

**Second Session - Fortieth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

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

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authority of  
The Honourable Daryl Reid  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon	Kirkfield Park	NDP
BRAUN, Erna	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MAGUIRE, Larry	Arthur-Virden	PC
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MELNICK, Christine, Hon.	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim, Hon.	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
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STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan, Hon.	Dauphin	NDP
SWAN, Andrew, Hon.	Minto	NDP
WHITEHEAD, Frank	The Pas	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	Morris	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, September 4, 2013

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

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

Good afternoon, everyone. Please be seated, colleagues.

### ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

#### Bill 212—The Human Rights Code Amendment Act (Bullying)

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I move, seconded by the MLA for Fort Rouge, that Bill 212, The Human Rights Code Amendment Act (Bullying); Loi modifiant le Code des droits de la personne (intimidation), be now read a first time.

*Motion presented.*

**Mr. Gerrard:** Mr. Speaker, I want to thank the MLA for Fort Rouge and the MLA for Steinbach, who agreed to let this move forward.

Mr. Speaker, this bill sees the—uses the definition of bullying present in Bill 18 and extends the prohibition against bullying throughout society, putting this general prohibition against bullying in Manitoba's Human Rights Code. The use of the Human Rights Code will allow for successfully resolving bullying issues through mediation, just as Gareth Neufeld reported last night worked so successfully to decrease bullying in his school.

The objective of the bill is to use the same definition as in Bill 18 so that if the definition in Bill 18 were perchance to be amended, then the definition of Bill 212 can be similarly amended to achieve consistency in the approach to bullying inside and outside of schools. Thank you.

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

Any further introduction of bills? Seeing none, we'll move on to—

### PETITIONS

#### Reopen Beausejour's Employment Manitoba Office

**Mr. Blaine Pedersen (Midland):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

(1) The RM of Brokenhead and the town of Beausejour are growing centres with a combined population of over 8,000.

(2) Employment Manitoba offices provide crucial career counselling, job search and training opportunities for local residents looking to advance their education.

(3) The recent closure of the Employment Manitoba's Beausejour office will have negative consequences for the area's population who want to upgrade their skills and employment opportunities.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to reopen Beausejour's Employment Manitoba.

And this petition is signed by C. Schmidt, R. Sinnott, L. Bargert and many more fine Manitobans.

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

Further petitions?

#### Provincial Sales Tax Increase—Referendum

**Mr. Ian Wishart (Portage la Prairie):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The provincial government promised not to raise taxes in the last election.

Through Bill 20, the provincial government wants to increase the retail sales tax, known as the

PST, by one point without the legally required referendum.

An increase to the PST is excessive taxation that will harm Manitoba families.

Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

This petition's signed by C. Sampson, R. Sampson, B. McCorrister and many more fine Manitobans.

#### **Provincial Road 433 Improvements**

**Mr. Wayne Ewasko (Lac du Bonnet):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) Provincial Road 433, Cape Coppermine Road, in the rural municipality of Lac du Bonnet has seen an increase in traffic volume in recent years.

(2) New subdivisions have generated considerable population growth, and the area has seen a significant increase in tourism due to the popularity of the Granite Hills Golf Course.

(3) This population growth has generated an increased tax base in the rural municipality.

(4) Cape Coppermine Road was not originally built to handle the high volume of traffic it now accommodates.

We petition the Legislative Assembly as follows:

To request that the Minister of Infrastructure and Transportation recognize that Cape Coppermine Road can no longer adequately serve both area residents and tourists, and as such consider making improvements to the road to reflect its current use.

This petition is signed by L. Fedoruk, B. Woloskoski, S. Woloskoski and many, many other fine Manitobans.

#### **Provincial Sales Tax Increase—Cross-Border Shopping**

**Mr. Cliff Cullen (Spruce Woods):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Manitoba has a thriving and competitive retail environment in communities near its borders, including Bowsman, Swan River, Minitonas, Benito, Russell, Binscarth, St-Lazare, Birtle, Elkhorn, Virden, Melita, Waskada, Boissevain, Deloraine, Cartwright, Pilot Mound, Crystal City, Manitou, Morden, Winkler, Plum Coulee, Altona, Gretna, Emerson, Morris, Killarney, Sprague, Vita, Reston, Pierson, Miniota, McAuley, St. Malo, Foxwarren, Roblin and many others.

Both the Saskatchewan PST rate and the North Dakota retail sales tax rate are 5 per cent, and the Minnesota retail sales tax rate is 6 per cent.

The retail sales tax rate is 40 per cent cheaper in North Dakota and Saskatchewan and 25 per cent cheaper in Minnesota as compared to Manitoba.

The differential in tax rates creates a disincentive for Manitoba consumers to shop locally to purchase their goods and services.

We petition the Legislative Assembly of Manitoba as follows:

To acknowledge that the increase in the PST will significantly encourage cross-border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders.

To urge the provincial government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses.

This petition is signed by D. Livingstone, L. Bourns, A. Doe and many other fine Manitobans.

\*(13:40)

#### **Provincial Sales Tax Increase—Referendum**

**Mr. Ralph Eichler (Lakeside):** Good afternoon, Mr. Speaker. I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

(1) The provincial government promised not to raise taxes in the last election.

(2) Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

(3) An increase to the PST is excessive taxation that will harm Manitoba families.

(4) Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

This petition is submitted on behalf of B. Backur, W. Sapanski, Z. Dzworyk and many other fine Manitobans.

#### **Provincial Sales Tax Increase— Cross-Border Shopping**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

(1) Manitoba has a thriving and competitive retail environment in communities near its borders, including Bowsman, Swan River, Minitonas, Benito, Russell, Binscarth, St-Lazare, Birtle, Elkhorn, Virden, Melita, Waskada, Boissevain, Deloraine, Cartwright, Pilot Mound, Crystal City, Manitou, Morden, Winkler, Plum Coulee, Altona, Gretna, Emerson, Morris, Killarney, Sprague, Vita, Reston, Pierson, Miniota, McAuley, St. Malo, Foxwarren, Roblin and many others.

(2) Both the Saskatchewan PST rate and the North Dakota retail sales tax rate are 5 per cent, and the Minnesota retail sales tax rate is 6 per cent.

(3) The retail sales tax rate is 40 per cent cheaper in North Dakota and Saskatchewan and 25 per cent cheaper in Minnesota as compared to Manitoba.

(4) The differential in tax rates creates a disincentive for Manitoba consumers to shop locally to purchase their goods and services.

We petition the Legislative Assembly of Manitoba as follows:

(1) To acknowledge that the increase in the PST will significantly encourage cross-border shopping and put additional strain on the retail sector,

especially for those businesses located close to Manitoba's provincial borders.

And (2) To urge the provincial government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses.

And, Mr. Speaker, this petition is signed by C. Kidzeyl, G. Archambault, B. Duffe and many, many other fine Manitobans.

#### **Provincial Sales Tax Increase—Referendum**

**Mr. Dennis Smook (La Verendrye):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

(1) The provincial government promised not to raise taxes in the last election.

(2) Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

(3) An increase to the PST is excessive taxation that will harm Manitoba families.

(4) Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government not to raise the PST without holding a provincial referendum.

This petition is signed by T. Huff, G. Rochie, B. Graham and many more fine Manitobans.

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

These are the reasons for this petition:

The provincial government promised not to raise taxes in the last election.

Through Bill 20, the provincial government wants to increase retail sales tax, known as the PST, by one point without the legally required referendum.

An increase to the PST is excessive taxation that will harm Manitoba families.

Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

And this is signed by B. McKibbin, W. Linden, B. Toews and many others.

### **Bipole III—Alternative Route**

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

And the background for this petition is as follows:

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

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider proceeding with the cheaper, shorter and more logical east-side route, subject to necessary regulatory approvals, to save ratepayers hundreds of

millions of dollars during these challenging economic times.

And this petition is signed by D. Broadfoot, D. Single, D. Ferguson and many, many other fine Manitobans.

### **Municipal Amalgamations—Reversal**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And the background to this petition is as follows:

(1) The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

(2) The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announcement on November 19th, 2012, and has further imposed unrealistic deadlines.

(3) If the provincial government imposes amalgamations, local democratic representation will be drastically limited while not providing any real improvements in cost savings.

(4) Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.

(5) Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and led by the municipalities themselves.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

And this petition is signed by M. Hamm, D. Sawatzky, R. Warkentine and many, many others.

**Mr. Ron Schuler (St. Paul):** I ask leave to read the petition for the honourable member for Emerson (Mr. Graydon).

**Mr. Speaker:** Is there leave for the honourable member for St. Paul to read the petition for the honourable member for Emerson?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Speaker:** No, leave has been denied.

Any further petitions? Seeing none, we'll move on with committee reports. Any committee reports?

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the fact that we have a new page with us here today. Our new page is Maya Janzen, who attends Westgate Mennonite Collegiate and is in grade 12. On behalf of honourable members, Maya, we welcome you to our Assembly team.

\* (13:50)

## ORAL QUESTIONS

### Senate Reform Government Position

**Mr. Brian Pallister (Leader of the Official Opposition):** Just recently the government submitted a factum to the federal government calling for the abolition of the Canadian Senate.

This totally contradicts the recommendations made by the 2009 all-party committee which did recommend electing senators. Chaired by the MLA for Rossmere, this committee worked diligently to consult with over 50 witnesses in—at nine public meetings, and they also considered over 30 written submissions. This is a consultative and inclusive process that on this side we can support.

Could the Premier (Mr. Selinger) explain today his current position on Senate reform, and could he explain what process he used to arrive at that position?

**Hon. Andrew Swan (Minister responsible for Constitutional Affairs):** I'd refer the Leader of the Opposition to the legislation that actually struck that committee, at which point every single MLA in this House said the preferred choice of Manitobans was to abolish the Senate.

And, indeed, if the member opposite wants to defend the Canadian Senate, especially given the antics of the past years, let him stand in his place and do so.

**Mr. Pallister:** Well, Mr. Speaker, that's an easy position for the minister to take, given the current furor and despite the fact it does contradict the facts,

by the way, if members would read the report. But given the current furor over four senators abusing their expense account privileges, it's an easy position for the government to take. There's no real work in evidence, however, as a consequence of them taking this position, apart from perhaps watching television.

And this contradicts, in reality, previously held positions, the Premier's own position, in fact, in support of an effective Senate. Now, his new position is a complete flip-flop from his old position. I understand that the Premier is unwilling to communicate with Manitobans. I understand he's unwilling to communicate with his own MLAs, including his own backbenchers, but until now I didn't realize he was unwilling to communicate with himself as well.

So I'd have to ask the Premier: Does he need more communication staff so that he can stay in touch with his own ever-changing views on these issues?

**Mr. Swan:** In case the Leader of the Opposition wasn't listening to my first answer, it actually is a very easy position to take when every single MLA in this House said that the preferred position of Manitoba was to abolish the Canadian Senate. And, indeed, there's many members sitting on the other side who were in the House at the time that that piece of legislation passed unanimously. That may be very, very difficult for them to accept. Perhaps they didn't read the legislation; perhaps they weren't paying attention. We don't know how they do things in their caucus, but every single MLA spoke with one voice and said that Manitoba's preferred position is to abolish the Senate.

I would also point out to the Leader of the Opposition that Manitoba's position is that that can only happen by the unanimous consent of all the parties—

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mr. Pallister:** It's tougher than staying in a leadership race, Mr. Speaker, that's for sure.

So the government's got a position. Let's be clear, then. The government's taken a position that it's for the abolition of the Senate and it's against the abolition of the Senate at the same time. Everyone in this country who follows this issue knows that PEI would never, ever consent to the abolition of the Senate, so the government is taking a contradictory position.

Now, in August—so is the Premier (Mr. Selinger)—on August 2nd, 2013, he said—and that was just four weeks ago—quote, there is a regional role for the Senate. That's a total flip-flop from the position that he's taking now, an arbitrary position, an arbitrary change.

Now, it's not surprising that he would disrespect Manitobans in his consultation or lack thereof. It's the same disrespect that he showed to Manitobans by abolishing their right to vote on his PST hike.

Does the Premier understand that important public policy decisions should be made in genuine partnership with Manitobans, not simply by watching television or putting his finger in the air?

**Mr. Swan:** Mr. Speaker, I don't know how more clear it needs to be, then, for this Legislature to unanimously call for the abolition of the Canadian Senate.

But what I was going to say in my last question is that our position before the Supreme Court of Canada is that can only happen by using the principles of this federation that the federal government and all provinces must agree. We're calling on the federal government to take that step.

It's interesting that two provinces have taken a different approach and said it should be easier to abolish the Senate; those two provinces actually are Alberta and Saskatchewan. But all the provinces have actually shared Manitoba's view on this point. But we do believe that is something the federal government should take on.

I'm unclear why the member opposite would continue to support an unelected, undemocratic Senate when we are very clear, together with the federal party, the time has come to end this undemocratic institution. Why does the member—

**Mr. Speaker:** Order, please. The honourable minister's time has expired.

#### **PST Increase Request to Reverse**

**Mr. Reg Helwer (Brandon West):** Mr. Speaker, this minister's action may, indeed, delay action on this end instead of helping it.

Mr. Speaker, this NDP government lied to Manitobans and increased the provincial sales tax, or PST. Last year they broadened the PST to apply to many more things, including insurance.

This week, along with school starting, fall registration for dance, music, sports and other activities are taking place. Parents are now seeing the full effect of this PST increase.

Will the Minister of Finance reverse his decision to increase the PST?

**Hon. Stan Struthers (Minister of Finance):** Mr. Speaker, Manitoba families who are sending the kids back to school this week, I think, are very concerned about the official opposition—the honourable Leader of the Official Opposition (Mr. Pallister), who has said very clearly that \$800 million worth of cuts—he said this last week—including cuts cancelling projects such as the Sage Creek school, the Amber Trails school, Waverley West school.

Manitoba families know they have a government on this side of the House who they can count on to make the decisions necessary to invest in schools, to invest in their kids' future and to grow this economy, unlike members opposite who would cut, hack and slash their way right across education.

**Mr. Helwer:** Mr. Speaker, Manitobans expect this government to live within their means and keep their promises. They are forcing very difficult decisions on Manitobans.

Will this minister reverse his decision and reduce the PST back to what it was?

**Mr. Struthers:** Well, Mr. Speaker, one of the things members opposite are very good at are using code words like live within your means, you know, tough love. Those kind of code words are code words for cut, hack and slash, as articulated by the hit list that the honourable Leader of the Official Opposition put out last week.

And it's not just education that would be on the chopping block with members opposite; it's health care. I mean, one of the things that the official opposition leader said last week very clearly was that he wants to cancel expanded doctor training and recruitment in rural and northern areas. They get up in this House and they complain one after another about ERs in rural Manitoba, and then their own leader comes out and says he is going to cancel the very programs that would put doctors—

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mr. Helwer:** Well, we know this minister can't balance a budget, as Manitoba families know how to do, so it's time, Mr. Speaker, for him to look at

balancing the budget and provide those services he has promised to Manitobans. Manitobans expect that and they know they should be able to do it. Manitobans are being forced to make tough decisions by this government, and it's time for this minister to look at that and balance his budget and keep his promises so that they won't—this government does no longer lie to Manitobans.

Keep the promise; reduce the PST back to what it once was.

**Mr. Struthers:** I will guarantee to the member for Brandon West that we are not going to cut, hack and slash our way back to balancing the budget. That is quite obviously his leader's approach to balancing the budget; it's not our approach. We're going to do—take a balanced approach where we look at containing costs and we look at investing in the economy and we look to protect the services that Manitoba families depend on us to protect.

We are going to continue to invest in child-care spaces, not deem them non-essential like the member for Fort Whyte (Mr. Pallister) did last week and announce to people that that was also on the chopping block. We're going to protect Manitoba kids, Manitoba families and grow our economy by investing in child-care spaces.

**Mr. Speaker:** Order, please. The minister's time has expired.

#### **Student Financial Aid Information System Project Update**

**Mr. Stuart Briese (Agassiz):** Mr. Speaker, the Minister of Advanced Education (Ms. Selby) has admitted that the costs of the new student financial aid assistance package have exceeded the budget for implementation. She also admits that four years after the new system will be—was to be implemented, students are still using the old system.

Would the minister disclose to taxpayers of Manitoba what she actually received for the expenditure of over \$15 million?

