



PRAYERS

1:30 O'CLOCK P.M.

The following petition was presented:

Mr. SCHULER – Legislative Assembly of Manitoba request that the Minister of Education, Training and Youth consider halting plans to place portions of the Rural Municipality of Springfield into separate school divisions and to request that the Minister of Education Training and Youth recognize that dividing the RM of Springfield will result in a lower quality of education for all of the students involved. (D. Brook, D. Colbert, N. Capner and others)

Hon. Ms. BARRETT, the Minister of Labour and Immigration made a statement regarding Philippine Heritage Week, June 9 to June 16, 2002,

Mr. REIMER commented on the statement.

Hon. Mr. SALE, the Minister of Family Services and Housing made a statement regarding a fire that broke out in the Hemlock Drive apartments, in Flin Flon on June 6, 2002,

Mr. REIMER commented on the statement.

By leave, Hon. Mr. SALE introduced Bill (No. 35) – The Child and Family Services Authorities Act/Loi sur les régies de services à l'enfant et à la famille, and outlined the purposes thereof, it was read a First Time.

(Recommended by His Honour, the Administrator)

Hon. Mr. SALE presented:

Message from His Honour, the Administrator recommending the disposition of public revenue for Bill (No. 35)

(Sessional Paper No. 161)

Following Oral Questions, Mr. Speaker made the following rulings:

During debate of Bill 5 – The Workers Compensation Amendment Act on May 23, 2002, a point of order was raised by the Honourable Member for Ste. Rose regarding comments spoken in the debate by the Honourable Member for Transcona. The Honourable Member for Ste. Rose contended that the Honourable Member for Transcona referred to members of the Opposition as racists, and requested an apology. The Honourable Minister of Family Services and Housing also spoke to the point of order, and noted that the Member had not used the word, and had not attributed it to any specific Members in the House. I took the matter under advisement in order to peruse Hansard carefully.

As Speaker, I take this issue very seriously, as the word racist can have a terrible and hurtful connotation. The word has a history in the House, and has been the subject of interventions by a number of Speakers.

Looking at the comments of the Honourable Member for Transcona, on page 1814 of Hansard, the Honourable Member is recorded as saying "I would ask you perhaps you want to explain to member of the House why you are either excluding on the basis of science or you are excluding it on the basis that they are First Nations people. I suppose if it is the latter reason, there is a word that is used to describe that, which, Mr. Speaker, would be unparliamentary for me to mention, but it begins with the letter 'r.' I am sure members of the Opposition know what that reference is to, why they would have excluded that particular coverage."

The issue is a difficult one because the Honourable Member for Transcona did not come right out and say the word racist or racism, however, it was strongly implied in his remarks. As Beauchesne citation 487(2) advises, words may not be used hypothetically or conditionally, if they are plainly intended to convey a direct imputation. I am troubled that Members would allude to or attempt to make an indirect reference to other Members in the House as being racists. Therefore, I am advising the House that the interpretation I have for use of the word racist in this House, is that the word should not be used, either directly or indirectly, against individuals or groups of Members in the House to convey the impression that the Members are racist or have racist attitudes. Let there be no misunderstanding of this – I do not want Members to be making indirect references to the "r" word or attempting to use the word against a group of persons in the House and expect that by using a generic reference, it would be okay to use the word. As I mentioned previously, the word can have a very hurtful and harmful connotation. I am not prepared to allow the use of the word directly or indirectly against Members.

Given that the Honourable Member for Transcona did not actually say the word, I cannot call upon him to withdraw it. But, I would call upon the Honourable Member for Transcona to offer an apology for implying something that caused other Members to be offended.

WHEREUPON Mr. REID apologized to the House.

* * *

Monday, June 10, 2002

During Oral Questions on Wednesday, May 29, 2002, the Honourable Government House Leader raised a point of order concerning the use of the words "lie" and "lying", which he indicated that he had heard the Honourable Member for Emerson say from his seat. The Honourable Official Opposition House Leader also spoke to the same point of order. I took the matter under advisement in order to peruse Hansard.

Page 1939 of Hansard indicates that the words "why is he lying" and "why do you often lie" do appear, however the words are not attributed to a specific Member. Although the Honourable Government House Leader made reference to the words as being spoken by the Honourable Member for Emerson, the Honourable Member for Emerson did not state on the record whether he did or did not say the words in question. As I ruled on November 14, 2001 and on May 2, 2002, without a clear indication, either through identification in Hansard or by admission from a particular Member that the words in question were indeed spoken by that Member, it places the Speaker in a difficult position to rule on the language used.

I therefore cannot rule on whether there was or was not a point of order in this instance. I would, however, like to take this opportunity to remind all Members that we should be referring to each other in terms and language that are temperate and are worthy of this Chamber and the positions that we hold.

* * *

During Oral Questions on Tuesday, June 4, 2002, the Honourable Official Opposition House Leader raised two points of order concerning the content of replies given by the Honourable Minister of Finance to questions asked by the Honourable Member for Fort Whyte. The Honourable Official Opposition House Leader cited Beauchesne citation 417 which states "answers to questions should be as brief as possible, deal with the matter raised, and not provoke debate." The Honourable Minister of Finance also spoke to the points of order. I took the matter under advisement.

