

Fourth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

*Published under the
authority of
The Honourable George Hickes
Speaker*

Vol. LXII No. 53 - 1:30 p.m., Monday, May 31, 2010

ISSN 0542-5492

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.
BLAIKIE, Bill, Hon.	Elmwood	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.
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, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	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, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WIEBE, Matt	Concordia	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 31, 2010

The House met at 1:30 p.m.

Mr. Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

ROUTINE PROCEEDINGS

PETITIONS

Multiple Myeloma Treatments

Mrs. Myrna Driedger (Charleswood): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Health Canada has approved the use of Revlimid for patients with multiple myeloma, a rare, progressive and fatal blood cancer.

Revlimid is a vital new treatment that must be accessible to all patients in Manitoba for this life-threatening cancer of the blood cells.

Multiple myeloma is treatable, and new, innovative therapies like Revlimid can extend survival and enhance quality of life for the estimated 2,100 Canadians diagnosed annually.

The provinces of Ontario, Québec, British Columbia, Saskatchewan and Alberta have already listed this drug on their respective pharmacare formularies.

We petition the Legislative Assembly of Manitoba as follows:

That the provincial government consider immediately providing Revlimid as a choice to patients with multiple myeloma and their health-care providers in Manitoba through public funding.

And this is signed by R. Darvill, T. Dotoli, V. Dotoli and many, many others, Mr. Speaker.

Mr. Speaker: In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

PTH 16 and PTH 5 North—Traffic Signals

Mr. Stuart Briese (Ste. Rose): I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The junction of PTH 16 and PTH 5 north is an increasingly busy intersection which is used by motorists and pedestrians alike.

The Town of Neepawa has raised concerns with the Highway Traffic Board about safety levels at this intersection.

The Town of Neepawa has also passed a resolution requesting that Manitoba Infrastructure and Transportation install traffic lights at this intersection in order to increase safety.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider making the installation of traffic lights at the intersection of PTH 16 and PTH 5 north a priority project in order to help protect the safety of the motorists and pedestrians who use it.

This petition is signed by W.G. Gillies, S. McCutchin, D. Gillies and many, many other fine Manitobans.

Bipole III

Mr. Leonard Derkach (Russell): I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

Manitoba Hydro has been forced by the NDP government to construct its next high-voltage direct transmission line, Bipole III, down the west side of Manitoba, a decision for which the NDP government has not been able to provide any logical justification.

Since this will cost Manitoba ratepayers at least \$640 million more than an east-side route, and given that the Province of Manitoba is facing its largest

deficit on record, the burden of this extra cost could not come at a worse time.

Between 2002 and 2009 electricity rates increased by 16 percent, and Manitoba Hydro has filed a request for further rate increases totalling 6 percent over the next two years.

A western Bipole III route will invariably lead to more rate increases.

In addition to being cheaper, the east-side route would be hundreds of kilometres shorter and would be more reliable than the west-side route.

West-side residents have not been able—have not been adequately consulted and have identified serious concerns with the proposed line.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider proceeding with the cheaper, shorter and more logical east-side route, subject to necessary regulatory approvals, to save ratepayers hundreds of millions of dollars during these challenging economic times.

And this petition, Mr. Speaker, is signed by C. Brown, G. Brown, B. Peel and many, many other fine Manitobans.

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

Manitoba Hydro has been forced by the NDP government to construct its next high-voltage direct transmission line, Bipole III, down the west side of Manitoba, a decision for which the NDP government has not been able to provide any logical justification.

Since this will cost Manitoba ratepayers at least 640 million more dollars than an east-side route, and given that the Province of Manitoba is facing its largest deficit on record, the burden of this extra cost could not come at a worse time.

Between 2002 and 2009 electricity rates increased by 16 percent, and Manitoba Hydro has filed a request for further rate increases totalling 6 percent over the next two years.

A western Bipole III route will invariably lead to more rate increases.

In addition to being cheaper, an east-side route would be hundreds of kilometres shorter and would be more reliable than a west-side route.

West-side residents have not been adequately consulted and have identified serious concerns with the proposed line.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider proceeding with the cheaper, shorter and more logical east-side route, subject to necessary regulatory approvals, to save ratepayers hundreds of millions of dollars during these challenging economic times.

This petition is signed by W. Jefferies, J. DeBaets, J. Barry and many more Manitobans.

Medical Clinic in Weston and Brooklands Area

Mr. Kevin Lamoureux (Inkster): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Walk-in medical clinics provide a valuable health-care service.

The closure of the Westbrook Medical Clinic has left both Weston and Brooklands without a community-based medical clinic.

We petition the Legislative Assembly of—as follows:

To urge the provincial government to consider how important it is to have a medical clinic located in the Weston-Brooklands area.

Mr. Speaker, this is signed by G. Birch, L. Treavor and E. Waluk and many, many other fine Manitobans. Thank you.

MINISTERIAL STATEMENTS

Honourable Duff Roblin

Hon. Greg Selinger (Premier): Yes, Mr. Speaker, I have a ministerial statement.

* (13:40)

Mr. Speaker, it is with a profound sense of sadness that I rise to announce to all members the passing of a great Manitoban—without a doubt one of the greatest Manitobans—the Honourable Duff Roblin.

Former Premier Roblin died yesterday at the age of 92. However, let me say that this is also a time for all Manitobans to celebrate a life well lived. Duff Roblin gave a lifetime of outstanding service to the people of Manitoba.

His legacy to this province in the areas of education, health care, social reform, highway construction and conservation has served us for generations and will continue to do so for decades and generations to come.

Monsieur le président, nous avons perdu un grand Manitobain qui a bien servi la province dans son rôle de premier ministre du Manitoba.

Translation

Mr. Speaker, we've lost a great Manitoban who has served his province well in his role of premier of Manitoba.

English

Indeed, Mr. Roblin will always be best known for his building of the Red River Floodway. Anyone who lived in the city of Winnipeg in 1969, 1979, 1996, 1997, 2006 and 2009 owes a debt of gratitude to Premier Roblin's leadership, vision and determination when, despite mounting echoes of criticism, he stayed the course and had the floodway built.

In truth, he also set a standard that politicians of all stripes should strive to achieve. Despite his many contributions to this province, Duff Roblin was also a man of tremendous modesty. He accepted honours and accolades with reluctance and a sense of humility.

Manitoba has lost one of its finest citizens and to say he will be missed is, perhaps, the understatement of the year.

Mr. Speaker, immediately following question period, I would like to invite the Leader of the Official Opposition and the Leader of the Liberal Party to join me as we sign a book of condolences that has been set up near the front entrance of the building.

To all Manitobans, I would say that an on-line book of condolences has also been set up on the Government of Manitoba Web site.

Mr. Speaker, after the other members have spoken, I would ask that all honourable members rise and join in a minute of silence out of respect for the Honourable Duff Roblin.

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I want to thank the Premier for his comments, as well as support the proposal that we have a moment of silence in this House and thank the Premier as well for the establishment of a book of condolences for party leaders as well as for Manitobans.

I feel privileged today to have this opportunity in this place to pay tribute to the person who's been voted the Greatest Manitoban, and he was voted the Greatest Manitoban for very good reason.

He was a leader who inspired those of his own generation but, also, subsequent generations of Manitobans. His public accomplishments are well known, especially in the nine years that he spent as premier of Manitoba. He spent 18 years in this House, firstly, nine years as an opposition MLA and then nine years in government.

It seems remarkable, with the benefit of hindsight, when you consider what was achieved over that nine-year period of time: in the realm of public education, some 225 new schools, large and small, built throughout the province of Manitoba; his contribution in terms of the building of our system of roads; the great steps forward taken with Manitoba Hydro; and, of course, Mr. Speaker, the most famous of all of his remarkable accomplishments, the construction of the Red River Floodway which protects us even at this very moment.

He was, as the Premier has said, modest in every respect. He said, and I quote, very recently: I would put reforms to education, reforms to social welfare and housing at the top of my list of accomplishments, but I'm not going to complain because if I am favourably remembered on account of the dike, that suits me fine. And this was a typical comment from a modest but exceptionally accomplished leader.

I was first privileged to meet him as a university student. Subsequent to that meeting, he sent me a letter on his Senate letterhead, something that I cherish to this day.

Over the past five years, I have been privileged to spend several hours with him at various points in time. He was a consummate gentleman. He was generous with his time. He was polite, graceful and formal in his manners, and he was exceptionally well-informed on current issues.

Mindful of his role as a former premier to not interfere in matters of public debate, he was very

cautious in terms of his public comments but, privately, he was vigorous in his expression of opinions on a range of topics, whatever happened to be in the news that day.

I benefited greatly from his clear, articulate and passionate expressions of opinion and ideas on everything from Manitoba Hydro to topics around party politics. I sought his advice in seeking the leadership of our party some five years ago, and in his typically good-natured way, laughed and provided me with the comment that: I can tell you how not to win a leadership campaign, which is how I did it in 1967, but I am happy as well to share some thoughts on my success in 1954.

He was somebody who was admired by everybody who met him. He was a great Manitoban due to all of these marvellous accomplishments, but he was somebody, as well, who was very kind and generous with all who he met.

And so, Mr. Speaker, I will say, just in closing, he remained until his final days a proud Progressive Conservative. He showed a keen interest in what was going on in the party through nomination campaigns as recently as a number of weeks ago, reading literature and commenting on the various talented people who were coming forward to seek office.

And so, Mr. Speaker, he will be missed. I will miss him greatly, personally, but I know all Manitobans will miss him profoundly for his very many accomplishments. Thank you.

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

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Mr. Gerrard: I rise to join the other party leaders in tribute to Duff Roblin, a man who's made incredible contributions to our province, who served as Premier from 1958 to 1967 and during that time helped bring along our education system, new schools, development of the universities, improvements in the school board system, and so on. Duff Roblin travelled the province extensively, knew well and understood the needs of people around the province. He was instrumental in building the floodway, which has saved people in Winnipeg many times since then and been a very important infrastructure addition to our province.

I've read—met Duff Roblin. I've read his biography, which is well written. I think it was interesting that he chose a Liberal, Jim Carr, to help work with him on the biography and shows, not only then but on other occasions, that he had a talent for being able to work with people of different political stripes to achieve a goal, which was the betterment of who we are and what we do and what we have here in Manitoba.

So I am pleased to be able to join the others and all the members of the Legislature in this tribute and this salute to Duff Roblin today.

Mr. Speaker: Is there agreement for a moment of silence? [*Agreed*]

Please rise for a moment of silence.

A moment of silence was observed.

Mr. Speaker: I would just like to inform the members that the roses that are placed on your desks are placed there in memory of the Honourable Duff Roblin.

* (13:50)

Flooding Update

Hon. Christine Melnick (Minister of Water Stewardship): As I'm sure most of the members are aware, this past weekend there was significant overland flooding in some regions of the province as a result of unusually high heavy rain. Southern Manitoba, the Interlake and northern Whiteshell and Nopiming parks were hit particularly hard. In some areas there was five times the amount of rain that was forecasted. Environment Canada has said some areas received six months worth of storms in two days. The rainfall has been characterized as a one-in-50-year event.

This morning the Premier and I met with municipal leaders in Emerson to discuss the situation that unfolded over the last couple of days where there was extensive basement flooding. I would like to assure members of this House that provincial officials are working closely with municipalities and producers to determine the extent of damages caused by this past weekend's record rainfall.

The Minister of Agriculture (Mr. Struthers) has informed me that he will travel throughout the affected regions later today with the member from Emerson and Ian Wishart of the Keystone Agricultural Producers to meet with producers and

see first-hand what the impacts of the rain will have—of the rain will be on crops.

At this point, I would also like to give my condolences to the family and friends of Duff Roblin and want to recognize his tremendous foresight for undertaking the construct of the floodway, the Portage Diversion and the Shellmouth Dam, which have proven to be an invaluable flood protection infrastructure tool mitigating billions of dollars in damages over the years.

Right now the floodway is operating to the state of nature. Water Stewardship officials are doing the necessary analysis to determine if the floodway gates should be further lifted to reduce the chances of basement flooding in Winnipeg in the event of additional rainfall. I would also like to assure those living upstream of the floodway that there is mandatory compensation for losses as a result of operating beyond the state of nature. Thank you, Mr. Speaker.

Mr. Stuart Briese (Ste. Rose): I, too, would like to extend my condolences to the family of Duff Roblin and recognize the tremendous foresight he did have in designing—it wasn't an easy task at the time—in getting the floodway structures on the Shellmouth and the Portage Diversion in place at the time, and saving this province from worse disasters when heavy rains like we've had have occurred.

The record-setting rains have certainly wreaked havoc across the wide swath of the province. Many communities received in excess of 100 millimetres of rain in a 24-hour period and very high winds to go along with that rain. Winnipeg itself saw 78 millimetres of rain from Friday to Saturday, while its average precipitation for the entire month of May is 58 millimetres. The magnitude of the storm even necessitated the use of the Red River Floodway to help protect the city of Winnipeg, and many Manitobans, in particular, the residents of Emerson, where a state of emergency has been declared, will be dealing with the effects of this rain for many weeks to come.

Heavy rain led to overland flooding, overwhelming drainage systems, causing sewer backups and causing significant damages to roads. It will also be some time before we can determine the extent of the weather-related crop—good weather—weather-related crop damage. Good weather conditions earlier in the spring meant many producers were on the land early getting those crops in. With the chance for further rain and another

thunderstorm today, we are all certainly hoping for more favourable conditions in the days ahead so crop damage is minimized.

I would like to acknowledge the work being undertaken by the government officials at all levels to help affected Manitobans cope with the efforts of these rains. I would also like to thank the hundreds of workers that are working diligently and tirelessly on minimizing and containing the damage. Thank you, Mr. Speaker.

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

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Mr. Gerrard: Mr. Speaker, I'd like to thank the minister for her statement, her update on the flooding situation. It has been quite a weekend, quite a storm or, really, a series of storms, which swept through southern Manitoba and the Interlake and the Whiteshell.

I want to, first of all, extend my sympathy to all those who've had flooded basements, to farmers, whose—are suffering because of the excessive moisture, and hope that we have some good, warm, sunny weather, without more rain in the next little while so that the damage can be minimized. Certainly, it signals, once again, to us the importance of being ready with really good water management. It signals the foresight of Duff Roblin. It—and a thank you to all those who are helping in one way or another in the assessment and the cleanup.

Introduction of Guests

Mr. Speaker: Okay, prior to oral questions, I'd like to draw attention of honourable members to the public gallery where we have with us from Poplar Grove School, we have seven grade 5 to 9 students under the direction of Mr. Lester Rempel. This school is located in the constituency of the honourable Minister of Agriculture, Food and Rural Initiatives (Mr. Struthers).

And also in the public gallery, we have from Shady Oak Christian School, we have eight grade 6 to 9 students under the direction of Mr. David Wohlgemuth. This school is located in the constituency of the honourable member for Ste. Rose (Mr. Briese).

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

ORAL QUESTIONS

Flooding (Emerson) Government Assistance

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I'd like to begin by commending officials and staff at the municipal and provincial level for their rapid response to the dramatic levels of rainfall over the past two days, which have had a significant impact on many areas of the province.

Also want to thank the Premier and the minister for taking the time from their busy schedules to visit Emerson this morning, a community that has been significantly impacted by the very significant rainfall of the past 48 hours.

I would just want to ask the Premier if he can advise the House as to the circumstances today in Emerson and just indicate, from his perspective, what the top priorities are in terms of provincial action to help the residents of that community and others deal with these very difficult circumstances.

Hon. Greg Selinger (Premier): Mr. Speaker, I thank the Leader of the Opposition for his comments. We did meet with the mayor and council in Emerson this morning. They felt the most urgent priority was to get accurate information out to people about what resources were available to them if overland flooding occurred.

As the member opposite might know, we doubled the protection or the coverage for homes from 100 to 200 thousand dollars for any kind of overland flooding event, and we've also increased significantly, the resources available to municipalities themselves. Any—essentially, anything over \$5 per capita is covered by the provincial government in co-operation with the federal government, which has a particular advantage to small communities like Emerson. They can receive better support than they have in the past.