\*(14:00)

**Hon. Andrew Swan (Acting Minister of Advanced Education and Literacy):** It's a pleasure to have a question on advanced education on a day when students across this province are heading to or returning to universities and colleges in record numbers, and, of course, those students know that they enjoy one of the lowest tuition rates both for university and for college education in the entire

country. And, of course, those students, when they graduate from a Manitoba university or college or come back to Manitoba from elsewhere, will actually have the lowest tax rate in the entire country thanks to our tuition rebate.

And, indeed, we do have one of the best student aid systems in the entire country. We have bursaries that, of course, didn't exist when the members opposite were in power. We're going to continue to expand those bursaries and level the playing field so that more students—

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mr. Briese:** The fact remains that \$15 million was spent and we're still using the old system four years later.

Mr. Speaker, the minister also stated in Estimates that she ordered to—a review of the program to excess—to assess how much material was usable. The review was to be completed in May of 2013.

Would the minister share with the students and Manitoba taxpayers the results of that review?

**Mr. Swan:** I'm glad on this happy day for Manitoba students, I'm glad the member opposite is now aware that, of course, there is a system that continues to function and continues to provide students the information they need.

Now, of course, there is a renewal that's under way, and we're very pleased that phase 1 of that renewal plan that replaced the credit union banking system with a new, better system was successfully implemented in November 2011. That project, Mr. Speaker, was on time and on budget.

And we have acknowledged the replacement of the current system has taken longer than we would like, but I can promise you that we're moving slowly but we're going to get it right. We think that's far more important than rolling the dice, as members opposite like to do on a whole bunch of areas. We're going to make sure we get it right for Manitoba students.

**Mr. Briese:** The fact remains \$15 million was spent and we're four years down the road and nothing in place.

Mr. Speaker, the minister refuses to tell Manitobans the full expenditure. She refuses to tell Manitobans what results she received for that

expenditure, and now she refuses to disclose the results of the review of those expenditures.

I ask again: What do Manitoba taxpayers and post-secondary students receive for expenditures in excess of \$15 million by this Minister of Advanced Education?

**Mr. Swan:** Mr. Speaker, what a pleasure to talk about spending on our universities and colleges in the province of Manitoba. Spending on universities and colleges has increased by more than \$300 million since 1999 because we've—we invested across this province—in Winnipeg, in Brandon, in the North—to make sure that students across this province have the opportunity to go to school.

And, of course, what happened when the Leader of the Opposition was sitting around the Cabinet table when Gary Filmon was the premier? Those post-secondary tuition costs went up by 132 per cent in one decade. The members opposite wanted to take students in areas like mine and many other areas in this province and bar the doors to university.

We're investing, we're spending because everybody should have the chance to have a post-secondary education, not just the privileged few.

#### **Fox Lake Gathering Centre Project Update**

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, in the May 28th, 2009, Keeyask adverse-effects agreement, the Fox Lake First Nation was supposed to get the Fox Lake gathering centre. It was supposed to host elders area, youth centre, learning facility, daycare facilities, archive display area, cultural resource area, craft area.

My question to the NDP member for Kildonan, Minister responsible for Manitoba Hydro, is: How is the Fox Lake gathering centre working?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, there's several ways of dealing with First Nations. There's the way of dealing in the past as the members did when they flooded places like Grand Rapids and as a result a billion dollars in retribution had to be paid as a result of those damages, and there's still claims that we're paying as a result of that.

The other option, Mr. Speaker, the way to build hydro together, together with First Nations

community, is to work with them, to provide them with capacity, to provide them with funding and resources as independent entities to build and grow like other Manitobans.

And we've chosen the latter, not the former.

**Mr. Schuler:** As per the agreement, in March 31st, 2010, \$3 million was supposed to be paid from Manitoba Hydro to the Fox Lake First Nation for the Fox Lake gathering centre. I've already read what the Fox Lake gathering centre was all supposed to cover.

The question is to the NDP member for Kildonan, the Minister responsible for Manitoba Hydro. Could he please focus on the question? The question is: How is the Fox Lake gathering centre doing?

**Mr. Chomiak:** Mr. Speaker, I believe that we focused on that question during the Crown consult—the Crown Estimates when the member had four hours, and he went around the bend and he attributed expenses on cheques. He went around the bend and attributed expenses and cheques that weren't attributed to Hydro. He got accounts mixed up.

The fact is that Manitoba Hydro, as part of settlement, enters into agreements with First Nations, who have the independent authority to administer those agreements, just like municipalities do, just like independent entities do, and they follow those practices.

The problem we have is that members opposite do not want to build hydro, do not want to negotiate with First Nations and turn their backs on the North and the development of this province.

**Mr. Schuler:** But I'd like to point out to the House that after \$7 million to the TCN First Nation so far insofar as the Keeyask Centre is concerned, the First Nation got nothing.

Now we have \$3 million that was supposed to have been paid by Manitoba Hydro for the Fox Lake gathering centre, and so far, from what we can glean, the First Nation got nothing. In fact, 10 phone calls were made to the Fox Lake First Nation, and we were told that until this point in time nothing has been built.

I would like to ask the minister: How come—can he be zero for two—that's \$10 million for cultural centres, and to date the people, the First Nations of this province, have gotten nothing?

**Mr. Chomiak:** Well, Mr. Speaker, I would hardly say that 900 First Nations people working at Hydro, as opposed to 300 when we came into office, is hardly nothing. One-third interest in the hydro dam at Wuskwatim and in Keeyask and Conawapa going to First Nations, giving them equity, giving them income year after year, giving them jobs, giving them training, is hardly nothing.

And negotiating with First Nations—and perhaps the member—I know he's phoned Fox Lake; maybe he can—I'll table for him the phone number for the TCN chief: 204-679-2249. Phone the chief. Ask him what's happened in TCN.

Stop criticizing those people. Talk to the leaders. Talk to the community. And don't keep disparaging them in the House. Thank you.

#### **Deputy Premier FIPPA Redaction**

**Mr. Wayne Ewasko (Lac du Bonnet):** Mr. Speaker, I've asked 12 questions regarding this government's abuse of section 23(1)(a) of the law under FIPPA to which I—either the Premier (Mr. Selinger) or the Minister of Family Services and Labour have stood up and avoided answering the questions.

The Premier said that the Deputy Premier's (Mr. Robinson) comments were not the advice or the opinion of the government. Clearly, then, the redaction of the Deputy Premier's comments had to be an order from the Minister of Culture, Heritage and Tourism (Ms. Marcelino).

I'd like to ask the Minister of Culture, Heritage and Tourism: Why is she directing and interfering in the affairs of the civil service, and why is this minister politicizing the work of bureaucrats to fit the spin of this government?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I hear the cries of anticipation from across the way for my answer, which is going to be very similar to the other 12 answers that the member has been provided.

In every department there are people who are trained according to the freedom of information act to comply with that act, to respond to the requests that come in. They make those decisions. Those decisions are signed off by a senior civil servant. That is what happened in this instance.

The charges that the member is making are false and they have no basis in reality, and if he would like to be more truthful in the House, he would retract the comments he just made.

**Mr. Ewasko:** And the seat belt light is still on, Mr. Speaker. The abuse of section 23(1)(a) by this government is a serious issue, and I'm wishing that some member across the way would stand up and answer some of these questions.

\* (14:10)

If the rules of FIPPA can be bent, twisted and spun by the minister responsible, how can the public have confidence that their requests will be answered truthfully?

Mr. Speaker, why does this Premier and his ministers believe it's within their power to intervene and influence the actions and decisions of the civil service? Why does this government believe, once again, that they are above the law?

**Ms. Howard:** Well, I can only surmise from the member's question that he has been told, perhaps by his leader, who was once a Cabinet minister and subject to FIPPA, that that's the way things are done, that the minister tells people how to answer. Perhaps that's the way the Leader of the Opposition conducted himself when he was a minister and that's why the member is clinging to the falsehoods that he continues to put on the record.

The reality is, under this government, those requests are handled by people who are trained in compliance with the law. They are looked at by senior civil servants. If there are complaints with how they are handled, Manitobans and whoever is putting in those requests have recourse to an independent legislative officer, the Ombudsman. That is how those requests are handled, and I will continue to tell him that every time he asks the question.

**Mr. Ewasko:** Mr. Speaker, I would really like to hear from the minister who's actually in charge of the act.

Again, Mr. Speaker, we've heard from spokespersons, through the media, the Premier and other ministers on this matter.

Now, I've asked now a total of 14 questions in this Chamber and none of them have been answered by the Minister of Culture, Heritage and Tourism.

Why does this government find it acceptable to politicize the Manitoba civil service, Mr. Speaker? Why does the Minister of Culture, Heritage and Tourism (Ms. Marcelino), who oversees FIPPA, finds it acceptable to abuse the law and directly interfere in answers to the FIPPA requests?

**Ms. Howard:** Well, Mr. Speaker, the sad truth is that the only people politicizing this issue are the members opposite. That's the sad truth.

And I will tell the member, for—I don't know what, the 15th or 16th time, that the way that requests are handled, the way that this request was handled, the request comes in, the request is dealt with by a civil servant who is trained in compliance with the law. They make those decisions about how those requests are dealt with. Those requests then go to a senior civil servant who looks at them and approves them to go out. That's how this request was handled. That's how FIPPA requests are handled.

I don't know how they were handled under the Leader of the Opposition. Perhaps it was a daily occurrence for ministers like the Leader of the Opposition to say, no, I don't want that to go out, no, I don't want that to go out.

I do know that when we were in opposition we asked for wait-lists for health care. They told us—

**Mr. Speaker:** Order, please. The minister's time has expired.

#### **Assiniboia Downs Court Proceedings Update**

**Mr. Cliff Cullen (Spruce Woods):** Mr. Speaker, we know the NDP had 12 lawyers working on a previous court challenge arising out of their involvement with operations at Assiniboia Downs. The NDP and their lawyers were not successful and, as a result, were ordered by the judge to forward the money that they had previously withheld. There are still three unresolved cases regarding Assiniboia Downs before the courts.

Mr. Speaker, I'd like to ask the Minister of Finance (Mr. Struthers) to provide the House an update on the status of those court proceedings currently before the court system.

**Hon. Steve Ashton (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** Well, Mr. Speaker, you know, again, I want to stress—

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

**Mr. Speaker:** I mentioned last week once when things were starting to get out of control again that I would call the House leaders to my office. I'm getting close to that again today, so I'm asking for the co-operation of all honourable members, please. Let's return to the practice we had, which was the restoration of a respectful workplace. I'd like to be able to hear both the questions and the answers.

The honourable Minister of Infrastructure and Transportation, please.

**Mr. Ashton:** Thank you, Mr. Speaker, and I want to stress, again, and this—the theme of today's question period seems to be ungrounded conspiracy theories, because for months members opposite have been talking about the Jockey Club, Assiniboia Downs.

We were very clear, going back to January, that what we were doing is moving to the same kind of site-holder payback, the same kind of agreement that we have for all other commercial site holders in the province. We continue to have the parimutuel levy, mind you, with one difference, and that is we have an allocation for harness racing, which, again, is an important part of rural Manitoba. We continue through this to provide support at Assiniboine Downs.

So the members opposite can talk all they want about conspiracy theories, but the reality is not only do we have horse racing but we have \$5 million that's been reallocated to health care. That's our sense of priorities. That's the reality, not the conspiracies of members opposite.

**Mr. Cullen:** Well, Mr. Speaker, I would suggest the theme today is minister of protection.

Mr. Speaker, we know that two of the cases involve conflict-of-interest allegations involving two of the NDP ministers. As you know, these allegations are very serious.

The Broadway bullies here have tried hard to put an end to horse racing and the 500 jobs associated with the industry to an end, but the industry is fighting back. But it appears maybe the NDP do not want to go to court.

Mr. Speaker, is the NDP government now trying to negotiate their way out just to save those two ministers?

**Mr. Ashton:** Mr. Speaker, it's ironic the member opposite would talk about bullies when last week he

was part of a caucus that voted against the bill that's going to protect Manitoba kids against bullying.

And I want to stress that, notwithstanding conspiracy theories or that members opposite may want to support various court actions, many of which are based on frivolous accusations, the bottom line is we continue to provide support for horse racing, including the Jockey Club. We provide support for harness racing. And we've taken \$5 million—this is the kind of decision I think most Manitobans would support—\$5 million from horse racing to hospitals.

That speaks volumes. We're about our real priorities in this province.

**Mr. Cullen:** Well, Mr. Speaker, the NDP are proposing a get-out-of-jail-free option in Bill 47 if they choose to tear up the existing gaming contract with Assiniboia Downs.

Mr. Speaker, the question would be: Is the NDP government still proposing to tear up the existing contract, or will the NDP be negotiating with Assiniboia Downs to save the industry, or, more importantly for the NDP, are they negotiating to keep their ministers from further court action?

**Mr. Ashton:** Mr. Speaker, again, if the member opposite wants to look at the facts, what he would realize is the agreement that we had with Assiniboine Downs did not have the normal termination clause that is encased for other site holders.

In fact, what we did, the Minister of Finance (Mr. Struthers) gave ample notice of our intent back in January of this year. We included in our budget a clear statement of our intent. We included it in BITSA, the legislation that will put it in place, and we've been very up front.

Again, there is a reallocation, but, Mr. Speaker, at the end of the day what really matters is not the kind of conspiracy theories the members opposite put forth, it's the fact we are going to have horse racing, including harness racing, and we're going to have \$5 million for our hospitals. That is, again, our priorities as a government.

### **Nutritional Deficiencies Call For Task Force**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, many times in this Legislature I've raised concerns about major nutritional deficiencies in our province, in particular deficiencies in vitamin D

and deficiencies in the long-chain polyunsaturated omega-3 fatty acids like DHA and EPA.

I will ask—say it again that the solution to these deficiencies is not in planting gardens, because vegetables have virtually none of these two critical nutrients.

This is the 21st century, but, unbelievably, Mr. Speaker, these two deficiencies are very common in our province. Eliminating the deficiencies will need a provincial consensus along with both political will and nutritional expertise.

I ask the Deputy Premier: When will her government call the all-party task force, including nutritionists, to address this issue?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** I'd like to inform that member and all members that the government provides numerous programs that are dealing with vulnerable groups as far as food, nutrition and information. And what it is is it's a overall broad strategy and it combines everything from the Northern Healthy Food Program, the Nourishing Potential program, school breakfast programs, the Farm to School program, fish programs, and what it's trying to do is deal in a comprehensive way about diet, nutrition and health.

\* (14:20)

And, Mr. Speaker, it's not one specific iota or one specific section of it. It's a whole broad strategy to talk about proper food and nutrition for all. Thank you.

**Mr. Gerrard:** Mr. Speaker, providing a scattering of programs here and there is a far cry from eliminating major nutritional deficiencies.

Mr. Speaker, as members of this Legislature know, we have far too much violence in our province, whether it's violence against women, homicides, suicides. Indeed, Manitoba, under this provincial government, has the highest violent-crime severity index of any province.

There's now increasing evidence which links the deficiency in the critical omega-3 fatty acids, particularly DHA, to increased violence. There's growing evidence that eliminating this critical fatty acid deficiency reduces violence.

There is a need to decrease violence in our—

**Mr. Speaker:** Order, please. The honourable minister–member's time has expired.

**Mr. Rondeau:** I'd like to agree with the member opposite, so I'd like to say thank you for that advice, that we followed that advice a number of years ago where we have actually done an omega-3 study and program in the Department of Justice. We've done it in some of the healthy food programs. Mr. Speaker, the after-school snack programs talk about omega-3 milk and other nutrition programs.

And, Mr. Speaker, let's be blunt. There's 51 programs in the after-school programs. There's hundreds of school–students that are being adjust–addressed with the population health programs. There's 1,571 students into the food and nutrition programs. We have the healthy food program, which actually sold about three quarters–

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mr. Gerrard:** Mr. Speaker, sadly, this government has not provided one shred of evidence that they've eliminated these two critical deficiencies. In fact, there's abundant evidence that they persist at very high levels.

Eliminating the deficiency in long-chain omega-3 fatty acids can reduce violent behaviour in inmates in correctional institutions and broadly in society. A deficiency of DHA has also been shown to be associated with a 62 per cent increase in suicides and the deficiency has been associated with increased murders. Mr. Speaker, the evidence is substantial that nutritional deficiencies contribute to violence.

I ask the Deputy Premier: Will 'shue' ensure we have the major province-wide extensive effort to–

**Mr. Speaker:** Order, please. The member's time has expired.

**Mr. Rondeau:** We have a program in Justice that provides omega 3 now.

Mr. Speaker, the health science project–Health Sciences Centre is conducting a prenatal vitamin D supplement program now.

