

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

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Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, September 25, 2007

The House met at 10 a.m.**PRAYER****Introduction of New Members**

Mr. Speaker: I have some information for the House. I am pleased to inform the Assembly that the Clerk of the Legislative Assembly has received from the Chief Electoral Officer a certificate showing the election of Mr. Rick Borotsik as the Member for the constituency of Brandon West which was delayed due to an application for a recount.

I hereby table the return to the writ of election. The honourable member has taken the oath, signed the roll and has the right to take his seat. On behalf of all honourable members, I wish to welcome you to the Legislative Assembly of Manitoba.

I am also pleased to inform the Assembly that the Clerk of the Legislative Assembly has received from the Chief Electoral Officer a certificate showing the election of Mrs. Bonnie Mitchelson as the Member for the constituency of River East which was delayed due to an application for a recount.

I hereby table the return to the writ of election. The honourable member has taken the oath, signed the roll and now has the right to take her seat. On behalf of all honourable members, I wish to welcome you to the Legislative Assembly.

* * *

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I'd like to announce that the Crocus Investment Fund scandal resolution will be considered this Thursday.

Mr. Speaker: It's been advised by the honourable Opposition House Leader that the resolution of the Crocus Investment Fund will be standing on—

An Honourable Member: Thursday.

Mr. Speaker: On Tuesday.

Some Honourable Members: Thursday.

Mr. Speaker: On Thursday, for the information of the House.

ORDERS OF THE DAY**PRIVATE MEMBERS' BUSINESS****SECOND READINGS—PUBLIC BILLS****Bill 200—The Health Services Amendment and Health Services Insurance Amendment Act**

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux), that Bill 200, The Health Services Amendment and Health Services Insurance Amendment Act; Loi modifiant la Loi sur les services de santé et la Loi sur l'assurance-maladie, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Gerrard: Mr. Speaker, this bill introduces the principle of accountability in the delivery of health care services in Manitoba. This is an important initiative which is based on the recommendations of the Romanow commission which was in November 2002, and what has become clearer and clearer in the days since then, in the months since then, in the years since then, is that we badly need to have much better accountability in the health care system in Manitoba, and I would ask the members of the government and the members of the official opposition to support this effort in an all-party effort to make sure that we have improved accountability in the delivery of health care services in our province.

I would note that this bill has been introduced several times before, the first time June 3 of 2004. It was reintroduced in the Third Session of the last Legislature, December 1 of 2004. It was introduced for the third time, November 8, 2005, of the Fourth Session of the last Legislature, and it was introduced for the fourth time in November 23, 2006, in the Fifth Session of the last Legislature.

Mr. Speaker, four times the NDP government in this province has turned down an effort to have more accountability in health care. This is a principle which Roy Romanow supported. This is a principle which is fundamental to good government and good health care delivery in Manitoba. Indeed, I would suggest to members of this Legislature that Tommy Douglas, if he knew what was happening with

today's NDP, would be rolling over in his grave. He would be ashamed that a party which he was involved with is rejecting the principle of accountability in health care in Manitoba.

Mr. Speaker, just this last week we presented to the review committee reviewing the regional health authorities, a substantive report which calls, among other things, for accountability in the delivery of health care in Manitoba. It recognizes very clearly that we have been sadly lacking under the NDP government in accountability in health care.

I get calls every day from people who are concerned about the lack of accountability. People are very concerned about not being able to get care when they need it. People are concerned about medical errors and mistakes and problems in the system. People are concerned about organization in the system which is sadly lacking, and when we have report after report—indeed, as we document, the Canadian Institute for Health Information shows that public spending on health care in Manitoba is the highest per capita in Canada and, yet, we have a Conference Board of Canada report which has shown that we have the worst performing health care system.

* (10:10)

Clearly we need more accountability in this province and the government may argue with the details, but surely it would be a mistake for the government to think that it can escape accountability. We have witnessed the contortions of the NDP government over the last several years trying to escape accountability. We have witnessed four times that they have rejected our initiative to move forward in making sure that we at least start with the principle of accountability being fundamental to the delivery of health care services in Manitoba.

It is likely that the NDP government will say, well, I mean, this should be done in Ottawa rather than in Manitoba. If so, it will be one more attempt by today's Manitoba NDP to offload responsibility for accountability to Ottawa instead of tackling the problem here in Manitoba where it needs to be tackled and where we have a major reason to introduce accountability.

Instead of chasing off to Ottawa at every last minute we should be masters of our own destiny. We should be responsible. We should be accountable here in Manitoba.

I will emphasize once more that I am sure that Tommy Douglas, if he knew that four times this government had rejected the principle of accountability would be rolling over in his grave. He would be tremendously disappointed and ashamed.

I would hope that the NDP government in this province will at least have the responsibility to make sure that this resolution is not only debated today but passed, and then can be dealt with in committee where we can get input from citizens all over Manitoba. I am sure that we will hear from citizens throughout Manitoba that they want accountability. I hope I will have support from colleagues on all sides of the Legislature. Thank you, Mr. Speaker.

Ms. Jennifer Howard (Fort Rouge): Before I begin to speak on this bill, I just want to say what a pleasure it is to be back in the Chamber. I had a very enjoyable summer in the constituencies of many of my colleagues. I'm not sure if the highlight was jumping frogs in St. Pierre-Jolys with the Member for Morris (Mrs. Taillieu) or riding behind an antique tractor with the Member for Emerson (Mr. Graydon). The Member for Emerson did offer me a job helping to look after his cows, though, so he might have the edge on that.

Of course no one on this side of the House has any problem with the Canada Health Act. In fact, I think it's important to note that when the Canada Health Act was brought in it was very much the work of Bill Blaikie pushing for those principles to be enshrined in legislation that resulted in the Canada Health Act.

I do have a concern, however, with a piece of legislation that very much seems to prioritize symbolism over substance. The Canada Health Act is in place, is in force. This government has not run afoul of the Canada Health Act. In fact, the last government to be fined for breaking the Canada Health Act was the Filmon government that, of course, was fined when there were charges for faster access to cataract surgery. So that certainly is not a value of this government that we charge people to get in more quickly. We believe that health care should be given to those according to their need.

I also think it's interesting to note that much of the ability to enforce the principles of the Canada Health Act were eroded at the same time as the honourable Member for River Heights (Mr. Gerrard) was part of the federal government, because we saw drastic cuts in funding from the federal government for health care, and it's very difficult to call the tune

when you're not paying the piper. So that, to me, is interesting that he would now sponsor a bill talking about accountability when he was part of a government that dramatically reduced the federal share of funding for health care. It's interesting to note, at the time the Canada Health Act came in the federal funding for health care was 50-50, and at that time they had the moral authority to insist on the rules.

So, one of the things that was spoken about was accountability and I take great honour in talking about our accountability for the results that we've seen in the health care system. In fact, very pleased to talk about the over 1,500 more nurses that are working in Manitoba today, the over 200 more doctors that are here. We have dramatically increased education and training for health care professionals, and I have to tell you, as someone who just months ago was responsible for finding health care professionals to work, it's sure a lot easier to find them when you're not cutting back the training in university and college courses to train them in the province. So I think that step, that commitment that we've made over the last eight years to train and retain more health care professionals has had a huge impact on the health care system and made it possible for us to move forward.

I also want to just briefly note in terms of training, many of my colleagues I'm sure were interested to see the announcement yesterday of new paramedic training, \$1.3 million, I believe, that's going to help to increase and enhance the training for our paramedics which, of course, are first on the scene when we need them. That, I think, is only going to help to continue to modernize our health care system.

I also want to talk briefly about our accountability in terms of wait times. We saw over the last year reports that the member opposite referenced, CIHI, and I have no problem quoting some CIHI reports. CIHI has found that Manitoba has some of the shortest wait times in the country for lifesaving procedures like cardiac bypass surgery and radiation treatment for people who are suffering from cancer. Just this weekend I was visiting a mother of a friend of mine who just had bypass surgery, and she again reiterated what many of us know, that the quality of care, the excellence of care that patients receive in hospitals from nurses and doctors and technologists is second to none in the country. She was very pleased with the care that she had received and she's well on her road to recovery.

I also this summer almost had to have cardiac bypass surgery myself when I noticed that even Tom Brodbeck, no great fan of many of our efforts, noted that diagnostic wait times had, in fact, gone down since 2000. So there is a quote, I think it's Emerson that says success is earning the praise of intelligent critics, and perhaps we've managed to accomplish that.

So, certainly, the Canada Health Act is important. It's something we believe in. But I don't believe that we should spend so much time talking about symbolism and get to the work of making meaningful change in our health care system. Thank you very much.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, it's with pleasure that I rise to speak to Bill 200. It's a bill which, as the Leader of the Liberal Party has talked about, we have introduced into this Chamber on several occasions. We look to the government of the day to recognize the importance of private members' hour and private members' initiatives.