So we made them aware of our programs and discussed with them specific applications of those programs to the needs in their area.

Mr. McFadyen: Mr. Speaker, I thank the Premier for that reply and also for the announcement on the doubling of the levels of compensation.

One of the questions that has been raised by community members in Emerson in particular, which is surrounded by a ring dike, is that that dike has great benefits, clearly, in protecting the community from overland water arising from a river flood. The double-edged sword occurs when the water falls from the skies in the form of rain and creates, in effect, a bowl, which has resulted in significant property damage there, not the intentional outcome, but the outcome of having water flow into this bowl structure created by the dikes. This has led to some basement flooding and other damage, which it's unclear whether it's being covered or not by the compensation that the Premier is referring to.

*(14:00)

And I wonder if he can indicate whether they've had a chance to analyze this unusual situation and whether basement flooding directly caused by that kind of pooling of water will be covered under the program.

Mr. Selinger: Yes, Mr. Speaker, we did discuss that type of situation and, as I indicated in my first question, where it can be established that overland flooding has occurred, there can be coverage of up to \$200,000 per home. The procedures were made clear to the officials of the Town of Emerson. They have been receiving phone calls.

Private insurance is intended to cover basement flooding as a result of sewer backup, but where overland flooding can be established and—our people in Emergency Measures made it very clear that they had experience in adjudicating these claims. So the first requirement is for all communities affected by overland flooding as a result of this weather event is to do their impact statements, to document their information, to get names and addresses and photo evidence if they can, and pull all that together and submit it to Emergency Measures. And the more promptly that can be done, the more promptly that the claims process can move forward.

Mr. McFadyen: The sewer-backup issue is in part being driven by the pooling effect of the dike, and I thank the Premier for the reply. I would ask that they take a hard look at the cause and effect in terms of some of the basement damage that's occurred in that community.

Another issue which has come up is the need, which has been present now for a number of years, to upgrade and make improvements to the lagoon in Emerson, which is currently too small and too low

and which has a history of discharging raw sewage whenever the water levels get too high. There's been some concern raised about the—what appears to be a significant period of time involved in getting approvals for the community to move ahead with that project at the same time as there's a federal commitment of money, which is time limited, to allow the community to move ahead.

I wonder if the Premier could just indicate whether there's anything that can be done to expedite those approvals to allow the community to get on with building what is clearly a required improvement to the local lagoon.

Mr. Selinger: There is both a provincial and a federal commitment to upgrade the lagoon, the specifics of which have been appealed by one of the property owners in the area.

And I'm informed that this week officials from the Department of Conservation will be again meeting with some members of the municipality to find a solution that is both equitable as well as technically sound in terms of being able to do it in a cost-effective fashion, and this is in the hands of the Conservation officials, and it would be very helpful if that project could move forward.

Rural Overland Flooding Home Damage Estimates

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, the recent heavy rains have certainly created problems across a wide swath of the province affecting private property owners and local governments alike.

Mr. Speaker, can the minister responsible tell this House if he has received a preliminary estimate of the costs of the damages to private homes and to municipal and provincial infrastructure and, if not, when will that preliminary damage estimate be available?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): First of all, I want to recognize what the member for Ste. Rose has said and that is that the rains were widespread across Manitoba. And I think it's incumbent upon all of us to work quickly to make sure that we can assess the kind of damage that has been done. And I know that that work is being undertaken through departments on this side of the House, Mr. Speaker, and I would say to the member that when that information is available, it would be forthcoming.

Well-Water Testing Cost Compensation

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, many rural residents rely on private wells for their drinking water. The recent heavy rains and flooding have caused some of these private wells to be flooded and some people are concerned about the possible contamination. In past flood events, the Province has assisted with well-water testing.

Mr. Speaker, will the minister responsible indicate if the Province is prepared to offer well-water testing for these affected by overland flooding?

Hon. Christine Melnick (Minister of Water Stewardship): Yes, Mr. Speaker, I'm very pleased to report that the Office of Drinking Water will be covering 100 percent of the costs of the well-water testing.

This is a policy that we have brought in. We pay 100 percent when there's time of possible contamination, such as a spring flooding event, such as the sort of water event that we're now going through. They will also be working with communities to ensure that everyone knows that they should, in fact, be getting their well water tested.

So yes, we will be paying 100 percent.

Road Conditions

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, the heavy rains have created transportation problems on a number of regions in the province with roads either closed due to overland flooding or seriously damaged. The Sunrise School Division was even forced to limit the use of its school buses today due to concerns about the conditions of some of the roads.

Mr. Speaker, could the Minister of Infrastructure and Transportation (Mr. Ashton) provide an update on what steps the Province has taken to address flooded roads and help ensure that the emergency services such as ambulance and fire can be maintained during this flood?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, and at the early times of what we've seen in terms of the amount of water that we're dealing with, this government is going to make every effort to work with local municipalities to make sure that we can keep people moving in this province, keep our economy rolling along. Transportation plays a huge role in that. We want to continue our work to assess the kind of damage that has been done over the last

weekend and maybe even more in terms of the amount of rain that we've taken on.

There are a lot of aspects to this amount of rain that affect all departments and all aspects of what we do as provincial governments and municipal levels where we want to continue to work in collaboration with, Mr. Speaker, to make those assessments and then follow with some action.

Waste-Water Treatment Facilities (Winnipeg) Nitrogen Removal

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, heavy rains over the weekend caused a great deal of raw sewage to be dumped into the river from Winnipeg's combined sewer systems. At the same time the Province has mandated that the City of Winnipeg remove nitrogen from its waste-water treatment facilities, a directive that will unnecessarily cause taxpayers more than half a billion dollars.

Will the NDP government agree to reverse this decision and free up that money for the much needed upgrades to the combined sewer system so as to prevent future dumping of raw sewage into the rivers and lakes, Mr. Speaker?

Hon. Bill Blaikie (Minister of Conservation): Mr. Speaker, certainly the events that the honourable member were referring to as a result of the combined sewers are of concern, but I think if she goes back she'll see the recommendations of the Clean Environment Commission, when they looked into this, indicated that the first priority in terms of nutrient loading for Lake Winnipeg was the removal of phosphorus and nitrogen and ammonia, and that continues to be the priority of this government.

Mrs. Stefanson: Mr. Speaker, the NDP government is forcing the City of Winnipeg to spend money unnecessarily on removing nitrogen from waste water while at the same time they're allowing for the dumping of raw sewage into our lakes and rivers.

Would it not make more sense, Mr. Speaker, given that scientists have already stated that nitrogen removal is a waste of money, to use those funds from—to upgrade the combined sewer system to prevent raw sewage from dumping into our lakes and rivers? Wouldn't that make more sense?

Mr. Blaikie: Well, Mr. Speaker, I've already indicated to the honourable member that in terms of nutrient loading—now in terms of the discharges affecting the water quality of Lake Winnipeg at this particular time of the year, when for recreational

purposes, if this continues to be a concern, but it is—my understanding is that, you know, the City could make a proposal to the Province to move on combined sewers at any time. Our willingness, our commitment to participate in the financing of that is a longstanding commitment, but the City, at the moment, has not put that kind of proposal forward.

When it's still—when it comes to nitrogen, I don't understand why the honourable member continues, and her party continues, to frame that issue as if it only has to do with nitrogen and phosphorus. It also has to do with the removal of ammonia and state-of-the-art removal of ammonia which is the biological nutrient reduction, and that's what this government is committed to, Mr. Speaker.

Mrs. Stefanson: Surely, Mr. Speaker, members opposite would agree that the dumping of raw sewage is worse than treated waste water containing nitrogen. Where are their priorities? This is ridiculous.

Scientists say, Mr. Speaker, that nitrogen removal is a waste of money. The NDP is forcing the City of Winnipeg to spend half a billion dollars focussing on nitrogen removal, money that would clearly be better spent on upgrades to prevent the dumping of raw sewage into our rivers and lakes.

What are the priorities of this government? We're coming up to a time of summer where our kids will be swimming on those beaches. Why are they allowing the raw sewage to be dumped into our lakes and rivers?

* (14:10)

Mr. Blaikie: Mr. Speaker, the problem that the honourable member refers to is a problem that has existed for a long time in Winnipeg, for decades, and as far as I know, I don't—you know—it—the current situation provides an opportunity for the honourable member to wax indignant and to practise the arts of stimulated indignation. The fact of the matter is they have not raised this matter with the government, at least in my time as Minister of Conservation, as for that matter, before that. If this was a priority, how come they haven't been pressing the City of Winnipeg, and the Province, for that matter, to make that a priority? Why only today?

Manitoba Patient Access Network Reports

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the NDP quietly struck a blue-ribbon

committee about four years ago to fix the health-care system. Since then, it's operated under the public radar, and there's been no ministerial photo ops. The committee has met about four times a year, and they've only issued one report.

Can the Minister of Health tell us why she has refused to give us the minutes of those committee meetings? Why the secrecy?

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, there are a number of groups in Manitoba that continue to work on an innovation agenda. The Manitoba Patient Access Network is comprised of a number of experts in the field that have been concentrated on working—concentrating on working on initiatives to improve our system and bring down wait times. It's why the Wait Time Alliance released their report card last year and gave Manitoba four As and a B in the areas of bringing down wait times.

We know we're now publicly posting more wait time information than ever before. We're working on doing even more than we have in the past, and we're continuing to work on bringing wait times between a generalist and specialists, to reduce that wait time even further, and that's what MPAN is doing.

Mrs. Driedger: Well then, why the secrecy with releasing the minutes of those meetings, Mr. Speaker?

Mr. Speaker, financial information about this committee was requested by FIPPA in March. The minister refused to provide a list of all funded projects carried out by this committee, the cost of each project, as well as the budget for the last two years. None of this information has ever been made public by this NDP government, though this is all taxpayer funded.

Mr. Speaker, this Minister of Health, who's known to cover up information, said she will agree to make the information public—this minister who is known to cover up information said that she will agree to make the information public after the session ends. Well, how convenient.

Can she tell us: Why is she stonewalling with this information?

Ms. Oswald: Well, Mr. Speaker, I might remind the member that there was a recent review done of freedom of information requests, and Manitoba

stacks up favourably, I believe, second in the nation according to the newspaper association.

I can also tell the member that in recent weeks, we know there have been, you know, in the neighbourhood somewhere between 30 and 50 FIPPA requests for various agencies, for Manitoba eHealth, and so forth. The majority of those, 21 out of 30 for eHealth, have been responded to in full. There are occasions where a freedom of information takes more time to gather.

I would reiterate to the member that in cases where there are charges pending for these, the access has not been denied, it's just been followed according to the legislation.

So the member opposite, who never posted a second of wait time under their watch, has rather spurious accusations about transparency.

Mr. Speaker: Order. Before recognizing the honourable member, I'd like to remind honourable members if they have any electronic devices turned on, please turn them off during question period.

Laptop Computers for Physicians

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, although the minister refused to provide us any financial information about the committee, we did find out that this committee is giving away free laptop computers to doctors. So far, 97 laptops have been given away, with plans to give out many more. A number of doctors have questioned this feel-good computer giveaway.

Can the Minister of Health tell us: Why is she giving away free laptops to doctors who think this is nothing more than a feel-good PR practice?

Hon. Theresa Oswald (Minister of Health): Well, alert the media, Mr. Speaker, the member opposite is wrong again.

I can let the member know that there is an initiative concerning bridging the wait time between generalist and specialist care. It's a project that was approved and indeed applauded by the federal government in their quest to pursue a wait time guarantee. They've viewed our project in using electronics, technology and bringing specialist care down, and I want to inform the member that this project is in part—in large part—being funded by the

money provided to us from the federal government on the wait time guarantee project.

Bill 5 Government Intent

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, on May 27th this year the Minister of Finance issued a press release announcing that applications are now available for cottage owners to defer payment of their 2010 property tax increases. But the fact of the matter is that this bill has yet to be debated in this House, let alone be passed through the Legislature, and the NDP is already announcing that it is the law for cottage owners in Manitoba to come and pick up their applications.

Isn't it a bit presumptuous, Mr. Speaker, even for this NDP government to send out such a press release before the bill is even debated in the Legislature and members of the public have had a chance to come forward and give their say?

Hon. Rosann Wowchuk (Minister of Finance): Well, Mr. Speaker, I guess the member opposite is signalling to cottage owners that it is her party's intention not to pass this legislation.

Mr. Speaker, this is standard operating procedure. We want cottage owners to know, on our plan, that we are intending to help them defer some of the costs to the increase in their property taxes. The information has been put out there. People can pick up their applications and have a look at it, and I hope members opposite will see the value of this legislation and move it forward.

Mrs. Stefanson: Mr. Speaker, how does the minister not know—how does the minister know if—there may be amendments brought forward that could strengthen this. So, I mean, maybe she should give it a little chance.

If the NDP wanted to place a priority, Mr. Speaker, on Bill 5, they could've called it for second reading debate in this House. The fact of the matter is they were so obsessed with passing Bill 31 to protect their own ministerial salaries that they were content with putting cottage owners on hold.

Why didn't they call Bill 5 before 31? Why didn't they place cottage owners ahead of the bill to protect their own ministerial salaries?

Ms. Wowchuk: Well, Mr. Speaker, I guess the member wants to negotiate the House order on the floor of the House. It is member—as far as I know the

tradition has been that our House leaders set the agenda and determine which bills will be debated.

So I would ask her to talk to her House leader, to talk to our House leader, and the decision will be made as to when that bill will become—will come forward, Mr. Speaker. But, again, I think the member opposite is indicating very clearly that she doesn't support this bill, and I know when she had a bill—the yacht club bill—she rushed that one through. I hope that she will talk to her House leader to help us move this bill forward too.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Let's have a little decorum, please. Order.

Mrs. Stefanson: Mr. Speaker, that bill was originally brought forward by her colleague, the member for Fort Garry (Ms. Irvin-Ross). So I guess she's dissing her own colleague now. This is ridiculous.

* (14:20)

Mr. Speaker, had they called Bill 5 for debate, they would've learned that I have heard from many concerned citizens that the NDP has not engaged in any real stakeholder consultation on this issue. Nobody has asked for this bill. The bill does nothing to save property owners money. It is nothing more than a public relations stunt and I bet that's why they sent their press release out early, and to prove that point the NDP has jumped the gun and issued a press release as though this is a fait accompli without any meaningful debate or consultation. It's the NDP way.

Why did they make this announcement before the bill even had a chance to make it to second reading for debate? Wasn't it just because they were so obsessed with protecting their own salaries, Mr. Speaker, that they placed cottage owners second on the list?

Ms. Wowchuk: Well, Mr. Speaker, in the last question the members opposite said, why aren't you bringing that bill forward more quickly? Why aren't you passing it? On the next question she says do more consultation. The members opposite should make up their minds on what they want. It's obvious they do not want to see this bill passed. They do not want to see the option of relief offered for cottage owners.

Mr. Speaker, the members opposite should get their message straight before they stand up and ask a question.

Tabor Home Project Status

Mr. Peter Dyck (Pembina): Mr. Speaker, the day before yesterday, Saturday, I met with some of the Tabor Home board members. They are very concerned that they have not heard from the Minister of Health ever since she initiated the study August the 9th, 2009, that is some 10 months ago.

When will the minister respond to the board at Tabor Home regarding the outcome of this study that she initiated and said would be completed within two months?

Hon. Theresa Oswald (Minister of Health): Well, on the first part of the question, I can inform the member that we are meeting with representatives from the community this week on this and related projects concerning continuum of care, of supportive housing, of assisted living, of personal care home.

I can also let the member know, again, that the time was extended for the study at the request of the community who decided to change their minds concerning the construct. They made a decision that they no longer, as originally planned, wanted to do a two-storey build but a one-storey build that is more popular. They asked for an extended time to look at different options and different land. We granted them that time, but we're in continual conversation and we'll be having a meeting this week on issues concerning housing and the personal care home.

Mr. Dyck: I want to thank the minister for meeting with them, but the board at Tabor Home sent a letter to the Minister of Health two months ago. No response to date. Because of the minister's neglect in dealing with the personal care home issue, some board members are calling this moral neglect or elder abuse.

