific suggestions that are, I believe, common-sense based that the minister can potentially work towards because I believe we have the technology to monitor and to make certain that there is compliance with the court orders and that evaluation of the court orders before general release is in fact taking place.

\* (16:20)

I will say that there is continued support provided by government to the women's shelters. I would like to say to the government of the day that

within the women's shelters the resources are provided to deal with the victims of violence. The victims of violence come from all socio-economic situations. They are not limited to poor or to rich or to middle-income families. It spans the entire spectrum of economic wealth. As well, it is not limited to those individuals of a specific employ. Individuals that are victims of this type of crime and individuals that spawn violence are not limited to any career path. In fact, those persons that are sometimes charged with the responsibility of enforcing the law become victims of the law in this regard because of the high-stress nature of their employment. I know through my experience with the women's shelter that there is not a career that has not been represented at some time in the women's shelter. There is no exemption of wealth or of career that has not seen or been victim of violence and stalking.

I conclude my comments this day on Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act. I trust that the Government will understand the comments made by me, as well as colleagues from this side of the House, of the absolute importance of education, understanding and evaluation of this most violent occurrence here in our province.

Thank you very much, Mr. Deputy Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Deputy Speaker, I certainly do appreciate the ability to put a few words on the record here this afternoon regarding Bill 17, The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act. Certainly, in the course of the legislative proceedings, we have the opportunity to debate a number of bills. As a new member, I would not want to say that certain pieces of legislation are more important than others. But, obviously, there are times when pieces come across your desk that are brought forward and you go, here is truly an important piece of legislation for a number of people within our society who are affected.

I listened carefully, Mr. Deputy Speaker, to the comments of the preceding speakers. I heard the very capable comments from my colleague, the honourable Member for Lac du Bonnet (Mr. Hawranik). I heard also the very thoughtful comments of the Member for Minnedosa (Mrs. Rowat), and just prior to my rising I heard the comments of the Member for Portage (Mr. Faurshou).

I think it is appropriate that I thank the honourable Member for Lac du Bonnet for his work on this particular piece of legislation in terms of preparing our caucus for its debate and bringing forward the pith and substance, if you will, of the legislation we are looking at here today. I certainly know when he brought forward a presentation to our caucus he spoke very passionately about the bill and about the entire issue of domestic violence. I could tell it was a very, very important and, I dare say, emotional issue. I do want to commend him for the work he has done in preparing our caucus. I believe he would receive the thanks and the praise of all of our caucus members here today.

I know in the Legislature we discuss different types of bills. Some bills I would classify as being proactive pieces of legislation and others are perhaps more reactive pieces of legislation. I would dare say this is one that probably falls into the former category in that it is a proactive piece of legislation, and a needed one. The law has a place in putting forward protection for people, obviously, and enforcement, and, unfortunately, even sometimes bringing forward punishment when people have stepped outside the bounds of the law that society has put forward and sanctioned as our particular mores.

Mr. Deputy Speaker, I note that this particular piece of legislation deals with something extremely important. I would say to all Manitobans, not just simply those who have been victims of domestic violence but I daresay that each and every Manitoban, if we had the opportunity to go forward and speak to them, ask them whether or not this is an important piece of legislation to be debating, I am sure they would say, yes, it is an important piece of legislation.

I know my colleague the Member for Portage (Mr. Faurshou) specifically referenced a few personal instances he has had, personal experiences. If we went around the Chamber there are many other members who could relate their own personal experiences as they relate to domestic violence, knowing somebody who has been a victim or having heard a story. In that sense it really does touch each one of us directly or indirectly. There, again, we are dealing then with an important piece of legislation here today.

Mr. Deputy Speaker, I can tell you personally I have had some experience with those who have

suffered domestic violence. Members might be surprised to learn that I was in fact a director on a food bank for a number of years. For eight years, I served as a director of a food bank in my local region. Of course, unfortunately and certainly incorrectly sometimes, we as Conservatives get improperly and falsely labelled as not having a certain degree of compassion for people in difficult situations.

My colleague the honourable Member for Pembina (Mr. Dyck) points out that they are clearly wrong. In fact I would suggest there is probably no greater sense of compassion than Conservatives who try to help people out, not just simply to give them a hand up, which is important, but to ensure they have the tools and the needs to carry on throughout their lives and to be productive and successful members of society. That is, certainly, what I was trying to do as a director of the local food bank for many, many years within my own area. But, as part of that experience, as part of that service to the community, which I was trying to do on behalf of residents within my own community, I certainly came across a number of people who had suffered from a variety of things, economic loss.

Unfortunately, I have to report to this House here today, Mr. Deputy Speaker, that I did meet people who had suffered from areas of domestic violence. So I did get a chance at that time to see how personally it touched individuals and the fear that people lived in. I wonder if there is anything more concerning and more distracting to one's life than to live in fear, because it is not something that you can escape.

