

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

Official Report
(Hansard)

*Published under the
authority of
The Honourable Daryl Reid
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

| Member | Constituency | Political Affiliation |
|--------------------------|----------------------|------------------------------|
| 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 |
| SMOOK, Dennis | La Verendrye | PC |
| 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

Thursday, August 1, 2013

The House met at 1:30 p.m.

Mr. Speaker: Good afternoon, everyone. Please be seated.

ROUTINE PROCEEDINGS

Mr. Speaker: Introduction of bills. No bills? We'll move on to—

PETITIONS

Applied Behaviour Analysis Services

Mrs. Leanne Rowat (Riding Mountain): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behaviour analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

School learning services has its first ever wait-list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children are very—are being denied necessary ABA services that will only—which will allow them to access the same educational opportunities as any other Manitoban.

Waiting lists and denials of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current wait-list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

This petition is signed by B. Yanchishyn, J. Krueger, C. Furber and so many more concerned Manitobans.

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

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 M. Anderson, S. Normand, C. Eisenmenger and many other fine Manitobans.

Applied Behaviour Analysis Services

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

And the background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

And, Mr. Speaker, this petition is signed by R. Hodgson, S. Siddiqi, Z. Dzwonyk and many, many other fine Manitobans.

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:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

School learning services had its first ever waiting list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children have been—are being denied access—denied necessary ABA services that will allow them to access the same educational opportunities as any other Manitoban.

Waiting lists and denials of treatment are unacceptable. No child shall—should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

This petition is signed by G. Sawatzky, R. Munro, Y. Fazekas and many, many other fine Manitobans.

Mrs. Bonnie Mitchelson (River East): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013

despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

* (13:40)

And this petition is signed by M. Baisinger, J. Fairbairn, B. Belisle and many, many other fine Manitobans.

Mr. Reg Helwer (Brandon West): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are

expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

Signed by C. Van Doeselaar, L. Bergen, S. Power and many other fine Manitobans.

Mr. Ron Schuler (St. Paul): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this every effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment services.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services

This is signed by O. Sinisi, S. Sinisi, A. Podolsky and many, many other Manitobans.

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

The background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) School learning services has its first ever waiting list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

(4) The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children are being denied necessary ABA services that will allow them to access the same educational opportunities as any other Manitoban.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

This petition is signed by R. Casson, J. Chubaty, E. Decock and many more fine Manitobans.

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:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment places.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

And this petition is signed by B. Papiz, C. Yanecki, S. Dunning and many, many others.

Mr. Cliff Graydon (Emerson): Good afternoon, Mr. Speaker. I wish to present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to the necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes

the importance of early intervention for children with autism.

(3) School learning services has its first ever waiting list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

* (13:50)

(4) The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children are being denied necessary ABA services that will allow them access to the same educational opportunities as any other Manitoban.

(5) Waiting lists and denial of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

And this petition is signed by S. Hamilton, B. Friesen, J. Kshywiecki and many, many more fine Manitobans.

Mr. Larry Maguire (Arthur-Virden): I wish to petition—or present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnostic—diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the family—that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

And, Mr. Speaker, this petition is signed by L. Christensen, C. Schultz, G. Waddell and many, many other Manitobans.

Mr. Kelvin Goertzen (Steinbach): Yes, good afternoon, 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 broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

(3) The preschool waiting time for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government policy of eliminating ABA services in schools by grade 5 has

caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

And, Mr. Speaker, this petition is signed by A. Voth, J. Sieg, S. Matheson and many others.

St. Ambroise Beach Provincial Park

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 St. Ambroise provincial park was hard hit by the 2011 flood, resulting in the park's ongoing closure and the loss of local access to Lake Manitoba, as well as untold harm to the ecosystem and wildlife in the region.

The park's closure is having a negative impact in many areas, including disruptions to the local tourism, hunting and fishing operations, diminished economic and employment opportunities and the potential loss of the local store and a decrease in property values.

Local residents and visitors alike want St. Ambroise provincial park to be reopened as soon as possible.

We petition the Legislative Assembly of Manitoba as follows:

To request that the appropriate ministers of the provincial government consider repairing St. Ambroise provincial park and its access points to their pre-flood conditions so the park can be reopened for the 2013 season or earlier if possible.

This petition's signed by T. Guick, L. Poschenrieder and F. Hannah and many, many more fine Manitobans.

Provincial Road 520 Renewal

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) The rural municipalities of Lac du Bonnet and Alexander are experiencing record growth due especially to an increasing number of Manitobans retiring in cottage country.

(2) The population in the RM of Lac du Bonnet grows exponentially in the summer months due to increased cottage use.

(3) Due to population growth, Provincial Road 520 experiences heavy traffic, especially during the summer months.

(4) PR 520 connects cottage country to the Pinawa Hospital and as such is frequently used by emergency medical services to transport patients.

(5) PR 520 is in such poor condition that there are serious concerns about its safety.

We petition the Legislative Assembly as follows:

To urge the Minister of Infrastructure and Transportation to recognize the serious safety concerns of Provincial Road 520 and to address its poor condition by prioritizing its renewal.

This petition is signed by P. Yule, J. Chester, R. Cohn and many, many more fine Manitobans.

Applied Behaviour Analysis Services

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

The background to this petition is as follows:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

School learning services has its first ever waiting list which started with two children. The waiting list is projected to keep growing and be in excess of 20 children by September 2013. Therefore, these

children will go through the biggest transition of their lives without receiving ABA services which has helped other children achieve huge gains.

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children are being denied necessary ABA services which will allow them access to the same educational opportunities as other Manitobans.

Waiting lists and denials of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

And this petition is signed by A. Barbes, S. Delorme, J. Galaugher and many more fine Manitobans.

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

The background to this petition is as follows:

*(14:00)

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

School learning services has its first ever waiting list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been

diagnosed with autism which still requires therapy. These children are being denied necessary ABA services that will allow them access to the same educational opportunities as any other Manitoban.

Waiting lists and denials of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

This petition is signed by R. Grantham, J. Bristow, C. Black and many other fine Manitobans.

Mr. Speaker: We have no guests to introduce at the moment, so we'll proceed directly to—

ORAL QUESTIONS

2011 Election Campaign Government Record

Mr. Brian Pallister (Leader of the Official Opposition): Hope everybody has a great long weekend, Mr. Speaker, you included, and we'll just try to lighten it up a little bit and give the Premier another shot here at an integrity quiz.

I'll start with this one: During the 2011 provincial election campaign, the ND Premier said, nonsense. He was referring to (a) the likelihood of his increasing the PST, (b) the likelihood of his government actually paying flood claims or (c) the likelihood of the member for Thompson (Mr. Ashton) supporting him in a leadership review.

Hon. Greg Selinger (Premier): Mr. Speaker, if that's light, I really look forward to a heavy question from the Leader of the Opposition.

All I can say is that, Mr. Speaker, when it comes to building a better future for Manitobans, we take a look at what's happening in the global economy. We see the slowdown. We see the report coming in recommending another billion dollars of investment to protect communities, and every member on this side of the House knows that the best way forward in Manitoba is to build the economy, create jobs for Manitobans. A hundred thousand jobs will come out

of the infrastructure investments we're going to make over the next 10 years.

And, Mr. Speaker, that's in contrast to the members opposite that want to cut \$550 million of public services, lay off teachers, lay off corrections workers, lay off nurses and doctors. That is not the way forward—

Mr. Speaker: Order, please. The First Minister's time has expired.

Government Spending Priorities

Mr. Brian Pallister (Leader of the Official Opposition): Well, you know, the right answer was (a). The Premier did say it was nonsense when he was asked if he was planning on raising the PST. So all these wonderful building plans actually emerged within hours of him promising the people of Manitoba he wouldn't jack up their taxes and then he went ahead and did it anyway, Mr. Speaker. It's a contradiction.

Now, with the spendP, they've got a number of spending plans. There's nothing here to actually reduce spending, but a lot of plans to increase spending.

So let's ask this one and see if the Premier can get it: Which is the most expensive of the NDP proposals this session? Is it (a) the vote tax, (b) the PST hike or (c) abolishing Manitobans' rights to vote? Which of those is the right answer?

Hon. Greg Selinger (Premier): Mr. Speaker, the most destructive thing in this session was the Leader of the Opposition advocating for two-tier health care in Manitoba. That's—that will put all Manitobans at risk. That will increase their cost of having access to health care.

The second most expensive mistake in this session, Mr. Speaker, was the Leader of the Opposition saying he wants to cancel all hydro development in Manitoba. Thousands of jobs—thousands of jobs—would be eliminated with his gesture on that regard.

So when it comes to making destructive announcements, the Leader of the Opposition wins every time. I'll concede to him on that point, Mr. Speaker.

Election Campaign Government Record

Mr. Brian Pallister (Leader of the Official Opposition): What he lacks in honesty and integrity he makes up for in imagination, Mr. Speaker.

What is the real cost of these proposals? The vote tax—the vote tax—to Manitobans, that's a million-dollar unearned subsidy for the NDP. The PST hike, that's a \$3-billion tax grab by the NDP. But taking away their right to vote, that's truly priceless—priceless.

Now, the NDP promised many things, but they did promise to honour the balanced budget, taxpayer protection and debt elimination act numerous times over the previous several election campaigns.

So my question for the Premier is this: Did they keep their promise on (a) the balanced budget part, (b) the taxpayer protection part, or (c) the debt elimination part or (d) none of the above?

Hon. Greg Selinger (Premier): Mr. Speaker, the Leader of the Opposition's glib comments do not in any way mask his lack of integrity and honesty in this Legislature.

His glib comments continue to roll out every single day. Let's have two-tier health care. Let's make indiscriminate cuts. Let's have a big chill in the public service. Let's show people tough love. Let's not have pesticides removed from residential properties. The list goes on.

It's a hit parade of bad ideas for the future of Manitoba, Mr. Speaker. It's not the top 10; it's the top bottom 10 of what we should do in Manitoba.

Mr. Speaker: Honourable Leader of the Official Opposition, on a new question. On a new question.

PST Increase Manitobans' Right to Vote

Mr. Brian Pallister (Leader of the Official Opposition): Mr. Speaker, there's nothing glib about destroying Manitobans' rights to vote.

But the right answer was none of the above. The government didn't keep one of its promises. And, of course, it is the most elementary of propaganda techniques to repeat false information and hope people start to believe it, and that's exactly what that Premier continues to do.

The NDP says Manitobans aren't permitted to vote on the PST hike because (a) it would delay the

Premier's ribbon-cutting tour, (b) they need the million-dollar vote tax or NDP headquarters will hit a fiscal cliff, (c) Manitobans are already voting on their favourite fish, isn't that enough? Or (d) 37 NDP MLAs value their own opinion more than a million Manitobans.

Hon. Greg Selinger (Premier): Mr. Speaker, the Leader of the Opposition was a senior Cabinet minister in a government that entered into the worst democratic scandal in the history of Manitoba, the vote-rigging attempt. Now they do not want to let bills be debated or voted on in the Legislature. The denial of democracy starts at the front door of the Leader of the Opposition.

And to this very day he has never apologized for the vote-rigging scandal. He has never denied that he wants to eliminate corporate and union donations in the democratic process in Manitoba. And he still collects his election rebate from the public every time he goes to the polls, Mr. Speaker.

2016 Election Government Intent

Mr. Brian Pallister (Leader of the Official Opposition): I don't know what's growing more, the nose or the stories, Mr. Speaker.

The reality is 37 MLAs on the NDP side of this House are not more intelligent or more worthy of respect than a million Manitobans. D was the right answer. Respect is shown in actions, not in words or false accusations.

Last year, the NDP passed a bill, put forward a bill and put it through, giving themselves the longest mandate since Premier D.L. Campbell in 1953, setting an election date for April of 2016.

*(14:10)

Now, why did the Premier do this? Was it because (a) there is a remote possibility he may be able to balance the budget by then, or (b) the Finance Minister's court cases might be done by then, or (c) he hopes Manitobans will forgive him by then for his massive betrayal of their trust, or is it (d) all the above?

Hon. Greg Selinger (Premier): Mr. Speaker, we look forward to investing money that will protect communities that have been impacted by floods. We look forward to building schools for young people that live in Manitoba. We look forward to more people moving to Manitoba; 125,000 have moved over here over the last decade, in contrast to the

33,000 that left Manitoba during the time the leader was in office. It wouldn't have mattered how many years he waited to do an election. There would have just been a more loss of Manitobans, less doctors and less nurses.

Every single day we're building a better Manitoba, and that will show as time goes forward.

Government Record Future Intentions

Mr. Brian Pallister (Leader of the Official Opposition): There are no fences around the mendacity of the Premier, Mr. Speaker, but the reality is, of course, quite different than the one he espouses.

The difference between our two parties is apparent to Manitobans and it is this: We trust Manitobans—we trust Manitobans. The Premier and his colleagues are misguided and they tend to describe themselves on a regular basis as the builders of the future of this province. They are not—they are not; the people of Manitoba are.

The final question: The Premier and his 37 MLAs—36, I guess—have been surprised by the level of opposition to their proposals, yet they refuse to change their mind. Why not? (a) They believe in the absolute power of 192 communicators, (b) they control millions in advertising and can buy public opinion, or (c) they think Manitobans will forget their lies or (d) all of the above. Which is it?

Hon. Greg Selinger (Premier): Mr. Speaker, let's review what we've learned in the last—in the first year of the Leader of the Opposition's presence at the head of a political party.

He believes in chilling the public service. He believes in tough love when it comes to treating public civil servants. He wants to pile on \$550 million of reductions in public services at a time when Manitobans are counting on them. He supports two-tier health care; did he consult anybody on that, or did he just look in the mirror and see the truth once again when it comes to health care in Manitoba? He called building hydro a mega mistake. And he does not want to debate the antibullying bill in Manitoba and he mocked the class-size initiative in Manitoba. And, by the way, when it came to protecting the communities of Manitoba from spring floods, he endorsed his MLAs being in the diversion along with his friends to put all the communities downstream at risk.

That's not leadership, that's putting Manitobans at risk.

Youth Crime Prevention Government Record

Mr. Dennis Smook (La Verendrye): Recent statistics show that crime rates amongst youth are on the rise, and many non-profit and youth organizations are concerned.

It is clear that the policies of this government have caused a rising crime rate amongst youth, and the Minister of Children and Youth Opportunities is not standing up for the youth of this province.

Mr. Speaker, is the Minister of Children and Youth Opportunities happy with his government's legacy of being dead last when it comes to youth crime prevention?

Hon. Kevin Chief (Minister of Children and Youth Opportunities): Mr. Speaker, I want to thank the member for the question.

I think all members of the House know that I've been travelling the province and have done some of the most robust consultations on crime prevention and healthy communities. I want to answer this question. I answer it on behalf of the thousands of children, youth, families that gave me advice and support. I answer the question based on the incredible partnerships we've created, like the partnerships in our \$8-million commitment in keeping 13,000 young people busy every year, Mr. Speaker, in mentorship program.