Is the minister too preoccupied trying to secure funding for the Blue Bombers stadium that she has forgotten about some of the most vulnerable in our society?

Ms. Oswald: I've been very clear with the member opposite and will be so again, as I have with members of the community. When elderly families need to travel outside of the community to be with their loved ones, who have been placed somewhere else in the region in a personal care home; this is not an ideal situation. That's why we made the commitment to bring more—[interjection] Well respectfully, Mr. Speaker, I hear the member from Charleswood, from across the floor, who herself

advocated against bricks and mortar investments in health care. So, let's keep it real shall we for just a moment.

I'll say to the member that we are going to continue to work with the community. We know that this is not an ideal situation, that's why we committed to bringing more beds to the community, and we're going to continue to work with them as we've committed.

Mr. Dyck: I'd like to indicate that it didn't take very long for the building for the WRHA to be constructed. The Minister of Health has indicated numerous times that Tabor Home needs to be replaced. Maybe she has done everything possible to make this happen.

I talked to the Minister of Finance (Ms. Wowchuk) a week ago about Tabor Home. Could the Minister of Finance give us an update regarding the funding for this project?

Ms. Oswald: Again, Mr. Speaker, I'll say to the member, I know that this is a serious issue in his community. I accept that. We don't want seniors having to travel to visit their loved ones. Their loved ones want to be in community, and we are working as swiftly as we can with the community.

We know that during challenging economic times that choices get made. We know that members opposite, during a tough economic time, issued a press release saying they would freeze all spending to health capital, claiming they had no choice.

Mr. Speaker, we're of a different view. It's not easy, but we're going to continue to work with the communities and move forward on what we've committed. We've committed to bring more beds to that community, and that's what we will do.

Kyle Earl

Child and Family Services Involvement

Hon. Jon Gerrard (River Heights): Mr. Speaker, in the last 10 years, there have been a number of children who've been killed, sadly, while they were in the care of Manitoba's Child and Family Services. From what has been reported recently, Kyle Earl is the most recent of these.

I ask the Premier to confirm that Kyle Earl was indeed in the care of Child and Family Services at the time that he was shot and to tell Manitobans today what measures were taken to ensure his safety when he was in care.

Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs): Mr. Speaker, unfortunately, children in Manitoba, whether they're in care or not in care, often deal with horrendous circumstances, sometimes in their personal lives, sometimes in the community and sometimes by accident, and sometimes otherwise. And that's why the intention of the child welfare system is to enhance the supports for families when children are still in those families so that the families are providing safety, and when that can't be accomplished, to allow for other opportunities for that child's development to occur, including foster care.

Mr. Gerrard: Yes, and certainly it is the job, as the minister, himself, has emphasized, to make sure that such children are safe.

Mr. Speaker, in April 2006, we learned that 31 children had been killed while this NDP government was responsible for them. In response to that terrible statistic, the Minister of Child and Family Services brought in legislation in 2008, which the minister indicated would put the safety of children in care as the paramount concern.

I ask the Premier: What went wrong with the care of Kyle Earl, and how did the legislation fail this young person? Will the Premier immediately launch an investigation so that Manitobans know why Child and Family Services' system failed Kyle Earl?

Mr. Mackintosh: Mr. Speaker, the child welfare system is there to attempt to make efforts to enhance the safety for a child, and sometimes there are circumstances that are far beyond the control of government or child welfare authorities or, indeed, foster parents who sometimes try tirelessly to nurture children that are in their care.

Mr. Speaker, the responsibilities rest with all of us to ensure the safety and well-being of the children and the youth of Manitoba. The child welfare system, certainly, is making changes in order to strengthen its approach to deal with the safety of children, particularly, of course, focussing on safety from the parents that raise those children.

Burntwood Regional Health Authority Banning of Journalist

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, you know, a freelance reporter writes stories in regards to try to uncover things that are happening in the Burntwood Regional Health

Authority, and, ultimately, a number of things happen. One of those things is, of course, this reporter is then banned from being able to participate.

The minister gives a lib answer, well, it's televised, which isn't necessarily true. Not all the public meetings are televised. The important issue here is the banning of a reporter. If the *Free Press* or the *Sun* or any other media were to write something in regards to Winnipeg regional health that's somewhat critical, does Winnipeg regional health then have the opportunity to ban other media outlets? Mr. Speaker, I would think that the Minister of Health would stand up for ensuring that there's accountability in our health-care system.

How does her stance on the Burntwood reflect freedom of speech and freedom of being able to report on what the public needs to know?

Hon. Theresa Oswald (Minister of Health): I believe I've been clear on this point a couple of times and I will be again. I believe in freedom of the press, absolutely. I can say that we know that our journalists know that there are rights to have access to information, and with those rights come very important responsibilities. There has been a very complex situation, and this is a very unusual, unprecedented and difficult step that has been taken through the Burntwood Regional Health Authority.

* (14:30)

And I would, again, reiterate that I support the freedom of the press. This is a complex, unique and very difficult situation that all parties are going to work through.

Manitoba Hydro Xcel Energy Power Agreement

Mr. Rob Altemeyer (Wolseley): It's been well documented that members opposite and ourselves have slightly different policy positions when it comes to Manitoba Hydro. They would have seen the new office building built out in the boonies, on the outskirts of town, and we demanded it be built in the inner city. We maintain that low, affordable rates for all Manitobans, whether you're urban, rural or northern, is important. Members opposite don't believe that.

I wonder if our honourable minister responsible for Manitoba Hydro might be able to tell us about a recent and, yet, another success story from Manitoba

Hydro, which, I understand, was actually held at the new office building downtown.

Hon. Rosann Wowchuk (Minister charged with the administration of The Manitoba Hydro Act): I thank my colleague for the question because I know the members opposite won't ask a question on the Xcel Energy sale because, in 2006, the Leader of the Opposition (Mr. McFadyen) thought our term sheet with Xcel Energy was meaningless and he called it a cocktail napkin with terms written on it.

Well, in reality, Mr. Speaker, this is a very important deal. This is a power sale of \$3 billion over 10 years. Beginning in 2015, Xcel will purchase 375 to 500 megawatts of power. This sale will help keep energy rates for Manitobans low. This contract avoids 7.6 million tons of carbon emissions over that 10-year period and displaces—

Mr. Speaker: Order.

Premarin Manufacturing Plant (Brandon) Producer Financial Compensation

Mr. Larry Maguire (Arthur-Virden): The Minister of Agriculture recently indicated that he hadn't spoken to the PMU industry, the ranchers who had lost their livelihood as a result of the Premarin manufacturers' cutbacks.

While the minister watches this industry implode, without even consulting them, Mr. Speaker, letting 38 ranchers that have lost their contracts, can the Minister of Agriculture tell these devastated ranchers what recommendations he made, if any, to his federal counterparts on how their support package should be recorded for AgriStability purposes?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I think you can check with any number of groups; my door is open to sit and speak with any farmer in this province who wants to come and talk to the Agriculture Minister. I've been out and speaking with many groups all around the province. Always open to their advice.

The member actually does go down a positive path on this one in terms of reviewing AgriStability and other programs that we need to have in place that will come to assistance of farmers, given whatever their—what their local operational needs are. So that review is under way. I give a lot of credit to Minister Gerry Ritz federally, and all my colleagues across

the country, for taking a serious review of those programs, Mr. Speaker.

Mr. Maguire: Well, Mr. Speaker, it's very clear that the minister hasn't spoken to the ranchers that are involved in this process and I wondered if he has reconsidered the opportunities. You know, he says he's been around Manitoba talking to different groups, but certainly this one's basically—we've got 38 ranchers that are going out of business. This is family operations.

Can the minister indicate whether he is prepared to sit down and meet with some of those individuals and discuss with them what they think should be done with the AgriStability program as well?

Mr. Struthers: I think I've already answered that, Mr. Speaker. Yes, of course, I'll meet with any farmer, any time, who wants to talk with me. I'm open to that advice. I don't pretend to have all the answers, like others in this House seem to, sometimes. If they have good advice for me, I'm more than willing to sit and have a coffee with them and talk about their challenges. Thanks.

Flooding (Westlake) Financial Compensation Consultations

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, when I raised the issue of flooding in the Westlake area, the minister suggested that I go to bat for farmers and stop taking advice out of coffee shops. The minister knows that the member for Lakeside (Mr. Eichler) and I have written letters and repeatedly asked for the recovery—AgriRecovery program for the Westlake area.

I would remind the minister that a meeting on flooding was held in Eddystone with 300 farmers and ranchers. The member for Lakeside and I attended and heard producers' concerns.

Mr. Speaker, the NDP were invited by the organizers. Why didn't they show up? Why are they ignoring these producers?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): Well, Mr. Speaker, I think I proved earlier that I don't have anything against members of this Legislature sitting and having a coffee with farmers. I just suggested we should do it.

My point, Mr. Speaker, is that you got to be careful with the information you get there and come back and misrepresent it in this House; that's what the difference is. And any of the farmers that they

have brought forward today and at other meetings, I look forward to talking with. I've spoken to some of the actual members of that—the minister's—sorry, the member for Ste. Rose's riding. We've talked about these issues. I want to underline again the importance of getting that AgriRecovery program forward and, again, working very much in collaboration with Mr. Ritz and his government in Ottawa.

So, Mr. Speaker, we'll continue to meet with farmers and address their challenges and their needs.

Mr. Briese: Mr. Speaker, the Westlake area has been hit by heavy rains for the third year in a row, and this minister continues to make excuses.

The AgriRecovery program was not extended to the Westlake region even though the Province designed the program.

Why is the Minister of Ag refusing to address the flooding conditions in the Westlake area, including his own constituency?

Mr. Struthers: You know, Mr. Speaker, this member's got to get his story straight. When the announcement was made, he was standing up saying the federal government did this, did that, trying to take all the credit for his counterparts, his Tory counterparts, in Ottawa.

Mr. Speaker, now, today, he's trying to say it was a provincial program. He's got to get his story straight so that he can believe in here. We are open to sitting and speaking with farmers in every region—

Mr. Speaker: Order.

Let's pick our words a little carefully here, eh? You know, all members, when they bring information into the House, all questions and answers come through the Chair, and I take all information from each and every member as factual information because every member in this House, to me, is an honourable member. So let's choose our words a little bit carefully here.

The honourable Minister for Agriculture, Food has the floor.

Mr. Struthers: I agree, I went a little over the top in that description, but I want to make it clear that we're willing to work with the member for Ste. Rose and others who are trying to make their living farming in this province.

We try to put programs together that meet the needs of farmers and we'll continue to do that, not

only with the farm communities and leadership in the farm communities but, also, if the member for Ste. Rose is actually interested, we'll work with the federal government as well to make sure that the programs we put together meet those needs and meet the challenges the farmers face in this province, Mr. Speaker.

Mr. Briese: Mr. Speaker, the Minister of Agriculture twists—definitely twists the words that I've used. The area over on the Westlake region of the province, the area that contains municipalities such as Lawrence in his constituency, Ethelbert in the Minister of Finance's (Ms. Wowchuk), constituency have had the same weather conditions that the Interlake region has had.

The federal officials have stated to me that they provided money for the program on AgriStability that was put into the Interlake. They provided money, but the Province designed the program.

The Province designed the program. Why didn't they provide coverage under that other area of the province—the Westlake side of the province?

Mr. Struthers: Anytime we want to go overtime in this Legislature to talk about the needs of farmers, I'm all for that, Mr. Speaker.

* (14:40)

I appreciate the question that's come across from the other side. We did work in co-ordination—in collaboration with the federal government, as should be the case, Mr. Speaker, because there are programs that we have in place that have 60-40 splits between the federal government and our level of government.

We need to be sure that the programs that the federal government and our Province put together are done in unison with municipal priorities and also, most importantly, in co-ordination with the challenges and needs that farmers themselves face, as expressed through many of their farm leaders, and we need to design our programs so that we accomplish those goals, Mr. Speaker.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Quinton Martin

Mr. Frank Whitehead (The Pas): Mr. Speaker, stories of success that produce role models are very important to northern Manitoba because of a—many young people deal with difficult challenges and often lack the support system they need to overcome

problems. That is why I would like to recognize Quinton Martin, an influential member of my community of Opaskwayak Cree Nation.

Quinton understands well the struggles facing our youth, having had a rough beginning in life and eventually turning to drugs and alcohol. And after losing friends to suicide and experiencing a deep sense of guilt, Quinton decided to embark on a arduous path towards change because he felt a need to embody honour for his grandparents and respect for himself and those around him. With the support of his wife, Quinton became sober, dedicated himself to physical fitness and spiritual well-being and began to build his place as a role model in the community.

Now a body builder, he currently works at The Pas Wellness Centre as a facility monitor and trainer for the youth that drop in to see him. Through his training, he builds relationships with the youth and acts as a mentor, encouraging them to choose healthy lifestyles over harmful ones and teaching them to consider how they wish to be remembered whenever facing difficult circumstances in life.

Quinton sees well-being as a holistic endeavour, and to this end he's also in the process of organizing spiritual teaching through powwow dance.

I am proud that Quinton recently received third place at the Manitoba Amateur Body Building Association competitions this past weekend, and I would like to congratulate him on his role—as a role model for northern communities. The change he has effected in northern Manitoba is great, and he has made a difference in the lives of many young people.

Mr. Speaker, I would like to close with one of Quinton's mantra, a message from his granny: Keep it good in your life and it will be good—words we can all live by. Thank you.

Bill Docking

Mr. Ralph Eichler (Lakeside): Bill Docking of Teulon, Manitoba, is one of the outstanding members of the Lakeside constituency who dedicates his time to serve others. Mr. Docking was the recipient of the 2010 Love of Caring Humanitarian Award presented by the Fred Douglas Foundation. He was nominated for the award by Karen Hutchinson.

The humanitarian awards were first presented in 2004 to recognize individuals who contribute to their communities an exceptional service to seniors in Manitoba. These awards pay tribute to the late Fred Douglas—Dr. Fred Douglas—who dedicated his life

towards ensuring that quality health care and affordable housing were available to all seniors. Recipients of the awards demonstrate a commitment to improving the lives of seniors through care and compassion.

Bill Docking has been an active member, or volunteer, with the senior community since he moved to Teulon in 1989. Starting the 1989 until 1994, Mr. Docking was a member and chairperson of the Teulon and District Handivan Board and has contributed in a number of ways to improving handivan service in the area. Bill Docking assisted with the writing of a business plan to acquire the handivan and chaired three fundraisers to obtain a replacement handivan, allowing for the purchase of the van at no extra cost to the municipalities.

Bill Docking also served as one of the founding members of the Teulon and District Seniors Resource Council from 1994 until 2002 and was part of the selection committee to hire the first resource co-ordinator. Seniors heavily rely on the efforts of Mr. Docking for their daily meals, as he's a volunteer driver for Meals on Wheels. He is often seen visiting with elderly men in the community, even taking them out for lunch or for a drive. At the present time, Mr. Docking is overseeing the construction of a three-season addition to the Goodwin Lodge.

Mr. Speaker, it's a true honour to recognize Bill Docking for the contributions that he has made to the seniors in Lakeside constituency. No matter how big or how small a contribution, volunteerism is one of the keys to a functioning community. Seniors depend on volunteers such as Bill Docking, as his contributions make a real difference in the lives of others. Thank you.

Vincent Massey High School 50th Anniversary

Hon. Kerri Irvin-Ross (Minister of Housing and Community Development): Mr. Speaker, I rise today to congratulate Vincent Massey on its 50th anniversary celebration. On June 23rd, 1960, Al Sawatzky, Grand Master, Masonic temple, and Mrs. Dimock, chairman of the board, and L. Raymond Fennell, the mayor of Fort Garry, laid the cornerstone of the school. The school was designed by local architectural firm Smith Carter.

Through the past 50 years Vincent Massey Collegiate has served generations of Fort Garry residents. It's a symbol of strength and diversity that characterizes our public school system.

