

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

**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**

**Tuesday, June 15, 2010**

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

**Madam Clerk (Patricia Chaychuk):** It is my duty to inform the House that Mr. Speaker is unavoidably absent. Therefore, in accordance with the statutes, I would ask the honourable Deputy Speaker to please take the Chair.

**ROUTINE PROCEEDINGS  
INTRODUCTION OF BILLS**

**Bill 39—The Child and Family Services  
Amendment Act (Children's Advocate Reporting)**

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Minister of Health (Ms. Oswald), that Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting), be now read a first time.

*Motion presented.*

**Madam Deputy Speaker (Marilyn Brick):** Is it the pleasure of the House to adopt—[interjection] Oh, I'm sorry, the honourable Minister for Family Services.

**Mr. Mackintosh:** Madam Deputy Speaker, this bill requires the Children's Advocate to appear annually in person at a committee of the Legislative Assembly on the annual report of that office.

**Madam Deputy Speaker:** Is it the pleasure of the House to adopt the motion? [Agreed]

**PETITIONS**

**Multiple Myeloma Treatments**

**Mrs. Myrna Driedger (Charleswood):** Madam Deputy Speaker, 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.

This is signed by N. Allen, R. Osman, C. Light and many, many others.

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

**Blumenort Christian Preschool**

**Mr. Kelvin Goertzen (Steinbach):** I wish to present the following petition to the Legislative Assembly.

And these are the reasons for the petition:

The community of Blumenort, Manitoba is quickly growing and changing. Several new developments are in the process of being constructed and many young families are moving into the region.

Blumenort families looking for early child-care education, nursery school, have only one option in the community, the Blumenort Christian Preschool.

Research suggests that nursery school gives children ages three to five several advantages by providing school readiness and interactive play with other children in a structured, caring and a clean environment.

Blumenort Christian Preschool is currently without government support and will be unable to continue offering quality nursery school programming without provincial support.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Family Services to consider working with the Blumenort Christian

Preschool to ensure that affordable nursery school options remain in the Blumenort Community.

And Madam Deputy Speaker, this petition is signed by C. Sawatzky, E. Oduma and A. Teichroeb and many, many other Manitobans.

### **Waste-Water Ejector Systems**

**Mr. Leonard Derkach (Russell):** Madam Deputy Speaker, I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

Manitobans are deeply committed to protecting the environment, and they want to be assured that the provincial environment policies are based on sound science.

In early 2009 the provincial government announced that it was reviewing the Onsite Wastewater Management Systems Regulation under The Environment Act.

Affected Manitobans, including property owners and municipal governments, provided considerable feedback to the provincial government on the impact of the proposed changes, only to have their input ignored.

The updated regulation includes a prohibition on the installation of new waste-water ejectors and the elimination of the existing waste-water ejectors at the time of any property transfer.

Questions have been raised about the lack of scientific basis for these changes, as a Manitoba Conservation official stated in the October 8th, 2009, edition of the *Manitoba Co-operator*, "Have we done a specific study? No."

These regulatory changes will have a significant financial impact on all affected Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Conservation to consider immediately placing the recent changes to the Onsite Wastewater Management Systems Regulations under The Environment Act on hold until such time that a review can take place to ensure that they are based on sound science.

To request the Minister of Conservation to consider implementing the prohibition on waste-water ejector systems on a case-by-case basis as determined by environmental need in ecologically sensitive areas.

To request the Minister of Conservation to consider offering financial incentives to help affected Manitoba property owners adapt to these regulatory changes.

And this petition, Madam Deputy Speaker, is signed by K. Dmytriw, D. Robertson, H. Shurvell and many, many other worthy Manitobans.

## **COMMITTEE REPORTS**

### **Standing Committee on Social and Economic Development**

#### **Second Report**

**Mr. Tom Nevakshonoff (Chairperson):** Madam Deputy Speaker, I wish to present the Second Report of the Standing Committee on Social and Economic Development.

**Madam Clerk (Patricia Chaychuk):** Your standing committee on Social and Economic Development presents the following—

**Some Honourable Members:** Dispense.

**Madam Deputy Speaker:** Dispense.

*Your Standing Committee on Social and Economic Development presents the following as its Second Report.*

#### *Meetings*

*Your Committee met on Monday, June 14, 2010 in Room 254 of the Legislative Building:*

#### *Matters under Consideration*

- *Bill (No. 22) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions*
- *Bill (No. 34) – The Consumer Protection Amendment Act (Negative Option Marketing and Enhanced Remedies)/Loi modifiant la Loi sur la protection du consommateur (commercialisation par abonnement par défaut et amélioration des recours)*
- *Bill (No. 35) – The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases)*

#### *Committee Membership*

*Committee Membership for the June 14, 2010 meeting:*

- *Mr. ALTEMEYER*

- Mr. CALDWELL
- Mr. DEWAR
- Mr. DYCK
- Mr. FAURSCHOU
- Mr. JENNISSEN
- Hon. Mr. MACKINTOSH
- Hon. Ms. MARCELINO
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN
- Mrs. TAILLIEU

Your Committee elected Mr. NEVAKSHONOFF as the Chairperson.

Your Committee elected Mr. DEWAR as the Vice-Chairperson.

#### Public Presentations

Your Committee heard the following 2 presentations on Bill (No. 22) – *The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions*:

Fernand Vermette, *Fédération des caisses populaires*

Garth Manness, *Credit Union Central*

Your Committee heard the following 3 presentations on Bill (No. 35) – *The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases)*:

Frank Bueti, *Private Citizen*

Olga Fuga, *Private Citizen*

Doug Forbes, *Canadian Condominium Institute (Manitoba Chapter)*

#### Written Submissions

Your Committee received one written submission on Bill (No. 35) – *The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases)*, from:

Neil J. Childs, *Private Citizen*

#### Bills Considered and Reported

- Bill (No. 22) – *The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions*

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 65(1)(g) of the Bill be amended by adding the following after the proposed clause 227(1)(ff):

(ff.1) respecting annual and other general meetings of and special meetings of credit union members, including

(i) with or without conditions, authorizing credit unions to hold annual or other general members' meetings or special members' meetings by holding two or more simultaneous meetings in different locations at which the members at each location are able to communicate with members at the other locations by means of electronic communication technology,

(ii) prescribing the requirements for holding such meetings,

(iii) governing voting at members' meetings and counting votes, and

(iv) prescribing conditions to ensure that members participating in a meeting authorized under subclause (i) are able to exercise their members' rights fully and in an informed manner;

- Bill (No. 34) – *The Consumer Protection Amendment Act (Negative Option Marketing and Enhanced Remedies)/Loi modifiant la Loi sur la protection du consommateur (commercialisation par abonnement par défaut et amélioration des recours)*

Your Committee agreed to report this Bill, with the following amendments:

THAT the following be added after Clause 1 of the Bill:

1.1 In the following provisions, "clause 97(d)" is struck out and "clause 97(1)(d)" is substituted:

(a) subsection 59(1);

(b) clause 60(1)(k).

THAT Clause 3 of the Bill be replaced with the following:

3 Section 97 is amended

(a) by renumbering it as subsection 97(1) and adding the following after clause (ee):

(ee.1) for the purpose of Part XXI (Negative Option Marketing),

(i) respecting what constitutes a material change in goods or services supplied to a consumer on a periodic basis,

(ii) respecting Internet negative option marketing;

(b) by adding the following as subsection 97(2):

**Regulations about Internet negative option marketing**

**97(2)** Without limiting clause (1)(ee.1), a regulation made under that clause may do one or more of the following:

(a) designate another jurisdiction as a reciprocating jurisdiction if, in the opinion of the Lieutenant Governor in Council, it has similar law for the regulation of Internet negative option marketing;

(b) authorize the minister, on behalf of the government, to enter into an agreement with the government of a reciprocating jurisdiction respecting the application, administration or enforcement of Part XXI or the law of that jurisdiction in respect of Internet negative option marketing;

(c) in accordance with any agreement made under clause (b), specify which law applies or does not apply when both Part XXI and the law of the reciprocating jurisdiction purport to apply to Internet negative option marketing;

(d) extend, modify or limit the application of any provision of Part XXI in relation to Internet negative option marketing.

- Bill (No. 35) – The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases)

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 4(1) of the Bill be amended by adding the following after the proposed subsection 5(3.1):

*Transitional — phasing amendment for existing phased development*

5(3.2) If a declaration for a phased development that was registered before the day that subsection (3.1) came into force does not meet the requirements of that subsection, the following rules apply:

1. The declaration must be amended as necessary to meet the requirements of subsection (3.1) before any proposed phase described or referred to in the declaration is implemented.

2. Subsections 5.1(2) and 5.6(3) do not apply to the registration of the phasing amendment required by this subsection if

(a) the phasing amendment is registered within one year after this subsection comes into force;

(b) the notice under subsection 5.4(1) of the proposed phasing amendment

(i) describes the material differences, if any, between the phase described in the amendment and the phase as described in the declaration and the marketing materials used to sell the existing units, and

(ii) describes the recipient's right to apply to the court for an order under section 5.7 within 30 days after receiving the notice.

3. The phasing amendment required by this subsection must not be accepted for registration unless it is accompanied by

(a) a statutory declaration of the owner-developer or the corporation stating each person to be given information under subsection 5.4(1) and this subsection was given that information;

and either

(b) a statutory declaration of the owner-developer or the corporation stating no person entitled to the information applied to the court, within 30 days after receiving the information, for an order under section 5.7; or

(c) a certified copy of an order of the court

(i) confirming that there is no material difference between the phase described in the amendment and the phase as described in the declaration and in the marketing materials, or

(ii) confirming that there is a material difference and permitting the amendment to be registered as proposed, or with changes as specified in the order or subject to conditions as specified in the order,

and, if the order permitting the amendment to be registered is made subject to conditions, evidence sufficient to satisfy the district registrar that the conditions have been satisfied.

4. If an application is made to the court under section 5.7 in respect of the proposed phasing amendment, any references in that section to the description of the phase in the declaration shall be read as references to the phase as described in the declaration and in the marketing materials used to sell the existing units.

5. Until the phasing amendment required by this subsection is registered,

(a) subsection 4(4) does not apply to the declaration; and

(b) for the purposes of this Act, other than this subsection and the registration of the phasing amendment,

(i) the property that is the subject of the declaration is deemed not to be a phased development, and

(ii) each proposed phase described or referred to in the declaration is deemed not to be a proposed phase.

THAT Clause 5 of the Bill be amended by adding the following after the proposed clause 5.7(4)(b):

(b.1) if the phasing amendment creates a proposed phase, an order permitting or requiring the amendment to be registered as proposed, or with changes as specified in the order;

THAT Clause 5 of the Bill be amended by adding the following after the proposed section 5.15:

*Notice and consent not required if only one owner*

5.16 Despite subsections 5(6) and (7) and 6(3) and (4) and sections 5.1 to 5.15, an amendment to a declaration may be registered without notice and without consent if, at the time of the registration, the entire property that is the subject of the declaration is owned by the same person.

**Mr. Nevakshonoff:** Madam Deputy Speaker, I move, seconded by the honourable member for Selkirk (Mr. Dewar), that the report of the committee be received.

**Motion agreed to.**

### Standing Committee on Justice

#### First Report

**Mr. Doug Martindale (Vice-Chairperson):** Madam Deputy Speaker, I wish to present the First Report of the Standing Committee on Justice.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Justice presents the following as its First—

**Some Honourable Members:** Dispense.

**Madam Deputy Speaker:** Dispense.

*Your Standing Committee on Justice presents the following as its First Report.*

#### Meetings

*Your Committee met on Monday, June 14, 2010 at 6:00 p.m.*

#### Matters under Consideration

- *Bill (No. 8) – The Highway Traffic Amendment Act (Safety Precautions to Be Taken When*

*Approaching Tow Trucks and Other Designated Vehicles)/Loi modifiant le Code de la route (précautions que doivent prendre les conducteurs qui s'approchent de dépanneuses ou d'autres véhicules désignés)*

- *Bill (No. 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)*
- *Bill (No. 25) – The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)/Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles)*
- *Bill (No. 27) – The Upper Fort Garry Heritage Provincial Park Act/Loi sur le parc provincial du patrimoine d'Upper Fort Garry*

#### Committee Membership

- *Hon. Mr. ASHTON*
- *Hon. Mr. BLAIKIE*
- *Mr. BOROTSIK*
- *Mr. EICHLER*
- *Mr. GOERTZEN*
- *Ms. KORZENIOWSKI*
- *Mr. MAGUIRE*
- *Mr. MARTINDALE*
- *Mr. REID (Chairperson)*
- *Hon. Mr. SWAN*
- *Mr. WHITEHEAD*

*Your Committee elected Mr. MARTINDALE as the Vice-Chairperson.*

#### Public Presentations

*Your Committee heard the following presentation on Bill (No. 8) – The Highway Traffic Amendment Act (Safety Precautions to Be Taken When Approaching Tow Trucks and Other Designated Vehicles)/Loi modifiant le Code de la route (précautions que doivent prendre les conducteurs qui s'approchent de dépanneuses ou d'autres véhicules désignés):*

*Tom Mark, CAA Manitoba*

*Your Committee heard the following two presentations on Bill (No. 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):*

*Kimlee Wong, Private Citizen  
Kim Parry, Private Citizen*

*Your Committee heard the following presentation on Bill (No. 25) – The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)/Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles):*

*Michael Silicz, Manitoba Association for Rights and Liberties*

*Your Committee heard the following two presentations on Bill (No. 27) – The Upper Fort Garry Heritage Provincial Park Act/Loi sur le parc provincial du patrimoine d'Upper Fort Garry:*

*Jerry Gray, Friends of Upper Fort Garry  
Jim August, Forks North Portage*

*Bills Considered and Reported*

- *Bill (No. 8) – The Highway Traffic Amendment Act (Safety Precautions to Be Taken When Approaching Tow Trucks and Other Designated Vehicles)/Loi modifiant le Code de la route (précautions que doivent prendre les conducteurs qui s'approchent de dépanneuses ou d'autres véhicules désignés)*

*Your Committee agreed to report this Bill without amendment.*

- *Bill (No. 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)*

*Your Committee agreed to report this Bill, with the following amendments:*

*THAT Clause 4(1) of the Bill be amended by replacing the proposed subclause 7(1)(c.1)(ii) of The Domestic Violence and Stalking Act with the following:*

*(ii) in relation to custody, access or a related family matter,*

*(A) mediation by a court referral, or*

*(B) an assessment, investigation or evaluation that has been ordered by a court;*

*THAT Clause 4(2) of the Bill be amended by replacing the proposed clauses 7(1.1)(b) and (c) of The Domestic Violence and Stalking Act with the following:*

*(b) refrain from communicating with the subject except in the presence and with the approval of*

*(i) the judge, master or other officer of the court in a court proceeding, or*

*(ii) the mediator, assessor, investigator or evaluator*

*THAT Clause 7(1) of the Bill be amended in the proposed subclause 39(2.1)(c)(iii) of The Family Maintenance Act by striking out "engaged in" and substituting "perpetrated".*

- *Bill (No. 25) – The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)/Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles)*

*Your Committee agreed to report this Bill without amendment.*

- *Bill (No. 27) – The Upper Fort Garry Heritage Provincial Park Act/Loi sur le parc provincial du patrimoine d'Upper Fort Garry*

*Your Committee agreed to report this Bill without amendment.*

**Mr. Martindale:** Madam Deputy Speaker, I move, seconded by the honourable member for The Maples (Mr. Saran), that the report of the committee be received.

**Motion agreed to.**

## MINISTERIAL STATEMENTS

### Manitoba Highways Map 2010

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** This morning, I had the pleasure of unveiling Manitoba's new highways map.

\* (13:40)

Madam Deputy Speaker, in 2000 we introduced a highways map which, for the first time in the history of this province, include all of Manitoba. This year, I am pleased to present a new and improved map of the province that provides an enlarged map of southern Manitoba. This new

southern Manitoba map has received rave reviews from tourism associations for making southern Manitoba easier to navigate.

Also, Madam Deputy Speaker, I'm very proud to have Manitoba's ethnocultural diversity reflected on our new map. Visitors to Manitoba will see on the map greetings in 26 of the languages spoken here in Manitoba, including the Aboriginal languages used here in the province. This map now better reflects the geographic and ethnocultural diversity of our province. We've reflected our diversity, put the entire province on the map, and we've even made southern Manitoba bigger.

Thank you, Madam Deputy Speaker.

**Mr. Ralph Eichler (Lakeside):** I do want to put a few things on the record in regards to the ministerial statement brought forward by the member from Thompson.

We hope that they don't leave any rural towns off as they have in the past. So make sure that, in fact, those towns are there. And we also hope that the potholes are clearly marked on all the highways that he's talking about that his government's built.

And also, I want to bring also forward the historical route No. 1 Highway, Trans-Canada, which was brought forward by the member for Lac du Bonnet (Mr. Hawranik) and seconded by myself on this side of the House as well, Madam Deputy Speaker.

So, we look forward to looking at the new map, make sure that it is, in fact, accurate this time.

So with that, we'll leave it at that, Madam Deputy Speaker.

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

**Madam Deputy Speaker:** Does the honourable member for River Heights have leave to speak to the minister's statement?

**Some Honourable Members:** Leave.

**Madam Deputy Speaker:** Leave has been granted.

**Mr. Gerrard:** Madam Deputy Speaker, I welcome the new highway map and the enlarged section for southern Manitoba, the references to the old Highway 1 and the other improvements.

I want to take special note of the role that was played by a former Liberal MLA for Wolseley,

Harold Taylor. I'm pleased to see that Harold Taylor is contributing, that he's fully recovered from his adventures with a tree a year ago and he's back contributing at—contributing actively to our province. Thank you.

### Introduction of Guests

**Madam Deputy Speaker:** I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today the family of Angela Roesler, Legislative page; including Heidi Roesler, mother; Kurt Roesler, father; Andrew Roesler, brother; Adelle Fruehm, grandmother; Matt Fruehm, grandfather.

Also with us today in the public gallery, we have 40 grade 7 and 8 students from Long Plain School who are under the direction of Ms. Donna Prince. And these—this group is located in the constituency for the honourable member for Portage la Prairie (Mr. Faurschou).

And also with us in the public gallery, we have from Réal-Bérard Community School 19 grade 9 students who are under the direction of Mr. Brian Martell. This group is located in the constituency of the honourable member for Morris (Mrs. Taillieu).

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

### ORAL QUESTIONS

#### New West Partnership Agreement Manitoba Inclusion

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Today in Manitoba, thousands of people earn their livelihood as a result of our ability as a province to trade with other provinces and with other countries. Last year, Madam Deputy Speaker, foreign exports dropped by almost 18 percent in the province of Manitoba as a result of a variety of economic factors.

Madam Deputy Speaker, following up on these significant changes in the world economy, which pose a threat to jobs and investment, the three provinces to the west of Manitoba—Saskatchewan, Alberta and British Columbia—entered into the New West Partnership.

Today, Madam Deputy Speaker, the Premier (Mr. Selinger) is at the Western Premiers' meeting

and has an opportunity, a very unique opportunity, to advance the interests of Manitoba to turn the page on the negative attitude that he and his government have had toward trade in western Canada.

I want to ask the Deputy Premier: Will the government reverse their anti-trade policy? Will the Premier today seek to get a seat at the table to protect jobs and protect incomes here in Manitoba?

**Hon. Rosann Wowchuk (Deputy Premier):** And, indeed, the Premier is in Vancouver with premiers of provinces, premiers from the territories, Madam Deputy Speaker, premiers from across the west, looking at some very important issues, and, indeed, trade is one of those issues and trade is very important to us. But they are also talking about pharmaceuticals, clean energy, power. All of those issues are important, Madam Deputy Speaker.

But, Madam Deputy Speaker, I would think there's another very important issue that's here today, and I want to ask the member if he will apologize today for the comments that he made. The Auditor has found no truth in the comments, the disingenuous comments, that the members opposite have made.

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

**Madam Deputy Speaker:** Order. The honourable minister, to complete her statement.

**Ms. Wowchuk:** Thank you, Madam Deputy Speaker. You know, the member—the Leader of the Opposition has a habit of attacking non-political people, and I'm going to ask him today if he will be a man—if he will be a man like Gary Filmon—and stand up and apologize, apologize to all those public souls—

**Madam Deputy Speaker:** Order.

**Mr. McFadyen:** And I had mentioned in caucus before question period today that I thought that the NDP might try to come out and make that kind of a statement today. The response that I got from caucus was, not even the NDP are so silly and dishonest as to raise that kind of point today. And so, Madam Deputy Speaker, it turns out that they are that silly, desperate and dishonest.

And I—Madam Deputy Speaker, we have important issues—

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

**Madam Deputy Speaker:** Order. I'm going to ask the co-operation of all honourable members. We do need to maintain quorum. We are in front of the viewing public here.

**Mr. McFadyen:** Thank you, Madam Deputy Speaker, and the important issue of protecting jobs in Manitoba is a very significant one for many Manitobans. We saw a decline of 18 percent in exports last year. We have many economists predicting that there could be a second phase to the recession that started last year.

When there are jobs on the line, when people's incomes are on the line, are they going to be serious? Are they going to ask to get to the table in the New West Partnership, or are they going to try to continue to play the silly political games that we see from the Deputy Premier today?

**Ms. Wowchuk:** Well, Madam Deputy Speaker, I don't think it's silly games when you ask a member opposite to recognize that he is wrong. He's wrong again, and the Auditor has found no truth in what he has said or what his Health critic has said or the member from Lac du Bonnet.

And I would say to him again, Madam Deputy Speaker, he should stand up and be a man and get his colleagues, his members, to apologize to the public service, who serve us—

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

**Madam Deputy Speaker:** Order. I just want to remind all honourable members that—I want to remind all honourable members that I do need to hear the questions and the answers.

**Ms. Wowchuk:** Madam Deputy Speaker, the members opposite may think this is funny, but this is really serious. This is very serious that members opposite put such untruths on the record and then the Auditor finds that they're all wrong. There's not a word to substantiate what they said, whether it be the member from Lac du Bonnet, the critic for Health, or the Leader of the Opposition. They should all apologize.

\* (13:50)

**Mr. McFadyen:** Madam Deputy Speaker, we have serious issues before us today. We have the potential for further erosion in jobs and incomes in Manitoba. We've been left out of the western free trade agreement, and all the minister wants to do is attack the *Free Press* and attack people and attack the former vice-president of the Winnipeg Regional Health Authority—

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

**Madam Deputy Speaker:** Order. I really just want to remind all honourable members we're beginning question period and we do need to be able to hear the questions, we do need to be able to hear the answers. And I am struggling here to be able to hear both the questions and the answers, and you would like me to be able to make a ruling if there is a ruling that needs to be made.

The honourable Minister for Finance.  
*[interjection]*

Oh, I'm sorry. The honourable Leader of the Official Opposition if—to complete your question.

**Mr. McFadyen:** Thank you, Madam Deputy Speaker, and, you know, the minister, if she wants to be attacking the vice-president of the WRHA and members of the media, she's welcome to do that. But we hope that she's not going to allow that her concerns about those stories to distract her from a very serious issue which today we have an opportunity to rectify.

We have a 20 percent erosion in our income arising from exports. We have a trade agreement that's moving ahead among three western provinces. We have an opportunity, Madam Deputy Speaker, not next week, not next month, but today for the government to change its position.

Will they get serious? Will they change their position, or will we see more silliness from the Deputy Premier of Manitoba?

**Ms. Wowchuk:** You know, Madam Deputy Speaker, it's very easy to say, I'm sorry. And I think that that's what the member opposite should think about. The member opposite should stand up like a man and say that. He has made a mistake. He has put a false information on the record. He has put innuendos on the record that have—attack our health officials. He has—and, you know, this government—the members opposite have a habit of attack public officials, whether it be the Children's Advocate, the Chief Electoral Officer, the people in the health system, and they think that's a joke.

And I say to them, in this, don't use the protection of this Chamber. Stand up, say we made a mistake and say that they were wrong when they made those accusations. And I would encourage the member for Charleswood (Mrs. Driedger), the member for Lac du Bonnet (Mr. Hawranik), because they each—

**Madam Deputy Speaker:** Order.

### **New West Partnership Agreement Manitoba Inclusion**

**Mr. Rick Borotsik (Brandon West):** You can't deflect the serious issue of the economy in Manitoba.

Madam Deputy Speaker, Manitoba should not only be embarrassed for being left out of the New West Partnership, but it seems it puts us in a very, very severe disadvantage while attempting trade with China.

In a recent meeting with Manitoba's trade representative in China—a meeting, by the way, that was grudgingly agreed to by the minister—Mr. Walker admitted—admitted—that he had not had any contact with the New West Partnership in Shanghai. We should be there.

Will the Minister of Entrepreneurship, Training and Trade not swallow his NDP pride and ask the New West Partnership to allow Manitoba entry into this very effective partnership?

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** Well, Madam Deputy Speaker, and, you know, the members opposite have this incredible habit of putting misinformation on the record.

First of all, the request—I think it was a reasonable one for an apology with respect to the issue on the brown envelopes. Now, for this particular member, last week in the Chamber—

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

**Madam Deputy Speaker:** Order.

**Mr. Bjornson:** Thank you, Madam Deputy Speaker. Last week in the Chamber the member opposite stood up in debate, and say, by the way, in the AIT, Manitoba signed on. Yes, they did, but they didn't sign the chapter on labour mobility. Wrong again.

At the labour ministers' forum we were proud to report that we were the first government in Manitoba to sign on to the labour mobility agreement. Once again, they should take the opportunity to apologize for misinformation that they bring forward in this Chamber.

**Mr. Borotsik:** Madam Deputy Speaker, we know for a fact that the government has not signed on to the New West Partnership. We do that—know for a fact.

Madam Deputy Speaker, this us-against-the-world attitude doesn't seem to be working. In the

latest StatsCan report on manufacturing, Manitoba is losing and our neighbours to the west are winning. In year-over-year manufacturing sales B.C. is up 8.1 percent, Alberta is up 12.5 percent, Saskatchewan is up 12.7 percent and Manitoba is down 8.2 percent.

We manufacture products that could be sold to China; we can't get them into China. Will the minister please help Manitoba businesses by joining the New West Partnership before business decides to move where government really cares about business?

**Mr. Bjornson:** Recently on CJOB, March 11th to be—of '09, the president of the Canadian manufacturing exporters association praised our government's support to manufacturers: I just wish that what's happening here in Manitoba but could be replicated across the country. Manufacturing in Manitoba has stood up pretty well, and certainly companies are affected by this but they're in a much stronger position right now, and I think a lot of that is because of the support that Manitoba's government has been giving.

That's from the president of the Canadian Manufacturers & Exporters association.

We have done a lot to support manufacturers here in Manitoba: reducing the general corporate income tax rate seven times since 1999; eliminating the corporation capital tax from manufacturers and processes as of July 2008, saving 25 million; doubled the refundable portion of the manufacturing investment tax credit to 70 percent and extended it to 2011, saving manufacturers 2.8 million a year. We continue to—

**Madam Deputy Speaker:** Order.

**Mr. Borotsik:** Madam Deputy Speaker, the minister is living in a dream world. The report from StatsCan says, and I quote: Manitoba is down from last year and down from last month while the Canadian average is up over both time periods. Manitoba is the only province beside P.E.I. to have a reduction year over year. Manitoba has the largest decline in sales of all provinces month to month and year to year.