Mr. Speaker, we have these food nutrition programs on the ground now. And I'd like to say

thank you to Dr. Dennis Embry, who introduced that to us five years ago when we started implementing the exact same programs the member opposite voted against.

I'm pleased to see that we continue to work on food nutrition, making appropriate food nutrition available to all, because that's what we as a party believe in. Thank you, Mr. Speaker.

### **Classroom Improvements Government Initiatives**

**Mr. Clarence Pettersen (Flin Flon):** Mr. Speaker, excitement is in the air. This week thousands of students from across the province are coming back to school. Being a teacher for 31 of those years and 12 as a student, I remember that feeling.

And this year is a little bit different because I see students walking with a swagger–a swagger, Mr. Speaker–they picked up from their parents, and they're happy to be going to school. And we're happy to be leading them there.

Education is the most important investment that we can make in our children and in our province. We are committed to providing our students with high quality education and modern school facilities.

Will the minister please inform the House of the many exciting new initiatives that students and teachers can look forward in the year ahead?

**Hon. Nancy Allan (Minister of Education):** I was pleased to be this morning at Grosvenor School with Principal Corbett to welcome a grade 1 class back to school, a class of 20 students.

And I have to say, a lot of exciting things are happening at our schools all across the province of Manitoba. Of course, we have new schools. We have smaller class sizes. We have a province-wide report card for the first time in our history. We have new science labs, state-of-the-art science labs. We have new gymnasiums. It is an exciting time–a new math curriculum, K to 8.

And this is our investment in education because we know how important education is, and that's in stark contrast to the opposition who would cancel schools–

**Mr. Speaker:** Order, please. The minister's time has expired.

### **Flooding (Shellmouth Dam) Compensation Claim Settlements**

**Mrs. Leanne Rowat (Riding Mountain):** Mr. Speaker, in February 2013, the NDP government sent a letter to municipalities along the Assiniboine valley who were impacted by the Shellmouth Dam flooding. The letter indicated that eligible landowners who experienced artificial flooding in 2011-12 would be receiving applications shortly. It's now seven months past the proposed intake. The RM of Russell has emailed the government several times asking for the status of application forms, and I've raised the issue in debate several times this session.

In the past, the Premier (Mr. Selinger) said, and I quote: If there's some holdup for somebody getting compensation, we can examine that and see if there is something we can do to move that along.

Well, Mr. Speaker, will this Premier today stand by his word and act, or is this just another broken promise being shared with hard-working Manitobans?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** We are indeed working on many flood-related issues, and I want to indicate that, in addition to the very significant amount of work we've done in the recovery post-2011, one of the things I think is important to put on the record, that the reason we even are in this kind of situation and discussion with people impacted by the operation of the Shellmouth Dam is because it was this government, for the first time, that put in a statutory entitlement for compensation for people affected by artificial flooding.

And, Mr. Speaker, I've acknowledged all the way through that there were delays because we were indeed fighting the flood. It's been an extensive recovery, but, indeed, that legislation was passed and people will be receiving that entitlement.

And I point out again, when members opposite were in government, they completely ignored the people in the Assiniboine valley.

**Mrs. Rowat:** And I—believe me that my constituents are saying entitlement in a totally different context than this minister is using it, Mr. Speaker.

The disinterested government's only response to the RM of Russell received was an email that stated, your email got classified as spam. At this present time, the department of MIT, EMO and water

management are dealing with this flood. As soon as we can get relief from this flood, we will be able to activate this program. Great brush-off, Mr. Speaker; in other words, don't bother me.

Community leaders along the Assiniboine valley are very concerned that this government may decide not to fulfill its obligation to compensate.

Mr. Speaker, will this be another example of a disinterested minister and government who cares little about the victims of artificial flooding and more about their vote tax? Why won't they fulfill their obligation to support these families?

**Mr. Ashton:** Mr. Speaker, I think the preamble of the question really shows the degree to which the member opposite either didn't realize or perhaps had forgotten the extensive impact of the flooding in the Assiniboine valley. And I would hope that the member would acknowledge that we saw flooding in the range of one in 300 years. In fact, in the Souris area we saw one-in-400-year floods; it was a historic flood.

And, indeed, I want to put on the record that we're very proud of the response to that flood, the many people that fought that flood, including the municipalities, our staff and the many people that have been involved in the recovery stage.

And I will take no lectures from a member of a party that did not have statutory compensation for people impacted by the Shellmouth Dam. Our government brought it in and we'll live up to that obligation, something they never did.

**Mrs. Rowat:** Mr. Speaker, I think this minister should take some action. These people were promised and were ignored by this government and continues to be by this minister. This minister has not even visited this area, and then they've been requesting a meeting by this—with this minister and he's refused.

During this Premier's photo-op tour during 2011, the Premier said there has, in law, been put requirements for compensation for people that are artificially flooded, and the people in the Shellmouth Dam area are treated the same way as the people are south of the 'floodlay'—floodway. Well, over time, both regions of this province have seen that they have been taken off this Premier's and his government's priority list.

\* (14:30)

When will this Premier (Mr. Selinger) put his money where his mouth is and show support to the Assiniboine valley residents by demanding his dysfunctional Cabinet colleagues activate this program today?

**Mr. Ashton:** Again, I'm not going to take a lecture for—from members of a party whose leader sat in a Cabinet when the premier of that day, in 1997, blamed the victims of floods for living in a flood plain.

Mr. Speaker, we've lived up to every single one of the obligations in terms of the Red River Valley. We are doing that in terms of the Shellmouth. We will do that throughout the Assiniboine valley.

And not only are we not going to engage in the kind of cheap rhetoric from members opposite, we're—we've—with this budget have put in place an investment that's going to protect Lake Manitoba, Lake St. Martin and people in the Assiniboine valley.

By the way, Mr. Speaker, they voted against that budget. That's how much they care about those flood victims.

**Mr. Speaker:** The time for oral questions has expired.

It's time for—

## MEMBERS' STATEMENTS

### Back to School

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, this week students across the province are heading back to school where they'll have a chance to meet up with friends, take part in after-school activities and learn important skills they will need for later life.

As a mother of both an elementary school student and a university student, I watch the excitement of a new school year and a fresh start every September and remember my own first day of school experiences. From new gyms and science labs to smaller class sizes and more one-on-one time with teachers, Manitoba schools are evolving in exciting ways.

None of this would be possible, of course, without the work of Manitoba's excellent teachers. As parents we want to know that the person our child spends every day with is someone who can help them develop into their best self. Helping with after-school homework, coaching basketball, volleyball or cross-country teams and directing the school musical

are just some of the many extra tasks our teachers take on. These often unsung heroes put tremendous amounts of work into ensuring Manitoba students get the highest quality education possible.

The Manitoba Teachers' Society, which happens to be located in my constituency of Kirkfield Park, is a vital resource for our teachers. Founded almost 95 years ago, MTS represents all of Manitoba's 15,000 public school teachers. MTS offers courses and seminars for teachers to learn new approaches to classroom education and develop their teaching skills, provides services like counselling and a disabilities benefits plan and assists local teachers associations in collective bargaining.

MTS also advocates for the welfare of teachers and for education in Manitoba. The Manitoba Teachers' Society and MTS President Paul Olson have been invaluable partners in the ongoing process of ensuring Manitoba schools give our children the best possible tools to learn and grow.

On behalf of all members, I would like to thank educators across the province for their many, many hours of work inside the classroom and out and for their dedication to Manitoba students. To teachers and students alike, we wish you all the best in the coming school year.

### WestJet Encore (Brandon)

**Mr. Reg Helwer (Brandon West):** Mr. Speaker, I am very pleased to rise in the Manitoba Legislature today to welcome WestJet Encore to Brandon and western Manitoba.

Yesterday, Tuesday, September 3rd, 2013, was the inaugural flight from Calgary to Brandon and back. I was pleased to be on the flight from Calgary with my wife, Aynsley, and son, Adam. The president of WestJet Encore, Ferio Pugliese, was a fine host, both in the Calgary terminal and on the flight to Brandon. Ferio and his team made sure that all passengers were well taken care of and there was a great deal of excitement in the Calgary airport. WestJet had jugglers, popcorn, food and gift bags for the passengers for the opening ceremonies at 9 a.m.

Shari Decter Hirst, the mayor of Brandon, cut the ribbon with Ferio to the applause of passengers and staff. The mayor was joined by Scott Hildebrand, city manager; Sandy Trudel, director of economic development; Craig Senchuk, president of the Brandon Chamber of Commerce; Nate Andrews, past president; and Jeff McConnell, mayor of Brandon.

Our family had spent the weekend in Calgary helping two of our children settle in for university, and I'm sure we will use this service many times. It was very interesting to see a billboard in downtown Calgary advertising WestJet landing in Brandon.

Mr. Speaker, I'm sure there will be many people use the service as it open 'ups'—opens up opportunities for business, employment, economic development and leisure travel, as well as education. That just scratches the surface.

Mr. Speaker, many people worked behind the scenes, including the former MP for Brandon-Souris, Merv Tweed. Thank you to all those who worked so hard to bring air service to Brandon and western Manitoba.

Welcome to Ferio and his WestJet Encore team. Over a thousand people attended McGill Field to watch the landing, and the crew was very touched. The 78-seat Bombardier Q400 turboprop is a fine aircraft, quieter than many jets. We are very proud to have it flying into and out of YBR.

#### Teaching Circles

**Mr. Frank Whitehead (The Pas):** Mr. Speaker, this past weekend, I had the honour of participating in a Mikapipikwun Cultural Society Camp at Guy Hill student residence former site in The Pas.

Led by elders Alex Ahenakew and Francis McAdam, 100 community members from Opaskwayak Cree Nation, The Pas and surrounding areas came together to participate in the teaching circles that shared knowledge on various ceremonies, customs and traditions.

The weekend focused on keeping our traditional ceremonies both intact and alive, while also building a stronger and more resilient community that looks to one another for support when needed. As a community, we joined together to discuss how to heal the human spirit through ceremony and we gathered a deeper understanding of how different ceremonies are conducted and for what purposes.

We also had the opportunity to share our views and experiences, learning from each other about how we—how to live our lives according to the seven sacred teachings, which are love, respect, honour, truth, wisdom, humility and courage, and how to apply those principles in our workplaces and our homes and in the community. We discussed the importance of parental responsibility and how to lead

by example through teaching and counselling our children as they grow and develop.

Mr. Speaker, at the Mikapipikwun Cultural Society Camp, everyone had responsibilities. Everyone had a job to do, and that in itself was part of the overall teachings. The—this camp was about building community spirit by focusing on empowerment of principles.

This experience has helped our community foster positive relationships, making us stronger and more united. I would like to thank the elders, the organizers and all those who participated in this important learning opportunity. The key now is to take what we have learned back into our communities and apply the teachings accordingly.

Thank you, Mr. Speaker.

**Mr. Speaker:** Honourable member for River Heights.

**An Honourable Member:** Mr. Speaker, everyone—

**Mr. Speaker:** Order, please. The honourable member for River Heights went on his feet first. I've already recognized the honourable member for River Heights.

#### Nutritional Deficiencies

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, we have a very serious problem in our province when we have major nutritional deficiencies which affect the health and development of children and the health and well-being of adults. I've spoken now of two nutritional deficiencies, vitamin D deficiency and the deficiency of long-chain omega-3 fatty acids like DHA and EPA, which are found in the highest concentration in fish oils.

The deficiency of vitamin D in Manitoba has been identified by a—in a report to the minister in which it was stated vitamin D levels in most pregnant women and their infants are in the deficient or insufficient range. This is a testament to the remarkably sad state of affairs in Manitoba today under this government.

Work by Dr. Bob Schroth has found that in inner Winnipeg about 80 per cent of pregnant women in this area have low vitamin D levels. These low vitamin D levels contribute to the high rates of early childhood tooth decay and may also contribute to the high rates of type 1 diabetes and multiple sclerosis in Manitoba. It should be dealt with as a public health emergency rather than being considered in the

lackadaisical fashion that the current government is approaching it.

The deficiency of the long-chain polyunsaturated omega-3 fatty acids DHA and EPA is also widespread in Manitoba. Sadly, the present government hasn't even accurately measured the size of the problem, but we know it exists because of broader Canadian studies which show this deficiency is widespread in Canada. DHA and EPA are important for brain health. There's now substantial evidence that DHA deficiency is linked to an increase in mental illness, in violence and suicides, and that deficiencies of DHA and EPA can increase depression.

We need to eliminate these basic nutritional deficiencies to improve the health and well-being of our citizens. I've called for an all-party task force, including nutritionists and community leaders, to address this issue, to reach consensus, recommendations for action and to ensure outcomes are measured so that, in fact, these nutritional deficiencies are fully eliminated.

Thank you.

\*(14:40)

### Camp Stephens

**Mr. Brian Pallister (Leader of the Official Opposition):** Everybody should have the opportunity to experience the great outdoors, and today I rise in the House to congratulate Camp Stephens on their 50th Trail Anniversary. Camp Stephens is organized and run by the good people of YMCA and it gives children and families alike the opportunity to explore a beautiful part of our country.

The very first Camp Stephens was held in 1891, in Lake of the Woods at Keewatin Beach. What began as a summer institute transformed itself into much more. In 1893, four men, Mr. R.D. Richardson, Mr. C.M. Copeland, Mr. W.D. Bayly Sr. and Mr. J. Ball, travelled out by boat to find a permanent site. And the camp now calls Copeland Island home, in the heart of Lake of the Woods, Kenora.

Camp Stephens was initially for boys only and it continued that way until 1980 when they adopted a fully co-ed program. Campers learn many skills: canoeing, kayaking, sailing, climbing, swimming in the lake, and they get to experience the great outdoors and enjoy their summer. While living in the

city has many benefits, certainly there's nothing like getting out and canoeing on Lake of the Woods.

This past weekend, Camp Stephens celebrated their 50th Trail Anniversary, celebrating 50 years of their wilderness canoe tripping program which allows campers and non-campers alike the opportunity to canoe on beautiful Lake of the Woods and sleep in cabins along the lake for two, three or five days at a time. These events are perfect for families and children who are looking for a new adventure or just love to be out on the water.

I want to congratulate the organizers of this year's event which was, as I said, 'pel'-held this past weekend, including Chairman Bruce Owen and his fine committee of volunteers. I'd ask all members of the House to join me in congratulating Camp Stephens and the Winnipeg YMCA on 50 years of providing this important summer experience to kids of all ages, and I wish them all the best in the next 50 years. Thanks, Mr. Speaker.

**Mr. Speaker:** Grievances? No grievances, then we'll call—

## ORDERS OF THE DAY GOVERNMENT BUSINESS

**Hon. Jennifer Howard (Government House Leader):** Would you please call second reading debate of the following bills: Bill 31, Bill 40, Bill 37, Bill 34 and Bill 33.

### DEBATE ON SECOND READINGS

**Mr. Speaker:** We'll now call bills in the following order: Bill 31 followed by bills 40, 37, 34 and 33.

Starting with Bill 31, The Workplace Safety and Health Amendment Act, standing in the name of the honourable member for Steinbach (Mr. Goertzen).

### Bill 31—The Workplace Safety and Health Amendment Act

**Mr. Speaker:** Is there leave for this matter to remain standing in the name of the honourable member for Steinbach?

**Some Honourable Members:** No.

**Mr. Speaker:** No. Leave has been denied.

Is there any debate on this bill?

**Mrs. Leanne Rowat (Riding Mountain):** It's a pleasure to put a few words on the record with regard to The Workplace Safety and Health Amendment Act, Bill 31.

As the critic for this area, I learnt a lot about workplace safety and health through research of this document—or bill and also in discussions with so many other stakeholders in the province, Mr. Speaker. My husband is—works for Manitoba Hydro, as I've said earlier, and he's very involved in the workplace safety and health initiatives within his job. So I was able to, you know, throw a few ideas, you know, his way and ask him what he thought, and so it was a great opportunity for he and I to have a discussion with regard to things that are happening within the Legislature—and a firm believer in workplace safety and health.

My father-in-law is actually—is pretty much profoundly deaf from a workplace injury years ago, and so we understand the significant loss that one faces when you lose something like your hearing. I know that it really affects Don and the—and it makes it very difficult for him to share in the discussions with his grandchildren, his children. And so I believe that anything that we can do to ensure that members of society—and 'expecially' Manitobans—have the opportunity to remain healthy, is a step forward.