We have seen in the past where the government has adopted or taken it upon themselves—here's an idea coming from the opposition and reproduced a piece of a private member's bill and then looked for support from opposition parties. We've even provided that support in order to enable it to happen.

Mr. Speaker, I would suggest to you that the Liberal Party in this situation would also be open to the New Democrats bringing in a private member's bill to duplicate this one if they have a problem getting past the fact that this is, in fact, a Liberal bill. It's more important that we look at the content of the bill itself. This is a bill that would be a positive thing to see passed inside the Legislature.

I'm disappointed in the New Democrats. I often tell individuals, Mr. Speaker, that today's NDP is not NDP. You would be surprised on how many individuals, whether it's from the labour movement to average individuals inside my constituency who concur with me, that today's NDP are not NDP. That's the reality of it. If they were New Democrats they would recognize the value of a bill that we have provided here, not only today but in previous sessions.

* (10:20)

One has to question why this government has not acted on this bill, Mr. Speaker. We all know how passionate Manitobans, how passionate Canadians are in dealing with health care in our country. They

have expectations and the expectations are great. This is one of those bills that would, in fact, help meet that expectation. One has to question why the government does not recognize that and want to do what it can to provide the type of legislation that would make health care even that much better.

It's about accountability. Why doesn't this government want to see accountability on the most important issue facing Manitobans, Mr. Speaker? We spend over a third of our provincial budget on health care. Why are they so scared to see more accountability in health care, in providing quality health care services. What's the fear? I don't understand it.

The leader makes reference to Tommy Douglas and other New Democrats that have given many, many speeches on the merits of our health care system, and I believe that this government needs to reflect on some of its historical roots. Maybe the days in which they were in opposition or some of those members of parliament and others that have spoken so strongly and with conviction and with passion on some of those social issues, because this government has lost that drive for that social justice. *[interjection]*

The member says wrong. Well, we're going to go on to fetal alcohol syndrome and a bill that's going to have an impact on that particular disorder, Mr. Speaker, and it's another bill on which this government has done nothing in regards to, yet it would be so simple to proceed.

Ultimately, at the end of the day, we would like to see the government at least allow for a vote. You know, there's a number of bills that are on the order paper, and the ones that the government—and the government is the one that ultimately decides—allow members of this Legislature to, at the very least, vote on the bill. If you don't like the bill or you oppose the bill, then at least have the courage to vote against the bill. But to leave it sit on the order paper, just to die on the order paper, never to allow individuals to vote on it, I believe is wrong. I believe that your constituents, each MLA's constituents, are entitled to see how their member would be voting on legislation that is before this Chamber.

This government denies opposition bills the opportunity to come to a vote. When I say it denies, opposition has not traditionally in the past forced bills to come to a vote. Usually it occurs, Mr. Speaker, once members have stopped speaking on a bill or when government decides that, yes, we're

going to allow this to come to a vote so they will, through their government Whip, ensure that members that want to speak quickly get their comments on the record and ultimately then the bill will come to a vote.

Mr. Speaker, I would argue that this bill has been here in the past, will continue to be here, I suspect, in the future, at least until the government has done the right thing and allowed members of this Chamber to vote on this important piece of legislation. So I would ask for those that are interested in speaking on the bill that they stand and speak on the bill and that we stop adjourning and leaving the bill adjourned so that the bill never is allowed to come to a vote.

With those few words, Mr. Speaker, I hold my breath, hopefully not too long. I suspect I wouldn't survive if it had to depend on this government actually allowing this bill to come to a vote. But I do, in a very serious way, ask the government to have the courage to at least allow this bill to come to a vote. With those few words, I conclude my remarks. Thank you.

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, it is my pleasure to stand and speak on The Health Services Amendment and Health Services Insurance Amendment Act. First of all, I would like to say that I have a background in aquatics and I can probably, I am guessing, still hold my breath longer than the Member for Inkster, but I really don't want to have a competition so I'm not going to go into that here today.

It appears at the outset, Mr. Speaker, that the purpose of this act is to bring elements of the Canada Health Act into provincial legislation. In many ways, it appears that this is possibly redundant and possibly, in that way, something that the Member for Inkster (Mr. Lamoureux) may want to consider, that a lot of the principles are already included in our Canada Health Act, and so maybe possibly may not be necessary to be looked at here.

But regardless of that, I just wanted to put a few thoughts on the record in regard to some of the things that we have accomplished and we're looking towards doing. I really am very proud to be on this side of the House when we look at the fact that there are now 1,589 more nurses practising in Manitoba than there were in 1999.

Mr. Speaker, I'm very privileged to have a nurse as a sister-in-law, and she has been a nurse for the

last, oh, I would say, 20 years. She speaks to me often about the fact that being a nurse is definitely a challenging position. You have to be a caregiver; you have to be an individual with a big heart. But she also speaks about some of the issues she faced under the previous government and the fact that things have improved. We've hired an additional 700 nurses, and we've expanded training by adding another 100 new nurse spaces, and we will be doing this over the next four years.

Mr. Speaker, I really have to speak about the value of nurses and how very important they are in our health care system. I know that everyone in this House values the job that they do. I'm really glad to see on this side we actually invest in nurses. We invest in training, and we invest in new legislation like needle-stick legislation that will ensure that they're safe in the workplace.

I also, Mr. Speaker, want to talk for a moment about the quality of care that a friend of mine received. She recently had the unfortunate incident of breaking her elbow. She told me about the most amazing experience she had in terms of having this unfortunate accident happen. But after this unfortunate accident, she was transported to the Pan Am Clinic, which I must say we have done a fabulous job of renovating, investing in and improving, making it a merging hospital as opposed to a clinic.

At Pan Am Clinic she was able to be assessed and looked at within a period of two hours on the day she had the injury, and I'm very proud to be able to stand here and say she received surgery the next day. She was scheduled for surgery the next day after she had broken her elbow, and from there she did then go and receive treatment to have occupational therapy and physiotherapy. I would say that she's a proven record of how effective our health care system is.

We are training almost three times as many nurses as were trained under the Tories. In 2005 and 2006, 3,110 nurses were enrolled in training compared with 1,123 in 1999. I think, Mr. Speaker, when we talk about caregivers, we talk about the value of our health care system. We really have to say that that's where the rubber hits the road, using a funny kind of way of saying it. It's when you invest in people, and it's people that make a difference in the health care system. According to CIHI, Manitoba has the biggest jump in nursing employment in Canada between 2004 and 2005.

Mr. Speaker, I also want to take an opportunity to just talk for a moment about some of the things that are going to be happening in the future. I know that Manitobans have trusted our government; that's been shown in the last election with the results that have come forward in the last election. Our mental health announcement around the strategy of investing \$11.6 million in innovating ER care including \$3 million already included in budget 2007. It's really going to be amazing in the future.

* (10:30)

I know that the members on the opposite side talk about fetal alcohol spectrum disorder. They talk about some of the issues of mental health. Our government is making a difference. We've got a long-range strategy to deal with the issues of mental health, including residences in pediatric care that will be increasing, adding two new oncologists in haematology residence; also we're going to be doubling the number of E.R. doctors training spaces, so all that makes a difference in terms of our overall health care system. But in terms of our mental health we are going to be having a crisis response team that will be acting out of a separate hospital, and I think, Mr. Speaker, that says volumes about our commitment to the health care system.

So, with those few words, I want to thank everyone for listening to me today and I just want to say that I, once again, am very proud to be on this side of the House where we don't just talk, we actually act. Thank you, Mr. Speaker.

Mr. Gregory Dewar (Selkirk): Mr. Speaker, I move, seconded by the Member for Rossmere (Ms. Braun), that the debate be now adjourned.

Motion agreed to.

Bill 201—The Liquor Control Amendment Act (Fetal Alcohol Spectrum Disorder Prevention)

Mr. Speaker: We will now move on to second reading, Public Bill 201, The Liquor Control Amendment Act (Fetal Alcohol Spectrum Disorder Prevention).

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that Bill 201, The Liquor Control Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Lamoureux: Mr. Speaker, what I have found is that there are some issues that have a fairly profound impact on the province of Manitoba in many different ways and fetal alcohol disorder is one of those disorders that ultimately, I think, I believe, has an impact to the degree in which the government needs to give more attention. What Bill 201 does is it ensures that there is warning signs that are posted in areas where alcoholic beverages are being served and warning labels on bottles.

Mr. Speaker, the cost to government is marginal. The potential not only financial savings, but the social benefits of implementing a policy of this nature, I believe, are immeasurable. Much like we had cigarettes. At one time, you could go purchase a pack of cigarettes and there would be nice advertised cigarettes, normal packaging, and Ottawa made the decision that they had to put warnings, and the warnings got larger and larger and today, you see those fairly graphic pictures on cigarette packages or containers, and it has had an impact.