Madam Deputy Speaker, the minister does not understand. Stop the bleeding. Give our business community some hope. Give them tools that they can compete with. Do not isolate Manitoba. Join the New West Partnership. Take some lessons from Alberta, Saskatchewan and British Columbia, and let the manufacturers do their job.

**Mr. Bjornson:** We continue to work with the manufacturers to do their job, Madam Deputy Speaker. We have [inaudible] of '11, saving manufacturers 8.7 million.

And manufacturers have been talking to me about their work force demands. They've been talking about the need for skilled labour, and members opposite continue to vote against those initiatives that would support training for the skilled trades, and we're the only government that committed to do that.

So we'll continue to work with the manufacturers. We continue to take their advice on strategic investments and strategic explorations of new markets. We'll continue to work with the manufacturers. And members opposite, again they've said that the Agreement on Internal Trade—false information on the record from the member opposite.

It's a national vision and we've been working and champions of that national vision for the Agreement on Internal Trade.

#### **Child and Family Services Agencies Client Tracking System**

**Mrs. Bonnie Mitchelson (River East):** For the last five years, review after review of the child welfare system has identified the importance of having an information system for tracking children, one that all the agencies use and keep up-to-date.

Again, Madam Deputy Speaker, this March, in a review by the southern authority, it said, and I quote: The lack of consistent use of the Child and Family Services information system by all agencies was identified as a high concern. Not having this information up-to-date and readily available can compromise services. End of quote.

Since not all agencies are using the tracking system, how can the minister account for all children under his watch?

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** Yes, I'm pleased to report to the House that what is called the CFSIS system has certainly been undergoing upgrades, and I certainly would welcome questions from the member in Estimates over the last number of years where we put investments into CFSIS. It's very expensive. At the same time we're certainly facing challenges in terms of what's called connectivity in some remote regions of the province, and we're continuing to work away at that.

**Mrs. Mitchelson:** But that answer certainly isn't good enough. The minister has received recommendation after recommendation about the importance of making sure all agencies use CFSIS to properly manage cases to ensure child safety. He's had years, Madam Deputy Speaker, to get his act together on this.

\* (14:00)

Why aren't all agencies using the computer system to track children? How many are falling through the cracks?

**Mr. Mackintosh:** Well, Madam Deputy Speaker, again, the member wants to make comments that aren't based on any observations from the Children's Advocate, wants to go in directions that the Children's Advocate, in fact, didn't take before either the LAMC or otherwise in the media. I would suggest that she might want to allow the Children's Advocate to speak for herself—the Acting Children's Advocate, that is.

**Mrs. Mitchelson:** But we have a report on ANCR, the Child and Family All Nations Coordinated Response Network, which does all the intakes for children that are in jeopardy and vulnerable, Madam Deputy Speaker. And this was a report produced by the southern authority March 2010, this year. And we know that tragedies can happen when children aren't tracked. I don't think this government needs to be reminded how the system lost track of Phoenix Sinclair.

How can the minister say he can account for the whereabouts of every child in care when the southern authority is very concerned that not all agencies are using the tracking system?

**Mr. Mackintosh:** Well, first of all, children are all given child welfare workers to work with. I notice that inquest reports in the '90s reported caseloads of—what, 40 to 80, I think, Madam Deputy Speaker. We're down to an average caseload of 29 and that's not including, of course, any help from the federal side, at least not yet. We're hoping for some. But given the recent influx of the number of children in care, our efforts to reduce caseloads certainly have been affected by that.

In terms of the review of ANCR, I'm very pleased to confirm for the House that the intake agency has had a complete operational review. In fact, there's some other components that are still ongoing and an action plan has been put in place, and a former senior administrator in the department has

been assigned to make sure that the action plan makes real changes for children there.

### **Health-Care Services Dialysis Unit Availability (Swan River)**

**Mrs. Myrna Driedger (Charleswood):** Madam Deputy Speaker, a 26-year-old dialysis patient from Swan River is experiencing highway medicine just to stay alive. Jason Kereluk has been forced to drive to Winnipeg and The Pas three times a week for the past two years because they can't or won't do his dialysis in Swan River.

Can the Minister of Health tell us why Jason cannot get his dialysis in Swan River where he lives?

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question.

We have built dialysis in Swan River. We've committed to expand dialysis to a number of regions, most recently Russell.

We are going to continue to investigate this specific case, look at different options including the possibility of home hemodialysis. We want to work to support this individual and give him the care that he needs.

I'm glad I'm having a chance to dialogue with the member today, however. I do take this issue seriously. Does she take seriously her need to stand today and apologize to the executive of the Winnipeg Regional Health Authority?

**Mrs. Driedger:** Madam Deputy Speaker, that coming from the Minister of Health, who covered up the truth about Brian Sinclair, is totally unconscionable. She needs to apologize to his family and she has not done that.

Madam Deputy Speaker, for two years Jason has been forced to drive to Winnipeg from Swan River three times a week. Over two years, he's travelled 94,000 miles just to have dialysis, just to stay alive.

Can this Minister of Health tell us why she has failed Jason so badly?

**Ms. Oswald:** First of all, I would like to say to the member that we are investigating this specific case more fully. Second of all, in doing so, I have a lot of concerns about alleged facts she just put on the record. They don't match the facts that we have. We're very concerned about this case, and we're going to continue to move forward.

Further on the subject, Madam Deputy Speaker, the member opposite, on the issue of the value-add audit, on the subject of the executives from the Winnipeg Regional Health Authority, she used words like bribery, kickbacks, unethical, and I'm asking her today, politics aside, these are people that dedicate their lives to assisting people in our health-care system. Will she stand up today, woman up and say she's sorry?

**Mrs. Driedger:** Madam Deputy Speaker, I guess this is why the minister needs to have double the political staff in her office so that she can spend money on damage control like this.

Madam Deputy Speaker, this Minister of Health has no credibility. Jason has no income because he can't work. He has worn out his vehicle. He is impoverished. Highway medicine has turned his life upside down.

We have been told, Madam Deputy Speaker—

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

**Madam Deputy Speaker:** Order. I just want to remind all honourable members when the Speaker stands, the Speaker is supposed to be heard in silence.

I want to recognize the honourable member for Charleswood.

**Mrs. Driedger:** Thank you, Madam Deputy Speaker. The Minister of Finance (Ms. Wowchuk) told Jason to claim his travel expenses on his income tax, but he has no job, so he has no income, so he can't claim it. Why would the minister—why would the Finance Minister tell her constituent that? Where's her heart?

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

**Madam Deputy Speaker:** Order. I just—order.

**Ms. Oswald:** Thank you, Madam Deputy Speaker. Again, we're very committed to further work with this patient and all patients as we expand dialysis to regions throughout the province. And, indeed, we are committed to work with this individual.

But I have to say we've asked very clearly. This is not for me, this is not for politics, but for the people in the Winnipeg Regional Health Authority, Madam Deputy Speaker, who have been hurt—they have been hurt by what the members opposite have said, and all we're asking the member to do—

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

**Madam Deputy Speaker:** Order. I just—I want to remind all honourable members that we are in front of the viewing public. I am asking for some co-operation from all honourable members so that we can complete oral questions.

**Ms. Oswald:** We're just asking the member opposite to retract these words that have been proven, wholly, by the Auditor, to be untrue. Is it because of the attitude that they demonstrate now? Is this why it was so easy for them to fire a thousand nurses? Is this why it was so easy for them to cut medical school? Indeed, sorry seems to be the hardest word.

\* (14:10)

### Freedom of Information Act Privacy Adjudicator Appointment

**Mrs. Mavis Taillieu (Morris):** Madam Deputy Speaker, two years ago the NDP amended The Freedom of Information and Protection of Privacy Act and promised a privacy adjudicator—not a privacy commissioner—with order-making powers like every other jurisdiction in Canada, and like they promised in 1999, 2003 and 2007, a promise they failed to keep.

I'd like to ask the minister responsible for the act, the Minister of Culture, Heritage and Tourism, to explain why there is no privacy adjudicator appointed.

**Hon. Flor Marcelino (Minister of Culture, Heritage and Tourism):** I thank the member for the question and I would like to ask the member to please refer to the House leader who is in charge. This is a situation for the House leaders, or for both parties' representative House leaders, to settle. There has been a name given, but for some reason, there's no agreement reached yet. So maybe the House leader from the opposite party can answer.

**Mrs. Taillieu:** At first I thought there must have been a Cabinet shuffle, but after that answer, I'm sure there should be.

Madam Deputy Speaker, in Estimates the member from Charleswood asked the minister about this, and again, she blamed the House leaders. I'm wondering if this minister doesn't even know that her bill from two years ago hasn't even been proclaimed yet. This minister needs to show some leadership.

When will she ensure that her bill is proclaimed and a privacy adjudicator is appointed? She should show some leadership on this, Madam Deputy Speaker.

**Madam Deputy Speaker:** Prior to recognizing the honourable minister, I want to remind all honourable members to put their questions through the Chair.

**Ms. Marcelino:** A date for the proclamation of amendments to The Freedom of Information and Protection of Privacy Act, or FIPPA, has not been set. It has—a key factor in determining proclamation is establishment of an information and privacy adjudicator, and this particular piece is not settled yet. Once that's settled, this bill will be proclaimed.

**Mrs. Taillieu:** But it's been two years, and last year I asked the same question of this government: Why hadn't they proclaimed the bill?

Madam Deputy Speaker, this is just preposterous. They promised in 1999, in 2003, in 2007, to appoint a privacy commissioner like other provinces and territories in Canada. They broke that promise. Two years ago, they said they'd appoint a privacy adjudicator. They broke that promise. And, after two years now, and they have to have five years after the adjudicator is appointed before they have to have a public review, so they burned off two years against the public review process.

Will this minister ensure that her bill is proclaimed, a privacy adjudicator is appointed or will she continue to show such utter disregard for public consultation and privacy for Manitobans, Madam Deputy Speaker?

**Ms. Marcelino:** There are no promises broken from this side of the House. It's the issue of the adjudicator, privacy adjudicator, that is in question. Maybe after this question period, the House leaders, especially their House leader, would—could facilitate, could co-operate and so the privacy adjudicator issue could be resolved.

### **Municipal Act Implementation of Recommendations**

**Mr. Stuart Briese (Ste. Rose):** Madam Deputy Speaker, I've asked the government before about issues in the R.M. of La Broquerie. Concerns are also being raised about the way other local governments are operating.

Municipalities, both rural and urban, are the responsibility of the Minister of Local Government. In 1997, the new Municipal Act gave municipalities more autonomy, but along with the autonomy were requirements in the act related to municipal responsibilities.

Madam Deputy Speaker, why is the Minister of Local Government refusing to ensure that municipalities implement the requirements of The Municipal Act?

**Hon. Ron Lemieux (Minister of Local Government):** I don't always agree with the MLA from Russell on a lot of issues, but in 1997, as the minister of the day, he brought in new legislation to give more autonomy to rural municipalities, which we tend to agree with. The Province of Manitoba doesn't have to baby-sit the municipalities, and I tend to agree with the MLA for Russell (Mr. Derkach) for that.

Now, the member from Ste. Rose wants us now to control every single thing that we do with municipalities. He wants us to be there looking over their shoulder. They're a duly elected government responsible to their ratepayers, responsible to the citizens of their own constituencies, and now they want us to go and baby-sit them, look over their shoulder.

Madam Deputy Speaker, we totally disagree with that. They're a level of government that needs respect, needs assistance, and we're there to help them out.

**Mr. Briese:** Madam Deputy Speaker, the minister's putting some words out there that aren't accurate. The act belongs to the Province. It's up to the minister to see that the things in the act are put there.

Madam Deputy Speaker, the Auditor General recently indicated she would be ordering an audit in the R.M. of St. Laurent later this year. The problems in La Broquerie were brought to the government's attention well before the audit was ordered. The issues in the R.M. of St. Laurent were brought to the minister's attention quite some time ago too.

Madam Deputy Speaker, will the minister assure the Assembly that he will at least implement the recommendations for the R.M. of La Broquerie and follow the recommendations that arise as the result of the upcoming audit in the R.M. of St. Laurent?

**Mr. Lemieux:** My department, through the deputy minister and others, have implemented the majority of the recommendations from the provincial Auditor.

And members opposite like to take shots at the provincial Auditor and taking personal shots at independent offices, and I'm sure this is in a roundabout way to attack the provincial Auditor. But, you know, municipalities and reeves and

mayors say they're sorry when they made a mistake. Members opposite, we'd like to hear from them when they attack the provincial Auditor, slam independent officers, and we'd like to hear them say they're sorry for the attacks they take on those positions.

**Mr. Briese:** Madam Deputy Speaker, perhaps the minister should attend some of the June district meetings of the AMM and actually hear what they're saying.

Madam Deputy Speaker, the Auditor General and the provincial Ombudsman do audits and reviews and then make recommendations about how to resolve the issues. That's the situation with the R.M. of La Broquerie. The problem as we have seen it is the implementation of the recommendations.

The Minister of Local Government is responsible for The Municipal Act. Madam Deputy Speaker, I ask the minister once again: Who's ultimately responsible for making sure The Municipal Act is followed?

**Mr. Lemieux:** Well, maybe the MLA for Ste. Rose should speak to the MLA for Russell (Mr. Derkach). When they brought in the legislation, Madam Deputy Speaker, they made a big deal about giving autonomy to municipalities, and here we go, approximately 13 years later, they're totally contradicting themselves. Now they want the provincial government to baby-sit, to monitor municipalities on every single move they make.

The municipalities have a tremendous amount of autonomy. We agree with letting them address the situations and issues that they have. The electorate in those municipalities have decisions to make every four years. If they don't like what the municipal councillors or reeves or mayors are doing, they have the democratic right to change those councils.

Member from Ste. Rose now wants us, the provincial government, to go and baby-sit every single municipality in the province of Manitoba. We totally disagree with him. Shame on him.

### **Manitoba Hydro Bipole III Underwater Location**

**Hon. Jon Gerrard (River Heights):** Madam Deputy Speaker, the government has chosen the long, costly, anti-agriculture, west-side route for Bipole III. Repeatedly, Manitoba Liberals have called for the government to fully investigate the shorter, less expensive option of putting the line under Lake Winnipeg.

Madam Deputy Speaker, there's been a lot of progress in underwater power lines, with the latest project announcement being a line from Québec to New York travelling under Lake Champlain and the Hudson River. This technology's being embraced by countries around the world, from northern Europe to Korea.

(14:20)

So why couldn't it work in Manitoba? Why has the NDP government ignored the best option for the environment and the best option for Manitoba taxpayers?

**Hon. Rosann Wowchuk (Minister charged with the administration of The Manitoba Hydro Act):** I want to indicate to the member that, indeed, as Hydro is looking at how they may get a hydro line so that we have reliability of supply and are able to meet our export needs, Madam Deputy Speaker. We—they have looked—have indicated that they are going to build the line on the west side of the province. I can say to the member, as well, that we have, and Hydro has, looked at the option of building the line out of the—under Lake Winnipeg, and there have been issues that have been raised with that. In time, maybe when we're building bipole IV, enough work will be have done, maybe there's be new technology for another line, but for now we have made a decision, Hydro has made a decision, and the line will be built on the west side of the province.

**Mr. Gerrard:** Madam Deputy Speaker, the minister knows full well that there are still many hurdles for the line on the west side of the province. You know, for example, there are many property owners who have concerns about the line route. The minister suggests that the underline route will not work for Bipole III, but I suggest to the minister that there may actually be a report, nearly completed, that shows that the underwater route would work and is fiscally feasible.

Is the minister going to sit on this report, like she sat on a lot of other things, to try to give advantage to the long, expensive west-side line? Will the minister promise, today, that she will not hide this report if it shows that the underwater line is the best option?

**Ms. Wowchuk:** Well, Madam Deputy Speaker, I can tell the member opposite that I will promise, today, that I will respect civil servants and I will respect them for the work they do. I will respect the staff at Manitoba Hydro, who does their work and, if I did

something wrong on it, I would apologize for what I had said wrong.

And if—I hope the member opposite, if he was involved in any of the accusations that were made with regard to the Winnipeg Regional Health Authority, I hope, too, that he will apologize for that, as well, Madam Deputy Speaker, as we have asked the Leader of the Opposition (Mr. McFadyen) to apologize, but he won't do it. I hope the member opposite will apologize for—if he has any part of it.

But, Madam Deputy Speaker, the issue of getting a hydro line for reliability of supply is very important. We are not going to delay this. We want it—

**Madam Deputy Speaker:** Order.

#### **Foster Care Parents Inclusion in Standing Committee**

**Mr. Kevin Lamoureux (Inkster):** Yes, Madam Deputy Speaker, the independent office of the Child Advocate has made it very clear that child welfare in the province of Manitoba is, indeed, in a state of chaos. One of the cornerstones of that chaos is with regards to the foster care parents that are, in essence, leaving the system. Foster care parents have lost confidence in this government's ability to do the right thing when it comes to the children of our province.

Madam Deputy Speaker, we're having a very important meeting, where the Child Advocate's going to be coming before a standing committee of the Legislature next week. My question to the government is: Are they prepared to allow the—one of the greatest stakeholders, the foster parents, to be able to come and make presentation so that they can share with the Legislature what their concerns are regarding the state of child welfare in the province of Manitoba? Will the public be entitled to at least come and express—

**Madam Deputy Speaker:** Order.

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I know that the member has taken statements out of context and has misquoted, but my understanding from the Manitoba Foster Family Network is that the situation for foster parents is this: The director says, I've seen less families leaving over the last two years than what it used to be. And, in fact, the facts actually show that we've been able, as a result of the giving of Manitobans, to add 2,207 more foster beds and, in fact, the turnover is very small, around 3 percent,

over the last four years. So we're continuing to look to see how we can always better support foster families. It is a tough job, and we want to make sure that they know that the government is on their side, and that child welfare officials are working with them in partnership.

**Madam Deputy Speaker:** Order. Time for oral questions has expired.

### **MEMBERS' STATEMENTS**

#### **Royal Canadian Legion Conference**

**Ms. Bonnie Korzeniowski (St. James):** Madam Deputy Speaker, our veterans serve as one of our most valuable social resources: the keepers of the memories of our past. They are a constant reminder of Canada's celebrated traditions and accomplishments, and provide a beacon for the future.

This week the Royal Canadian Legion came back home, 85 years after its formation, to hold its 43rd biannual convention at its official birthplace of Winnipeg. The 43rd Dominion Convention opened this past Sunday with a parade to Winnipeg's Memorial Park, where a sombre wreath-laying ceremony took place. It was particularly moving to see hundreds of veterans taking part in the parade, making the trek to Memorial Park, regardless of age or physical condition. I was honoured to lay a wreath on behalf of our government and my colleagues, in memory of those who could not be with us today.

A special moment took place on Saturday when Parks Canada presented a plaque commemorating the Royal Canadian Legion's founding. From November 25th to the 27th, 1925, many of Canada's ex-servicemen and concerned citizens banded together at the Marlborough Hotel in Winnipeg to form the official Canadian Legion of the British Empire Service, later renamed the Royal Canadian Legion. The newly formed organization has made it its goal to provide Canada's war veterans with comradeship and help with medical and financial needs not provided by the Crown. For 85 years the Royal Canadian Legion has been fighting for the rights of our veterans, advocating to the federal government for proper care and policy for returning soldiers.

Manitobans were raised to respect those who have sacrificed their future so that we could live in peace and freedom, and to honour those who speak out on behalf of our soldiers. I was proud to represent our province and citizens by speaking at

the convention's opening ceremony. It was a glorious moment for me to stand at the podium and address a roomful of such distinguished veterans. I was humbled to be reminded of just how much our country owes them, and the onus now on us to pass the torch of remembrance.

I would like to welcome and thank the outgoing honorary Grand President of the Dominion—*[interjection]*—of the Dominion Command of the Royal Canadian Legion, Charlie Belzile, and the incoming honorary Grand President, Larry Murray, who are with us in the gallery today. Congratulations on this milestone and thank you both for all you have done on behalf of the Royal Canadian Legion.

I would also like to thank all the volunteers and the executive of Dominion Command for their work on this convention, especially Robert Butt, the director of communications for the Legion. Thank you very much.

#### **National Aboriginal Hockey Championships**

**Mrs. Mavis Taillieu (Morris):** Madam Deputy Speaker, Manitoba is home to some of the most talented hockey players in the world, and this spring Manitobans have proven this once again, this time at the National Aboriginal Hockey Championships. Manitoba's female Aboriginal hockey team won the gold medal at this year's event, while the male team walked away with the silver medal.

The National Aboriginal Hockey Championships were held from May 2nd to 8th, 2010, in Ottawa, and are open to youth ages 17 and under. Qualifications for the event include any youth of Aboriginal ancestry, including either status or non-status First Nations, Inuit and Métis. The championship demonstrates traditional Aboriginal principles of holistic development of Aboriginal athletes, and supports a balanced approach for physical, mental, spiritual and cultural aspects of life.

Manitoba's women's Aboriginal team has proven to be very successful at the Canadian championships, as this is the second year in a row that they won the national title. Players on the female team range in age from 13 to 17, which means that Manitoba's team should continue to be strong in the future. The team holds a two-day development camp each summer to evaluate potential team members, and last summer over 125 girls attended the development camp. The team was led by Darion Bruyere, who was the top scorer at the tournament, and Rachele

Bosc and Brigitte Lacquette were named the all-star team.

The men's team has also proven to be very talented and competitive, and consists mainly of 16 and 17-year-olds from midget triple A and junior hockey teams from across the province. Each year players are invited to attend a tryout camp over Christmas, followed by several developmental and training sessions prior to the championship tournament, making for a long and strenuous season.

\* (14:30)

Madam Deputy Speaker, I would like to invite all members of this Legislature to join me in congratulating the Manitoba women's Aboriginal hockey team for winning the gold medal and the men's—the Manitoba men's Aboriginal hockey team for winning the silver medal at this year's national championships. They have certainly demonstrated incredible skill and talent at this year's event, and we as Manitobans are extremely proud of their accomplishments. Thank you.

#### **Joe A. Ross School**

**Mr. Frank Whitehead (The Pas):** Madam Deputy Speaker, life and culture in our northern communities is unique, and I believe the education system in the north should strive to reflect the teachings of the Aboriginal way of life as well as to respond to the challenges of tomorrow. Joe A. Ross School at the Opaskwayak Cree Nation is one outstanding facility that has blended hands-on learning approaches with traditional school subjects preparing students to succeed and contribute to their communities.

Joe A. Ross was built for 690 students but now houses more than 1,000, a testament to the need for this fine school in the community. Fortunately, the new Oscar Lathlin Collegiate is under construction just down the road which will provide a new learning space for students from grades 7 through 12. Many of our young people in the north struggle to thrive under school programs that are not relevant to their lives and experiences. Joe A. Ross and the Opaskwayak Education Authority have addressed this disconnect through introducing innovative methods to improve the graduation rate, including adding an extra 10 minutes to the school day and beginning the school year in late August allowing for 194 instructional days compared to this year's 183 in the public system.

This progressive school offers Cree immersion courses, culinary arts, welding and metals at the nearby University College of the North campus.

Moreover, Joe A. Ross has initiated a one-of-a-kind land-based education program, which takes students out of the classroom and teaches them how to hunt, fish and work the traplines, canoe and survive in the wilderness, skills that provide the students with a connection to the land and their ancestors. This evolving program also incorporates language arts, science and math, challenging students and building their self-confidence.

Madam Deputy Speaker, I would like to applaud Joe A. Ross for equipping its students with life skills that connect them to their past and prepare them for their futures. Thank you.

#### **Manitoba Brain Injury Association**

**Mr. Stuart Briese (Ste. Rose):** Madam Deputy Speaker, I was honoured to be invited to a two-day conference in Dauphin hosted by the Parkland Chapter of the Manitoba Brain Injury Association. I was able to attend on April 20th, and I found the conference and the participants very informative. The conference titled Understanding Brain Injury was chaired by Bonnie Coukell and Myra Rank and had many engaging speakers that have extensive experience working with patients who have brain injuries.

Acquired brain injuries are the No. 1 killer of people under 45 years old in Canada, and there are 37,000 new cases every year. Brain injuries are sometimes referred to as invisible injuries because the survivors look no different on the outside and yet they face many challenges that make living a normal life more complicated. They are not able to carry out tasks they once could and have difficulty with concentration, memory and decision making. Survivors of brain injuries also have trouble with social interactions which can be misinterpreted by friends and family. This often leads to feelings of isolation.

There are limited supports available to people with acquired brain injuries, especially for people who are not injured in a car accident or in the workplace. In Manitoba there is a 30-bed facility to assist patients with brain injuries in Selkirk but only 10 beds are filled because of the lack of staff. Many people fall through the cracks; they want to work but they are unable to find supports that make this possible. At the conference I witnessed the strength

and the courage of the victims as they went through rehab.

Life also changes for families of individuals with brain injuries. I heard and witnessed incredible stories of courage and support from the families of brain injury victims. Care-giving for someone with a brain injury is a challenge that grows over time. Adjusting to behavioural and emotional changes can sometimes be more difficult than that of coping with a physical disability.

I want to congratulate the Manitoba Brain Injury Association for the very important work they do. Because there is no cure for brain injuries, MBIA works on prevention through awareness. They also provide supports for many victims. Because many of the staff also have brain injuries, they are a compassionate and understanding resource for the victims of brain injuries in Manitoba. Thank you.

#### **Harold Narvey**

**Mr. David Faurchou (Portage la Prairie):** I rise today to honour and celebrate the life of Mr. Harold Narvey, a true community leader and cherished family man. Harold passed away on April 24th, surrounded by his loving family at the Portage District General Hospital, the very same hospital where he was born 83 years earlier.

Madam Deputy Speaker, on Christmas Day, 1952, Harold married the love of his life, Mildred. Together, they raised their son, Bruce, and daughter, Kathi, in their home on Crescent Lake.

In business, Harold worked tirelessly alongside his brother Mel in the family business which sported the family name Narvey.

Madam Deputy Speaker, it was Harold Narvey, who with the patience and attention to detail, taught me how to tie a tie. The Narvey knot, I can proudly say, is how I tie my tie each and every day prior to entering this Chamber.

When Harold and his brother retired, the two long-term employees, Faye and Candy, honoured the family by renaming the clothing store Barney's, after Mel and Harold's father, which they continue to operate in Portage la Prairie today.

Harold also knew the importance of community service and dedicated countless hours of his time to many community organizations and clubs. He was one of the founding members of the Portage la Prairie Rotary Club and also served as its president.

Harold served for 14 years on the Portage la Prairie School Division board of trustees, many of which included years as chairman. He also devoted his time and talents to the Portage Chamber of Commerce, Portage Chapter of B'nai B'rith and the Portage Golf Club.

While community was truly an important part of Harold's life, his true and first dedication came to that—his family. His family was the most important part of his life, even as dementia robbed him of his most precious memories, nothing would bring a smile to his face like the mention of or the visit from a beloved family member.

Madam Deputy Speaker, Portage has truly lost one of its leaders. I would like to extend my condolences to Harold's family, friends and to thank them for sharing Harold with us for so many years. Thank you.

### ORDERS OF THE DAY (Continued)

#### GOVERNMENT BUSINESS

##### House Business

**Hon. Steve Ashton (Acting Government House Leader):** I was wondering, first of all, if I could ask if you could canvass the House to see if there is leave to allow the House to sit until 7 p.m. on Tuesday, today, and Wednesday of this week, for the evening committees on Tuesday and Wednesday evening to sit concurrently with the House between 6 and 7 p.m., and for there to be no quorum calls between 5 p.m. and 7 p.m. on Tuesday, today, and Wednesday.