\* (16:30)

Many people have problems within their own daily lives. There are ways that they can remove themselves from those problems or, Mr. Deputy Speaker, alleviate their time from those problems, but you wonder how it is that people escape fear that they have within their lives and they lead with it day to day, to day.

They simply cannot, Mr. Deputy Speaker. They cannot escape that fear unless the source of that fear is somehow removed from their own personal sphere and environment. So that is, I think, to a large extent what this particular piece of legislation is helping to do, to ensure that there are greater ways to deal with

people who are kind of the source of that fear for people within their lives.

It has been noted by my colleagues previously that this particular piece of legislation is, in fact, one that will expand the ability for people to apply for protective orders, to apply it to relationships that are beyond what we would normally consider to be that of domestic ones. I think that is important because we realize that it is somewhat of a common phrase that is used in a variety of different subjects, that certain things do not have borders.

Mr. Deputy Speaker, I think it is a phrase that is used when we are talking about the environment, that pollution does not have borders. It is a phrase that is used sometimes when we talk about economics and the removal of borders. But, indeed, I would say that violence itself does not always have those kinds of borders, those kinds of restraints. So, I think it is an important recognition that we have expanded the definition to which these types of protective orders can be applied, expanded the definitions, expanded the types of relationships that they can be applied to. That is an important recognition.

So, in that regard, I would applaud the Government in bringing in a bill that has the degree of flexibility to it—increases the flexibility. We know that within law there are those who would criticize the legal system for sometimes being too constrained, for sometimes being too restrictive. But, indeed, when we can work with the law to ensure there is flexibility within it to meet the greater needs of those who either need protection of the law or sometimes protection from the law, we have to ensure that those types of flexible means are built into legislation. So, in that regard, the Government has taken a step forward.

When we are talking about the principle of the legislation, I would say it is a good principle, but let us not be too hasty, because my friends across the way might say, well, it is such a good piece of legislation, why do you not come on over and join us. In fact, I heard a member speak to that.

But, in fact, in that regard, it is important to look back and think about what the previous government did in terms of domestic violence and ensuring that there was good and sound legislation there. I am proud then to report, Mr. Deputy Speaker, that there were, in fact, a number of initiatives that were

brought in by the former government, the Filmon government of the day.

I note, and I think it was touched on by some of my colleagues, that there was a research centre on family violence that was based, I believe, Mr. Deputy Speaker, at the University of Manitoba, which received significant funding to continue collecting data and information on the operations of Manitoba's Family Violence Court, a court which we, in fact, brought in, a court which was one of the first of its kind within Canada, I believe, at the time.

That is, certainly, the kind of direction that the former Conservative government had and it showed the importance that we placed on this particular issue, Mr. Deputy Speaker. Indeed, there were other initiatives, and I daresay that I would run out of time listing the many, many initiatives that the former Conservative government brought forward on trying to reduce and, in fact, to some extent understand the causes of domestic violence.

It has been mentioned previously by my colleagues who were speaking on this bill about the initiative regarding a cell phone that was provided to domestic violence victims in high-risk situations. My understanding of that particular program is that the phones were pre-programmed to dial the emergency operator when an emergency situation arose for the person who had the phone. These calls then, I believe, were flagged by the emergency operators, so, Mr. Deputy Speaker, another innovative program that was brought in by the former Conservative government that used technology and creative thinking, I daresay, to address a problem that is a very significant one.

I think, if I remember correctly, the former government also hosted a national conference. I believe it was in 1997. That conference brought together people to share information and experiences that were to help find better approaches to the problem of domestic violence.

So we see then that the former Conservative government had a number of different approaches to reducing domestic violence. Some of it certainly involved the operation of the law, the operation of ensuring that there were systems in place to reduce the occurrences. I think it is important to know that the former government also looked at education and understanding and research because that also is a

preventative measure. The legislation that is before us today, while laudable, as I mentioned, is really in some ways addressing a situation after it has occurred, after the violence has occurred. So, while that certainly is an important aspect of any program that is going to deal with domestic violence, I would say it is only one aspect and that research and education to prevent violence from happening is also something that is important.

I would note, Mr. Deputy Speaker, that those are not simply just my words or my thoughts, but I would like to inform the House that I had the opportunity just a couple of months ago to do a ride-along with our local RCMP officers out of the Steinbach detachment. Now that I mention them, it is certainly worth commending the work that they do on a day-in and day-out basis. They deal with many difficult situations.

Specific to the bill that we are debating here today, when I was doing the ride-along I did have the opportunity to attend a situation where there was a young woman who was concerned about her safety. As she was returning to her home, she was concerned that there would be her partner there, who had had some experiences with domestic violence.

The police officer related to me other stories. This was not an unusual circumstance, an unfortunate one to be sure, but not particularly unusual.

But I had a chance first-hand during that ride-along to see the frustration and the difficulties that the police had to deal with on a day-to-day basis, but also to see first-hand how it affected the individual. Certainly, that was an eye-opening experience for me. I might also note that I attended a vigil within my own community to mark the anniversary of the Montréal Massacre.