Now they are keeping busy, investing in the classroom, investing in outside of the classroom, and we're drawing in people like the leadership of Mark Chipman and the Winnipeg Jets Foundation who believe in our approach. And we continue to invest in sport and recreation opportunities; in fact, we invested over \$500,000 towards—

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

Mr. Smook: The job is more than handing out cheques and photo ops; it's about getting results.

Mr. Speaker, Manitoba leads the country in child poverty and the usage of food banks by youth. Experts agree that a higher incidence of poverty is related to a higher incidence of crime. Families in poverty are feeling the pinch from this government's policy, thanks to low rental allowances, an increase

to the PST, PST being charged on things like home insurance and children's sports equipment.

Mr. Speaker, each NDP member took \$5,000 in vote tax to support their own political party. Will the NDP minister for child and youth opportunities commit to reallocating that money towards youth crime prevention?

Mr. Chief: Well, first off, I'm glad I had the opportunity once again to put on record the incredible investments we're making for youth, Mr. Speaker.

But I also do want to let the member know that we just launched the Starting Early, Starting Strong campaign on supporting young people, young moms, particularly families that come from vulnerable backgrounds. And this approach, just so members opposite know, is supported by the United Way. It's supported by health professionals. It's supported by non-profit organizations. It's supported by principals, teachers, academics, the business community. In fact, Dave Angus of the Winnipeg Chamber of Commerce just endorsed our approach on the things that we do for children and young people.

But not only are we working in partnership with our non-profit organizations and the private sector, Mr. Speaker, we're working directly with families, children and young people in the province. And I proudly—

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

Low-Income Manitobans Government Priority

Mr. Ian Wishart (Portage la Prairie): Mr. Speaker, the number of people using food banks continues to climb in Manitoba. We know that many families with children are frequent users of these food banks.

The spending habits of this government says a lot about their priorities. The NDP choose to fund their own party with vote tax rather than try and deal with pressing issues like poverty reduction.

What does this say about their priorities?

Hon. Kerri Irvin-Ross (Minister of Housing and Community Development): Mr. Speaker, what I can tell you, what we did on this side when there was economic uncertainty, we made a commitment to build more social and affordable housing. We increased rent supplement called the RentAid. We increased minimum wage. We made a commitment

for employment and training and improved our education system.

I can assure you that we will not be cutting social assistance. We will not be clawing back the national childhood benefit. And we will continue to support all Manitoba families.

Mr. Wishart: Mr. Speaker, they will not be increasing the housing allowance either.

Being in government is about setting priorities. Consumptive tax increases like the increase to the PST are disproportionately hard on those with little disposable income. It is clear that tax increases are this government's No. 1 priority.

How can this government justify taking more than their share from those on limited and fixed incomes and giving it to their own MLAs so they don't have to expend any effort to raise their own campaign funds?

Ms. Irvin-Ross: We will show our commitment every day, as we have since being elected in 1999, to the commitment to Manitoba families. That is through our support, through building more housing, by providing employment opportunities and education opportunities, by ensuring that we have the best quality health care and making sure that we do not have a two-tier health-care system.

We will continue to make those initiatives to support Manitoba families by providing them with opportunities to continue to flourish and to grow and by building healthy communities.

Sexual Abuse Case Concern Sex Offender Alert

Mr. Reg Helwer (Brandon West): Mr. Speaker, there's a tragic story of a Manitoba family. In 2004, a father—well, I hesitate to call him a father—but he was convicted for sexually assaulting his 14-year-old daughter and, once released, sexually assaulted his wife's 6-year-old daughter.

Mr. Speaker, can the Minister of Justice confirm that this individual was on the Child Abuse Registry in 2004? And if not, why not?

*(14:20)

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, I know the member and I do have some partisan arguments, but I know he's a father; I'm a father as well. And, certainly, protection of children is something that I

like to think every member in this House is very, very concerned about.

And I'm aware that the member is, I take it, asking his question based on a newspaper article that was out today. I'm advised that there's some pretty major inaccuracies in the media account. Obviously, I can't speak about details of particular cases, but there are some things that individuals need to be aware of.

And that's that, certainly, when there's an individual who's in federal prison, in many cases, of course, when they serve to the end of their prison term in a federal prison, there's then notification given to Manitoba Justice and the police services here in Manitoba and certain steps can be taken. In other cases, it's a very different situation, and I'll talk about it in just a minute.

Mr. Helwer: Well, Mr. Speaker, obviously the minister has some information. Perhaps he could share it with this House, because we learn that this man was released from prison and officials warned that he was a ticking time bomb who was likely to reoffend, especially against children in his own home. When released from prison no parole conditions were apparently attached, but perhaps the minister has some information he can share.

Why was this not dealt with, Mr. Speaker? Why was this not flagged to parole officials and why was this man not monitored as a sexual predator?

Mr. Swan: You know, the other situation which can occur is if somebody is in a federal prison they may receive parole by decisions made by the federal parole board, and the federal parole board will make their determinations on what conditions are appropriate.

And, of course, some of the challenges in cases generally is that if the federal parole board has decided that it's acceptable for someone to be released back into the community, it becomes very difficult for the Crown attorneys in Manitoba to obtain an order under section 810.

So, certainly, in every case, the federal parole board deals with it based on the facts of the case. The federal parole board makes their decision on risk, and that can impact the type of notification that's given to Manitoba Justice and also to the police, so that the member should know that. Thank you.

Sexual Abuse Case Concern High Risk Offender Designation

Mrs. Leanne Rowat (Riding Mountain): That's a pretty pathetic answer from the minister responsible for the justice system in Manitoba.

Mr. Speaker, this pedophile was a high-risk, untreated sex offender who was not restricted from being alone with children. There was no child registry provided on this sex offender. Child and Family Services officials have no provisions or supervision in place to ensure the man would not reoffend. Why not? The defence lawyer said that I see this as a failure in—by the system on this family. Manitobans agree.

Why was this man not flagged as a high-risk offender? Where was the protection for this powerless, vulnerable child who should have been under the watch of this minister?

Hon. Andrew Swan (Minister of Justice and Attorney General): Well, I can, again, without getting to the specifics of this particular case, when there's an individual who's given parole by the federal parole board under federal legislation, that can change the type of notification that is given. In this case, obviously, there is a terrible crime which is alleged to have occurred and, obviously, that is a concern that would be prosecuted.

But what is important to recall is that the federal parole board makes decisions and, again, the decisions of the federal parole board to allow individuals back into the community can seriously impact the ability of the Crown officials in Manitoba to get a section 810 order. Those don't come automatically. There has to be an application process, and decisions made by the federal parole board can really impact the availability of that kind of order.

Mrs. Rowat: Mr. Speaker, he is hiding behind his incompetence.

This family deserves better. Child and family should have been made aware that there was a pedophile that was going back into a home where there was a 6-year-old 'dau'—girl who was abused twice a week for an entire year. The incident included attempted intercourse.

Why did this government, this Justice Minister and this child and family service minister not give the protection to this young girl? She deserved to be protected from an untreated, high-risk pedophile.

Mr. Swan: Yes, Mr. Speaker, the particular facts of this case, as reported in the newspaper, there were some inaccuracies, but it is true that a terrible crime has taken place that has impacted a young person, and that is something that everybody can agree is a tragedy.

But as the member for Riding Mountain continues to talk from her seat, I will let her know that I'll be meeting with Minister Blaney, the new Minister of Public Safety. I will make sure that I pass on her concerns.

I have a very full agenda with the Minister of Public Safety as we struggle to make sure that First Nations policing is kept in place. On behalf of municipalities across the country, I'm also going to be talking with the Minister of Public Safety so that they do—they keep the promise to increase the number of police officers across the country.

We'll be looking at this incident further to see if there's more that can be done when individuals dealing with the federal parole board are back in the community and posing a risk.

Premiers Conference Provincial Agricultural Initiatives

Hon. Jon Gerrard (River Heights): Mr. Speaker, the Premier was in Niagara-on-the-Lake last week talking with other premiers about issues of importance across Canada, and one of the most important issues here in Manitoba is, of course, agriculture, an industry which is vital to our economy and to our nutrition, to our health care and to stewardship of the environment. There are numerous challenges facing agriculture at the moment.

So I ask the Premier to tell us what issues on agriculture he talked about with the other premiers and what he's going to take to the federal government.

Hon. Greg Selinger (Premier): I thank the member for the question.

One of the key issues that we identified was the country-of-origin labelling requirements that the United States seems to be interested in reintroducing after the World Trade Organization struck down their first COOL requirements. And even though they lost at the international tribunal in that regard, they seem to be bringing in additional measures now that actually are worse than the ones that just were struck down by the World Trade Organization.

So all the premiers agreed that under proper rules and proper protocols for international trade, initiatives from the United States such as COOL should not be allowed and that we should allow the border to be open to move agricultural product, agricultural animals, livestock across the border.

The packers in the United States are very interested in receiving Canadian animals, Canadian livestock. And we'd like to see that border opened up again so that we can have this kind of international trade which would definitely benefit Manitobans; it would definitely benefit agricultural producers in Canada.

And if he has additional questions, I can provide him with additional information.

Bee Colony Decline Government Initiatives

Hon. Jon Gerrard (River Heights): Mr. Speaker, the Premier must know one of the central issues in agriculture is the pollination of plants, and in this regard there are concerns that the primary pollinators for many plants are facing drastic population reductions. In Manitoba alone, the reductions in bee colonies last year from individual producers have been reported to be as high as 70 per cent.

Surely, this is a major concern, not only here but across Canada, for without these important pollinators we would have wonderful-looking crops which don't produce seeds. Nutritious foods—broccoli, for example—are entirely dependent on bees.

What is the Premier doing to address this critical situation in Manitoba?

Hon. Greg Selinger (Premier): A very worthwhile question, Mr. Speaker, from the Leader of the Liberal Party. There is a big problem throughout the northern and southern hemisphere with the loss of bees which, as the member identifies, are very important pollinators of crops.

In Manitoba, just a couple of years ago, this government put in place a support program for bee producers and bee minders in Manitoba that gave them some income security when they have very difficult situations occur. We would like to see the borders open again as well to allow bees to move across the border so that stocks could be replenished, and we'd like to see more opportunities to have more bees developed inside of Manitoba.

Pesticide Ban

Mr. Gerrard: In the 1950s and '60s, the use of DDT almost resulted in the extermination of many species, including eagles, hawks, pelicans, cormorants and so on.

Mr. Speaker, there are concerns today that the neonicotinoid-based chemicals used to coat crop seeds could be the culprit in the drastic decline in the bee populations. The European Union has addressed this same serious risk posed to bee colonies with a two-year ban on certain selective neonicotinoids.

What is the Premier doing and his plan to reverse the rapid decline in our pollinator population? Is he considering a similar chemical ban for Manitoba?

Mr. Selinger: I will say to the Leader of the Liberal Party I think he raises a very interesting issue and he's identifying what might be the potential causes of the decline in the bee population. If he has any science on that, I'd be pleased if he would table it with us. We would take a careful look at that.

But, Mr. Speaker, these kinds of matters, in terms of controlling pesticides, are something we can discuss with our federal counterparts in terms of which chemicals, which pesticides they license in this country.

* (14:30)

But if he has any hard information on that, we would be pleased to take that into account as we look forward to how we can continue to have bees as pollinators of crops in Manitoba. I look forward to any further information he might provide the members of this Legislature.

Summer Learning Camps Government Initiative

Mr. Dave Gaudreau (St. Norbert): This morning we heard a first in this House: one of the members of the opposition said that he actually believes in early prevention as a crime-fighting strategy.

So there was a great announcement today that we'll do just that. So I'm hoping that the members of the opposition will put apart—put aside their partisan games and pass our budget so we can get on with the business of improving this province and providing for our children's future with great programs.

Can the minister of youth and child opportunities please tell us about the great program that will see a

thousand students funded through our government initiatives?

Hon. Kevin Chief (Minister of Children and Youth Opportunities): I'm a very busy guy today, Mr. Speaker. Proudly, I do want to thank the minister—I was with Minister Allan today, Minister of Education. We had a great announcement with Robyn Peters, Rob Brown—Ron Brown of the—

Mr. Speaker: Might I stop—my regret to interrupt the honourable minister during his comments, but we're to refer to ministers by their portfolios or other members by the constituency name. So I caution the honourable minister, when he's referencing other members of the House, please, to use those guidelines.

Mr. Chief: Sorry, Mr. Speaker, I got a little excited there for this question.

Also, Strini Reddy, the founder, and Karen Botting were there as long as the youth leaders, and the children actually put on a road rocket science experiment for us. It was fantastic.

CSI programs in 15 sites all across Winnipeg touches over a thousand students, employs our high school and university students and it's an, overall, over a million-dollar investment for summer learning all throughout the province.

And I do want to wish all my colleagues here at the Manitoba Legislature a very relaxing and enjoyable long weekend. Thank you.

Provincial Nominee Application Centre Update

Mrs. Bonnie Mitchelson (River East): During the last provincial election, the NDP party promised to open a new provincial Nominee Application Centre in northwest Winnipeg.

Can the Minister of Immigration and Multiculturalism indicate what the status of this new centre is and where they're at with keeping that promise?

Hon. Christine Melnick (Minister of Immigration and Multiculturalism): We have been working throughout the province to continue to encourage people to come to the province of Manitoba. We've had over 125,000 people come from almost 200 countries over the last 12 years.

We have been working with individuals in the area of The Maples, which I think the member is referring to, in light of the unilateral decision to

retake over settlement services and actually cut services although they said they weren't, Mr. Speaker. We have opened a site. It's a walk-in site at the Notre Dame offices that is open to people not only throughout the province of Manitoba but also throughout the Internet around the world to encourage people to come.

The member opposite need not worry about our commitment to immigration.

Mrs. Mitchelson: Well, Mr. Speaker, can the minister confirm today that space was leased in the Northgate Shopping Centre over a year ago for this purpose, that leasehold improvements were done, offices, workstations, computers and phones were all installed, but the space has never been open for business? Instead, the windows are covered with paper and the space has been gutted.

Will the minister tell this House today how much of taxpayers' dollars have been right wasted for over a year, and how can she defend this incompetence?

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

Ms. Melnick: Mr. Speaker, I can confirm to Manitobans that two springs ago we stood firm. We stood with newcomers. We stood with employers. We stood with the 130 communities that have welcomed newcomers from almost 200 countries. On this side of the House, our commitment to immigration remains.

There's a new leader on the other side of the House. They can recant their position. Mr. Speaker, if he is willing to also stand with Manitobans and bring his caucus along, we'll clap for that on this side of the House too.

Mrs. Mitchelson: Mr. Speaker, but that answer just shows the complete incompetence of a government who will open an office for business or do all of the leasehold improvements.

Who is paying that lease, who paid for the leasehold improvements and what has happened to all of the furniture that was gutted and taken out of that office? Because they—do they call that good use of taxpayers' dollars?