**Madam Deputy Speaker:** I'm canvassing the House to see if there is leave for the House to sit until 7 o'clock p.m. on Tuesday and Wednesday of this week, for the evening committees on Tuesday and Wednesday evening to sit concurrently with the House between 6 and 7 p.m., and for there to be no quorum calls between 5 p.m. and 7 p.m. on Tuesday and Wednesday.

Is it agreed? *[Agreed]*

**Mr. Ashton:** In terms of House business, can you please call debate on second reading of the following bills: 7, 13, 14, 28, 30, 36, 16, 21, 4, 9, 10, 18 and 32.

And, Madam Deputy Speaker, I'd also ask if there would then be, by leave, the ability to call the motion on second reading for Bill 39.

\* (14:40)

**Madam Deputy Speaker:** I'm going to read the list back for the House, for the information of the House.

We will be debating on second reading of Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers); Bill 13, The Civil Remedies Against Organized Crime Amendment Act; Bill 14, The Body Armour and Fortified Vehicle Control Act; Bill 28, The Drivers and Vehicle Amendment Act; Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended); Bill 36, The Statutes Correction and Minor Amendments Act, 2010; Bill 16, The Order of Manitoba Amendment Act; Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags); Bill 4, The Workplace Safety and Health Amendment Act; Bill 9, The Electricians' Licence Amendment Act; Bill 10, The Proceedings Against the Crown Amendment Act; Bill 18, The Communities Economic Development Fund Amendment Act; Bill 32, The Protection for Persons in Care Amendment Act.

I'm also requesting leave to deal with second reading of Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting). Is there leave to deal with Bill 39? *[Agreed]*

#### DEBATE ON SECOND READINGS

##### Bill 7—The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)

**Madam Deputy Speaker:** I'm now going to call Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers), standing in the name of the honourable member for Steinbach.

**Mr. Kelvin Goertzen (Steinbach):** It's a pleasure to put a few words on the record this afternoon regarding this particular piece of legislation, which was introduced in this sitting of the Legislature by the Attorney General (Mr. Swan). But this bill's history goes back a little bit further than this particular sitting.

Members of this House will remember that a very similar bill was introduced by Conservatives in the last session and it went a little further than this particular bill did. It certainly did provide for the suspension of driver's licences, where an individual was found to be in possession of an amount of

narcotics that would be—qualify under the Criminal Code, as trafficking. That was part of the provision of the former act that I had the opportunity to introduce in a previous sitting of this House.

There was also another part of that act, and that was that vehicles would be seized, that, actually, those who were found in possession of a certain amount of drugs to qualify as drug trafficking under the Criminal Code would then also lose their vehicle as well as lose their driver's licence. And the rationale for having both, Madam Deputy Speaker, was that it was felt by myself and others who I had the opportunity to talk to in consultation with the act is that it would provide a steeper penalty, that it would be more of a disincentive for those who wanted to be involved in the drug-trafficking arena, to face actually losing their vehicle, that there would be a strong financial disincentive, then, as a result of the potential of losing a person's vehicle.

And I know in some ways this sort of trods—over moves into the area of criminal legislation, and we've had this debate in the past before about how far the Province can actually go in the area of criminal law. I have suggested that it would be in the four squares of provincial legislation as a result of it, essentially, acting upon property. And that's a debate that's happened in this Legislature before.

And I know members opposite often like to refer back to the 1990s and, in the 1990s, the former attorney general for the then-Filmon government introduced legislation regarding the seizure of vehicles for those who were convicted of drinking and driving and, in fact, I think it was even on the initial charge of drinking and driving. And there was many in the opposition NDP party, at that time, who wondered whether or not that that bill would stand the test of a constitutional challenge, whether or not it would stand the test of time. And it was found, over time, Madam Deputy Speaker, of course, that it did. In fact, not only did it—was it found to be proper and just legislation, but it was copied, in many ways, by other jurisdictions across Canada. It was a forerunner to similar legislation that other provinces introduced in this country.

And so we took great pride in that. Even though there were many naysayers in the NDP caucus at the time about whether or not that legislation should proceed. But we were glad that the Attorney General at the time decided to push the envelope a little bit, if it—as I'd say, Madam Deputy Speaker, that he decided to look at innovative ways to use provincial

legislation to, in fact, stop something, or at least try to reduce something as serious as drinking and driving.

Now, when we look at this particular act, I thought that a similar sort of disincentive would be in place if a person could lose their vehicle—their means of transportation, their physical means of transportation—through the seizing of a vehicle where an individual was found to be in possession of a quantity of drugs deemed to be for trafficking under the Criminal Code.

The minister decided to hive off that portion of the bill to essentially eliminate the stronger—I think, the stronger deterrent from the legislation. I think that that's unfortunate, that he would have taken away one of the stronger aspects of the legislation that was introduced in the last session. And I know that he has publicly and in briefings indicated that that's because there may be other pieces of legislation that could act upon and achieve the same sort of end result, whether it was looking at civil remedies for seizing vehicles or other sorts of pieces of legislation. But the fact is that's not happening and we aren't seeing vehicles being confiscated, being seized, as a result of individuals being found with quantities of drugs that would warrant a trafficking charge under the Criminal Code. And so I don't think that there was harm to continue to leave that in the act, and I think in many ways there might be harm in taking it out.

And so what we're left with isn't a bad piece of legislation; it's just one that's a half measure. It's just one that doesn't go as far as we could have gone if things had progressed a little further. And so now instead of the full legislation, we have a truncated piece of legislation, which we'll support.

Obviously we'll support it, because it has its roots—it was essentially a photocopy of the portion of the bill that we introduced in the last session, which isn't unusual for the government, to take ideas from the opposition and try to claim them as their own. We know that when it comes to getting tough on individuals who are causing crime in the community, they have very few of their own ideas, that they aren't really able to come up with a substantive agenda that'll give the public confidence that it's going to actually make a difference.

And it's mostly just window dressing and it's the sort of legislation that they put out and put out a news release and try to convince a few people that this is going to result in the reduction of the scourge

of the day, whatever that might be, and they try to get some positive headlines as a result of it.

And when there are pieces of legislation that could have a real effect—and I think even to the private member's bill which was defeated by this government regarding preventing those with serious outstanding warrants from receiving welfare—those get put into the trash bin, because the government is committed to getting taxpayers into the hands of individuals who have committed harm in society. And I think that that's unfortunate. And when you look at the fact that they've decided not to move on pieces of legislation that would protect taxpayers, that would be a disincentive for individuals who have very, very serious outstanding warrants in our society, it says something about the government. It says something about how they approach the idea of protecting taxpayers' dollars as well as the idea of going after those who would commit crimes in our society.

And this legislation, I'm sorry to say, is also an example of that, because instead of being a full piece of legislation that could have gone to work on dealing with drug dealers, it's only a half piece. It forgets about the piece about seizing vehicles. So I'm glad that they photocopied half of the legislation that we introduced in the last sitting, but disappointed that they didn't take the other half.

And why wouldn't they, when you look at how difficult things are in many of the places in Manitoba when it comes to drug addiction. And we've had the debate here in the House about how it is we can reduce drug addiction in our communities, certainly through preventative means would be one of the key ways to do that. We've had individuals that have come to the Chamber here from Teen Challenge and from other organizations that do residential treatment, for example, for those who are—young people who are dealing with drug addiction. We've seen other faith-based, non-faith-based, and community organizations bring forward good ideas about how we can reduce drug addiction, whether it's through education, through intervention, residential treatment, or other sorts of processes to try to reduce drug addiction in the community.

\* (14:50)

And that's important. When you look at those who are using drugs, you need to look at, how do we reduce the demand for drugs, essentially. How do we reduce the fact that there are many people who are addicted to those drugs and they're going to continue

to drive the demand for, in many cases, very serious drugs; drugs like methamphetamine, which isn't a new drug in the North American context, but has some relatively new roots in Manitoba. Of course, OxyContin, and we've heard recently not only about the decision that the government is trying to do in terms of reducing the availability or accessibility of OxyContin, but the results of that, the armed robberies that we've heard about in pharmacies, as those that are addicted to the drug OxyContin then try another means to try to obtain the drug so they can either use it for themselves or sell it.

And so I find it strange that the government wouldn't use every opportunity, every means, every tool in their toolbox to try to reduce those who are out there selling the drugs to young people and to others in Manitoba, and I don't think there would be any harm. I don't think it would be a redundancy. I don't think it would be something that would be unacceptable, to have the specific piece of legislation attached to this that would say that an individual would actually have their vehicle forfeited if, in fact, they were found with a quantity of drugs that would warrant a trafficking charge under the Criminal Code.

The other suggestion about the legislation is whether or not there could be an amendment to make it effective upon the actual charge, and because licences are an administrative function of the government, it's not unusual. It wouldn't be unprecedented to have the suspension of the licence take place upon the individual being found with a high quantity of drugs for the purposes of trafficking. That would certainly be in line with other pieces of legislation here in the province of Manitoba, and I'm not sure if the government is still open to that sort of amendment. I understand this bill might be moving to a committee at some point in the next day or so, and, when it comes to a committee, maybe we can have that discussion with the minister about whether or not that's an amendment that could take place to strengthen the legislation, because, ultimately, I don't think that we should be leaving any tools on the table, that we should be leaving any opportunity to stop those who are selling these very, very deadly, addictive and serious drugs in our community to young people and to others.

And so I hope that the government, they'd look—I don't expect that they'll amend the legislation to add on the forfeiture part to the bill at this point, but they might look in the future at photocopying the other part of the bill that they cut off that we had

introduced in the last session and introduce that perhaps at another time. *[interjection]* I—yeah, my colleague from Carman, hopefully soon to be from Midland, indicates that it's—maybe I should copyright this material when I introduce it into the Legislature, you know, because the government is so quick to try to copy it.

And that's not—ultimately that's not the reason why we bring forward private members' bills. I do think sometime it sort of touches on a bit of pettiness when the government refuses to pass legislation that we bring forward. But I—you know, at the end of the day I always feel good about legislation, even if it's taken over by the government and they try to claim credit for it on their own. I think Manitobans not only recognize the fact that the government is out of ideas, that it's a tired government that doesn't have many of their own original ideas, and so we'll help them along a little bit and provide some pieces of legislation that allow them to try to fulfil a legislative agenda. But, ultimately, you can't replace that sort of creativity that happens in other political parties with a tired administration that can't seem to come up with their own legislation, and we'll have that debate in the future, of course, and I look forward to debating other pieces of private members' bills perhaps in future sessions and see if the government will adopt those.

But, ultimately, I think there's still an opportunity on this particular bill to make it stronger, to send a stronger signal to those who are out there peddling drugs in schoolyards and in communities that there's really going to be a serious effort, and the seizing of those vehicles, I think more than anything, would probably have that effect, not that the removal of driver's licences wouldn't, and, in fact, that was part of a parcel and that's why we put them together.

There are going to be some who will be dissuaded by that measure. I don't know that it'll be a tremendous amount, but if there are some, then it's worthwhile. We also know it gives the opportunity to law enforcement to maybe act on an individual if they know that they are driving without a licence or if they're able to determine that in some other way, just one more opportunity for those who are in law enforcement to act upon an individual who might be selling drugs within our community.

But to miss that opportunity, to miss the opportunity to be able to send a stronger message and to say that a vehicle which has more value—more intrinsic value or more real value, more immediate

value than a driver's licence—is going to be seized, that's a missed opportunity not to have that as part of this legislation.

But it's not too late, and it can either form a future piece of legislation or a future bill or we can have that discussion at another time, about how we can put that into this particular piece of legislation.

I would, though, encourage the government to continue to look at other ways and other means of ensuring that those in our community don't become addicted to these very, very difficult drugs that they're being presented with. And I had the opportunity not too long ago, about a couple of weeks ago, to speak to a group of school students, ages grade 6 to grade 8, in the community of Kleefeld, about drugs and drug addiction and some of the emerging trends in drugs we're finding in communities. And it—you know, this impacts all communities. I know that if I would talk to any of the other 56 members of this House, they would say, in one way or the other, drugs are impacting their communities. There's no community that is immune to drugs and drug addiction.

And the issue of OxyContin was one of the things that we focussed on at the Kleefeld School because it is, in fact, a new drug and, you know, I want to say when I asked the young students there how many of them had heard about the drug crystal meth, I guess about 95 percent of the young people put up their hands, and they knew quite a bit about the drug, and I think that that's good. It's good because it means information got out there, because five years ago if we'd asked that question, I don't think many of the students there—or if we'd asked students of the same age group, would have had any idea about the drug crystal meth.

But there was an effort, and I had the opportunity to hold a number of forums myself across the province, and then the government came on side and brought forward some information, public information, about the drug crystal meth, and I think that that was important; I supported that initiative. That information, obviously, has had an impact. And all of the studies still indicate that if we can educate young people about drug addiction, that it reduces the chance of them getting addicted to a particular drug by 50 percent. Just that knowledge, understanding what the drug is, can reduce the chance of an individual trying that drug by 50 percent.

And, so, on the issue of OxyContin, that's part of what we have to do now, too. And, unfortunately, we always seem to be playing catch up when it comes to drug addiction and the new drug of choice, but that's maybe just a situation we're going to find ourselves in for a while, that we need to be able to respond quickly when we find that a drug is taking hold in the province.

So when it comes to OxyContin, I hope that there's more information that's going to be available. I want to commend the Addictions Foundation of Manitoba. Before I had the opportunity to go to Kleefeld and speak to these young people, I phoned them up and asked for some information on OxyContin, and they had to photocopy some information, and that was fine, and they got that to me within a day, and I very much appreciated that. And I know that they are doing some very good work in a very, very difficult field.

In fact, when I look around Manitoba, there are many organizations who are dealing with addiction and dealing with those who are addicted. And it's such a difficult, difficult field to be involved in. You really need to have a heart for it. You truly need to have a passion for dealing with drug addiction because it is such a challenging thing.

And, you know, there are many different approaches to how to deal with drug addiction, whether it's residential treatment or day programming, and one of the things that I've learnt in my years here and in dealing with issues regarding drug addiction is that there is a need for many different kinds of programs because not one program fits every individual who may have a drug addiction. I think of the Teen Challenge, and I mentioned them in the House before. Teen Challenge is a great model.

But, if you talk to Steve Paulson, the executive director of Teen Challenge, he'll tell you it's not the right model for every person who's addicted to drugs. There are many people who are addicted to very serious drugs like cocaine or heroin, who can exist in their normal lives for some time and continue on in their work and continue on in their daily activities and, of course, at some point it catches up with them, but they're not the kind of people who are going to leave their life. They're not going to leave their families or their jobs and go into a Teen Challenge sort of residential environment. Others will, and it's successful for them. But for those individuals, you need a different kind of programming, day

programming or different sorts of things that will work with those individuals while they still maintain the ordinary acts of their life.

\* (15:00)

And I had the opportunity a number of years ago—I think it was shortly after the last provincial election—to visit a prison outside of Sheridan—or outside of Chicago, Illinois. It was Sheridan—in Sheridan, Illinois, and it's called the Sheridan Correctional Center, and there's about 700 or so prisoners at Sheridan at any given time, and it's a drug therapy prison. And all of the people who are sentenced to Sheridan are sentenced for about two years or less, so it's not unlike a provincial jail here in Manitoba, and all of them are sentenced to crimes either as a result of addiction or because they were committing crimes to get money for drugs. And so they all are involved in the therapeutic programming. So it's not like a traditional drug program which you might see in a provincial jail that takes place for an hour a day or at a certain prescribed time. This is a 24-hour-a-day therapeutic drug program where individuals are put together in groups, and they're always involved in dealing with their drug addiction and in trying to get skills so that when they leave Sheridan prison that they can go into a different environment and have the ability to succeed and not go back to their addictive life.

And when I talked to the warden that—and they call them wardens in the United States—when I talked to the warden at Sheridan, Illinois, the Sheridan Correctional Center, I asked him, you know, what kind of drugs the individuals who are sentenced to his facility were addicted to. And he said it ranges—you know, it can be anything from marijuana, which we would consider to be one of the lesser addictive drugs in terms of the scale, to cocaine and methamphetamine and a variety of other different drugs. And I said, I don't know how it is that you can deal with so many of such a wide variety of addiction. And he said it's really not difficult because the first two weeks to four weeks when a prisoner comes into Sheridan it's simply a detox issue. They're just removing them physically from the drugs and they go through the detox process. And he said, then the real work begins. He said that we can get anybody off of any drug because you're physically separating them from the drug at Sheridan in a detox process.

But then the hard work begins, and the hard work begins about trying to figure out why an

individual turned to the lifestyle of drugs; why it is that somebody decided to go into that drugs where there's—was their trauma in their life, in their past? Was it simply a set of circumstances? Did they come from poverty? And so they find out what the root causes of that drug addiction were, and then they start to work on that. And that becomes the focus of what they're working on over the rest of the time that they're at the Sheridan, Illinois, Correctional Center.

And so there's so many different reasons that individuals ultimately find themselves on a path of addiction. There's so many different reasons that they find themselves in that lifestyle, and it's not going to be a one-size-fits-all model. You need to have a variety of different models to deal with the variety of different reasons that people find themselves into addiction. So, with this particular piece of legislation, it's one small piece of a puzzle. It's one small thing that the government can do. It's one of the reasons why we brought it forward.

Disappointed that they didn't accept the idea of seizing vehicles from those who are dealing drugs to our kids and to others in the community, but there's time yet. That may happen yet with the government. I know, in the past, when we brought forward ideas they have initially said that they aren't going to support it, and then they come around. And that's even happened this session, Madam Deputy Speaker. You'll remember that all members of this House unanimously agreed to an opposition motion, an opposition motion that said that high-risk individuals who breach their probation, that those breaches had to be reported to police. Well, many individuals of the public might say, well, I can't believe that wasn't happening already, that individuals who are deemed to be a high risk and who are breaching their probation orders—why—how could that not have been reported to the police? But that wasn't the case under the NDP government. They had a policy in place that individuals who are high risk could breach their probation orders dozens of times, and, in fact, it did happen dozens of times without it ever being reported to police.

And when the Leader of the Opposition, the member for Fort Whyte (Mr. McFadyen), came forward and said, well, that has to change. We need a policy put in place so that there will no longer be an ability to breach your probation order if you're high risk and not have that reported to police, the NDP said, well, that's unworkable. We can't do that. The Minister of Justice (Mr. Swan), he ran out into the hallway and he said, well, this can't be done; I've

talked to police; I've talked to prosecutors; I've talked to others in law enforcement, and we simply can't do it. And, two weeks later, each of the members of this House, including the Attorney General (Mr. Swan), who, before, had said it was unworkable, stood up and voted for an opposition motion that has said exactly that: that we're going to have a policy where, if there was a high-risk offender who breached their probation, it was going to be reported to police.

And so, ultimately, we know that the government can change its mind. It can be swayed by public opinion. They, I think, sometimes—they sometimes make a decision in the House and say one thing, but then they go to the public. You know, the Minister for Energy—I listened to the Minister for Energy make some comments. And I remember on the welfare bill, I remember when I asked whether or not we should stop welfare payments going to high risk—or those who had caused serious offences, who were running from the law, and the Minister of Energy said, no, keep giving them welfare money. He yelled it from his seat. He yelled it from his seat and said, taxpayers' money, welfare money, should be going to those individuals who are child predators, who are violent offenders, who are avoiding their court orders and running from the law. He supported it; he said that money should continue to flow. Yet his Attorney General said something completely differently. He said, well, we're not sure; we're going to think about it.

And I think that that's a bit of a microcosm for what really happens. In their heart of hearts, they believe that this sort of funding should be still going to criminals, that we shouldn't be cutting it off. But they don't want to say it publicly. They don't want to say it publicly because they know where the public is. They know that the public opinion is completely in a different direction.

They know that the vast majority of Manitobans would stand up and say, whoa, how is it that our taxpayers' dollars—we're working nine to five, having a hard time making ends meet, you know, just trying to save enough so we can go on a vacation with the family and, yet, we give tax money, welfare money, to individuals who are preying on our children, who are violent offenders? We give them welfare money so they can continue to avoid the law and avoid their warrants?

Well, of course, it's ridiculous, Madam Deputy Speaker. Manitobans know it's ridiculous. It's ridiculous to everybody except for the NDP members

of this House. They believe it. They think that money should continue to flow. They know—they shot down the bill. They said, we're not going to let it pass. We're going to continue to write the cheques and let taxpayers' monies go to those individuals.

And I look forward to each of those members going out and trying to defend that to the public, because I think they know they can't. They know that they can't. They might think it's fun in the House and try to defend it in their caucus, because there's a unanimous—or a unanimity in terms of the way they think in their caucus. But there's a very different thought process among Manitobans, and we look forward to having those discussions.

So on this particular piece of legislation, when it comes to the issue of trying to reduce drug addiction and trying to stop those who are dealing drugs in our society, I hope that the government will look to some possible amendments to the bill, to make it stronger, to take away the licences upon being found with a quantity of drugs that would warrant a drug trafficking charge under the Criminal Code. I hope that they'll look in the future at adding on the provision of seizing the vehicles from drug dealers, so that they don't have the wheels, the mobility to go out to our schools and to go out into communities and to sell drugs to those Manitobans. I hope that they'll look at that.

I don't know why they wouldn't look at that. I don't know why they wouldn't support that. I can't for the life of me fathom why they wouldn't want to put a simple tool in place to reduce or to hinder the ability of those who are selling drugs to our young people.

So, with that, Madam Deputy Speaker, I think we're prepared to see this bill proceed to committee. There may be others who want to speak to it. I'd be happy to hear their input if they would, and we'll look forward to the debate that might happen at committee this evening or in the days to come. Thank you very much.

**Mr. Gerald Hawranik (Lac du Bonnet):** I am pleased to put just a few comments on the record with respect to Bill 7. I feel quite compelled to speak to this bill because, in fact, we—I think the preamble to this bill should really give the credit to the member from Steinbach. The reality is that this is a recycled version of Bill 239, which the member from Steinbach introduced in 2009 and, interestingly enough, that bill was defeated by the NDP after second reading. It's interesting how they then take that bill, recycle that bill, they weaken that bill, and

then they bring it as a government bill to this House, Madam Deputy Speaker, and then they expect us to support it.

We will support it even though it's weak in many ways. It's weak because the NDP are very soft on crime; everyone knows that in this province. The reality is that had we passed Bill 239 in 2009, we would have had more drug dealers off the streets. Instead we had to wait for another year before we saw a watered-down version of Bill 239.

And that's all politics, because they can't get it right. Had they actually supported the private member's bill, we would have taken hundreds, likely, of drug dealers off the streets of Winnipeg and off the streets of Manitoba and made a complete difference, I think, to the way police can enforce the law against drug dealers and so on.

\* (15:10)

So it doesn't go far enough. Bill 7 doesn't go far enough. Bill 239 was more comprehensive in its scope and extended to seizure of vehicles.

Also, we noted that the bill—at some point in time, I think the government will realize, perhaps, that—the weaknesses of this bill and realize that, in fact, that many drug dealers don't even have driver's licences, so the effect of this bill may be quite limited.

And they may, in fact, at some point in time, take a look at Bill 239 and give the credit where the credit is due, strengthen Bill 7, perhaps use some of the language that was in Bill 239, introduced by the member from Steinbach. And then hopefully in the preamble to that new and improved version of Bill 7, they will give the credit to the member from Steinbach with respect to Bill 239.

It's just a small step in the right direction, though, in Bill 7. Seizing vehicles of drug dealers would have a far better effect, would have more far-reaching effect, and it would have made a difference, I think, to strengthening the bill.

We have a backlog in Manitoba courts that is almost unprecedented. It's taking months and months, sometimes up to years, before a drug dealer is convicted and loses his licence. And during that time—from the time the drug dealer may be caught with drugs in a vehicle or drugs at home or wherever they have the drugs stored—during that time, during those perhaps years and months before his conviction or her conviction, they continue to sell drugs to

children. They continue to sell drugs to addicts and other members of society. This legislation therefore would have been much more effective if driver's licences were suspended upon the charge of trafficking, as opposed to waiting for a conviction.

Bill 7 is a small disincentive to drug dealers. These criminals have very little respect for law and order, and I don't believe it would be a deterrence to drug dealers to any great extent. It may deter some criminals, but obviously it may not have the effect that we should be having, the effect on drug dealers in terms of a suspension of driver's licences.

It doesn't go far enough, and that's what we've seen time and time again in this House when the Minister of Justice (Mr. Swan) has proposed bills. A lot of it is window dressing. A lot of times, there are bills on the books, in fact, that have never had a conviction on, in spite of the fact that they've been proclaimed years ago. So that just tells me that the Minister of Justice, the various ministers of Justice that we've had in this House since 1999, they are looking more for a press release and the talk with the media rather than looking at having a real effect to deter criminals from criminal activity here in this province.

So, with that, Madam Deputy Speaker, I just wanted to point out the fact that I expect, in any event, that Bill 7 will have very little effect, if any, on drug dealers in this province, and perhaps I would suggest that the Minister of Justice take a look at the provisions, the wider provisions that were in the private member's bill, Bill 102–Bill 239, to perhaps improve it and strengthen the bill. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question? Question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

### **Bill 13–The Civil Remedies Against Organized Crime Amendment Act**

**Madam Deputy Speaker:** We will now move to Bill 13, The Civil Remedies Against Organized

Crime Amendment Act, and the debate is currently open.

**Mr. Kelvin Goertzen (Steinbach):** What an honour it is to be able to speak to this bill this afternoon.

And I think this is—oh, I don't know, the third, fourth—I've lost track how many times we've debated an amendment on this particular piece of legislation. And my friend and my colleague from Lac du Bonnet, who served capably for quite some time as the Justice critic for our party, pointed out that this is one of those pieces of legislation that the government rolled out to great fanfare. They held a big press conference and they had the balloons and the cakes to prove it and got great headlines and they said, this bill is going to take property from those who are involved in organized crime; this bill is going to seize the property of those who are involved in organized criminal activity.

*Mr. Rob Altemeyer, Acting Speaker, in the Chair*

And so we saw it and, you know, we put our comments on the record at that time, and we passed it because we took the government at their word, Mr. Acting Speaker. And days went by, months went by and years went by and then when we asked about it, we found out that nothing—nothing had ever been seized under this particular piece of legislation. All the headlines and all the fanfare that was garnered by the government as a result of introducing it resulted in a total of nothing—nada—being seized from organized crime.

And so when we raised that with the government, of course, they had the excuses lined up and they told everybody how things were going to change, and they were going to bring in amendments. And then the legislation would work. Then, it would truly take away assets from those who are involved in criminal activities—organized criminal activities, Mr. Acting Speaker.

And so the amendment came to the House and we had the debate in the House. And we, ultimately, passed that piece of legislation. And days went by and weeks went by and months went by and nothing was seized, nothing was taken from the organized gangs.

Now, you know, I was curious. I wondered why it was that we were—we had two different pieces of legislation. The original piece and the amending piece, and still nothing was being taken from gangs. I thought, maybe, that there were no gang activities in the province of Manitoba. But I looked at the papers

and, well, no, there was the Hells Angels who were still in operation, there was the Bandidos, there was the Zig Zag Crew—a variety of gangs who were out there operating in the public, brazenly, openly, out there doing their criminal activities and, yet, we were unable to seize anything from them.