At that time I also had the opportunity to talk to people who were there, who clearly were there to pay a certain sense of remembrance to that particular massacre. But also there was lots of discussion about how we could prevent violence, not just against women, but violence against people, because it really is an issue that crosses genders, although we recognize of course that there are certain people who are more susceptible to violence than others. But at that particular vigil we had a good, I think, discussion about where we could go to try to reduce the number of instances of domestic violence.

Mr. Deputy Speaker, I certainly saw the concern and the importance of this issue to many people whose lives had been touched directly or indirectly. I notice that the legislation changes the evidentiary requirements on the legislation. My understanding of the current situation now is that when an application is going forward for a protection order, the evidentiary requirement is that there is an immediate need for protection and the legislation will change it to an imminent need. I think that is important. It is not simply a definition of law. It is not simply a changing of the bar. It is a recognition that those who are applying for orders are not always under the most immediate need for protection.

It is not that the violence is going to happen exactly within that hour, within that day, but certainly there is some type of threat that is going in the foreseeable future. I think that the legislation that is before us today should be applauded in that regard because it does not make the evidentiary requirement flimsy. Clearly, Mr. Deputy Speaker, there will be a bar that needs to be met, a certain standard that will have to be reached, but it makes the bar a little bit more reachable and, I daresay, a little bit more reasonable. There are other parts of the bill that I think deserve credit and deserve some kudos. As a total package, the legislation is certainly a step forward. It is a step forward for those who may be victims of violence or who are concerned or threatened and living in fear that they may be victims of violence in the future.

It is worth noting, however, that there is more to it than simply changing legislation as it regards protective orders and how they are obtained. Clearly, that is one piece of the puzzle, one element of an overall program that will help to protect those who are victims or threatened victims of violence, but it is not the only thing that needs to take place. Simply issuing an order, simply putting forward a protection notice or a no-contact order is not enough if there is not the enforcement.

\* (16:40)

I talked just a few minutes ago about the voluntary police ride-along that I did to see the actions of the RCMP. Clearly, it is necessary to ensure that the resources are there on the police side to ensure that they have the ability to enforce those orders. That was a topic of conversation at the rally here, Take Back the Night, at the Legislature, but also the rally, or the remembrance ceremony that I

went to regarding the Montréal massacre. That was a significant concern for people, that there was not that type of enforcement.

There were many people who had orders in place. There were many people who had those types of securities, they thought, in place, but in fact there were not those police resources. There was not the infrastructure to ensure that they really had the type of protection that they thought they needed. That is a significant point to be made when we are dealing with this type of legislation because if you do not have the enforcement, you might be providing false hope to people.

Mr. Deputy Speaker, somebody who goes into court and makes their argument before a justice or a magistrate and receives an order certainly should walk out of the court feeling that order means something, feeling that piece of paper that they hold within their hands is going to do something to remove that fear. That often has not been the case, I say respectfully, under this particular government. We have heard of instances and cases where in fact those orders were not respected and where there was not the type of resources, the adequate resources to ensure that they were going to be enforced on a day-in and day-out basis. That would be a great failing of this legislation if those resources were not put into place.

I would hate to look back several months after the legislation is passed, after having heard of a case where somebody had received a protection order, and it was not able to be enforced. It was not able to offer the protection that particular individual was seeking when they looked for the order. That would mean that this particular piece of legislation had failed. I do not think there is any member of this Chamber who wants to see that. I suspect that almost all members of this Chamber will want to see this legislation be successful. They will want to see it put some teeth into the administration of these particular orders

I would encourage the Minister of Justice (Mr. Mackintosh) to heed those particular comments and to remember when we are looking at the legislation that it is going to need something in addition to just putting forward the legislation, that it will not just be forgotten. Those are comments, of course, that would apply to a number of pieces of legislation as it relates to justice.

I think we have seen pieces of legislation that have come forward here in this House that certainly sounded good, that the principle of the bill was difficult to dismiss or difficult to be negative toward, but the principle of legislation is not always enough.

Mr. Deputy Speaker, we have seen pieces of legislation that have come forward, for example, that are supposed to be tough on organized crime. Concerns have been raised that the legislation will not do what it was intended to do. There is a word of caution. While I think the majority of members will say this is a step forward in terms of the intention, in terms of the motivation of the bill, we always have to be cautious that simply passing legislation or a regulation, putting it in place, is not enough. We have to ensure the resources that go with that particular piece of legislation are also in place so that we can make a real difference.

I think there is nobody in this Chamber who does not want to make a difference on this significant issue. I was handed by my colleague the Member for Minnedosa (Mrs. Rowat) a sheet from the Family Violence Centre in Canada. It is entitled "Statistical Profile." I note that it is somewhat ironic when I look at the top of the sheet, it is entitled "Highlights" and then below that there is a title "Spousal Violence" and it lists off a number of statistics. In fact I think all members would agree it should not be entitled "Highlights," it should be entitled "Lowlights," because there are none of us here today who would see anything that deserves recognition or allotting by the type of statistics this particular documentation contains.