I believe that one of the reasons why smoking overall has gone down to the degree it has, in particular, within some of our young people, is because of some of the government initiatives dealing with education, and that's really what this bill is all about. It's about education. We need to do what we can to educate individuals of the negative costs of drinking while a mother is pregnant and the benefits of being able to prevent one child from getting this disorder is overwhelming.

Last year, I was asked by the leader of the Liberal Party to do a study on the city of Winnipeg, in the future of Winnipeg, and to come up with some ideas in terms of what we might want to be doing in Winnipeg. And like many, my initial response was: hmm, no problem, what I'll do is think in terms of the grander: the buildings, the infrastructure, you know, build a few nice ball parks, some multiplex sports facilities, improve the roads and all this kind of stuff. And I say that because that was my initial thoughts. It was a matter of weeks of starting to look into the issue of the future of the city of Winnipeg that what came very quickly to me was the need for us to deal with the social infrastructure. It is the social infrastructure that we need to address in order to improve the quality of life in the province of Manitoba.

As I went on and I talked to more and more people, I came to the conclusion, Mr. Speaker, that what we need is to act on that social infrastructure.

What I found is that we, as politicians, as elected officials, in the name of wanting to be politically correct have virtually written off a generation of children that have been subjected to a disorder that has been disabling in many, many different ways.

Fetal alcohol syndrome and the correlations, whether it's with crime, poverty, other different types of social issues, is overwhelming, and the government has not done anything of significance that would really start to aggressively address the problem.

Mr. Speaker, this particular piece of legislation at least brings more education to the table. It brings the opportunity for us to raise the profile of this very important issue. We spend hundreds of thousands of dollars on promotions every year. Think of the millions that was wasted in regard to the whole Spirited Energy concept. How much better it would have been had that money been spent on the promotion and education of fetal alcohol syndrome or that particular disorder.

There are things that we can do that will, in fact, educate through advertising, even if it means paying for advertising. Then there are those things that we can do that have a marginal cost, but have a huge impact on education. And that's in fact what Bill 201 does.

I believe that if you were to canvass people, even within this Chamber, Mr. Speaker, and you would find that there would be support from members of each political party towards this. There are even some industry reps that feel that there is a need. In fact, I was in Ninette; I believe it was Ninette, where I ran into an individual that produces wine. She had indicated to me that they already have a warning on their labels for fetal alcohol disorder. I thought that's wonderful to see even certain areas of the private sector take the initiative.

Mr. Speaker, we have seen governments—you know, in Ontario I believe they call it Sandy's Law, where now signs are mandatory through legislation from what I understand, that make it mandatory for liquor establishments that are serving alcohol to have some sort of signage in regard to warnings.

* (10:40)

So it's not groundbreaking legislation that we're suggesting has to be passed. This is legislation that would be of great benefit if only the government would recognize the importance of education with respect to FASD. If they would take that step, I

believe they would recognize that this legislation would assist much like in the same manner that the labelling of cigarette packages had a positive impact, Mr. Speaker. I believe that this sort of labelling would have a positive impact for the public as a whole. And that's the reason why.

I believe that this is the second time that I've introduced this legislation, it might even be the third time, Mr. Speaker. It is a piece of legislation that I do plan to persist on because I passionately believe that we need to start defending the rights of our children, that we need to do what we can. We can't in the name of being politically correct stand by and allow generations of children to go to the wayside. Government needs to start recognizing how many people have this particular disorder and start coming up with policies such as within our classrooms, and there are things that you can do that will allow things to be more conducive for learning for children with this disorder.

There are so many more things that we could be doing, and I ask the government to aggressively tackle the issue of FASD. This is just one of those ways in which it can show some leadership by allowing a vote and ultimately see the bill go to committee. That would be my plea to the government. Allow the bill to go to committee so they would be able to hear some of the feedback that I have heard in regards to this particular bill.

Mr. Speaker, I would conclude my remarks on that particular appeal. Thank you.

Hon. Kerri Irvin-Ross (Minister of Healthy Living): I am here to say that this government does take FASD very seriously, and we have passionately worked to provide a spectrum of services to support people with the diagnosis of FASD and, more importantly, the prevention, education and awareness so this does not happen to any other Manitobans. I think that it's really important that the member realizes, and maybe he missed the news release and the budget 2007 when we announced \$7.5-million commitment for programming related to fetal alcohol syndrome. Within that, it included prevention and education strategies.

The prevention and education strategies are not developed by government alone. We work with a number of agencies that support us under the fetal alcohol syndrome interagency group which are led with the support of Healthy Child Manitoba. It includes Health Canada, the Addictions Foundation of Manitoba, the Coalition on Alcohol and

Pregnancy, the Fetal Alcohol Family Association of Manitoba, New Directions, the Manitoba College of Physicians and Surgeons.

Together we have developed a comprehensive prevention and education strategy. It includes information kits, Web sites, pamphlets, messages that are distributed through the Manitoba Liquor Commission, messages on retail store cashier registers. We also have posters that are out within health organizations and liquor marts.

We have and we do acknowledge the importance of prevention and awareness, but we also have provided a number of services, interventions for children that are born with fetal alcohol syndrome. We have provided programming that provides support to professionals within our community, professionals through information packages: *What Doctors Need to Know, What Corrections Need to Know, What Educators Need to Know*, making sure that we can provide a safety social support network to support these individuals.

We've also supported a STOP FAS program which is a mentoring program that works with women who are pregnant. This program has been expanded to include Thompson and The Pas. There is a lot of success that has been noted. The FASD educational pamphlets are included in mail-outs through the Manitoba Healthy Baby Prenatal Benefit. There's an FASD toll-free line. We also have provided support to West Region Child and Family Services, Reclaiming Our Voices, which provides programming for women who have drunk during their pregnancies.

We also continue to work with Healthy Child and our community stakeholders. We've published a SMART Guide: *Motivational Approaches Within the Stages for Changes for Pregnant Women Who Use Alcohol* with our partner at AFM.

So I'm here to tell the members in the House that this is a government who acknowledges FASD in our community. We acknowledge the importance of supporting individuals that have the diagnosis. But I think we also have to realize that there's a continuum of developmental delays or disabilities that happen to these individuals. We have to acknowledge the abilities of the youth and children with these diagnoses. It's very important that we continue to support families who find themselves with a child with this diagnosis. We know that the research tells us that by providing support, early intervention, that

it can make a difference to the level of functioning for the child.

Around the FASD support and intervention strategies, really specific supports that we've been able to implement through Healthy Child: two specialized classrooms for students with FASD at David Livingstone School. This is a program that has gotten a lot of attention throughout North America and acknowledged for the success that they do every day to work with the individuals and the students in that school.

We provide funding to the Fetal Alcohol Family Association Manitoba, which provides supports and services. I have met with them on numerous occasions and the support that they provide each other, but more importantly, the support and love and nurturing that they provide the children that are in their care is priceless.

We also have worked with our partners at Red River College and have developed a graphic program, a program in which a video talks about what it's like to have the diagnosis of FASD. It's being used throughout Manitoba and Canada and it's again seen as groundbreaking.

There's a specialized behavioural treatment intervention that is being provided through Headingley Correctional Centre, specialized training for staff. There's a really innovative program called the Youth Justice Project, which provides diagnosis, appropriate sentencing recommendations, and community follow-up. The people, the staff that work in that unit, do amazing work. They work hands-on with the individuals. They work with them to get them with the diagnosis, to advocate for them within the court systems, and then provide the support that they need within the community and help to develop the social support network, getting them back into school, getting them involved in recreational activities. Things that support the individual support the family and also, in the long run, support a healthy community.

Through the work that we do, you know, around the support and intervention, we also have two diagnostic clinics which we fund and support and that would be the Clinic for Alcohol and Drug Exposed Children, CADEC, in Winnipeg, and Fetal Alcohol Support Team, called FAST, in Thompson where they provide a multi-disciplinary approach to the diagnosis as well as to the treatment plan to support children and families.

The FASD outreach team through Family Services and Housing provide support again to the families, birth and adoptive families that are raising the children.

We have the privilege of chairing this year the Canadian Northwest FASD Partnership and at that table I sit with my other provincial colleagues and we share information; we share information about best practices. We share the successes, talk about the barriers and the challenges that were faced. And also, more importantly, gather resources around research so we can continue to develop these necessary supports, best practices, looking at prevention, intervention, care and support.