There were a number of concerns that were sort of just raised as red flags with regard to this bill, and I'm just going to share some of them so that the minister can have a look at them. I appreciated the opportunity to have a briefing on this bill, but since that time there were a few things that came up, and if these are a few things that we did discuss at that time, I apologize, but it was a while ago.

And I just want to put on the record, with regard to the chief prevention officer, we've heard that they're—from the different stakeholders that we discussed this issue with, that they really were looking for a little bit more clarity and explanation with regard to the chief prevention officer.

Do they work for the government or an independent office? I would assume that it would be under the Department of Labour, but for this reason the CPO would be then named by the minister in charge. There were just some questions with regard to the appointment of this individual.

And reporting and providing advice to the minister, they were just wondering if that might be a conflict of interest, so it may be at some point a clear indication of what the roles and responsibilities would be of this individual.

With regard to that issue again, from another agency, they just indicated that they did not feel that

there was a need to create a new position, that the job position could be done within the present individuals within the department, taken on as a—an added role, but we do know also that enforcement in various areas like health, et cetera, they're tapped out. So, you know, just making sure that this position is looked at as a preventative measure, not as an enforcement measure, and I think we had the discussion with regard to that. And there is a serious concern out there that there's going to be a more—more of a focus on enforcement.

And so we really would like to continue to see a co-operative approach that has been taken by the department over the last several years, with regard to education, 'expecially' with the different agriculture groups that are out there. Some were wondering, you know, if it was necessary to have an unlimited amount of time for a committee to meet. They thought that it would be better if it was a structured time period so that everybody, including the employer, would be more clear on the amount of time that an individual would—or a group would be meeting. When you say that as long as the committee requires, leaves it too broad for some organizations to feel comfortable with that.

The stop-work order, obviously, is a concern to a lot of individuals, a lot of companies out there, and also to a lot of employees. Employees were concerned that how this would affect them if they're not in violation but their partner—group are. How does that affect them as employees? You know, their wages, et cetera. This, you know—that is a very serious concern. People really do rely on that income to take care of the families, so a work-stop order, there has to be probably a little bit clearer—some clarity with regard to how they plan to execute a stop-work order. Is it just based on the opinion of an officer, or is there going to be something a little more clear in how that will roll out?

With regard to five and more workers, as I indicated earlier, they just feel that this would be quite a burden on—five or more workers, rather than 10, would be a burden on some of the industries out there. So they're looking for more flexibility to have the representative cover multiple business units instead of just having one—instead of having an individual person be responsible in each unit. Maybe having this a little bit broader in scope, having a safety representative to cover multiple business units would be more palatable for some of these businesses.

With regard to the strengthening provision for workers exercising their right to refuse work, they're concerned—there was concerns raised with regard to the proposed change, suggesting that an employee should work without discrimination. It—the act falls short in what that definition is, what exactly discrimination means, and how it should be applied. And I guess the fear is that, there—without a clear definition, there could be interpretation to which would lead to confusion and inequity of treatment. And what I'm hearing is that they would strongly recommend the act clearly define this discrimination—of the word discrimination and the act of discrimination in the context of workplace safety and health.

\*(14:50)

I guess a few other questions that have been raised with regard to the legislation is just a clarification with regard to an assumption that employers would be asked to pay for safety representatives on staff to be away on workplace safety—or work safety business, meaning meetings, hearings, et cetera. And it seems that that combined with the amendment to have at least one workplace safety and health committee member in an office of five or less, smaller businesses would definitely be finding that as an added burden to the other four staff who have to remain and to cover—to do their work as well as the fifth person's responsibilities because work does not stop just because somebody has to attend a meeting or be away.

Also, there's a concern that employers would also be expected to pay for staff that participate in educational training courses offered by the workplace safety committee, not just those courses offered by the employer. The employer has no issue, I believe, with paying to ensure that their staff are up to speed and qualified in the work that they do. But there are—if there are going to be added expectations with regard to workplace safety in—then the individuals that own businesses—or business owners would like to know how that would play out.

Let's see, I guess, one other option that appears to be a concern would be a possible appeal. If somebody has a concern, is there an opportunity for this individual or this business to then go to somebody to question the decision being made by the enforcement officer? Because I—you know, I believe what I'm hearing in the community is the individual that's going to be taking on this role may not have the expertise of that industry, may not

understand this, you know, the roles and—as a potato farmer, or be it a, you know, a grain farmer or a bakery. Just wanting to ensure that the individual takes into consideration, you know, the type of business that is operating and if there is a disagreement, what is the mechanism in place so that they can then find a third party to review not only the officer's comments, but also the employer's comments or the employee's comments? So just wanting to know if that is going to be in place.

So, clearly, what I've heard across the province from various organizations, both employers and the employees, is that there's no question that workplace safety and health are an important piece of a healthy and strong business sector. But we also believe that there has to be, you know, some consideration to not be overly enforce—forceful in their enforcement, but work with the businesses who are, obviously, trying to make a dollar, but also to continue to employ a number of people within that community and to provide a service to those individuals.

Having an average of 34 work-related fatalities over the past 11 years is just not acceptable, Mr. Speaker. I know many of us have friends or family or acquaintances who have passed on. You know, again, you know, living in a agriculture—agriculturally based community we have seen tragically, fatalities or, you know, dismemberment. You know, there's so many issues that we have seen growing up and living in rural communities, as well as knowing through the workforce, such as Manitoba Hydro, we have friends that have lost limbs because of, you know, safety issues, et cetera.

So we know the significance of that. We all appreciate that. We promote—as a party, we believe in promoting training investment and innovation in Manitoba, and we believe that businesses support this as well and promote the rights of Manitoba workers to work in a safe and healthy environment, Mr. Speaker. So we believe that this legislation and strengthening the provision of a worker's right to safe work is important, but we believe that there's some areas of clarification required and that we believe that the focus should be on ensuring that businesses are able to continue to operate, but in a safe way.

Mr. Speaker, many of the government's, you know, regulations in the past—not necessarily in this department but in others—have not always reflected logic, so we really, really want to see the regulations that come into force, that they are logistically responsible or responsive to businesses. I know that

there are a number of businesses that feel at times that they are not listened to, and I believe that that really is something that we want to see take place.

You know, and, again, penalties being imposed—I know that that came up every single time we talked to a business owner, that they are very concerned that expanding the list of activities for which penalties may be imposed is a very serious concern. I believe that most businesses out there feel that they are overburdened with red tape and regulation at this point, and knowing full well that they respect a healthy, safe environment for their workers, they also believe that there should be some consideration for the fear that expanding the applications may put them out of business. So, if there's some way of educating without causing with—and reducing the risk of fear of closing a business, would be greatly appreciated.

And, I guess, in closing, I know business owners across this province work diligently and proactively to implement safe procedures by working with safe—health and safety officers. A number of the organizations that we met with were—commended the work of the officers out there. Some had challenges, so that raises the concern that expanded powers could cause some additional concerns for an industry, and, again, that's where we were talking about ensuring that they understand the business and that there's a tool or a mechanism in place that they can go to and have an appeal or a further discussion with regard to that process.

So, in closing, Mr. Speaker, I believe that the majority of this bill is acceptable to most Manitoba business owners as well as several workers that I talked to in the various businesses, and they believe that this legislation provides an opportunity to provide an openness of worker—working with employees and employers and ensuring a reasonable balance is taken. And I believe that that is something that I believe this minister has a responsibility to do, is to ensure that reason—there is a reasonable balance between taking steps to ensure workers are protected and maintaining business competitiveness for the business owners.

So, I thank you for the opportunity to put a few words on the record. I saw the minister taking some notes with regard to the comments that I was sharing, so I look forward to further discussion. I look forward to committee, when we will have a number of stakeholders come forward and present their ideas, their concerns, their support of this bill, and I look

forward to hearing those additional comments. Thank you.

**Mr. Ian Wishart (Portage la Prairie):** It's a pleasure to rise to put a few words on the record regarding Bill 31, The Workplace Safety and Health Amendment Act. And my colleague from Riding Mountain has certainly brought up a number of issues that have emphasized how important it is to have safety in the workplace.

Frankly, anyone that is injured in the workplace is too many accidents, and, certainly, deaths are an unacceptable alternative. And we need to work together, both as industry and workers and employers, to try and minimize the 'opportunities'—or the chances that this might actually happen.

\* (15:00)

And, certainly, there have been some—significant progress has been made over the years and much more remains to be done, but we need to remember that enforcement is not the only way. We need education and the chance to work together.

And many of these workplaces now—especially the ones that are starting to be included in this process, like some of the more rural ones, are fairly unique workplaces and, certainly, many of the workplace health and safety officers are very unfamiliar with what goes on in these places.

We had a working example of this a few years ago when we implemented safety standards for agriculture and, of course, that covered a wide range of sectors, right from the livestock sector through the potato industry and the vegetable industry, and training for them was virtually unavailable. So, rather than just do enforcement, we went to the minister at the time and suggested that the best solution would be to develop training programs and actually get them out into the workplace, and the people that were best equipped to get them out in the workplace actually were members of the commodity groups that actually were working in those particular sectors.

So we worked co-operatively with workmen's compensation board—and this is through Keystone Agricultural Producers that actually that that occurred—and very successfully, over a course of about three years, have had many hundreds of people go through the various training programs that took place in regards to that and had considerable success.

But they—it was necessary to develop virtually from scratch these training programs, because nothing existed and the expertise that was in the industry was really more industrial in nature than it was for those particular ones, because the problems are quite dramatically different from some 'sec'—one sector to the other. The problems of dealing with livestock are quite different than the problems of dealing with the machinery that you see in place, particularly for the vegetable industry, which is very—hand machinery—very manual—and the risks, of course, associated with that are quite different. And also the risks that are associated with the highly mechanized potato industry, that is also out in much the same workplace but with quite different sets of requirements in terms of how to handle that.

So this worked very well, but it has ended. Co-operation has ended there. The funding that was available through workmen's comp has ended. I would suggest that we need to look at that as a model of where we should be going with a number of other sectors, and work with those sectors very closely in an education process to try it both with the workers and with the employers, to try and make sure that we can minimize the number of accidents.

And, in particular, and in—the member for Riding Mountain (Mrs. Rowat) mentioned that in the farm community, we still suffer with way too many accidents, and statistics actually show that it tends to be the very young and the very old that are victims of those accidents. Both ends of life suffer, and I can think of many very sad situations where parents or grandparents, actually, had an accident involving their 'sib'—their children or their grandchildren. Those are heart-breaking situations and often virtually destroy the family. So we certainly want to make sure that those things do not occur.

But even in any workplace, if someone is injured, it has a blow on the morale of the whole industry—the whole workplace and is certainly not a good situation.

Now, when it comes to the training process in the fall harvest, for instance—and I'm personally very familiar with the potato industry, so I'll use it as an example—the first day that you bring people in to work in the harvest, you really don't accomplish anything. By the time you do the farm—the safety training and the biosecurity protocols, because they're subject—the workers are subject to the biosecurity protocols as well—you basically take your whole first day on training. You might get a few

hours at the end of the day so that everybody is familiar with, yes, this is your role, this is exactly what you do, this is what you don't do. And even if you tell some people not to do something, you know that, sooner or later, someone's going to find it convenient to do what they shouldn't have done, and then you've got a problem on your hand and how do you deal with that problem. And you have to make it very clear to them that this is not a if-you-feel-like-it, but this is a must-be-done. Certainly, the standards are in place and they're very heavily enforced now.

I can think of an example where, on the biosecurity side, where actually someone from the company came to a work site, didn't sign in like they were supposed to, which is an absolute requirement, and wandered into the storage area without having done so, and were immediately evicted by the owner of the operation, saying, you're not supposed to be here, even though this was the company he was contracted to.

Wasn't received well at the time by the company representative, but in retrospect that decision was upheld and, in fact, applauded. He had done the right thing. He had done what needed to be done. And, when it comes to safety—absolute necessity, there is no tolerance for near or close. We must—it must be done right.

But this still leaves a few problems in the situation and some things that need to be clarified, and the member for Riding Mountain did a very good on bringing that up. I mentioned the issue of time and unlimited time. And very often in some industries time is of the essence; you're fighting the weather conditions. So we need to be able to be somewhat flexible. Certainly, time for farms for safety is absolutely essential and should not be put aside but should be dealt with in a reasonable manner, not extra time taken away, because if someone's not in the workplace that does leave a burden on someone else to pick up the slack and that puts them at risk. So we certainly need to spend time.

And, frankly, I would suggest rather than sending people for training out of the workplace, we need to bring the trainers to the people. And so smaller groups and more frequent, and that's the model that we actually used when we were trying to introduce this to the industry. We would, you know, encourage them to set up their crew, maybe give us a day or two's notice and then we would come to them and we would do the training actually on site. And in the end we did do a little biosecurity as part of the

process because that was a new process that occurred very much at the same time, so it was kind of a good overlap and actually did work very well.

The five workers more per site—pretty arbitrary number because in many sectors the number of workers per day is actually pretty fluid, depending on the load of the day. And so you may have five or six workers one day and only two or three on that site on the next day. So you have to be prepared to work that. So perhaps over the whole operation would be a better way to work it, because sites vary.

Initially, when the potato industry was developed, everything was all in one place. Other than the harvest, the work was all done in the shed area. Now, actually, 90 per cent of them operate by removing foreign matter and dirt actually in the field so then you don't have the transport issue. So now you have, instead of one work site, you have two or sometimes three work sites out there, and you have to be able to—and the numbers fluctuate from place to place.

We really want to work very hard at safety in those areas. There's still far too many accidents, and we need to work with that. So a stop-work order may have—may apply to the whole situation, to the whole operation, if that's clearly where the risk is, if it's across the whole operation, or maybe just a specific site. So we need to work on that.

There also needs to be some mechanism to appeal or clarify what is a dangerous situation. There are standards that most equipment is built to. Unfortunately, the standards continue to evolve every year. Canadian safety association has standards for most equipment and most equipment comes to the marketplace initially meeting the standards of the day. However, the standards of the day can change very, very quickly. In fact, we've seen a situation this last year or two where grain dryers, for instance, which were initially approved for Canadian sale and operation, are now not meeting the standards because of a change in Canadian standards.

The—most of them, in fact, are manufactured in the US. They still meet the standards in the US but they no longer meet the Canadian standards. Of course, nobody told the American manufacturers we were going to change our standards. So now when stuff comes into Manitoba and has to be inspected before it can be put into operation, we're finding that a lot of stuff is not making the standards. And of course the training associated with that would be substandard.

In those situations, what we need to do is make sure that more information is flowed through the industry earlier so the American manufacturers know that we have found this to be substandard, this type of construction, and that they need to upgrade their standards to—for Canadian marketplace if they intend to sell in this—in the future. Excuse me, Mr. Speaker.

But there really is no mechanism in place to make sure that that's actually happening, and also that there is no process for the discussion to be ongoing. It usually has—requires someone to come in from outside, a commodity group interest or something like that, to try and deal with the issue because there is no function of communication between inspectors and operators. So we need to get those type of things in place to make sure that this works as well.

\*(15:10)

But I think the emphasis of this particular approach should be more on the training aspect and less on the enforcement, and I know the officer's title is prevention, but when you read it, it really looks far more like an enforcement officer. And I would rather see them training and prevention in terms of a title, and, certainly, the focus would be on providing opportunities and mechanisms to make sure that we get the training out there, because I'm—even with the training that is available now, I suspect there are many situations where it's really not access to adequate, properly informed training, and I go back to my point earlier that many of these workplaces that we're getting into now with the smaller units are quite unique workplaces and have quite different risks than some that we have seen in the past.

Certainly, we want to be clear on how many—or what portion of the units is being shut down if there is a stop-work order, if it's all. A simple example would be if one Hydro crew made an error and had to have a stop-work order issued, does that affect all Hydro operations, all Hydro crews? Well, clearly, that would not be the intent, but we want to be sure that everyone actually is in a position to under—know and understand that that is the situation. So a little clarity would certainly help.

I want to go back again and absolutely emphasize that any injury in the workplace is too many injuries. We need to work together to minimize these as much as possible. Cost is not always the issue. It's more about education than cost. You know, we can certainly deal with the costs if there are any, but we have to be sure that we can get the

information out to the workers, through the employers in most cases, and make sure it gets there.