It is important in that it points out the significance and I think the difficult statistics when we read, we find that women aged 25 to 34 had the highest rate of spousal violence. I think my colleague from Minnedosa also noted and as well my colleague from Lac du Bonnet noted that one-third of women in Canada will be assaulted by their partner. What a shocking statistic that is. When I heard my honourable friend bring forward that particular statistic, I kind of thought in my own mind about my friends and about people I know. It certainly brings a sobriety to your thought to think there are those people who have been acquaintances in your life, either presently or in the past, who have perhaps suffered at the hands of domestic violence.

It is a shocking statistic and one that I think all of us will want to work toward reducing. To the

extent that this particular piece of legislation would do that by allowing the courts to have a degree of flexibility, a greater degree of flexibility in the issuance of an order, I think that is important. Hopefully, we will be able to look back, at least in the context of Manitoba, in the years to come and see that the bill has in fact reduced the instance of family and domestic violence.

If that is the case, Mr. Deputy Speaker, then we will be able to say that here today we have made a difference, that here today, we, as legislators, have brought about a change that will impact positively on the lives of many, many people. There, again, it will be seen through the fullness of time as we look to see if the resources are in place, as we look to see that the policing infrastructure and that shelters are in place. There, again, I would caution and ask the Government to ensure that they put forward that type of importance, they ensure that resources are placed within the shelter system to ensure that people have a safe haven, if you will, to retreat to when in fact they are not able to ensure that they have safety within their own communities.

So, Mr. Deputy Speaker, those are essentially the comments that I wanted to place on the record regarding this particular piece of legislation. I would suggest that the Government was wise to bring forward this particular bill, this particular amendment to the act, because we all hope that it will make the difference that we want it to make. We all hope that it is going to improve the lives of people and that they will be able to escape the fear that I talked about earlier on, that they will be able to reclaim their lives, if you will, and go forward. It is difficult to understand how people living in fear can really be productive members of society, can really contribute in the variety of areas that we need to have people participate within our society and to participate within our community.

I suspect that there is no greater—or at least it is certainly one of the more disabling things to live with, to be living in fear, to be living in a sense that you do not know if you have that security from day to day. No doubt it would impact your ability to work. No doubt it would impact all the aspects of one's life, Mr. Deputy Speaker. So, in that regard, I think this piece of legislation moves in the right direction, and the cautions that I put forward on the record are those that I do so respectfully. I do so because I think that all members here want to see this legislation succeed.

\* (16:50)

I do not think that there is a member here who would ask or hope that this would be a piece of legislation that would not make a difference, that would not allow people to escape the destructive and disabling relationships that they exist in. I know that there are a number of people here today who would like to speak further to this particular piece of legislation, and I certainly want to give them the opportunity to do that. So, with those comments, Mr. Deputy Speaker, I would suggest to the Government that they have taken a step forward with this particular piece of legislation. I would also ask that they not take a step back by not putting in the resources and the needed protections for people on the backend once they have already received those orders.

So, with those comments, Mr. Deputy Speaker, I would like to thank you very much.

**Mr. Peter Dyck (Pembina):** Mr. Deputy Speaker, I too am pleased to be able to speak to Bill 17. On the one hand, as I have read through the bill, as I have thought about comments that I wanted to put on the record, I guess my basic thought goes back to that it is unfortunate that we have to have a bill like this and that we have to debate something like this within the Legislature.

The reason that I make those comments is that I realize there is a need for the bill. It is unfortunate that domestic violence does take place. I guess that is possibly a sign of the society that we live in. On the other hand, as I indicated, it is unfortunate that we have to put legislation in place that addresses issues such as this. Just corresponding to that, I had hoped in the course of our debate here on legislation, be that Bill 17 or any other piece of legislation that we are debating, to see some of the government members as well speak and debate the issues, put some of their thoughts on record.

I believe that it is important that we hear from as many people as possible, especially on legislation such as this. I know that at times we introduce innocuous types of legislation, some that is enabling the Province or the people of Manitoba, different jurisdictions, to be able to move ahead, but I firmly believe that legislation such as this is something that impacts all Manitobans in some way or other.

So, with that, as I say, I am hoping that in the course of time as we proceed through these bills,

possibly we will get some other comments as well from the MLAs on the government side speaking specifically to this.

As has already been indicated, Bill 17 is a strengthening of an existing act, including expanding the categories of people eligible to seek protection under the act to include persons in dating relationships and family members who have never lived together.