The school graduates 200 French immersion students every year. Language courses are taught in Spanish, Mandarin Chinese and Japanese as well. For those interested in the arts, there are programs in fine arts, band, choral, dance, drama, improv and musical theatre. Students can challenge their intellect by taking honours and advanced placement courses in the humanities and natural and social sciences. The school also offers unique customizable programs for elite athletes.

In 2005, Vincent Massey was accepted into the UNESCO Associated Schools Project Network, a global network that furthers support of international understanding, peace, intercultural dialogue, sustainable development and quality education.

The 50th anniversary planning committee organized many outdoor activities as a part of this weekend's celebration. If you were in Winnipeg this weekend, you know what Winnipeg's weather can do to the best intentions of planning committees. The committee scrambled to find indoor alternatives to help celebrants stay dry. I'd like to congratulate the organizers on their creativity and enthusiasm they displayed in keeping this event afloat.

Friday night football, Saturday dancing with the Ron Paley band and the Crescent Drive Park picnic at the school gym, not to mention the beer gardens on the badminton courts of the Wildewood Club were all well attended, enjoyed by Massey alumni.

This weekend I had the pleasure of attending the retired teachers' luncheon, where I brought greetings on behalf of the Province of Manitoba and my colleagues at the Legislature.

Mr. Speaker, I want to thank the 50th anniversary committee for all their hard work in organizing this event with every success. I also want to thank the teachers for their role in supporting our children, contributing to their success in the future.

National Fly Fishing Championships

Mr. Leonard Derkach (Russell): Mr. Speaker, I rise today to congratulate the volunteers of Roblin, and Manitoba and area, for their outstanding effort in holding the 2010 National Fly Fishing Championships held over the past week and weekend.

This is the second time in seven years that Manitoba has been chosen by Fly Fishing Canada to host the national championship competition and Conservation Symposium.

Seven years ago, the community of Russell hosted the first Manitoba trout fly fishing national championships. All of the—all of this began with the—with some interested individuals such as Dr. Vern Rosnoski of Russell, who for a number of years hosted fly fishers from across Canada and beyond and eventually forming the well-known fly fishing group called FLIPPR.

Mr. Speaker, I was pleased to be joined by Robert Sopuck, the Conservative federal candidate for Dauphin-Swan River-Marquette at the awards banquet on Saturday evening in Roblin. It is a—it is noteworthy that during the weekend of workshops and competition, fly fishers took time to hold a fly-fishing seminar for youth in the Roblin area.

It is also important to note that tourism in the part of Manitoba—in that part of Manitoba is alive and well, and fly fishers from Scotland, England, Québec, B.C., Ontario, Alberta, Saskatchewan join Manitobans for the symposium and national competition. In the words of the Scottish—well, the Scottish team, Manitoba trout fishing has been the best, not just in North America but, indeed, in the world.

I also want to take a moment to acknowledge the Minister of Northern Affairs (Mr. Robinson) who was very supportive of developing lakes by supporting it through a grant to the development of lakes in the western part of the province.

Mr. Speaker, I want to, once again, pay tribute to the volunteers, the community of Roblin and all of the individuals who were involved in putting on this very successful trout fishing competition for—on the west side of the province. Thank you.

University of Manitoba Project Domino

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, momentum is building on the University of Manitoba's Project Domino as one academic unit after another vacates its existing home and moves into new or refurbished quarters more suited to their needs.

The latest step in the project was a symbolic ground-turning ceremony I had the honour to attend last week for the Art Research Technology Lab. The lab is a synergistic facility for art, music, multimedia and design, featuring art studios, a soundstage, digital labs, a lecture theatre and the university's art gallery, Gallery One One One. The ARTLab building itself will be a work of art with a stunning

glass façade that gives passers-by a glimpse of the young artists at work in their studios.

* (14:50)

It will give the School of Art, the oldest in western Canada, an architectural prominence in keeping with its international reputation built up by past and present faculty members and its graduates.

Project Domino imaginatively resolves the dilemma of preserving the university's handsome architectural heritage while giving students and faculty 21st century facilities. ARTLab is one of two brand new structures in the 14-stage new and renovated building sequence, along with the Pembina Hall student residence which is already under construction. ARTLab will be linked to Taché Hall, the stately Georgian building dating from 1912, which is being transformed from a student residence to a new home for the School of Art and the Marcel A. Desautels Faculty of Music. The old music building will in turn become the International House for English as an Additional Language and U of M's international education division. I wish the University of Manitoba much success as they undertake the most ambitious redevelopment in the university's history. The \$150-million project is being funded by the provincial and federal governments, as well as by private donations resulting from the fundraising campaigns being undertaken by the university.

Mr. Speaker, Project Domino will be a source of pride for Manitobans from both the academic community and from a broad, wide-ranging number of Manitobans outside the academic community. I congratulate the university on its vision in serving the needs of students and staff and making sure that its facilities are both functional and visionary. Thank you.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Mr. Speaker: The honourable Government House Leader, on House business.

Hon. Bill Blaikie (Government House Leader): I have a number of announcements to make with respect to House business, the first of which is that I would like to announce that the meeting of the Standing Committee on Public Accounts scheduled for June 2nd at 7 o'clock has been cancelled, and the meeting will be rescheduled for later in the year.

Mr. Speaker: Okay, it's been announced that the meeting of the Standing Committee on Public Accounts scheduled for June 2nd at 7 p.m. has been cancelled, and the meeting will be rescheduled for later in the year.

The honourable Government House Leader, on further House business.

Mr. Blaikie: Yes, Mr. Speaker, I'd also like to announce that the Standing Committee on Private Bills will meet on Monday, June 7th, 2010, at 11:30 p.m., to consider Bill 223, The Jon Sigurdsson Day Act; Bill 300, An Act to amend An Act to Incorporate the Portage District General Hospital Foundation; Bill 301, The Salvation Army William and Catherine Booth College Incorporation Amendment Act; and Bill 302, The Southwood Golf and Country Club Incorporation Amendment Act.

Mr. Speaker: It's been announced that the Standing Committee on Private Bills will meet on Monday, June 7th, 2010, at 11:30 p.m., to consider Bill 223, The Jon Sigurdsson Day Act; Bill 300, An Act to amend An Act to Incorporate the Portage District General Hospital Foundation; Bill 301, The Salvation Army William and Catherine Booth College Incorporation Amendment Act; and Bill 302, The Southwood Golf and Country Club Incorporation Amendment Act.

The honourable Government House Leader, on further House business.

Mr. Blaikie: Yes, I might want to just clarify, Mr. Speaker, I notice that the text that I read said that the meeting—the Committee on Private Bills was going to meet on Monday, June 7th, 2010, at 11:30 p.m., when actually I intended to say 11:30 a.m.

Mr. Speaker: Correction for the House. Order, please. Correction for the House: The announcement for the Standing Committee on Private Bills will meet on Monday, June 7th, 2010, at 11:30 a.m., okay, to consider the bills that we had named previously.

The honourable Government House Leader, on further House business.

Mr. Blaikie: My last announcement, of course, is for the orders of the day, and the House will now proceed to second reading of bills, commencing with Bill 14 and then Bill 19, 25, 28, 30 and 36.

Mr. Speaker: Okay, business for this afternoon, we will deal with second reading of—in this order—Bill 14, 19, 25, 28, 30 and 36, okay?

SECOND READINGS

Bill 14—The Body Armour and Fortified Vehicle Control Act

Mr. Speaker: So now I will call Bill 14, The Body Armour and Fortified Vehicle Control Act.

Hon. Andrew Swan (Minister of Justice and Attorney General): I move, seconded by the Minister of Conservation (Mr. Blaikie), that Bill 14, The Body Armour and Fortified Vehicle Control Act; Loi sur le contrôle des gilets de protection balistique et des véhicules blindés, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill, and I table the message.

Motion presented.

Mr. Speaker: His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

Mr. Swan: I'm pleased to present this bill to the Legislature. This bill introduces a comprehensive scheme to regulate who can possess and sell body armour and own and drive fortified vehicles. It follows through on our government's Throne Speech commitment to keep Manitobans safe from criminals and gangs who use body armour and fortified vehicles to threaten public safety.

Body armour was originally designed to keep police and other justice and security officials safe. Unfortunately, police in Manitoba encounter gang members as young as 15 years of age wearing ballistic body armour.

Fortified vehicles have been used by gangs in other provinces, and it's a trend that we want to directly address before it becomes a problem in Manitoba. Factory design and aftermarket fortifications, which are added to vehicles by gangs, directly threaten the lives of other motorists, pedestrians, police and others. These vehicles can be used to further unlawful activity and present public safety problems.

Additional weight created by aftermarket fortifications can cause problems for the safe operation of the vehicle, including problems braking and similar issues. Additional damage and injury can arise if these vehicles are involved in accidents. It may be extremely difficult for first responders to

access and treat persons trapped in these vehicles or for police to apprehend persons in these vehicles.

Mr. Speaker, under this bill, a director within Manitoba Justice will oversee a program to regulate the use of body armour and armoured vehicles in Manitoba. The bill will require a licence for anyone who wishes to sell body armour. A person will also need a permit to possess body armour unless they are exempt from the requirement to have a permit.

The bill recognizes that there are legitimate uses for body armour by certain officials involved in various aspects of public safety. The bill exempts police, correctional staff, sheriffs and first responders from requiring a permit. Other officials may be added by regulation. Individuals, such as those involved in private security, will be able to apply for a permit. The director can refuse to issue a body armour permit if the applicant fails to demonstrate a need for body armour, or if the director believes it is not in the public interest having regard to the applicant's character and past conduct. If a person does not have a permit and cannot prove they are exempt, the body armour can be seized, forfeited and destroyed.

Mr. Speaker, this bill also deals with the regulation of fortified vehicles, the definition of which includes a vehicle that has been protected by material that is designed to resist bullets or explosives, or has other specified fortifications. The bill recognizes that there are legitimate uses for these types of vehicles and, as a result, exempts police and government employees who are required to use fortified vehicles as part of their duties. Any other person wishing to own or drive this type of vehicle must apply to the director, explain why they need a fortified vehicle. Permits can be granted with terms and conditions imposed by the director, or applications can be denied if the person fails to demonstrate the need, or if it is not in the public interest for him or her to have this vehicle. If a fortified vehicle is owned or driven by a person without a permit, the vehicle may be seized and towed for further inspection. The owner must pay the cost of the seizure and the cost of having fortifications removed, or the vehicle will be forfeited to the government and destroyed.

Mr. Speaker, this bill enjoys the input and support of police agencies because it addresses officer safety and public safety. Preventing crime, particularly organized and gang-related crime, requires that we take active steps to respond to

organized crime and gang trends which threaten the safety of police and the public. This bill adds to the provincial legislation we've enacted to support safer communities throughout Manitoba. We're committed to keeping our communities safe, our officers and first responders safe, and to prevent crime associated with criminal organizations and gangs.

I look forward to the support of this House to move this bill to committee and to pass this important public safety and crime prevention statute. Thank you, Mr. Speaker.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, I'm wondering if the minister would entertain a quick question just regarding conservation officers, if they would be covered—if I could have leave of the House just to pose that simple question to get a response on the record in second reading from the minister.

Mr. Speaker: Honourable member have leave to pose a question to the honourable Attorney General? Does the honourable Attorney General wish to entertain a question? No. Order. The honourable Attorney General, are you willing? Is there leave to entertain a question? Are you willing to entertain a question?

* (15:00)

Mr. Swan: No, I'm not, but if the member wants to come to the briefing that was offered—

Mr. Speaker: Order. No explanation—[*interjection*]

Order. There's no explanation. I'm just asking if there is leave of the House for the honourable member to pose a question. The answer is no, so leave has been denied.

The honourable member for Inkster, to speak to the debate of this bill.

Mr. Lamoureux: I am disappointed in the government. You know, this is something that's been allowed for many years inside this Legislature, and because the government had poor priorities and unable to manage the affairs of the House, what they're doing is they're changing some of the traditions of inside this Chamber.

One could ask whether or not this government has any respect whatsoever for the history and the tradition of the types of things that have been put forward from this government, Mr. Speaker, and it's shameful. It really and truly is shameful.

These are important questions that I've attempted to be able to ask the government. The question that I want to put to the minister was in regards to conservation officers to see, in fact, how this might impact conservation officers.

And, Mr. Speaker, the member from Wolseley 'yeps' from his seat like some wild animal—

Mr. Speaker: Order. Remind members that all members in the House are honourable members, and they should be addressed by their constituencies or ministers by their title.

I know sometimes debate gets a little heated, but let's have a little control here. Let's respect one another. All members in this Chamber are honourable members.

Mr. Lamoureux: Yes, Mr. Speaker, I withdraw the remarks in regards to the member from Wolseley.

But, Mr. Speaker, the point is is that the government has allowed for—best I can tell, for years—the opportunity to ask questions, through leave, once the minister has given the—once the minister has presented in second reading.

The member from Kildonan, I suspect, is someone that is likely, while he was in opposition, asked questions of a minister after giving second reading. I can assure you that NDP MLAs have asked questions following a minister giving second reading.

But now that they're in government and they have such a tight ship to run, Mr. Speaker, that they're not allowing questions, and it is an important question to know from the government in terms of conservation—

An Honourable Member: Point of order.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Minister of Innovation, Energy and Mines, on a point of order.

Hon. Dave Chomiak (Deputy Government House Leader): Yes, point of order, Mr. Speaker.

Mr. Speaker, I'm not clear if the member is talking about the bill in front of us or if he's talking about a procedural matter, in terms of his comments. The member is talking about something that has been, for years, replaced by intimate, heavy-duty

briefings with side by sides, et cetera, the member has access to and that's happened on every bill through this House.

So I'm not clear if the member's comments are relevant to discussion here, and I'm not even clear what the member is speaking to.

So, on the point of order, I ask you—I'd ask you to ask the member to clarify the relevancy of, in fact, what he's speaking to, because we are speaking on debate and time is important. We want to debate all of these bills in the House, Mr. Speaker.

Mr. Speaker: The honourable member for Inkster, on the same point of order.

Mr. Lamoureux: Yes, Mr. Speaker, on the same point of order.

If the member from Kildonan doesn't understand the relevancy of what it is that's being spoken, Mr. Speaker, that is most unfortunate, and I would suggest that he listen to what was being said.

I'm calling into question why it is the government did not allow for me to ask a question in regards to conservation officers. I even made reference to the fact of conservation officers, Mr. Speaker, as the thing that I was hoping to be able to talk about.

So I believe that the member from Kildonan does not have a point of order and, as much as is possible, I think that we have to allow members of the opposition to be able to express themselves when they're—when they feel that they're not being able to ask important questions regarding legislation. And I was asking a specific question on the bill itself.

Mr. Speaker: On the point of order raised by the honourable Minister for Innovation, Energy and Mines, relevancy is important in debating a bill and the request for ministers to answer a question is done by leave and leave was denied.

And I was—I usually allow a lot of leeway in the 30 minutes of members' allowance, and I was waiting for—to tie everything together. And I'm sure that the honourable member wouldn't—would do that. And so I would say there is no point of order.

But I would remind members about the importance of relevancy when speaking to bills and stuff like that. If he gets strayed away, please tie it together, and I've always allowed a lot of leeway back and forth.

So the honourable member does not have a point of order.

* * *

Mr. Speaker: The honourable member, to continue, please.

Mr. Lamoureux: I think that, when you take a look at this legislation, that it is very important to understand in terms of what impact it might have on conservation officers. I don't know to what degree the minister responsible for this legislation has any—has had any discussions whatsoever with conservation officers. And I suspect, Mr. Speaker, because the Minister of Justice (Mr. Swan) made no reference to conservation officers, that he was negligent on that point.

And I look to the minister and because he refused to be able to afford me the opportunity to ask that question, I have to look to the minister in anticipation that he could at least nod his head in the affirmative or in the negative, as to whether or not he even met with someone from Conservation or any conservation officer to talk about the issue of armour. So, you know, I look to the Minister of Justice and I ask him point blankly: Did he talk to any conservation officer in regards to this legislation? And, Mr. Speaker, as the minister's eyes pierce the desk, not wanting to look at me at this point, I'll suggest to you that that is likely a very good sign that he didn't do his homework; that the Minister of Justice did not look or consult with conservation officers. And I find that that is most unfortunate because he needs to realize that conservation officers play a critical role in the province of Manitoba, a very important role in our province.