Ms. Melnick: Mr. Speaker, good use of taxpayers' dollars comes when we honour the agreement, the Canada-Manitoba Immigration Agreement, complete with the PNP, the then-settlement services annex, that not only helped a lot of the communities that

members opposite pretend to support, helped them not only survive but thrive. Good use of taxpayers' dollars means bringing over 125,000 people from almost 200 countries to settle throughout all of Manitoba.

Again, I encourage members opposite to recant the standing vote they took on settlement services over a year ago in this House and stand up for Manitoba—stand up for Manitoba—stand up for Manitoba.

Mr. Speaker: Before I recognize the honourable member for Morden-Winkler, might I remind honourable members of the House, when they're making—asking their questions or presenting answers, to address their comments through the Chair, please.

ER Services (Minnedosa) Physician Departure

Mr. Cameron Friesen (Morden-Winkler): Mr. Speaker, yesterday I asked the Health Minister questions about the latest community in Manitoba that was facing possible closures as a result of doctor shortages, this one in the community of Minnedosa. Minnedosa lost two physicians earlier this year, leaving just four doctors in charge of all ER services. And then a new replacement doctor was brought in in July and she quit after one day on the job.

So I asked the minister yesterday, and I didn't receive an answer: After one day, why would a replacement doctor quit? Did it have anything to do with the working conditions at hospital?

Hon. Dave Chomiak (Acting Minister of Health): Mr. Speaker, one of the things that we considered very important when we assumed office was that the best candidates to stay in rural Manitoba are candidates to medical school who will come from rural Manitoba. That's why we not only increased the number of seats available to students and rural students at the medical college but we actually put in place residency positions in rural Manitoba, and we've had a success rate—60-plus doctors have returned to rural Manitoba in the last year alone. That's net more than all the doctors that the members opposite had when they were in office.

And, Mr. Speaker, I'm also advised, with respect to that specific instance, that we were—provided notice to Minnedosa hospital that it's possible there may be some services interruption, but there will be nurses and others on duty.

Mr. Speaker: Order, please.

Mr. Friesen: So it sounds like, according to that answer, their fears are well founded in that there might be closures coming that way, and that's disappointing to this community and many others.

Mr. Speaker, we have information that that replacement physician quit because of the working conditions: medical records that were paper, not digitized; that there was no Wi-Fi in the building; and that she was expected to work one out of three days on call instead of the one in six that she had contracted to. The minister is responsible for creating the kinds of conditions in a hospital that will entice doctors to remain there, not repel them.

Will this minister confirm that the doctor, indeed, left because she—because the minister couldn't create an environment that would keep her? And is this same story true in the many other Manitoba communities that are facing ER closures?

Mr. Chomiak: You know, Mr. Speaker, that's a bit over the top. That's a bit over the top from a party that had fruit flies in the main operating room at Health Sciences Centre. That's a bit over the top for a group that—not build one single hospital, in fact, closed hospital beds in Manitoba.

* (14:40)

That's a bit over the top for a group that reduced the medical college enrolment from 90 to 70 students, which is one of the reasons why we don't have as many doctors as we should have. And it's a bit over the top for members who now have seen the net increase of 500 doctors in this province since the last time those people had their hands on the controls of Manitoba Health.

Mr. Friesen: Well, Mr. Speaker, we've entered a time warp again. We're talking about the here and now, and he's talking about 25 years ago.

Mr. Speaker, allow me to catch up the member. Two years ago, Minnedosa hospital had a stable medical practice, a full complement of nurses and doctors. There are eight nursing vacancies at the PCH and the hospital. There are a dwindling number of doctors who are practising there. And the Prairie Mountain CEO says there is a real possibility Minnedosa ER will shut its doors in the near future.

What explanation can this minister give to what is going on, and where is the plan?

Mr. Chomiak: Mr. Speaker, the Tories are misleading Manitobans again. Notice was given out that it's possible, because of temporary doctor shortage, there might be some adjustments to the ER. But there's no plans to close the ER.

And if members opposite want to talk about closing ERs, let's talk about the largest closure in Manitoba history of an entire hospital, hundreds of beds, the whole ER, all of it down the tubes in a— with a stroke of the pen.

Since then, Mr. Speaker, have there been nursing vacancies? Well, there's been a lot since members opposite fired a thousand nurses. Since that time we've hired back two to one, in fact two and a half to one. For every nurse they fired, we've hired back two and half, Mr. Speaker.

In addition, we put in place expanded residency programs around rural Manitoba. We have one the largest classes of rural students now—

Mr. Speaker: Order, please. Minister's time has expired.

Flooding (2011) Outstanding Claim Settlements

Mr. Ralph Eichler (Lakeside): Mr. Speaker, that gives little comfort for families that are impacted by the 18 ER closures across this province. Shame on this government. They call that credibility.

Mr. Speaker, two years, two months, we have over a 5,000–500 outstanding claims, over 2,000 people out of their homes from the flood of 2011. It's amazing this NDP government was able to prioritize their own agenda and give themselves a million dollars from a form of vote tax, over \$5,000 for every member across the way.

Mr. Speaker, why has this NDP government forgotten about the flood victims of 2011—just looking after themselves instead of flood victims? Where is their priorities?

Hon. Steve Ashton (Minister responsible for Emergency Measures): Well, Mr. Speaker, there's—I think it gives you a picture of the priorities of members opposite, the—I—you know, the Leader of the Opposition auditioning as a game show host. I suspect it's actually for Who Wants To Be A Millionaire.

And a question, Mr. Speaker, about flooding in Manitoba that's the last question in question period. That shows their sense of priorities.

And I want to perhaps say to the member that this weekend he may want to spend some time talking to the people around Lake Manitoba and Lake St. Martin. He might want to visit the emergency outlet. He might want to talk to the people that have received over \$600 million in terms of DFA, the \$1.2 billion we've spent in terms of that.

You want to talk about priorities? Our priority is for flood victims. That's why we're here, Mr. Speaker, fighting for a budget that is there for Lake Manitoba and Lake St. Martin.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order, please. Are we ready to proceed, folks?

Time for oral questions has expired. It's time for—

MEMBERS' STATEMENTS

St. James-Assiniboia Parent Child Coalition

Ms. Deanne Crothers (St. James): Every parent—

An Honourable Member: On a point of order. Point of order.

Point of Order

Mr. Speaker: Prior to the honourable member for St. James proceeding, I am recognizing the honourable member for Riding Mountain on a point of order.

Mrs. Leanne Rowat (Riding Mountain): Yes, Mr. Speaker, I was listening to the member from Thompson share what he thinks in his mind he's been doing for people that have been affected by the flood.

Shellmouth valley—the Assiniboine valley producers in that area are waiting for this government to actually fulfill a promise that they made several years ago and they have been waiting for this government to provide the applications for funding for two years now, Mr. Speaker.

This government is actually not—

Mr. Speaker: Order, please. Order, please.

I want to caution honourable members that when they're rising on a point of order in the House, it would be greatly helpful to the Speaker, to myself, if the honourable members, when they're rising on that point of order, would start by referencing a breach of the rules, a particular rule that perhaps has been

broken in this Assembly, that would allow me to make a ruling on that.

I've cautioned the House before not to use points of order as a means of further debating items that have been occurring in this Assembly. And I'm getting a sense from the comments that are being made here by the honourable member for Riding Mountain (Mrs. Rowat) that we're continuing debate on the topic. There are many other opportunities to engage in that debate.

So, if the honourable member for Riding Mountain has a particular rule in mind or a practice or procedure that has been breached, I'm asking her to raise it at this particular opportunity right now. No? Okay, then.

* * *

Mr. Speaker: We'll continue with the members' statements.

The honourable member for St. James (Ms. Crothers), to continue with her member's statement.

Ms. Crothers: Every parent wants their child to reach their full potential. Today I rise to recognize the St. James-Assiniboia Parent Child Coalition, an innovative group of community representatives who work together to promote healthy children and families.

Supported by Healthy Child Manitoba, the coalition offers free community programming and resources to families with children from birth through to 6 years of age. Coalition members, who come from across all sectors of the community and include parents, child-care professionals and government officials, share resources and encourage healthy child development by promoting positive parenting, health and learning. They also strive to build community capacity to support opportunities for families in St. James.

From parent-child drop-in centres to cooking classes and a book club, the coalition finds many creative ways to encourage active play and well-being. This summer, the coalition is holding weekly Tuesdays in the park meetings each week at a different location throughout St. James for outdoor fun and adventure. They also publish a regular newsletter with resources for parents and tips on promoting healthy child development that I still make a point of picking up to take home and keep as a reference. Their programming is open to anyone in the community. When my own children were very

young, much younger than 4 and 6, we participated in a playgroup organized by the coalition at Deer Lodge Community Centre. I was often impressed at the commitment shown by the staff and the volunteers. Their interest in getting to know each child and their parent or caregiver provided a personal touch to their program that was genuine.

To maximize resources and deliver the best programming possible, the St. James-Assiniboia Parent Child Coalition works with many partners in the community. The school division, local community centres, neighbourhood churches and numerous others contribute building space, staffing and other essential resources to the coalition.

As parents, we are the most important teachers in our children's lives. The support that the St. James-Assiniboia Parent Child Coalition provides to parents and families is an amazing asset to our community.

I invite all honourable members to join me in thanking the coalition's members, staff, volunteers and partners for their dedication to making our families stronger and healthier, and, as a result, increasing the strength and health of our community.

Thank you very much.

Fire & Water Music Festival

Mr. Wayne Ewasko (Lac du Bonnet): As the critic for Culture, Heritage and Tourism, I have the great pleasure to participate in and enjoy a wide variety of festivals and events in Manitoba. One of these festivals is the seventh annual Fire & Water Music Festival, which descends on Lac du Bonnet this August long weekend.

If you haven't taken in any festivals yet this summer, then perhaps a trip out to Lac du Bonnet to see the Fire & Water Music Festival could be the one for you. The Fire & Water Music Festival is a non-profit organization that supports and promotes local artists, making it the top indie music festival in Manitoba. They feature the best there is to offer in Manitoba and in Canadian music with a sprinkling of a few international performers.

Some of our favourite homegrown Manitoban musicians will be playing at this year's festival, including Alanadale, Andrew Neville and the Poor Choices, black-eyed SUZIE, the JD Edwards Band and Matt Epp. This festival will again feature four stages and a wide range of talented, unique and sometimes quirky performers. At Fire & Water,

visitors can mingle with the performers as opposed to watching them from the other side of the security fence, thanks to the festival's intimate atmosphere.

Besides the tunes, there's also activities for the kids, with crafts, family-friendly performers and a pancake breakfast.

* (14:50)

This year the festival will be adding two new events: the expansion of the Artist Village, where visitors can purchase handmade products; and a film festival featuring a variety of Manitoba film shorts and hosted by Deidter Stadnyk. The films will be presented in the Lac du Bonnet Senior School theatre. Each year Fire & Water festival grows bigger and better attracting tourists from across Manitoba to the tiny community of Lac du Bonnet.

Mr. Speaker, I hope the members of the Legislature will join me this weekend at the Fire & Water Music Festival as I am sure it will be an experience they'll never forget.

Thank you, Mr. Speaker.

Ajit Kaur Deol

Mr. Ted Marcelino (Tyndall Park): I rise today to honour a member of our community whose life's work has created positive change throughout Manitoba and Canada. Her name is Ajit Kaur Deol.

Since first arriving from India in 1967, Ajit has made immense contributions to Canada. As an advocate for education, social services and multiculturalism, she is helping to improve the lives of people throughout our communities.

Ajit is credited with developing the Carline McMorland School for the Mentally Challenged in Marathon, Ontario, where she served as principal. In six years under her leadership, school enrolment increased hugely and students began integrating into classes at Marathon High School. The school's integration model became an example for the Ontario school system.

After moving to Manitoba, Ajit became the first woman president of a Sikh gurdwara in North America. She also taught at Edward Schreyer high school in Beausejour and Maples Collegiate here in Winnipeg.

Ajit has served on the boards of many cultural, educational and community-based organizations. As a Manitoba Human Rights Commissioner, Ajit works

to uphold the Human Rights Code and ensure that Manitobans are treated fairly and justly.

Mr. Speaker, it's inspiring to see how one person can accomplish so much and touch the lives of so many. Ajit has received much recognition for her work, including the Order of Manitoba, the Queen's Golden Jubilee Medal, the Queen's Diamond Jubilee pin, an honorary doctor of laws from the University of Winnipeg and the Distinguished Community Service Award, among countless others.

Mr. Speaker, I ask all members of the Legislative Assembly to please join me in thanking Ajit Kaur Deol for her commitment to the people of our province.

Thank you, Mr. Speaker.

The RM of Langford

Mr. Stuart Briese (Agassiz): Mr. Speaker, I rise today with a heavy heart and much sadness, to speak about the demise of a proud rural municipality in the province of Manitoba.

The rural municipality of Langford was incorporated in 1891, 122 years ago, and has served its people well for almost a century and a quarter. That proud history is about to be ended by the heavy-handed directives of this NDP government and the Minister of Local Government (Mr. Lemieux). And I ask: What is the rationale that leads this NDP government to destroy that proud history?

I served on the RM of Langford council for 20 years as a municipal councillor. My father, Lloyd Briese, served for 20 years before me, eight years as a councillor and 12 as reeve.

The proud history of Langford was formed by many municipal officials who, like my family, served through several family generations. Some of the families, such as the Davidsons, the Hockins, the Draysons, and the Montgomerys, were intergenerational and served the RM of Langford through as many as four generations of their families. They all approached government with an open mind, and clear belief and understanding of the issues faced by their municipality. Over a century and quarter they faced many issues, many serious situations, made their decisions on behalf of their constituents and served them well. They served the people with pride.

The RM of Langford took part in the formation of the first conservation district in the province and about the fourth planning district in the province.

They also entered recently into one of the largest conservation easements in the province. This is a legacy that I and every other Langford councillor or reeve is very proud of.

The RM of Langford, after 122 years of balancing their budgets, providing exemplary services to their residents, is now being told, you will amalgamate with someone else. You have not done your job well enough. You will lose your identity, and you will have no choice in this process.

Mr. Speaker, this is not good enough. The RM of Langford and its residents are proud of their heritage, its 122 years of history. The minister can rise and make his derogatory, demeaning, insulting comments about horse-and-buggy mentality and about living in the past. These comments are insulting to the people of the RM of Langford and all the municipal officials who have served in that municipality for 122 years.

Our municipality has served its people well. It has been proactive—

Mr. Speaker: Order, please. Order, please. We're long past the time for the statement permitted for the member.

Some Honourable Members: Leave.

Mr. Speaker: Does the honourable member for Agassiz have leave to quickly conclude his statement?

Some Honourable Members: No.

Some Honourable Members: Agreed.

Mr. Speaker: I hear a no. Leave has been denied.

Canada's National Ukrainian Festival

Hon. Stan Struthers (Minister of Finance): This weekend, people from across the country and around the world will come out to Dauphin for Canada's National Ukrainian Festival. This three-day festival gives people from many different cultural backgrounds a chance to experience the food, culture and hospitality of Ukraine in the beautiful outdoor Selo Ukraina venue.