Now, I do want to indicate as well that really this legislation was pioneered by the previous government, and I do congratulate the foresight that the Filmon government had at the time, the minister responsible, in introducing this legislation. That does not mean that because that legislation was introduced at that time and by a different government that we cannot improve upon it. I believe that that is the direction that this minister has gone, that he is wanting to improve on the legislation that is out there and to assist those out there who are needing to in some way access the protection that they can through this legislation.

There are a number of comments that I want to make on this, and, as I indicated at the outset, we pioneered this. Just to continue in that vein, Manitobans in certain circumstances may need protection orders against others even though they are not married or cohabitating. This bill expands the category of people who may be entitled to protection orders. Those who can obtain protection orders now include those who are in dating relationships and those who are family members, such as brothers, sisters, grandparents, parents, adoptive parents, and children. Some of these people may be in need of protection orders, and this amendment allows the same.

As we have seen, and, again, to our horror, I believe it was just in the news within the last several weeks, the elder abuse that is taking place within our society. Again, I realize that it is not many who are out there doing it. Of course, we do not know the numbers that are out there. But where do these people turn to for supports? The mental anguish that the families go through, those who are being abused, the victims, what supports do they have? This is something that is eternally engraved in their minds. So what supports are there out there for them? I am pleased to see that it is also incorporating that aspect as well.



The other part I want to mention, Mr. Deputy Speaker, is that, as has been stated, some of the houses that are protective agencies for those who are being abused, a number have been put up. I know that, for instance, in my case, I believe it was in 1994 there was a crisis centre that was opened up in Winkler, the city of Winkler, and I see that there are others as well in Selkirk and The Pas, but I want to speak specifically of the Genesis House that was opened up in Winkler, because I know of some of the people who are very involved working in that facility and assisting those who come there for help and also for shelter. Of course, as is not permissible, nor should it be, the names are not given out, but, certainly, these people who work there and who have also been able to be assisted by those helping in these agencies have indicated some of the horrific things that have taken place. This is an opportunity again for these people to be able to receive the help that they need.

Now, the other thing that takes place, of course, there are those who have been abused, whether that be female or male. I am going to get to that a little bit later, but in most cases I know that we see houses out there and shelters for the female because they had been abused so dramatically, but this also impacts upon their families. As I have had opportunity to interact with and to talk to the people who are running these shelters again, it has brought to mind the impact that it has upon the children of the victims.

Then, of course, as we work in the school system, and I have had opportunity to be involved in the educating of children within schools and to be on the school board, and hear some of the cries for help that come out from the children who attend the schools, it is something that sends shivers through one's body. I say this because there is a tremendous need for these agencies to be out there and for the protection to be given to those who are involved.

Further to the city of Winkler and the Genesis House that they have out there, the other comment I wanted to make is, by and large, those who are working within these shelters, a lot of them work there as volunteers. I want to congratulate them for the work that they do. They have seen the need. In some cases, those who are working there as volunteers are also those who have been victims. They can empathize with those they are now trying to help. I just want to thank them for the work that they do and

for the vision that they have had to get out there and be able to assist those.

\* (17:00)

As I indicated at the outset, we have shelters for abused women. That is basically what we think of and rightfully we do need those. The interesting part is that within my own community, and having met with a number of different families and people who have been abused, I am not sure if there are any places like this within the province of Manitoba, but I am beginning to feel that there is also a place and a need for shelters for the males. What is happening, and I say this hesitantly, what I see taking place is that the male in the home is thrown out on the street. Where do they go? Is this right? No, it is not right. It is unfortunate that this is taking place, but is there a point where we need to find shelters for these people as well? While I say this, not approving of what is taking place, but simply as a matter of fact, that we need to address some of those circumstances as well.

I am not sure where the government of the day is at or where this minister is at in looking at some of those areas, but there is a need that we need to look at. I do not know the numbers that are out there, but I do know of several who have needed to find a place to stay and the opportunity to find that and to receive the help that they need. It is not only the physical help that they are looking for, it is also the mental, the counselling, that they need which is corresponding with this.

Just to move on in the same area, in July of 1999, the former government awarded a \$108,000 contract to a Winnipeg community agency to improve services to parents and to children affected by domestic violence. Again, this was simply the admission of the fact that there was a need out there and it was addressed. I know and I believe that it is the current government who has continued and supported that.

The Winnipeg Children's Access Agency incorporated provides safe, supervised visitation and exchange services for families caught up in the cycle of violence. The Access centre will also provide a service enabling parents to pick up and drop off their children for visits at neutral locations without having to connect with each other. As I indicated previously, the fact that you have children who get involved in these violent situations is devastating for them. There

needs to be a place that is neutral. There needs to be a place where they can go for counselling to receive the help that they so desperately need.

In April of 1999, the Manitoba Research Centre on Family Violence based at the University of Manitoba received \$23,000 to continue collecting data and information on the operations of Manitoba's Family Violence Court.

Sad as it is, we do continue to need to get these statistics and the numbers together, which continue to illustrate to Manitobans, to us as legislators, the need for some of the legislation that is out there. So we need to respond to that need as we see it.