And taking them out of the workplace to do training, I don't really see that as the best solution. I see the best solution as actually bringing the training to them as much as it's feasible. And, certainly, with smaller workplaces that, too, presents an additional challenge, so.

I appreciate the opportunity to put a few words on record on regards to this. I know that we will have a number of presenters at committee on this and I certainly look forward to them being there to express their opinion, and we can possibly look for some clarity and hopefully we can find solutions that actually work for all sectors of the industry. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak briefly on Bill 31, dealing with workplace safety and health. And, certainly, this has got to be one of the important areas for Manitoba historically has had a higher rate of accidents and issues in the workplace than other provinces, and we need to bring that down. And, certainly, any injury is too many, and when we see time-lost-to-injury rates in Manitoba which are higher than other provinces, we need to be concerned about that.

I think, with regard to this bill, it's important that we get a bill and a result which is effective, which makes sure that we have adequate training of people who are going to be involved in some of the new areas.

And, certainly, it's vital that we have a careful look at this bill, we listen to people at committee stage before passing it and look at whether there needs to be any amendments. But, Mr. Speaker, with those comments, I'm let it go to committee and looking forward to the presentations. Thank you.

**Mr. Speaker:** Any further debate on Bill 31?

House is ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question before the House is second reading of Bill 31, The Workplace Safety and Health Amendment Act.

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

## House Business

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on House business, I'd like to announce that the Standing Committee on Social and Economic Development will meet on Thursday, September 5th, by leave, at 6 p.m., to consider the following: Bill 2, The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel); Bill 31, The Workplace Safety and Health Amendment Act; Bill 208, The Universal Newborn Hearing Screening Act; Bill 211, The Personal Information Protection and Identity Theft Prevention Act. Of course, that's September 5th, 2013.

I would like to ask for leave that we can call the committee for Thursday, September 5th, 2013.

**Mr. Speaker:** Is there leave of the House to permit the Standing Committee on Social and Economic Development to meet on Thursday, September the 5th, 2013, at 6 p.m., to consider the following: Bill 2, The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel); Bill 31, The Workplace Safety and Health Amendment Act; Bill 208, The Universal Newborn Hearing Screening Act; and Bill 211, The Personal Information Protection and Identity Theft Prevention Act. Is there leave? *[Agreed]*

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**Mr. Speaker:** Now, we'll proceed to call the next bill, Bill 40, The Residential Tenancies Amendment Act, standing in the name of the honourable member for Spruce Woods.

### Bill 40—The Residential Tenancies Amendment Act

**Mr. Cliff Cullen (Spruce Woods):** It's indeed a pleasure to rise in the House today with support of my colleagues and speak to Bill 40, The Residential Tenancies Amendment Act.

Certainly, this legislation will have an impact to a lot of Manitobans who are renting apartments or dwellings around our province and also will have an impact on landlords, too, the people that own those various residential complexes. And I see we do have a few people lined up to come to committee to speak to this piece of legislation and to the amendments regarding residential tenancies. So we're certainly looking forward to hearing what they have to say

about the amendments to the existing legislation as proposed by the NDP.

Mr. Speaker, I just want talk briefly about some of the key components to this amendment legislation. The first one deals with the damage deposits in terms of pets. I know that's—I think what's happened here, the NDP have had some complaints from either landlords or tenants in some areas and what they've tried to do is address those complaints that have been brought forward by this legislation.

Now, clearly, I would suggest that landlords are certainly concerned about some of the damages that are—have been caused by domestic pets in some of the apartment complexes or houses, whatever the case may be. So what they've done by this amendment is actually allow for a separate damage deposit for pets, and the legislation talks specifically about dates when this particular amendment will come forward. And it's certainly something that people should be aware of that do have pets, and I think there's a date there of June 30th, 2010, in the legislation. So, hopefully, that component will alleviate some of the concerns that I think both landlords would have and then, hopefully, the tenants, too, that they could arrive at some kind of a compromise position.

Mr. Speaker, the other issue that is raised in this particular piece of legislation is a situation where the landlords carry out renovations to their buildings, and, apparently, there's been some complaints from tenants that those renovations can cause some undue stress to tenants, and I think this is what this particular amendment speaks to. And, clearly, I suppose, it could be a case where a landlord may wish to get rid of a certain tenant and maybe make it difficult for that tenant to stay in that particular residence, and then by doing so, by the construction situation that they develop may actually drive the tenants out. So there's a provision in this legislation to recognize those types of situations and to compensate the tenants if this situation arrives which the landlord is actually making it difficult for the tenant to stay in that particular residence.

\* (15:20)

So there's some interesting provisions in there, and I certainly look forward to hearing what people will say on those particular provisions because it does place quite an onus on landlords in terms of providing a transition, another location, another rental unit for the landlord that's been forced to move. And, obviously, that's a very difficult situation

in terms of whether that undue stress actually necessitates the tenant to leave the residence. And, certainly, hopefully those issues can be ironed out, and this is a very unique situation that would arise in the future. So there certainly is a provision to recognize those types of situations that may develop from time to time, but I would suggest—I would hope, at least, on a very rare occasion.

Mr. Speaker, there's also some provisions in here dealing with the Residential Tenancies Commission, who clearly play an interesting role in terms of the landlord-tenant relationships. And, certainly, I know they're facing some challenging decisions to make over the course of time as well—I'm sure they will into the future. What the provision has done, it's actually reduced the time frame there in terms of the period for when you appeal for an order of possession. So, certainly something that both the tenant and landlord should be aware of in terms of that. So there is some provisions in there that hopefully expedite that whole process.

Clearly, we get into those disputes where the Residential Tenancies Commission comes into play—disputes between landlord and tenants—and I know it can be a very difficult situation for them to resolve those issues. As always, there's at least two sides to every story, sometimes a third version closer to the truth, but that's their prerogative to try and sort those issues out, Mr. Speaker.

The other interesting provision here is one that's been brought forward, I'm sure, from the landlords, where there is at least a certain suspicion that there might be some illegal activity occurring within a residence. And, in essence, what this provision allows is the landlords to terminate a—an agreement with the landlord if their tenant is engaging in any unlawful activity, Mr. Speaker, that causes damage to a rental unit or residential complex or interferes with the enjoyment of a rental unit or residential complex or infringes or inversely affects the security, safety, health or well-being of others in the residential complex.

So there is, certainly, an interesting—situations may develop from time to time. This gives the landlord some authority to make sure that there is no illegal activity or ongoing damage to the—to their structure, Mr. Speaker. So that's the provision that's outlined there.

Another important provision, Mr. Speaker, which I'm sure we'll have some discussion on in committee from whoever comes to present, is the

rent increase guideline and how that's going to work into the future. Clearly this is part of the unknown in this particular legislation. These changes in terms of how rent guidelines are set will be changing, and the legislation actually just lays out the parameters of how that's going to work in terms of actually calculating the annual rent increase guidelines. But the actual guidelines—or the actual rent will be—and those guidelines will be set out in regulations.

So that's always a fear, I think, from our perspective as opposition, when you look at legislation, is in terms of everything that's moved out of the act into regulation, Mr. Speaker. So that's a provision that I wanted to make note of and I certainly look forward to any discussion that comes forward on that. I'm sure—I know we just had the rent guidelines announced this past week, and by this time next year we'll probably have a different way of determining what those rent increases will be. And we'll wait and see how the public feels that process is moving forward. So that's certainly another interesting amendment that the government has proposed in this particular legislation.

With that, I certainly look forward to having this legislation move forward to committee, and we'll see what people have to say about the proposals in this legislation.

Thank you very much, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just a few words on this legislation. It's important, when we look at amendments like this, to judge them not only by the content of what the amendment is but on what is missing.

As the Speaker probably remembers, I have for many years championed better access to apartments for people with pets and, although there've been some modest changes under this government, including some in this bill, that the access to apartments for people with pets has not changed all that significantly and there are still many people who are having to give up their pets and many pets which end up with the Manitoba Winnipeg Humane Society or humane societies in places like Brandon, rather than with their owners because the owners are having trouble finding those apartment places—the apartment spaces to look after their pets.

I talked with an individual not very long ago and—about this problem and it continues to be an existing issue, and it would've been better if this issue had been addressed more forthrightly

following, for example, the model of Ontario, rather than these modest changes here.

I look forward to what is presented at committee stage and to seeing this bill move forward through the process, and thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on Bill 40?

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 40, The Residential Tenancies Amendment Act.

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

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**Mr. Speaker:** We'll now call Bill 37, The Emergency Measures Amendment Act, standing in the name of the honourable member for Lakeside.

#### **Bill 37—The Emergency Measures Amendment Act**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, I do want to talk a bit about Bill 37 in regards to The Emergency Measures Amendment Act, and I remember when the bill was brought forward and that was on, actually, May the 1st of this month, and I can tell you that our first reaction—our first reaction to the bill was, well, this is a get-even bill. This is a bill about the member from Portage that went out and was told he was in a illegal protest, whereby he was actually there talking to members of the flood protection outlet on Portage Diversion—and then we had the briefing. We had the briefing, we talked about the real impacts about what was going to happen in regards to the bill and, of course, the minister sat me down and we talked about what the reality was behind the bill, and it had nothing to do, in his opinion, with regards to the member from Portage la Prairie.

But it had to do with people from Breezy Point, and going back to the flood of 2009 whereby the folks at Breezy Bend—Breezy Point was to the point where they were at risk, and the municipality went out and talked to those folks and the emergency measure folks went out and talked to, in regards to the harm that could come to them if they stayed. And we remember very clearly the ice backs up that came along the Red River and, of course, it became a reality that some of those folks got stranded. They got stranded on their homes—some of them were on

the roofs, some of those come out through the night whereby they actually—be—had to be airlifted off some of their homes.

So, we know very clearly that there's a time, there's a place for changes and obviously this is one of those. We don't have a lot of presenters on this particular bill. In fact, there's only two presenters. So we do want to hear what those two folks have to say about it and, of course, feedback. I know that—talking to other jurisdictions, we know very clearly that Manitoba is in a flood plain and whenever we look at disasters, whenever they come about in regards to different things happening within Manitoba, we know water comes very quickly. It can come very slowly. And I think that whenever we're talking about flood, that when it comes, there's nothing we can do. I mean—so it's called preparation ahead, and we don't want to be reactive, we want to be proactive.

\* (15:30)

I know, very clearly, the government has talked about the outlet on Lake Manitoba. And their—my colleague from Agassiz has been calling this government, I've been calling this government, that we need the outlet. We need it soon. And we know, very clearly, the government has announced that they're going to start work in 2016.

And we know the government's great on announcements because we hear them all the time. In fact, we—just in the last six months, we've had 132 announcements. Some of those, we—are reannouncements; some of those are reannouncements of reannouncements, so we're—hope this is not just one of those reannouncements that's going to carry on.

And we know, very clearly, that the outlet of—up and around Lake St. Martin is one that's very important, and, in fact, we're really concerned about that outlet, simple for the reason we still have 2,000 people that are out of their homes. We have people out of their homes that's been out of there for two years and three months now. And, you know, session's coming to a close here and fall and winter's among us, and—just around the corner—we want to make sure those folks are back in their homes.

In fact, I asked some questions a couple of weeks ago in regards to a business, the Rawluk's in Gypsumville, whereby they're concerned about getting those folks home too. Their economic impact for that community is huge. Now, if they're going to relocate the folks from Lake St. Martin reserve and

the other reserves up there, we're very concerned that that will have a economic downturn on the folks and the businesses in that area, as well. In fact, there would be no need for them to go to Gypsumville. They'll have to probably, in all likelihood, go towards Ashern, which will make Gypsumville hit quite hard economically.

So we're very concerned about where the government wants to go in regards to the future—the future for those folks, those 2,000 people that are out of their homes. And we know that this is something that the government's working on. We know that our federal colleagues are working with them as well, and we encourage the government—we encourage the government—to reach out and find a solution whereby we can get these folks back.

In fact, I know that—I was up there just not—oh, about a month and a half, two months ago, and I was looking at the outlets and talking to some of the folks there. And I can tell you the concerns are enormous in regards to what the next steps are going to be. And so we want to make sure that any time we talk about emergency measures, that we do it in a way that's planned and a way that's going to be sustained for the future, so we want to make sure that we encourage the government to do that.

In fact, you know, when you're looking at the bill, in the detail, it talks about the things that are going on within those jurisdictions and how the municipal side picks things up in regards to disaster financial assistance. And, in fact, what the minister did, he informed us at the bill briefing that this bill, in Canada, under Manitoba disaster financial assistance, is not tied to declarations of local states of emergency, rather that DFA is always available; rather it is certain powers that are tied to states of local emergency. These powers include prohibited travel, forcing evacuation of certain areas and entering to crossing private property without a warrant. We often know that these powers are needed in such state—such cases as a wildfire or a flood, so we know very seriously that these things or types of things, that we want to make sure that we have the authority to do.

Of course, we want to—in fact, we've asked where—not necessarily in a flood situation—we've asked the government very clearly—the member from Carman and I both have asked about biosecurity, and whenever you're going on a farmer's land, how important it is that we have biosecurity first and foremost.

In fact, whenever you look at a farm field and you wonder why they're going out and they're tilling around some of the crops, well, I'll educate those that don't know. The reason they do that is to keep the biosecurity safe. This is a—very important to the farmers—very important—so you go from one farm to another farm or even one field to another field, you can contaminate that crop, literally costing the farmer or that producer thousands and thousands and thousands of dollars. So that's why we bring this up over and over again, because it's so important, whether it's a quad, whether it's footwear, how important it is to make sure we follow through in regards to biosecurity.

So that's also important when it comes to disasters. We just don't want to jump in without any knowledge about what we're going to be doing in the next step, so those things are very important to us. And I know that, you know, we are very blessed on this side of the House to have a number of farm background people that understand that. And so we're certainly prepared to make sure that we cover these off. We want to make sure that the farm organizations such as Keystone Ag Producers and others, Manitoba wheat producers, that are also informed in regards to what the reaction may be in regards to The Emergency Measures Amendment Act.

Also, flood structures: flood structures are a concern that we want to make sure are maintained. They are a viable part of emergency measures and we want to be able to ensure that those structures are actually up to date. In fact, the one in Portage, I can tell you that the—there's—needs to be some serious money spent on—in that one. In fact, the one in Minnedosa and Shellmouth, I know that the federal government—and I've talked about this before—the federal government put out \$5 million as per request from the Province of Manitoba. And they spent that \$5 million and we have nothing to show for it. We—what we have to show for it is still more flooded farmers. We're very concerned about what the next steps are going to be in flood preparations for the Shellmouth area.

And the other areas, it doesn't really matter which way you want to go. We still have to be prepared, and what's happened? What's happened in regards to flood is very simple. The farmers have had the ability to be able to drain land off at a much faster rate and that also causes some problems as well. So we have to be prepared in all aspects of how we're going to move this water in a very timely

manner. And I know the Province has went out and they bought some more ice breakers. They bought some more ice cutters and that has helped. That has helped, and we've learned from some of the other provinces. In fact, Québec is where, I believe, the ice units come from, and we know that that has done some good. But the bottom line means is that safety is foremost and most important.

In fact, whenever we're looking at these new infrastructures as we build these new bridges, and we know that a number of these bridges that are dated. In fact, I know the member from Emerson has talked about the bridge in St. Jean that they blew up and they spent just a million dollars the previous year upgrading it, then they blew it up and dropped it onto the ice and hauled it away, you know, just a few months later. So, whenever we're talking about structures, we need to make sure that we do have those checks and balances in place so that whenever these things happen we have a plan in place to replace them without having to put those communities at risk.

And we also know that in Brandon we—I know we've talked about Brandon many, many times, and I know the member from Brandon West has talked about it—in regards to the one-in-100-year protection from the forms of dikes. In fact, every time I have an opportunity to go to Brandon, I'm always impressed with the fact that the City is always progressive in moving forward, and we certainly want to make sure that those folks in the Brandon area is also protected and we want to make sure that they do, in fact, have the one-in-300-, one-in-100-year protection as well.

But we also need to make sure that whenever we're going in the committee, as we're getting ready to proceed to move this Bill 37 forward into committee, that we hear from what Manitobans have to say. So we're looking forward to what the committee has to say, the presenters. And I believe that one of the concerns that I think we're going to talk about is the fact that whenever there is a protest we make sure that there's a difference between a protest and those that are actually saved. And that's the bottom line is No. 1 thing, as I said before, is safety.

And, with that, we're prepared to move the bill on to committee. Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on Bill 37?