*(10:50)

I think that we've proven that we are committed to providing a continuum of services for Manitobans related to FASD, right from public awareness, interventions, treatment strategies that are individually, family, and community based. I think that with our community partners we will continue to address this very serious condition. We know that it is preventable. We know that we need to continue to get the information out to everyone in a way that's respectful so we can continue to ensure that children are not born with FASD, but I think it's also imperative as government that we continue to provide the necessary supports if that happens to the families, to the individuals, and to the community. So I want to thank the House for allowing me to put these few words on. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to support this bill dealing with the labelling of alcoholic beverages with respect to the risks of fetal alcohol spectrum disorder. This is, clearly, a piece of legislation which is badly needed for Manitoba. Hopefully, the government and the official opposition will see their way to providing a support to make sure that this moves forward.

Clearly, preventing FASD is one of the most important areas that governments can have an impact. It is good, after eight years of prodding by the MLA for Inkster (Mr. Lamoureux) and myself, that there're a few modest things starting to happen, but there's a sad at the moment that we still, after eight years of NDP government, don't have good information on the incidence of FASD in Manitoba. The only statistics that are quoted are one in a hundred, which was based on work in a completely different jurisdiction with completely different demographics and different geography, and this is

totally inadequate for what is needed here in Manitoba.

In order to make a difference and know whether measures are having effect, we need to be able to measure the incidence of FASD in different communities around Manitoba. We need to be able to target scarce fiscal, human and other resources so that areas which have higher incidence can get the attention that is needed and that the situation can be followed to know that the measures that are being taken are having some effect.

I've had people come to me and suggest that there are some places in Manitoba where the incidence of FASD could be as high as 50 percent, terrible story, but these are people who are working on the ground. Without any actual measurement from this government making sure that things are moving forward, we don't know whether this is valid or not, but we certainly need to be able to have much more of an effect in reducing and preventing FASD developing in the first place.

I visited David Livingston School and was told there that the proportion of children in the classrooms was much higher than the rate said to be about one in a hundred. Yet, we have a situation which continues without the adequate preventive approaches. Clearly, this bill, Bill 201, brought forward by my colleague, the MLA for Inkster, is badly needed, badly needed to improve the health and well-being of people in Manitoba, badly needed because any children with FASD end up in the child welfare system, to reduce the number of children in care, badly needed because some children, particularly those who are not identified early on, are more likely to end up in the criminal justice system, badly needed to improve safety in Manitoba. Stories about individuals with FASD using cars as weapons: an incident in St. Lazare, Manitoba where two Manitobans died as a result of a very distressing situation involving an individual with FASD.

It is time to prevent this condition.

Now, I was recently, Mr. Speaker, in Ottawa as part of an all-party delegation on justice issues. We met with the federal NDP caucus, including Judy Wasylycia-Leis, who's a Member of Parliament from Manitoba, from Winnipeg. Judy Wasylycia-Leis and Paul Szabo have been strong advocates for this type of legislation to label alcoholic beverages. I asked Judy Wasylycia-Leis for her support in communicating to the members of the provincial NDP caucus the importance of supporting Bill 201.

Judy says, well, I'll do that when you lobby your colleagues in Ottawa to support legislation at the federal level. So I have done exactly that. I have written to the Honourable Stéphane Dion and the Honourable Ralph Goodale and Paul Szabo to make sure that they are on board. Certainly, Paul Szabo has been a champion of concerns around FASD and labelling of alcoholic beverages for quite some time. So I have also written to Judy Wasylycia-Leis a letter, which tells her that I have done my part. I hope that all the other MLAs here on the NDP side have already heard from Judy Wasylycia-Leis about the importance of supporting Bill 201 to have alcoholic beverages in Manitoba labelled and to move forward in improving the prevention approach to FASD in our province.

The reality is that, because we're not even measuring incidences of FASD, we don't know whether any of these things that the NDP have been talking about are actually having any effect. It's time to know what is making a difference and what is not. It is time to move forward on initiatives like this to make sure that we are doing those things which are logical, which are effective in raising awareness and can make sure that every time somebody drinks an alcoholic beverage that they will see that here is a concern about FASD. It is time to do this. It's been recognized by many people the importance of doing this, but, sadly, the NDP in this province so far seem to have had their heads in the sand. As I said earlier on, I think that Tommy Douglas would be rolling over in his grave if he knew that today's Manitoba NDP were not supporting efforts to reduce FASD when these efforts are readily available and have, indeed, some support at the federal level from NDP MPs like Judy Wasylycia-Leis. So I have heard some discussion from the NDP on this particular legislation, but I did not hear yet that they will actually support this bill. I certainly hope, Mr. Speaker, that the NDP will. Thank you.

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I too am pleased to have a few moments to put on the record how proud I am of our government and what we have been doing. As a mother of four and a grandmother, I think I come from a generation that can attest to how far we have come. I hadn't even heard of FASD when I was carrying my children, let alone any effects that alcohol may have on the pregnancy. So, yes, I would just like to reiterate what our Minister of Healthy Living (Ms. Irvin-Ross) was saying in terms of the \$7.5 million we've put into prevention of the spectrum disorder

and one of the things—I, also, as well as being a parent and grandparent, I worked in Corrections, and I notice here, I love the—one of the things we've done is the development and distribution of what doctors need to know about FAS, which I certainly didn't get information for, but particularly what Corrections needs to know.

I did work in Corrections for six years, again, prior to anyone I still did not know about FASD and I should have. In reflection I can see many of the youth that I worked with, my heart went out to, because they truly did not seem to understand what they were doing, and my work with them—one instance I was telling a youth that was a chronic bike stealer how it impacted on my own children, and his response—

Mr. Speaker: Order, order. When this matter is again before the House, the honourable Member for St. James will have nine minutes remaining.

* (11:00)

RESOLUTION

Mr. Speaker: The hour being 11 a.m., we will now move on to resolutions.

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, in accordance with Rule 31(8), I'm announcing that the resolution to be considered this morning is the Youth Criminal Justice Act—Sentencing and Bail Provisions.

On June 14, it was agreed the usual notice on the Notice Paper would be waived. Copies of the resolution were provided earlier this morning to all MLAs.

Mr. Speaker: In accordance with Rule 31(8), it's been announced that the resolution to be considered this morning is the Youth Criminal Justice Act—Sentencing and Bail Provisions. On June 14, it was agreed that the usual notice on the Notice Paper would be waived. Copies of the resolution were provided earlier this morning to all MLAs for this occasion only.

We will move on to resolutions on the Youth Criminal Justice Act—Sentencing and Bail Provisions.

Res. 1—Youth Criminal Justice Act—Sentencing and Bail Provisions

Mr. Andrew Swan (Minto): Mr. Speaker, I move, seconded by the Member for Burrows (Mr. Martindale), the private member's resolution entitled Youth Criminal Justice Act—Sentencing and Bail Provisions.

WHEREAS the Youth Criminal Justice Act (YCJA) came into force in 2003; and

WHEREAS since coming into force, a number of provinces, including Manitoba, have raised concerns about provisions within the YCJA; and

WHEREAS some of the most serious concerns relate to bail and sentencing provisions within the YCJA; and

WHEREAS courts across Canada have held that the YCJA does not permit deterrence to be an objective of sentencing; and

WHEREAS a youth cannot be incarcerated unless they have failed to comply with more than one non-custodial sentence, even though the non-custodial sentence could be for multiple counts of auto theft or other crime; and

WHEREAS a youth cannot be incarcerated for a first offence which is non-violent, even though it may involve multiple counts of auto theft; and

WHEREAS under the YCJA bail cannot be denied where there is no ability to order custody and custody cannot be ordered for a first offence which is classified as non-violent; and

WHEREAS the offence of auto theft is treated as a non-violent offence within the YCJA and the Criminal Code; and

WHEREAS the federal Minister of Justice has acknowledged that changes need to be made to the YCJA and has indicated that deterrence should be a factor in sentencing.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recommend that the Youth Criminal Justice Act (YCJA) be amended to incorporate deterrence as a sentencing principle; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommend that the YCJA be amended so that youth can be incarcerated for non-violent offences after failing to comply with a single non-custodial sentence; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommend that the Criminal Code of Canada be amended to create a stand-alone indictable offence of motor vehicle theft to be classified as a violent offence; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommend that the YCJA be amended to permit the detention of repeat offenders and those in breach of undertakings and by limiting the presumption to bail.

Mr. Speaker: It has been moved by the honourable Member for Minto (Mr. Swan), seconded by the honourable Member for Burrows (Mr. Martindale),

WHEREAS the Youth Criminal Justice Act—
Dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Swan: Mr. Speaker, I appreciate the opportunity to move this resolution which calls on our federal government to reform the sentencing and bail provisions of the Youth Criminal Justice Act. This is a very timely opportunity to rise and speak about this matter, given last week's all-party mission to Ottawa to put these issues before the federal government as well as the caucuses of the federalist opposition parties in the House of Commons. More than that, Mr. Speaker, it's a very timely opportunity for this Legislature to support the three party leaders, to support the mayors, to support the police of our two largest cities, to support Aboriginal leaders, and, most importantly, members of our community, in heeding calls from the public for improvements to the act.