Then, of course, the establishment of this unique court signalled Manitoba's determination to deal with the silent crime of domestic violence in a specialized court. The information provided by the centre helped government ensure the continued successful operation of this court for the benefit of all Manitobans.

The Family Violence Court was established in the year of 1991 as part of the Government's overall efforts to deal with domestic violence through a zero-tolerance policy. Again, dating back to the early nineties, this was a need that was seen by the previous government. They started it, they initiated it, and, as I indicated previously, I am pleased to see that we are continuing in the same vein and in wanting to help those who are being afflicted by this.

Then the other area I wanted to move to was the whole area of, in 1999 the successful Victims First Cellular Phone Program expanded to Portage la Prairie, Winkler, Brandon and Selkirk. I remember the time when the city, which is now the city of Winkler—at that time it was not a city yet—received some support in moving in that direction.

Again, Mr. Deputy Speaker, I believe it is important that if we are expecting our officers of the law, those who enforce the law, if we are expecting them to enforce the law, we need to give them the tools to enable them to do that. The program is delivered through a partnership involving the provincial government, MTS Mobility, the RCMP, the Winkler police service, the Portage women's shelter, South Central Committee on Family Violence and Nova House.

So at that time we initiated and we tried to give those enforcing the law the ability to be able to enforce it. We gave them the tools to be able to do that. I know that as time has gone on that that has been enhanced by more supports given to them.

A colleague of mine, I believe it is the Member for Lac du Bonnet (Mr. Hawranik), indicated before that, or maybe it was the Member for Minnedosa (Mrs. Rowat), I am not sure, but anyway talked about the present government having opened up liquor sales on Sunday. Again, I think that any tracking that takes place when domestic violence is being noticed, you know, this is certainly enhanced by those who have and are addicted to alcohol.

So, you know, while on the one hand we are trying to give supports in order to be able to assist those who are in the midst of these domestic violence circumstances, it almost appears to me that we are opening up another area and trying to, whatever the reason may be, whether it is for the sake of increased taxes to generate more dollars for the Province, that we are opening up sales on Sundays, which to me is a family day and an opportunity to get together as family.

To me I do not understand this. I just have to go back to this whole thing of opening up the vendors or the sales for Sunday. In my constituency, certainly, I was never lobbied on this. They certainly were not looking for that. So I am not sure where the push was from, whether it was a great appeal out there by the general public to have this take place or whether in fact it was the fact that they now saw that the tax dollars could be generated on a seven-day-a-week basis rather than just six, but again, to me, I find it interesting that they would have gone that route.

The other area I wanted to talk to, just briefly, is the whole area of tracking. I know it is the Member for Lac du Bonnet (Mr. Hawranik), the honourable member who was talking about the GPS system. Now, I mean, it is out there. This is not new technology. Is this something that could be incorporated within legislation as we seek to track those who continue in domestic violence, those who are out there, those that are of real concern to those who are trying to enforce the law? Is this an approach that we could take?

I know that there are several within this Chamber here who are or have been in the agricultural

business, but I know that the GPS tracking systems are out there. I know that many vehicles have that tracking system right within their own vehicles. Again, it is a tremendous tool: the ability to be able to assist those who are enforcing the laws, to be able to determine exactly where they would be located—and you can do that within several, I guess it would be, feet or metres. It is very accurate. So, again, it is something maybe that needs to be looked at that we need to take seriously to be able to assist those who are enforcing the laws within our province.

\* (17:10)

So, Mr. Deputy Speaker, I believe that in talking to the bill, in looking at the essence of the bill—I know that our party has looked at it—we believe that we need to put as many tools out there as possible in order to be able to assist those who have been afflicted by this. On the other hand, maybe there are some improvements that can be made, and that need to be looked at as time goes on. Whether some of these things can be done by a regulation, I am not totally sure. But, speaking from my standpoint, from the area that I represent—and yes, there are those who have certainly been part of the whole domestic violence scene—maybe there are some other things that we could do to enhance them in trying to solve some of the problems; then, of course, just to the whole area of counselling and continuing to give them those supports.

So, Mr. Deputy Speaker, again, I believe that in essence we support this bill. I think it could possibly go a little bit further, but I also want to reiterate what my colleague for Lac du Bonnet indicated very clearly, and I agree with that: What is going to happen with this bill? Will it be enforced? Is it going to be put through? Are we just going to pass the bill? Where are they going to go with it? I would like to see some teeth put into it, and not just sort of the camouflaging of it, and go out there and indicate that, yes, we had this in legislation, but are we really going to enact on it? Are we really going to put some teeth into it and are we really going to enforce it?

So, with those few comments, Mr. Deputy Speaker, I want to thank you for the opportunity to speak to this bill. Again, as I have indicated, it is unfortunate that a bill such as this has to come forward, but it is the times that we live in. We are trying to assist those who have been afflicted, the abused ones, and so we are trying to assist them to

the best that we can. So, again, I just want to say that I am pleased I had the opportunity to speak to this bill. I trust that somehow we are going to be able to put teeth into it and, hopefully, in some way be able to have fewer people who are being afflicted by this.