Canada's National Ukrainian Festival was first established in 1965. Its founders started with a box of letterhead and \$5 worth of stamps.

Since these humble beginnings, the festival has grown into a national event that includes acclaimed Ukrainian bands and dance groups, demonstrations in cooking, Ukrainian Easter egg decorating and

weaving and an annual festival parade led by Canada's National Riding and Dancing Cossacks and Company. Visitors can sample delicious traditional Ukrainian cuisine, pick up souvenirs at the festival marketplace and boutique, visit the Selo Ukraina Heritage Village and enjoy a lively parade Saturday morning.

Canada's National Ukrainian Festival truly reflects Ukrainian culture as it is in Canada. All are welcome, as reflected in the festival slogan, Bitamo.

Of course, the festival would not be what it is today without the hard work of the festival board of directors and many, many dedicated volunteers.

I invite all honourable members to join me in thanking this year's directors, David Katcsma, Cory Lafontaine, Anne Odut, Jan Sirski, Shirley Novalkowski, Oleg Bodnarski, Jennifer Chetyrbok, David Kuzyk, Brent Lubiniecki and Kayla Peech, as well as the festival's staff and volunteers, for another year of making Ukrainian culture come alive in our Parkland.

I encourage everyone to come and enjoy the zabava—the party—in Dauphin this weekend.

Dyakuyu and thank you, Mr. Speaker.

House Business

Mr. Speaker: The honourable Official Opposition House Leader, on House business.

Mr. Kelvin Goertzen (Official Opposition House Leader): I was going to offer leave to talk about the perogies, but next time perhaps, Mr. Speaker.

In accordance with rule 31(9), I'd like to announce that the private member's resolution that will be considered next Thursday is the resolution on Provincial Government Fails Manitoba Youth, brought forward by the honourable member for La Verendrye (Mr. Smook).

Mr. Speaker: It has been announced that, in accordance with rule 31(9), that the private member's resolution that will be considered next Thursday is the resolution on Provincial Government Fails Manitoba Youth, brought forward by the honourable member for La Verendrye.

Mr. Speaker: Grievances. No grievances, so we'll move on to—

ORDERS OF THE DAY*(Continued)***GOVERNMENT BUSINESS**

Hon. Jennifer Howard (Government House Leader): Would you please resume debate on second reading for Bill 36, followed by Bill 38, followed by Bill 18.

Mr. Speaker: We'll now call bills in the following order for debate on second reading—continued debate on second reading, starting with Bill 36, followed by Bill 38 and followed by Bill 18.

DEBATE ON SECOND READINGS

Mr. Speaker: And we'll start with Bill 36—see if I can get it correct today—the Bill 36, The Public Guardian and Trustee Act, standing in the name of the honourable member for Brandon West, who has 13 minutes remaining.

Bill 36—The Public Guardian and Trustee Act

Mr. Reg Helwer (Brandon West): Yes, indeed, 13 minutes. It did—I know many people seem to think the number 13 is unlucky, Mr. Speaker. I don't have that particular problem. In fact, it seemed to—as I travelled around the country in the last several years, it seems to be once you get a room that has a 13 in it they must communicate that between hotels, because it became a common occurrence. Every time I ended up in a hotel room, there was a room with 13, so it's just something there. Anyway, that's—it was always good luck. Obviously, I had good luck. I ended up elected to the Legislative Assembly of Manitoba, obviously good fortune.

* (15:00)

So, indeed, now we are back speaking about the Bill 36, The Public Guardian and Trustee Act. And I did speak a great deal about the vulnerable individuals that would be protected by this act, obviously, families that have gone through some critical illness or devastation, those who are mentally challenged, perhaps, that need some public protection through the guardian and trustee and, indeed, children. And I do see that there are circumstances here where the guardian and trustee is able to—if the child should move for care in another province, then there are opportunities here where the guardian and trustee would move the trusteeship and the guardianship to that other province and enable

protection to follow the child. So that is something, indeed, that is, I'm sure, a good thing.

We know that as children grow they do need to be protected and good to see that something of that does occur in this act. I am mystified by a few things that apply, that are in the act here. I look at page 7, section 7(5), and usually when we read acts, I know that they are somewhat difficult to read—the bills—and this particular section says, when this section applies. And then the text says, this section applies despite any other enactment.

Now, not clear to me, Mr. Speaker. I had to go back to the notes, and perhaps the notes would be a better part to include in there where it says, the proposed section 7 which deals with the PGT's appointment. As last resort, personal representative of a deceit's—deceased person's estate takes precedence over other legislation as it relates to the PGT. Now, as circular as that is, that's probably better than what is in the act there. So perhaps a little bit more description might be useful so that people can understand this a little bit better.

I know that when people are dealing with public guardians and trustees there is, obviously, some controversy sometimes and some trust issues there. I do hear from a few people in this regard that are having issues with the Public Trustee and they want, you know, an MLA to step in and do something about it. That's certainly not the role that we have. We have to trust that the guardian and trustee is acting in the best interests of the estate, is acting in the best interests of the individual they are a guardian for, whether it be a child or another individual, and that is really where that trust has to be.

Obviously, there are people that are going to have issues, especially when emotions are running high, and, certainly, in the times of illness and death, those emotions do run very high, and we do see that time and again. I know I've had some experience in that when there an illness in the family, you know, that people may not always be thinking rationally. They may not be able to act on the best interests of the individual, and, certainly, there's a role there for the guardian or trustee, not to intervene, necessarily, in medical occurrence but in terms of making sure decisions are made in the legal context because in—at—as someone passes away, there are a number of things that need to be done in order to ensure that everything is appropriately carried out, and I know that when you're dealing with the death of a loved one, you know, you may not be able to make those

difficult decisions, so some help and guidance in that regard would be great.

Certainly, there's individuals, I'm sure, that are going to be taking the trustee to task for that. Certainly, it's a challenging position for them to do. They probably wade into issues here that are very trying and try to be calm, I'm sure, and dispassionate, not necessarily dispassionate because you do have to understand the emotions and the passion that the individuals are dealing with at that time, not necessarily to take them into account, but you have to know how to smooth it out and speak calmly, I'm sure, and deal with the issues while still getting decisions made and removing the emotions somewhat from it. So I'm sure it is a great challenge for a number of these individuals to deal with.

But we'll look forward to seeing if anything comes out of this in committee. I'm sure there's some questions that other members have about this particular legislation, and so I don't want to stand in the way of them speaking to it, Mr. Speaker. So I think that we can move it, you know, we'll have some other people, I think, that want to speak to this legislation. So at that point—oh, I saw 7:13 up there; that would have been good time to stop—another time to get 13 on there.

But, anyway, thank you for the opportunity to speak to this legislation, and I'll let some others move along with it.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to Bill 36. This is a bill which, in my view, is one of the most important bills we're dealing with this session because it deals with ensuring help and assistance for those who are the most vulnerable in our province. As I will discuss in my speech, in my view, the government, in putting forward this bill as they have done, have not got it right in providing the best possible protection for the most vulnerable in our society. And so I am opposed to this bill as it's brought forward. I will provide specific details of my concerns with this bill and, hopefully, the government will consider making amendments to the bill to improve it and to address what I see as major weaknesses in this legislation.

Mr. Speaker, the Public Trustee serves a very vital role for all Manitobans. In the name of the government of Manitoba and in the name of all of us as citizens, the Public Trustee provides services to those who are less fortunate and those who are less able to care for themselves. As the Public Trustee's website says, the Public Trustee of Manitoba is a

provincial government special operating agency that manages and protects the affairs of Manitobans who are unable to do so themselves and have no one else willing or able to act. This includes mentally incompetent and vulnerable adults, deceased estates and children. I want to emphasize, at this point, the phrase: and have no one else willing or able to act. Because it seems to me that this is a very, very important phrase. And as we shall see and as I discuss in my speech, this is a very critical phrase.

Now, the Public Trustee is involved in the lives of thousands of Manitobans each year. And it's interesting, as the research done at the Manitoba Health policy has pointed out, because the Public Trustee office is totally responsible for such persons, their address of record in the Manitoba Health insurance registry is that of the Public Trustee office, not of their own home or wherever they are staying. And, when looking at regional utilization, it should be noted that these individuals may in fact 'epp'—represent quite a sizable proportion of those living in the Winnipeg core area and possibly Brandon populations.

As covered on the website of the Public Trustee in Manitoba, the Public Trustee is responsible for administering estates and making personal decisions on behalf of mentally incompetent adults or vulnerable adults who are not mentally capable of making decisions independently. The Public Trustee also administers the estates of people who've granted a power of attorney to the Public Trustee. Public Trustee administers the estates of people who've died in Manitoba with no one else capable or willing to act as administrator or executor—important phrase, there: with no one else capable or willing to act as administrator or executor—administers trust money on behalf of people who are under 18 years of age or under a legal disability.

Now, there's one phrase in there: the estates of people who've granted a power of attorney to the Public Trustee. It's not always granting a power of attorney voluntarily. It should be pointed out that quite frequently it is the Public Trustee who comes in and takes over the power of attorney. That's a little bit different than what's advertised, and perhaps that, for a start, should be corrected.

* (15:10)

Now, we need, as we look at the important role of the trustee, because we are dealing with people who are the most vulnerable in all of Manitoba, we want to have assurances that the job that is done by

the Public Trustee and the Public Trustee's office is done in the very best way that it possibly can be done, because these are the most disadvantaged and the most vulnerable people in our society. The Public Trustee must represent people. It must also represent fairness and be exemplary, but there are also needs for appropriate and useful and helpful checks and balances, and I will discuss this as I lay out my concerns.

Now, I want to say that we are marked as leaders by how we care and how we are concerned for those who are most vulnerable. We need as MLAs to very carefully scrutinize this bill, for it marks how well we care for those who are most vulnerable. In my view, this bill needs improvement, and I will go over the reasons that I believe this to be the case. But I would ask people to remember that we are not here so much to score political points for ourselves, but we do want to score points for those who are the most vulnerable in Manitoba.

Now, I'm going to start with the story of Olga Cumberbatch, a woman who, when I was first approached to help her, was in her 80s, and she still is, because this is a story that first sparked my concerns with the current operation of the Public Trustee. Now, I was called in to see what I could do to help by two friends of Olga Cumberbatch's, two very caring people who I want to single out for their compassion and their concern for Olga, two people who had been friends with Olga for 30 years. They are Lorraine and Sonney Pinnock, and they came to me with their concerns about Olga.

Now, Olga, being very careful about what would happen to her if her mind and her brain were not as capable as they had been, and she specifically arranged for these two friends to look after her best interests and to have the power of attorney, the power to direct her health care and to be executors on her will. But instead of this happening, Manitoba's Public Trustee barged in, took over her power of attorney without even consulting, discussing the situation with them.

The Public Trustee put Olga Cumberbatch in a personal care home where, certainly, initially, she was getting very poor care, was unhappy and quickly lost about 30 pounds in weight. The Public Trustee, in acting precipitously, removed all her belongings from her home, put the home up for sale, even while there remained major disagreements over who had the right for power of attorney for Olga Cumberbatch.

Now, Olga was a sweet, caring woman with a sunny disposition. She was born in Barbados. In 1968, she came to Winnipeg to provide care for the child and the mother of a Canadian doctor. After her first few years in Canada, she worked for many years with Child and Family Services in Manitoba, providing care to children in a group home. In 1986-87, she received an award for excellence in service, and since 1976, up until the time that the Public Trustee got involved, she owned her own home in Elmwood.

And for the period of about 30 years, up until when Errol and Lorraine Pinnock first called me, she had been close friends with Errol and Lorraine. In 2007, after considering the option of having her nephew in England to have power of attorney and finding that that didn't work, and realizing her son in the United States was not sufficiently mentally capable to do so, she made the decision to give power of attorney and the power to make health decisions to Sonney and Lorraine Pinnock so that if she became less able to make decisions for herself in the future, her best interests would be well looked after by two loving and caring friends.

In early 2010, Olga was starting to need some home care and the Public Trustee became involved without first having a discussion with Sonney and Lorraine Pinnock. The Public Trustee moved in and took over the power of attorney and shortly moved Olga into a personal care home. The Pinnocks had to put Olga on a list to get into River East nursing home so that they could visit frequently, and knowing the personal care home, they knew it was of good quality. Instead, the Public Trustee moved Olga immediately into a personal care home which was much less well positioned for them and indeed provided much less good care for Olga. The Pinnocks became very concerned about the quality of care being provided.

They, Errol and Lorraine, continue to visit Olga on a regular basis two or three times a week because they love and care for their friend, Olga. They've noticed she's been very unhappy in the home. They've noticed that Olga progressively lost a lot of weight. They noticed in 2010 that Olga had an infected finger and then a black eye—well documented—and they have significant questions, rightfully so, about the quality of care being provided.

This is a shocking story about how the NDP government and the Public Trustee have taken over

and completely thwarted the well-laid plans of Olga to make sure she was well cared for at the end of her life. Instead of two caring, long-time friends making decisions about her care, her life was taken over by the government and the Public Trustee who haven't shown the care and compassion that they should have done. Indeed, the Public Trustee took over her home, removed all her belongings, put it up for sale and, I might add, sold it for a price which is probably considerably below the market price. So the estate was diminished as a result. She was put in a care home. Instead of treating her properly, they ended up having to put her on antidepressants because she was so miserable with the kind of treatment that we're getting.

You know, I want to point out several of the problems here; (1) that there wasn't adequate consultation and discussion with her close friends, in this case. In other cases I have seen problems, a lack of consultation with close family members who have had power of attorney.

Second, the Public Trustee and the discussions with Lorraine and Sonney Pinnock said that the Public Trustee was not responsible for the health care. The Public Trustee was only responsible for managing the finances and so the Public Trustee wasn't going to do anything about the poor care being received at the personal care home.

Thirdly, the finances—although in many instances I understand the Public Trustee manages finances very well, in this case the house was sold for less than its value. The Public Trustee, in managing the affairs of Olga, has taken a considerable amount of money that could have gone to helping Olga when there were, in fact, two close friends who could have looked after the matters and in fact had the power of attorney.

There was not adequate consultation with Sonney and Lorraine Pinnock. There was no mediator, there was no appeal policy. The Public Trustee was blunt: either you take me to court and try and change this or the Public Trustee was going to continue to be the legal—with the power of attorney and looking after the affairs. Lorraine and Sonney were not wealthy. They were not in a position to take the Public Trustee to court. And we must remember that we're often dealing, in this case, with families who are not well off. There was not a good way of addressing this situation and, in fact, it was never addressed.

* (15:20)

The Public Trustee could have been an effective partner with Lorraine and Sonney Pinnock, but the Public Trustee was not.

The clause in what the Public Trustee has advertised is the Public Trustee would only act when there's no one else willing to act. Clearly, in this case, there were other people who were willing to act and to act well in the interests of Olga Cumberbatch, but the Public Trustee decided unilaterally to take over without even having an—first discussion with them of the situation.

