

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

Official Report
(Hansard)

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The Honourable Daryl Reid
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew, Hon.	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne, Hon.	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Greg, Hon.	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	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LATHLIN, Amanda	The Pas	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MELNICK, Christine	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Thomas, Hon.	Interlake	NDP
OSWALD, Theresa	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
PIWNIUK, Doyle	Arthur-Virden	PC
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder, Hon.	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan	Dauphin	NDP
SWAN, Andrew	Minto	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie, Hon.	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	Gimli	—
<i>Vacant</i>	Southdale	—

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 3, 2015

The House met at 10 a.m.

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

Good morning, everyone. Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

**DEBATE ON SECOND READINGS—
PUBLIC BILLS**

Mr. Speaker: Are we ready to proceed with Bill 205?

An Honourable Member: No.

Mr. Speaker: Are we ready to proceed with Bill 205?

An Honourable Member: No.

Mr. Speaker: No? Okay.

Are we ready to proceed with Bill 202?
[Agreed]

**Bill 202—The Participation of Manitoba
in the New West Partnership Act**

Mr. Speaker: Okay, we'll call Bill 202, The Participation of Manitoba in the New West Partnership Act, standing in the name of the honourable member for Wolseley, who has eight minutes remaining.

Mr. Rob Altemeyer (Wolseley): There's been a few developments on this file since we last spoke to it.

It does strike me as very interesting that members opposite are ready to just jump full bore into this proposal when, you know, the actions of what's been going on recently are not exactly consistent with what the deal is supposed to be espousing.

Anyone who's followed trade deals of any sort for any length of time knows that the operating

mantra is a desire to remove trade barriers. Most recently, we have heard that the folks involved in the New West Partnership are now in favour of erecting a new trade barrier such that contracts for work would only be available to participating firms that come from those provinces.

It really does defy logic, Mr. Speaker, that members opposite and the level of due diligence that they have given this are still ready to sign on the dotted line without asking any questions about what the details are going to be, and why is it that it's so acceptable to them that, you know, the stated objective can be one thing and the behaviour can be something very different.

I also wonder, Mr. Speaker, if members opposite have done their due diligence in terms of the history of international trade deals, and have they ensured, have they documented and provided to the Manitoba public evidence, any evidence at all, to suggest that the New West Partnership would not threaten any of the very valuable public assets and public services that Manitobans have come to expect, and which they deserve?

Have, for instance, the members opposite familiarized themselves with some of the basic principles of international trade deals, namely, most favoured nation and national treatment? Do they know what those terms actually mean? Do they know how those terms, when combined with an investor state clause, can be used to block the initiatives of a democratically elected government to govern in the best interests of their citizens?

Are they aware which nation under the NAFTA has been sued the most using the investor state clause? Are they aware of the financial penalties and the legal losses that that country has received? That country is Canada. We have been sued more than any other nation under the NAFTA and we have lost more court cases—and court cases, really, is the wrong term to use. When these disputes happen under the NAFTA, Mr. Speaker, they do not go to a court, they are not held in any sort of public forum. It's decided by a very private and secretive process involving trade lawyers, quite often locked up in a hotel room. They'll hear presentations from different sides and then they'll make their ruling, and their ruling is binding.

Now, I don't have a problem with people having to live up to the terms of an agreement that they have signed, but I think anybody in this country, in this province, has every right to ask, are my best interests going to be served by another secretive process?

What information can the members opposite provide to us on what their position is on how disputes are to be resolved when they emerge? Because Canada has lost the ability to govern, to protect the health of its citizens. You can look at the case of Ethyl Corporation and their gasoline additive MMT, which was demonstrated to cause cancer. The previous Liberal federal government brought in laws to ban it. They got sued by a US corporation. They had to rescind their ban and pay millions of dollars in compensation to that firm.

Is that possibility going to be minimized, going to stay the same or is it going to be increased under the terms that members opposite, to my knowledge, have never made public? They've never talked about what are the details under the New West Partnership. Manitoba, our government, has demonstrated over and over and over again how good we are at increasing relations across the country and across the globe. Our economic performance puts the members opposite's record to shame. Last time they were in office, we had a, you know, the—amongst the highest negative indicators when they were in office. And now we have the best job creation in the country and best economic performance in lots of different areas.