So, of course, we come back to the government, and they say, oh, wait—five years after or six years after the original legislation—no, this time we have another amendment. We have another thing we're going to change and, trust us, this time it's going to work.

And, you know, it would one thing if they were dealing with legislation that had never been tried in the country, if it was, you know, first of its kind and nobody else was able to have it operate successfully, you could at least try to, you know, give the government some credit for effort, for trying to do something. But it doesn't take much research to find out that there are other pieces of legislation like this right across the country.

And, in fact, you know, if you just start on the west coast, look in British Columbia. I challenge the members. I say to them they should go to the Web site of the government of British Columbia, go under the department—it's either under the Attorney General or the Minister of Public Safety—and look at the different news releases of them seizing vehicles, homes, a variety of different things, boats. There's many, many things over the last number of years. Millions of dollars of goods and assets have been seized from organized crimes, from organized criminals in British Columbia, under the same piece of legislation, Mr. Acting Speaker.

And yet here in Manitoba, where there are as many gangs as in any other province per capita, the legislation just can't seem to work. They can't seem to have a significant number of pieces of property that are seized.

And so you wonder what it is. You wonder if it's the legislation that's faulty. You know, after 11 years in government, you'd think they could get it right, Mr. Acting Speaker. Or is it just because the government isn't able to accomplish what every other government or most other governments in Canada, like British Columbia, are able to accomplish.

Why is it that every other—or many other provinces in this great country of ours, are successful in taking assets from organized gangs and criminals, but this NDP government, you know, has strike 1,

strike 2, strike 3 on the legislation, and they just can't seem to get it right. Is it a motivation problem? Is it a ministerial problem?

\* (15:20)

Now—and the problem is that, of course, they move their Attorney Generals around so often that it's hard to actually keep track and everybody else is responsible for something different. They go from the member for St. Johns (Mr. Mackintosh), and then you move to the abbreviated tenure of the member for Kildonan (Mr. Chomiak), and now on to the member for Minto (Mr. Swan), and so it's hard to understand—it's almost as many ministers as they have had Education ministers. It's a revolving door. *[interjection]* Well—and I hear the failed Education Minister from Gimli, the failed minister, you know, trying to rewrite history and trying to revive his reputation after the fact, after he'd been thrown out of the ministry in disgrace, he's now trying to rewrite history and trying to fight the fight after he's been shunted off into another area.

And yet we still find this in the Department of Justice when it comes to the ministers trying to determine why it is that this government can't do what so many other governments are doing. And there was a recent discussion about the clubhouse of the Hells Angels here in the city of Winnipeg. And I'm not going to name the location, but many residents of Winnipeg know exactly where the clubhouse of the Hells Angels is. They don't make it secret. You know, it's not as though they're trying to try to be a secretive organization. They've got a great big gate, great big steel iron gate in the front of the clubhouse. I've seen it. I've not been beyond the gate, but they've got a great big gate with the Hells Angels logo right on it; right on the gate.

They're not a secret organization. They're out there. Everybody knows where the clubhouse is and I suspect everybody knows what's going on in the clubhouse. Everybody knows the kind of activities that the Hells Angels are involved in. And there have been other jurisdictions—and again I don't have to go, I don't think, much further than the West Coast, and there are some other provinces like Ontario, I believe, who've been able to shut down clubhouses of the Hells Angels. They've been actually able to seize the clubhouse because they know and they were able to show that there was criminal activity happening within those areas. And yet here in Manitoba nothing changes, nothing happens and the clubhouse stays unarrested.

But, Mr. Acting Speaker, I guess one should never give up hope. One should never say that this time things won't change. And so, as the government tries its third attempt, its third try to get this particular piece of legislation right, I hope that they're able to do it because the problem is so significant. And we debated it in the different—in the other piece of legislation just before this—Bill 7, I believe, that one of the greatest things you could do is to seize the assets from criminals. That probably—if anything was going to provide a disincentive it would be seizing the assets from criminals.

It takes away the financial reward and it takes away the means for them to continue to perpetuate the crime that they're involved in. And Manitoba has a problem. You know it's a great province that we live in. It's a great province with great people who deserve to live in a safe environment, who deserve to be part of a province where they don't have to worry about what is happening on the streets of their communities at night. They deserve to live in a province where they can go out into the community in the evening and have a walk with their kids or feel free to go to the park and not always be worried about what's going to happen in those times when they're out in the community.

And you know the member for Thompson (Mr. Ashton), one of the things I respect about the member for Thompson—and I consider him a, you know, an adversary in the House sometimes, but I consider him to be a man of some talent. And he's been in this House for many, many different years and during a time when he was running for the—*[interjection]* Well, breaking news, Mr. Acting Speaker, the Minister for Transportation advises me that the great community, the hamlet of Pansy, Manitoba, made it onto the map for 2010. *[interjection]* I think I'm about to get proof in a visual form and indeed, there it is. I had to interrupt proceedings in this debate to advise members that we fought the good fight and we still believe in a place called Pansy here, as Conservatives, and we're glad that it's still on the map. And my mother, who was born and raised in Pansy, will be happy to know. I have to declare a conflict on that issue. My mother, who was born and raised there and my grandfather who farmed there for many years, well, he's not with us. In spirit, he'll be happy to know it remains on the map. And I thank the member for Thompson. I know that the member for La Verendrye (Mr. Lemieux) tried to obliterate it off the map when he was highway minister, wiped it off the map, but he

actually corrected that mistake and I think he got it back on the map, in fairness to the member for La Verendrye and it remains there now with the member for Thompson.

But the member for Thompson, when he was running for leadership, said a very astute thing. He came out and said that crime was out of control in the province of Manitoba, and he was right. He was—and he sticks with that story today and that's why I think that I want to commend the member for Thompson because he knew then, back when he was running for leadership, that crime was out of control in the province. He knows now it's out of control in the province and if he was—you know, if he's able to still generate some influence within his caucus, I hope that he'll be able to go into that caucus and try to find a way to get the government to do the sorts of things that are actually going to reduce crime in the province of Manitoba.

This particular bill, as it relates to trying to get assets out of the hands of organized crime and organized criminals, I think, is laudable but only if it works—only if it works. You can't simply pass legislation, have it proclaimed, and then have it sit there and not do anything. So, ultimately, we'll find out. Ultimately, there'll be some reports over time and we'll see, in comparison to other jurisdictions in the Canada, how many times we see assets seized from criminal organizations and whether it's the clubhouse of an organization like the Hells Angels, or whether it's vehicles or other sorts of things that organized crimes and organized criminals possess as a result of their criminal activities, I hope that this particular bill will work this time. I don't want it to be unsuccessful. I take no great joy in a piece of legislation that should be working for Manitobans ultimately being unsuccessful, Mr. Acting Speaker.

I know that there's going to be some passionate debate in committee this evening around this particular bill and we often get some good ideas that come forward out of committee, and whether they're presenters, Manitobans who are coming forward and making their presentations, or whether it's just members of the Legislature talking amongst themselves to try to find better ways to deal with a particular bill, it is going to be a worthwhile exercise, Mr. Acting Speaker, one that I look forward to.

But more than the debate and the discussion, ultimately, when that bill leaves committee and comes back here for third reading—and it will, and I expect it'll get passage within the next couple of

days—we then essentially turn the bill over to the government and they become stewards of that bill and it's up to them to ensure that what was committed to in terms of the intention of the bill actually takes place, not only that it becomes proclaimed into law but that the intention of the bill actually happens. And those are the results that we're going to be looking for.

\* (15:30)

And as we go into the summer months, I mean, I think that there's an indication that this House will adjourn in a couple of days, and as we go into the summer months, we hope that we don't see what we have seen in the past summers here in the city of Winnipeg. You know, every summer that goes by, you wonder what it is that could happen. What else could happen that could shock the senses and offend one's sensibility? And yet it always seems to happen, unfortunately, Mr. Acting Speaker, whether it's an innocent person on the street in Winnipeg getting caught in middle of gunfire or somebody attending a wedding social who is killed as a result of what's believed to be gang activity spraying bullets into a wedding hall, or whether it's a taxicab driver who loses their life from somebody who has stolen a vehicle and who was found to have upwards of 24 different violations of probation, or whether it was like earlier this year, where we had young people, ages 8 and 10, who were shot as a result of violent activity that was happening in their community.

Each and every time one of these incidents happen, you say to yourself, well, I think I've seen it all and nothing else could shock me when it comes to violent crime, and, yet, unfortunately, almost every time we're proven wrong and something else happens that is even more shocking than the last incident. And I certainly hope, as we go into these summer months, that that's not going to be the case, that we're not going to continue to see those kind of violent acts and violent activities.

But to the extent that we do—and not all these things can be blamed on government, Mr. Acting Speaker; we know that. But we also know that government plays a role and government plays an important role and it can't abdicate its responsibility.

And I think that when a government purposely sets out, intentionally sets out to bring forward legislation that has more to do with trying to get strong headlines than it does with actually trying to get action, when it brings forward legislation that is

flawed and it doesn't work for year after year after year, amendment after amendment after amendment, when it brings forward legislation that tries to purport that the government is going to get serious about an issue and yet nothing changes year after year, that is a government responsibility, Mr. Acting Speaker.

And it's a government responsibility on a number of different levels. First of all, I think it improperly puts in the minds of people that things are going to happen that are going to change the problems of crime that they see in their society, gives a false expectation, and nobody should have to live under that false expectation.

Secondly, I think, the problem is that it ultimately puts in the minds of those who are committing crimes in our society the notion that the government isn't, itself, serious about cracking down on their activities. It's almost as though it says to those individuals, we're going to give you a free pass; we're going to worry about the political ramifications of our actions but not the criminal ramifications of your own actions.

And so government does play a role. Government does have the ability to bring forward legislation that's going to send a strong message, that's going to make a difference, that's going to, over time, work. And it's not overnight. Nobody's ever said that it's an overnight solution. But for a government that's been there for 11 years, that excuse is gone. They cannot simply say, well, this a problem that has been there for a while and it's going to take a while to be erased. They've been there for 11 years. They've had at least 11 different legislative sessions and the ability to bring forward legislation to move the problem into the right direction, and yet it gets worse. It doesn't get better, Mr. Acting Speaker.

And so that is what one of our concerns is with this bill. Is this just another cynical attempt to try to say to Manitobans that we're doing our best, we're trying to do something and, trust us, this time it works? Or is it like all the other times? Is it like all the other times that they brought forward legislation and it's really a half-hearted effort, a half-hearted effort to just simply put up an illusion that it's a government that's trying to deal with the problem.

And we'll see, because ultimately the results are shown in the statistics. They're shown in what happens on the streets. They're shown in the discussions that we have with law enforcement, both

the municipal and the RCMP officials who do good work. You can't hide from those results. They're shown in the reports. They're shown about what people hear about on the news, and, ultimately, if the government isn't going to take the issue seriously, we're going to continue to see a ratcheting up, an increase of violent crime in the province of Manitoba.

And I know that some of these issues, of course, we had the discussion—the Minister of Justice (Mr. Swan) often talks about what's happening on the federal scene, and I just want to touch on that for a second, Mr. Acting Speaker, because I know that many of these issues, in fact, are in the federal purview, that they do fall into the federal arena, and I want to commend the good work that's happening under the Harper government in Ottawa when they talk about reform to the criminal justice system, when they talk about eliminating the two-for-one sentencing that was happening before, when they talk about tightening up the parole system, when there's a discussion about mandatory minimum sentences for drug offences or the elimination or the changes in terms of availability for conditional sentences for criminals, those are all things that I think we agree on, at least on this side of the House, the Progressive Conservatives, that we support the federal government in bringing forward those initiatives.

And I know that not all those initiatives will be supported by the NDP government. In fact, they have some among their ranks in the provincial NDP who once sat in Ottawa and spoke against some of these law-and-order perspectives, who tried to stop some of them from passing, who didn't believe that there should be tougher sanctions on criminals. And they spoke passionately about that in Ottawa; now they sit amongst the ranks of the NDP in the province of Manitoba.

And, in fact, I know many of the provincial New Democrats often campaign for the federal New Democrats when a federal election comes along—the very same federal New Democrats who go to Ottawa and try to stall legislation, who try to stop there from being reform to the criminal justice system. And then, of course, you know, the member for Minto (Mr. Swan), who has campaigned for federal colleagues, comes in here and he demands that the federal government make certain changes to the Criminal Code. And, you know, he comes in during the day and makes those demands of the Legislature, that we support changes to the Criminal Code in

Ottawa, which we do, and then in the evening he goes door knocking for the very people who are out there trying to stop those reforms from happening.

Well, I think that Manitobans see the duplicity. I think that they see that you cannot have it both ways. You can't on the one hand come in here and say, oh, yes, we support changes that are happening in Ottawa. But on the other hand, you go door knocking for the very MPs who are trying to stop those changes from happening. I mean, it's simply hypocritical, Mr. Acting Speaker. And I think that the government knows that. So whether it's members within their own caucus who sat in Parliament, blocking reform from happening in Ottawa, or whether it's members of Parliament who they go out and door knock with and send them to Ottawa to try block reform, ultimately they're doing a disservice when it comes to trying to make the province safer.

So we hope that this piece of legislation, that this would be the third or fourth time lucky for the government, that this time maybe they'll have it right, and it will be able to seize a significant amount of assets from those that are involved in criminal organizations. And time will tell; they're not going to be able to hide from the end result of the legislation. And we'll see at committee tonight whether or not the government can give some assurances that this time they've finally got it right, and they're going to be able to do what other provinces are doing and have been doing for years—have been doing for years—in terms of seizing different assets from criminal organizations.

So, Mr. Acting Speaker, with those few comments, I look forward to seeing if there's others in the House who would like to speak to the legislation. And I look forward to committee tonight as we debate this bill, presuming that it goes to committee this evening. Thank you very much.

**The Acting Speaker (Mr. Altemeyer):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Altemeyer):** Question before the House is second reading of Bill 13, The Civil Remedies Against Organized Crime Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 14—The Body Armour and Fortified Vehicle Control Act**

**The Acting Speaker (Mr. Altemeyer):** We will now resume the adjourned debate on the proposed motion of the honourable Attorney General (Mr. Swan), second reading of Bill 14, The Body Armour and Fortified Vehicle Control Act, and this act is standing in the name of the honourable member for Steinbach (Mr. Goertzen).

\* (15:40)

**Mr. Kelvin Goertzen (Steinbach):** Yes, Mr. Acting Speaker, it is, indeed, a pleasure to be able to say a few words about Bill 14, The Body Armour and Fortified Vehicle Control Act. And there's already been a great deal of discussion in the House this afternoon about bills that are brought forward to try to make the government look as though they are doing something to combat organized crime but, in reality, don't really have the impact that all Manitobans wish the legislation would have. This bill, at least, partially, probably falls under that particular category.

It has a couple of different provisions to it: one dealing with body armour, what many might consider bullet-proof vests or that sort of terminology, and other piece of—the piece of legislation deals with fortifying a vehicle and trying to prevent those from having a bullet-proof plating and other things on their vehicles to either, I suppose, prevent them from being harmed in criminal activity that they might be involved with or prevent themselves from being harmed when it comes to interaction with other organized gang members. And the presumption is, I think, that many of those who'd be wearing either the body armour or having fortified vehicles would be in the organized crime context.

And when we look at this legislation as in relation to the context across Canada, we see that it has already been introduced and is in effect, I believe, in British Columbia, where their organized crime problem is slightly different in many ways than the province of Manitoba. They certainly have come across many vehicles that have been fortified, that have been used to try to protect themselves from interplay with guns or other sorts of activities that criminal organizations find themselves involved with. And so, obviously, in the British Columbia context, this particular legislation made a lot of sense and it came forward as a result of that.

My understanding, in speaking with law enforcement officials, and perhaps the Minister of Justice (Mr. Swan) would correct me if I'm incorrect, I don't believe that there've been any fortified vehicles found in the province of Manitoba at this point. I don't believe that they have found any vehicles that have not—or that have been fortified, that this act would, in fact, be used to prevent. But that doesn't mean that it's not worth support. I mean, I've often said in this House that we need to get ahead of issues, that we need to ensure that we don't wait for things to happen, that we, in fact, are leading the charge, and so we would support the legislation just on that basis, that it might be getting in front of a particular issue.

I think that the scepticism, if you could call it that, Mr. Acting Speaker, is that the legislation is intended to do something different. Not really to get ahead of a problem but to be a political shield, if you were, for the government that is taking criticism, and I think justified criticism, for the organized crime problem in the province of Manitoba. And because of that criticism, I'm sure that the government did a bit of a scan and looked around and said, well, what could we introduce that would make it look like we were getting tough on organized crime? And somebody will have pulled up this bill and said, well, look at this bill. You know, the fortified vehicle bill. We could bring in this bill and it would look like we're getting tough on gangs who are fortifying their vehicles. But, of course, that really isn't a problem yet in the province of Manitoba.

The bill purports to solve a problem that doesn't actually exist at this time, and so one wonders what the true motivation was of the government. Was it to try to get ahead of a problem, which we would support, which would make sense in terms of trying to be proactive and not always reacting to situations, or was the true motivation to try to convince Manitobans that they're trying to do something to stop the gang problem in the province of Manitoba? I can't read the minister's mind. I can't examine his heart to see what the true motivation of the bill was and so I simply have to sort of take the government at its word that it's doing it to try to be proactive, although there are many reasons to be suspicious, Mr. Acting Speaker. There are many reasons why Manitobans could be sceptical as a result of the past history of this NDP government.

But we'll take them at their word and we'll look forward to the bill going forward. There have been some questions raised about how it's going to

actually be applied. There are, actually, some individuals who have fortified vehicles in the province of Manitoba who aren't involved in criminal activity. One of the people who contacted me, in fact, has a tank, a war tank that they bring out to the Legions on Veterans' Day, and it becomes part of a parade and it shows up in the parades at the front of the parade. Well, they're not an organized gang member, they're not a criminal, they simply—the veterans like to see the tank come out for—to celebrate Veterans' Day. The kids like to see the tank in the parade, and I don't think that there is much concern that gang members are going to be driving around—I hope not—the streets in tanks. They are probably not the most unrecognizable vehicle and they're probably not that difficult—they might be difficult to stop—but they're certainly not difficult to find.

So I don't think that those who are involved with gang activities are necessarily trying to commandeer tanks, but this individual has what would fall under this act. He would have an armoured vehicle, and so he contacted me to see if he'd be captured under this act or whether or not there would be an exception for him so that he could continue to go into the parades and do the things that he does with the legions or whether or not he would have to then register his vehicle at a cost to himself when he, in fact, has been not doing anything wrong—and that's often the case when we talk about issues around criminal justice is we don't want to punish those who are law-abiding citizens, who aren't doing anything wrong. Why should we put an onus on them?

On the issue of body armour, I think that this is an issue that is probably more pervasive, unfortunately, in Manitoba for gang members. It's obviously, you know, it's not something you can pull or do a survey on to see how many gang members are wearing body armour, but police would indicate that there's been some interaction with those who have body armour and so I think it makes sense then to try to get a handle on that. Now, we want to ensure that those who are using it for a legitimate purpose—and the act sets out some very specific exclusions, obviously, for those in law enforcement and others. We want to ensure that those who continue to use it for legitimate purposes aren't—don't have a disincentive.

So security, for example, whether it's in establishments or at nighttime socials—I know I was talking to an individual who contacted me who works socials at a hall near the city of Steinbach and

he uses body armour when he is acting as security at these socials, and so he is now wondering will he have to get a licence and what the process for that is going to be, and I suspect that he will be one of those individuals who are then captured under the act and he'll need to make an application and get a licence to continue to wear the body armour in providing the service as security at the socials. Well, we don't want to do anything, and I hope that the minister will ensure that whatever the fee is set at or whatever the administrative process is, isn't so cumbersome or so burdensome that this individual who is really providing a service for all of those who are going to the socials—and Manitobans love their socials, Mr. Acting Speaker—that they are safe. So we don't want to do anything that's going to make it less likely that those who are involved in security are going to be able to actually have the body armour that they need to keep themselves safe.

So there are some positive aspects of this bill, and we'll find out how it operates after the legislation passes. To the extent that it's proactive in some ways, we'll support that. But we don't want Manitobans to think—if they hear on the news that this particular piece of legislation has passed—we wouldn't want them to think that suddenly that is going to dissuade gang members on the streets of Winnipeg. I think that it is a positive for those in law enforcement. It's certainly a positive for those who are trying to combat gangs. But I'm not entirely sure that it's going to prevent individuals who want to wear body armour, for example, to continue to get that, and we want to ensure that those who have a legitimate reason to have body armour aren't—don't have a disincentive put in front of them to get that body armour when they're working as security or for any other reasons that they're involved with.

And, you know, the discussion has happened in the past, I believe, even with paramedics in the province of Manitoba where they had some discussion about wearing body armour in the course of their work, and the work of paramedics is sometimes overlooked when it comes to emergency responders in Manitoba. But all of us, I think, know that they do incredible work showing up at the scene of—whether it's accidents or other, sometimes, criminal activity that has happened or may even still be in the progress of happening.

\* (15:50)

I have members of my family who are paramedics in the city of Winnipeg, and when I talk

to them and others who are paramedics in rural Manitoba, they will tell you that they often don't know the scene that they're showing up to. They often arrive—they're often the first on scene. They're the first ones that get there. They might be there before the police. They might be there before any other emergency responders, and they don't know the situation that they're walking into when they go into a particular scene. And so some of them have asked for body armour as a—to give them some assurance when they show up on scene, if somebody is fleeing a home and maybe has a knife or has some other sort of weapon, that they may be protected.

Well, we'd want to ensure that if that's the case for paramedics that they'd be able to obtain that body armour, because it's a very legitimate purpose in a way that doesn't impact their ability to do their job. There wouldn't be too many procedural hoops for them to go through. There wouldn't be a financial disincentive as a result of having to get that particular piece of equipment.

So the bill itself, I think, has a lot of merit. It has some positive impacts, but, ultimately, even if this bill passes in two days from now, I don't think we're going to see a lot of change when it comes to the reality on the street. And that really is what people are looking for. They are looking for change, Mr. Acting Speaker, and that's a motto that sometimes is thrown around, I think, a little bit—in a bit of a cavalier fashion. But I do think that Manitobans, when they look at the system of justice, when they look at the crime that's happening in their communities—whether it's Winnipeg or in many other communities, because it's not just a Winnipeg issue—I would say they want change.

They are not satisfied the way things are happening. They are not satisfied that individuals who are arrested are almost immediately released after they've been arrested, often for very, very serious crimes. They are not satisfied with the sentences that are often recommended and that are brought forward by the justice system. They're not satisfied with their own interaction with the justice system, as victims sometimes. They're not satisfied that they aren't able to obtain adequate information or that they don't seem to have the rights that many of the accused do in the system. They're not satisfied when they find out that somebody who has breached their conditions of their probation time and time again were out free to go and commit another heinous act. They're not satisfied when they find out that the operation of the justice system is such that

individuals are too often being accidentally released from prison under this government. They're not satisfied to find out that we have a Minister of Justice (Mr. Swan) who supports welfare payments going to individuals who are on the lam for very, very serious crimes like sexual assaults and violent offenders.

And for all of those reasons, these individuals, Manitobans, are looking for change within the justice system. And I don't think that if they examined this bill, it would be the kind of change they were hoping for. Not that they wouldn't support the legislation, but they would say, okay, fine to have this, but what else? It's okay to have this particular bill, but what else are you going to do to ensure—to really bring safety to the province of Manitoba?

And I think that the government, after 11 years, they don't have that answer. I think that the Minister of Justice, for some—and I know that he's relatively new to his position and there's been, you know, changeover of ministers there on a fairly regular basis—I think he doesn't know what that answer is. And I suspect that when the—I see the new Attorney General (Mr. Swan) talking to the old minister of Education [*interjection*] and probably trying to figure out—not old chronologically, just old in terms of the number of ministers that have held that office.

And probably if Manitobans went individually to the Minister of Justice and said to him, okay, this act is fine, but what else do you have for us, what else could you suggest that would make Manitoba safer, I don't think the Minister of Justice would have an answer. I think he'd probably—he'd, you know, he'd talk about, you know, money we spent here and money we spent there and, well, we paid for this and we paid for that. And I think most Manitobans would go, okay, but what are the results? Look what's happened in the city and in the province over the last number of years. Look at the increased drug trade. Look at the increased violence that we see. And when they said to—when they would ask the minister, what do you tangibly have for us, either as a policy or as legislation that will, in the foreseeable future, make the province of Manitoba safer than it is today? I really don't believe he has any answer for them. He'll blame Ottawa. He'll point to a federal piece of legislation.

But on his door it says, Minister of Justice and Attorney General, and with that title comes responsibilities and powers. It's not a professional lobbyist. If the Minister of Justice feels he's a

professional lobbyist, he should register under The Lobbyists Registration Act in Manitoba. But, I mean, he actually has powers in the province of Manitoba that are given to him and I don't think he knows how to exercise them. I think he's clean out of ideas when it comes to trying to bring a safer community in the province of Manitoba. So we'll see.

I—this piece of legislation is, I think, going to pass through a committee. I don't think there's going to be opposition to this bill, but there's going to be a lingering question. The lingering question is going to be: Okay, what else? What else do you have for us, Mr. Minister? And I suspect that the people who are going to have to answer that question are the people on this side of the House. I suspect that when Manitobans are asking that question in the months ahead—what else do you have for us? What ideas do you have to make Manitoba safer? It's not going to come from the NDP government because they don't have anymore ideas. They're out of ideas. They're almost out of potential ministers. They're clean out of ideas, and those are ideas that are going to have to come from Progressive Conservatives, and I believe that they will come from Progressive Conservatives in the months ahead.

So, Mr. Acting Speaker, I know that my colleague from Arthur-Virden would like to put some comments on the record regarding this particular piece of legislation, and I look forward to hearing his comments. And I look forward to discussing this bill, I suspect, later this evening with the Minister of Justice as well.

**Mr. Larry Maguire (Arthur-Virden):** It's my privilege to be able to put a few words on the record in regards to Bill 14, The Body Armour and Fortified Vehicle Control Act, as well.

My colleague from Steinbach has done yeoman's work in these types of legislation in regards to trying to put—make the criminals, I guess the criminal legislation in Manitoba tougher. And the government has continued to bring forward bills like this as a priority, when it hasn't even been a situation in Manitoba where it should ever—where it would have been used yet. And in—particularly in regards to fortified vehicles that it appears as if there hasn't been any even found in Manitoba yet. But, as my colleague indicated, it's nice to be proactive and be ahead of these things, and I am encouraged by his comments on that. I agree with them, and I think that the government could do worse things.

But they could certainly do better things, Mr. Acting Speaker, and that is provide more priorities around some of these issues in the Legislature and across Manitoba to help our police and others solve some of the criminal acts that are taking place in our streets. We've seen shootings and stabbings in the streets—another one again last night. We see these on a more regular basis than I care to think about in regards to—and even though I'm a member from rural Manitoba, I have many citizens in my area that are telling me that they're very concerned about, you know, coming to events in Winnipeg. They have family here. They know that. They know the family well, as they know that they live in areas of the city and that they're concerned about, and they're concerned about their family's safety as well as their own if they were to be here.