And I believe that the Minister of Justice should have, at the very least, maybe even talked to some of his caucus colleagues. Surely to goodness, someone within their caucus would have realized that this type of legislation could impact the role that conservation officers play in rural Manitoba.

You know, I've had the opportunity to have many discussions with individuals throughout this province in the whole area of guns and armour and the type of needs that are out there. And, you know, I can honestly say that in some of the discussions, in particular with peace officers, that some of the most dangerous situations that are out there are in rural Manitoba, when, in fact, you have someone that's having to enforce a poaching law, Mr. Speaker, to

ensure that there is minimal poaching being done in our province and, quite often, there's alcohol that's involved. And these officers that have—are going into situations, find themselves approaching individuals that have loaded weapons. And I suspect that these conservation officers would welcome the opportunity, at the very least, to have some feedback on this very important, important issue.

And this is why it is, I think, that sometimes we need to recognize when government seems to be in power maybe a little bit too long, that they feel that all they need to do is just kind of gauge as to what they think the public wants by putting their hand up in the wind and saying, oh, wow, we got to do something tough on the—on armoured gang members that are buying body armour. And now they're going to fortify their cars to resist bullets and you name it, Mr. Speaker.

So what we'll do is we're going to come in with legislation; you know, gang members can no longer drive tanks in the city of Winnipeg. That's something in which this minister is now saying. And, quite frankly, I don't think you'll find anyone, anyone within Manitoba, disagreeing with that sort of a statement, Mr. Speaker, but that's stating the obvious. You know, that's something in which it's a no-brainer. Anyone would recognize the value of ensuring that, you know, gang members are not fortifying and putting armoured shields into their vehicles and so forth.

*(15:10)

But you know, there was a time in which we didn't have to worry about things of that nature, and it's only over the last number of years that the government's failure to be able to address the gang issue, that we have to be concerned about that, Mr. Speaker, today. And that's why, ultimately, the minister has brought in the legislation.

But, Mr. Speaker, we expect more of the Minister of Justice (Mr. Swan) than just, you know, having the hand in the wind trying to figure out which direction and how to try to appeal to his constituents or the people of Manitoba, and say, well, here's something, and we'll pass this, and it'll make us look as if we're really fighting gangs. You know, he does have more of a responsibility, and I suspect that had the minister consulted with conservation officers, that maybe it might have influenced the legislation that we have before us.

Mr. Speaker, I look forward to the bill, ultimately, some day, going into committee, and I would encourage members, in particular the Minister of Justice, that there be some form of consultation in that aspect, that we do need to look at things outside of the city of 'wimiter'—of Winnipeg. The minister seems to have what many call Perimeteritis, and he's not thinking in terms of those rural communities outside of Winnipeg, and, maybe, one might say, maybe the city of Brandon—maybe he did check with a few people within the city of Brandon, possibly; I don't know. But what I—what it does—what has become apparent is that he hasn't recognized the valuable contribution that conservation officers make to our province day in and day out, and I do find that that is most unfortunate.

Having said that, Mr. Speaker, if we go right to the content of the bill itself, then we talk about, you know, fortifying vehicles. And, you know, I made reference to it just a few minutes ago in terms of the fortification of vehicles and the need to be able to do that. And I recognize that things have really changed in the province of Manitoba. You know, it was just last week I brought up an example of someone that was—a store inside my constituency, and I talked about how this particular store owner was stabbed, stabbed in the neck, stabbed in the hand, and this is from a 10-year-old and a 14-year-old. I understand that the 14-year-old is still in custody. The consequence for the 10-year-old was to go home, I understand, and be under some sort of a curfew. And what really is troublesome is the issue that—what has been suggested is that this was something that they were attempting to do in order to be able to get into a gang, that they wanted to impress the gang, and I commented on that last week.

Well, last Thursday, night—because we didn't sit Friday or I probably would have brought it up on Friday—I had another incident. Someone came to me and in this particular situation, Mr. Speaker, once again, there is a fear of what is driving these kids to do this, the kind of stuff that they're actually doing.

Here's an example. This is something that actually happened just last Thursday. A group of at least three kids—all of them appeared to be under 14—they were climbing onto a roof of a commercial building, and one of the tenants called the landlord. The landlord then came down, and the smallest of the kids, probably under 10 years old, as the landlord had explained, was on the top and he was threatening the landlord to get away. He's coming down, and the

two friends are just, you know, yards away from the landlord waving boards. And these are just kids, Mr. Speaker, waving boards, and the type of threats, saying that we're going to spill your blood, we're going to kill you, we're going to do all this dangerous thing to the landlord.

You know, it's horrific to think in terms of the types of things that children believe that they can get away with. I was offended by it, as I would like to think many people inside this Chamber would be offended by it, Mr. Speaker. And, again, they start thinking, well, this is all-like, is this gang related, because they get graffiti, that's painted on walls, that have gang affiliations. This is the type of things that are actually taking place in our communities. And what is the consequence? Well, in this particular case, the 'bravity' of the landlord, stayed at the base and, ultimately, the child came down. And, when he got to the base, the landlord extended his hands to hold the child in hopes that the police might come or be able to report and, hopefully, see some sort of a consequence for the kid's action. The kid instantly dropped the weapon, and another individual—or then the landlord let the child go and the three or four of them just went running. And this is after all those threats.

Well, this particular constituent brought to my office the weapon that the landlord was actually being threatened with. And what it was was a pair of scissors, and the plastic, the handles and that were cut off the scissors. Well, Mr. Speaker, it looked like it was a fairly dangerous weapon that was actually able to close and slip into the pocket. Well, this is coming from a kid that's under 10 years old. You know, a 10-year-old kid that believes that he has the right to carry a weapon like this around and to threaten someone. Believing at the end of the day that nothing will happen. Why? Because he's under 10 years old, there won't be any consequence to that sort of an action.

And, Mr. Speaker, I believe that ultimately we are sending the wrong the message. And you know what the government would say? The government would say, well, you know, it's a young offenders issue. The person's under the age of 12, and then try to wash their hands away from it. And I'm suggesting to you that it has to do a lot more with just the young offenders legislation in Ottawa. It has a lot also to do with Child and Family Services—that there is a role for the government to play when things of this nature are happening in our communities. What is the government doing?

Well, these are the type of children that are ending up in the gangs. They're the ones in which the minister is proposing to protect the public by saying, we're now going to have four to five vehicles, and these kids in the future won't be able to wear armour. Well, Mr. Speaker, yeah, you know, yes, that will provide a certain level of comfort to many, in particular, society, in terms of protection. And we recognize that. We recognize that first hand. But what is the government doing in order to be able to deal with those causes, the causes of what's taking place?

You know, these three or four kids now will go into their communities, their schools, and they'll laugh about it. They'll laugh at the government of the day, whether it's here in Manitoba, Ottawa. They make a, they laugh at the police officers. And who is standing up, saying, what about the individuals that are being offended? What about the landlord in this case? I'll tell you something, Mr. Speaker. The landlord is fearful, fearful of the fact of what's going to happen to the building. Do landlords have to now put on cameras 24 hours a day? Do they have to hire security to patrol their premises in order to do and protect their properties, because the government has failed them?

And that's what's happened. The government has failed the people of Manitoba by not dealing with the causes and the consequences or the causes of crime and dealing appropriately with the consequences of crime. And, because you're not dealing with them, as a direct result, things are getting worse in the province of Manitoba.

* (15:20)

They're getting worse to the degree in which we require legislation like this, Mr. Speaker, because now what we have is we have kids that feel that they have to show that they're tough and they're prepared to do cruel things in society in order to be accepted by gangs. And that cruel behaviour doesn't dissipate. You know, if they can be cruel when they're 10 years old, trust me, they'll be cruel when they're 16 years old, 17 years old, when they're starting to get their driver's licence. And, quite often, we know that they don't even require a driver's licence nowadays to be driving around, many of those young children. And why? In part, because we have a government and we have politicians that are prepared to write off our children in this province. They don't recognize that, unless government does more, that you're writing off the future of many, many children in our province.

Mr. Mohinder Saran, Acting Speaker, in the Chair

And I suspect that the government knows full well what it needs to say or what it has to say in order to be politically correct but, Mr. Acting Speaker, what they don't realize is that being in government is more than being politically correct. There are difficult decisions that should be made that are not being made. And I say shame on the government for not recognizing the opportunity that you have as New Democratic Party inside the province of Manitoba to actually do something to improve the social condition of our province. And to think that you have been doing that is to be misleading.

In certain areas there have been some progress, Mr. Acting Speaker. You know, the example that comes to mind is Lighthouses. You know, in good part, Lighthouses is a good example of things that can actually work.

At the end of the day what you need, Mr. Acting Speaker, is you have to have activities. Our young people need to be involved. If they're not involved, they will find things to do and far too often government is quite content with that. Far too often someone gets expelled from school and then, in essence, what ends up happening is it's time off. It's something in which then the child will be doing something else.

Now, I'm not necessarily suggesting that that student should be allowed to be back into that classroom. There's a reason why they were being suspended, but there's different ways in which you can suspend and you can expel. There's different ways in which you can ensure that there's a more adequate consequence for an action that has taken place, Mr. Acting Speaker, and I suspect, and I suggest to you that the government has not done a good job at that.

I would like to see a government that is much more progressive, that is much more caring about dealing with children and protecting the interests of children, Mr. Acting Speaker. And I don't believe that this government has—I don't believe that the government has taken the opportunities that it has been provided over the last 10 years in the province of Manitoba to protect the interest of children. I believe that ultimately they're more interested in the—just having power for the sake of having power.

I have not seen any grand vision over the last 10 years coming from the government. I haven't seen

a Minister of Justice come forward and saying, here's how we are going to battle the issue of community crime, Mr. Acting Speaker. I haven't seen that—*[interjection]*

Well, the Minister of Justice (Mr. Swan) says I didn't want more police officers.

Well, Mr. Acting Speaker—and another minister says, well, how did I vote? Well, if the minister was listening, you'll find that: How can I vote for a government that has bad priorities? How can I vote for a budget that puts being politically correct ahead of the children of our province? How can I support a budget that does not do anything to protect the people?

An Honourable Member: You can run federally.

Mr. Lamoureux: Ah, and the member from Kildonan hits a soft spot for me.

You know—yes, you know, there is some potential merit in terms of other opportunities but having said that, here within the province I still have the opportunity to try to suggest to the government that it's never too late, it's never too late. After all, you're going to be here till October the 4th, 2011, you can still save the lives—and I mean it sincerely—you can save the lives and the livelihood of hundreds of children if, in fact, you're prepared to be proactive and take leadership on the issue. That means that you're going to have to take action.

Mr. Acting Speaker, I'm wondering, you know, if any of the ministers of Justice—because, in fairness to this particular Minister of Justice, he hasn't been a Minister of Justice all that long—*[interjection]*—and some might suggest it won't be for long, but I won't make that suggestion. Let's give the current Minister of Justice the opportunity to be there at least till October 4, 2011, and we see what happens at that point.

But the point is, Mr. Acting Speaker, to what degree has this ministry been successful at getting children refocussed off of crime and into community activities? And if we take a look at some of the violence that's happening within our society today, I would suggest to you that they have not been successful. I wonder if any of the minister of justices, this one or the ones that were there prior, would be able to stand in their place and say, you know, the last time I stood up for a victim where it was a 10-year-old or a 12-year-old or a 8-year-old or a 16-year-old that was—that caused the harm, where they were critical of that taking place, you know, I'd

be interested in hearing that. I'd like to hear what kind of consequences some of these youth should have to endure for committing some of these crimes that are taking place in our communities. I would like to see what sort of ideas that they have that go beyond the Lighthouse.

You know, if you want to deal with community crime, you know, I can list things, and I can give a couple because, Mr. Acting Speaker, I'm very much aware of the limitations in terms of time, unless the House would give me leave to continue to talk on the bill, and—but I can tell you, and let me give you a couple of specific examples. I take a look at youth justice committees and just, you know, a couple of years ago, I was actually quite involved in youth justices committees. In fact, I was a chair of a youth justice committee.

In Manitoba, the Province, over the last number of years, has shied away from youth justice committees dealing with a wide variety of crimes. *[interjection]* Well, you know, the Minister of Justice (Mr. Swan), this Minister of Justice, if he wants to sit down with me and have a nice discussion, maybe between the two of us—the Minister of Justice is welcome to come to McDonald's. I'm there every Thursday and if the Minister of Justice—you know, I see the Minister of Justice is really exercised on this issue. I want to extend a personal invite to the Minister of Justice. I'm going to set up a meeting somewhere in Winnipeg's North End in a New Democratic riding, an NDP MLA riding. And you know what, I can give a personal, hand-delivered invite to the Minister of Justice, and what we'll do is we're going to talk about this bill. We're going to talk about this bill and we're going to talk about fortified vehicles. We're going to talk about body armour and we're going to talk about youth and the consequences that are there today for young offenders and Child and Family Services and what this minister has actually done.

Mr. Speaker in the Chair

He's passed all the blame onto Ottawa, believing that Ottawa is the only answer. Yes, Ottawa is a part of the answer and I hope to be able to have an impact at that level, Mr. Speaker, but I can tell you that the Province of Manitoba equally has a role. So sometime in the next few days, I will get that personal invite to the Minister of Justice and we'll see if the Minister of Justice will take up that opportunity. From his seat he's prepared to get engaged, but inside the Chamber. Will he get

engaged in the community? Will the Minister of Justice get engaged in the community? We'll find out, because I'll let you know next week whether or not the Minister of Justice has accepted the challenge in terms of going into an NDP riding, an NDP—he'll be safe—maybe even the member from Burrows constituency, if that's the person he feels comfortable with, the member from Burrows, who is here right behind him, can even chair the meeting. As long as it's appropriate time for each of us, 50-50 time, I'm happy with it.

* (15:30)

The critic from the Conservative Party says he'll be there. Let's make something up, let's hear what the three political parties actually have inside this Legislature to talk about young offenders inside this problem—province, Mr. Speaker.

Mr. Speaker: The honourable member for River Heights—oh, the honourable member for Inkster?

Mr. Lamoureux: During my speech I just asked if there might be leave—and I'd ask now if there would be leave to allow me just to finish on this bill.

Mr. Speaker: Is there leave for the honourable member to continue to finish his comments?

Some Honourable Members: No.

Mr. Speaker: Okay, the honourable member's time has expired.

Hon. Jon Gerrard (River Heights): Mr. Speaker, the debate between my colleague, the MLA for Inkster, and the Minister of Justice, the MLA for Minto, will be scheduled in due course and we're all look forward to when it will be and where it will be, and—but, for the moment, I would like to concentrate on Bill 14, The Body Armour and Fortified Vehicle Control Act.

I mean, one can understand why the government is bringing in this bill, because they've been under siege and because of the major problems with crime in Manitoba in the last little while and, of course, we had four young people age six to 16 who were shot last week, and it was a terrible week for Manitoba and, certainly, one can understand that the government wants to look like it's doing something. One has to question how much this will achieve, but at least, you know, you have to give the government credit for putting forward an initiative. But I think that we need to have a careful look at whether this

initiative is the one that's going to make the difference in terms of reducing crime.

Clearly, organized crime and gangs in Manitoba is a significant issue. There have been significant numbers of gang-related problems, drug-related crime and, in 2007, Winnipeg had the second highest violent crime rate among major cities in Canada. In 2008, Manitoba had the highest overall homicide rate among all 10 provinces, the third highest proportion of gang-related murders, and Winnipeg had the highest homicide rate and the highest reported robberies of the 10 largest cities in Canada, so that we have an issue. The NDP want to be seen as if they're trying to do something about what, you know, they perceive—and some perceive—is a bit of a war zone by addressing things like armour. We want to have a look, a critical look at this legislation and see whether it's going to serve the purposes that its intention is designed to serve. I will admit that the intention behind this bill is good. Potentially, it can harass gang members, hit them with jail times and with fees. We want to be standing with and by our police officers and give them every advantage in the effort to have safer streets and safer homes and safer communities in Manitoba.