One of the problems with this law, at is—as this bill—as it is written now, is the problem of accountability. If everything goes smoothly, there may be less of a problem of accountability and everybody gets what they like, then that may be fine. But you need to have accountability when things are not managed properly. As part 6, in section 37, says, no action or proceeding may be brought against the Public Guardian and Trustee or any other person acting—doing anything done or omitted to be done, in good faith, in the exercise or intended exercise of a power, duty or function under this act.

The problem here is that this government is taking away the accountability of the Public Trustee. The Public Trustee should be accountable, indeed, liable, for bad decisions. The Public Trustee should be able to be held account, not just where something was not done in good faith—very difficult to prove—but where there is a gross misconduct or poor management. You must remember that we are dealing here with a situation where we have, on one side of the equation, the people who are the very most vulnerable in our society and, on the other side of the equation, the Public Trustee, who has a tremendous amount of power under this act. And we don't want to tip the balance even further in the favour of the Public Trustee. There needs to be the appropriate and adequate checks and balances if the people who are most vulnerable are going to be adequately protected. This clause needs to be eliminated.

The second point that I would make in terms of the actions of the Public Trustee, there needs to be adequacy of consultation and discussion with the family and close friends to who—for whom the Public Trustee—of the person for whom the Public Trustee is taking over the control and the management, has power of attorney, is responsible in whatever way the Public Trustee chooses. There needs to be in this act a firm description. This should also be very clear on

the website how the Public Trustee will go out and talk and deal with people.

It's my understanding that the Public Trustee is often, in fact, willing to talk with people but, by and large, this is only when the people who are concerned understand the system and come and talk in the right way to the Public Trustee and are able to reach a mutual understanding. If there is a different of opinion, then it becomes very, very difficult, and there is nothing in this act which provides for any mediation. Certainly, that should be there. There is nothing in this act which provides for any appeal process, short of the courts. And as I've pointed out that in this case when we're dealing with the most vulnerable people in society, we shouldn't have to go necessarily directly to the expensive option of the courts, that there should be other options in which you have a situation where the balance of power is made a little bit more equal than just under a situation where the Public Trustee is meeting directly with friends and family of people who are extraordinarily vulnerable in these circumstances.

There is a concern over the finances. Now, I've already talked about how the Public Trustee takes a chunk out of the money of those who are being looked after. And this may not be entirely inappropriate. It's the way that the Public Trustee's office is financed, but there is a problem. One should never set up, in law, a situation where you have somebody like the Public Trustee who is supposed to be looking after people who are disadvantaged, who are supposed to be working with family and friends and not just taking over responsibility for everything and taking over control, that the Public Trustee has an economic incentive under these circumstances to take over the power of attorney, to take over management because the Public Trustee gets some of the money from the person and the estate for the person is being looked after.

Now, it may be true and it could be pointed out that in some circumstances the Public Trustee's cost may be less than others, but, nevertheless, it is vital to have an understanding that you have to be very careful and we need to be very careful as legislators to provide circumstances where there is an economic incentive to take the power and the control away from families into the hands of the Public Trustee.

The third concern, as I've already talked about, relates to health and the health—the responsibility, when the Public Trustee takes over the power of attorney and the power to look after health care, that

there is a problem here that, in the people that I have dealt with, the power of trustee—the trustee—the Public Trustee that they have talked to or the representative have explained that it's not their responsibility to look after the health care. This should be made very clear on the web page exactly what the Public Trustee's responsibility is. If, indeed, that's the Public Trustee's responsibility not to ensure quality of health care and that somebody is looked after well, then certainly there is a problem here. And the Public Trustee may need to have a good partnership with other people like, for example, in this case, the Pinnocks, to make sure the health care is looked after. And in this case, the Pinnocks were given no role, no responsibility, no ability to have input on decisions, and this is not the way it should have been.

There was a concern, which I have raised, over mediation and appeals without going to the courts. I believe these should be parts of the act. Certainly, occasionally the Public Trustee may have a mediation process, but it needs to be spelled out clearly on the web page. It needs to be clearly independent so there can be a balancing of the power status when you've got the Public Trustee with a great deal of power and people on the other side with very little, and no mediation can be effective unless you start to take some of the excessive power and balance out of the equation.

There needs to be clarity on the web and in the process followed by the trustees with regard to partnerships with families. I believe that there's a variety of potential possibilities here, and I believe, from time to time, the Public Trustee may undertake partnerships with families which can be workable. This should be clearly explained on the website, but clearly should be much more a prominent part of what the Public Trustee is going to be doing where you're working with people who are family members and friends who care very deeply for the person who is involved—the vulnerable person—so that there is an adequate ability to ensure that the health as well as the financial well-being of the individual is looked after appropriately and that the quality of life is optimized.

The Public Trustee of Manitoba, as I've pointed out, is a provincial government special operating agency, and it's supposed to protect the affairs of Manitobans who are unable to do so themselves and have no one else who's willing or able to act. I think that's a very important point here, that the Public Trustee should be looking carefully and investigating

whether there are others who are willing and able to act on—as guardians, looking after the health—the individual's—whether they are able to act, if not alone, in partnership with the trustee effectively, where you actually have some good, strong roles for the family and the individuals with the power, indeed, to get things done.

* (15:30)

It is very important to talk well and to understand the fine—family dynamics well, because the Public Trustee has to be very careful about not getting on one side of a split family and causing more problems for the whole family and the individual involved under this circumstance. There has to be a concern here for the individual who is vulnerable. That needs to be the top priority. And in what I have seen, it is not always the case, currently. And we need to have those checks and balances, and these checks and balances need to be in the act.

I would argue, Mr. Speaker, that the weak and the vulnerable are only safe when the strong are just. And this is our task today, to review and act, with respect to this legislation, to ensure that the Public Trustee will always act in a way that's just and fair. And to be just means looking after the full interests of a person: financial, health, quality of life and so on, and relations with friends and family members. The rights of every person are diminished when the rights of one person are threatened.

And so we must today, in looking at this legislation, ensure that the rights of those who are vulnerable, the rights of those who are entrusted to the care of the Public Trustee, are looked after. We owe no less to those who are less fortunate, and we do this because each person is a human being. We do this because we believe in humanness. We believe that humanity is important. And we do this because we believe that human rights for everyone are important, and that they are just as important for the least in our society as for those who are the most wealthy. They are just as important for the most marginalized in our society. Indeed, in many respects, they are more important for the most marginalized because they don't have the power, the wealth, to help themselves, and they must rely on others, like the Public Trustee and their friends and family, in order to do this.

Now, I know that the Public Trustee's job is a difficult one at times, and there are many demands. But we need the right balance, the right sensitivity to the needs of individuals, to the needs, wants and

desires of that individual when he and she can no longer adequately communicate for herself or himself, and the needs and wants of the individual as seen in the eyes of the family and friends who care deeply for the person.

Now, we are marked, as I have said, as leaders and as politicians, by how we care and how we're concerned for those who are most vulnerable. We must look and examine this bill with great care because this bill is one in which the needs of the most vulnerable are front and centre.

And it is my view, Mr. Speaker, that this bill needs significant improvements, and I hope that as we proceed through committee and as we proceed through report stage and third reading that there will be input from others in these areas and that we will get a better situation and a better bill through amendments because of the remarks that I've made and because of the experience that a number of people have had with respect to the operations of the Public Trustee. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, just a few words on the record. I think we'll be seeing this bill go to committee or be able to go to committee before the end of today, and so I look forward to hearing what the presenters have, what the public might have, for us in terms of suggestions and ideas. Certainly, I know, as all of us as legislators, all of us who've been MLAs for any length of time, we've had some interaction with the Public Trustee's office, the trustee of last resort, as they often refer to Public Trustee, where there isn't a family member or a capable person who is able to or willing to act in the case of trusteeship over an individual; then we have the Public Trustee who comes in as the trustee of last resort.

And I certainly recognize that we often have concerns that are raised sometimes about how that interaction takes place. As MLAs, I'm sure all of us have heard different stories from constituents who have come to our office and raised those concerns. But we also recognize it's a tough job. It's not an easy job when you are acting in that capacity as a Public Trustee or working within that office and trying to make decisions. Ultimately, of course, the best situation would be where there were family members, obviously, who were able to act in that capacity and do so in a fair and balanced way and also to do so in a way that there was the trust and the assurance of the individual who is on the receiving end of those services.

My family's had that experience as well, on both sides where we've had a trusteeship, power of attorney, over individuals within our family who were having a difficult time maintaining their own wherewithal, their own finances, and so we had family members who came around and took that responsibility and ensured that our individual family member was taken care of in the best way that we could for him, as the case was in this particular circumstance.

But we've also had other situations where the Public Trustee was necessary and the—this was actually in a different province where a relative was living and it was Public Trustee in British Columbia. So we had some opportunity to work, and I get to work with the Public Trustee in British Columbia, try to look after the affairs as best as we could, to give some input as family. Ultimately, they had the legislative authority in that province but to do our best as family members to try to give some direction where we could and where it was wanted. And I found that the trustee in that relationship was very open and really wanted the input, actually, of family members, really wanted to have the different views from family members, and I think the relationship actually worked quite well and that the relative involved was taken care of to the best means it could be.

And so it's not all negative stories, of course, but there are ways to improve, I think, the interaction in the act, and I'm sure that in committee, when this bill goes to committee, I'm hopeful that people will come forward and have some suggestions and some ideas about how the act can be made better, whether it's a specific piece of legislation or maybe in the future for different suggestions that could come forward at committee, and that's really what committee is for.

That's the importance of committee, to hear from individuals who have different experiences with the bill or more broadly. And I always appreciate that the chairs of the committee generally aren't too restrictive in terms of the comments that members of the public bring forward. They don't always hold them to the four squares of the legislation that we are being—debating at committee because sometimes we find, and I've certainly—it's been my experience that we hear suggestions, it might be outside of the purview of that particular act or specifically within the four pillars of the act, but we do find out that there are other ideas that can come forward and those might sometimes show up in other pieces of legislation down the road when we have that

committee or when we have a potential bill come forward down the road.

So the committee system, I think, is very good in that way. Not only does it give great and direct impact to the bill that we'll be hearing about at committee and any respective bill, but it also gives the public opportunity to talk more broadly about certain things that can be of concern. And, when they do so in a respectful way—and I would say that 99 per cent of the presentations that I've heard at committee from the public are done so in a respectful way and done so in a way that brings value to the system and brings credit to those who are making the presentations—then we all benefit by that. So I look forward as this bill goes to committee to hearing from the suggestions of the public. I'm sure that the government will be open to those suggestions on this particular bill to the extent that there are any and that they fit within the context of this bill, and we look forward to hearing what the public has to say on this and other bills.

Thank you very much, Mr. Speaker.

Mr. Speaker: Is there any further debate on Bill 36?

The House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: Question having been called, the question before the House is second reading of Bill 36, The Public Guardian and Trustee Act.

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

Now proceed with second reading debate on Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act, standing in the name of the honourable member for Brandon West.

Bill 38—The Provincial Offences Act and Municipal By-law Enforcement Act

Mr. Reg Helwer (Brandon West): I'm pleased to rise to speak to Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act.

And it is indeed a substantial piece of legislation here and takes a while to go through, obviously, to make sure one understands portions or hopefully, all of the act. However, when I do look at it, obviously, there's a couple of schedules—Schedule A, The Provincial Offences Act, and Schedule B, The Municipal By-law Enforcement Act—and does try to provide for a new approach dealing with municipal

bylaws' offences and sets up an administrative, as opposed to the court-based, process.

* (15:40)

So, on the face of it, that sounds like a good approach, to move through into administrative approach to dealing with this as opposed to going through the court system, hopefully freeing up some of the courts, because we all know that there is a backlog of cases waiting to go through that system.

Mr. Mohinder Saran, Acting Speaker, in the Chair

But one of the dilemmas, I think, it presents here is that there is indeed a downloading onto the municipalities. And I did speak to a CEO of a large municipality, and he had reviewed this and was told, well, yes, you know, you might have to become a Justice of the Peace so you can deal with the issues and you can be the one that deals with all these bylaw offences and hears them. And he says, I don't have time for that, I mean, I have—he has as his job of—as a CEO of a large municipality—he has things that are already on his plate and overflowing, and making sure that the municipality runs well and efficiently, as many of them do, unlike the provincial government, is not quite so efficient. So, that's the things that he works with and, now, he's going to have to deal with this, as well, at his cost base. All, everything, downloaded from the province onto the municipality—here you go, you guys deal with it. And the Province 'wants'—washes their hands of it as such and says, you know, it's not going to be a provincial administration or cost anymore; it's all yours, down to the municipality, so you deal with it.

Well, I don't know that that's quite the correct approach for one government to download costs and responsibilities onto another. It's something that this provincial government seems to do time and again. And is—this is just, perhaps, another way of doing that, and not something that we want to see necessarily happening in a—our current, less-than-conciliatory approach that this government has with municipalities at this time, when they are forcing, or planning to force, municipal amalgamations through Bill 33. Those are all issues that this will just serve more, I think, to inflame that particular issue, rather than appease the municipalities. So, it gives—does give the municipality some more responsibility, but also, I'm sure, some additional costs and something that the municipalities are not currently doing at this time. And those are, then, all things that they need to learn, they need to develop, they need to have—the I guess you might call it—bureaucracy, if you want to

call it, or the system, at the municipal level. And we don't want to create any duplication of services.

So the intent of moving some of these things from the court system will—while it is well-intentioned, perhaps a little bit more of consultation would have been useful. It is something that is a surprise to many municipalities, that all of a sudden they're going to have to be doing this.

So, you know, those types of things are something that is not in this government's strength. Consultation is something that they do seem to lack the ability to do well, or at all. And, certainly, in this regard, it did come as a surprise. And I have spoken to a few that were not aware of it and others that were partially aware of it. And then we had some discussions about what it may or may not mean to them.

So clarity, again, is something that is not there in this particular legislation, in the intent and the way it's coming along here. What is the intent of the government's actions? And how much is this going to be—how much is going to be moved to the municipality? What are the costs? And those are all things that are in that grey area. So, the Province telling the municipality, you have to do this now, and the municipality not knowing what the legalities of it are, who has to staff this particular office, what are the costs of that staffing, are these new people—or are there individuals that may have to expand their areas of expertise and influence? I know that many of the municipalities, they run pretty lean. So, to add another task onto individuals in that municipality is, indeed, going to be a burden and not something that we need to see happen coming down from the provincial government.

So it is, you know—there are some interesting things, here. I think in—as I said, the intent may be good. But the method of carrying it out is something that is a bit troubling. We see that municipal screening officers will be able to confirm administrative penalties, reduce the penalty amounts or 'entree' into compliance agreements and perhaps even cancel penalty notices.

And I think that we have to be careful who deals with these issues, because there is, certainly, when you move it out of the judicial system into a more of an administrative role, there's a question of, you know, who is going to be responsible, who are they going to report to. Obviously, at the municipal level this is much closer than at the provincial level, so, certainly, whoever is dealing with these particular

issues at the municipal level would probably be quite familiar with the individuals that are coming forward with these offences. You know, there is a question of if you are related to the individual that has the offence and what do you do then, or if you know them well, it's a neighbour perhaps, and they may be asking for things that are not appropriate. And I'm sure there will be judgment calls made and is that a fair pressure to be put on this individual, those judgment calls, and, obviously, there's a question there and becomes, are the right decisions being made?