Now I hope my comments on this resolution and the comments of other members who will rise to speak to it will rise above our partisan differences. Even if this act were changed tomorrow there will still be differences in how each party in this Legislature and how each party in Canada wishes to deal with youth in our society. I believe we're on the right track, but I believe that on this issue, on changing the act, we can and we should work together to strongly call upon the federal government to make changes that all of us are hearing from our constituents.

Changes to the act are necessary. They're necessary for the protection of the public at large, they're necessary for the protection and the rehabilitation of young offenders, and they're

necessary to restore confidence and respect in our judicial system.

Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair

The act was passed in 2002. The act came into force in the spring of 2003, replacing the Young Offenders Act. Manitoba raised serious concerns about the act before its passage, and Manitoba has been a consistent and a leading advocate for change ever since.

Madam Deputy Speaker, we're not alone in calling upon the federal government for reform. As an example, Manitoba has worked closely with Nova Scotia, a very different province, a very different political party in power, but Nova Scotia shares Manitoba's frustrations with our youth criminal justice system, and indeed Nova Scotia had a very high profile case in which a repeat car thief stole a car and killed an innocent victim.

This led to the Nunn Commission in Nova Scotia which examined youth justice and justice issues at large. The report was released in December 2006. The report contains recommendations consistent with each of these items being forwarded by Manitoba, and Manitoba has put these forward, not only in public but at federal-provincial-territorial meetings for several years now.

Now, this resolution puts forward four particular and specific changes to the sentencing and bail provisions of the act. I'll address each one, together with an example of why the current act simply does not meet today's challenges.

First the resolution calls upon the federal government to amend the act to recognize deterrent as a valid sentencing objective. Unfortunately, Madam Deputy Speaker, an extreme example of this difficulty was shown in a Manitoba case which wound up going all the way to the Supreme Court of Canada. It's a case which all members are likely aware of. It involved a case where a 15-year-old beat a 22-year-old immigrant to death with a pool ball during a fight. The sentencing judge ruled he couldn't consider deterrence under the act. The end result was that only one day, the day of the accused's court appearance, was to be spent in custody for the offence of manslaughter.

The case made its way to the Manitoba Court of Appeal and eventually the Supreme Court, the highest court in the country. The Supreme Court said that, indeed, the judge was correct in not taking

deterrence into account because of the way the act reads.

Including deterrence as a valid sentencing objective into the act will serve a number of purposes. It will improve public protection by reducing youth crime. It will allow for sentences that more properly reflect the severity of the crime committed. It will allow for sentences that are meaningful to youths, and it will allow our justice system to work with young offenders.

Some will criticize any move to toughen the act. There's always going to be debate over whether particular sentences are appropriate, but right now judges across this country cannot consider deterrence in determining a sentence, and that's completely wrong. I hope all members will agree it needs to be changed.

* (11:10)

Second, Madam Deputy Speaker, the resolution calls on the federal government to change, to correct what could only have been an unintended slip in the way the act is drafted. Currently, section 39(1) of the act says a young person cannot be subject to a custodial sentence unless one of a number of serious factors are present. One of these is whether the youth has failed to comply with non-custodial sentences.

The problem is that our system deals with young persons who often commit a large number of offences, whether it's break-ins or motor vehicle thefts. It's not unusual in Manitoba, nor is it unusual in any province or territory across Canada for all of these offences to be combined together and dealt with on one sentencing day in court. Given the difficulties I've already spoken about in terms of recognizing deterrence as a factor, it's often that the youth will receive a non-custodial sentence. If the youth then goes out and commits further offences while on probation or otherwise still under the terms of that sentence, the youth is still not eligible for custodial disposition as there's only been one previous sentence imposed.

So, effectively, that means that a young person has to be caught three times committing serious crimes before the court even has the ability to consider incarcerating the child. That simply is frustrating for Crowns, for police, for the public at large and needs to be changed. These offences are a serious public safety concern, and oftentimes it is multiple break-and-enters or multiple car thefts that give rise to this kind of situation.

The fix, Madam Deputy Speaker, is very simple. In fact, we can remove the letter "s" from one word in section 39(1) of the act and get the fix that people in Manitoba and across Canada are demanding. Again, this only permits the judge to make a custodial sentence where warranted. We still hope there will be many other options available to deal with young people. But in certain cases, for the protection of society, for the protection of the child themselves, we need that ability to be before the court.

Now, the third change sought by the resolution calls on the federal government to change section 29(2) of the act. This section prohibits the denial of bail to a youth on public protection grounds unless it's an offence where custody can be imposed upon sentencing. Motor vehicle theft and break-and-enters are considered property offences by the Criminal Code and by the Youth Criminal Justice Act, and that's a problem. Breaches of undertakings are not considered a failure to comply with a sentence, and therefore young people who've committed serious crimes, who've done dangerous things, who fail to comply with court orders, still receive the automatic benefit of a presumption to bail. And at present the courts in Manitoba, the courts across Canada, cannot consider serious matters such as the likelihood of the youth committing further offences, the possibility of witness intimidation and victim protection.

Now, again, these changes wouldn't prevent judges from granting bail to young offenders where appropriate, where these specific concerns aren't present, but it would allow judges to keep young offenders in custody where there are very serious and very grave concerns about further dangerous behaviour on the part of the young offender.

The final major area of reform sought by this resolution is to determine motor vehicle theft as a violent offence within the Criminal Code. This would increase the possibility of pre-trial detention of young offenders. It would also increase the likelihood of meaningful and appropriate custodial sentences. This will result in meaningful consequences for young offenders as well as greater protection of the public. Again, car theft is not treated as a violent offence. Madam Deputy Speaker, a youth who breaks into a car and who drives across the city of Winnipeg or elsewhere in the province of Manitoba is indeed committing a violent act, and it needs to be addressed as such.

As I said at the start, Madam Deputy Speaker, even if the act is amended tomorrow, we'll still have much work to do. There still will be many grounds for debate in this Legislature and elsewhere. I believe Manitoba is on the right track, but no government and no jurisdiction has a monopoly on good ideas, and I'm hoping by passing this resolution, sending a strong message to Ottawa, we can do what we can as a Legislature to call upon the federal government to improve very clear and very serious problems with a federal act. There is certainly more work to be done and more things to do, but I hope that each member of this Legislature will support this resolution and call upon the government for meaningful reform. I believe this is necessary. It'll improve the safety and security of the general public. It'll improve the safety and security of young people, and of course it will give Manitobans and Canadians more confidence in their justice system.

I'd like to thank the members of the delegation who went to Ottawa last week to present matters on a non-partisan basis, and I look forward to every member of this Legislature standing up and supporting this resolution today. Thank you, Madam Deputy Speaker.

Mr. Gerald Hawranik (Lac du Bonnet): While we do not disagree entirely with the resolution, what we disagree with is the scope of the resolution, Madam Deputy Speaker. The resolution as proposed by the Member for Minto (Mr. Swan) is really lacking and deficient. The principles in that resolution itself are really not the only ones that need to be addressed in terms of changes within the Youth Criminal Justice Act, and that's the concern we have.

There has to be more supervision of young offenders in the community. We'd like to see immediate changes as well to the Youth Criminal Justice Act to allow the Youth Criminal Justice Act to provide meaningful intervention with youth under the age of 12 who commit crimes. We've seen numerous examples, Madam Deputy Speaker, in recent years, of young people who are under the age of 12 who commit acts such as lighting fires to both people and property. These types of incidents have really enraged and outraged our communities and are difficult to understand why they happen.

The current Youth Criminal Justice Act prevents programs and interventions from happening with children under the age of 12. I believe that the resolution, as proposed by the Member for Minto, should have addressed that particular issue, yet it did

not. We need to ensure that those offenders who are under the age of 12 are benefiting from interventions so that they can improve their chances of a crime-free future, and so that we can teach young offenders, those people under the age of 12, that crime does not pay.

We also have to allow judges to apply the principles of denunciation and deterrence as they sentence young offenders. These are important principles in sentencing, which have been excluded by the Youth Criminal Justice Act and, as a result, sentences for serious crimes committed by young people don't reflect society's expectations. People expect more from our Youth Criminal Justice Act and that, simply, wasn't addressed within the private member's resolution as proposed by the Member for Minto.

We also have to ensure that young offenders demonstrate that they deserve to be given a clean record after they turn 18 years of age. We have to ensure that the Youth Criminal Justice Act, in fact, addresses that, and that again is not addressed by the private member's resolution.

There are many other proposals that we've given to the federal Minister of Justice and, in fact, to the current provincial Minister of Justice (Mr. Chomiak) that haven't been acted on within this resolution. They've been addressed by way of letter to the federal Minister of Justice as well as to the current Minister of Justice in Manitoba.