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question before the House is second reading of Bill 37, The Emergency Measures Amendment Act.

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

**Bill 34—The Property Registry Statutes Amendment Act**

**Mr. Speaker:** We'll now proceed to call Bill 34, The Property Registry Statutes Amendment Act, standing in the name of the honourable member for Charleswood (Mrs. Driedger).

The honourable member for Charleswood? No? All right.

Is there leave for this matter to remain standing in the name of the honourable member for Charleswood?

**Some Honourable Members:** No.

**Mr. Speaker:** No? Leave has been denied.

\* (15:40)

**Mr. Cliff Cullen (Spruce Woods):** Well, thank you very much, Mr. Speaker.

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

**Mr. Cullen:** Well, it's always good to get up and have support from your colleagues, I'm hoping that I could—I can speak in favour of this bill in their regard, from their perspective at least.

Anyway, The Property Registries Statutes Amendment Act, is an interesting piece of legislation, Mr. Speaker. And basically what this legislation will do, will provide the government the framework to make a number of changes to a number of pieces of existing legislation. And certainly there is a lot of pieces of legislation that will be amended if this piece of legislation is passed, so a lot of existing legislation will be impacted.

In essence what the legislation will do, Mr. Speaker, is allow the Province to make a substantial change in terms of the property registry service here in Manitoba. Currently, the registry is handled by the Province itself, and civil servants manage the Property Registry. This legislation will provide the framework to allow an independent organization or company to fulfill the obligations that the Province currently fulfills.

So it will be certainly an interesting challenge and change if this particular legislation moves

forward, Mr. Speaker. And what it will allow is the Lieutenant Governor-in-Council to designate a person as a service provider to provide land registry services and personal property registry services and authorize the service provider to collect the fees payable under the acts and to retain all or a portion of the fees as compensation for providing the services.

Now, Mr. Speaker, this is the interesting part I think that Manitobans will want to pay attention to. What the legislation proposes is that the government will actually sell off the entity—the land registry service. And I know there's been a dollar figure set and I believe that dollar value is \$75 million that the Province will be earning as a result of selling off this particular portion of government, if you will.

Then, going forward, the Province will be collecting from that service provider a royalty fee—I think royalty fee is even the term that the government is using on that, Mr. Speaker. And I believe the contract that they have negotiated with this service provider will set up a royalty payment starting in 2013 of about \$11 million and increasing to \$24 million at the end of the thirty-year licensing agreement. And that I quote from a government news release put out here at the end of the year in 2012.

*Mr. Tom Nevakshonoff, Deputy Speaker, in the Chair*

So, clearly, the contract—I would assume the contract has probably been signed or certainly those negotiations are well under way in terms of the parameters with—in which the new organization will work to provide both the services and also the royalty payments back to the Province of Manitoba.

Now, clearly, there will be a lot of existing employees that will be impacted by this change, I believe there'll be over a hundred civil servants involved in the current department under the Property Registry area that will be probably transferred over to Teranet, the company that's been proposed by the government. So there certainly will be some impacts to a lot of civil servants in that regard.

I know the existing—the proposed legislation, pardon me, also stipulates a couple of other important issues that—such as the fact that the registry records remain government property and the government records for the purpose of The Archives and Recordkeeping Act as currently exists. And also we want to ensure that the access and privacy protection provisions of the current freedom of information collection of privacy act apply to these

records as well and to the personal information of persons using the registry. And I think that's certainly a key component that Manitobans will be looking for.

The other thing that Manitobans will be looking for, getting back to the—both the royalty payments, will also be the fees that will be assessed to those services. And my understanding is the contract says there will be an allowance for—pardon me—an allowance for an increase in those fees of the cost of inflation plus another 1 per cent. Now, those increases in cost have to be approved by order-in-council. So we will see how the government will be dealing with those in the future if those provisions are, indeed, passed.

I think that would be an important aspect of this—that we will look back on this—these changes into the future to see how they are impacting Manitobans. Clearly, would they be looking at it from a revenue side to the government, and also to the impact of the users of that particular service and how those costs will be transferred back to the users. So, clearly, the government will be looking at the revenue side and the users of the system will be looking at the increase in fees going forward, and those are something that we as opposition will be monitoring as well.

The legislation also provides a requirement for a service provider to establish privacy and conflict-of-interest policies. I think that is, certainly, an important provision in this legislation.

The other thing that has to be maintained is the role of the Registrar General as a government official responsible for overseeing the land registration systems and the Personal Property Registry. So, with that in mind, there will be a government oversight there in terms of the process going forward which, certainly, will keep the government tied into the private provider of those services.

So I don't want to go on too long at this particular piece of legislation. I know others may want to speak to it as well. We certainly hope there will be—Manitobans come to committee to present and we certainly look forward to their ideas on this as well. Certainly, the Property Registry is a critical service to Manitobans and to Manitobans' economy. It's certainly a key ingredient to ensuring our legal and economic systems proceed in an orderly and a certain manner moving forward.

So the—we're certainly adamant then, changes to the registry must ensure both the integrity and the

security of the system, that it doesn't change. Clearly, the economy depends on it and certainly the business community depends on it as well and individual members of society certainly depend on it as well. And certainly we hope if this—it does pass, that they will provide, certainly, efficiency in the system. We hope that the government would look at each and every department in terms of providing efficient use of government.

Even today in question period, we found over in the Department of Advanced Education \$15 million was spent investigating some new ways to do business over there, and after \$15 million and a couple of reports and a couple years later we're still using the same old system. So, you know, \$15 million in one department such as that certainly adds up to cost savings. And if you were to look at each and every department hopefully being able to save \$15 million, we would have a considerable more efficient government hopefully and, certainly, a less burden on us as taxpayers.

We clearly know it's easy for the government to raise taxes and to raise fees, but it's a more difficult challenge for government to look inward to see if they can find efficiencies and cost savings within departments, and we firmly believe that that's an approach they can take. And, you know, even with the increase in the provincial sales tax, it's certainly, from a government's perspective, it's an easy way out to go and ask the taxpayers for more assistance.

And that—this could be a similar concern to Bill 34, that the government could be going back, asking those who use the system for more and more money each year and that will have a direct bearing on royalties that the Province will receive. If the government allows the fees to increase on an annual basis even up to the rate of inflation plus 1 per cent, it's certainly going to impact Manitobans. And, again, it's kind of the easy way out for the government to find and seek additional revenue.

\*(15:50)

So those are some of the warnings that, you know, we wanted to put on the record at this point in time. We certainly look forward to the bill going to committee to see what kind of feedback we do get from Manitobans, and certainly look forward to seeing how this may unfold in Manitoba.

With that, I thank you for the opportunity to speak on Bill 34 today.

**Mr. Deputy Speaker:** The honourable member for River East–River Heights, sorry.

**Hon. Jon Gerrard (River Heights):** Thank you. I was looking for the member for River East (Mrs. Mitchelson), but she's not–well, I can't say that.

Anyway, I want to talk for a little bit about this bill. This bill, which will hand the Property Registry over to a company called Teranet, which is an Ontario company, and this sale by the NDP government, which was first announced December 13th of last year, almost a year ago, was for \$75 million to Teranet—of course, a private Ontario company. And Teranet will provide the land registry services and the personal property registry services for Manitobans.

There is a lot of reason to be concerned about this, and I will look and talk about several of these concerns. I'm opposed, strongly, to this move by the government to change from the system that we've had, without any tender, to a system which Ontario now has, being provided by an Ontario company, which has proved to be an extraordinarily expensive system for people in Ontario.

How did Teranet pay the \$75 million? Essentially, Teranet will be paying that out of the hard-earned dollars of Manitobans who pay for the Property Registry. And so this is an example of the government being very duplicitous in having us provide the dollars when we purchase the services to Teranet, which then use those dollars to pay Manitoba taxpayers. It's a way of funnelling a lot of money to Teranet, and, at the same time, as I will point out, the government of Manitoba is substantially increasing its, essentially, tax grab from the property registry services.

This Bill 34 amends The Real Property Act, The Personal Property Security Act and The Registry Act to allow services under these acts to be provided by a designated service provider, in this case, Teranet. One of the big issues here is that the government has sold this monopoly to Teranet for 30 years. Thirty years is a very long time, particularly in an era where you're looking at information data services like this, where, in many circumstances, costs are coming down instead of escalating. This monopoly that's been granted to Teranet we can learn something about from the experience already in Ontario; and let's put it bluntly, it will be Ontario owners that benefit most from this bill, not Manitobans. And Manitobans will have to pay and pay and pay for this NDP mistake.

There is a parallel, of course, in the NDP approach, here. The NDP don't like tendering contracts. We saw that with STARS, where they didn't tender a hundred-million helicopter ambulance service contract. We see it again with this contract, which is, on the face of it, for \$75 million; that's what the company is paying upfront. But, in fact, if you look at it, this company is going to take hundreds of millions of dollars out of Manitoba over the next 30 years. And those hundreds of millions of dollars we should be looking at very carefully because it's going to cost all of us as citizens, and some of us a lot more than others.

Why did this government proceed without a tender? It's a very repugnant process that this government has gone through. We saw in committee, not very long ago, I think it was 15 of 18 contracts which were not tendered. It's more and more examples of the arrogant and abysmal way that this government is trying to run this province. It is in the best interest of all of us that you tender a process like this. It is in the best interest of us, as Manitobans, who are seeking this service and will use this service, but it's also in the best interest of Manitoba entrepreneurs who could have had an opportunity to get involved and perhaps bid for—to provide a better service at a lower cost. And there are other companies out and around North America who certainly have—could have provided this service to Manitobans as well.

So the reason for not tendering is very strange and presumptuous by this NDP government. I think it's pretty apparent that the government probably has sold Manitoba's Property Registry for some short-term cash, the \$75 million for the Finance Minister, but for long-term pain for Manitobans.

There are a number of elements in this bill that I want to go through and talk about. The—but there are really two fundamental problems. You know, the government has developed, initially, the Property Registry. It's true that there's some need for updating, but it's not at all clear that Teranet is the best service provider, and, in fact, I think it's worthwhile quoting into the record a few comments from a—an Ontario individual whose name is Peter Currie, who has—in a business that requires and uses property registry services on a frequent basis, so he's in a position to comment. You know, one of the points that he makes is that in Teranet the number of conversion errors that conveyances picked up are in the tens of thousands, if not more. And he had many years of repairing hundreds of titles' errors that were as a

result of the unprofessional conversion done in Ontario by Teranet. The conversions done in Alberta and BC or New Brunswick were done without not—without having nearly so many, you know, problems, and certainly this is one of the concerns, is the baseline quality of work that will be done by Teranet.

I think it is a fact here that when we are looking at not just the quality of work but the cost, we are looking at problems. This bill allows the service provider to collect the land transfer tax and impose a deemed trust on tax money collected by the service provider. The tax and the deemed trust on tax would be in addition to the basic fees that the service provider will be charging people accessing the Property Registry.

You know, the problem, basically, is this: that the NDP have bought into a model of business for this—for Teranet, in which the costs, year by year, will be increasing and the money that the government of Manitoba takes will year by year be increasing. And this model, for example, as we've heard earlier today, the government will expect to collect \$11 million going to \$24 million; in one report it was up to \$30 million at the end of the 30 years.

\*(16:00)

Well, if you average that out over a 30-year period, we're talking for a—basically a tax grab by the Manitoba government of—on the order of about \$600 million. You know, it doesn't sound so bad, perhaps, to talk about 11 million, but when you talk about it over 30 years, that's a lot of money, and we have to question whether that's really justifiable.

We have industries which are dealing with digital databases and with computers, and in many of these industries, the costs of doing business and the costs of providing services are actually going down. The cost of computers per byte, as it were, has decreased very substantially over time, as the improvement in the quality of the computers has gone on. And, to some extent, this is the same with digital information providers, like this, that the costs of providing services, the costs of advertising, as we've seen it online, is very much less than print advertising. That we're dealing with, when done properly, a business model where, in fact, you probably should expect the costs to be going down because of the information services being provided and the way they are being provided instead of the kind of a model that we're seeing here, where the

costs just keep going up and up and, of course, who will pay but citizens of Manitoba.

And this, I believe, is a significant problem and it is a particular problem because when one looks at Ontario, Teranet has the most expensive search system in North America. In Ontario, where Teranet is running their registry, to access an abstract of a title costs \$8, but for online payments there's a \$20 charge on top of this fee, and that goes to Teranet. As such, the total is about \$30.60 in Ontario. Compare that to British Columbia, which charges \$7.45 for an abstract. The online provider, BC—receives a dollar fifty for the online convenience, for a total over \$9.06.

So there is a \$20 markup, but a 300 per cent extra cost—higher cost, in Ontario, compared with BC. And this NDP government has bought us in to a much higher cost service, instead of looking at how we could have had a much more reasonable cost, a lower cost service and, as I've said already, there seemed to be a lot more problems with the service in Ontario than there are in some of the other provinces, including BC, not that any of them are perfect. But certainly there's no evidence that the Ontario service is three times as good as that as BC for causing—costing three times as much money. And, indeed, you know, at best, one would probably say that they may be somewhat in the more equivalent range. But herein is the problem: We have a government which creates a monopoly which buys into the wrong business—very, very expensive business model of Teranet—which provides in Ontario not as a high a quality service as it really should be providing. And this, I believe, is a significant concern.

I read from a letter from Mr. Peter Currie, who says: I've read with great concern your proposal to license Teranet to handle Manitoba's land registration system.

He says: Look, I am a conveyance operating—a conveyancer operating in Toronto who has had extensive experience dealing with Teranet and would like to warn you that Teranet is a company you should be very wary of. In fact, you should consult every other province and use anyone but Teranet to convert your land records.

That's hardly the kind of recommendation that one would have expected, and one has to ask: Where was the NDP government when they were looking into this and looking at the cost and the benefit of this? And, clearly, it seems that the government was bought in to a very expensive model, and I'll give

some examples in a few minutes of some of those extra expenses as I've already given for the basic service expense.

*Mr. Speaker in the Chair*

And—but let me talk a moment about one of the other quality issues. Again, Mr. Currie writes: a proper—public—property public database should be searchable in all parameters. In Ontario, limiting searching is available to the public and more sophisticated searching was left to Teranet as Teranet's intellectual property. Legally speaking, I don't know that the government really owns that to sell, but it's the power of the database being sequestered behind a private actor's firewall that allows them to act as a robber baron on the public data. In the past, if any person realized the sorting of data has a marketplace, any person could use the public database and create value added. Now, any intellectual business idea can be seized upon by Teranet who has an effective licence to steal other's ideas by putting up a huge financial cost on anyone's ideas.

In my report, in the case studies, the idea of being able to search for sequestered assets to assist in debt collection—Teranet, for example, he says wants \$50,000 a year to write \$1,000 worth of software. This is clearly a problem when we have an issue of poor quality than we should be getting at a higher cost. This, of course, is a typical NDP business model: poor quality, high cost. They just say, well, that's too bad we're doing it anyway. But we are here to debate this, Mr. Speaker, and it's important that this be on the public record and that people are aware of this problem with how the NDP are approaching this.

I would like to put a couple of other examples. When dealing with block maps, this again is a comment from Peter Currie. Now, these are maps that show a property parcel in its relative position to surrounding lands, roads and neighbourhoods. They're helpful in locating properties and the immediately adjoining properties. Ontario is the only province where the program must be purchased, and that is before a single search has been done. The cost is \$595 in Ontario. Now, New Brunswick, Nova Scotia and Manitoba have monthly subscription fees. In BC, Saskatchewan, PEI, one must obtain an account, and Alberta, Québec and Newfoundland have optional accounts or can be searched without an account and a credit card. So what you can see is,

right away, that Ontario is with Teranet. They are making this essentially as a money grab, and we need to be, I would suggest, very, very careful.

Now, let me give you another example from Peter Currie. He writes: a client of mine who's a private investigator who recognized the immense value in this information approached Teranet to see if it could provide—this is the information in the property database. He approached Teranet to see if it could provide a search routine that encompassed all 54 counties. I believe that's all of Ontario at once. Teranet informed him they would require in the order of \$50,000. He says, I can't remember the exact figure, but that's the range: \$50,000 a year for a licence to access the data in this manner. This sort of a licensing fee is outrageous. The software—the front end that would be required to access this database could be written for a few thousand dollars at most. The value and power of the database to the rule of law in Ontario, and now we will have this in Manitoba, has been lost because a private actor has no interest in the important policy—public policy considerations which deal with how we support and enhance the rule of law in Manitoba.