So what types of things will come into place to make sure that that is all done appropriately? Is that all on the onus of the municipalities? Is there guidance at all from the provincial government? How do you have that separation from the individuals that would come forward? Excuse me. *[interjection]* Yes, thank you. So, oh, yes, here we go. It's a tough crowd here. You get heckled when you cough, obviously.

So anyway, when we look forward throughout this legislation, obviously, it does not outline any financial compensation to the municipalities other than these municipalities are, in fact, responsible for any of these costs. So just downloading the responsibilities, downloading the costs onto the municipality, and there we go.

You know, the Province has trouble meeting its own budgets, obviously. They are running deficits time and again, and they're going to download this cost onto the municipalities who can and do balance their budgets and have to. So it's certainly not something that you always want to see happen. It's a question there of where these costs are going to come from and there's only one taxpayer. Does that mean the taxes have to go up in that municipality because the Province is no longer dealing with this issue? And that may indeed be the case that the Province—or the municipality will have these new costs. They're going to have to pay for them somewhere, they can't run a deficit. So where does that come from? New taxes on the taxpayer in that municipality to deal with this issue that was a provincial responsibility.

So, you know, that's something that we see pretty common with this, and is that the way that the government is going to balance their books coming forward? They'll just continue to find things that they can farm out and not take responsibility for and not pay for and force other people to raise their taxes to—indeed, to balance their own budget. And we know

that they have difficulty doing that and it's a moving target, they keep changing the date where they think that that might be happening and, certainly, it was a promise that they ran on and broke in the last election. They had a definite firm date that they were going to meet and, well, that one's apparently not going to work anymore. So what does a promise mean to this government? And we've seen time and time again that doesn't really seem to mean anything. So it's really disconcerting to see this type of thing being done without a lot of consultation, moved down to the municipal level, and, yes, it will, indeed, I think, go a way to reducing the court backlog, but that is a substantial backlog as it is now.

Is there a better way to deal with it at the provincial level? Should we have a different type of court just for these offences? Then it's the Province's responsibility, is it not? That's where it is now, they're paying for it. If you're paying for it and you're moving a responsibility, should you not move the money with that? But that's something that we don't seem to have happen here.

* (15:50)

And, time and again, we've seen, whether it be in school divisions or in other areas, they do tend to force the organizations, whether it be a school division or a municipality, to pay for those things that may have been a provincial responsibility. And, indeed, that's something that is troubling to see the downloading happen and the intent of this particular government to move things from one level of government to the other without paying for that and giving up the responsibility, if you wish, in this regard, or forcing it down in the municipal level without a way to pay for it.

So all of us live in some form of municipality, with different levels of taxations; and, whether it be a rural municipality or a city or a town, they all deal with issues of taxation. And, you know, they have their own management in place. Some of them—in fact, I'd say far the majority manage their operations very, very well, and, indeed, the provincial government could take a lesson from many of them. But then they get something like this coming a bit out of left field that is a surprise, that's going to say, you know, I know you have your budget in place and I know you have a balanced budget as a municipality, but now you're going to have to set up this additional body and pay for it. Find a way. The Province doesn't care. Just do it.

Now, when somebody sets a budget at a municipal level, they adhere to it. I know that's something that may be a surprise to the Province, and they don't seem to be familiar on how to do that. It is a pretty simple process, actually, if you do follow a budget. And, when you follow a budget, indeed it does free up money for other areas because if you follow that budget you will find ways to save money, and then you have that money available for things that may be slightly over-budget.

But this government doesn't seem to know how to do it, because when you ask the question in Estimates about what is in a line item, well, they don't know. It could be millions of dollars—I'm not sure what's in that line item. If you don't know all of the details of that line item, there's no possible way you could hit a target in a budget. There's no possible way, when you come to the first quarter, you could say: You know what? We're a little over budget on these items in this line item, so we need to cut back from those a little bit, and we have some extra room in these areas, so, you know, we can move some things around.

Those are the ways you deal with a budget, and you deal with them on a daily basis, weekly, monthly, quarterly. That's how you manage a budget, not we set a number out there and, darn, you know what? At the end of the year we missed that number by oh, however many million dollars. That's how the provincial budget process seems to work because, time and time again, they're over budget, and they can't hit it.

So it's very disconcerting when I see that they're going to move another—shall we call it a line item?—out of the provincial budget and foist it on the municipalities; say, you're now responsible for this; find a way to pay for it; tax your residents even more, even though this provincial government has taxed them to the extreme. We've seen a tax increase last year where the PST was broadened, where fees were brought in to Manitoba and increased the vehicle registration fee—I believe it was doubled, and other fees of that nature. So that was the largest fee and tax increase on Manitobans since Premier Pawley was here.

And then we thought, if that wasn't offensive enough, then this year happened, and what did the provincial government try to do? Well, they've increased the provincial sales tax, the retail sales tax, by 14.3 per cent—is one of the things they did. And not only was that bad enough, but they enacted it on

a date without having the authority to do so. They put in another bill to repeal the balanced budget legislation which we've spoken to in this House. We went to in committee, and we heard from very, very passionate Manitobans, angry Manitobans, Manitobans that felt betrayed by this provincial government, the NDP government that came out in the 2011 election and promised not to raise taxes, the Premier that promised not to raise the PST.

And what have we seen? Obviously, these people were very angry and they voiced their concerns at committee. They were very angry that the NDP government lied to them at the door, that every candidate out there—not just the ones that were elected—every NDP candidate at the door lied to Manitobans about the PST increase. They promised Manitobans that they would not raise the PST, and now they're forcing it on Manitobans without an ability to vote on it.

Because what people really believe was the balanced budget act, the legislation in place—there are two—have a referendum for a PST increase. Manitobans believed that that protected them from the excesses of a government. Manitobans believed that no government would increase the PST because that meant they had to come to Manitobans for approval. And you and I both know that getting that approval would be very difficult. Polls that we've seen out, seen around here have said that a very small percentage would approve this PST increase. So the government is afraid to go to a referendum, obviously, because they would lose.

But, if they are so convinced, and I've said this several times before, if they are so convinced that they can make sure that Manitobans can believe in their PST increase, that it's necessary, they should be able to go to Manitobans and convince them of that. But they're not willing to do so. They don't have belief in themselves. They don't believe in their PST increase. If they believed that it was necessary, they would go out and they would ask Manitobans for the authority to do so. But they're afraid to. They know that they will lose that battle, and they don't want to go there.

So it's very disappointing when we see acts like this come forward that is just going to move more costs onto another body, take them out of the provincial purview, move them into the municipal area, and tell the municipalities: We really don't care how you do it, but you have to find a way to pay for this now. Yes, this used to be a provincial

responsibility. Yes, we used to do this. Yes, we used to run this through the court system. But now, now we're not going to do that anymore. We're going to change legislation so that you, as a municipality, now have to do this on our behalf. You're going to deal with all this.

And it doesn't matter to the Province how it's done, really. They've got lots of wording in here, but they say you take care of it. You set up the structure; you figure out how to deal with it; and, most of all, you, as a municipality, figure out how to pay for it. Very disappointing approach, you know. And, of course, as usual with this government, without a lot of consultation.

But consultation to this government—it must mean something different than it means to me. To me, consultation means going out and talking to the people that this is going to affect, going out and talking to the municipalities. But I know this government has trouble talking to municipalities anyway because they are going—they've gone out and they're trying to backfill with Bill 33—introduce Bill 33, forcing amalgamation. Now they're trying to say, well, we consulted.

Well, how did you consult? We went and we talked to them and we called them insolent children. That's how we consulted, is what this government is saying. That's not consultation. Consultation means you listen to what the people say, and you take that into account and you make changes that work better for both bodies.

Similar to this bill, what type of consultation are we going to see? Do the municipalities even know that it really exists? Do they know that this is a responsibility that they are going to have to take on and not only find staff time to deal with it, perhaps new staff, have to find new sources of revenue to pay for that staff, and indeed, put a structure in place so it can be seen to be impartial, so that it can be seen to be the case where, if you have an offence of this nature, that you come and deal with this now administrative court, I guess, essentially, that you deal with this in an administrative nature, that it is going to be impartial, that it's not going to be, you know, your cousin perhaps that you're dealing with or your brother or your sister or a close relative, so, you know, it could go both ways. It may be that your relative may be easier on you, or maybe they're not fond of you. They could be tougher on you too.

* (16:00)

So where's—where does that go from there? It has to be sure—it has to be shown to be impartial, and there has to be a place to go from there. If you're not happy with this, where does it go? If this is a Justice of the Peace that needs to be working on this—well, I know when you talk to judges, they know that a JP has a role to play. They know what the education may be of that JP and the experience, but it is by no means the same role and experience that a judge has.

So when does that JP know that they need to escalate this particular instance to somebody else? Is there an opportunity to do that? How do they make that decision? How will they be trained? Is this a whole other bureaucracy we're going to set up to train these individuals, or do they have to be trained by the municipality? Does each municipality have to set it up so that they train them? And then that begs the question—okay, if there's an offence in municipality A, this is how it's dealt with because they have their own training regime and training schedule. And you go into the next municipality and you have a similar offence, and they deal with it in a totally different way. Well, how is that fair to the individual, and where do you go from there? How do you compare from one to the other?

You know, I've had something of this nature—that experience with building inspectors. I've done quite a bit of construction in my day, and we renovated buildings, we have constructed new—we've built new facilities, new plants and—all over Manitoba. And I was always surprised even dealing with the same municipality where I had a plan for renovating half of the building, because I had a tenant for that half. So I came forward with the plan—had it all approved. The building inspector came in, said: That looks great. Yes, you've done everything you needed to know. You just need to do this. You've done everything you need to do. You just need to do this one more thing. Okay, that's great. We can put that in there.

So a year later, same building inspector—no bylaw changes at all—came in when we were renovating the other half. He had a list five pages long of improvements that we had to do. No difference in what we were doing in that other side of the building from what we'd done the year before, but no bylaw changes, new interpretations. Just caught him on that particular day and he wasn't, I didn't think, being reasonable, but there's no choice. If you want to go through with your renovation, your approvals, you have to go through that. And so we had to deal with it and—as best we could.

Considerably more cost to do it the second time than we did the first time. No difference in inspector, no difference in bylaws; just a different interpretation, and is that what we're going to see in this?

So that, indeed, could be very intimidating for people to deal with, because people want to know that the rule of law is the same in Manitoba, that, as a Manitoban, you are subject to the same law as—in one portion of the province as in another. And, under this particular act and its enforcement, we could find a time that that may not be the case. Certainly, there are different interpretations by different judges; we see that quite often. And then there are opportunities to deal with that interpretation. You can appeal. You may indeed be held to appeal to a higher court, but that's maybe not something that you want to go through on this regard. If it's a small offence, is that appeal process really there, and do you have the will and desire to take it further? Do you have the time? And that's also the question.

And where is the jurisdiction? So, if I am visiting a relative in the RM of St. Clements, for example, and I commit an offence, I have to go back to the RM of St. Clements to deal with that offence. Is that the way it's going to have to work, or can I do it from Brandon, or can I do it from Winnipeg? How is this all going to roll out? So the cost may not only be downloaded onto the municipality, but it may also, as we see here, be downloaded to the individual, and that can be very troubling.

We know, as I said, this Province has trouble sticking to its own budgets. Municipalities can and do. Individuals can and do. They can't, you know, just go and raise more money, increase their salary, charge more taxes, like this provincial government seems to do.

Certainly, a municipality can do that at their own risk. They know if they raise taxes too much, they're going to pay for it at the ballot box. And because they are local politicians, people know them well, and they know where to find them, and they know a municipal politician can have an immediate effect. They can make an immediate decision with council to make changes. So much more—much more responsible in that regard.

And, certainly, we know that they know how to balance a budget. And, indeed, it's a lesson that this provincial government could take to heart. And I would like to see that happen, that they might learn from other people, but the Province does seem to have difficulty in that education piece. They talk

about education but are not necessarily willing to learn how to do it themselves.

So with that, I think I will wrap up my words on this. I know there are many other people that wish to address this bill so I wish to give them that opportunity. And I thank you for your time. And so I'll move on. Thank you.

Hon. Jon Gerrard (River Heights): I wanted to just say a few words on this bill, The Provincial Offences Act and Municipal By-law Enforcement Act, and make a few comments in relationship to some of the changes here.

I understand that there's some concerns from municipalities with regard to downloading here, and I'm looking forward to hearing the presenters at committee stage and hearing their suggestions. That being said, I think that there's some things which may simplify justice for individuals and perhaps allow, in certain respects, a justice system which could, perhaps, work a little bit more smoothly.

I think that the—I would like to talk about a couple of the measures here. You know, the having pre-set fines is probably a good idea. I suspect that there's a certain amount of variation at the moment in terms of, from one municipality to another, and is probably a better situation.

I would like to comment on the default process which there is a claim that this has been streamlined. The one area that I have a concern here has to do with, you know, in today's world, that the person will have been assumed to have received the parking offence; for example, if the offence has been served by affixing the parking ticket to the vehicle at the time of the alleged offence. What happens if the wind comes along and blows it off or what happens if it's lost? I think there probably needs to be some sort of a backup here. And given the way things work, it would not be a bad idea, if there's not been a response, to have a follow-up.

I note that the photo-enforcement ticket is served by sending it by regular mail within 14 days. There could have been provision here for, where a fine has not been received within a certain period of time, mailing of the offence. And most times, parking tickets, certainly in Winnipeg, have got a fine which starts low and increases if you haven't paid it in a certain time. I think that providing people, you know, reminders, particularly if you've got a pre-set escalator in this circumstance is not a bad idea.

* (16:10)

I think the second thing I would say in terms of this bill that sometimes one of the things that we tend to forget—and I've seen this happen with students, people on low incomes, who are just trying to get by but having a lot of difficulty paying parking tickets—that there might, under some circumstances, in section 17(3), be the opportunity to consider allowing the individual to contribute some community service to pay off the fine.

I think for somebody who is on low income, who is having a lot of trouble scraping by—and you sometimes have an individual, for example, who's just lost a job, hit with a parking ticket at the same time and, you know, is really in rather straitened fiscal circumstances.

And maybe if there was an alternative like community service that could be offered in such circumstances, it would be a compassionate way and a helpful way of trying to resolve the issue instead of what I've seen is that parking tickets have sometimes built up and the person has got themselves into more and more difficulty as time goes by.

If one can do things which can help people deal with the issues under such circumstances, then I think it could be helpful. And I would suggest to the minister that he look at this as an option.

The same thing is, you know, the putting a lien on a registered Personal Property Registry against the property of a person who's not paid their fines.

You know, again in my experience sometimes that we're dealing with people who have very low or marginal income. I think that this is smart if you've got people who've got a, you know, a good income, but I think that for somebody who's got a very, very low income that there could be the possibility of, again here, having some community service to pay off this fine in lieu of having to pay the money, which, at that point, they don't have very much of.