Thank you very much Mr. Deputy Speaker.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Deputy Speaker, it is my privilege to stand in the House today as well and make some comments, put on the record some of the efforts that have been put forth by this Government, the New Democrats, in this bill, as well as the work that was done by the previous Conservative government in regard to domestic violence and stalking in the province of Manitoba. Of course, Bill 17 is dealing with The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act.

Mr. Deputy Speaker, as the minister indicated in his opening remarks in regard to the Government's comments on this bill, he has indicated that it is not just for folks that cohabit but others such as victims of dating violence and other family members, for example, seniors, to apply to the court for protection, prevention orders as well as enable a greater access to the protection in that legislation by victims and survivors of domestic violence. I think it is very clear with those comments that this Government is trying to expand on an already sound program in the bill by bringing forth some inclusion of new groups that could be impacted by these procedures and these offences, I guess, if you will, in our society today.

As the previous speaker, my colleague from the constituency of Pembina, indicated, it is unfortunate that we have to have these kinds of goings on in our society today, but I would say that it is unfortunate as well that there seems to be a growing concern with these areas of domestic violence.

I will give some examples today in my comments of some of the concerns that I have had of people coming forward to me over the last five years. As generally done in this House, I will not be naming names, but these are circumstances of individuals that do not know where to go. They have had grave concern in regard to the discomfort, if you will, of being stalked or being forced directly with being impacted by domestic violence in our society today.

I do not think there is any constituency of the 57 that we have in Manitoba that is excluded from this area of concern, Mr. Deputy Speaker. Some areas may feel that they are more heavily impacted than others, but I think whether or not there are increased numbers in one area or another, it comes down to the individual that is being impacted on each of these circumstances and how they are affected.

It is very sound, as legislators in any province in Canada but particularly for us here in Manitoba because this is our jurisdiction, that we deal with these areas of concern that come up from time to time and try to deal and be as inclusive as we can with new citizens or new sectors that are being impacted by this.

I wanted to point out that Bill 17 in my estimation does strengthen somewhat the existing work that was done by the previous Conservative government. It does expand the categories of people who are eligible to seek this protection and it includes persons that have been involved in dating relationships, which is an area, perhaps, that was not paid as much attention. I will get to why that is more important in a moment, but also to family members who have never lived together. I think that there is a clear explanation as we go through some discussion on this bill as to why that is very much needed in these areas and perhaps has not traditionally been an area where this was of as much concern in the past or has not been at the forefront as much.

The bill amends the evidentiary requirements for granting a protection order, Mr. Deputy Speaker, allowing them in more situations. The subject is no longer required to satisfy the justice of the peace that an order is required for the subject's immediate protection as long as it is needed for their imminent protection. I think that that is an important distinction, that there are circumstances where we cannot wait for bureaucracy to move in order to provide protection for these individuals. I think that that is very pertinent to many of the circumstances that we have in our society today and, unfortunately, as I pointed out in my opening remarks, a bit of a growing concern in our society today.

Right now, protection orders, unless they are extended by a justice of the peace, do expire automatically after a minimum of three years. We need to move so that there is more compliance with a protection order that is no longer enough to show that there is not a continuing need for protection.

The court may make an order requiring the respondent to pay compensation to the subject for monetary losses that include loss of income, legal fees, the costs of having to defend ourselves with these programs from these individuals, and expenses related to—some people have to actually relocate. So there are moving costs involved. There is counselling and there are security measures. Some people have had personal security attached to these areas. There are a number of concerns that have been raised in looking at this bill and why it is necessary to put some of these on the record and why, for the most part, our party supports the Bill 17 that has come forward.

Mr. Deputy Speaker, I wanted to make some comments in regard to making sure that, as I have pointed out, Manitobans in some circumstances may need protection orders against others even though they have not been married or cohabitating. This bill expands the numbers and categories of people who may be entitled to those protection orders.

I think some of these numbers have just become public of recent times. It used to be 20 years ago that more couples perhaps got married than they are today. I am not saying that there was not domestic violence there, but it was just a fact that more couples got married in those days than have been in the last few years. The data that has been released in the last few weeks has indicated that Manitoba's marriages are about 20 to 25 percent less than the number that were in place 20 to 25 years ago. That is why I have indicated that persons of common-law relationships, particularly in those of dating circumstances, perhaps needed to be included. I do not have a problem with their being included in this kind of a bill. In fact, it might be an area that we could encourage the Government to make sure that they put more clarification in place so that these kinds of orders can be brought about to cover the circumstances.