After reading the answers of the Honourable Minister of Finance that appear on pages 2172 and 2173 of Hansard, I would rule that there is a point of order. I would like to remind all Ministers that according to Beauchesne citation 417, answers to questions should be as brief as possible and should deal with the matter raised.

Pursuant to Rule 23(1), Ms. KORZENIOWSKI, Mr. ROCAN, Ms. ASPER, Messrs. HAWRANIK and SANTOS made Members' Statements.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. CALDWELL:

THAT Bill (No. 14) – The Public Schools Modernization Act (Public Schools Act Amended)/Loi sur la modernisation des écoles publiques (modification de la Loi sur les écoles publiques), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. HAWRANIK having spoken,

And Mr. HAWRANIK moved an amendment as follows:

THAT all the words after the word "THAT" be deleted and the following substituted therefore:

this House declines to give Second Reading to Bill (No. 14) – The Public Schools Modernization Act (Public Schools Act Amended)/Loi sur la modernisation des écoles publiques (modification de la Loi sur les écoles publiques), until such time as the Minister of Education, Training and Youth undertakes meaningful consultations with all effected stakeholders within Manitoba's education system.

WHEREUPON Mr. Speaker ruled the amendment in order.

And the debate continuing on the amendment,

Hon. Mr. GERRARD moved:

THAT the debate be now adjourned.

And the Question being put. It was negatived on the following division:

YEA

CUMMINGS
DACQUAY
DERKACH
DRIEDGER
DYCK
ENNS
FAURSCHOU
GERRARD
GILLESHAMMER
HAWRANIK
HELWER
LAURENDEAU

LOEWEN
MAGUIRE
MITCHELSON
MURRAY
PENNER (Emerson)
PENNER (Steinbach)
PITURA
REIMER
SCHULER
SMITH (Fort Garry)
TWEED 23

NAY

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ASPER	MCGIFFORD
BARRETT	NEVAKSHONOFF
CALDWELL	REID
CERILLI	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
FRIESEN	SCHELLENBERG
JENNISSEN	SELINGER
KORZENIOWSKI	SMITH (Brandon West)
LATHLIN	STRUTHERS
LEMIEUX	WOWCHUK.....29
MACKINTOSH	

And the debate continuing on the amendment,

And Hon. Mr. GERRARD speaking at 5:00 p.m. The debate was allowed to remain in his name.

Mrs. SMITH (Fort Garry) moved:

Resolution No. 13: Youth Criminal Justice Act

WHEREAS youth crime is on the rise, with Statistics Canada reporting that the rate of violent crimes committed by young people rose by 38% between 1989 and 1999, and by another 7% in 2000 alone; and

WHEREAS *The Young Offenders Act* has serious omissions and limitations which severely restrict provincial efforts to fight and prevent youth crime; and

WHEREAS in the spring of 1999 the previous Government initiated a panel, chaired by the Honourable Member for Emerson, to carry out consultations throughout Manitoba on the *Young Offenders Act*; and

WHEREAS as a result of these consultations it was determined that many Manitobans believe that young offenders must take full responsibility for their actions and that the youth justice system must provide significant consequences for youths who commit serious criminal offenses; and

WHEREAS the Government of Canada passed the *Youth Criminal Justice Act* in the House of Commons on May 29, 2001 as a replacement to the *Young Offenders Act*, despite harsh criticism of the new Act from judges, victims of crime, youth workers, and provincial governments; and

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WHEREAS the Government of Quebec is an avid opponent of the *Youth Criminal Justice Act*, claiming that the legislation would inhibit some of the positive justice initiatives that have been implemented in that province, and further indicating that it may refer the Bill to the Quebec Court of Appeal in order to challenge its constitutionality; and

WHEREAS the Government of Ontario also feels that the *Youth Criminal Justice Act* does not go far enough in dealing with youth crime, and has drafted approximately 100 proposed amendments which it submitted to the federal Justice Minister as the "No More Free Ride for Young Offenders Act"; and

WHEREAS under the Act, a person 14 years or older may still be sentenced as a youth even in cases of violent crimes such as murder, attempted murder, manslaughter, or aggravated assault, and there are no mandatory minimum sentences for weapons offences; and

WHEREAS for many offences the Act continues to allow, on an arbitrary basis, youths to be released from incarceration into community supervision after two-thirds of the sentence has been completed, without undertaking a risk assessment or taking into consideration the behaviour of the offender while incarcerated; and

WHEREAS the Government of Canada, through the *Youth Criminal Justice Act*, will be imposing significant financial costs onto the provinces without providing the appropriate supports.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Government of Canada to consider revisiting and strengthening *The Youth Criminal Justice Act* to ensure that young people are held accountable for their actions by providing more significant consequences for youth who break the law.

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Government of Canada to provide the provinces with the necessary financial resources to implement and enforce any changes imposed under the *Youth Criminal Justice Act*.

And a debate arising,

And Mrs. SMITH (Fort Garry), Hon. Mr. MACKINTOSH, Mr. MARTINDALE and Ms. ALLAN having spoken,

And Mr. RONDEAU speaking at 6:00 p.m. The debate was allowed to remain in his name.

The House then adjourned at 6:00 p.m. until 1:30 p.m. Tuesday, June 11, 2002.

Hon. George HICKES,
Speaker.