And so I would submit that there could be some options which could be added in here.

That being said, I look forward to the comments from the municipalities because one of the things that we want to make sure is that municipalities are treated fairly, that they've been properly consulted and that this actually is going to work well for municipalities and is not just a download of responsibilities and additional things that municipalities are going to have to deal with.

So, with that, I look forward to this going to committee and for comments at that time. Thank you.

Mr. Larry Maguire (Arthur-Virden): It's my privilege to be able to put a few words on the record in regards to Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act. It's split into two schedules: The Provincial Offences Act, and Schedule B, The Municipal By-law Enforcement Act, as it indicates and states.

The legislation provides for a new approach to dealing with municipal law offences, setting up an administrative, as opposed to a court-based, process. And the legislation will apply most especially to parking offences which can no longer be brought to court and those areas.

The municipalities, of course, may choose which bylaws it wants to enforce through this new administrative scheme, but it is going to require some extra costs on them to do these—to make this move.

It sets out the maximum fines, the legislation does, that can be imposed; provides that municipalities must appoint one of more screening officers to review notices issued by municipalities under the act. And that's part of what I was referring to in regards to the fact that there will be extra costs established by—or forced onto municipalities by this change.

And so therefore the forced amalgamation of municipalities continues. And, of course, we have a great example of that in the paper today in regards to the municipality of Dunnottar and the surrounding municipality there in regards to a process that this minister has established. A bit of conflict between those municipal jurisdictions, between Dunnottar and the RM of St. Andrews.

And, you know, this is completely unnecessary in regards to the mismanagement of this government on this file. These municipalities coexisted for decades in regards to the process that they were under. And so, you know, the forced amalgamation is one thing, the phony level of a thousand people is another, because nobody believes it out there. They think the next step is to have three or five or however many thousands this government wants to establish.

So to bring in a bill like this to deal with some of the things that may look like it's giving municipalities a little bit more jurisdiction is definitely going to cost them as well. And that was

done with very little, if any, courtesy of communication between those people again, between those parties. And so it's a—it's a concern that, you know, even though it may look good that the legislation does away with what we typically think of as a parking ticket, it now provides for penalty notices.

Well, there's not a lot of difference between the two. It's a change of wording, if you will, but the result is still the same. You're still going to have to pay a penalty in regards to whether you call it a penalty or a fine. The persons issued these penalty notices can pay their penalty or ask for a review by a municipal screening officer, which is why they have to hire one in the first place. And it gives a jurisdictional area there that I don't believe many of the CAs in Manitoba are going to be able to be licensed to do, or probably want to be licensed to do as well. Even though it gives these—because it gives these screening officers the powers to confirm administrative penalties or to reduce penalty amounts, to cancel the penalty notices, which is a—to enter into some kind of a compliance agreement on the ticket, if you will, in the first place.

So these decisions of municipal screening officers are to review by the adjudicator, if requested. It puts another level of jurisdiction into our municipalities, and perhaps that's why this government has chosen to force the amalgamation of municipalities in a way that they have because they may feel that this is an—something that they can offload from provincially and let the municipalities take care of it. But they probably thought they were helping the municipalities by making smaller jurisdictions and forcing more people to join into those various entities.

If a compliance agreement is entered into, someone is seen to have admitted to the offence and agreed to the terms of a compliance agreement. Well, this is, I guess, replacing the system of a court or a judge, or putting it into another level. And so, as a result of this legislation, the municipal screening officers can decide to issue a compliance agreement to an offender rather than issue a penalty.

Well, I don't know what all is entailed in a compliance agreement, but oversight can be an important component of these changes. And the act sets out that an adjudication scheme to review decisions of screening officers—that it's absolutely necessary, or the government thinks it's absolutely necessary, given that independent courts are no

longer involved and municipal employees are now administering offensive notices.

Well, this is a situation that I think the government has failed to take into consideration. Even with forced amalgamation, the actual role that would take place in some of the municipality offices across this province, because that's where these types of tickets are going to have to be dealt with, unless of course it's the government's intent to force municipalities to build another whole office or to move into—rent another office to handle these sorts of things. Certainly, it will require some rearrangement of office space to do this, and so therefore adding another level of cost onto municipalities.

So the scheme brings to light an important reality, and that's the Province downloading responsibilities onto municipalities, I guess is what I'm trying to say. And they've already been shown very little respect by this government.

*(16:20)

So I just wanted to put a few words in regards to this bill on the record today, and I'll move it along to some of my other colleagues and let them expound more on this bill. I just wanted to say that this is another example of this government being out of touch with what's happening in rural municipalities along—throughout Manitoba, and, with that, I hope that they would reconsider some amendments for this bill. Thank you.

Mr. Speaker in the Chair

Mr. Blaine Pedersen (Midland): And again speaking to Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act, and municipal bylaw enforcement has certainly been an issue with many municipalities. Over the years, they've had bylaws but they've had trouble enforcing them and having meaningful enforcement of the bylaws, and it's interesting that the Department of Justice then is bringing in this too. I'm sure that the Minister of Justice (Mr. Swan) had long consultations with the municipalities, unlike his colleague from Local Government who continues to refuse to listen to municipalities so—but there is certainly some issues with this proposed bill because, again, it's a downloading of costs onto municipalities.

The municipalities will have to hire people to enforce these bylaws and to actually to collect fines if that's what they're—if that's what the bylaw is about. So it's—it is concerning that there's a download on costs on here and again, as my colleague from

Brandon West commented earlier, it's about interpretation of the law. And are these bylaw enforcement officers actually capable of pursuing the law to the full extent or are they qualified to do this? And the talks about screening officers and so what is the training on that will be required for this and again this will be a cost to municipalities.

But speaking of municipalities, Mr. Speaker, I was—this afternoon I had a very good conversation with one of the municipal mayors, Eileen Clarke from Gladstone, and Mayor Clarke made the news here this week as she was doing a census in the town of Gladstone because Gladstone is one of the communities targeted by this government for amalgamation, forced amalgamation, and Mayor Clarke was telling me she's having the time of her life doing this census. It—in fact, she says, I even bought a golf cart just to do this, so she's travelling the streets. I hope that's within the bylaws of Gladstone. I hope that she's not out of compliance and—but what's really interesting is that she's actually doing—there's two things about this. First of all, she's consulting with her constituents. Isn't that a novel idea? She's actually going door-to-door and the message that she's getting back from her constituents is that they're telling her, hold tight on this; don't go for the forced amalgamation. Gladstone residents are very—feel very strongly about their community and isn't that a novel idea to actually listen to your constituents, to actually ask them what their—what is of interest to them.

She says it—her one-person census is going very well. Unlike this government, I'm sure it's going to come in under budget and be accurate on top of it. So it will be interesting, certainly, to see the results of her own census on here because, you know, unlike this government who doesn't listen to Manitobans, and the Minister of Local Government (Mr. Lemieux) refuses to listen to municipalities. Instead he's trying to bully them with his forced amalgamation under Bill 33, and we know that this is certainly a novel approach to actually listening to your constituents.

So I—and I certainly encouraged her to share those results when she's done because we know that there has been issues various different municipalities have had—take an issue with the methodology of census and with the lack of being up to date because a census was done a couple of years ago, and so there—if you're going to impose legislation, as in Bill 33, to force amalgamation, then at least the very

least you could do is have the most up-to-date information in regards to that.

And, of course, we see in the news today about the community—that the RM of Dunnottar is now applying to annex some 55 square kilometres from St. Andrews. I'm sure this will make their bylaw enforcement much easier to manage, should Bill 38 pass through and become law. There, again, this is a result of the Minister of Local Government refusing to listen to municipalities. And, in the case of Dunnottar, as in the case of Winnipeg Beach and Victoria Beach, they have—and other municipalities across the province have a very large cottage, seasonal community population that, while this government—this minister refuses to accept the legitimacy of that—of those cottage property owners in these municipalities, yet they're still paying taxes and yet they still are able to vote in municipal elections. So there's another shortfall of this legislation that's being proposed in Bill 33, and, you know, we'll have to wait and see how this bylaw enforcement act under Bill 38, then, plays through onto here.

And the other interesting note in Bill 38 is that the new act permits municipalities to join together to cost-share and jointly administer an administrative penalty scheme. It may be news to this government, but a lot of municipalities already work together. They don't need to be forced into amalgamation. They have a lot of shared-service agreements. So this—it's good to see that they actually recognize in Bill 38 that municipalities do work together, and we hope that this government will finally see the light, that there is life outside of this dome and that there is—municipalities are doing a good job of managing their own affairs.

The—this bill sets out the ability of government and municipalities to collect fines has been improved. They can—municipalities can—apparently under this bill, they can register a lien on personal—through the Personal Property Registry. This is a process that's not easy to do, so that there will be costs associated with the municipalities to do this. They'll be able to—the municipal bylaw enforcement officers, who will be paid by the municipalities, not by this Province, will be able to issue tickets for bylaw contravene—contraventions without having to be peace officers.

So it—but, you know, many of these municipalities, that's—it could be a personal issue—a personnel issue between parties. If you have a local

enforcement officer doing this, it's different when the RCMP are there. The RCMP that you know have the power and they have the training to do this, but now you're saying that municipalities or municipal officers will be able to do this.

So there is concern there about how this will actually pan out and that, you know, this bill is like so many bills that we see from this government. There is a lack of thought as to how this will actually work.

I would—I question whether the Department of Justice actually did consult with municipalities as to how this work. I hope they have a working example of how this process would work, how much it will cost the municipality, because these are all legitimate questions that any municipality would want to know before they get into—before they sign up. And also is it mandatory that they do this or can they leave this to RCMP to do? And, in through the bylaw, if they have bylaws, whether it's speed bylaws or noise bylaws, is the RCMP, then, able to issue tickets under this on a municipal bylaw? Or is there an issue about whether it is covered under the RCMP?

*(16:30)

So these are the types of questions that we hope, when it goes to committee—if it—if and when it goes to committee—that these—they will have the answers for these. I know I've had some questions to the Minister of Local Government (Mr. Lemieux) about Bill 33 in terms of policing costs and have not got answers back yet. He's promising me answers, and I look forward to those. I know he's a man of his word, so I have no doubt that he will. But those are the types of things that—questions that always come up and that we want to know ahead of time before blindly jumping into legislation such as this.

So, Mr. Speaker, I look forward to this. I—when we see this bill go to committee, I look forward to talking to Mayor Clarke and finding out the results of her one-person survey, census, in the town of Gladstone. And I know from the conversation I had with her today that many other municipalities are certainly interested in doing a similar move that she has.

An Honourable Member: The federal government doesn't do them anymore, Blaine.

Mr. Pedersen: And I know the Minister of Justice (Mr. Swan) likes to blame the feds for everything. I understand that. Like, it—you know, and he see—*[interjection]* Oh, oh, I've—I seem to have hit a nerve.

You know, in question period today, the Minister of Justice was asked a very straightforward question, and all he could do was blame the feds, blame everybody else, but he wouldn't take responsibility of it for himself.

So it's—so this—we understand that this government feels frustrated that they're not able to do anything. They're always looking to blame everyone else, and that's always to shortcut to their solutions is to blame other people. It's probably even our fault for the census too. You know, that the government members are probably blaming us for that too, because rather than take responsibility, they like to do that.

So, with those few comments, Mr. Speaker, I look forward to further information in regards to Bill 38.

Thank you.

Mr. Speaker: Any further debate?

Mr. Stuart Briese (Agassiz): And I'm pleased to rise today on—put a few remarks on the record on the Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act, and, from what I can see in this act, a government that is raising a lot of concerns. One of the reasons they're giving for the forced amalgamation of municipalities is they're concerned over the administration costs in some municipalities, and now they're coming out with something that will add to those administration costs, which I think is a little bit of hypocrisy, a little bit two-faced.

They are now saying that the municipalities will be responsible for the administrative aspects of various bylaws, and, you know, at one time, I believe, a lot of these were dealt with by the Justice of the Peace system we had out there. And we used to have a Justice of the Peace; most of my life we've had a Justice of the Peace in Neepawa at the courthouse on court days. Unfortunately, the government, about a year or so ago, decided they were no longer necessary and closed up that particular service in Neepawa, which causes people to have to commute further to—for those services, and I always—I was always under the impression it was probably a better thing for the environment and for everyone if one person had to move—to travel a distance than if 30 or 40 people had to travel that same distance.

So some of these things that the government does are not very well thought out, environmentally

or in people's time. I guess the belief is that people's time is probably not that important, so they'll just do things as long as it's not falling on them; they'll just keep on loading onto the people of Manitoba. So many things: driver testing now where I'm getting concerns from parents that they have to take a whole day off work to get their child to driver training and driver testing because the services aren't offered in their communities. They may be offered in a community that's 50 miles away.

And so the—and I've had concerns out of the town of McCreary, for instance, where those services were provided before, now aren't, and they have to travel quite long distances to access those services.

And so the parent takes a half a day or a day off work, in each instance, to take their child for those driving lessons or for the testing. And that was probably fine when you were doing things like class 1 licensing and the higher levels of licensing, but for someone take a class 5 licence, that's unacceptable, especially for—to get the young people their licences.

You know, this just adds to a very long list of downloads that have come out of this government to municipalities and continue to show up to municipalities.

A number of years ago, Mr. Speaker, the—and I was involved with the Federation of Canadian Municipalities at the time, the federal government took the GST off of any municipal services, municipal—municipalities became exempt from GST. A wise move. You have a system where one level of government was taxing another level of government. There's only one pocket out there for any government level to reach into, and you have a government taxing a government, so the federal government saw the light, said, that was not acceptable and cancelled the GST to municipalities.

The provincial government, unfortunately, they saw a different light. Their light was, let's tax these municipalities a little bit more, and then let's tax them a little bit more again. So, in 2002, they expanded the PST on a number of municipal services such as engineering, a number of others. And 2004, they went further. They expanded it to legal fees and accounting and several other things. And, once again, took more tax money off a level of government that is financed by tax money, so you're putting taxes on top of taxes. And so they've had numerous opportunities to reverse that decision, but they continued to go the other way.

Last year, they—in 2012—they put the provincial sales tax, 7 per cent, on municipal insurance. Now the municipalities outside of the city of Winnipeg, which, I think, largely self-insures—the municipalities outside of the city of Winnipeg purchase somewhere around \$11-million worth of insurance a year, and cracking a 7 per cent sales tax onto that resulted in a grab from the municipalities to the provincial government of somewhere just under \$800,000. And, with the 1 per cent added this year, on top of that from the 7 per cent to 8 per cent, we now see that number well over \$800,000—an extra \$800,000 out of the municipalities. Once again, one level of government taxing another level of government.

The City of Winnipeg informs us that the extra 1 per cent will cost them \$1.4 million. The City of Winnipeg collects their money through taxes. The provincial government's going in there and taxing money collected from taxes. Once again, it's not a very bright system to set up, and, I think, it's something that needs to be looked at; it's dead wrong.