So the notion that we simply have to do this and it's—we should just sign on the dotted line, I mean, members opposite, of all people, they love to strut into the coffee shops and brag about what they're good at. They should know that when it comes to these types of deals, you don't get what you deserve; you get what you negotiate. I've seen no evidence from members opposite that they are negotiating in the best interests of Manitoba citizens, and I think that's a serious flaw in their arguments. I certainly look forward to hearing any new information that they might want to provide. In most of these trade deals, whether it's internal or national or international, there's going to be winners and losers. Who are the losers going to be under their proposal, and what protections, if any, are the members opposite prepared to put in place?

There's been, you know, lots of talk about the recent deal that has been signed with the European Union by the previous, very conservative Harper government, and maybe there will be some benefits

that will come to some sectors under that. There's been multiple reports indicating that that trade deal could dramatically increase, in the billions of dollars per year, the costs of providing pharmaceutical drugs to our citizens under medicare.

* (10:10)

So the federal government of the day decided, that's not that big a priority for us; we're still going to go ahead with it. And they were elected at the time, so they had the legal right to do it.

What I'm asking of the members opposite is for them to provide the documentation on what are the pluses going to be for Manitoba? What are the negatives going to be for Manitoba? How would they address those details?

And none of what we're talking about under the New West Partnership in any way interferes with the fantastic work that we're doing across the economy and across our country to bring resolution to any trade disputes that exist and to grow our economy, create jobs and have a wonderful green and sustainable, prosperous place for our citizens to live.

So I challenge the notion that the New West Partnership is so important that we should just rush to dotting on the—or signing on the dotted line without doing our due diligence, without defending the interests of Manitobans. I look forward to hearing any evidence from members opposite that they know what they're getting us into and that they know how they would protect anyone who would have a negative result from this.

Hon. Jon Gerrard (River Heights): Yes, Mr. Speaker, I rise to support this resolution, which is a good resolution. Manitoba should be part of the New West Partnership. Manitoba Liberals support Manitoba being part of the New West Partnership and believe that this is an important step.

Right now, Mr. Speaker, what we're seeing is Manitoba companies being shut out of markets in Saskatchewan, Alberta and BC in beer and all sorts of products. And it's a problem. And the evidence we have at the moment is that it's likely to become a bigger and bigger problem. We—Manitoba firms need larger markets than just Manitoba. Many, most, of Manitoba firms which are engaged in manufacturing, production, some cases, services, all sorts of things and it's really important that we are part of the New West Partnership.

Mr. Speaker, we don't see this as, you know, an alternative, as it were, to the internal trade agreement. We see this as, rather, as a building block. We believe that by setting up an agreement for trade and improved trade and improved ability for provinces of Manitoba, Saskatchewan, Alberta and BC to work together, that this is a step towards moving toward a better and improved internal trade agreement. In fact, I think this will put some pressure on nationally to make sure that there is improvements in the internal trade agreement. And so I think this is a building block.

The problem is that the internal trade agreement process has been very slow. It has been tough to get agreement among all provinces. And as a result, the progress has been far slower than it should be, and there are still lots and lots of barriers within Canada. But at least it's time to start taking down some of those barriers between the western provinces of Manitoba, Saskatchewan, Alberta and BC. And I believe that we should look at this as a building block toward a better internal trade agreement that will function so that it's easier for us in Manitoba to market east and west, and not just west, in the future.

So I, as a Manitoba Liberal, support this measure and hope that it will be fully supported by all members when it comes to a vote. Thank you.

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Good morning, Mr. Speaker. It's my pleasure to rise today to put a few words on the record on the proposal put forward by members opposite. And I'm a person who is very interested in trade, so this particular topic does appeal to me. Although I have been focusing a lot of my thoughts lately on zebra mussels, it's nice to try something a little different this morning.

So—and in regard to the proposal, you know, I think back to just a few short weeks ago when we were under a different regime nationally, and I think regime is probably an appropriate word to describe it. The former prime minister, Stephen Harper, who I don't think met with the premiers even over, what was it, the last seven or eight years, certainly, under those circumstances provinces would be looking for alternative negotiating tools or venues, things of that nature.