\* (16:00)

So, Mr. Acting Speaker, I'm happy to put just a few of these words on the record today, and I think that one of them is in regards to concerns that I have that were expressed by the member from Steinbach around the issue of protective body armour, the sale and use of it. And I know that the government wants to regulate that area and they're being proactive in regards to it—

**An Honourable Member:** Hey, you guys.

**Mr. Maguire:** Well, they're not bothering me, Dave.

So I'm thinking that this proactive act that the government is trying to do, you know, it's—because there's no body armour and because they don't have any armoured vehicles in the province, you know, it looks to me like it's another tax grab that this government's out for. And I'm just not sure that they really, you know, it's—[interjection] I hope that's wrong. I hope that's wrong, and I'm sure it's wrong, Mr. Acting Speaker.

But, you know, with so many other things that they could have as a priority out there on the streets of Manitoba today, and it's not just Winnipeg; it is all Manitoba, as I've said. There are so many areas that if it was a real concern, why are they regulating—of course, I guess it'll depend on what size of revenues that they're looking at when they entail a fee. But most of the fees that they've brought forward—a good deal of the legislation they brought forward in the last two or three years since they've run out of ideas has been to add bigger fines on top of the fines that were already in the acts, Mr. Acting Speaker. And to do that you really don't need to have an act. If it's

there in the act, you can change some of those by regulations and bringing them forward, some of those areas.

And I—but I'll just show you, Mr. Acting Speaker, that an act of—a breach of this legislation could result in a fine of \$10,000 for individuals or jail for three months. And, of course, you know, if it's in a—if you brought a fortified vehicle into Manitoba and I'm not sure that that fine might even be big enough. And, of course, that's for an individual, and a fine of 25,000 for a corporation. While I don't know if you'd define the Hells Angels as a corporation, but I would say that they would have lots of resources to be able to pay a fine like that, in regards to a—the—being caught with a fortified vehicle in the province of Manitoba or some other gang of similar nature as well, or other body in Manitoba.

I think that there's a situation where Bill 14 will, you know, as I've said earlier, do little to fight—to help the police in their criminal—fight these criminal organizations, and redirecting some of the valuable resources which could be put to more effective uses, as I've said earlier, would be a very beneficial move for the government to have been more accountable in this by bringing other types of legislation in that would have been beneficial than this, perhaps, or even acting on legislation and announcements that they've already made, Mr. Acting Speaker.

We've seen a good deal of legislation. A prime example of one today that hasn't been enacted in regards to two years since it could have—that it could've been proclaimed and hasn't been yet, Mr. Acting Speaker, and I think that that's the kind of thing that maybe as the government's, you know, getting more tired and can't find more legislation to bring in.

And of course, I guess, some Manitobans are telling me that that's probably not a bad thing because most of the legislation that they brought in has impacted negatively upon the economy in Manitoba and the development of some of the industries that we have in the province, Mr. Acting Speaker. So they're not really wanting them to bring in more bills, and I could name a couple. One of them would certainly be Bill 17 and, you know and, I guess, the one thing that I see in this statement in the act here is that the minister has indicated that permits allowing private security guards to wear body armour would be assessed on a case-by-case basis.

And my colleague from Steinbach referred to a person in his area who might have to wear this now, just to be a guard at a social. He has been doing that, but now he'd have to have a permit. Well, there's another fee that the government will collect off of him and he made the conscious to do this himself.

And, you know, so the government is very selective on what legislation they want for a case-by-case legislation and then others, it's just a blanket; no case-by-case looking at it at all. One of those areas was the unsafe waste-water management systems, Mr. Acting Speaker, where here we are in Bill 14, we're going to do it on a case-by-case basis.

*Ms. Marilyn Brick, Deputy Speaker, in the Chair*

They only changed the onsite waste-water management system ejector legislation regulations after huge groups like Keystone agriculture producers, as well as one of the largest other bodies of government in the province—the Association of Manitoba Municipalities—came forward and pounded on their doors, Madam Deputy Speaker, to make sure that they got the attention of the new Minister of Conservation (Mr. Blaikie), who did make a change. And now they are looking at doing things more on a case-by-case basis, even though they have said, nope, you can't have a new one; you can't have anything new in this province that would've been associated with those five classes of soil that we acknowledged there's no problem with anyway.

So I say that that's, you know, a bit tongue in cheek, that this government's out of ideas, Madam Deputy Speaker, but I really think that the government could have done much better than writing this 23-page bill on the matter with the proposed—with the prospect of further regulations, you know, has a—probably a finite time to it.

I guess that'll be determined by them. It's their legislation. They're bringing it forward. We certainly, I think—I'm encouraged by my colleague's comments about how you're proactive in having this legislation in place. So I'm certainly not speaking against it. I'm just saying that there could have been other priorities and perhaps the time of debating in this House could have been used for more substantial legislation in regards to controlling the crime situation that we have in the province today.

And, with those words, Madam Deputy Speaker, I'd see if there are others who in the House would like to speak to this bill.

**Madam Deputy Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 14, The Body Armour and Fortified Vehicle Control Act.

Is it the pleasure of the House to adopt the motion? Agreed? *[Agreed]*

### **Bill 28—The Drivers and Vehicles Amendment Act**

**Madam Deputy Speaker:** We will now move to Bill 28, The Drivers and Vehicles Amendment Act, standing in the name of the honourable member for Steinbach (Mr. Goertzen).

Is it the will of the House to leave the bill standing in the name of the honourable member for Steinbach?

**Some Honourable Members:** No.

**Madam Deputy Speaker:** No, it is not the will of the House to leave it standing in the honourable member for Steinbach.

**Mrs. Mavis Taillieu (Morris):** And I'm pleased to put a few words on the record in regard to Bill 28, The Drivers and Vehicles Amendment Act. In fact, I'm just fresh from a briefing so it's all fresh in my mind.

Madam Deputy Speaker, this bill, as I understand it, is touted to be a measure of consumer protection, to ensure that consumers are protected from businesses and individuals who are less than ethical or honest in their business practices. And that is, of course, something that is very important, that consumers should have the ability to choose their dealerships wisely and have the knowledge about the dealerships.

As we see in other professions, such as doctors and lawyers, there's an ability to see how well these people do with the public and therefore could be recommended as people that would be wise to do business with or not wise to do business with.

I guess this came about more recently because there's been a number of incidents, I guess, over the last few years, and I understand it that there was a number of organizations that requested a change in this legislation to ensure that—of course, as we know there's always in any organization or group of organizations, there's always a few people or organizations or businesses that would be—have

business practices less than what we would expect as the norm. And, of course, that impacts across any other businesses in the same category.

And so, I guess, to use the analogy, you know, a couple of rotten apples would spoil the whole bunch, so it's important to make sure that the rotten apples, I guess, are pointed out so that people do not deal with those.

The bill allows the Registrar of Motor Vehicles to publish information about permit suspensions, cancellations and renewal refusals for things like automobile dealers, automobile salespersons, salespersons themselves, driver training schools, driver instructors, automobile recyclers, inspection station operators and qualified mechanics.

\* (16:10)

So what—as it's been explained to me is once there are complaints, I suppose, about any of these individuals or any of these businesses from the public, or if they're not complying with legislation, they would be warned; and eventually, if they did not comply, they would end up in a position to have their permits suspended. And once the permits would be suspended, then MPI is going to post their names of—their names and the names of their businesses on the MPI Web site, and people that are looking for these kinds of services, if they were going to be doing their homework, they could choose to go and look on the MPI Web site and find the names listed of the people whose permits are suspended.

Now, I see this as a consumer protection issue. I see it as a deterrent to those in the business who may be dealing on a not-so-scrupulous level, and, normally, I would take a stronger view about protection of personal information, but I also know that once people are breaking the law, they're not, in my view, protected by the law and don't have the same rights as a person that's not breaking the law.

So, I think once you have broken the law, we—or have done something to cause your permit to be suspended, perhaps then it is in the best interests of the public to alert people to dealers that have not complied, and, in fact, may be doing something that is detrimental to the general public.

Now, apparently, this bill allows the Registrar to publish this information regardless of whether or not the permit holder plans to appeal the decision. So, I guess, if somebody is—had a permit suspended and they, I guess, would have an appeal process, that they could appeal that decision, but, in the meantime,

before the appeal goes through, their name is still to be posted. So that, I think, is a bit problematic. I think—I understand that once a person's permit has been pulled, then they have been found in contravention of some regulation, so they would be guilty of an offence. But there always is an appeal process.

So it's sort of a grey area there for me, I think, that whether or not this should be done before the appeal process or after the appeal process. But, as I say, I think just the fact that people would know that their names are going to be published should they be in contravention, that would be a deterrent, and, as well, it would serve the public interest and the consumer's protection rights.

It's very unfortunate, I guess, that we do have some of these issues that occur, although I don't think that there is—there are that many. From my understanding, there haven't been a lot of this type of—hasn't been a lot of this type of activity, but, of course, it doesn't take very much for consumers to be leery of dealerships that may be unscrupulous, I guess.

And I know, myself, I, you know, if I was going to take my car in and determine that I needed to have my car safetied, for example, if I had to sell the car and I had to have it safetied, and I went into a dealership and they told me, oh, no, your car's not safe; we have to fix the brakes and we have to fix—we have to do an oil change and we—whatever, I don't know. But there's a number of things you have to do, and so I would have to say, well, I don't know that, so, I guess, you know, you're telling me what needs to be done, so I guess you need to do that, and I guess they would do it and I would have to pay the bill. And that bill could be several hundreds of dollars. And then I might take it—instead of doing that, I might seek a second opinion and take it to another dealership and the dealer says, oh, yeah, your car's totally safe and here's a safety certificate.

So, now, who's right? Do I believe the person that says I need to get work done or do I believe the person that says it's safe? I'd like to believe the person that says it's safe because then I don't have to pay any money and I'd like to believe my car is safe, but, you know, if someone is actually lying to me, I guess, about what I need to do, then, and as a consumer, I am not qualified to make the decisions about my car, and I'm trusting this organization or this business to make decisions about my car, then I would say that this is a good idea.

You know, I think of my mother, who is 82 years old, and she has to go and get her car serviced, and we always like to go with her because we don't want her to be taken advantage of. Sometimes it's easy to say to somebody, oh, yes, you know, you can't drive that car, there's something wrong with it. And, being a senior, she's on her own. She would probably just say, well, whatever you have to do to make it right, and pay the bill.

So I think that it is important that consumers be protected and so, in that regard, as I say, protection of consumers is something we support and I think that there's aspects of this bill that we certainly can support.

I just want to go into the broader issues, Madam Deputy Speaker. I noticed that in the press release in regard to this bill, the minister has said, these—and I'm quoting: these amendments provide transparency. Well, it's interesting to me that the government wants to be—wants people—the government wants people and businesses to be transparent but the government itself is not transparent to the people.

And we've talked about this on many occasions, where MPI needs to be more open and accountable, not only to the people but to the Public Utilities Board. We know that on April 16th of this year, the Public Utilities Board sought an opinion from the Manitoba Court of Appeal on whether or not it has the jurisdiction to require MPI to provide the information that it is requesting.

Now, the Public Utilities Board is mandated to protect the public interest. And part of their mandate is to approve rates set by MPI and to approve, or not, rebates issued by MPI and rate increases or decreases. Now, they've repeatedly said that they don't have all of the information to set these rates in a manner that they feel comfortable with because they haven't got the data that they need to do this. The Public Utilities Board has jurisdiction over MPI's basic Autopac line but they've repeatedly been denied any jurisdiction over MPI's extensions and special-risk extensions.

And the driver and vehicle licensing function, which is housed within the extension line and is shielded from the oversight of the PUB, we know that the government offloaded this function to MPI. They said they were going to fund it. They fund it with \$21 million every year, but the cost of that operation keeps going up and up and up, and, therefore, actually, the ratepayers of Manitoba, who are the driving, motoring public, are actually

subsidizing the driver and motor vehicle licensing function, which the government used to cover through our taxes. So what we use to get for paying our basic taxes, now we don't get in our taxes. We have to pay more for.

So, in the end, is the taxpayer—or is the motoring public of Manitoba, paying more for MPI? Yes, they are. They're paying more, we're paying more, because MPI has offloaded some of this to the public—or to the MPI—the government has offloaded the driver and vehicle licensing function to MPI and shielded it from oversight by the Public Utilities Board.

So the Public Utilities Board is quite concerned about this because they feel they don't have all of the financial data necessary to make the decisions about where the rates should be in Manitoba.

\* (16:20)

In the recent order, the Public Utilities Board said, and I quote: "The Board remains concerned with its limited jurisdiction, which is currently confined to Basic premium rates and does not include MPI's Extension, Special Risk Extension . . . and Driver and Vehicle Licensing . . . operations . . . Given its limited jurisdiction, the Board is unable to adequately test MPI's overall expenditures and forecasts; instead, the Board is forced to rely on MPI's reports, forecasts and allocations of costs among its various business divisions . . . In short, the Board has, once again, been unable to assure itself that all costs incurred represent efficient and effective spending. Further, with respect to MPI's overall financial position, the Board cannot adequately test either results or forecasts, steps that the Board considers necessary to adequately assist it in reaching a conclusion on the appropriateness of Basic rates, premiums and fees." End quote.

The order also states, and I'm quoting: "The Board is experiencing increased difficulty in assuring itself of the Corporation's overall financial situation and prospects. This is largely because the Board's mandate is limited to the Basic compulsory program, while an increasing percentage of the Corporation's retained earnings and operations remain outside the Board's purview." End quote. And, according to the documents filed with the court the specific reasons the Public Utilities Board needs this information to set rates is because MPI historically transferred excess retained earnings from the competitive lines to the rate stabilization reserve which is a very

significant factor for the PUB to consider when setting Autopac rates.

MPI has only one investment portfolio for all of its lines of business, and another quote from the Public Utilities Board court order, quote: Incurs significant costs including staffing costs on a corporate-wide basis. End quote.

So with those concerns of transparency within Manitoba Public Insurance from the Public Utilities Board and, I—you know, transparency is very important. As the minister says in his press release, these amendments to Bill 28 provide transparency; transparency that the government wants from the people. But the government doesn't want to be transparent with the people, and that seems to be contradictory to me, Madam Deputy Speaker.

And I would think that if you want something from the public, then you should be reciprocating and allowing full disclosure to the public, because we really—we didn't have a rebate last year. I think that they—MPI has applied for a rebate for this year. But, you know, this year coming up when the rebates—you know, it's going to be an election year next year and the rebate cheques will be in the mail, I'm sure about that. Of course, we didn't get it last year. So—no election last year—so, you know, that's just the way this government operates, just the same as the Pharmacare deductibles when all of a sudden nothing changed in election year of 2007, but every other year deductibles have gone up. So it's the same kind of thing we see from this government—

**An Honourable Member:** That's what you call transparency.

**Mrs. Taillieu:** That's—yes, that's what you call transparency. That's pretty transparent, I think, to see what they do in an election year and what they do in other years, Madam Deputy Speaker. But I think it just provides the Public Utilities Board with assurance that they are doing their job. They are mandated to serve the public interest without the—but the government is not allowing them to have all the tools and resources they need to serve the public interest, and that seems very contradictory.

I mean, why would you appoint people to a board and say we want you to examine the rates of public—of Manitoba Public Insurance to assure Manitobans that they're getting the right rates, and then say to them, oh, but we're not going to give you any information to do that with? That's kind of like sending a carpenter to build a house and saying, oh,

by the way, we're not going to give you any tools. So that just really is nonsensical to me. I just don't know why there wouldn't be an agreement with the minister to speak with MPI and say, can't you work this out with the Public Utilities Board and be more transparent. It's costing Manitoban's money. It's costing the taxpayers money because of the need to go to the court system and get a court ruling on what should be a very simple matter, and the simple matter is MPI needs to provide the information to the Public Utilities Board so the Public Utilities Board can fulfil their mandate of serving the public interest. But that doesn't seem to be what the government is choosing to do. Instead, they are choosing to let this remain before the courts, and we await to see what the courts will say on this.

But, getting back to the specifics of Bill 28, I have recently had some people speaking to me—and I didn't realize, actually, that it was in reference to this bill until the brief briefing today, but there seemed to be some concerns with some people I'm—with the bill, the minister and his staff and the staff from MPI have said that it's fully supported by a number of organizations. And I believe that it is supported by a number of organizations, because I can understand that if there's a few people in an organization that are not dealing in a very scrupulous manner, it casts a shadow on all of those in the same industry. So, certainly, there would—they would like to see those who are not doing the proper job to be singled out.

I'm certainly hoping that this isn't a move to get rid of business in the province rather than assist them to do a better job, because there's enough reason for businesses not to be in Manitoba as it is. And, quite frankly, there's a reason why we don't have head offices—very many head offices here in Winnipeg and in Manitoba. There's reasons why businesses find it difficult to locate here, mostly because of things like the payroll tax, the inability to get financing because nobody will finance right here from Winnipeg. The financing has to come from down east, and that requires a lot of travelling and work to do that. I just have to speak to any business owner in the province who's trying to start a business, and how they find, when they compare jurisdictions to the west of us, to Saskatchewan, Alberta and B.C., it's much easier for people to start businesses in other provinces. So whether—when they're looking about where they should start their business, it behooves this government to make Manitoba a competitive and attractive place for business to locate so that—more businesses would

mean an increase in private sector growth, in private sector industry business. And we know that growth in the private sector is what stimulates the economy rather than growth in the public sector, of which this government is notorious. And, certainly, growth in the public sector is not sustainable. It's private sector growth, small business, medium-sized business, and even large business, if you can get them, would be a very—much of an asset to the province of Manitoba.

So I hope that this bill is not an attempt to drive small business out at the expense of some businesses being put out of business and others growing. What usually happens when some businesses go out of business, other businesses, similar businesses in the industry grow to take up the slack, I guess, or the business that's available because of the customers having to find another dealer to deal with.

And I hope that this won't be another move to centralize all of these things through a government agency, that we don't—we certainly want to see private business remain with—automobile dealers should be private. There should be private sales people. There should be private driving schools. There should be private automobile recyclers, private inspection station operators and private qualified mechanics.

\*(16:30)

We support business in the private sector and their ability to do business, and certainly don't want to see any Manitoba monopolies try to move into the area of small business and take over businesses that could be operating very successfully with a little encouragement and help from this government, rather than to take the punitive approach to try and put small business out of business.

So I'm just—I'm raising some concerns. I'm putting on the record some of my concerns that down the road we could see—I hope we don't, I think sometimes we get to legislation before this House that starts out as one thing and ends up as something completely different. And, you know, one of those things, I guess, is the enhanced driver's licences. I mean driver's licences used to mean you were qualified to drive a vehicle. Driver's licences now mean it's a document of citizenship. So that's how something evolves from one thing into another.

So it's important to be—have some foresight and long-term vision over how things will work, rather than short-term vision that this government often subscribes to, because their short-term vision is:

How do I get myself re-elected, basically? So it's very short-term and very self-serving.

The—this Bill 28, as I've said, is something that is supportable, I believe, and we'll see when we go to committee. We support the protection of consumers, and we support the notion that businesses that are unscrupulous need to be curtailed in that activity. And if this is one of the ways to do it, to publish their names on the MPI Web site after their permits have been pulled, then it seems reasonable to do so, as other professions are also gauged in the same manner. And, as I said earlier, if someone has broken the law, they're not protected under the same laws as law-abiding citizens.

So, Madam Deputy Speaker, with those few words, I will say that we'd like to see this bill go to committee. We'll see if there's anybody that wants to speak on it, but I do want to say that I think that the vast majority of business owners in Manitoba are upstanding citizens, who are not only honest and ethical, but actively contribute to their communities and provide jobs in their communities. That's what small business really does. They contribute to the lifeblood of a community. They contribute jobs. They contribute taxes. They are the ones that all the community organizations go to when they're doing fundraising events to contribute. They happily do that, even though it's a myth that small business and medium-sized businesses make a ton of money, because often they don't, but they still feel an obligation to the community and are there, always, to support any organization fundraising with volunteer, with contributions of money or in kind.

And I really salute small businesses in the province and hope that there'll be a continued growth of small business in the private sector, and encourage this government to do what they can to assist any people that, perhaps, are in contravention of their permits, to assist them in telling them what they need to do to be in compliance and, rather than take the heavy-hand approach, to help them get to where they need to be and give them a couple of chances and then, if they're not still—if they're still not willing to comply, then I would agree that their time is up and it would be in the best interests of the public, for the public and the consumer to know exactly what businesses are in contravention.

So, with those few words, Madam Deputy Speaker, I would like to see this bill passed to committee. Thank you very much.

**Madam Deputy Speaker:** Is the House—oh.

**Mr. David Faurichou (Portage la Prairie):** It is a pleasure for me to rise this afternoon to participate in the debate of second reading of Bill 28 that received first reading in the Legislative Assembly on April the 27th. I commend the honourable member for Morris (Mrs. Taillieu) in her assessment of the bill. It is one that, personally, I appreciate that the government is moving ahead with protection of consumers here in the province of Manitoba.

I want to make certain that the minister realizes, though, with the passage of this bill, the Registrar is certainly going to have to provide the resources in order that the affected businesses will be, indeed, scrutinized.

The bill provides for information to be published regarding permit suspensions, cancellations and renewal refusals for automobile dealers and salespersons, driver training schools and driver instructors, automobile recyclers, inspection station operators and qualified mechanics. The minister, I believe, is moving in the right direction, because as a consumer I would like to have that assurance that where my vehicle is being repaired, where my vehicle is being inspected, where I'm receiving service on—services from dealerships, that that will indeed be the one that I appreciate.

And—but I want to caution the minister at this junction in time, as well, that once someone's name is published for any of the infractions which I've mentioned, it is very difficult to re-establish oneself in the business to which a publication such as this could indeed tarnish. And the legislation provides for the publishing of an individual's name or a business's name, but then it also states that if the individual or the business appeals the infraction to which the—which is published by the Registrar that only a denotation be put upon the publication, which in this case, I believe, will be primarily via the Web site.

I believe that this is premature. I believe that there should not be a publication of an individual's name or business until, indeed, the infractions have been substantiated and the appeal has been disposed of. And so the minister, I believe, is wanting to act in the best interests of consumers with this legislation, but we also have to be understanding that there needs to be a balance afforded all Manitobans within the legislation we pass in the Chamber. And so I would like to see the minister tread lightly, if you will, in the actual publishing of businesses' or individuals' names prior to the disposition of an appeal of the

permit cancellation or renewal refusal. So I leave that with the minister.

So the points I've made are that the needed resources to in fact enforce the legislation, and secondly, to make certain that the individuals that are published are not tainted by their names being published in event that their appeal is successful.

\* (16:40)

Also, too, we want to make mention that the Manitoba Motor Dealers Association, the Manitoba Used Car Dealers Association and the Auto Recyclers of Manitoba, those organizations are, indeed, supportive of this legislation, because, as my honourable colleague from Morris stated, it only takes one bad apple to ruin the whole barrel. And the—if there's an individual that is providing inspection services, for instance, that is weak and perhaps not in keeping with the proper conduct of an inspection station, that it does taint all of those in the province providing the inspection services. And we all are aware that there is arbitrary assessments of various mechanical requirements to any vehicle subject to repair and, ultimately, safety certificates being issued.

So it is important that we do have a high level of, and a standard to which everyone is comfortable without suspicion that perhaps the individual mechanic that we are relying upon for our safety certificate is not providing the services to which we had—have expected.

But, with those words, I believe that it is important that this legislation go forward, and that the public has the opportunity to provide their stakeholder observations and that this bill be brought back to the House with perhaps the appropriate amendments that are required. But it's in the province of Manitoba—I do believe we are well served by small business—that acts with, through licensing by the Registrar, providing the services that we as Manitobans appreciate. And it is—this government is a little slow in perhaps keeping up with other provinces where the legislation, similar to what we have before us today, has already been passed and has been in place for quite some time.

And my final remark, though, is to the minister, to make sure that the information which the legislation is providing for, is readily accessible. We all know that it's important that when we are considering driver training or getting our vehicle inspected or acquiring another vehicle for personal

use, that individual businesses and—are ones that we have confidence in, and to have that very easy and accessible check before we make the next deal or employ the individuals for repair, that we have that confidence.

So I know the minister has been listening this afternoon, and I know that he is a driver, himself, in the province, and I'm sure will also want to be able to check out the validity of the individuals that he gets his vehicle work done by and/or is looking to acquire another vehicle from.

So, with that, Madam Deputy Speaker, I appreciate, once again, the opportunity to participate in second reading debate of Bill 28, and I very much look forward to the passage of this bill and its appearance at committee.

**An Honourable Member:** Question.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 28, The Drivers and Vehicles Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 30—The Strengthened Enforcement  
of Family Support Payments  
and Miscellaneous Amendments Act  
(Various Acts Amended)**

**Madam Deputy Speaker:** We will now move on to Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act.

This bill is standing in the name of the honourable member for Steinbach.

**Mr. Kelvin Goertzen (Steinbach):** Madam Deputy Speaker, the member for Springfield (Mr. Schuler), I thank him for his support. I—it's again a pleasure this afternoon to rise and speak about another Justice bill that will be going to committee, I believe, later this afternoon.

This particular bill purports to strengthen the ability of those who are looking to have the enforcement orders that have been provided to them under The Family Maintenance Act strengthened so that they can, in fact, get the payments and the support that we all believe that they should be

getting. And there's no dispute about that, that those who—whom granted orders by the court in support of a spouse or of children, that we want to ensure that those orders are, in fact, fulfilled and that the funds that are intended to go, whether it's to children or to others in a family situation, actually arrive in the hands of those, so they can be used for the reasons that the courts have assigned them.

However, this government has a very poor record when it comes to really putting the focus on maintenance enforcement. And it only have to look at the branch itself. When we had this discussion with the Minister of Justice (Mr. Swan) during the Estimates process about what was happening with maintenance enforcement—and we've all had experiences as individual MLAs advocating on behalf of our respective constituents in trying to ensure that those who are calling our offices and who have find their spouse in arrears actually have some enforcement of those payments. And I suspect that each member of this Legislature, Madam Deputy Speaker, would have their own story of frustration.

I remember a few years back—I can't remember the exact date, but it certainly was some time ago, since I've been elected—that hearing a story from my own constituency staff, that they were trying to resolve an issue for a constituent who found themselves unable to get payment from a spouse. And they, my constituency staff, were told by the constituent that on the voice mail of the worker assigned to the case was the message: please leave your name and your number, and I would try to return your phone call within two weeks.

I assumed that this individual must have been on vacation. That happens; everybody deserves a vacation. So I instructed my staff to call back a week later, and it was the same message. And it turned out, in fact, that what was happening was that the individuals within Maintenance Enforcement were so busy that they simply couldn't fulfil the expectations of a reasonable return on a phone call. And that is no reflection on those who work within Maintenance Enforcement.

I understand, even from the discussions that I had with the minister in Estimates—and I don't have those notes in front of me, so I'm going somewhat off of memory, which, at whatever age a person is, can be a bit of a dangerous proposition. But I believe that there were somewhere in the neighbourhood of 15 to 16 thousand files that Maintenance Enforcement were dealing with at any

given time, with only 30 to 40 staff, I believe. I mean, it was a very small, the number of individuals who would be dealing with a huge amount of case files.