We clearly need to stand by the brave and trustworthy police officers, the men and women who are on the front lines. The officers are most likely to be caught in the middle of illegal gunfire and should have the upper hand, and many would agree with the spirit of this bill. But the question is whether the government will actually be successful in regulating and controlling body armour and fortified vehicles and whether it will have much effect on crime in Manitoba.

Now, I think, in this regard, it is interesting that this bill is similar to The Fortified Buildings Act that came into force in May of 2002 dealing with fortified buildings. And it would've been smart for the Minister of Justice to provide us with the evidence that that act was effective. How many convictions have there been under that act? How many fortified buildings have been identified?

Under that act, of course, buildings with bulletproof windows, barred doors, windows or doors and protective casings, can be designated as fortified and a threat to public safety. Where's the analysis of whether that's been effective? That should have been presented as part of the evidence that this bill is a smart thing to do. But we don't have that evidence from this government, from the NDP, who

seem to believe that evidence isn't very important, or maybe there isn't any evidence and they're just trying to, you know, bring in this as a PR measure, not because there is any evidence to speak of.

I would look at this and suggest that there are some cautions here in this—in looking at this bill and in with proceeding with this bill. There are some who feel that, under the NDP, we're becoming a bit of a police state with the NDP taking away people's rights to self-protection. An ordinary person, a citizen, would need a permit to wear protective gear, or to drive a vehicle which has, you know, enhanced ability to provide protection or to wear clothes that would resist the impact of bullets or knives. And perhaps we should be concerned about the erosion, under this government, of personal freedom in the name of security.

So we need to look at this and there are—as I will expand on in a few minutes, there are some particular reasons to be a little sceptical about parts of this bill. You know, there are people who work in core areas at night who may want to legitimately protect themselves. There may be reporters who cover the night beat and criminal action at night in Winnipeg who will want to protect themselves. There are obviously security guards who wear protective gear. Non-criminals who require protection legitimately can get a permit, but should that be the approach and should these people be forced to pay a fee for the right to protect themselves? Is that fair? These are questions which we should ask.

And, as I said earlier on, this bill was introduced without much of a review of the previous act passed in 2002. We have to ask the question, particularly since one of the bills we were discussing last week, which was introduced in 2002, which dealt with criminal forfeiture of criminal goods, and that bill, in seven years, there was just one incidence of a forfeiture—that the bill, as it had been passed in Manitoba, was not very effective. And so we were dealing, last week, with amendments. We should be making sure that, when this bill is to be passed, that it really is a bill that's going to actually work, and not just one that's going to sit on the books and pretend that it's a measure taken by the government when, in fact, it's not providing any useful effect or impact.

This bill should have included the section dealing with the requirement for a review of the act, at intervals, to identify the problems with the act: whether, in fact, it's effective; whether it has, in fact,

reduced the statistics of organized crime and gangs; what is the cost to taxpayers? This is a piece of legislation, clearly, which targets the equipment and not the users. Will this legislation just expand the black market in Manitoba and increase the shipment of protective gear from the U.S. into Manitoba? Or will it actually function to reduce criminal activity and reduce gang membership? And those things are important.

* (15:40)

The Minister of Justice (Mr. Swan) didn't even give us statistics on what proportion of gang members are actually wearing body armour, and how much of an issue this is.

You know, today's world, what criminals can't purchase in Manitoba, they can easily get online, on eBay or other venues. So we have to ask the question, the important question: Is, in fact, this legislation going to have a positive effect or is this legislation just going to sit on the books and not really make much of a difference?

There are some significant issues, I would suggest, with this bill. And one of these deals with what is considered body armour. Now, generally speaking, personal armour is light armour used to protect police forces, private citizens and private security guards or body guards while hard-plated reinforced vests are mainly worn by police tactical units and hostage-rescue teams.

The definition of—we have it here—body armour: a garment or item designed, intended or adapted for the purpose of protecting a person from projectiles discharged from a firearm or a prescribed garment or item.

Now, the problem, in a sense, with this is that there needs to be quite clear what is body armour and what is not, because the material which is used in protective armour is often also used in protective gear for sports and occupational uses.

For example, the material Kevlar, which is used in body armour like vests for police officers, security and SWAT. Kevlar has been used in reinforced clothing for motorcycle riders to protect against abrasion injuries. Kevlar has been used by loggers when operating a chainsaw to protect them from a moving chainsaw that contacts and that tears at their clothing. Kevlar has been used by workers who deal with very hot fires.

The bill needs to make clear what's involved, what's exempt. You know, armour used for sports—like martial arts or motocross, mountain biking, motorcycling, other sports—where it's Kevlar, is this or is this not body armour? Will this or will this not be considered body armour by the police? And Kevlar, in most of these instances, is used for safety purposes. And it's used for loggers, for example, to complete their job safely. You know there is a distinction here. And we need to make sure that we're not going to cause problems for people who are legitimately using Kevlar in their clothes while we are, in fact, reducing the use of body armour by gangs and gang members.

Now this is—there may be an implication that certain protective equipment is exempt, but it's not as expressly stated in the bill, and this is a change that should be needed. Clothing, helmets, goggles, other garments that protect people from blunt impacts, from electrical hazards, from heat, from chemicals, from infections, job-related occupational safety and health purposes, in sports, in martial arts and combat are not expressly excluded from the bill. And we need to make sure that if the government is going to take this forward, if we're going to have this bill implemented, that this matter—these matters have been looked at carefully and that we've got a bill which is going to work for the purpose designed but it's not going to cause a lot of difficulty and harassment of ordinary citizens.

The bill and one of the problems that relates to this is that the bill gives very broad powers to the director. It doesn't even require the director to state a reason why they'd want a person or business to turn over or destroy their inventory, if we're talking about somebody who has been selling. Is all material clothing containing Kevlar going to be caught up in this? And which is, which isn't? The fact that this act gives the director such broad powers is a reason for caution here.

And, certainly, you know, the act needs to be amended to require the director to provide a reason to impose the harsh consequences destroying a businessman's inventory, for example, so that the director must give a reason which can stand up in court so that no one's business is destroyed on a whim. There needs to be a good reason to impose such a firm penalty under the act.

The Minister of Justice really should have done a better job in looking at this situation and in drafting

this bill so that there's not as many problems or holes in this bill and potential, you know, whether you call them loopholes, whether you call them problems, that are going to give difficulties for ordinary citizens, whereas, you know, you may have little impact on a member of a gang who's got a lot of care into exactly what kind of equipment they may wear so that it would be not caught under the act.

If a director destroys a citizen's honest, clean livelihood under this act, it could open the door to a Charter right being violated. The Charter section 6(2) provides every Canadian with the right to pursue a livelihood in any province. This is all the more important because of the exemption from liability which is provided under this act, and I will talk a little bit more about this in a moment.

Now, the bill also, of course, provides Manitobans—prevents Manitobans from driving a fortified vehicle unless they hold a special permit. It—the bill gives broad powers to the director to issue permits and impose any terms and conditions on the permit that the director considers is appropriate or even to cancel the permit.

The bill also gives the director the power to dispose of a fortified vehicle under the act. It provides that the director must arrange for the destruction of the fortified vehicle as soon as practicable after it is fortified and, basically, an inspector can pull over a vehicle, under section 26, if they have reasonable grounds to believe that a vehicle is fortified.

And these—this power is pretty broad. Anyone driving down a street could have their vehicle apprehended and inspected, determine if it's fortified. The threshold is that the inspector must have reasonable grounds. But I would suggest that the minister needs to be a little clearer so that this clause is not misused in any arbitrary way to stop and search vehicles without reasonable grounds and without a warrant. Now, they can pretend—people can pretend to have reasonable grounds, but this should be clearer exactly what will and what is not appropriate circumstances so that the bill is not used arbitrarily.

Now, one of the problems with this bill is that section 35 of the act provides that if the director or an inspector pulls a vehicle aside and confiscates it and destroys it, that the owner of the vehicle can't be compensated for damage, injury or loss so long as

the inspector says that, although they were negligent, they were acting in good faith.

* (15:50)

The—we have a problem with section 35 which says that no person may commence or maintain an action or other proceeding against the Crown, the director, an inspector or any other person engaged in the administration of this act, in respect of the act done in good faith, or any neglect or default in the performance or intended performance of responsibility in the exercise or intended exercise of a power under this act.

Now, we would argue, as we've argued before, that there should be an exemption here to—where there is gross incompetence or gross negligence by the individual, whether it's the Crown, the director and inspector, or any other person engaged in the administration of this act. It—there should be a level of accountability. And to not have a level of responsibility and accountability to people who are involved in the administration of the act is wrong. That when you have accountability, then you bring in a situation where ordinary citizens will not be hassled when they should not be hassled. Ordinary citizens will not be—have their property destroyed without some, you know, recognition, apology, compensation, that something was done that was wrong. And we believe that there needs to be this accountability as part of the act, rather than having an act which excuses people from liability, excuses people and, you know, prevents any compensation for damage, even when something was done that was wrong negligently or incompetently.

People who are unfairly hassled without due cause and have their vehicles apprehended on the whim of an inspector who claims to act in good faith should be allowed to be compensated, especially if their personal property is damaged or lost in the process. So, if a vehicle is destroyed under this act, the driver is out of luck, as long as the inspector states that he was acting in good faith, regardless of how negligent he or she may have been. And while this may protect the taxpayers' purse, it has the potential to cause severely unfair consequences on an unsuspecting driver whose unfortified vehicle is destroyed at the whim of an inspector.

And so this bill—as my colleague, the MLA for Inkster (Mr. Lamoureux), and I have reviewed it—is one, though put forward in good intention, which could have a beneficial effect, but we're not really provided with evidence one way or another. We're

inclined to offer support for this bill but we believe that it should be—have—it should have significant amendments to improve it, that conservation officers should be included in those who have the ability to use body armour to protect them. Particularly, as my colleague has pointed out, that they're often working in isolated areas, and sometimes they're working at night, picking up people who are using firearms at night, and so it makes a lot of sense for people like conservation officers to have the protection when they need it.

And, you know, one could suggest that, you know, in view of the nature of hunting accidents, you know, and the number of hunting accidents, that there might actually be some benefit in looking at whether the use of clothing which would be less likely to be—for people to be injured or killed in a hunting accident, might actually be a smart thing. I think that the, you know, this is a question which, you know, hasn't been asked. The assumption has been made that—by the minister—that this would not be a smart thing. But, you know, it may be something which, I suppose, in a few years, other jurisdictions start to use protective measures like this, then, you know, this government is going to look like it's gone the wrong way. But, certainly, there are some issues here which should have been looked at a little more carefully than they were.

Back to one of the points where I started earlier on, and that is that we've had four children who were shot last week, and I think it's important to ask, you know, would this bill have made a difference? I doubt it. I doubt it. I think that there are some fundamental things that the government should be doing that they're not doing, and we've not had a, you know, a plan put forward by this government except to outlaw body armour and outlaw fortified vehicles, as if that's actually going to prevent more children from being shot.

And I think that the, you know, the issue here is what's really going to make a difference and I have a feeling that this government should have paid attention to some other things as well as this, in order to make sure that we're going to make a difference. You know, we understand that Kyle Earl, you know, the fellow—the young boy, 16, who was killed, was, in fact, in the care of child—the government's Child and Family Services. And so we know that it was not all that long ago—2008—that the Minister of Justice was standing up in this Legislature, saying, we are going to make sure every child in care is safe. We

are going to make sure that every child in care is safe.

And so we've got a real issue. What happened? I called for a, you know, investigation today and didn't get a response. The Minister of Child and Family Services tried to duck the question, tried to ignore the issue, which is a very, very serious one. And certainly, it was not all that long ago when we had 31 children who've been found to have been killed while they were in care in this province. And so the important question is is, in fact, this legislation going to reduce the number of children in care who are killed?

And I suspect that there are other measures that really would be much more effective, much more cost effective, and this is this government's priority. And clearly, you know, we should have had that investigation of what happened last week. It should be very thorough. It should have addressed and looked at the question: Could this have made a difference, as well as could other items made a difference?

And, you know, I'm guessing that if the report and recommendation was done, that this bill probably wouldn't have been one of the recommendations coming out of the report into the death of Kyle Earl. And so, you know, I think that, well-intentioned as this legislation may be, that we have a right to be sceptical and to put forward our concerns and to suggest to the government that there are alternatives that they could be engaged in which would be far more effective than this.

And one of the first of these is actually putting in place the activities, the actions, the procedures that will protect children in care, that will make sure we don't have any more people—young people like Kyle Edwards dying, killed in the streets by guns. And, you know, there are measures that need to be taken. There is actions that need to be taken, and that's where we should have the investigation. That's where I believe that much more of the focus should be—on the measures that are actually going to reduce the likelihood a child who's in care being shot, being harmed, being killed.

* (16:00)

And we know that some of the children who are taken into care are at high risk. Well, that's what that risk assessment should be when a child is taken into care. It should be done very carefully, so that if you've got a child who's been involved with gangs

and drugs, that measures would be taken to make sure that you're protecting that child, just like you're protecting other children. And, unfortunately, there has been a neglect, in the circumstances, a neglect because the government has not done the job that they should be doing in protecting children in care.

Well, I'm going to leave it there, Mr. Speaker. Thank you, and hopefully the government will take some of my comments and suggestions for amendments into consideration as this bill moves to committee.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I move, seconded by the member for Lac du Bonnet (Mr. Hawranik), that debate now be adjourned.

Motion agreed to.

Bill 19—The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended)

Mr. Speaker: Okay, now I will call Bill 19, The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended).

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Advanced Education and Literacy (Ms. McGifford), that Bill 19, The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended); Loi sur la protection contre la violence familiale et l'intérêt supérieur des enfants (modification de dispositions législatives concernant le droit de la famille), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Swan: I'm pleased to present this bill to address the best interests of children and to also refine and enhance protection for victims of domestic violence and stalking.

This bill takes a three-pronged approach to addressing these very important issues. First, this bill will amend The Family Maintenance Act to introduce best interests of the child criteria. These are 11 specific factors the court must consider when determining a child's best interests in a custody or access application or in a proceeding to vary a custody or access order.

Although the factors include a wide variation of considerations such as the nature of the relationship

between the child and each parent, the history of the care arrangements for the child, and the child's cultural, linguistic and spiritual upbringing, it is important to note these criteria are not exhaustive. The court can consider other matters that are relevant to a child's best interests.

I would like to highlight the fact that with these changes, courts will be obliged, in every case, to consider the impact on the child of any domestic violence. This will include consideration of not only the child's safety, but that of other family or household members who care for the child as well as the child's general well-being.

The court will also have to consider whether the parent who engaged in the domestic violence is able to care for and meet the needs of the child and the appropriateness of making an order that would require the parents to co-operate on issues affecting the child. Accordingly, the court will have to thoroughly assess the impact of domestic violence on children when deciding what custody or access order best meets their needs.

Ms. Marilyn Brick, Deputy Speaker, in the Chair

We're very grateful to have had the benefit of input from a number of community-based organizations in developing these best interest criteria. We consulted with parenting organizations, community groups, the Family Law section of the Manitoba Bar Association, the Assembly of Manitoba Chiefs and other stakeholders about what the criteria should include, and their suggestions have helped to shape provisions in this bill.

The second prong in our approach to improving Manitoba's response to issues around domestic violence is a change to The Domestic Violence and Stalking Act. Since it was enacted, thousands of victims of violence in Manitoba have applied for and been granted civil orders of protection. While these orders provide immeasurable benefits to vulnerable Manitobans, the judges in our courts tell us that sometimes the existence of a protection order can hinder a court's ability to hear cases involving parties to a protection order, as it can be a breach of that protection order just for both parties to attend the same court proceeding.