However, there has been a change recently. Mr. Harper is no longer with us and, you know, although I would have preferred Mr. Mulcair as our prime minister—I think he would have done by far the best job of the three—still we do have a new Prime

Minister and, hopefully, there's some increased desire to communicate, at the very least, between the national and the provincial governments. And so that gives me hope that, you know, we can look at each other as Canadians first and then Manitobans or Albertans or Ontarians second, and then, of course, Interlakers and Poplarfielders third and last. But the point being that, you know, the Agreement on Internal Trade, which is national in scope, focuses from that perspective, the fact that we are Canadians first and from our respective provinces second, so I've always preferred that approach.

I'm very proud to be a Canadian. I think it's the greatest country in the world and, hopefully, will remain so for the indefinite future. But the last thing that we need to do is balkanize ourselves here in Canada, break up into little cliques. Well, we're westerners; no, we're easterners; well, we're northerners; we're rural people; we're urban people. That's not the correct approach, Mr. Speaker, in my mind.

And, you know, with the greatest of respect to members opposite who are looking westward, still, I think focusing on the national agenda, that is our best course of action. And so with the greatest of respect to our neighbours to the west—and, oh, by the way, things have improved there of late. You know, under old Premier Klein and his like, you know, I didn't have much trust, frankly, dealing with some of the leadership over there, although now with a new NDP government in Alberta things are—the sun is rising there for them and so the situation may improve.

But over the years, I've always thought that, you know, given the fact that we're at the very centre of the country, the very centre of the continent, as a matter of fact, looking in just one direction is almost counterproductive. This east-west or this new western partnership is, frankly, too small. Why should we be limiting ourselves and possibly alienating other sectors by taking this particular approach? Look eastward, for example, in fact, 50 per cent of our trade is eastward. Ontario has 75 per cent of the manufacturing base in this country, so I wouldn't want to potentially alienate anybody by picking one side or the other, and that's the real flaw to this whole proposition put forward by members opposite.

You know, Manitoba has done well competing amongst the various jurisdictions, and I only have to look back to, you know, this last catastrophic global recession that we've been struggling with for five

years or more. Manitoba, because of its diversified approach—we have a very diversified economy and marketplace. We don't limit ourselves east or west, north or south when it comes to trade. We trade in all directions, and our economy, I think, weathered the last recession better than any jurisdiction in Manitoba—in Canada, frankly, and I think I could probably safely extend that to all of North America and beyond.

* (10:20)

And so we really don't have to tag along behind anybody, in my opinion. I think that, you know, we should focus on the course that we're on, which is national and international in scope. In fact, even global, I would go so far as to say that, you know, our economy, as I just said, second to none, and the reason for that was because of the path that we chose, the path that focused on investment within our economy, a path that focused on infrastructure in particular and the training that is inherent in the expansion of infrastructure.

I look back to 1999 when we were first elected. You know, the famous words of Gary Doer that that endangered species, the building crane, has once again been spotted in Manitoba. Well, truer words were never spoken because in the last 15 years—16 years that I've been a member here, I have seen our economy grow dramatically. You know, our budgets, essentially, reflect that. When I was first elected in 1999 I think our budget that year was \$5 billion, and now it's 12, 13—who knows, it could be \$15 billion in the next couple years, all a reflection of the growth in our economy.

So, you know, oh, the members opposite awoke. Maybe they'll be speaking to their own resolution here next. Who knows, right? Stranger things have happened. But, you know, so, in regard to following along behind anybody, I think that our preferred course of action should be focused on the Agreement on Internal Trade, as opposed to any regional partnerships that could jeopardize our market access in other directions.

You know, I look to the North in particular. I think that is—should be our next frontier. A lot of people aren't even aware of what's going on in Nunavut, north of the 60th line of latitude. So, you know, this is important that we look in all directions, and we should be looking beyond the whole Churchill gateway, you know, focusing on trade routes like that. That's where governments really need to focus their energy in order to capitalize

globally. This is truly a gateway open uniquely to Manitobans. Our only northern, truly northern port as a country and, you know, we've got challenges with climate change, but the reality is that with the warming temperatures that particular trade route will be open for a longer and longer periods of time and we need to be capitalizing on that, you know, rather than the path that the Conservatives have taken, privatizing the Canadian Wheat Board, which really jeopardizes the continued existence of that port. And I believe it was the Liberal government that actually sold the port and the rail lines. I stand to be corrected on that.