Our concern in all of this, Madam Deputy Speaker, is the current approach by this government dealing with youth crime. They continue to look to the federal government to solve the problems that we have within our youth justice system in this province. I look to auto theft as an example.

We had an all-party committee that went to Ottawa and wanted some changes to the Criminal Code as well as to the Youth Criminal Justice Act. While we support that, what we don't support is focussing the intention entirely on the Youth Criminal Justice Act and the Criminal Code, and asking for changes, thinking that that's going to be the panacea in Manitoba.

Well, that's not the case, Madam Deputy Speaker. We have the same federal laws right throughout this country. What we've seen in other provinces is other provinces taking the initiative to change their policies with respect to auto theft, as an example, changing their policies, ensuring that they

have programs that make sense to deter auto theft, and they've been working. They haven't pointed to the federal government as being the problem in terms of auto theft like this government has done.

They've taken the initiative. They've added programs, for instance, such as British Columbia; they've taken auto theft very seriously. In the last three years, they've decreased auto theft in British Columbia by more than 30 percent through an increase in their big car program and other initiatives. What we've done is we've gone to Manitobans and to the victims and said: Install an immobilizer, and if you don't install an immobilizer, you won't be able to buy auto insurance for your vehicle.

* (11:20)

Really, what this government has focussed on in terms of auto theft is the victim, himself or herself. They haven't looked at the root causes of auto theft. They haven't looked at trying to ensure that police have more tools from which they can actually catch auto thieves. Different approaches have been occurring in different provinces. In British Columbia, in particular, the bait car program was expanded to a great extent, and as I said before they have decreased auto theft in British Columbia by more than 30 percent. Over that same period of time in Manitoba, because of a lack of action by our government here in Manitoba, auto theft has increased over that period of time by over 25 percent. It's not enough to go to Ottawa and blame the federal government for everything that's happening with respect to auto theft.

Madam Deputy Speaker, while we support changes to the Youth Criminal Justice Act, we support changes to the Criminal Code to ensure that auto theft is included as a separate offence. We support that, and the federal Conservative government certainly supports that; they always have. What we need to do is ensure that this provincial NDP government talks to their federal counterparts to ensure that their federal colleagues are, in fact, on board with proposals to the changes to the Criminal Code and the Youth Criminal Justice Act to ensure that they pass Parliament.

It's interesting, Madam Deputy Speaker, I was reading an article this morning written by Vic Toews, the former federal Justice Minister, and how he outlined the fact that the federal NDP have blocked greater consequences for auto theft. In fact, in Parliament, legislation was proposed by the

federal Conservatives to allow a wider range of consequences for auto theft and property crimes, including limiting house arrest for youths and limiting house arrest for adults who are, in fact, convicted of property crimes. What I found interesting is that Jack Layton and the federal NDP, including the federal Liberals, in fact, blocked that legislation. All of a sudden, when we have an all-party delegation going to Ottawa and we talked about changes, now we find that Jack Layton, the federal NDP minister, federal NDP leader, is, in fact, in favour of increased consequences. So, when we talk about auto theft, I think what we have to do is look at changes, of course, to the Criminal Code and the Youth Criminal Justice Act, but we need this NDP government on board to talk to their federal counterpart to make sure they're on board with changes that will make a difference to auto theft.

What's happened over the last three years in Manitoba is because of a lack of action by the provincial NDP, by this government, because of that lack of action, we've had increases in auto theft like never before. In the last three years, 25 percent increases in auto theft, very little action on the part of this government in terms of controlling auto theft and deterring auto theft, and looking only to the federal government for a solution. Well, the same federal laws apply here in Manitoba as they apply in British Columbia, Madam Deputy Speaker. Exactly the same federal laws apply throughout this country. Why has British Columbia, why has Saskatchewan, in fact, how have they decreased auto thefts? I think it's incumbent upon our Minister of Justice to take a look at best practices across this country and see what he can do. I know the federal government, the federal Conservatives will do their part in amending the Criminal Code and in amending the Youth Criminal Justice Act. I only hope that our Minister of Justice does the same.

Thank you.

Ms. Sharon Blady (Kirkfield Park): Madam Deputy Speaker, I would like to speak to this motion on a number of levels and I am thankful for the opportunity to do so here.

Really, I would like to address this both in support of the motion as a member of this House but also as a mother. That one of the things as parents we all know about children is that they seek out boundaries. They need boundaries; they need deterrents; they need to know there are consequences for their actions, and hopefully most of us are able to

provide that within our homes. But it needs to be backed within the law and the current Youth Criminal Justice Act does not provide that larger societal framework. It is true that we do, in fact, need a village to raise a family, to raise a child, and I believe that the motion put forward to strengthen this act helps to do that, because the current issue regarding sentencing and bail provisions really does not provide for adequate consequences. So children who are not provided with a structure at home that gives them a sense of boundaries and consequences are left to fall through the crack by a society or a village that also fails to provide those boundaries and consequences.

I do believe that we do need to tighten up these acts in the very places that the honourable Member for Minto (Mr. Swan) has suggested and has put forward in his motion, that these are areas that are of grave importance both to the future of our children and to the safety of all Manitobans for numerous reasons, and the concerns brought forward by the member opposite, I think, while having certain validity at a certain level, also indicate a need for some education regarding what this government has done already to sort of backfill what has not been accomplished on a federal level.

We have been working in the areas of prevention with things like the Lighthouse programs and friendship centres. I'm familiar myself with the Ndinawe program on Selkirk Avenue, and I know the value of that program. That is something that this government put forward to help give those children a place so that they did not have to become statistics or someone that could easily pass through the Youth Criminal Justice Act. It gave them that place, that role of the village in raising the child. We also have the Winnipeg Auto Theft Suppression Strategy that is put through by MPI. We have the immobilizers. We have been doing things.

The idea that this government has been sitting on its hands really speaks to a lack of education on the issue rather than an awareness of the proactive measures that this government has taken. We have issues around informing the public around gang issues. We have the Neighbourhoods Alive! program. This government has been moving forward to really provide that structure that children need, to provide those boundaries, that sense of home, that preventative aspect. We have things like the Safe Schools Manitoba and the Community Schools Initiative. We have mentoring programs, and the Triple P, the positive parenting programs. We are

doing those things to provide families and communities with structure on a preventative level so that children can be given those things that they need, but the thing is that it needs to be backed by things like the sentencing and bail provisions.

I really hope that the members of this House all stand forward to help pass this motion because it really is what we need to do to help force the federal government to do what they need to do in their role as the larger village in raising our children. Thank you.

Hon. Jon Gerrard (River Heights): I rise to comment on this resolution dealing with the Criminal Code and the Youth Criminal Justice Act, the sentencing and bail provisions. I want to indicate right at the beginning that the Manitoba Liberals will support this resolution, and we will vote for it.

I was pleased last week to be part of an all-party delegation to Ottawa to advocate for changes to the Criminal Code and, indeed, for other federal measures that can help address the problems of crime in Manitoba. It was well received, I believe, by all three parties whom we met with, and, hopefully, we can anticipate some changes to the Criminal Code at some point in the future. I think it's important to note that we shouldn't wait for the federal government to act because there's lots to do here in Manitoba.

I would also indicate that for me it was important to be there as part of the delegation not solely to advocate for changes to the Criminal Code and the Youth Criminal Justice Act, but also to advocate for other actions that the government in Ottawa could take, including improved federal support transition for immigrants. Immigrants from war-torn countries are susceptible to be pulled into gangs, and it's important that we provide better support to the immigrant community to make sure that their young people really have the opportunities that they should have here in Manitoba.

* (11:30)

I also advocated for better federal support with regard to health care and particularly, of course, in First Nations communities and particularly with relationship to FASD and other mental disorders.

I also advocated for better federal support regarding Child and Family Services as it applies in First Nations communities for Jordan's Principle, that we look at the child first and then sort out some of the financial issues.

I have been in a number of First Nations communities in the last month and, certainly, there are some issues that the community has had, both with the Province and with the federal government. The federal government has a role and needs to come forward in this area.

Lastly, I advocated for federal support in relationship to more activities for young people in First Nations communities. Clearly, that is badly needed. I heard that time and time again. Giving young people alternatives to getting involved in criminal activities is one of the things that we need to do, and need to do better, and the federal government has a role, particularly, but not solely in First Nations communities. I had, for example, written to the minister of justice with regard to supporting the wellness centre in Brandon, as an example, in a non-First Nations community, of an initiative designed to give better activities. Certainly, that needs federal support and, hopefully, it will have it in the near future.

I also spoke in support of Dennis Meeches, chief at Long Plains, called for better support federally for policing in First Nations communities, and that, also, is something that the federal government can do.