*Mr. Speaker in the Chair*

I think it is key as well that we point out that some family relationships needed to be brought in place here for our brothers, sisters, grandparents, parents, others in society today. I think that that is necessary because, perhaps I would say that it has a tendency to be that families live longer together in some circumstances than others and that perhaps if there is a dispute or a concern in those areas that

there may be one of those family members that, as has been pointed out by the member from Pembina, that is no longer allowed to be living under the same roof. I know some abuse can be in place while those kinds of disputes or concerns are being looked after.

\* (17:20)

I think that we have to look at this legislation from the point of view that it does allow a judge to make such orders, that it allows a judge to obtain counselling or provide an order to provide for counselling and therapy for people who are the perpetrators of these kinds of acts in regard to protecting the respondents that come forward.

I am not going to go on too much longer, Mr. Speaker, but to just give an example as a father and a grandfather myself, I would certainly indicate that there are personal examples where the parents have divorced, where they cannot agree. There are new spouses that come into the circumstances, and maybe they do not agree either with some of the circumstances that are out there today. It is unfortunate these relationships break down to the point where there is violence in many of these circumstances and, of course, the children are often the ones who are either the brunt of it from an actual abuse or the fact that they are living with the day-to-day concerns about the violence that takes place. I know of circumstances where people have come to me about, actually the grandparents, of great concern because, all of a sudden, they are not even allowed to see their own grandchildren any more in some of these circumstances. That is devastating.

I cannot imagine what would happen in the circumstances of my own family if that ever happened to me. Yet I do know families that it has happened to, and I very much put on the record that we need to have as much counselling and an opportunity to continue to allow those relationships to be worked out as we possibly can.

Time does not allow me to go into a whole number of areas that I wanted to point out in regard to the previous government's support to prevent domestic violence over that 11-year period that my previous colleagues, before I became elected in 1999, worked on generously in this Legislature to make sure that there was progression all the way along over that decade and plus in regard to family violence. I am just going to outline some of the areas, and one of

them, of course, in 1999, was the Winnipeg Children's Access Agency. There was the area of the Manitoba Research Centre on Family Violence which continued the allowance of collecting data and information on the operations of Manitoba's Family Violence Court. It was established in '91 as part of the government's overall efforts to deal with domestic violence through a zero-tolerance policy. I think that has to be paramount in relation to any future decisions that we do in this province that zero-tolerance policies are kept up in this area and that we do continue to expand on programs that were put in place like the Victims First cellular phone program that was spread around the province of Manitoba from Portage and Winkler, Brandon and Selkirk. It got a lot of other provincial support from areas of the provincial government, also with MTS Mobility as far as the delivery, with the RCMP, the Winkler police service.

There needs to be people on the ends of these lines when people are using the victims cell phone program for the people that are actually the victims and carrying these phones. When they dial they have to know that there is somebody there that will respond to their cry for support immediately.

One of the areas pointed out by the member from Pembina that we need to look at in the future is this GPS tracking system for offenders, and a number of those areas. I am going to end my comments there, and I will just turn it over to other members of our caucus to put a few words on the record. I could do that, but there are a lot of other points that I could make, and given that there are only perhaps a few minutes left—I did not look at the clock before I did that—I will go ahead and just expand on that whole area of the GPS. I know my colleagues are giving me support here in regard to the kinds of areas that we could use this in, but it is an area that I think the public is very much accepting of today in regard to the global positioning systems. It is so very clearly something that could be used further than it is being used today to look at as a high priority in regard to circumstances, as I pointed out, in tracking.

You might even be able to be in a position today where, as I said to one of my colleagues yesterday, if you can, in the ladies' Tournament of Hearts, that was just done in the curling finals in Canada, if you were to look at being able to measure when you let go of a rock, automatically tells you if you have crossed the hog line or not if your hand has not come

off it, surely we can have a situation today where global positioning can alert the people in a home when a stalker comes within 200 metres or a quarter of a mile of that facility. I think that these things must continue to be a high priority in our society in regards to those persons.

I want to just point out that some of these ideas have been picked up by other provinces. Certainly, the cell-phone victims program was one of them that was picked up by other provinces, particularly Nova Scotia, Ontario and British Columbia. Ontario and British Columbia take in a good deal of the Canadian population that have picked up on the idea that has come forward by our province here as the central part of Canada. I think it is encouraging that others are watching the kinds of things that we are doing in leading some of these areas on domestic violence.

I wanted to point out, as well, how effective the Community Legal Education Association program has been in production of its two booklets on domes-

tic violence, one being *Women in Abusive Relationships*, and the other *Peace Bonds and Restraining Orders*. These booklets provided up-to-date information on the changes made in the way the justice system handles domestic violence.

And of course, Mr. Speaker, the Conservative government opened crisis centres in 1994 in other communities, such as Selkirk, Winkler and The Pas. You can see the breadth of extension that was done in the province by covering those three areas and providing a lot more service to a lot more areas of Manitoba.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable Member for Arthur-Virden (Mr. Maguire) will have 14 minutes remaining.

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, March 2, 2004

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