* (16:40)

On top of that, they have continued to download at a really, really significant amount the licence and permit fees that municipalities are now paying to the Province. You have to license your waste water, your drinking water. You have to get permits for waste-disposal grounds, and they've doubled, quadrupled, totally boosted all those fee prices. And, once again, one level of government collecting from another level of government that raises the money through taxes. They're taxing taxes.

And one that they claim they've done wonders with—they really haven't—is an education tax on property. The education tax on property, all properties, continues to rise. And why does it rise? It rises because the costs of education continue to go up faster than the provincial government is funding those increases. So the education tax will probably continue to rise and will continue to rise as long as this government's in power; that's a given. They've done it every year they've been in here, and they're not going to change it—[interjection]—and I hear the former minister of Education making comments.

But I was out there on the ground. I was out in the municipalities and I saw what was happening and I still see it. And we're seeing 7, 6, 5 per cent increases on the education tax on the property bills. My own municipality went up 3.8 per cent on the property tax bill—3.8 per cent on the property tax

bill—and I know of others that went 7 or 8 per cent, and you know of them too. So you can increase the funding to education by \$25 million, but if the cost went up by \$35 million, 10 more, \$10 million more went onto the property. *[interjection]* And maybe you should get your numbers straight. So it happens and it's happened every year.

Now, you're—now, this government comes along and says, we're going to put—force municipalities to put in these municipal screening officers, once again, 'includue'—increasing the cost of administration. I'm not sure where the saving is for the government on this, but they must have sensed that there might be a chance from some saving, or else they just want to see—they want to use municipalities hiring more people to meet their numbers they blew about about employment, that they're going to create all this employment. So, maybe this is one way they're going to create the employment, is by forcing municipalities to hire more people. So—*[interjection]* Yes, screening officers. That's—I—sounds like quite a process.

You know, it all comes down to respect for the municipalities, and this government has, through their amalgamation process and any number of other things they've been doing, has shown no respect for municipalities. And when they don't show respect for municipalities—the municipalities are the closest level of governance to the people—and when you're not respecting the municipalities, you're not respecting the people who live in those municipalities, the Manitobans that are—make those municipalities their homes.

You heard me speak earlier today about a municipality, the municipality I live in, which has maintained its population; in fact, increased its population over the last few years but is still under the population line. And the 122 years of municipalities being there, this government wants to destroy it, wants to cease, move it out of existence. And you know, the people in that municipality, the RM of Langford, the municipality I live in, they're not going to forget that kind of move any time soon. And so they will remember, and this government will pay.

With those few words, I think I have some colleagues that are wanting to put some comments on the record, so thank you very much, Mr. Speaker.

Mr. Ralph Eichler (Lakeside): Mr. Speaker, I do want to talk about Bill 38, and I know that we've heard some chirping from the other side, but, when it

comes to debate, they're not really one to stand up and put anything on the record, which is unfortunate. They're great at their rhetoric, can sit in their seat and talk about different things they think are pretty important, but yet they're not prepared to stand up and talk about it and put it on a record. I know the Minister of Justice (Mr. Swan) certainly has had the opportunity. I know the member sitting next to him, member from Gimli, and other members on that side of the House—we welcome that debate. We have that opportunity whereby we can stand up in this House and talk about issues that are important to us. This happens to be one of those we feel is very important.

Again, it comes back to what we talked about earlier. If the government really, truly wanted to hear from Manitobans, they waited 'til the 16th of April to bring the House back, bringing their budget in, which was full of a number of issues that we wanted to talk about. Then they started bringing in more bills which, I believe, there's 48 in total, which would give us 10 days, and we talked about this before. Ten days to talk about bills that are important to all Manitobans. This particular bill which is, again, going to offload a large amount of cost onto municipalities, again, through no negotiations, through no consultation process, which is unfortunate.

When we look at legislation like this, Bill 38, and they're talking about getting rid of courts in rural Manitoba, and that's the just of it. And, of course, that cost now is going to be borne by those municipalities. And it talks about these screening officers, and it's not just about parking tickets. This is much more complicated than that. In fact, when we look at the overall municipal bylaws that are brought forward and those policing costs are substantial, where does that money go? Currently, it goes to the Province of Manitoba. Where is it going to go in this next case? We don't know. It's not clear in the legislation that's lined in regards to what they want to do in regards to those costs.

When we talk about the municipal screening officers, what they can do, they can confirm administration penalties, reduce penalty amounts, enter into compliance agreements, cancel penalty notices, and I know the member from Brandon West brought up a real interesting point, and, coming from small-town rural Manitoba, it's just a bit different. Almost everybody knows everybody in small, rural Manitoba. So what is that going to do? What is that going to do that screening officer who's been put in a position of authority to make these decisions? And

he's now going to have to decide whether or not his best friend or someone else that is in infraction of a particular offence, whatever that may be, parking ticket or animal abuse, or not a seatbelt, those types of things that may be enforced by this particular screening officer—what is that going to do to that small, rural community?

And that's why sometimes we need to look at the bigger picture. And, just because the government has decided that they want to have these municipalities merge through their amalgamation bill on Bill 33, what we've seen now is that they want to make those municipalities larger. But still in rural Manitoba we have a smaller population base; we have a base that is known by almost all community members who come and go within their community. So it can be problematic. It can be where we're not going to be able to necessarily do the justice that needs to be done, and that's going to be a position put in that particular person's hands, where he or she's going to have to make that decision.

Of course, there's no criteria about how that's going to be set out, and, of course, the financial compensation for this individual, cost, those types of things. They all have to be lined out in a way that's going to be sustainable for those municipalities to recoup some of those costs, which, of course, is very important. And we know that sometimes when governments make those decisions, we really don't know what those decisions are based on. Is it about balancing the budget in 2014? Is that really what it's all about? We know that's not going to happen. Even with the increase in the PST, we know that's not going to happen as a result of what this government is doing. Bill 38 is no more than what it appears to be: as offloading more costs onto those municipalities whereby the Province of Manitoba won't have to be held to account for those costs.

*(16:50)

So, as a result of that, what are we going to see? What are we going to see as a result of this Bill 38? And we know there's six presenters that's lined up to talk about this particular bill, but what are we going to hear? That's what we really want to drill down and hear what these municipalities have to say, the consultation process. You know, it's not necessarily that there's the lack of or more than six presenters. We know that we want to hear from all Manitobans what they have to say and what they have to offer.

And I know that whenever we're looking at legislation and—if anybody, anybody within rural

Manitoba and those RMs and towns and communities; they all balance their budgets. They show by leadership. They don't go back the following year and run deficits.

In fact, you know, I've talked about the RM of St. Laurent, for example, that was impacted by the flood of 2011. They have a huge, huge debt load. They have decided to take money out of all their reserve accounts in order to keep taxes maintained, in order to keep the mill rate from going so high that they won't be able to balance their budget, so they won't be able to go back and say to the taxpayers of their municipality that they're short of tax dollars. They're not going to do that. They're going lead by example.

I know the Province can take a lot of lessons from them. In fact, there's legislation in place based on a per capita the debt that they're allowed to go in. Heaven forbid if this government even thought about it for a minute, based on per capita what we're allowed to spend. I mean, it's unbelievable the debt, the interest that we're paying each and every day just to service to the debt.

Now the RMs, of course, are more responsible. I know that there's a few members in the House that were part of councils from time to time, and I certainly understand that. And we know how important that we have those local representatives in order to carry forward with their input and their consultation when we're looking at that.

And we know that currently the way the legislation's set up through the court system, we can refer that through the court system. And we know the population in the jails are growing. We know there's going to be costs there that's going to be involved in regards to those costs. So is that going to be now off-loaded to the municipalities? Is it going to be off-loaded to those RMs who don't have the benefit to go to the taxpayers and saying well, we're going to increase the PST by 1 per cent, we're going to raise another \$300 million. They don't have that ability. If they did, they would not be in office very long.

And I can tell you very clearly that what we're hearing each and every day from those hard-working Manitobans, they're opposed to what this government has done and rammed it through. When you know very clearly that they want a referendum, they want an opportunity to be able to say. And the RMs are a prime example with this legislation. Whenever they're talking about changes, they want to be able to have a say in a way that's going to be meaningful so

that they can come back to their ratepayers and say, yes, we had a say in this. We have an opportunity to look at what this government is going to do.

Now driving offences, traffic violations, those types of things, what is the penalties going to look like for municipalities? What is the cost going to look like for municipalities? How is that screening officer going to be able to handle those? Is it going to be through regulation? Is it going to be through municipal bylaws? There's a lot of unanswered questions.

And, in fact, retiring Chief Justice Robert Scott suggested that adding more judges to the complement, to extra police officers and Crown attorneys would be a positive step. Kind of interesting isn't it, Mr. Speaker? Think about that. Adding more judges to complement the extra police officers and Crown attorneys could be a positive step. Well maybe that's what the government should be looking at—maybe they should be looking at other ways rather than offloading onto municipalities.

In fact, I know that in, back in 2011, you know, we had the largest murder rate in Canada right here in Winnipeg. And that's what we talked about this morning, which happened to be kind of timely in regards to the resolution that I brought forward and we debated in this House. And I can tell you that we were a little disappointed, little disappointed the government didn't want to 'adheed' some of that information that we shared with them. I know that it's just a matter of time before they're going to run out and say, yes, the Tories had a good idea. We needed to listen to them just a little bit longer. Maybe we should have just talked about what was really important to Manitobans so that we'd be able to bring down that murder rate, bring down the murder rate in Manitoba so that we'd be a province whereby we'd be able to say we have it under control. We have that opportunity to be able to be a have province, a province whereby we're going to be able to make sure that Manitoba's a safe place.

And, even in question period, I know that, you know, we bring up justice issues from time to time and we talk about what municipalities want. We talk about what Manitobans want. We talk about what Manitobans really want to be able to hear. And I know that members opposite are wanting to proceed with this bill, and we're certainly prepared, certainly prepared to have it get to committee. I know that the House leaders have had the opportunity to talk about maybe this committee getting to committee—this bill

to committee and there's a number of other bills that are there before us that we're certainly prepared to have this House discuss, and that's why we're happy to have this conversation, happy to have the opportunity to make sure, make sure that all Manitobans' voices are heard, make sure that they have the opportunity for consultation. Without that, we're not doing our job.

We know very clearly, Mr. Speaker, just in wrapping up here, that we need to be sure that Bill 38 is going to be a work that's going to be able to sustain itself, be able to make sure that all Manitobans are going to have the best legislation possible. I don't think this bill is right the way it is, and I know the—there's some members that's talked about this particular bill and we'd love to hear what the backbenchers have to say about this bill. So I'm not sure that maybe they want to stand up today and put a few things on the record. In order for that to happen, I'm going to have to sit down and give them an opportunity. I know they're sitting there with eagerness in order to ensure that this bill does go to committee, but if not, certainly third reading will give them that opportunity. So we look forward in moving it on to committee.

Thank you, Mr. Speaker.

Mr. Cliff Cullen (Spruce Woods): It's a pleasure to rise today for a short period of time, at least, to speak to Bill 38. Clearly, there's some issues there. I think my colleagues have laid out the reasons for our concerns in moving forward on this particular legislation and clearly we're seeing a downloading again. This is another downloading piece of legislation to local municipalities and clearly this government isn't interested in listening to what municipalities around our great province are saying, Mr. Speaker, and clearly the justice system needs some work. There's a lot of work that has to be done there, and we certainly will continue to offer our advice to the Minister of Justice (Mr. Swan) as we go forward, and I think that's certainly important. I think Manitobans are looking for a better justice system here across the province as well. Clearly, there is some concerns about this legislation going forward.

We know, Mr. Speaker, the NDP are certainly involved in a lot of court proceedings on their own. I think we pointed out this week that the current NDP government and their ministers are involved in, I believe it's 12 court proceedings at this point in time, and we expect that number will probably continue to rise as we go forward, and clearly they—we know

the—maybe part of the reason the NDP had to raise the PST was to pay all the legal fees that their lawyers are accumulating over on that side. *[interjection]* Well, today I just want to reiterate we've got 12 court proceedings that the NDP and the ministers over there are involved in so it's a—obviously, it's a significant expense for us as taxpayers. We're trying to get to the bottom of that, how much money we as taxpayers are paying to defend the NDP against all the proceedings that they're involved in, and we will continue to ask those questions as we go forward. And it's certainly unfortunate that the NDP has got us into that particular state of affairs, and, you know, we talk about the fiscal cliff; it's really important.

Mr. Kelvin Goertzen (Official Opposition House Leader): Mr. Speaker, can I seek leave of the House to not see the clock until this bill has been resolved and until the Government House Leader (Ms. Howard) has a chance to call a committee in relation to this bill and other Justice bills.

Mr. Speaker: Is there leave of the House to not see the clock to allow the debate to continue to completion on Bill 38? *[Agreed]*

And also to allow the Government House Leader the opportunity to call the committee for the bills that she wishes to call? *[Agreed]*

The honourable member for Spruce Woods (Mr. Cullen), I regret to interrupt you.

Mr. Cullen: Thank you very much, Mr. Speaker. I appreciate the opportunity to continue debate on Bill 38, and I won't drag this on too much further. I know members opposite probably want to get home and whatever they're going to do. I know we, on this side of the House, we continue to fight the increase in the provincial sales tax. We're going to be out door-knocking tonight. We're going to go out and tell Manitobans and tell Winnipeggers what the NDP are up to in terms of their PST. We're going to continue to fight that PST and we're going to go out there and continue to tell Manitobans and Winnipeggers that the NDP doesn't care about municipalities across this province and, clearly, this bill is one indication of that.

* (17:00)

So, with that, Mr. Speaker, let's move this bill on to committee and let's hear what Manitobans have to say, and we'll move on with this bill.

Thank you very much.

Mr. Speaker: Is there any further debate on Bill 38?

Seeing none, is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act. Is it the pleasure of the House to adopt the motion? *[Agreed]*

House Business

Hon. Jennifer Howard (Government House Leader): On House business.

I would like to announce that the Standing Committee on Justice will meet on Wednesday, August 7th, 2013, at 6 p.m., to consider the following: Bill 8, The Provincial Court Amendment Act; Bill 10, The Correctional Services Amendment Act; Bill 16, The Department of Justice Amendment Act; Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program); Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing); Bill 25, The Statutory Publications Modernization Act; Bill 36, The Public Guardian and Trustee Act; Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act.

Now should I do it en français as well?

Mr. Speaker: It has been announced that the Standing Committee on Justice will meet on Wednesday, August the 7th, 2013, at 6 p.m., to consider the following: Bill 8, The Provincial Court Amendment Act; Bill 10, The Correctional Services Amendment Act; Bill 16, The Department of Justice Amendment Act; Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program); Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing); Bill 25, The Statutory Publications Modernization Act; Bill 36, The Public Guardian and Trustee Act; and Bill 38, The Provincial Offences Act and Municipal By-law Enforcement Act.

And I believe that concludes the business.

And the hour being past 5 p.m., this House is adjourned and stands adjourned until 10 a.m. Tuesday morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 1, 2013

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