This bill will amend The Domestic Violence and Stalking Act to allow justices of the peace to grant certain kinds of protection orders to include a provision that permits the respondent to attend, where the victim is present, any court proceeding in

which the respondent is a party or an accused person. A similar exception can be ordered for attending mediation or other related processes that have been ordered by a court.

The amendments go further to state that if an exception is in place, the respondent must stay a certain distance away from the victim at all times and can only communicate with the judicial officer or the person conducting the court-ordered proceeding. The respondent will also be prohibited from remaining in any place where he or she would be alone with the victim.

If these restrictions are not appropriate in a particular court case, the judge in court will be able to substitute a different set of restrictions.

With these amendments, court cases and court-ordered proceedings like mediation can unfold as they should, while people who have been subjected to domestic violence or stalking can still be assured of basic protections while they participate in these proceedings.

The third and final prong in our approach is to amend the child and custody enforcement act and The Family Maintenance Act. Both of these statutes have provisions that allow people to apply to the court for an order that a third party who has records about a person's address be required to disclose that address to the applicant.

These provisions exist to help people who are seeking or trying to enforce custody orders or maintenance orders, don't know where the other party, usually the other parent, can be found. Most often that third party, holding the address information, is a government department or agency. Under The Protection from Domestic Violence and Best Interests of Children Act, these provisions would be amended to require that notice be given to the record holder before a disclosure order is made, and, more importantly, will require the court to assess the risk to the person of domestic violence or stalking before deciding whether or not to release that person's address to the applicant. This prevents abusers from using the court process to continue abusing or stalking their victim.

Madam Deputy Speaker, Manitoba takes a strong stance against domestic violence and stalking. With these changes, we'll continue to make it clear that these behaviours have no place in our society.

Where children—custody of or access to children are concerned, we emphasize the important—importance of remaining child focussed at all times. We believe the changes included in this bill will have a positive impact on the lives of many Manitobans.

I look forward to the support of this House in moving this bill to committee and eventually having this bill passed. Thank you, Madam Deputy Speaker.

Hon. Jon Gerrard (River Heights): Madam Deputy Speaker, I rise to provide some comments on Bill 19, The Protection from Domestic Violence and Best Interests of Children Act, the (Family Law Statutes Amended). Bill 19, of course, amends The Child Custody Enforcement Act, The Domestic Violence and Stalking Act and The Family Maintenance Act. The Child Custody Enforcement Act and The Family Maintenance Act are amended to require courts to assess the risk of domestic violence or stalking.

Before disclosing a person's address to enforce a custody order or to apply for or enforce an order for maintenance or custody, The Domestic Violence and Stalking Act is amended to create an exception to allow parties with a protection order to both attend court or court-ordered proceedings such as mediation, but with specific restrictions imposed on the person against whom the protection order is made.

Probably the most weighty and substantial part about Bill 19 is that it lays out in legislation specific restrictions imposed on the person against whom the protection order is made, and that a court must assess in determining the best interests of the child for making custody orders and provide some specific considerations for this. Before Bill 19, judges employed the best-interests-of-the-child doctrine as applied to case law, as applied in case law jurisprudence in custody cases. And now we are legislating what already exists in case law jurisprudence.

Now, there is a definite need to protect victims of domestic violence under our legislative regime, and often that means keeping their contact information confidential from their past domestic partner. Bill 19 thus helps protect victims of domestic violence by providing that a judge, at his or her discretion, can refuse to release the victim's contact information.

Bill 19 also, however, provides some rights to the accused. In particular, it allows an accused to attend a court proceeding, a mediation assessment

and investigation or evaluation when the subject is present. Without Bill 19, when a protection order is in place, it means that one of the parents cannot attend a custody hearing. Instead, their legal representative or lawyer must attend on their behalf and relate back what occurred. This, however, prevents a person from acting on their own behalf when they can't even attend a hearing due to a protection order being there.

*(16:10)

Fortunately, the security in our courthouse is very strong, and it is provided here that, if you give notice, they can have a security guard attend a domestic motion, a case conference or other hearing, which can ensure protection for victims while attending a custody access or related family matter hearing. The amendment to The Domestic Violence and Stalking Act provides, therefore, the opportunity for both parents, to a custody or access matter, to attend a hearing or related family matter.

Bill 19 also puts in place some provisions, namely, that if a domestic aggressor is to attend a hearing, an order can require that they remain at least two metres away from the subject at all times, direct all communication to the judge, refrain from communicating with the subject and not remain in a location where the respondent would be alone with the subject.

Bill 19 also addresses and lays out considerations to be outweighed when considering the child's best interest. A doctrine long established in our case law jurisprudence, including in cases like *Young v. Young* and *Gordon v. Goertz* to name a few. You know, Justice L'Heureux-Dubé in the Supreme Court of Canada decision of *Young v. Young* stated that each child has a right to a parent who will look after his or her best interests and the custodial parent a duty to ensure, protect and promote the child's best interests. That duty includes the sole and primary responsibility to oversee all aspects of day-to-day life and life-long-term well-being, as well as major decisions with respect to education, religion, health and well-being.

Now, in *Gordon v. Goertz*, a Supreme Court case dealing with the relocation of a child, the Court laid out a number of considerations in assessing the best interests of a child. The majority of judges on the Supreme Court determined that, in assessing a child's best interests, the judge should more particularly consider *inter alia* the existing custody arrangement and relationship between the child and

the custodial parent; (b) the existing access arrangement and the relationship between the child and the access parent; (c) the desirability of maximizing contact between the child and both parents; (d) the views of the child; (e) the custodial parent's reason for moving, only in the exceptional case where it's relevant to that parent's ability to meet the needs of the child; (f) disruption to the child of a change in custody; (g) disruption to the child consequent on removal from family, schools and the community he or she has come to know.

The maximum contact principle mentioned in section 16(1) and 17(9) of the Divorce Act is mandatory, but not absolute, and the judge is only obliged to respect it to the extent that such contact is consistent with the child's best interests. As set out in section 16 part 9 of the act, parental contact does not enter the analysis unless it relates to the ability of the parent to meet the needs of the child.

Bill 19 attempts to legislate the jurisprudence that family lawyers and judges are already well versed in. In spelling out the best interests, Bill 19 lays out a number of factors, including: the nature, the quality and stability of the relationship between the child and each parent seeking custody or access and the child and other significant individuals in their lives; the child's physical, psychological, educational, social, moral and emotional needs, including the need for stability, taking into consideration the child's age and stage of development; the impact on the child of any domestic violence; the ability and willingness of each parent to communicate and co-operate on issues affecting the child; the willingness of each parent seeking custody to facilitate the relationship between the child and the other parent; any special needs of the child, including special need to care, treatment or education; the proposed child-care plan and the capacity of the parent to provide a safe home, food, clothing and medical care for the child; the history of the child-care arrangement; the effect on the child of a disruption of the child's sense of continuity; the view and preference of the child where it can be ascertained; and the child's cultural, linguistic, religious and spiritual upbringing and heritage.

Now, I'd like to point out that the definition is similar but must be more extensive than the considerations of the best interests of the child that exists in section 2 of The Child and Family Services Act, which deals with children needing protection and determining the safety and the security of the

child. For instance, in The Child and Family Services Act does not include other significant individuals in the child's life; the impact on the child of any domestic violence; any special needs of the child, including need for care, treatment or education; the history of the care arrangement; the stress and effect of disruption on the child's sense of continuity in any proposed plan.

There's a difference from the Divorce Act. Interestingly, under the federal Divorce Act, section 16(8) lays out considerations to be taken by a court in determining a custody arrangement, and it's very short and succinct. It states, factors in making an order under this section, the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

Past conduct in making an order under this section, the court shall not take into consideration the past conduct of any person unless the conduct is relevant to the ability of that person to act as a parent of a child. Maximum conduct—contact. In making an order under this section, the court shall give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose, shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact.

So, essentially, the new considerations under The Family Maintenance Act imposed through Bill 19 are more specific and detailed, and people applying under the federal Divorce Act for a custody order—it will be important for family lawyers and judges to keep these differences in mind as they deal with custody cases under The Family Maintenance Act, compared with cases involving Child and Family Services and cases where applicants only apply under the Divorce Act.

Now, let me deal with the judges' discretion to provide particulars on a party. The Child Custody Enforcement Act deals with the abduction of children by a parent and sets the legal process for when custody orders are breached by a parent. Bill 19 amends this act by imposing an onus on the court to consider the threat of domestic violence or stalking before releasing a party's address to the other side. When a parent absconds—it should be noted—with a child without a custody order in place,

it is technically a breach of the Criminal Code, sections 282 to 283. Cases arise in the courts every year where a parent unlawfully takes a child. Some are brought as a convention applications and some are brought under The Child Custody Enforcement Act.

Sometimes, when no custody order exists, and sometimes when a custody order is in place, they will wilfully choose to breach that custody order, and there are many reasons cited in case law jurisprudence for parents absconding with children. In some cases, the parents take the child in an act of defiance to harm the other parent. These parents are sometimes called unfriendly parents or alienated parents. In some cases, the parent may have a real or perceived fear that their child or children are being harmed while in the other parent's care, and so they remove the child. This poses a challenge to judges to determine whether the threat to the child is true or is false.

In some cases, there is a legitimate threat to the child or the children and the child should be removed, and courts can impose limited custody such as supervised visitation. There are cases where a parent has made a false allegation and absconded with the child to harm and alienate the other parent. It falls to the judge to determine in such cases whether there's a real and imminent threat to the child and which cases are fabricated by an alienating parent. In all cases, it's vital that both parties be safe from threat of physical harms to themselves or their property. It's, therefore, important that it fall also to the judge's discretion to determine when it is safe to reveal a party's contact information and whereabouts and when this information should be concealed to protect them.

*(16:20)

Bill 19 therefore amends The Child Custody Enforcement Act as well as amends The Family Maintenance Act to provide that party's whereabouts may be protected also in custody proceedings where there's a real threat posed due to a history of domestic violence.

There is one problem here which I believe the minister should be looking at or concerned with: a problem for self-represented parties. In cases where a party is represented by legal counsel, there should be no problem or issue in terms of a judge not providing the other side with their contact information. The judge can just turn over the lawyer's contact information, and all contact can go through the

lawyers. However, when a victim to domestic violence is self-represented and their whereabouts cannot be disclosed, it makes it very difficult for them to be properly served with court documents by the other party. There should probably be a provision in this bill that speaks to service the documents in cases where a party is self-represented and their whereabouts can't be disclosed.

I hope the minister will take this into consideration. Service of documents, after all, is bedrock principle, and there are very few domestic cases where a judge will make a decision when a party has not been served with documents against them. Indeed, you know, it is very, very important that a person be actually served the documents, that they be alerted to when the court case is coming up.

Unfortunately, I've had the experience of hearing of instances where Child and Family Services has apprehended a child and where the parents were not let know, or let know very belatedly, when the court appearance was going to be. This needs to be a rather fundamental right, and it is no less important than when there has been issues of domestic violence.

I think that the assessment of risk of domestic violence—and one of the things that I think could have been improved upon is an improved assessment of the risk of domestic violence happening in a child custody case. There's substantial experience over many years with such child custody cases, and I think that the minister would have been—done well to present us with the evidence in this instance and the risks of domestic violence.

Certainly, past acts are one thing, where there has been domestic violence or claims of domestic violence, but will it not—everything that happens is based on what's happened in the past, and it would have been, I believe, useful to have some improved risk assessment and process based on the evidence that the minister could have presented, so that the risk of domestic violence and the measures that are taken are related to the assessment or the degree of risk that may be, in fact, present.

There is, in some of the situations, which people have come to me to discuss, to talk about—and I've argued on many circumstances that there are often instances where support to families could have significantly improved the situation, could have kept the child at home with their parents and parents together, instead of getting into a situation where you have domestic violence happening and occurring.

We had an interesting situation not long ago where a child with ADD, with a lot of anger issues, was able to change rather dramatically and improve temperament when the child had a pet to look after. And I mention this because I think that there is a lot of work to do on preventing domestic violence, in the first place. And I think that that's one of the areas which we certainly would like to see a lot more activity, that when we're looking at what's happening in today's world, that we can prevent a lot of problems if we reduce the incidence of domestic violence. And measures that are taken, perhaps through education in the school system, perhaps through, in a variety of additional ways, parenting classes with the ability to improve parenting skills, to provide counselling, community services, so that before there is a situation where there's major domestic violence happening, you're able to be on top of it.

We have some domestic violence occurring because of addictions—a significant issue and a significant problem—and, right now, under this NDP government, there is a horrendously long waiting list for treatment of addictions. You know, I mean, if you want to prevent the problem in the first place, let's get on top of that—should be much more effective a treatment of addictions, and I suggest that that would make a considerable difference in reducing domestic violence. And, certainly, you know, when we're looking at what needs to be done, this is one of the measures which I see as vital. And having this long waiting list for people who've got addictions is a huge issue; it's a huge problem. And part of the reason it's a problem is that when people come forward and recognize that they have an addictions issue and they want help, and you say, oh, well, you can get some help but it'll be six months or a year down the road, then that's not very effective because the time is now when somebody comes forward.

And, as we've seen, indeed, just in the last, oh, few days, the situation with addiction to OxyContin, that, you know, there has not been the availability of the methadone treatment that—

An Honourable Member: Relevance. Come on.

Mr. Gerrard: Absolutely, this is relevant. We're talking about reducing domestic violence and one of the major causes of domestic violence is addictions. And this government is goofing off because it's not providing the quick treatment for people who have addictions. And this is a big, big issue. And we could

be cutting down the problem of domestic violence. We could be improving the nature of the workings of families. We could improve the lives and the safety of children.

And this government is not doing its job because people have had to wait for months and, in fact, the Minister of Healthy Living (Mr. Rondeau) has known about this problem for some time, and he's not been on top of it. He's not done virtually anything until it was headlines in the newspaper. There should have been action. This was a problem that has been around for a while, and the minister was sitting on his duff instead of getting the job done and making sure that people who needed treatment got treatment quickly. And this minister is supposed to be about preventing problems, and he's adding the problems because he's not doing his job in preventing problems and treating addictions.

* (16:30)

And that's one of the reasons why, you know, we've got problems of domestic violence. And this minister needs to get his act together, needs to make sure that people who've got addictions, who need help, are able to get that help instead of having to wait and wait and wait and cause trouble, not only for themselves, but for their partners, for children.

It is, in fact, you know, shameful what's happened in this province: the lack of quick access to addictions treatment and the lack of effective access to addictions treatment. And both quick and effective access are vital if we're going to address this problem, if we're going to reduce domestic violence, if we're going to make sure that, in fact, we have a situation which is more harmonious, where families are better supported, where kids can stay with their parents instead of having to be taken away, and where families can stay together instead of being broken apart, because of this government not doing their job.

Well, Madam Deputy Speaker, I think I've put my few comments on the record now, and I'm going to let my colleague from Inkster take over.

Mr. Kevin Lamoureux (Inkster): Yes, Madam Deputy Speaker, I, too, have a few words that I'd like to share with members on this particular bill, because it's been a long time in waiting. And, you know, we anticipate that the government, in trying to develop their legislative agenda, bringing before this House a series of bills—and this is one of those bills, just one of those bills that is necessary. And, you know, in

general, in principle, it's a bill that can be supported, albeit there could be a need to see some changes ultimately brought forward on the legislation.

And, you know, I was listening closely as the Leader of the Liberal Party was talking about a number of different issues. And, when he got engaged with the member from Assiniboia, and they're talking about the whole issue of addictions, some questioned, well, what is the relevancy there? And there is a significant relevance, and, you know, the member from Assiniboia, the Minister of Healthy Living, should be aware of his responsibility.

You see, Madam Deputy Speaker, ultimately there is more than just legislation that ministers are responsible for. This particular bill brought forward will, in fact, have, ultimately, a positive impact, and at some point it will, in fact, pass. But equally there is a responsibility of ministers not only just to bring in legislation, there's things that they can do that do not require legislation. And I think that you could virtually go through a number of the different ministers. And, you know, to give a couple of examples, you know, you take a look at the Minister of Healthy Living, and you ask the question in terms of, well, what role could he play in terms of improving society by being more proactive. And I would suggest to you that the Leader of the Liberal Party was right on in terms of his comments because ultimately what this bill deals with is it deals with individuals that ultimately end up in break-up, families that have been broken in one fashion or another.