Now, of course, not every case file is one that would be difficult to deal with because many people do pay on time and are never in arrears, and so they never—there never really is an issue in terms of their particular file, so that's a fairly passive sort of exercise. But there are many others, who, in fact, aren't paying their support on time, and it does take a great deal of time from staff. We've heard many stories regarding sort of the chaotic nature—and I hate to use that word arbitrarily, but I—that's the word that was used to me from those who are working in the system—the chaotic nature of the Maintenance Enforcement branch, just because there aren't enough individuals who can work with these great number of files.

\* (16:50)

And when I questioned the minister in Estimates about the staff turnover, he indicated that it would be significant, and that certainly would correspond to the anecdotal information that I've been provided from those working in—within the system, and that he would get back to me specifically on what the either staff turnover or loss of time was or seniority of different officials, and I have not received a response yet from the minister.

That has added to the list of a number of different things in Estimates that he committed to provide an answer, to which he hasn't. Not unlike his predecessor, the member for Kildonan (Mr. Chomiak), who often took months to respond to Estimates questions which were very routine, some of them dealing with recidivism numbers which I know that the department collects on a quarterly basis. Other statistics that I know are at the hands of the minister at any given time, and yet it's been months and he refuses to bring forward that information and I don't want him to think that we're going to forget because we won't forget that and we'll continue to ask for that information and we'll bring it forward in a more aggressive way if those answers aren't provided because they're not just answers that are coming to me, as an individual opposition member assigned as a critic for Justice, but they really are questions that have come from the public and so the minister might feel, well, why should I bother to respond because this is my opposition critic but it really isn't me that he's

disrespecting. It's the members of the public, Manitobans who have asked that some of these questions come forward. So I look forward, at some point in the very near future, of getting those answers from the Minister of Justice (Mr. Swan) regarding not only the Maintenance Enforcement branch but other questions that we left with him.

Because, you know, on the one hand, the government will say, with this legislation, I'm sure we'll hear it in committee tonight, the minister will say what a great priority they're placing on this bill and what a great priority they're placing on trying to ensure that there are, in fact, enforcement of these orders. But contradicting that is the fact that the very same minister is overseeing a branch of his department that has had, I believe, huge turnover that has many, many issues and challenges within it and he's withholding information about that. Information that should be—that he committed to, that he made a promise to this Legislature, through the Estimates committee, which is an extension of the Legislature, and for him not to provide that information, or not to provide it on a timely basis at the very least, shows a great disrespect for this very institution that all of us are here to operate in and to defend.

And so I hope that the minister, before he gets too verbose and pats himself too much on the back this evening about this particular bill, that he also tries to fulfil the commitment that he made a couple of months ago and if he thinks that employing the strategy that the member for Kildonan employed on providing information—the former Attorney General—is a successful strategy, he might just look at and see how long he was able to stay into the department. So I hope that he'll be more forthcoming with the information and only that, through those actions, will he show that it really means something to him, this particular bill, this particular piece of legislation, because it's not enough to get up and say, well, this is important to us; to get up and say this is something that we find is a priority to the government, then, on the same token, try to hide behind a stall tack, a delay tack, in terms of providing information about what's going on within that branch.

So I look forward to receiving the information and we'll see, on this particular piece of legislation, there are many who would say it doesn't go far enough, that there aren't many reasons why increasing fines, for example, or penalties for those who aren't already paying are going to change much of the results that are happening currently. I think

there are other ideas that are employed in other jurisdictions that the minister could use.

I know that they're in the process of converting over to a new computerized system to track some of the issues around maintenance enforcement. That's a process that's been going on for four years, I believe, Madam Deputy Speaker. There are many within the system, within his own department, who are very frustrated by the fact that it's taken several years for that system to get implemented. There are many within his own department who can't understand why it's taken four years to get this tracking system into place. That each year the Minister of Justice and, I think, frankly, it goes back to the member for St. Johns (Mr. Mackintosh), when I've asked these questions in Estimates—and I stand to be corrected—but I certainly know it goes to his predecessor. And I believe it goes to the member for St. Johns, asking questions about when the data base is going to be up-to-date so that those in the Maintenance Enforcement branch would have a better ability to track payments and to have enforcement provisions placed upon those who aren't fulfilling those orders. And each one of those ministers have proudly pounded the desk and said, well, we're going to get it done and it's any day now. It's forthcoming.

And the Minister of Justice, the current one, the member for Minto (Mr. Swan), went along with the same script in the last Justice Estimates just a couple of months ago, pounded the desk and said, it's forthcoming. They're very proud and blah, blah, blah, about how this system was going to be coming forward, the exact same thing that the member for Kildonan (Mr. Chomiak) and the member for St. Johns had been saying over the last four or five years.

Well, I mean, that's certainly showing a priority, Madam Deputy Speaker. So before the minister gets a little bit too proud of this particular piece of legislation, I think he needs to do a lot of work within his own department and within that branch to support those who are working within Maintenance Enforcement and doing—trying to do good work under very, very difficult circumstances.

So, with those comments, Madam Deputy Speaker, I look forward to this bill moving on to the committee process and coming back to the House.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 36—The Statutes Correction and Minor Amendments Act, 2010**

**Madam Deputy Speaker:** We will now move on to Bill 36, The Statutes Correction and Minor Amendments Act, 2010.

This bill is standing in the name of the honourable member for Steinbach.

Is it the will of the House for—the honourable member for Steinbach.

**Mr. Kelvin Goertzen (Steinbach):** I did not want to pass up the opportunity to speak to this bill on second reading because it's—you know, I think when you look at a bill, such as this, you might think, well, this is sort of housekeeping, that there can't be much to the bill. Often, I know, historically, when this bill is brought forward in the Legislature each and every year, there might be some additional words that are changed or there might be things that help to make bills have more of a plain language to them. Sometimes it's just making sure that the language in one bill conforms to the language in another bill which it references to.

And so when you look at this annual piece of legislation that comes forward, I think a lot of members would simply shrug their shoulders and go, oh well, I mean, this should move through very quickly without any sort of debate, and there shouldn't be any sort of a concern about the legislation.

But, you know, if we had to stop and think about this a little bit further, Madam Deputy Speaker, because there's a bill also that's before this House for debate called the BITSA bill, and the BITSA bill is not uncommon to this particular piece of legislation in that it also used to be a routine bill. It also used to be a routine piece of legislation, and we used to look at the BITSA bill very much the way we look at Bill 36 before us today—The Statutes Correction and Minor Amendments Act. We used to look at BITSA the same way as this bill and say, well, you know, there's nothing really to it. It's implementing the

budget, and so we should just simply let it sail through. There shouldn't be any debate on it.

\* (17:00)

Well, what happened? What happened with the BITSA bill, Madam Deputy Speaker? And why is it—why does it give us caution when it comes to this particular piece of legislation? Well, the commonality, of course, is that they are both generally routine bills of the Legislature. They both are usually brought forward without much controversy. Both The Statutes amendment—Correction and Minor Amendments Act and the BITSA bill, both don't usually elicit much public debate. They both don't generally find themselves into the newspaper in terms of public discourse.

But that wasn't the case with the BITSA bill this year. In fact, when we looked into it, when we looked a little bit closer, we found in that particular piece of legislation, which is often considered routine, just like Bill 36, that there was a whole bunch of things—there was a whole bunch of things hidden into it, changing very significant pieces of legislation, Madam Deputy Speaker—essentially gutting the balanced budget legislation as we know it in the province of Manitoba today, ending a promise of Mr. Gary Doer, the former premier, who, in 1999, I think, stood beside the member for Kildonan (Mr. Chomiak) and said, we're going to keep balanced budget legislation. A promise that was broken by the former premier and broken by the member for Kildonan.

It was a—it's a bill, the BITSA bill, that, hidden within it, protects the salaries of the 19 Cabinet members of the NDP government. It's a bill that says, we're going to protect the salaries of some of the most privileged individuals. And, when I say privileged, I mean, privileged to be able to change the law to protect themselves from something that they did in violation of the law. And the violation of the law was running deficits in consecutive years which should have resulted in a 40 percent reduction of their salary. That was buried into the BITSA legislation, which is suppose to be a routine piece of legislation, just like Bill 36, which is before us for debate this afternoon.

That particular bill, the BITSA bill, does something extraordinary. Far from being routine, as this bill is supposed to be, and as the BITSA bill is supposed to be, it was something remarkable. It said that government, that a sitting government, is going to be able to change legislation—to retroactively

change legislation to cover up something that they had done that was wrong. And, in this case, it was the violation of the balanced budget legislation. And so that's the relevance. The relevance between these particular bills is that they are both supposed to be routine bills, taken at their face value, to be accepted as being routine.

But, if we just accept it, if we just accepted Bill 36 and never looked at it any further, we would have fallen into the same trap that we almost fell into with BITSA. You know, when the BITSA bill was introduced, I think, there was a general feeling among legislators, well, this is—probably not much in it, it's probably just like it always is, implementing the budget, the budget speech, that was given two weeks prior. But that wasn't the case at all. It significantly changed the current balanced budget legislation, essentially gutting it, essentially pulling it out of Manitoba and breaking the promise that the member for Kildonan made along with his former leader. It broke the promise that the current Premier (Mr. Selinger) and the former Finance minister made in this House. And not only did it break that promise, it went one step further. It went one step further by saying, we're going to protect salaries of all the Cabinet ministers, because we're going to change the balanced budget law to protect those salaries when they should have actually taken a 40 percent pay reduction. That's a remarkable thing—certainly not a routine procedure that you'd expect to see in BITSA or in Bill 36, certainly not a common sort of practice that you would see in a bill like Bill 36 or as in the BITSA legislation.

So, ultimately, what happened, Madam Deputy Speaker, is the government used a very rare privilege. You know, as 57 legislators, we, I think, all would say that we are privileged. We are among the privileged few in Manitoba. And, you know, I think sometimes that gets lost on all of us. This isn't a partisan issue. I think all of us sometimes fall into the trap of taking for granted the very great privilege that we have been granted by being able to come to the Legislature and represent the people that we do, in this wonderful building and a magnificent building, with tremendous support staff here in the Assembly and the other, the many other benefits that all of us get by being MLAs.

*Mr. Daryl Reid, Acting Speaker, in the Chair*

But with that benefit comes a responsibility. It comes a responsibility not to abuse the privilege and the power that we have been given. We are, in a

sense, the defenders, the defenders of that privilege which we've been given. The 57 of us, collectively, quite apart from political parties and partisan differences, collectively are here to defend the ideals and the democracy and the privileges which we have been granted by the individual constituents who have elected us in our particular constituencies.

And yet, in the BITSA bill, which was supposed to be a routine bill like Bill 36, they did something quite unroutine—which probably isn't a word, Mr. Acting Speaker, but it's certainly a principle. It's a principle that, where a routine bill comes forward, something very remarkable happened. They took the privilege that each of us are granted as 57 elected individuals, and they changed the law to protect themselves from violating the law.

And can you imagine, you know, the ordinary, average Manitobans who might, in very routine matters—you know, I'm going to use the example of legislation which, I understand, is going to come into effect pretty soon, the legislation regarding not being able to text and use cellphones while you're driving. I understand that the Minister of Transportation (Mr. Ashton) at some point in the near future is going to announce the date that that law is actually going to be enforced. And that was debated here in the Legislature, and I think it actually received approval by all political parties, and it's going to affect each of us here in the Legislature and it'll affect many, many Manitobans. And if somebody was out there after the law came into force—and I'm sure it's going to—we know it's going to happen—and was using their cellphone while they were driving, and the—one of our good law enforcement—men and women in law enforcement—pulled them over and gave them—I believe it's going to be about a \$200 ticket—gave them a ticket, you know, you wonder, if they had been following the debate here in the Legislature, what would stop that individual from saying, well, you know, the NDP Cabinet were able to change the law retroactively to save their salary, why can't we change the law regarding the cellphone so I don't have to pay this \$200 ticket?

**An Honourable Member:** Is that possible?

**Mr. Goertzen:** And if, you know, the member for Emerson (Mr. Graydon) asks a very good question: Is that possible? Well, it's only possible, apparently, if you're one of the 57 elected members to this Legislature, or if you form a government who decides that you're going to enact that as a result of being a part of Cabinet, part of Executive Council.

Then it's possible. It's not possible for anybody else in Manitoba.

And I think that the public would grow rightfully cynical if they knew—and in full effect—and I think that they are coming to understand what this government is doing through what's supposed to be a routine bill, BITSA, not unlike Bill 36 which we're debating here this afternoon. They're doing something extraordinary. They're changing the law to protect their own pocketbook, which is what these individuals who—there'll be many of them, I'm sure, who are going to get ticketed for using cell phones in the days ahead after the law is enacted. I think they would justifiably say, well, what about me? Why can't I change the law to protect my \$200? Are my \$200 not as valuable to me as the 20 percent of the salary that the ministers on the NDP are going to save? I would say that, probably, for the vast majority of these individuals, they—would it mean more to them? They're working hard every day, from shift work, in many cases, many new Manitobans, and that \$200 is going to mean a lot to them. It's going to hurt them. But, of course, I mean, they're violating the law, and so I think the principle for us—for many of us would say, well, you know, we have sympathy, of course. You know, but the law is the law and it's there to be enforced. Well, but apparently not if you're an NDP Cabinet minister. Then the law is something completely different. Then the law doesn't apply to you. Then, with the stroke of a pen, with an Order-in-Council, with legislation here before the House, you can make the law not apply to you. You can be exempted from those financial penalties. You can exempt yourself from that legislation.

\* (17:10)

And I think that, rightfully so, there would be cynicism among Manitobans who would say, we don't have the same privilege as you, sir—they may say to the member for Elmwood (Mr. Blaikie). They might say to the member for Gimli (Mr. Bjornson), sir, we don't have the same privilege as you. We are not elected to the Legislature. We cannot change the law to retroactively protect ourselves from having done something that was in violation of the law. Why should you have that right? Why should you have that privilege?

And I think that it strikes at something even more significant, and we heard this in some of the presenters who came before committee regarding Bill 31. They said it strikes at the general cynicism

that is growing regarding politics and politicians, and that impacts all of us. All of us when we run for election want to—hope that people are going to believe in what we do here in the Legislature. We want them to believe in the processes that we go through. We want them to believe that each and every day we're doing things that are going to benefit them, not benefit us—not benefit us—not benefit a select group of 19, a small group of 19 who want to simply protect their salaries.

And I think it does breed cynicism. I think it's going to have the impact of having—of many people say: Well why should I participate?

And, of course, most people will never participate in terms of running for election. Most people would never put their name on a ballot. Many will and we encourage many to do that, but they certainly participate in terms of voting. And that's—and for the vast majority of Manitobans and Canadians, the 99.99 percent of Manitobans and Canadians, that'll be the only way they ever participate in the democratic process, is by showing up at their polling station, presenting their ID, getting that ballot, that precious ballot that has been fought for, for many years over a few different wars, which many other countries would love to have, and they'll take that precious ballot and they'll go into the privacy of their ballot box and they'll decide who it is that they would like to represent them.

And that's a precious thing and we should never underestimate that. I realize that politics is often about, you know, trying to determine strategy and tactics and there's an element of that, and not an unwelcome element; that is a part of the political process and there's nothing wrong about that. But we should never forget that at the end of the day it's always about that individual walking into a ballot—into a booth with their ballot and determining who it is that they want to support for the next election.

We should always do everything we can to defend that process, to defend that individual, that representative individual, that representative Manitoba who goes into the booth and puts that X beside the name of the person that they want representing them here in this particular Chamber. And I think what the government has done with the BITSA bill, in what is supposed to be a routine bill, like Bill 36 before us this afternoon, is that they've done something which is going to harm that process, that thing that all of us are here to defend.

I think that there are many more people who are going to say, well, really, individuals in the Legislature are just in it for themselves. And they'll point to the example of the 19 Cabinet ministers who decided to put their salary above everything else, who decided to put their pocketbook, their personal interest ahead of everything else that many people have fought for, that many people have decided were critical for a democratic society and a society where we defend the individual rights, and we all lose by that.

And, you know, I know that political analysts, and those who like to scheme these things out, might look at what voter turnout does for one party versus another or what would changing the voting process from a single non-transferable ballot to a proportional representative system, you know, what would that—what impact would that have on the political parties. At this point, I don't really care. I mean this is really just about ensuring that people don't feel disenfranchised from the system, that they don't feel that there's no point to participating in the system.

And I would implore and I would appeal to the member for Elmwood (Mr. Blaikie) and the member for Gimli (Mr. Bjornson) to go to their Cabinet colleagues and to say that is really what is at stake here. It's not just the 20 percent of our ministerial salary. And I know the member for Elmwood could make do without it, and I suspect it's the same for the member for Gimli.

And, sure, it might cause, you know—it'd be nicer to have it, right? I mean, wouldn't it always be nicer to have it than to not have it? But think about what's at stake. What the greater principle at stake is here is those individuals who we hope, as the member for Emerson (Mr. Graydon) say, respect this institution and respect us as individuals, and that they won't believe that we're simply here to do things for ourselves. And that's really a call for all of us. Each of us have to, in the actions that we take and the measures that we take, remember that principle. And nobody's—everybody's fallible. Everybody makes mistakes and there's no perfect solution to anything.

But this is such an obvious example, such an obvious example of a government that took a routine bill—they took a routine bill, not unlike Bill 36, which is before us this afternoon, which is supposed to be a routine bill, and slid something very devious into that bill, slid something very, very destructive into that bill.

And I think, you know, I know the member for Elmwood (Mr. Blaikie) and we've had discussions; I think he's an honourable individual and I have the opportunity at different times here to talk with him—*[interjection]*—and I'm not going to compare different members on the other side. But I think that, at the end of the day, he probably, when he first ran for election, I don't know what year that it would have been, it may have been before I was alive, it was some time ago anyway that he first ran for election, and I think he probably did it with all the right intentions. I think he did it with the reason that he wanted to go to Ottawa and to represent ordinary people within his constituency and to ensure that they had a voice.

And I really think that probably most of us ran for that reason. I don't think, if you looked around and talked individually to people in the Chamber, irrespective of their political parties, I think all of us would say the same thing, that we wanted, you know, to have the respect of individuals and to come to this Chamber and to debate issues that were important to them and to make a change, to make a difference. Isn't that what most of us ran for? To try to make a difference here in the Legislature? And that can, you know, be defined differently for different members. People come with their own experiences and with their own priorities, and we see that reflected in different members who will champion different causes because of a personal experience that they've had in their life or because of their background. And that's really what it's about. It's certainly not about coming here and using a unique privilege, using a specific privilege granted to 57 of us, collectively, as a body and, particularly, obviously, to the members who fill a Cabinet table—using that specific privilege in a way that's going to cause cynicism and, I think, cause disappointment for many, many Manitobans.

And so I would hope, when we look at this particular piece of legislation, Bill 36, that we remember that there is no such thing as a routine piece of legislation before the Legislature. I know, when speaking with the minister regarding Bill 36, The Statutes Correction and Minor Amendments Act, he said, well, this is a routine bill that we bring in every session. And he's correct in that sense that it is routine and it typically just makes a few minor changes. But, if we've learned anything from Bill 31, from the BITSAs bill, let us remember this: There really is nothing as a routine bill, that there are things in every bill that impact Manitobans; there are things

in every piece of legislation that will have consequences, some intentional and some unintended, for Manitobans in the future. And that is never more clear than when it came with the BITSA bill, and, if there's one lesson that I've learned, it will be to never just assume that a bill is routine and that it is what it is on its face.

You know, and—you know, Mr. Acting Speaker, looking at you in the Chair, I'm reminded of another bill that we had some opportunity to discuss, not me and you personally, but you were Chair of a committee. It was a bill regarding—that was supposed to also be routine, about set election dates. And I remember the then-premier, Mr. Doer, bringing forward that piece of legislation, and he stood up and he introduced it. It was an amendment to a variety of different elections bills, and he said that this bill is about having set election dates in the province of Manitoba. And I remember members on this side said, well, that's wonderful, that's great, that's something that we've been talking about for a long time.

And we weren't sure where on the road to Damascus the premier had his conversion, but we were glad that he did. We were glad that he came around to our way of thinking and that he was going to bring in the set election date. And we only sort of became suspicious when the bill was distributed, how thick it was, because it wouldn't take, you know, the 60 or 70 pages that the bill was to bring in a set election date law. And then there was sort of a collective, uh-oh, I bet you there's more to it than this; I bet it's not as routine as we would have thought; I bet it's not as routine as we would hope Bill 36 would be. And as we flipped through the bill, sure enough. Oh, sure, there was a section on set election dates, for sure. It was in there, and I'll say that to the Premier (Mr. Selinger), and that's what the press release highlighted. I think the press release was: Province introduces set election date bill.

\* (17:20)

Oh, but there was a whole lot more to it than that, Mr. Acting Speaker. We found that the government was trying to reduce the ability of MLAs in this House to communicate with their constituents. We found that the government was trying to change the election laws, to make it less—to reduce the ability for political parties to communicate with the public.

We saw in that bill that the government was trying to vet—to try to vet—political mailers, or to

have correspondence vetted that was coming out of the Legislature and intended for constituents. The government actually won, and I know this predates the member for Elmwood's (Mr. Blaikie) time. So, when I'm talking to him, I'm not ascribing this onto him. This might be an education for him as well. I'm sure it's not some—the first thing that he was told when he came into that Cabinet—that his government was trying to control the kind of communications that we, as individual MLAs, had with our constituents. We thought that was a routine bill, Mr. Acting Speaker, just like Bill 36 before us today.

Well, and you know, because you were on those committees with me and others; we spent hours—I don't know what the tabulation was on the hours, but it was many hours, through the night, in cases, and many of my colleagues were there as well through the night as we listened to hundreds—was it hundreds of presenters, Mr. Acting Speaker?—come and say to this government, what are you doing?

I knew they were not objecting to the set election date law. I think almost all of them, to a man or woman, said that that was good. But it was all the stuff that was buried with it. It was all the stuff that was added onto it. That routine bill, like Bill 36 here, didn't become so routine after all. There was a lot of stuff buried in that bill that we had to fight, and fight we did, Mr. Acting Speaker, with the help of Manitobans, with the help of Manitobans who came in the night, in the middle of the night, despite the fact that the member for Kildonan (Mr. Chomiak) had a sign on the front of the door that said building closed, in they still came.

And I know the member for Elmwood (Mr. Blaikie) missed that debate, but it was true. They put a—you know, presenters coming in the middle of the night and what did they see when they walked up to the front of the doors? A sign that said building closed, but they weren't deterred, because they knew it was important. And so they went through the door. They pushed it open; they went through the building-closed sign, came to committee and they presented through the night. They came, and they made their case on what should have been a routine bill.

And they, and ultimately they—I wouldn't say that every concession was won. But some concessions were won, and the government backed off of having to vet communications. You know, it's almost, when you say it, you're almost stunned by the fact that it happened. But the government backed off

from having to vet communications through a government-run committee as a result of Manitobans. And that was supposed to be a routine bill. When it came here in the Legislature, when the premier brought it forward, he said, here is a bill on set elections, what a routine bill, significant bill but routine.

It should—it turned out not to be routine, Mr. Acting Speaker.

The BITSA bill introduced in this Legislature just a few months ago, sounded routine, sounded like it was like every other BITSA bill that we'd come across before. Not routine—it was far from routine. And so now the government wants us to believe that Bill 36, The Statutes Correction and Minor Amendments Act, is a routine bill, that there's nothing in it of consequence, that there's nothing of their importance, that we're just supposed to blindly believe that this bill isn't one that should get significant debate, that we should trust them, like we were supposed to trust them on the BITSA bill, that we should trust them like we were supposed to trust them on the balanced budget legislation.

Well, my trust has been a little bit jaded since coming into this Legislature, Mr. Acting Speaker, not by Manitobans. Manitobans restore my faith in democracy and restore my faith in the privilege to be here each and every day, and they renew. And when I go back to the constituents of Steinbach and Niverville and Hanover and Grunthal, Kleefeld, Blumenort, Pansy, which is still on the map today as a result of a fight that happened here in the Legislature, they restore my faith. And throughout the province, whether it's Emerson—I daresay I've spent some time door knocking in the member for Elmwood's (Mr. Blaikie) community, and they restore my faith in democracy as well. All of those Manitobans restore my faith in democracy. It's only here, when I come here and I see the cynical ploys of this government, when they say that something is routine and don't worry about it, and then I find it is something completely different that I ever get slightly jaded.

Having said that, Mr. Acting Speaker, we've reviewed the legislation; we believe it's ready to go to committee.

**The Acting Speaker (Mr. Reid):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Reid):** The question before the House is second reading of Bill 36, The Statutes Corrections and Minor Amendments Act, 2010.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

#### **Bill 16—The Order of Manitoba Amendment Act**

**The Acting Speaker (Mr. Reid):** Next bill for consideration on the proposed motion of the honourable Mr. Selinger, Bill 16, standing—The Order of Manitoba Amendment—oh, the honourable First Minister, Bill 16, The Order of Manitoba Amendment Act, standing in the honourable—in the name of the honourable member for Lac du Bonnet (Mr. Hawranik).

Is there leave for the bill to remain standing in the name—

**Some Honourable Members:** No.

**The Acting Speaker (Mr. Reid):** Leave has been denied.

**Mr. David Faurshou (Portage la Prairie):** Mr. Acting Speaker, I appreciate the opportunity to rise this afternoon and participate in second reading debate of Bill 16, The Order of Manitoba Amendment Act, which was introduced for first reading into the Legislative Assembly on April the 7th of this year.

I would like to say that The Order of Manitoba Amendment Act was brought into existence in 1999, and I do appreciate the former premier of the province and the initiative to which that administration provided for an opportunity of—to recognize individuals who have made substantive contributions to the province of Manitoba in the areas of agriculture, business, industry, volunteer service, education, research, literary, visual and performing arts, occupational and professional achievement, public and community service. And the nominations received each year for appointment to the Order of Manitoba, which is going to take place later this year, I believe the middle of July, that there'll be a new induction ceremony allowing for 14 persons to receive the Order of Manitoba.

*Ms. Marilyn Brick, Deputy Speaker, in the Chair*

I would like to recognize at this time a constituent of Portage la Prairie whose indelible impression was left upon anyone that had the opportunity to come in contact with Ms. Gladys

Cook. She was instilled in the Order of Manitoba, but has since passed away far too early in life. I believe she was an individual that could very well have received the Order of Canada as well for her significant contributions to community through her efforts within the counselling position operating in the women's correctional facility in Portage la Prairie, and, also, too, within the extensive travels that she undertook on behalf of the Anglican Church of Canada as well. So it is a significant loss not only to Portage la Prairie, but, indeed, to the province of Manitoba when Ms. Gladys Cook passed away.

\* (17:30)

Now this amendment that we are considering at the present time allows for up to 14 people to be appointed to the Order of Manitoba in any particular year. The bill also changes the composition of the Order of Manitoba Advisory Council. The presidents of the Collège universitaire de Saint-Boniface and the University College of the North are now eligible to serve on the Council, which has been expanded by two additional seats with—that would advise the Lieutenant-Governor who serves as the Chancellor of the Order of Manitoba.

Now, I would like to suggest, perhaps, Madam Deputy Speaker, that the bill be amended to also include other degree-granting institutions which this Legislative Assembly has seen fit to recognize through legislation, and I might speak specifically of The Mennonite College Federation Act which was passed by the Manitoba Legislative Assembly in June of 1998. Once again, the former Conservative administration saw fit to recognize the valuable contributions of the colleges that within the Mennonite community—and I might just make mention that The Mennonite College Federation Act recognizes the Canadian Mennonite Bible College, Concord College, Menno Simons College, and the lengthy act does indeed recognize the importance of the federation of which these colleges are members.