\* (16:10)

And let me go into that a little bit, because one of the fundamental issues here is that the property database information is a fundamental part of justice and the rule of law. And where there is not access at a reasonable cost to that information, then the problem is that you make it very difficult for people to get justice in many circumstances.

We had, for example, a situation of the flooding in Manitoba and people wanted to be able to compare the property values in other areas so that they could get an optimum value for the assessment of their home. Well, if you have to have a system like Teranet and you have to do multiple, multiple searches in order to find comparable land values, then it makes it very, very difficult and very costly to do that and this means that for somebody who's been badly flood affected, they would be in a very deleterious position.

The Minister for Infrastructure and Transportation should be aware of this problem and he should be talking to his colleague. It's probably too late at this point because his colleague has sold this asset, this wonderful asset to an Ontario company largely to the benefit of the Ontario company and the detriment of all of us as Manitobans.

What has happened in Ontario because of the way that they—Teranet is pricing things is that Teranet now effectively controls what has been public data and because of the way that it prices and costs the public availability of this data and the database is much less than it should be in order to—us to have as we should have, a properly working province.

The case example from Peter Currie in family law matters, searching titles by owners' names is often required. In these cases the end user, the lawyer's client, is often of limited financial means. Doing—the searches is now available may reveal dozen—several dozen possible matches. Common names, of course, will often provide a much longer list of matches requiring that even more properties are pulled. The cost associated with the multiple searches required usually mean that these searches are simply not undertaken when you have a system like Ontario's and a system that the NDP are imposing on us as Manitobans by selling this database untendered to Teranet.

For example, he, Peter Currie, writes, I'd consider requesting a search from Teranet in all 54 counties but not only name but to use the date of birth as an additional parameter in the search to help identify property owners in these family matters. These sorts of searches done on a large database could quickly and efficiently let someone know if assets had been sequestered away from the rightful owners. Upon hearing of the cost Teranet proposed to my private investigator client, it had to be—the approach had to be completely rethought because it was totally exorbitant. The results of this sort of approach is really going to be very problematic to Manitoba.

Peter Currie says, Teranet is like a plumber who you pay to come to your home to replace the pipes; the plumber after being paid to install the pipes claims ownership of the system and bills you every time you flush the toilet. Now that's not the way plumbers work. What Teranet is doing is, I believe, wrong in terms of what we want and should have in Manitoba.

The way that things are working in terms of this sale, the impact to all of us as Manitobans, I believe, is quite problematic. And I would hope that the government would rethink this, although it would appear that they have already proceeded and sold the public registry without even having this legislation go through.

I mean, the sad part, Mr. Speaker, is this—that we are months after—it was December 2012 when this was announced. We are almost a year later and the government don't have this legislation done, and it's just like the PST and just like a whole lot of other things that the government has acted without having the legislation to do the acting, and without having the proper consultation and debate in this Chamber, which certainly should have occurred. So I see multiple—multiple—problems with this unilateral NDP action—untendered, unbusinesslike in terms of the cost to Manitobans and in terms of the situation moving forward in terms of the quality of service to Manitobans and the nature of the service that we are likely to see given the experience in Ontario. Certainly we would've expected much better than this, and certainly we can expect—because the government does not seem to have done the kind of due diligence we—they should've done—that there may be significant problems.

Let me just review those costs—issues once more. The government has been taking, on the revenue side, about \$11 million a year. I think probably some of that goes to running the company and employing people. Now, what's going to happen is that Teranet will take in revenue not only to run the operation but for their own profit, and they will also pay the government \$11 million. And so the costs that they will charge or the revenue that they will bring in are likely to be going up very rapidly, and the costs to Manitobans of this, in terms of accessing property databases, some circumstances are going to be exorbitant. They may be acceptable, perhaps, for a single dwelling, but when you're dealing with a database which you should be able to do some wonderful and elegant things with in order to enhance the public and the rights of people in the province, we are not going to be able to have that potential because, as I've showed, in Ontario, Teranet has put a very high cost to that kind of information access.

So out of this will come money to the Manitoba government, which is the \$75 million plus \$11 million going to 24 to 30 million. That's going to be \$600 million. The Manitoba government may be getting \$600 million, and 600 million and 75—\$675 million or thereabouts over the 30 years. We will be paying dearly for this mistake for many years, and that, Mr. Speaker, is a concern.

That's why we should've had this debate a long time ago and that's why Manitobans should've had

the opportunity to talk about this before the NDP moved recklessly in this direction without considering the cost to Manitobans, the quality of service and the types of service that we should have and at what cost, compared to what we're likely to have under this new system.

Thank you.

**Mr. Speaker:** Any further debate on this bill, Bill 34?

House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** Question before the House is second reading of Bill 34, The Property Registry Statutes Amendment Act.

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

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**Mr. Speaker:** We'll now proceed to bill number—

**Hon. Andrew Swan (Acting Government House Leader):** On House business, Mr. Speaker.

**Mr. Speaker:** On House business.

\* (16:20)

#### House Business

**Mr. Swan:** On House business, in addition to the bills already referred to the Social and Economic Development committee for tomorrow evening, Thursday, September 5, I would also like to refer the following bills: Bill 34, The Property Registry Statutes Amendment Act; Bill 37, The Emergency Measures Amendment Act; and Bill 40, The Residential Tenancies Amendment Act.

Mr. Speaker, bills 37 and 40 will require leave for referral as they have presenters, and I would ask that you canvass the House to see if there is, indeed, leave for these bills to be referred.

**Mr. Speaker:** Is there leave of the House to refer bills 37 and 40 to a committee? *[Agreed]*

So it has been announced that, in addition to the bills already referred to the committee on Social and Economic Development meeting tomorrow evening, that the following bills will be referred to that committee as well: Bill 34, The Property Registry Statutes Amendment Act; Bill 37, The Emergency Measures Amendment Act; and Bill 40, The Residential Tenancies Amendment Act. That agreed? *[Agreed]*

\* \* \*

**Mr. Speaker:** Okay, and we'll now call Bill 33, The Municipal Modernization Act (Municipal Amalgamations), standing in the name of the honourable member for Portage la Prairie, who has 20 minutes remaining.

#### Bill 33—The Municipal Modernization Act (Municipal Amalgamations)

**Mr. Ian Wishart (Portage la Prairie):** I appreciate the opportunity to put some further words on the record regarding Bill 33, Municipal Modernization Act. And yesterday I got a chance to talk a little bit about the experience that the City and the RM of Portage la Prairie have had and—in their process, which was not amalgamation, but actually a long-term working agreement, which maintained the independence of both those agencies and certainly allowed them to focus on their own issues, which are not always identical issues in terms of the impact on the community.

And I also had a chance to talk briefly about the great way that many of the municipalities responded to the 2011 crisis on flood and how well they worked to bring out volunteers in the community to get the local community engaged in fighting the flood and, in particular, how they were absolutely essential in the—in finding volunteers, something that I don't think a provincial government is actually in a position to do nearly as effectively. And so we need very strong municipal representation, but every area is subject to its own, and so larger regions, of course, are a problem in that.

But there's been sort of an interesting development since I spoke yesterday in that the minister now seems to be using the media to float a suggestion that perhaps he could do something in particular for the cottage structures of—of Victoria Beach, Dunnottar and I think it's Camp Arnes, are the three that have unique structures and unique municipal act that allows them to have summer elections and operate a little differently than your average municipality. And this is quite a dramatic turnaround from where we—what we heard earlier. In fact, there's some quotes out on the record that there'll be no exemptions. There are none. Zero. Nada. Squat. Nothing. There is no magic wand—according to the minister.

Suddenly, there's a magic wand. Now, I think this is really reflective of the lack of consultation in this whole process. As I said earlier, it was sprung on

the municipalities at the—on the eve of their annual meeting, seen to be very focused on taking their attention away from the infrastructure problems that they were dealing with and the huge infrastructure deficit that we have in this province. And, certainly, it was very effective in doing that. Now we seem to be backing away from this stance. And, frankly, I would encourage them not to just back away, but to actually pull it—the bill back off the table. The consultation process has been flawed, actually didn't exist, has done tremendous amount of damage with many municipal officials between they and the provincial government.

And I would hope that the minister would continue to consider this as an option to withdraw this bill and actually go back and try and start over and try and actually build, rebuild, a positive consultation process and rebuild his working relationship with many municipalities. And, frankly, there's not much doubt that it has been damaged in this whole process.

So, and it's nice to see them actually considering it, but I don't think amendments or even minor tweaks are going to go far enough in this whole process. I think we need to go back to square one and try again if there is certainly any intent to do this. But the message is clearly out there for many municipalities, and many were in the process of looking at various forms of amalgamation before, and I mentioned earlier that ours didn't really amalgamate, but certainly some have. And, almost to a one, they have taken quite a long time. And even the RMs themselves have developed a process and a set of criteria that they have used in regards to sort of a guidelines on when amalgamation might actually make some sense. And they call that—and they have labelled that Tools for Change, and the AMM themselves has offered four indicators to determine the health and the responsiveness of municipalities.

And just to give you some idea of what we should be using for a measure, rather than strictly a population guideline: The size of the population—is the municipality's population stable? Well, certainly, that would be a good—useful criteria.

Is the municipality's tax base stable or growing? And, well, certainly, we hope, you know, most municipalities are growing in their assessments. We know that after 2011 a significant number of municipalities, including the one I represent, actually shrank that year because of the damage and the number of buildings that were lost from the flood

damage. And, hopefully, that recovers and there is certainly some indication that that's starting to happen. But one year out of the whole 'cres'—out of the lifetime of the municipality is not a very good indicator.

Is the municipality financially strong? Well, I can't help but think of one nearby, municipality of Lakeland, that is in really quite good financial shape, has good equipment, certainly deals with all of the needs of their municipal officials, but is not one that has any surrounding municipality that logically makes any sense for them to amalgamate with, probably will not be one that comes forward with a plan to show where their future will and who they should amalgamate with.

The next one to the north is a, geographically, very large municipality. It actually makes more sense to go in with the one to the west of it. So, there is really no rational place for them to go on that. And I think a little common sense in this whole process would have made a great deal more—would have worked a great deal better than what we have seen, which is really, as I said earlier, the shotgun marriage come back to table.

And final—the final criteria: Does the municipality take advantage of opportunities to work with other municipalities? And I think that's actually one of the principal 'criterias' that we should be looking at, here. Rather than forcing amalgamation, are they actually working together? Is the community progressing? Is the region progressing? Because, in some cases, a number of municipalities have already got together in planning districts, in business development plans, and they have made the progress around that that we certainly need to see.

So I certainly encourage them—that process to take place. And voluntary amalgamation and voluntarily working together is—certainly strengthens the community. There are historical competitiveness between towns that we've certainly seen for many years. That's disappearing over time because, certainly, we're not competing with each and—other like we used to, in the local sense. We're all in a global marketplace, now. And when it comes to attracting business, you need to think globally. But you still need to act locally. And so, you need to be able to provide the services that are available, and small municipalities that have the resources and the wherewithal and the people that have the expertise and are light on their feet and able to respond to crisis and are able to get people out to deal with

crisis and able to deal with the needs of the local community, are certainly the models that we would like to see in the province.

And I think that going back and reviewing this whole process, and how poor the consultation was in this process, and the lack of respect—this is another level of government. And if this level of government wants to be treated with respect by the municipalities, I think it's absolutely critical that they would behave in the same manner towards another level of government, the municipal level, in this particular case. These people are trying to do their best for their constituents, which in the same—in many cases are the same people that we are representing. They're trying to do it at the lowest cost and, in a lot of cases, they have shown a lot of leadership in being creative.

I can think of the waste-water treatment systems in this province, and we are probably 20 years behind where we should be in dealing with waste water treatment systems, whether they be in the city of Winnipeg or a number of smaller municipalities. But, if you look at who has been the most creative in dealing with this and finding new ways to deal with it that are not necessarily hugely expensive, but actually deal with the problem of full nutrient removal, you will find that it is the small municipalities that have had the greatest success.

\*(16:30)

The Village of Dunnottar, one that is clearly targeted as one that needs to be amalgamated here, has the state-of-the-art organic, natural-based process to deal with their nutrient removal. No one else in the province can come even close, so—there is, certainly, a municipality around Roblin that has tried with it—to work with this through an irrigation system. They've had some issues because of the salt level of the water in that particular case, so that it is not exactly a perfect solution in their case but many of the small municipalities, actually, are more responsive and are able to come up with these kind of creative plans to deal with a problem that is specific to them and yet is a problem that we all have to deal with.

And I can't help but think, looking at in that particular example other jurisdictions that have had good success in dealing with things like nutrient removal and almost the best record anywhere is in the New England states where many small towns and municipalities there have actually come up with very creative solutions to dealing with nutrient removal, and they dealt with the water quality issues in

Chesapeake Bay which was the target area that they were looking at in terms of impact. Very similar, other than being salt or mostly salt, as compared to Lake Winnipeg. They have had far greater success than we have seen. We've talked a lot about Lake Winnipeg. We really haven't done very much. And certainly, when it comes to dealing with non—or with point sources as in municipal or urban in nature, we have done virtually nothing other than a few very small examples that I just mentioned.

So, clearly, we need to do an awful lot more and these people seem to be in the best position to do that. So I certainly would encourage the government to go back, withdraw this bill, go back and start again in their consultation process. There are clearly people out there in the municipal world who are prepared to talk to you, especially if it's a much more co-operative approach to doing this. And the timelines that remain here, until the next municipal election, frankly make this process virtually impossible. Certainly, it's this very little likelihood that it will move forward in a timely manner and allow people, municipal people, time to figure out what it is they would have to do, who they're going to be amalgamated with, how—what the election would look like, how many people would be elected. I suspect that we would see so much confusion in the next set of municipal elections, that we would see a lot of people actually throwing up their hands and saying, this simply can't work, this is impossible, the timelines are unrealistic, the results will be questionable, certainly, with anyone.

So I would encourage the government, again, as I said, and it was certainly interesting to see that the talk about—in the media, that they would be tweaking some aspects of it. I hope that that was not how they actually introduced the thought. I hope they have gone to the municipalities and said, we're now prepared to talk about some aspects of this particular bill and see if there's something we can't do.

The interesting example is, well, once you open the floodgates for this particular example of the recreational communities that are part of—they're formal municipalities, where do we go from there? Where do you draw the line? The village of Plum Coulee which has a population—

**An Honourable Member:** Nine hundred and fifty people.

**Mr. Wishart:** Yes, 950 people, it's just shy of where they need to be, and growing and certainly the numbers are encouraging so will they need to

amalgamate with their surrounding municipality or by the time this actually comes into place will they be big enough that they need to ignore them? So once you start down the road it is certainly difficult to draw a line in the sand and say we will do this but not that, and you know, why would we give you a particular case or there's no one in your particular region that you fit with, well, we'll put you over here.

And I understand the Premier's (Mr. Selinger) suggested that it doesn't even need to be a neighbouring jurisdiction that you might want to amalgamate. Perhaps the best solution for the three cottage ones is to ignore the lake and say, we're all one and reach across the water to each other and ignore their surrounding municipalities and certainly we did hear some talk about that from Victoria Beach: Why would we want to go together with the surrounding RM who really only see us from their point of view as a source of funds and don't want to provide the services that we're already enjoying. Why would they want to amalgamate with that jurisdiction, and, certainly, they would be most vocal in their opposition to that. We have more common interest with another recreation community across the lake. Let's just ignore the lake and reach across the lake and we'll amalgamate with them. The fact that there would be no opportunity to share services in any realistic way doesn't come into—or would come into play in that as well.

So I certainly appreciate the chance to have had—put a few words on the record. I do want to emphasize again that I admire the municipalities in their ability to get things done, their ability to get value for dollar. When a problem comes up, they deal with it very quickly, usually within a matter of a month or so, the kind of responsiveness that, frankly, all governments should envy and all governments should try and emulate. Their ability to deal with things very, very quickly is an asset, and I think that the bigger they get, the less that we will see that. I think there will be a cost associated with that.

There'll be expectations that increase as well with the larger municipalities. I know that we have—in some municipalities, we have garbage services and recycling; others we clearly yet do not. If you're part of a larger one, and you're probably going to pay more to be part of that larger one, I don't think there's any significant savings to be had.