But, now, turning to the provincial role, we have been to Ottawa as an all-party group, but going to Ottawa together does not detract from the huge, indeed, I would say horrific problems with the way that the NDP have governed Manitoba, which is one of the major causes of increased criminal activity in this province.

Under the Youth Criminal Justice Act, there were specific provisions indicating that provinces should not offload problems of the Child and Family Services system onto the criminal justice system, that the provinces should not offload problems of health care delivery onto the criminal justice system so the criminal justice system has to serve as the default system because the social services and the health care are so terrible that they, in fact, are not being looked after, and we end up with children and adolescents and, indeed, adults in the criminal justice system, instead of being properly looked after by the health care or the social systems in this province.

One only has to read almost any edition of the *Winnipeg Free Press* over the last two weeks or so to see the horrific mess that this government has made with Child and Family Services. This is a tragedy because that tragedy is not only causing huge problems with the lives of children and young adults

and their subsequent lives, but it is also a tragedy for all of us because it leads to decreased safety and community-increased crime, because this government has done such a terrible job in the Child and Family Services system that we are seeing these problems in criminal activity as a result of them not looking after, not ensuring that children who come in contact with the Child and Family Services system are looked after well.

So, as Liberals, we are certainly not going to let today's NDP off the hook on their own huge culpability with report to crime and criminal problems in Manitoba. Today's Manitoba NDP have much to answer for, and we are going to raise this issue time and time again during this legislative session. I suggest that today's NDP MLAs may not like to be accountable, may not like the word accountability, but it's time that the NDP start recognizing and accepting responsibility for the huge problems they have created in Manitoba and recognize that there needs to be much better solutions than they have provided during the course of the last eight years. Thank you.

Mr. Doug Martindale (Burrows): Madam Deputy Speaker, I am pleased to speak on this resolution titled the Youth Criminal Justice Act—Sentencing and Bail Provisions. Certainly crime is an issue in Burrows constituency, which is one of the reasons why I was pleased to second this resolution. It's almost always an issue during provincial elections, although I must say that that varies from election to election.

For example, when we have police foot patrols, people feel safer and their perception of crime is less. So I don't hear as much about crime on the doorstep. But when we no longer have police foot patrols, then people's perception goes up and people feel less safe and then I hear a lot more about crime in the neighbourhood. We used to have police foot patrols in areas like Shaughnessy Park and people actually saw the police officer on the street and could talk to them. People were very happy with that kind of service from the Winnipeg police department.

Well, what happened to that excellent program? Well, first of all, they doubled the neighbourhoods that these police beat officers had to patrol. The result was that they were no longer on foot but they were in patrol cars so people no longer saw them on the street. Then what happened? Well then, the Winnipeg Police Service in its wisdom decided that those officers would be available for dispatchers to

go to other calls. Well the police officers that were involved in that program told me that that killed foot patrols. There were no more foot patrols after that because those officers were available to be dispatched.

Now, we know that the City of Winnipeg is going to hire a new chief of police. We certainly hope that the new police chief will be in favour of police foot patrols and will bring back that excellent program because it acts as a deterrent, makes people feel safer, those officers can find out what's happening in a local community, can address problems and really it's a kind of prevention and I think probably a good kind of prevention.

Now, during the election the Official Opposition really tried to drive crime as an issue. In fact, I think they were hoping that they could form government on one issue alone, and that was crime. So they spent a lot of money on advertising their platform on crime. Certainly people like me in the North End got an earful on the doorstep about crime, but what were people saying and what was their reaction? Well, obviously they had some very legitimate concerns and we listened to those concerns. But what was really interesting was that even though they were bringing up to me the number one issue of the Conservative Party, they were still voting NDP. That was quite apparent in the election results. Why was that? Well I think people agreed with our platform which consisted of prevention, intervention and suppression. The kind of quick fix solutions that the Conservative Party were proposing just weren't realistic.

People know that it's not entirely up to the Province of Manitoba to solve all the crime problems. Because of differences between federal jurisdiction and provincial jurisdiction, our hands are tied in many ways. In spite of that we have introduced some new laws that have been quite effective, for example, the Safer Communities and Neighbourhoods Act and the anti-gang legislation, namely the Fortified Buildings Act. So our voters know that we are being proactive in areas where we can be. There are many, many examples of this, some which were alluded to by the Member for Minto (Mr. Swan) and the Member for Southdale (Ms. Selby) or the Member for Kirkfield Park (Ms. Blady), pardon me. I really should give credit where credit is due here.

So the other thing that people understood was that the federal government has a role and that there

are things that Manitoba can't do, but the federal government needs to amend the Criminal Code and they need to amend the Youth Criminal Justice Act. That's what these provisions and this resolution is all about.

Now, in terms of prevention, there are many good things that our government has been doing; for example, over 50 Lighthouse sites throughout Manitoba, and one of those sites is in Burrows. In fact it was the site of an announcement, I believe, in the 2003 election, namely at King Edward School. The next new one is going to be in Gilbert Park, and I believe that Gilbert Park deserves a Lighthouse and certainly will benefit from a Lighthouse so that children have recreation opportunities in an area which really is a deficit in terms of opportunities for children.

* (11:40)

We have the Winnipeg Auto Theft Suppression Strategy with 14 specialized corrections staff assigned to supervise chronic repeat offenders. MPI has implemented a mandatory electronic immobilizer anti-theft program. Now I used to have one of those vehicles that needed an immobilizer. In fact it was on that list that said if you don't have an immobilizer you can't get reinsured. It happened to be my wife's 1990 Oldsmobile Cutlass Ciera with 235,000 kilometres on it, but we had a problem because you can't get an immobilizer unless the Command Start is working. Our Command Start wasn't working, and we actually went to four or five garages and they said, "We won't fix it because we didn't install it." Well, the garage that installed it went bankrupt, so we couldn't get the Command Start fixed, we couldn't get an immobilizer.

So what did we do? Well, we donated it to the Kidney Foundation for a charitable tax receipt and last Thursday we took it to Bucks Auto. It was probably one of those cars that was involved in the fire on the weekend. Kind of a sad demise for our dear old car, but I can tell you there wasn't much gas in the tank because we made sure we didn't spend money on gas when we were going to get rid of the car. Anyway, that's one less car that can be stolen because it's gone to the auto wreckers. Who knows what happened to it since then.

We actually bought a new car that does have a factory installed immobilizer. So if there are fewer cars that can be stolen, if there are more cars with immobilizers, that is going to have a long-term impact on the auto theft rate.

Project Gang-Proof raises public awareness via a series of information pieces that answer many questions the public commonly asks about street gangs and has a province-wide resource line. Now there are so many good things that we are doing that I'm only going to highlight them, because I couldn't possibly get through all of the things that we're doing as a government.

An Honourable Member: You're so modest, Doug.

Mr. Martindale: Well, I know that the opposition really would never give credit to the government for what they're doing, but I do give them credit for joining us in an all-party delegation to Ottawa to put pressure on the federal government. For that reason, I think they should actually vote for this resolution because I don't think that there's anything in this resolution that they would be opposed to. I mean, it makes reference to improving the Youth Criminal Justice Act and strengthening the Youth Criminal Justice Act, toughening it up and having more meaningful penalties for offenders. That's all good for Manitobans. So I expect that the official opposition and the third party will be voting and supporting our resolution today.

Also under prevention we have Neighbourhoods Alive! which has provided more than \$1.2 million for crime prevention. We have the Safe Schools Manitoba program. We have *A Whole-School Approach to Safety and Belonging, Preventing Violence and Bullying*. We have the Community Schools Initiative in 20 schools. We have an in-school mentoring program to increase positive relationships between children and adults offered through Big Brothers Big Sisters in Winnipeg, Portage la Prairie, Brandon and Winkler.

We have the Triple P program or Positive Parenting Program, and this is now being offered in the Keewatin-Inkster health district which is partly in Burrows and partly in the constituency of Wellington. We have an Intensive Newcomer Support Grant program. We are investing in child welfare through the Changes for Children action plan. We have an FASD strategy supported with 7.5 million specifically targeted for prevention. We have Closing the Gap which directs strategic policy and initiatives aimed at improving education, housing, health and economic well-being of people of Aboriginal descent.

Now, under intervention, once again I would just highlight some of the things that we're doing by way of intervention. I think one of the most significant—

although I'm really running out of time here; I have three pages of good things that we're doing that I won't be able to read into the record. So I'll just conclude with the Turnabout program, the only program in Canada to deal with people under 12 who are doing things that if they were over 12 would be illegal. There was an evaluation of this program which said that 80 percent of parents are taking it seriously when children are referred to their schools, or to Child and Family Services, or to other resources like the anti-arson program.

So there are many, many good things that we are doing. This is an excellent resolution. I commend the Member for Minto (Mr. Swan), and I look forward to seeing the opposition and the third party voting in favour of it.