Now, many of us in the Legislative Assembly are—recognize these institutions as I've described. However, throughout the province of Manitoba, these colleges are more readily recognized as the Canadian Mennonite University, CMU, which is the name to which the federation of Mennonite colleges uses to promote the courses and services offered by the federation of Mennonite colleges. And I would suggest that—to the government—that they look very favourably on potentially a friendly amendment that would be entertained in the report stage of this

session that the CMU may be considered as a member for the advisory council pertaining to the Order of Manitoba.

I also see the honourable member for Burrows (Mr. Martindale) that recently sponsored a private member's bill and assisted its passage through the House and that bill provided for the recognition of—of the Booth College for degree-granting ability through legislation and, once again, even though there are only perhaps less than a hundred graduates on an annual basis, that the Province recognize any organization that has been provided, through legislation, the ability to grant degrees.

So I would suggest that this legislation is indeed going in the right direction, but I also believe that it could be further enhanced by the addition of perhaps the Canadian—or, pardon me, the Mennonite College Federation and potentially also The Salvation Army William and Catherine Booth College Incorporation Amendment Act, and it would be something that perhaps would be most welcome addition by the two organizations of which I speak, into a position on the advisory council for the Order of Manitoba.

Now, I would like to further state that the Order of Manitoba is available to any Canadian citizen who is a current citizen of the province of Manitoba or was a long-time resident of Manitoba, and they can be nominated for membership into the order as individuals, as the legislation does not provide for couples, groups or organizations. It might also be noted that the individual receiving the Order of Manitoba must be living, unless they passed away after the announcement that they would be, indeed, receiving the recognition of the Order of Manitoba.

The advisory council of which I've made mention about its membership evaluates all nominations and recommends the candidates to the Chancellor for membership into the Order, and as I earlier mentioned, the Lieutenant-Governor of Manitoba serves as the Chancellor for the Order. The Chancellor will invest those individuals whose names are recommended by the council, and this legislation now increases from 12 to 14 persons that would be eligible for recognition in any given year. That is just a maximum; they're—not necessarily does there need to be 14 persons recognized. That's just the limitation imposed by the legislation.

The—there are some restrictions that I might make mention that members of the Legislative Assembly, for instance, serving judges, members of Parliament, senators, are ineligible to receive the

Order of Manitoba until they are no longer holding the office to which I referred. And I believe that there are many Manitobans that have yet to be recognized because our province is blessed with an extraordinary number of individuals who've given of themselves in so many different capacities for the betterment of our province.

As I mentioned earlier, the announcement has been made for this year's inductees and that there is a planned formal installation ceremony for the middle of July, and we hope that we can schedule it close to July 15th, which is the date to which Manitoba formally entered Confederation in 1870.

We'll make mention that our former premier, the currently serving Canadian ambassador to the United States of America, Mr. Gary Doer, will be one of the inductees into this year's Order of Manitoba.

I hope that the members of government have been listening to the debate this afternoon and are receptive to the suggestions that I have provided for, because I believe that the advisory council would do well with the addition of persons from religious backgrounds that are engaged at the degree-granting institutions to which I referred to earlier and would be able to enhance the contributions towards the selection of nominees for the Chancellor's acceptance.

\* (17:40)

So, Madam Deputy Speaker, I believe that the government is moving in the right direction with the amendments to The Order of Manitoba Act, and the understanding that I have of the legislation, the government is looking to provide for additional opportunity for Manitobans to be recognized, which, I believe, is a good thing.

I might also encourage all members of the Legislature to promote the Order of Manitoba and to invite persons to visit the display of the Order of Manitoba, which is provided for public viewing in the hallway just to the east of the Legislative Assembly, just outside the Lieutenant-Governor's formal office. And that way, then, persons can fully comprehend the vastness of the contributions individuals have made to the province of Manitoba in making it the great province that all of us are very, very proud to say that we reside.

So, with those few words, Madam Deputy Speaker, I thank you for the opportunity to

participate in second reading debate of Bill 16, The Order of Manitoba Amendment Act. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 16, The Order of Manitoba Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

### House Business

**Madam Deputy Speaker:** The honourable Government House Leader, on House business.

**Hon. Bill Blaikie (Government House Leader):** Yes, Madam Deputy Speaker, pursuant to the passage of Bill 16 into committee, I would like to announce that, in addition to the bills previously referred, Bill 16, The Order of Manitoba Amendment Act, will also be considered at tonight's meeting of the Standing Committee on Legislative Affairs.

**Madam Deputy Speaker:** It has been announced that in addition to the bills previously referred, Bill 16, The Order of Manitoba Amendment Act, will also be considered at tonight's meeting of the Standing Committee on Legislative Affairs.

### Bill 21—The Highway Traffic Amendment Act (Immobilizers and Air Bags)

**Madam Deputy Speaker:** We will now move on to Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags), and this bill is standing in the name of the honourable member for Lakeside.

Is there agreement for the bill to remain standing in the name of the honourable member for Lakeside?

**An Honourable Member:** No.

**Mr. Ralph Eichler (Lakeside):** I'm pleased to put a few things on the record in regards to Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags).

The purpose of this bill is to make tampering with a vehicle air bag or electronic immobilizer, a summary offence, punishable by a fine of up to \$5,000. More specifically, the bill makes it an offence for anyone, that they would be a private citizen or a garage or repair shop, to tamper with a vehicle's air bag.

The bill's provision with respect to tampering with immobilizers only target persons involved in the business of servicing, modifying vehicles, such as garages, repair shops, et cetera. Exceptions are made for necessary repairs and modifications to air bags, immobilizers, but deliberate tampering is deemed to be an offence. The inadvertent disabling of an immobilizer is not deemed to be an offence.

As legislators, it's critical that we respond to evolving conditions to help ensure the ongoing safety of all Manitobans. Since the adoption of Manitoba immobilizers in Manitoba to help combat vehicle theft, a new trend has emerged. This involves tampering with these immobilizers. And I know that there's a black market that's been taking place in regards to these air bag as they come in, and the car thieves are stealing them and putting them into other vehicles and selling them on the black market. So we certainly support the idea and the concept in regards to cutting down on the theft of these air bags.

Also, we've learned, in the briefing of Bill 21, MPI has identified more than a dozen theft claims that related to the immobilizer being disarmed or completely removed.

In addition, it's been discovered that in order to make installation in certain types of equipment like remote starters, or to make certain vehicle repairs or modifications easier, staff at some service centres have been disabling the immobilizers. This renders them completely ineffective when it comes to preventing vehicle thefts. Many of us in this House know that someone has been—has impacted by auto theft here in Manitoba. Unfortunately, some of these stolen vehicles have been involved in accidents that have led to serious injuries or even deaths. This legislation sends a signal that we must all do our part and prevent tampering with vehicles' immobilizers to prevent these types of needless tragedies from occurring.

The second component of this legislation deals with air bags. According to the industry representatives, a problem has emerged where air bags are taken out of the vehicles for spare parts and then vehicles are sold without air bags. During the briefing, we were also advised there's a bit of black market for these air bags, as I talked about earlier. What is troubling is that some instances is that a person buying a used vehicle may be unaware the air bags are missing. As well, it's been determined that some people have—seeking to have air bags removed because of concerns that air bags might contribute to

an injury in the event of a crash. Protection of public safety must be of top concern. There may be certain instances where disabling or removal of an air bag can be justified for medical reasons or there's no alternative to transporting an infant secured in rear-facing child restraint in the front passenger seat of the vehicle. These factors are taken into consideration in regards to Bill 21.

However, a vast majority of cases, removal of air bags does not make sense from a safety perspective. This legislation allows air bags to be legally removed and sold as spare parts, but only if three conditions are met: The car is being dismantled for parts, destroyed for scrap, the owner consented to removal of the air bag, and the vehicle is not registered in Manitoba or under a comparable act in another jurisdiction.

Manitoba is not the only jurisdiction regulating air bags. In Ontario, similar legislation is awaiting proclamation. They're instituting a ban on rebuilding, installation and selling of rebuilt air bags. It is also illegal in Québec to sell rebuilt or recycled air bags in order to legally distribute and disable air bag permit is required.

I do want to also, Madam Deputy Speaker, encourage those that—and I know there's no presenters tonight on this bill as it goes to committee. We certainly look forward to this bill moving forward in committee tonight and final debate before it goes to—the House rises on the 17th.

So, Madam Deputy Speaker, I know that there's other bills that we want to get through here tonight but, in regards to the dismantling that we talked about in regards to the scrap for these vehicles, I know that a number of the car thefts that was talked about earlier where they take these air bags out of those vehicles, I know that it's very important that safety be paramount in this regard.

So, with that, I thank you for this opportunity to put something on the record, Madam Deputy Speaker.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

### House Business

**Madam Deputy Speaker:** The honourable Government House Leader, on House business.

**Hon. Bill Blaikie (Government House Leader):** I would like to announce that the Standing Committee on Justice will meet on Tuesday, June 15th, at 6 p.m. to consider the following bills: No. 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers); No. 13, The Civil Remedies Against Organized Crime Amendment Act; No. 14, The Body Armour and Fortified Vehicle Control Act; No. 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags); No. 28, The Drivers and Vehicles Amendment Act; No. 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended); and No. 36, The Statutes Correction and Minor Amendments Act, 2010.

\* (17:50)

**Madam Deputy Speaker:** It has been announced that the Standing Committee on Justice will meet tonight, Tuesday, June 15th, at 6 p.m., to consider the following bills: Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers); Bill 13, The Civil Remedies Against Organized Crime Amendment Act; Bill 14, The Body Armour and Fortified Vehicle Control Act; Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air Bags); Bill 28, The Drivers and Vehicles Amendment Act; Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended); and Bill 36, the statutes amendment and minor amendments act, 2010.

We will now move on—oh, the honourable Government House Leader, on House business?

**Mr. Blaikie:** Madam Deputy Speaker, I'd also like to announce that tomorrow we will consider the Opposition Day Motion put forward by the member for Tuxedo (Mrs. Stefanson).

For the information of the House, the vote on the Opposition Day Motion will be at 4:30, as required by rule 28(14).

**Madam Deputy Speaker:** It has been announced that tomorrow we will consider the Opposition Day Motion put forward by the member for Tuxedo.

For the information of the House, the vote on the Opposition Day Motion will be at 4:30 p.m., as required by rule 28(14).

### Bill 4—The Workplace Safety and Health Amendment Act

**Madam Deputy Speaker:** We will now move on to Bill 9, The Workplace Safety and Health Amendment Act—

**An Honourable Member:** No. 4?

**Madam Deputy Speaker:** Oh, excuse me; I'm sorry—Bill 4, The Workplace Safety and Health Amendment Act, to resume the adjourned debate on the proposed motion of the honourable Minister of Labour and Immigration (Ms. Howard).

The bill is standing in the name of the honourable member for Ste. Rose (Mr. Briese).

Is there agreement to allow the bill to remain standing in the honourable member for Ste. Rose?

**Some Honourable Members:** No.

**Madam Deputy Speaker:** No. Agreement has not been given.

**Mr. Peter Dyck (Pembina):** Madam Deputy Speaker, and I'm pleased to put a few words on the record regarding The Workplace Safety and Health Amendment Act, and this act was introduced in December of '09, and the act amends the fines prescribed by The Workplace Safety and Health Act.

And in 2007, Manitoba still had the highest rate of work-related injuries in Canada. This rate has been reduced in the last two years, but we still have one of the highest workplace injury rates in the country. In 2008, 29 Manitobans left their life at work; this is 29 too many. We must take steps to eliminate workplace injuries and, most of all, workplace fatalities.

But we do not need higher fines, and that's part of the area on this bill that I think needs to be looked at. And, although we are certainly in support of the fact that we want to reduce the injuries at the workplace, I believe that this is, again, an opportunity—or an opportunity?—it's an avenue that the NDP used in order to raise money. And they just—and this bill increases the fines for the first-time offenders, from \$150,000 to \$250,000 maximum,

and then for repeat offenders it's raised from \$300,000 to \$500,000.

And, Madam Deputy Speaker, I—in my briefing with the minister, I brought this to her attention because, at the time, the briefing was in conjunction with Bill 9, and Bill 9 is The Electricians' Licence Amendment Act. And when I spoke to that bill, I used Bill 4 as the example of how when you allow the mobility of electricians from province to province—which I am in agreement with—however, if the electricians don't know the codes that are present in the province, and especially in our province here—and our codes are different. And, of course, this is the opportunity that this government had to enter TILMA and to be a part of the western provinces, be a part of the networking that could take place in order to be—to allow this mobility to be seamless, in order that you could have electricians or any other tradespeople move from province to province and be able to just automatically join the work force within the province but also be familiar with the codes. And so my concern in this bill was the fact that now you have—and this is a case in point—but you have an electrician who comes from Alberta and he's a qualified electrician—I have no problem with that—but he doesn't necessarily know the codes as they are in the province of Manitoba.

Consequently, there is a violation on the code and he's working for an employer here and so there may be an injury. We would hope there wouldn't be, but there could be an injury. And that's, of course, where this—the first time and the second time or a repeat offender—where these fines come into place.

And so to me when I looked at it—and I looked at these two bills simultaneously—I had real concerns about it, that it may be through no fault of anyone but there could be an injury and then consequently there could be a fine that would be placed on the employer and on the person who had violated the code, not knowing that it was there. And so, then, automatically, you've got the tax grab taking place where you have this moved from \$150,000, which already is high, to a max 255—\$250,000, rather, for a first-time offender.

And so I just don't believe that this is the proper way to do it. I believe that this is a disincentive for people to, in fact, want to hire and to expand their businesses, and we see this happening time and time again within this province. And so I'm really concerned that some of the bills that we have before us today are a disincentive for businesses to expand,

to hire people to move into the province and to be able to encourage them to hire more people. And, consequently, Madam Deputy Speaker, and that is that, when you have people who are employed in the province, this generates tax dollars because they've all got to pay income tax. They're subject to that, and, of course, that could lead me to another train of thought of the—that the highest taxed province west of Québec—but I won't go there, but I wanted to be specific with the Bill 4 that we have here.

So the opportunities that we had to encourage business to move to this province, to set up shop, I believe that this is a disincentive to them because they will look at this—and in my discussion with some of the tradespeople in the province, this was what they drew to my attention. So this isn't only my thinking and looking at it from that point of view, but it's also the thinking of other people who are involved in the trade industry, who are saying that this is a fine, they believe, is something that should not be added to the businesses that they're involved in.

And, Madam Deputy Speaker, I want to also point out the fact that—and I mentioned this when I was speaking to Bill 9—but we had an opportunity to visit and to meet one of the large factories within the city of Winnipeg. And I was very impressed with the calendar that they had on the wall which showed very clearly how concerned they were about safety within their own factory.

In fact, they had a calendar there for every month of the year and the days where they had been, I guess—they didn't have any accidents or anything, of course, were coloured in green, and the days where they had an injury of some sort they had a little circle in there and that was coloured yellow. These were light coloured and yet, though, it did point out—when you looked at it, it was a visual for those of us entering the factory to see that, in fact, there had been very, very few injuries that had taken place at this factory in the past year.

So, of course, in my mind I wanted to know what those yellow dots did actually represent and what kind of an injury had occurred. And I guess to my interest and amazement was the fact that those had—I think there was something like three in the last six months—but these had been injuries where someone had required a Band-Aid.

\* (18:00)

So here's a company who is really, really concerned about safety, and they will do everything to promote safety at the workplace. But, added to that, Madam Deputy Speaker, I think it's very important for all of us to also realize that there is absolutely no incentive for an employer to have a workplace that is not safe because these are people who are on the production line or working for the employer and doing whatever needs to be done, but they are, in fact, helping the employer to run his business. So every moment that is lost at the workplace due to an injury is something that no one wants to see and of course, the person who is injured doesn't want to be a part of that either.

So I think it's important for us to realize that anyone who is either in business for himself or is employed by someone else and is working for an employer, that there is just no way that they want to see a workplace that is not safe. We all want to see a safe workplace. We want to see a place where people can enjoy what they are doing but work in safety.

And so I realize that—and I think that, according to the minister, what they were trying to do by raising these fines to these—and my idea would be prohibitive numbers, because anyone who's going to be paying a fine of \$250,000, and I would suggest that that would probably be in a medium-sized business, that could be just enough to tip the scales for that business, that the person would have to shut down. So, again, to me, raising it from \$150,000 to \$250,000 for a first-time offender and then raising it for repeat offenders from \$300,000 to \$500,000 is just a tax grab of trying to get more money. And rather than go out there and allow people to—or assist them, rather, to have a safe workplace, this is a disincentive.

The other point I wanted to make was in talking to a number of people who run a business, they've said to me time and time again—and I know that the minister indicated that in Workplace Health and Safety, I believe, she has hired another what they call 20 police officers to go out there and make sure that there is safety in the workplace.

Now, again, the people that I talked to were not opposed to having people come in and assist them in having a secure and a safe workplace, but they were concerned, though, that with the number of officers that had been added to this program, they were, in fact, being visited by some of the safety officers, not the same ones—in fact, they said if the same person would come back to the business, you know, every

several months and look to see what had taken place, they could even deal with that, but what they were, in fact, having to do was to try and educate each new workplace officer, and so this was of concern to them because they said, themselves, they were spending a lot of time in trying to educate the person to show them what the previous officer had wanted, what they had done, and now it almost seemed to them as though the new officer who was coming to the workplace was trying to justify his existence.

And so I think these are all areas of concern that we have as we try to assist growth within the province of Manitoba. I think it's important that we put everything available to businesses that are looking at expanding, and, in this case, the electricians who are trying to and are able to hire people from other provinces to come and help them, but we have to be there to give them advantage, to help them along, not to stand in their way.

So, Madam Deputy Speaker, with those few words, I want to thank you for the opportunity to put these comments on the record, and I know I have a few other colleagues who would like to do the same, and so I will allow them to do that at this time. Thank you.

**Mr. Cliff Cullen (Turtle Mountain):** I do want to thank the member for Pembina (Mr. Dyck) for his words of wisdom on No. 4. He did raise some very interesting points, too, that I think, hopefully, the government will be taking notice of, and it's really about sending a message to the business community. You know, when we develop and propose legislation, what exactly is the message that we're sending to the business community? And we have to make sure that when we are, as legislators, proposing legislation, that the intent of the legislation actually matches with what we're trying to achieve, and that's really the secret.

And, as my colleague from Pembina had mentioned, you know, we're—sometimes the business community is getting mixed signals from the government in terms of the legislation and some of the regulations that they're bringing forward, and, as he pointed out, we're trying to encourage business development here in the province of Manitoba. And with some of the recent changes to labour regulations, some of the workplace health and safety issues, it's becoming a little more cumbersome for business to actually do business here in the province of Manitoba, and, as a result, when you look at the big picture, companies are often electing to go to

other jurisdictions to carry out their business, you know, provided they have, you know, similar environments. If regulations or incentives aren't quite as enticing in one jurisdiction, they will make the business decision to go to another jurisdiction to carry out business, and we've seen that in a number of cases.

Certainly, in my knowledge in the agriculture area where we may even have Manitoba businesses not willing to establish business here in Manitoba and they're electing to go into Saskatchewan to establish some of their facilities there. And I firmly believe that we have tremendous opportunity here in the province of Manitoba for value-added production. You know, whether it be in the agricultural sector, whether it be in the mining sector, we do have tremendous potential, and, you know, as technology changes that's—value-added processing looks more attractive, and I firmly believe that is the role of government is to provide that incentive for the business community to embrace the technology that's out there, couple that with new ideas in processing and add value to some of the primary products that we're producing here in great abundance in the province of Manitoba.

But we haven't seen that from this particular government. We haven't seen the government go out and actively engage the business community and trying to move the business community forward. And I really think that is part of what Bill 4 is doing as well. It's sending a derogatory message to the business community. We know where the government's headed here in terms of their fiscal policy. We know that they've increased the debt of the Province to the total of \$24 billion. We know their fiscal plan over the next four to five years is to spend more money than they're taking in. So we know the debt of the Province is increasing. We know the budget of the Province is increasing each year as we go forward.

So the government's in a bit of a catch-22. They're not getting the revenue they need to match their spending. So, in my view, what they're doing with Bill 4 is increasing some of the fines associated with Workers Compensation, the workplace health and safety on the backs of the business community, and it goes back to the fundamental fiscal decisions that the government is making. And we've seen this in other areas that the NDP have tackled here in the last few years. We have seen The Highway Traffic Act. All the fines associated with The Highway Traffic Act have been increased substantially, and it's

clearly a tax grab at the hands of Manitobans. And this particular legislation looks like exactly the same type of a tax grab at the hands of the business community here in the province of Manitoba.

And I firmly believe the government should be working closely—it should be working hand in hand with the business community to see what they can do to help the business community succeed. Instead of coming out with legislation like this with the heavy hand of government, they should be working cooperatively with business to try to move the business community forward. And there should be a role of government to play in terms of educating the employees of various companies as well, and they should be there to assist and facilitate the development of business and, in turn, the training of individuals within that business.

\*(18:10)

And, well, I guess, what we're talking about here, Madam Deputy Speaker, is the ability for us to educate workers, and we think that's certainly paramount. It's good to see people like SAFE Workers of Tomorrow out trying to educate our young students. I know they're doing a lot of school visitations around the province and they're doing pretty good work there in terms of passing on the message.

I do want to mention Bill and Cindy Skanderberg, who have taken up the cause to help educate young workers, primarily, but in general terms, all workers, about the—some of the hazardous issues out in the workplace. Bill and Cindy lost their son, Michael, to a workplace, health and safety accident a number of years ago. And it was quite a shock for them to lose their son, who was actually doing some work in a school on some electrical work and was electrocuted. And as a result of that incident, it really became aware that there was a need for someone to go out and really deliver that message. And they deliver that message in a really—a personal way that I think young people can relate to. I think the business community and the older workers can relate to that message as well. And when you hear that story, it really does hit home. So I just want to commend them for the role they've undertaken here in the province of Manitoba in trying to educate our youth about the dangers of workplace safety issues across the province.

And I guess just to sum up, Madam Deputy Speaker, I do see the role of the government here is to work with our business community, to see if they

can foster development within business but, at the same time, making sure that our workers are, in fact, safe when they go to the workplace. I would be very curious to see the statistics in terms of what does happen when we do increase the fines. Are we actually achieving the results that we want in terms of reducing workplace safety issues when we increase fines in that particular area? I'm assuming other jurisdictions would have done this. I would hope the Province has done their homework in terms of making those assessments with other jurisdictions to see if what they're proposing here in this legislation in Bill 4 will actually provide the outcomes that we're looking for.

So I just throw that out as a word of caution to government and certainly look forward to what the public might say on this particular piece of legislation as well. And I do know some of my colleagues do want to put some words on this particular issue, so I do thank you for that time.

**Mrs. Mavis Taillieu (Morris):** Madam Deputy Speaker, I do want to just add a few words to my comments from my colleagues on Bill 4, The Workplace Safety and Health Amendment Act. Because I want to first of all say that workplace safety and health officers, I believe, do a very good job, but let's not forget that businesses are trying to survive and struggle along as well. And, as my colleague from Turtle Mountain has said, there needs to be help for businesses to comply with legislation rather than penalty.

And I want to also remind the House that all of the workplace safety and health officers are funded by employer premiums paid to the Workers Compensation Board. These are not government- or taxpayer-funded positions. These are funded positions through employer premiums. And we don't—we knew from the Auditor General's report of the audit of the Workplace Safety and Health in 2007 that it was—cost \$5.6 million to administer this act and 77 percent of that was for salaries and benefits of 71 staff. So it's a significant area that the businesses in this province are paying for, and it's very important that government, when they put legislation in place, actually get it right.

What's happened though, Madam Deputy Speaker, is the number of workplace safety and health officers has continued to rise, but the workplace injuries have not gone down accordingly. We still have one of the highest workplace injury rates in the country at 3.8, and that's still quite high.

Now, I know that the government, in their strategy to reduce that rate, wanted to expand coverage of workers compensation to a lot of low-risk industry, which would do two things: It would bring in more revenue for them, and it would decrease their workplace safety numbers—their workplace injury numbers—by diluting the statistics, because low-risk people don't get injured as often. So, therefore, the rate is going to go down because there's more people covered that are low risk.

We also know from the Auditor General's report, in 2007, that she highlighted that there were a number of contraventions to the act by businesses that weren't—the fines were not collected. The fines were levied, but the fines were not collected. So here we have legislation that's going to increase the fine, but unless you actually are going to enforce the legislation you've already got, what's the point of amending it to increase a fine if you're not going to collect the fine? And, to me, it's just paying lip-service to the industry to try and pretend you're doing something that you're really—have really no intention of doing. So, and as the member from Turtle Mountain has said: Does upping the fines actually decrease the workplace injury rate? Is there any statistics to prove that?

Enforcement would be the way that you would get compliance, but there's no point in raising a fine, where you haven't enforced the legislation that preceded that. And the Auditor General pointed this out very clearly, and she also pointed out that if you look at the amount of fines that could have been collected, it would probably be enough to pay for all of the workplace safety health officers that are employed in the province. At the time of this audit, there was—she says, and I'll quote: At the time of our audit, no administrative penalties had been imposed. So even though there was legislation to say there was administrative penalties, they didn't impose them. So now they're going to increase the administrative penalties, but unless they pose them—impose them—there's really nothing that is going to change the workplace health injury rate or health place—health safety rate within the industry.

So, Madam Deputy Speaker, I believe that this is a kind of bill that could just be a way to make the public feel that they're doing something proactive in the industry and really, in fact, they are doing nothing, unless they actually do action, and this is nothing that—this is really not going to provide any action unless they actually impose the fines.

So—[interjection] Well, if the member from Kildonan thinks that injuries in the workplace are funny, as he's laughing from his seat, I disagree with that. I think that it's a very serious matter when 29 people lost their lives at work last year, and the member from Kildonan seems to think that's a joke. Well, it's not a joke, Madam Deputy Speaker. It's very serious, very serious, and if this government was serious about making injury rates less in the workplace, they would actually do something, rather than pretend to do something. Shame on them. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 4, The Workplace Safety and Health Amendment Act.

Is it the pleasure of the House to adopt the motion? [Agreed]

#### **Bill 9—The Electricians' Licence Amendment Act**

**Madam Deputy Speaker:** We will move on to Bill 9, The Electricians' Licence Amendment Act, to resume the adjourned debate on the proposed motion of the honourable Minister of Labour and Immigration (Ms. Howard), second reading of the Bill 9, The Electricians' Licence Amendment Act, standing in the name of the honourable member for Carman (Mr. Pedersen).

Is there agreement to allow the bill to remain standing in the name of the honourable member for Carman?

\* (18:20)

**Some Honourable Members:** No.

**Madam Deputy Speaker:** No, I see that leave has been denied.

**Mr. Rick Borotsik (Brandon West):** At first blush, Bill 9 is a fairly innocuous bill. As a matter of fact, it's two pages, one page. The explanation, the explanatory note is fairly straightforward. It's to allow the minister to issue a licence to an individual who is certified to perform electrical work in another jurisdiction while the individual applies to be licensed to perform the electrical work in Manitoba.