We would certainly—it wouldn't be a surprise to see people demanding more in terms of services. Rural water was a big factor and, in fact, rural water

has actually been a—the running of water lines has been—though it's been supported by federal and provincial programs both, it's actually a child of the municipalities. It's the municipalities that have driven this development. And so, certainly, taking some of them out of play will create some disparities where some will get what they want, likely, while others will be subsidizing what the other community gets and the hard feelings will certainly tend to increase.

I think it's cruelly ironic here, Mr. Speaker, when this government feels the need to hire staff and create more jobs to do something, they create more jobs, it's a positive thing. Yet when municipalities hire the people to do the jobs in the communities that people are demanding, that's a bad thing, they're inefficient. Clearly, the message is mixed on this. I think the municipalities are far more effective in terms of their ability to use a dollar. And so I would certainly think that this government should be looking at them not as competition or something that we need to do away with, but something they should be attempting to emulate and do—and follow their pattern and their ability to accomplish more with less.

Thank you very much, Mr. Speaker, for the opportunity to speak to this. I know that I have many colleagues that feel very strongly about this as well, some that are more personally affected because they represent areas with a number of municipalities that likely will be subject to amalgamation or certainly be asked to consider amalgamation. As I said earlier, I'm not—do not represent one of them, but over the years I have had a chance to work with a number of municipalities across the province in my previous role with Keystone Ag Producers and found them to be very responsive, very keen to deal with the problem and much quicker at responding and coming up with solutions than anything I have seen at the provincial level.

So I certainly would encourage this bill to be withdrawn from the table and go back and do the proper consultation that should have taken place the first time. I—you know, I guess it was done in an—for expediency. They wanted something as a distraction, and, clearly, it has provided that. It certainly created a lot of discussion at the coffee shops, most of what has been very negative. I'm not sure that the government actually appreciates, in some parts of the province, how much damage they have done in this process.

So I would encourage them to withdraw the bill, go back and try again to rebuild that relationship that

was there before, and we'll hope in the future that they—that we do not see this type of lack of consultation and shotgun wedding approach to trying to dealing with local government.

Thank you very much, Mr. Speaker.

**Mr. Cameron Friesen (Morden-Winkler):** Well, thank you, Mr. Speaker, and it's my pleasure to put some words on the record for the first time with respect to Bill 33, The Municipal Modernization Act.

And I thank the member for Portage la Prairie (Mr. Wishart) for the comments that he has just made right now. He made a number of comments that stick with me now, and I know he drew our attention in this Chamber to the lack of consultation that took place in the process. And I think, essentially, that's where we say as an opposition party, there was a huge opportunity here that was missed by this government.

You know, Mr. Speaker, there's an old expression that says you catch more flies with honey than you do with vinegar, and yet this government has put out this bowl of vinegar and they wonder why they've been so ineffective in being able to gain the admiration and the trust and the goodwill of communities in this exercise. And, indeed, it has been a largely fruitless exercise that has been put forward by this Minister for Local Government, and it could have been done so differently.

\* (16:40)

You know, Mr. Speaker, there's times as a new member in this Chamber where I sit around and I'll wander outside of the busyness of the Chamber, I'll wander outside of the—you know, the nature of debate that often takes place in this House, where there's a lot of adversarial comments made and there's a—you know, a high degree of contrast in our viewpoints that are put forward. But outside of that context, I wonder about tactics sometimes, and I wonder about strategy. And you have to wonder in this case why it is that the government would have chose an approach to this bill such as the one they did here.

And, as the member for Portage la Prairie said, they chose a way that would—that simply was void of consultation; went to municipalities and put upon them a requirement. They said, this is going to happen. It will happen in this timeline, which was immediately questioned as even being, was this even achievable in the timeline set out. But more than that,

it took away from those municipalities, from that municipal government, the conversation that they wanted to engage in. And that was a conversation about infrastructure deficit. And there was a lot of lead up going back in time here, about a year—a lot of lead up. There was important pieces being put in place. And there was an important discussion taking place in those channels and in those backwaters having to do with the extent to which municipalities lacked a commitment from this government to actually address what they saw as a long-term infrastructure shortage.

And they were expressing concern even in my area of the province, even in Morden and Winkler, and the RM of Stanley, which really isn't the focus of this legislation because of the RM of Stanley doesn't have less than a thousand people living in it. As a matter of fact, the RM of Stanley is one of the quickest growing rural municipalities in Manitoba.

But, even so, it was like this government almost wanted to hijack the conversation. And, indeed, when they blew up that bomb in the middle of that convention—for sure—that was what municipalities would concentrate on. They would immediately focus their attention and say, how could government do this to us? And there are important—it's not just one—it's just—it's not just one failure of government, but a series of failures of government on this issue.

This could have been done with respect. It could have been done in conversation. It could have been done in collaboration where government, at a provincial level, came alongside and said, you know, we respect the work you do and we see example after example where you do this work in very imperfect situations, but you do it. You meet your budgets and you file your end-of-fiscal-year reports. And you work to identify your priorities, and then you meet those priorities. And you do it for very little praise and for very little remuneration.

As a matter of fact, Mr. Speaker, one of my colleagues who is in federal politics has joked about the inverse relationship that seems to exist between the level of government and the amount of static you take at a local level, because he joked, he says, you know, as a federal representative, I'm just—I am not there that often. And that reeve or that council member is always there, taking it in the teeth for anything they've done or decided in council at the week before. And, of course, while that's a generalization and it's an exaggeration, a certain amount of that does exist.

These people work very hard and they work right at the grassroots level, trying to make very practical changes and improvements to the communities in which they live.

And I agree with the member for Portage la Prairie (Mr. Wishart) who said, so accurately, that, you know, he admires the municipalities and their ability to get things done. And I think where there was an opportunity for this government, this provincial government, to acknowledge the principle of subsidiarity here and to recognize that in so many cases, where it has been the will of government to perform some action at a higher level, thinking that perhaps there could be synergies, perhaps there could be advantages gained.

In fact, as it plays out, it is the opposite; that they realize what they gave up was that careful and accurate ability to measure and adjudicate at a local level, at a level closest, because that's what that principle of subsidiarity really says, is that the agency with the best ability to address is the agency at the most proximate place of intersection to the issue, and that's been missed here in entirety.

And, actually, the member for Agassiz (Mr. Briese) was saying yesterday—he was indicating more faults with the bill, even with the very definition where this Minister of Local Government (Mr. Lemieux) was saying things like, it's any municipality that falls below the threshold of a thousand people, when, in fact, we know that's not even accurate, that, the way the act is written, it makes very, very clear for new municipalities, they would need to meet that threshold of a thousand residents. So right at the very crux, the basis, the bedrock of this bill, there were important mistakes made.

But, you know, Mr. Speaker, I think so much of it comes back to relationship, and where there was an ability here to, I think, to proceed in tandem with our municipal cousins, this government decided instead, for whatever reasons, strategic reasons that evade me, they decided to run roughshod over their municipal cousins. And I don't know if they actually considered the extent to which municipalities, reeves and councillors and the AMM and other partners, mayors from across Manitoba, would stand up and say this is unacceptable.

I wonder if they miscalculated the degree of offence that this would create across the province, because if one thing was shared in the process of this bill coming forward, it was the vehement opposition

to this Bill 33 by municipalities, not just those who were the targets of the bill's intent, but all municipalities from across the province.

I can remember, Mr. Speaker, actually, a day when, in question period, we addressed this very bill—when, in debate, we addressed this very bill, and I made a point of mentioning, I thought, how ironic it was that this minister was standing up at that time saying what a good deal this was, when only a few miles down the road here at City Hall, the mayors for the cities of Steinbach and Morden and Winkler and Winnipeg and Portage la Prairie and Brandon—I think even maybe Thompson was there—and these mayors were standing shoulder to shoulder and saying with one voice, this bill was not the remedy we asked for. This bill was not the answer to infrastructure deficit that we had asked for. They had asked for action, and, instead, what they got was an offensive bill that ran around their ideas and their concerns and basically, like I said, set off a bomb in their midst.

So, in the time I have left, I just want to turn my attention in these short minutes left to a letter that I received in December. And I won't quote from it, because I know the rules of this House and I keep learning more rules as I go along, but I will just tell you about the content of this letter.

It was sent to me by a mayor of a town that isn't in my jurisdiction—lies just outside. So you know my area, Mr. Speaker, and you know that the town of Plum Coulee lies just to the east of where the new constituency of Morden-Winkler ends. So Morden-Winkler ends just to the east of the village of Reinfeld, and you can almost see the town of Plum Coulee from there, so I know that the member for Emerson (Mr. Graydon) might say that I'm, you know, I'm kind of into his territory making remarks about what the mayor for Plum Coulee would say, but the mayor was kind enough to cc me on a communication that he sent to both the Premier (Mr. Selinger), the First Minister, and also to the Minister of Finance (Mr. Struthers) and to the Minister of Local Government.

And, basically, in this letter, he said the things that you have already heard and that I know these government members have already heard, things that my colleagues have shared here. He talked about the offence of this bill. He talked about the way it could've been done differently. But he talked about specifically—and this is what the member for Portage la Prairie formerly just alluded to—oh, there, yes—the member for Portage la Prairie just alluded to

moments ago, when he talked about the fact that this bill does not address communities. There are so many different situations across the province. You can have situations like those cottage country municipalities who are putting in their own water infrastructure projects, who are funding municipal infrastructure improvements, who don't meet the criteria the minister is setting out and yet are somehow ensnared by the wording of this legislation.

\* (16:50)

And just today—just today—the media reports that the minister now says, ah, I think we've got a problem. Finally after all this debate—and, you know, if ever there's a time where we say in this Chamber that our efforts seem fruitful, we must remember always that our work here is incremental in nature. It is not altogether and all at once, but it is incremental, as I know our House leader can attest to, the member for Steinbach (Mr. Goertzen), over the last few weeks, and I know all members would say that.

But, indeed, you know, even today, Mr. Speaker, we learned that the minister has opened a flank and said, yes, you know what? There actually might be problems with this legislation. It might improperly capture municipalities that shouldn't fall into the work that this bill would then accomplish, and so now we've opened a door—rather, the minister has opened a door. He's opened a process for us, kind of a special exemption. Of course, the question then becomes what next, and what is the next special exemption that he should—that he should then grab? And, indeed, we have said all the way along, please recognize, Mr. Minister, the many different circumstances of communities, of municipalities.

And, indeed, to come back to my central point, Mr. Speaker, Plum Coulee is one of those communities that is ensnared by the wording of this legislation. So it was the mayor of Plum Coulee, Archie Heinrichs, who copied me on correspondence and basically said, you know, you're forcing municipalities to amalgamate. We—he says that he knew what a failure that was some years ago when the then-minister of Education says we're going to accomplish that same thing in education and there were Winnipeg and other school divisions that were involved in a mandatory amalgamation, and the government boasted of great savings that would take place. Those savings were never realized.

As a matter of fact, they cost—it cost the government money, and here this mayor of Plum Coulee came back and shared exactly those types of

concerns. He was saying that amalgamation will not accomplish what they are intending it to accomplish. He is saying—he was saying that in the case of their municipality they were already at 750 people and growing.

And so they said, you know, you're talking about—you should be talking about municipalities that are no longer viable. Perhaps there is a decline in population. But all the evidence would point to the other in the case of Plum Coulee. Plum Coulee, as a matter of fact, Mayor Heinrichs shared, has actually got a new initiative on where they're involved in a local planning group taking in other municipalities and local mayors, and they've got a little acronym they use for it now. They all come together on a monthly basis and they share ideas, and they had recently completed a central planning document that involved four different municipalities and it was actually approved by this Minister for Local Government, and it was looked on as groundbreaking. It had the support of this minister. It had the support and the interest of other municipalities.

Because I know—Mr. Speaker, you understand too—that so often in the province we don't need to reinvent the wheel. We take a look at success stories and we say, hey, we would like to borrow that, and isn't that that old statement that imitation is the most sincere form of flattery? And the idea being that other groups could look at this model and say, hey, what are they doing over there in Plum Coulee? And that's got some serious merit to it. We should be doing that ourselves.

Matter of fact, Mr. Speaker, I often say that when it comes to health care the template for that in Manitoba is the Boundary Trails health-care centre in Morden and Winkler where—I mean, you'll know from being a member in this House, for years and years it was a very hard-fought battle for the communities to agree at a location and come together and develop a collaborative model. It's actually—I would say it was a venture that spanned a number of years and even a few different governments. But it did come together, and now it has become a bit of a template.

Other areas of the province are looking at that and saying we could do the same. What is that model? What is that template? Well, in this same way, communities were looking at the templates put forward by the Town of Plum Coulee. They were a leader in this, and for the minister to then paint

the target on this municipality was completely inappropriate. It was completely without merit. It was completely without justification.

And, Mr. Speaker, it is that with which the mayor of Plum Coulee strongly contended, and he went on to talk about the infrastructure projects and the success they've had. He went on to talk about the fact that it wasn't a democratic way to run the province, but he also talked about that principle of subsidiarity. He might not have talked about it in those terms, but he talked about the fact that representatives that would then be responsible for a larger number of community members.

He talked about the fact that they would be separated by a greater degree from the issues. The geography would become in itself more and more of an obstacle, and he talked about the fact—and I found this interesting, because maybe this is an argument that has been voiced less often in this House, it's certainly one I didn't think of right away, but he talked about what he perceived as a very real possibility of the decline of community buy-in when it came to things like volunteering and community commitment. That essentially, as local control was taken away, an apathy grows in and it says, well, ownership declines.

And people say, you know, I used to volunteer. I used to give money to this. I used to give time to this, but now the enterprise has become so big and it's so far-removed from my needs and it seems to be so closely maintained by government that a liaison between government at a provincial level and a municipal level has become so thin that I won't give my participation to this thing any longer.

And, Mr. Speaker, that is a far harder thing to measure, but it is a thing of no less value to entertain and to consider. And I think it's a very real possibility at 750 residents with the town of Plum Coulee, you know, telling them that they're not even a real community, telling them that they're dysfunctional, telling them that they're a bunch of howling coyotes. I think it's not the kind of thing you do to create buy-in in the community.

Mr. Speaker, Plum Coulee was incorporated in 1901. I think about that huge record. They've been there for a hundred and eleven years. They are growing at this point in time. As a matter of fact, the Plum Fest just went on two weeks ago, and I understand even the Plum Fest is growing. And I was talking to Mayor Heinrichs just about a week ago and I mentioned the fact that, you know, while I was

not able to make it there this year—we've been a little busy here in the House, as you know, I do intend to be back there again next year. I understand they had just a great event and it brings people from all over. It's got community buy-in.

Of course, many people might not even know that Plum Coulee has their beach that they've just established. They established a beach in Plum Coulee right in the downtown area. And you might say, well, how can they have a beach in downtown Plum Coulee?

And there was a certain grant made available to the Town of Plum Coulee by a wealthy benefactor and a foundation, and the community thought for a long time, how could we use this money to the best use? How could we put it to the best use? And they've actually created recreational infrastructure in the town for the benefit of the community. And it's just been brilliant to see how this town has increasingly been punching above their weight, if I can use that boxing reference, a real—a real community buy-in, a real community pride. I would fear that this kind of action would reduce that kind of community pride.

Mr. Speaker, there are so many reasons why forced amalgamation is not the best thing for the community of Plum Coulee, so many reasons that have already been put on the record why it is not the best way forward for this government to take with respect to the other municipalities in Manitoba. It speaks of this government's attitude when it comes to how they deal with others.

And we have said again and again, this is not a government that plays well with others. This is not a government that engages groups. I only need to think about their process forward on Bill 20, where they say they've gone out and done community consultations. Well, it stretches belief to think that Manitobans gave them, in those consultations, a mandate to increase taxes. It's ridiculous.

Mr. Speaker, when it comes to Bill 18, and this Minister of Education's (Ms. Allan) statement that she won't entertain changes to the bill, what kind of a minister says that they are not open to the processes of democracy, that her mind's made up, that behind closed doors, in caucus, with Executive Council and with Cabinet, they've got all the wisdom they need? They do not need to avail themselves of the opinions of Manitobans.

It is offensive to Manitobans. It is offensive to the idea of democracy. And that's the kind of attitude that creeps in when government becomes arrogant, when government has been there too long, when the branding on the outside of the bread bag says due date past and there is a markdown price.

And, Mr. Speaker—

**Mr. Speaker:** Order. Please. When this matter is again before the House, the honourable member for Morden-Winkler (Mr. Friesen) will have eight minutes remaining.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, September 4, 2013

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