Mr. David Faurshou (Portage la Prairie): It is a pleasure for me to rise and speak on a topic that is near and dear to not only my heart but many, many of the constituents in Portage la Prairie who have been affected by criminal activity over the last while.

This government, I don't know why, has not brought forward this resolution under Government Business. Why has it been left to a backbench MLA to bring forward this resolution today. I don't know the motivation behind the tactic in which this resolution has been introduced, but whether it's by embarrassment that this has so failed in its efforts to curtail criminal activity of our youth here in the province of Manitoba, because that is exactly what has taken place. This government has failed. All one has to do is look at any community's criminal activity record throughout the province, and you will see that it has increased, increased, Madam Deputy Speaker, over the course of this government's mandate.

In particular, Madam Deputy Speaker, in Portage la Prairie we are very, very disappointed as to this government's support through our current judicial system by way of Crown attorney time, by way of bench judicial time afforded to address the many, many remanded and outstanding charges that have been laid by the RCMP. This government should be truly embarrassed, truly embarrassed about the length of time that justice takes in this province. I don't know where they can go in public and hold their head up and say that I'm very proud that it takes a year, 15 months, 18 months, three years, to get a charge before the court. That is an abysmal record to be proud of, and this government seems to stand and say that they are proud of what they've done.

They try and deflect about the little programs here and there that are maybe making a small difference, but in the long haul, big picture, they're really not addressing the issues that Manitobans want to see addressed. I think we should all be embarrassed by the current backlog in our courts and our judicial systems here in the province.

The law enforcement agencies that operate around the province are doing their part. They are catching the criminals, but in many cases those same criminals which they apprehend are back on the streets before the arresting officers have completed the paper work. Truly, this is something not to be proud of. We have to change the way this government supports our police forces here that are doing a phenomenal job in apprehending individuals, but it's a catch-and-release system of justice here in the province that the police forces and officers on the street are trying to make a joke of. But, really, truly, they are ashamed of the current system.

Now, this worded resolution concentrates on the Youth Criminal Justice Act, which was a Liberal product back in 2003 that truly went away from what the general population would like to see, and that is a deterrence, a consequence for actions. When someone breaks a law, there should be a consequence; there should be a punishment.

Understand and recognize what brought about that individual's errors and straying into the criminal element and let us address that. Is it because that individual had an addiction, a drug, an alcohol or some other addiction? Or was it because of a lack of education? Was it because of the family background and the environment in which that individual was raised? We have to understand that and we have to address that.

Some of the New Democratic Party government programs are doing so. But when you take years before that intervention takes place, who are we serving here? We're not serving our general population, our Manitobans that look to this government to protect their civil rights, protect their property, protect their well-being, and that's not taking place currently. People are afraid to walk the streets here in Manitoba. They're afraid to leave their valuables out without a lock and key or a compound to protect them. This government is truly failing Manitobans.

* (11:50)

You just have to go out and listen to what people are saying. They are disgusted. They're getting to a point of wanting to take the law into their own hands, and we don't want to see vigilantism take place in this province. But we want action. We want the supports necessary for our judicial system to work here in the province. We need more Crown attorneys. We need more provincial Justices on the bench addressing and making certain that criminals that have been charged are effectively dealt with in a timely fashion.

Justice delayed is justice denied. What is happening in our current system is to a criminal's delight. We just keep remanding and remanding and remanding, hoping perhaps the witnesses will pass away, that the memories will be failed, that the police officers with their notes will be transferred, and it'll be too costly for the judicial system to bring back that officer to effectively conduct a trial. Then what happens? Plea bargain away. Plea bargain away and we'll get a slap on the wrist and no deterrents.

If I was sitting on that side of the House, Madam Deputy Speaker, I would be appalled. I would be embarrassed. I know *Hansard* won't record the laughter from the other side of there, but that is a testimony to the arrogance and the lack of understanding of the current situations that are out there. In Portage la Prairie, we are nearing a crisis mode. We have more charges outstanding.

I've been provoked by the other side to call an election. Indeed, I would very much like to go out on the streets. I enjoy campaigning. I enjoy winning the seat in Portage la Prairie. I am truly honoured and privileged to represent the interests of Portage la Prairie and that's why I stand today, Madam Deputy Speaker, making these points.

The situation is that we need to address the outstanding criminal activity that is taking place here in the province of Manitoba. We have to protect law-abiding Manitobans. I appeal to this government to effectively provide the resources that are necessary to deal with the criminal activity and to preserve the rights and freedoms of Manitobans. Thank you.

House Business

Hon. Dave Chomiak (Government House Leader): Yes, Madam Deputy Speaker, on House business, I would just like to announce that the Kyoto support resolution will be considered next Tuesday.

Madam Deputy Speaker: The Government House Leader has announced that next Tuesday, the Kyoto resolution will be considered.

Mr. Chomiak: That's correct, Madam Deputy Speaker. I've announced that the Kyoto support resolution be considered next Tuesday.

* * *

Mr. Cliff Cullen (Turtle Mountain): Madam Deputy Speaker, it's certainly a pleasure to rise in the House today to put a few words on the record in regard to this resolution brought forward by the Member for Minto (Mr. Swan). Certainly crime is on everyone's minds these days as you hear in the media outlets whether it be newspaper, radio, television. There's certainly a lot of issues that come forward on a daily basis. So justice is certainly on the minds of everyone throughout Manitoba because it does impact people throughout Manitoba very, very directly. So it is very important that we take seriously our role as legislators and government, both provincially and federally to make the decisions and the best efforts on behalf of Manitobans to protect them for the future.

It's certainly a privilege for me to return to the House and to represent the fine constituents of Turtle Mountain after our summer recess. Of course, as we know in the Chamber, the summer recess is not necessarily a time off for MLAs. It gives us the opportunity to travel around, not just our constituents, but around the province of Manitoba as well.

And it gives us a real opportunity to sense what Manitobans are thinking in terms of issues, and justice issues certainly are at the forefront here in Manitoba. And not just in Winnipeg, Madam Deputy Speaker. It's an issue that's spilling out across the province and it's not just in our major cities either. It's out in the rural communities.

Mr. Speaker in the Chair

In fact, I was just reading last night. This is the magazine that's put out by the Keystone Agricultural Producers association. The magazine is called *Farmers' Voice*, and on one page it talks a little bit about the KAP's General Council that met on July 12 in Brandon. This was an opportunity for delegates from across the province to talk about issues relative to agriculture, to farmers, and talk about some policy directives for government, both provincial and federal.

There are a number of issues they put forward here, and the one that got my attention talks about increased resources and punishment for crime, Mr. Speaker. In fact, this resolution reads exactly this: That KAP lobby the provincial and federal governments to increase the number of RCMP personnel and increase the punishment for crime for all offenders including youth offenders.

So, Mr. Speaker, it's quite clear that all Manitobans are being impacted by justice issues, and what we're hearing now is the rural communities bringing forward the issue and trying to pressure the government into making some amends so that justice issues can be dealt with properly. I think my colleague from Portage la Prairie put it quite succinctly where we feel that the provincial government here is not really taking their responsibility in the justice issues to the best hearts of Manitobans. There's so much more that should be done here in the province of Manitoba, and this government should be taking a lead role in doing it.

We were happy to participate in the venture to Ottawa to make some positive changes in terms of the Youth Criminal Justice Act and some of the implications around that particular legislation. However, that's just a small part of the entire picture. The government here in Manitoba plays an important role in some of the changes that should be made as well.

I think it's important to recognize that if we can nip some of these crime offences in the bud, if we can stop these young people, if we can deter them from offending again, it certainly will serve us very well down the road.

We know the financial implications that are involved in terms of administering someone once they get into the court system, once they are imprisoned for a period of time. It's a very expensive process for us to undertake here in Manitoba. So if things can be done at an early age to make sure that these young offenders are dealt with in a proper and effective manner so that they will not be re-offending again, I think it's a very important step forward.

We know when young people start offending, it's usually in a shoplifting situation. We know these youth are getting away with it several times usually before they're apprehended. So we know that sort of thing happens. They're getting away with it. Quite often they've had their second, their third, their fourth situation develop, and eventually they will probably get caught.

Now, usually what happens in the situation is they're off very lightly because it is their first dealing with the court system. However, that individual has probably already had a number of situations where they've acted illegally. And then usually what happens, if they're not treated in a manner which would deter them from doing it again or get some kind of proper counselling going forward, they're going to undertake some other type of criminal activity, whether it be shoplifting again, or as we see in Manitoba in a lot of the cases, it's the act of stealing cars. We know that it's an epidemic situation

here in Manitoba, and other provinces are dealing with it in an effective manner, and other provinces do have similar legislation as to what we have in Manitoba.

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Turtle Mountain (Mr. Cullen) will have five minutes remaining.

The hour being 12 noon, we will recess and reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, September 25, 2007

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