When I say that's fairly innocuous, it's also terribly ironic because I don't know if ministers

around a Cabinet table actually talk to one another or not because this bill has been tabled by the Minister of Labour (Ms. Howard), yet there are other opportunities that were afforded the province of Manitoba with respect to labour mobility in other departments, the Department of Entrepreneurship, Training and Trade, particularly, that they don't want to have that relationship with other jurisdictions.

So we have here a minister, the Minister of Labour, saying, well, let's allow electricians who are licensed in British Columbia to now come to Manitoba, and we can now license them in Manitoba. If they're licensed in B.C., we can license them in Manitoba. That's called labour mobility, and that's good. I think it's a laudable piece of legislation, and, in fact, we sometimes would like to attract trades that we are deficient in here in Manitoba, and it happens where you can now have movement between the four prairie provinces with those trades, and it happens on a fairly regular basis.

So the Minister of Labour has said, okay, well, if we're going to bring in electricians—and we need electricians in Manitoba, and sometimes we do, depending on the contracts, depending on how large the contracts are, depending on how much money the government's going to spend on public contracts, because 99 percent of what we do here is public contracts, so when we have public contracts going forward with public money, sometimes we need more electricians.

And you can't just have all those electricians sitting around here in Manitoba, so we would like to bring them from other jurisdictions and then have them bring their talents and then we'll license them if they're licensed in other jurisdictions. That's a pretty solid opportunity for electricians, and I know we do have it with welders as well, because, again, it's true, sometimes welders are fairly mobile.

But I go back to the irony where, in fact, there's been an agreement that's been signed now between our western provinces. British Columbia, Alberta and Saskatchewan have entered into—I think the agreement's called the New West Partnership—and as part of that New West Partnership, they have a labour component in that partnership. So it's not ad hoc. It's not ad hoc where, okay, maybe we need an electrician this year, so we'll allow electricians to have that mobility from other jurisdictions or we need welders next year, then we'll have welders and we'll change legislation to allow that.

No, no, these other three jurisdictions, Alberta, Saskatchewan and British Columbia, have, in their own minds, decided that, rather than do the ad hoc, they're going to enter into an all-encompassing agreement so that, if you're an electrician in northern British Columbia, you can go to southern Saskatchewan, and that licence will follow with you. And those classifications will follow with you, and those opportunities are then available in all provinces. And, if you're a welder in northern Saskatchewan working in some of the mines—oh, yeah, they have potash mines in Saskatchewan; we don't have any in Manitoba—but if they do have welders that are working in a potash mine in Saskatchewan, but they want to go to B.C. and work in the coal, then those welders then can take their licence that they have in Saskatchewan and just simply transport it to British Columbia. What a great idea. What a great idea. Labour mobility.

But one of the ironies is is now we're just ad hocking this. Wouldn't it have been a better idea, Madam Deputy Speaker, if we had also entered into that arrangement with the other three western Canadian provinces so that there would now be four western Canadian provinces where we would have this labour mobility that would be able to move and if we needed those welders or electricians or pipe fitters or mechanical engineers or HVAC operators, that we could just move them across?

But, no, no, we're not going to do that. We're not going to enter into that New West Partnership because we want to be Pan-Canadian. We want to be able to take our labour and be able to move it throughout the country rather than just into the western provinces. Now, that's not happening because we didn't enter into those labour agreements, but, perhaps, perhaps Manitoba standing alone, this little island unto ourselves, perhaps that's the way to go.

But, then, again, I look at some of the statistics, and I'm thinking maybe that's not the way to go. Maybe just sort of being this island unto ourselves, this us-against-the-world sort of syndrome really doesn't seem to be playing out all that well because, as I mentioned earlier today, electricians are used in the manufacturing industry as well. And the newest and latest statistics that are out from StatsCan says that Manitoba, in fact, isn't doing very well, isn't doing very well at all because, you see, in Manitoba year over year, April 2009 to April 2010, which is

the latest statistics, Manitoba actually is down 8.2 percent in manufacturing sales.

Now, I don't know if the government realizes this or not, but manufacturing jobs are very highly prized, highly paid jobs, jobs that we would really like to retain here in Manitoba and not lose to other jurisdictions, jobs that we'd like to encourage to locate here in Manitoba. But, when you lose 8.2 percent of the sales in manufacturing, that doesn't speak very well to the future of manufacturing here in Manitoba, because you know why? And I know you're going to ask me why. You're sitting there in the edge of your chair just saying, why would, in fact, that be the case? And you're saying, why is it the case? Because, unfortunately, you see, those same people that we've thumbed our nose at, we thumbed our nose at for the New West Partnership—British Columbia has increased its manufacturing sales by 8 percent. Exactly the same amount that we've lost, British Columbia has picked up. Now, that's not the worst. In Alberta, for that same time period, they've increased their manufacturing sales 12.5 percent in that same period, and that's not the worst yet. In Saskatchewan, our biggest competitor for labour, they've increased their manufacturing sales by 12.7 percent.

Now, you wonder if that's just output that's increased from the existing manufacturers that are already there or is that new goods and services, new goods that are being manufactured? I would suspect that this is probably a balance. I think there's probably new manufacturers being set up in Saskatchewan, Alberta and British Columbia. And I would suspect that we're losing 8 percent of our manufacturing sales, that probably some of that might be, just might be some of those businesses are shutting down and moving to other jurisdictions.

Now, the other jurisdictions, Saskatchewan, B.C. and Alberta, have this master agreement, if you will, not a master labour agreement. Don't confuse it with that because we do know that the NDP government really likes master labour agreements, but this is a master agreement called the New West Partnership. So it's actually going to allow labour mobility through the three jurisdictions. It's going to allow expansion and growth and development, perhaps, new manufacturing to set up in those three jurisdictions.

It also talks about procurement in this agreement, but that's another component to it, not just labour mobility but procurement. So, when

you're going to procure a particular service or good, manufactured good or whatever it may be from municipalities or schools or hospitals or other government services or, for that matter, the private sector—and I know they don't play much—put much stock in private sector, but the private sector buys a fair amount of goods and services.

So, when you're in the three western Canadian provinces and you're in the agreement and you're procuring certain goods and services, you'll probably look—I don't know, I may be wrong on this, but you're probably going to look to the partners first. That's probably a really good part of this agreement. Then, when you look, you're going to look at your partners first to see what they can provide and supply for you rather than look outside of the borders of that partnership in this Pan Canadian Manitoba that we have here.

\* (18:30)

But the ministers, both Labour and Entrepreneurship, Training and Trade, they've kind of lost touch with that reality. They believe that, as an island, you can stand alone and stand on your own, unless, of course, you depend on the federal government for 40 percent of your total budget. That's not quite standing on your own, but, believe me, as long as the federal government keeps throwing money at the Manitoba government to keep spending money the way they do, everybody thinks that things are going to be just fine. We don't have to worry about how we're going to compete in business because somebody else is going to fund us. We don't have to worry about attracting new economy here to the province of Manitoba because somebody else will look after us. And let's not enter into any really solid trade agreements with our partners to the west because somebody else is going to look after us.

As a matter of fact, if their economies start growing, which they will—we just saw that: 12, 12 and 8 percent increases in manufacturing sales. Their economy is growing. That generates income. That generates economy. That generates more jobs. That generates—economics 101. We should probably give them a lesson on that, because when they do all this, then they generate more wealth, and the wealth translates into taxes, and the taxes then go to Ottawa, and our economic strategy here is not so much on labour mobility, but it's if Ottawa gets more money from the three western provinces, they're going to send it to Manitoba and we can spend like drunken sailors and not have to

worry about generating our own economy. Anyway, they've done real well on that one.

Now, let's talk about the electricians. It's just the tip of the iceberg, because the electricians coming into Manitoba—that's a good thing if we need electricians and we're going to have this ad hoc labour mobility. But let's talk about labour mobility already within the province. You see, we have a project right now—and remember I said, Madam Deputy Speaker, the majority of the projects going on in Manitoba right now are public projects. We've got a stadium. We've got Manitoba Hydro building. We've got an airport that's public. We've got Wuskwatim that's a public project. It was going to be \$800 million, but money's no object. So what we're going to do is we're going to generate the same 200 kilowatts—or, megawatts—we're going to generate that, but it's going to cost us a billion six instead. But that's okay. It's—money is no object. We can borrow money. Everybody's throwing money at us. We can borrow money. We can get money from the feds if we have to. So we're going to spend a billion six now for 200 megawatts, and we're going to go out to the marketplace and we're going to tender the project.

Well, the first time they tendered Wuskwatim, nobody showed. In fact, they—nobody came to dinner. They just slammed the doors on Manitoba for any numbers of reasons, but they did. So anyway, we went back to the marketplace for Wuskwatim, and there was one taker. There was one contractor that took \$1.6 billion—I find that strange in itself. I find that strange in itself that we're now in a recession and this contractor's sitting around, and you put out a tender for one point—or 800 million—you put out a tender and there's only one taker? And as it was, it was a Québec company that actually was given the contract for Wuskwatim at \$1.6 billion. And we've got a government here that says, we're going to make sure that it's going to be Manitoba labour; we're going to make darn sure when we spend \$1.6 billion of borrowed money that's coming from New York—the money—but that's okay, that's a whole different issue, we're going to make sure it's Manitoba labour.

Well, I got a comment that came from a carpenter. Now, I know it's not an electrician, but there's also labour and mobility with carpenters too, and I suspect that the government and the minister recognizes that carpenters are pretty important to our economy. And it seems on Wuskwatim there are 188 carpenters, 20 of them are from Manitoba; 188 carpenters, 20 from Manitoba, 168 from someplace else. But that's good because that's labour

mobility, absolutely. Oh, yeah, yeah, that's good. It's labour mobility, and it's all coming into Manitoba and we've got 168 foreign—no, not foreign. They're Canadians, and there's labour mobility across provinces right now.

But we also have a minister who's really proud of his apprenticeship program. Absolutely. We've got 1,400 apprentices that are going to come out of our community colleges. Well, there were 20 apprentices, carpenter apprentices in the Wuskwatim site—20—and you would think that those apprentices, at least, would be apprentices in Manitoba, because we want them to stay here, I would think. But, obviously, I can't think like my socialist friends over here on the other side.

So out of the 20 apprentices there are two—two from Manitoba. Okay? So my socialist friend who's smirking over there really likes to have the fact that we're training apprentices that are going to go someplace else. They're not going to stay here in Manitoba like we would have, but that doesn't matter because the manufacturing's moving someplace else anyway. So those apprentices will follow the manufacturers, and our manufacturers are leaving and they are going to go to this other jurisdiction because the minister is saying, no, they aren't. But he, obviously, is not looking at the numbers. He's not looking at the reality. He's looking at what he would like to see that's not there. But that's okay. That's okay, that will—that rooster is coming home to roost. I can assure you of that—or that chicken is coming home to roost.

So here we have a very innocuous piece of legislation—and it's innocuous—one little thing, bring electricians who have their certificates and credentials and licences to bring into Manitoba—labour mobility. If you want to expand on it, if you want to become more competitive, if you want this province to succeed—and we should be able to succeed on our own—if you wanted to and you want to be able to put the proper rules and regulations in for business to succeed then you have to do more than just simply an innocuous little piece of legislation. You have to think a lot bigger and a lot better than what they have shown that they can do.

We have to look at the partnerships that are available in the New West. I said earlier today, it's not just an embarrassment. It is an embarrassment. Go on the streets and talk to people and say, by the way, you're aware of course that Manitoba no longer is considered to be a western Canadian province.

We're no longer available to sit at the same table as the Premier of British Columbia, Saskatchewan and Alberta unless you're invited for one silly little west—I'm surprised that Mr.—that our Premier (Mr. Selinger) was even invited to the Western Canadian Premiers' Conference because he really doesn't have a lot to offer.

He really has—maybe he just—[interjection] I'll tell you—and my colleague is saying that maybe the Premier of Manitoba didn't even get an invitation. Maybe he crashed the party because he was so embarrassed for not being invited to the New West project. Maybe he was so embarrassed he crashed the party and they were afraid to toss him out, but he won't stay there long because he doesn't want to be a part of the New West.

He doesn't want to be a part of a growing economy. He doesn't want to be a part—and Madam Deputy Speaker, this'll be my last point. And I know the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson) will be very pleased about this. He doesn't want to be a have province. He doesn't want to be a have province. He is very satisfied in being dependent for 40 percent of our budget on the federal government. That, in itself, is a philosophy that I could never subscribe to, but it's an NDP socialist ideology.

Well, the Minister of Entrepreneurship, Training and Trade is, unfortunately, hurt with the term socialist. Why, I don't know, because he's practised it his whole life. However, this NDP government is really satisfied with having someone else provide us with our economy and our livelihood. So that was the last point I'd like to make.

I do apologize to all electricians coming into Manitoba on behalf of the Minister of Entrepreneurship, Training and Trade because this didn't have to happen. It could have happened in a bigger thing, a bigger picture, a bigger partnership—the New West Partnership and I do wish that eventually the minister will come to his senses and enter into that agreement. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 9, The Electricians' Licence Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 10—The Proceedings Against the Crown Amendment Act**

**Madam Deputy Speaker:** The next bill before us is Bill 10, The Proceedings Against the Crown Amendment Act, standing in the name of the honourable member for Carman.

**Mr. Blaine Pedersen (Carman):** And the member for Brandon West got fairly excited and quite into this but, irregardless, this Bill 10, proceedings against the Crown act is about the agreement on internal trade and it gives the Province—or it gives the courts authority to impose fines on a jurisdiction that's not imposing the agreement on internal trade.

\* (18:40)

I think what's really ironic is that, as we debate Bill 10 today, the Premier (Mr. Selinger) of Manitoba is in B.C. with the three other western premiers, because I don't think we're now part of the West because we're not part of the New West Partnership. And if—and really, if you ask yourself, do you think there's any debate on the agreement on the agreement on internal trade between those three premiers, or are they only talking about the New West Partnership? So where is our Premier there? Is he knocking on the door and asking them, please let me in here; I want to be part of this?

And it's—you know, it's really unfortunate—agreement on internal trade is a good arrangement. It's good, but it's not relevant for today's market, because in today's market you've got Ontario and Québec which have formed a trade agreement, you've got the three western provinces which have now formed this New West Partnership and here is the island of Manitoba, sitting here left out on its own, rattling their tin cup to Ottawa, asking for, please, please more money. Please send me more money, because they don't want to be part of trade agreements that are working today.

They have this pie-in-the-sky idea that they're going to hang their hat on AIT and it's—while it may come to bear years down the road, in the meantime we are going to lose the trade advantage that we rightfully have, belonging—we should be belonging to the New West Partnership.

The three western premiers, B.C., Alberta and Saskatchewan, were recently on a trade mission to

China and Japan. They're promoting their three provinces. They're not even talking about Manitoba, obviously, because Manitoba was not a part of that.

So where do we—where is the advantage for Manitoba here? And there is absolutely no advantage to not belonging to this trade agreement. And in—and this conference that the Premier's at this week, they won't be talking about AIT. They'll be talking about their New West Partnership. They'll be talking about having labour mobility within the three provinces, about trade, about inviting investment into their three provinces, and Manitoba is left out of this.

So, it's very unfortunate they do that. We—with Bill 10, it does give the teeth to the AIT as—because of the difficulty in implementing the panel rulings. However, the—right now, the failure of Québec to abide by a panel ruling on a complaint launched by Manitoba is just one example of the jurisdiction ignoring the AIT ruling.

So, even though you have AIT, it's not working. Some day down the road, it might work, but not for today's economy, not for today's trade agreements that are out there, that are happening and they're on the ground and running. And yet, this government has no idea where they want to be on this, other than they know they don't want to be part of a trade agreement.

Madam Deputy Speaker, earlier today, we met with a feedlot operator who has a rather substantial feedlot operation in Manitoba. He is genuinely concerned about us not being part of the New West Partnership, and for those who aren't familiar, in the feedlot business, there's a lot of our feeder cattle go out to Saskatchewan, Alberta. There's a lot of feed grain that moves back and forth, particularly the feed grain that goes west and it is—the three provinces now with their New West Partnership are talking about harmonizing trucking regulations.

Manitoba is going to be outside of those regulations. We're not going to part of that. In fact, even in—within the livestock business, they're talking about identification of the animals and if those—there's talk right now, and he is very concerned and he's a feedlot operator. He is involved in a multimillion-dollar business. He is concerned that Manitoba is going to be shut out of the feeder cattle market in Alberta and Saskatchewan, B.C. just because we're not part of this New West Partnership. That's his concerns and he has legitimate concerns about this. He runs a very large business and he's in the business and he knows.

So, Madam Deputy Speaker, there's a lot of concerns over us not being part of the New West Partnership. The AIT, this government will hang their hat on it, and saying it's—this is the way to go, but, in reality, they're being left behind. They're being left behind in eastern Canada; they're being left far behind in western Canada where we really should be part of this.

And so this—while we support Bill 10, it really doesn't mean anything to Manitobans right now. And, if you go out on the street right now and you ask Manitobans, well, should we be a part of AIT or the New West Partnership, hands down, Manitobans will tell you, we belong in the New West Partnership. They don't even know what AIT is, and this government is quite happy with that. They don't want to be part of any trade agreements, so they're—it's really quite sad that they take such a backward view of this.

And so, Madam Deputy Speaker, with that—I guess with the passage of Bill 10, it's going to go to committee and it'll come back for third reading. And, with the passage of that, it's passage of Manitoba just being mediocre, of not really counting, and this bill is another signature of Manitoba really not being part of western Canada, of being proactive to being involved in trade across Canada and throughout the world.

And, Madam Deputy Speaker, that's just a shame. It's too bad Manitoba is so far behind. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 10, The Proceedings Against the Crown Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

### **Bill 18—The Communities Economic Development Fund Amendment Act**

**Madam Deputy Speaker:** We will now move on to Bill 18, The Communities Economic Development Fund Amendment Act, which is standing in the name of the honourable member for Lac du Bonnet.

**Mr. Gerald Hawranik (Lac du Bonnet):** And I'll just put a few comments on the record on Bill 18. I

know we're—we still have others who may want to speak to other bills as well, so while we don't oppose this bill, we don't oppose it in the sense that it certainly it gives more flexibility to communities economic fund to deal with investments for northern communities and jobs for northern communities, jobs that are badly needed. While we're not opposed to it, certainly, it seems to be a bit of a difference of opinion among the ministers—between the ministers in government, and I'd like to cite an example of that.

We have the Minister of Aboriginal and Northern Affairs (Mr. Robinson) bringing forward this bill to try to promote jobs in northern Manitoba and, at the same time, we have the Minister of Transportation (Mr. Ashton) trying to stop jobs from forming in northern Manitoba and not supporting jobs in northern Manitoba. And I specifically refer to the question that I had about a month ago with respect to the shortage of workers in Bissett and San Gold resources with Hugh Wynne, who is expanding his mine in Bissett by leaps and bounds, and he needs—he has a shortage of workers and what we found is that the Minister of Transportation, who's also responsible for Crown lands, in fact, has been stalling the transfer of existing building lots in northern Manitoba, existing building lots in Bissett to potential purchasers who work for San Gold resources, and that creates a problem, obviously, for the gold mine that needs the workers in Bissett and needs the help in the mine.

And I know that the Minister of Transportation cited that there's a process in place, and we're simply following the process. But the reality is is some of these people have been waiting four years for a building lot so they could actually locate their residence there and continue employment with San Gold resources, and I would remind the minister, the minister responsible for Crown lands, that he's delayed for four years now. And that certainly hasn't helped the San Gold resources and their ability to expand that mine. Yet, at the same time, it took him only months—only months—to sell cottage lots on Crown land, and that from the minister of natural resources and conservation.

So I would just point to that fact that while, on the one hand, we have the Minister of Aboriginal and Northern Affairs trying to create jobs in the north. At the same time, we have another minister who, in fact, is creating problems for businesses in the north to expand. So I would ask that both of those ministers, in fact, speak to each other and get their act together on this one.

Thank you, Madam Deputy Speaker.

\* (18:50)

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 18, The Communities Economic Development Fund Amendment Act.

Is it the pleasure of the House to adopt the motion? [*Agreed*]

### **Bill 32—The Protection for Persons in Care Amendment Act**

**Madam Deputy Speaker:** We will now move on to Bill 32, The Protections of Persons in Care Amendment Act, to resume the interrupted debate on the proposed motion of the honourable Minister for Health (Ms. Oswald), second reading of the Bill 32, The Protection of Persons in Care Amendment Act, standing in the name of the honourable member for Charleswood.

**Mrs. Myrna Driedger (Charleswood):** Madam Deputy Speaker, I appreciate the opportunity to make a few comments on this legislation and indicate that, certainly, when the legislation came forward in 2001, The Protection for Persons in Care Act, we were supportive of that. We had some concerns that we raised at the time, but, generally, the issue itself, of protecting those that are vulnerable within the system, is something that we were fully support of.

I would note that, in this legislation, the proposed amendment will expand the scope of application of The Protection for Persons in Care Act to individuals receiving care in a geriatric day hospital and an emergency department or urgent care centre of a health facility. The proposed amendment will also enable further expansion by regulation in the future.

And we certainly support the amendment to this legislation. But, again, I would like to reiterate some concerns that we do have about how the legislation is set up in the first place, and that is around the issue of independent investigators. And this was a bone of contention for us back when the legislation first arose. And there was a lot of concern about who exactly would be these investigators that would look

into these issues of abuse. And what we were concerned about is, certainly, their qualifications. We were concerned of the fact that there was no arm's-length removal from the minister's office. It wasn't independent. It was all controlled by the minister, in that the minister would determine who the investigators were. We were never convinced that that was the best way to go, because the minister would appoint the investigators.

Now, I know that, at the time, there was some degree of independence of the investigators, and that has now been taken away. And now even more than before, I think my concerns have even escalated even higher. And, when I look at the timing of when the government actually made the investigators less independent, we notice a significant drop in the number of founded reports. Now, considering that the total alleged abuse intake reports, since inception, is 8,156, those are a significant number of cases.

Now, what is very, very concerning is that up until 2006-07, there were 141 founded reports. Once the minister took more control over those investigators and, in fact, got rid of the independent type of investigators and then decided that they were just going to use people within the system to actually investigate the cases, there was a significant drop-off of founded reports. And to me, that is a red flag. I am very sceptic; I have a great degree of scepticism about what happened at that point—why the numbers dramatically dropped off. And, in fact, in '07-08, there were only 37 founded reports, and in '08-09, there were 27 founded reports. The highest was in '05-06 at 197.

I just cannot believe that there isn't some connection in here into how the government took control over the investigators. And considering the NDP, the government and the Minister of Health (Ms. Oswald), in terms of how the health-care system under them has become so invested in protecting itself, I don't think it's a stretch to think that there is something going on here by this government removing independent investigators from the roll and, in fact, now having much more control over what is going on.

You know, certainly when we're looking at types of abuse, like physical, emotional, sexual, financial neglect or a combination, it is hard to imagine that all of that is happening within our health-care system. And, you know, in one year when you hear that there are 97 cases of physical abuse, 24 cases of emotional

abuse, 16 cases of sexual abuse in our health-care system, 32 of financial, two of neglect, 26 of a combination, those are really startling numbers, and it's hard to fathom that.

And I don't know if that was why the NDP decided to take more control of this investigative team or what was going on, but certainly we saw a government intervention. They put in an amendment a few years ago, and they actually then decided that they would control those investigators. I don't even know that any of those investigators have any financial experience to even legitimately and accurately investigate financial abuse or claims of financial abuse, and we certainly see, you know, in the area of financial abuse, the lowest number in this last year.

So I do have some concerns about that. I also have some concerns whether or not these investigators can be overruled by the director of the office, and it appears that that could be the case. And if that's the—and if that is what's happening in the system, then I think that is going to be even more cause for concern. And I don't even know if there's any real criteria established for what constitutes a founded report. It almost looks like if the investigators go in and have a look at the situation and if they think that there might be abuse, then they can move forward. I'm not sure we've got a good enough criteria in place that actually makes this a little less subjective and more objective. But there are some concerns for us in this office, and I'm concerned as to how free these investigators are in terms of their ability to do their job.

But, certainly, as far as the amendment goes today, we're certainly in favour of the amendment, and we'll look forward to seeing this move through to committee. Thank you.

**Madam Deputy Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 32, The Protection for Persons in Care Amendment Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

We will now, oh—the honourable acting Government House Leader.

## House Business

**Hon. Dave Chomiak (Deputy Government House Leader):** Yes, Madam Deputy Speaker, I wonder if it would be the will of the House to not see the clock until 7:03.

**Madam Deputy Speaker:** Is there agreement from the House to not see the clock till 7:03? Is there agreement? *[Agreed]*

## SECOND READINGS

### Bill 39—The Child and Family Services

#### Amendment Act (Children's Advocate Reporting)

**Madam Deputy Speaker:** We will now move on to Bill 39, which is being considered with leave, The Child and Family Services Amendment Act (Children's Advocate Reporting).

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Minister of Health (Ms. Oswald), that Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting), be now read a second time and be referred to a committee of this House.

**Madam Deputy Speaker:** It has been moved by the honourable Minister for Family Services and Consumer Affairs, seconded by the Minister of Health, that Bill 39, The Child and Family Services Amendment Act, be now read a second time and be referred to a committee of this House.

**Mr. Mackintosh:** Madam Deputy Speaker, the bill is designed to enhance reporting and transparency with regard to the activities of the Office of the Children's Advocate. This work is very important to Manitobans, as it helps to advocate on behalf of our most vulnerable children and families. The duties, of course, of these independent officers are designed by the Legislature, so by reporting publicly and having a dialogue with the Office of the Children's Advocate, there's an opportunity provided to ensure for accountability and to have the perspective of the office heard by the Legislature directly.

\* (19:00)

It's always important that accountability and openness be pursued to get a fuller picture of the type of concerns that are brought to that office, as the office is designed, of course, to hear from youth and families when there are concerns, sometimes very serious in nature.

It will also provide for the office's integrity to be enhanced as greater disclosure of activities and overall reporting is conducted. Again, in greater details and factual information and understanding the scope of issues is always of value. It can assist in understanding trends and patterns and where new priorities have to be established.

This is in keeping with the increased powers that we have given to the Children's Advocate and as well as enhanced resources, including, I believe, a very significant increase in staffing resources and financial resources. I am pleased to recommend this to the House.

**Madam Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Deputy Speaker:** The question before the House is second reading of Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

#### House Business

**Hon. Dave Chomiak (Deputy Government House Leader):** Madam Deputy Speaker, I'd like to announce that in addition to the bills already referred

to Standing Committee on Social and Economic Development meeting Wednesday, June 16th, at 6 p.m., we'll also be considering the following bills: Bill 4, The Workplace Safety and Health Amendment Act; Bill 9, The Electricians' Licence Amendment Act; Bill 10, The Proceedings Against the Crown Amendment Act; Bill 18, The Communities Economic Development Fund Amendment Act; Bill 32, The Protection for Persons in Care Amendment Act; and Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting).

**Madam Deputy Speaker:** It has been announced that in addition to the bills already referred to the Standing Committee on Social and Economic Development meeting Wednesday, June 16th, at 6 p.m., we will be considering the following bills: Bill 4, The Workplace Safety and Health Amendment Act; Bill 9, The Electricians' Licence Amendment Act; Bill 10, The Proceedings Against the Crown Amendment Act; Bill 18, The Communities Economic Development Fund Amendment Act; Bill 32, The Protection for Persons in Care Amendment Act; Bill 39, The Child and Family Services Amendment Act (Children's Advocate Reporting).

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 15, 2010

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