Why I can assure the Minister of Healthy Living and other members that there are many things that contribute to the breaking up of a family. And, when we look at this legislation, is it a tool to try to protect the best interests of the child? Well, if the child is the most important thing, then one could ultimately ask, what is it the government doing to protect the family, the family unit? And I think the government could, in fact, be challenged on that particular point, Madam Deputy Speaker.

Now, and in fairness to the Minister of Healthy Living, he's not alone. There are other ministers that equally have a responsibility. Imagine the Minister responsible for Lotteries, if you take a look at the addiction and the families that are being broke up and the children that are being abused, even individuals that have custody of children—you know, it's interesting. You'll find some individuals will fight

and spend thousands of dollars for custody of children, and then yet chances are you'll even some of those children sitting in a car while the parent that has the custody is in the casino gambling away money, Madam Deputy Speaker, or addicted to gambling.

The only thing that's sadder than that is when you have a government that feeds the appetite of gaming. And, by feeding the appetite of gaming, Madam Deputy Speaker, especially when you have many families out there that participate in activities of that nature, what you're really doing is you're providing more opportunities for the family to break up. And the moment that families start breaking up, then they're automatically—now, there is a need for legislation of this nature, and it's because of family break up.

And I'm going to suggest to you, Madam Deputy Speaker, that gaming is one of these things that government plays a significant role in terms of family breaking up. You know, they introduce an innocent—what is perceived as an innocent policy. There was the NDP that said that we're now going to have ATMs inside our casinos.

I'll suggest to you that, as a direct result of that particular policy, that there will, indeed, be more families breaking up as a direct result of that particular policy initiative and, as a result of families breaking up, some of those families breaking up, they are going to be looking to the Legislature as to what are the tools now that we have in order to try fix the damage, and that's what we have today before us is one of those tools.

Mr. Speaker in the Chair

We're saying to a judge, for example, that now you have to take into consideration a wide spectrum of things when you decide to release an address. Well, Mr. Speaker, that's why I say that, you know, when ministers talk about their responsibility, it goes a lot more than just dealing with bringing in legislation, that there is a proactive approach to dealing with society and there are things that you can do that are actually will benefit. You know, this will benefit, but it's at the other end. There are things that we can do that I would suggest to you that will protect the integrity of the family. Equally, there are things that we can do that cause damage to the integrity of a family unit, and lotteries and the gaming policy such as the ATM is one of those examples in which the government can do.

You know, the leader made reference to another issue in terms of medications, you know, individuals that are having issues surrounding things such as depression and waiting lists or not being able to have access to some medications and the impact that that has, Mr. Speaker. You know, there's many single parents that are out there that love their children and do not have custody to their children, but have an issue that's related to health care, a mental illness. And, if we don't provide the types of services that are quite often necessary, or we have a waiting list in order for them to get a medication, it has an impact on their ability to be able to be with their child.

And, again, you know, this particular example falls right on the lap of either, you know, the Minister of Health (Ms. Oswald) or the Minister of Healthy Living (Mr. Rondeau), and one asks in terms of well, what are they doing in regards to that, Mr. Speaker? That is something that could have a huge, a huge impact. You know, government does have the opportunity in many different ways to have an impact on the lives of all Manitobans by the policy decisions in which it makes, and it has a choice. In some ways, it can just sit back and do nothing, and, at times, sitting back and doing nothing is better than some of the actions that they have taken, and the example of that, as I say, is the ATM machines being installed into casinos.

* (16:40)

Then there is the issue of taking an action and having a negative impact on the family unit. So, Mr. Speaker, I would suggest to you, as I have, that there a role for the government to look at doing things that go beyond just bringing in legislation.

But let's take a look at Bill 19 and how important it has been to the government. This is a bill that was brought in on April the 12th and you take a look at today, we're now May 31st, so it's been sitting in first reading now for quite a while. We're glad that the minister was able to get this bill debated today. There's many, including myself, that would have suggested that maybe we could have had this particular bill debated at an earlier time so that it didn't have to be sped up through a process.

You know, ideally what you want is you want to be able to have a timely second reading and then, after second reading is done, after the elected officials have played their role inside the Chamber by providing input to the government on the legislation, maybe raising issues to the government that should have been considered in drafting the

legislation, that the government might give some consideration prior to it going into committee so that maybe it has answers to questions that might actually be there in committee stage, from potential presenters, Mr. Speaker. But, you know, a normal process would ensure that there was ample time for that debate to occur and then it would go into that committee stage.

You know, there are some concerns in regards to the timing and the issue in terms of well, why the government put so much priority—you know, there was a bill, like here we are debating Bill 19 and we had that BITSA legislation, Mr. Speaker, and boy, that was a hard—that was a big priority. You know, you take a look at debate on BITSA and you have, you know, May 6, May 18, May 19, May 20, May 25, May 26, and there was a great deal of debate on that particular bill. And don't get me wrong. I can appreciate why. You know, it had nothing really to do with the concept of a true BITSA legislation. It had everything to do with the salaries and the balanced budget legislation, which should have been in a different piece of legislation one might say, but anyway, I want to make sure I'm relevant.

You know, on Bill 19, you know, I would suggest that any one of those days that I just listed off, the Minister of Justice (Mr. Swan) could have stood in his place and said, Mr. Speaker, I would like to move for second reading this particular bill and for good reason. If you take a look, you know, what Bill 19 specifically does. You know, The Domestic Violence and Stalking Act is amended to create an exception to allow parties with the protection order to both attend court, or court-ordered proceedings, such as mediation but with specific restrictions imposed on the person against whom the protection order is made. That's fairly substantial. It's fairly significant.

You know, if I was the Minister of Justice, I would have been quite anxious to have had this bill a little bit earlier than today, this way ensuring that this would be one of those bills that would ultimately pass, Mr. Speaker. Then there's the issue in terms of, you know, special considerations that a court must assess in determining the best interests of a child in terms of custody.

Again, Mr. Speaker, these—it's a fairly significant issue and I'm glad that we have the bill before us. You know, there's many things that need to be taken into consideration. You know, we have a wonderful

young lady who's done a great job in terms of providing us some notes on the legislation as we try to get a better understanding in terms of what it is that the minister is actually doing with the legislation and, you know, I applaud those efforts because, you know, there is a relatively large number of bills before us. And, you know, we want to make sure as much as possible that the bills are, in fact, being adequately debated and the government is concerned or aware of the concerns that we have.

Mr. Speaker, the courts need to consider and assess the risk of a domestic violence or stalking before disclosing an address. You know, that's something in which, I suspect, all members in this Chamber would actually support. You know, through the years, we have seen time and time again many different groups, whether it's women's associations, groups—you know, groups of both male and female come forward to this Legislature, come forward to caucus offices, individual MLAs and talk about the harms of stalking.

You know, we have people that are killed as a direct result of relationships that have gone bad, where a partner is stalking the former wife, Mr. Speaker. There's ample examples of how that has taken place. So, you know, I can appreciate why there is this need within the legislation to protect, you know, the potential victims that are out there.

You know, you'll recall, and I believe, you know, we recognize that, when we had some discussion about reforming The Elections Act—you know, at one time we used to have lists that were posted, Mr. Speaker, listing off the names of individuals, and it provided addresses. And, ultimately, we recognized the impact of advertising names and addresses. Anyone that wanted to stalk or find someone could go to a voters list. And, you know, we made the changes necessary in order to protect those and—obviously, we're all aware it's predominantly women that are stalked—and we wanted to take the action that was necessary in order to protect them. Well, this is no different in the sense that we have this expectations that our courts and our judges and virtually all the stakeholders would recognize the value of not releasing addresses to individuals that could potentially end up stalking their former spouse or, even to a certain degree, a child.

You know, we see where children are, in fact, kidnapped by a parent. You know, more and more I'm being requested by constituents that are wanting

to be able to travel abroad where they're coming to my office asking to do up a letter so that one parent can take, you know, the minor to a different country, whether it's the U.S., Philippines, India and—because more and more that's becoming a requirement, where you need to get the consent letter from the other parent, biological parent or guardian in order to take a child across a border. And the reason for that is because of things such as this, Mr. Speaker, because there are those in society that will take a child away from someone that has legal custody. So, you know, it's important that we talk about these types of things and that it's debated inside the Chamber, because I know that there are individuals that actually do read through the *Hansard* and will pick up on a number of the points. [interjection]

Well, the Minister of Healthy Living (Mr. Rondeau), I know, spends a great deal of time reading *Hansard*, but, you know, there are things that we do need to take into discussion. Actually, I shouldn't say that about the Minister of Healthy Living because he's an easy one to kind of draw out, you know, and I don't want individuals like the Government House Leader (Mr. Blaikie) to be upset with the minister for trying to prolong a debate.

* (16:50)

But, anyway, Mr. Speaker, if we take a look at, you know, some of the issues—and, again, you know, I give credit for the people that provide us the type of information that I'd like to share with members, because, you know, there are some interesting situations that arise that, I think, that people, in most part, would acknowledge as being accurate.

You know, there are many reasons that are cited in case law jurisprudence for parents absconding with their children, as an example, you know. If I were to list off and—boy, there's quite a few that have been provided to me, and, you know, Mr. Speaker, I don't think I'll have enough time to go through them all, but, and, but allow me to go through a few. And, you know, first, you know, I've attempted that before. They said no. But, Mr. Speaker, you know, in some cases, the parents take a child in an act of defiance to harm the other parent. You know, the parents are sometimes called unfriendly parents or alienating parents.

Sadly, Mr. Speaker, that does happen. It's hard to imagine how you'll get a—you have a parent that has custody of a child and, in order to punish that parent, the individual that lost the custody could actually take the child away, in spite of the parent, just to

cause harm to their former spouse. But it does happen. We know that that sort of thing does happen. In some cases, the parent may have a real or a perceived—and I would underline the word "perceived." It's not underlined, but I would underline the word "perceived"—fear that their child or children are being harmed while in the other parent's care, and so they remove the child.

This really does pose many different challenges, Mr. Speaker, because we all know they—the love that a parent has for their children. And, you know, if that parent, if one parent does not have custody, but they're in fear that their child is in danger in any fashion, sometimes, whether it's real or perceived—and I would suggest to you in most cases it is, in fact, perceived, but it causes a great deal of harm. And how do you deal with things of that nature? You know, in some cases, there's a legitimate threat to a child or children, and they should be removed. And courts, I must say, can, in fact, impose limited custody such as supervised visitation, which is a good thing. Obviously, we have to ensure that we support that as much as possible, because there are issues related to parents that have lost custody, and chances are in some cases they've lost custody for specific reasons that might be hurtful to the children.

So, in situations of that nature, it's critically important that there is some form of supervised care that is actually being provided, Mr. Speaker. There are cases where a parent has made false allegations and absconded with the child to harm and alienate the other parent. Well, let me comment on the first part of that. I've had individuals over the years that have come forward to me and said, well, you know, my former spouse or my ex has reported this and it never happened. But, because they report it to CFS, it creates all sorts of investigations, and, you know, it fosters a lot of potential damage to the child. And I would suggest to you, much like one of the earlier examples of just the whole concept of vengeance and being spiteful towards the ex, that this sort of thing actually occurs, and it is unfortunate.

I think that we underestimate the damage that is caused to our children throughout this whole process. You know, when you think of domestic violence, quite often, you know, one thinks of the victim being the spouse, as it should be, Mr. Speaker. But I, you know—

Some Honourable Members: Rephrase.

Mr. Lamoureux: Rephrase. Let me rephrase it, and, sometimes, you know, I do get the words mixed up,

and I apologize if I put that in a wrong fashion. But the point is, you know, it's important to recognize that they are listening, and I'm encouraged by that. This way I got to make the correction, but there are in many situations that children are victims when domestic violence occurs.

It's not only the spouse that's been victimized. It's also the children, Mr. Speaker, and the impact that that has on children can be just as severe. In some cases, it's more severe. In fact, what you will find is there is situations where it is the child that has endured the consequences of being the victim from one of the parents and that ultimately will divide a family, especially when you start getting into different types of relationship situations.

So, when I look at the legislation and you talk about what it is that a judge has to take a look at, because—I'm cognizant of the time, Mr. Speaker. I wanted to make a reference to some of those things in which a judge has to take into consideration, you know, in spelling out the best interest. You see, prior to the legislation, they would just go by previous cases and what judges have said. Well, this particular bill, you know, gives a better definition of best interest, and Bill 19 does, in fact, as law will take into consideration a number of the different factors that are there and—just before, because I'm concerned about the time—I do want to table a letter. In my previous bill, I was talking about a special invite. I've given the invite to the Minister of Justice (Mr. Swan). I'm just going to table the letter in regards to that bill and look forward to the minister's response to the invite.

Having said that, Mr. Speaker, I'm going to get right back to the point in spelling out of the best interest. Bill 19 does have, I believe, some very valuable information that would be of great benefit going forward and those—to list a few of them, you know, the nature and quality and stability of the

relationship between the child and each parent seeking custody or access and the child and other significant individuals in their lives, a very important point.

And, when you think of other individuals, I've always, over the years, talked about the important role that grandparents have to play with our children, and there are many others, Mr. Speaker.

You know, another interesting point, you know, the child's physical, psychological, educational, social, moral and emotional needs, including the need for stability, taking into consideration the child's age and stage of development—you know, another point that the impact on the child of any domestic violence—you know, the ability and willingness of each parent to communicate and cooperate on the issue affecting the child; the willingness of each parent seeking custody to facilitate the relationship between the child and the other parent; any special needs of the child, including special need for care, treatment, or education; you know, the proposed child-care plan and the capacity of a parent to provide a safe home, food, clothing and medical care for the child; the history of a child-care arrangement; the effect on the child of a disruption of the child's sense of continuity; the view and preference of a child where it can be ascertained; the child's cultural, linguistic, religions and spiritual upbringing and heritage.

Mr. Speaker, this is why, you know, Bill 19 is an important bill for us to recognize and ultimately see that it goes into committee. With those few words, I conclude my remarks.

Mr. Speaker: Order. When this matter is again before the House, the debate will remain open.

The hour now being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 31, 2010

CONTENTS

ROUTINE PROCEEDINGS			
Petitions		Tabor Home	
Multiple Myeloma Treatments		Dyck; Oswald	2561
Driedger	2551	Kyle Earl	
		Gerrard; Mackintosh	2561
PTH 16 and PTH 5 North—Traffic Signals		Burntwood Regional Health Authority	
Briese	2551	Lamoureux; Oswald	2562
Bipole III		Manitoba Hydro	
Derkach	2551	Altemeyer; Wowchuk	2562
Cullen	2552		
Medical Clinic in Weston and Brooklands Area		Premarin Manufacturing Plant (Brandon)	
Lamoureux	2552	Maguire; Struthers	2563
		Flooding (Westlake)	
		Briese; Struthers	2563
Ministerial Statements		Members' Statements	
Honourable Duff Roblin		Quinton Martin	
Selinger	2552	Whitehead	2564
McFadyen	2553		
Gerrard	2554	Bill Docking	
		Eichler	2565
Flooding Update		Vincent Massey High School	
Melnick	2554	50th Anniversary	
Briese	2555	Irvin-Ross	2565
Gerrard	2555		
Oral Questions		National Fly Fishing Championships	
Flooding (Emerson)		Derkach	2566
McFadyen; Selinger	2556		
Rural Overland Flooding		University of Manitoba Project Domino	
Briese; Struthers	2557	Brick	2566
Briese; Melnick	2557		
Waste-Water Treatment Facilities (Winnipeg)			
Stefanson; Blaikie	2558		
Manitoba Patient Access Network			
Driedger; Oswald	2558		
Bill 5			
Stefanson; Wowchuk	2560		

Bill 19–The Protection from Domestic Violence
and Best Interests of Children Act (Family Law
Statutes Amended)

Swan	2579
Gerrard	2580
Lamoureux	2584

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>