But, you know, those types of approaches—governments losing interest in trade, relinquishing that authority, that responsibility, that's the Conservative path as it's been proven. The Liberals, frankly, no better and, you know, the stance of the Liberal leader provincially, going further and further to the right, obviously the wrong direction.

So, just in conclusion, I support the Agreement on Internal Trade—

Mr. Speaker: Order, please. The honourable member's time on this matter has expired.

Mr. Reg Helwer (Brandon West): Mr. Speaker, I'm pleased to rise to speak to the bill. The previous minister—or speaker, I guess, was a little confused, speaking about a resolution. But Bill 202, the partnership of Manitoba in the New West Partnership act—and, indeed, it's surprising to listen to some of the members opposite that they don't seem to understand how trade deals work.

You have to be part of a trade deal and be a partner to it for—in able to receive the benefits from the deal, and it's—you know, when Manitoba becomes a protectionist province like it has become under the NDP, it's shocking when this government erects trade barriers and fences around the borders and then surprised when other provinces bolster those fences and make them stronger—because we're not a part of this organization. It's all there, Mr. Speaker, and if the members don't know what's in it, perhaps they could've spent the last five years trying to learn about it. It's been available and, as I'm sure everybody knows, the best time to plant a tree was 20 years ago or five years ago, the next best time is today.

So here's the opportunity for members opposite to vote with us and vote to join the New West Partnership because it's—it seems that the Minister for Jobs and Economy would rather negotiate in the

media than pick up his phone and call the representatives in Saskatchewan or Alberta or BC.

I know—you know, watching the minister speak, it's very interesting. I saw him speak to Samaritan House in Brandon, speak to some people that were new to the economy. They had either been removed from the economy because of justice issues or they've been working in the home and they were now going to look for their first job, and this was an organization that helps them create the confidence and some skill sets so they can go out to the job interview and get their first job. Some of them older than I am, Mr. Speaker, but it's very encouraging to see people wanting to join our economy, and the minister's message to them, his most important message to these people that were just learning the skills on how to deal with employers and learning computer skills barely and not owning computers and not owning cars, his message to them was you should follow me on Twitter. The most important thing, the most important part of his message was he was going to take a selfie with them and then put it on Twitter and that would make their lives whole. That would be the most important thing.

Well, you know, maybe he would learn that there's another use for that device other than just as a selfie stick; it also is a phone, and he could call his counterparts in Saskatchewan and call his counterparts in Alberta and call his counterparts in BC and actually talk to them in person rather than try and negotiate and criticize them through the media. As the minister from Saskatchewan has said, that he hasn't heard from the minister, hasn't heard from his department and here he is trying to negotiate—or not negotiate—to criticize this deal in the media. And it's a surprise to the minister. It's a surprise after five years that we're not part of the New West Partnership that the government continues to rail against free trade, and the government is a protectionist organization.

So, apparently, they're picking winners and losers. They're building fences. They're building barriers to trade and they want to pick some winners, and what sectors are those winners, I wonder? Who are they listening to that doesn't want this deal? Manitobans want access. They'll operate pretty much anywhere in the world that they can.

So we need this government to—you know, it's often said lead, follow or get out of the way. Well, we know they can't lead. We've heard from several of their representatives over the past year, something

happened a year ago or so, that perhaps this Premier (Mr. Selinger) couldn't lead anymore and they didn't have respect for them. It seems there's a particular anniversary of some sort today of some rebellion, I think, so we know they can't lead.

Can they follow? Well, obviously, they're following some guidance here, Mr. Speaker. I'm not sure who those people are. It's obviously not the business. But, really, the businesses need them to get out of the way, just get out of the way and let businesses do what they do best. Businesses employ people; they create opportunity; they manufacture; they create wealth for the owners and for the customers and for the employees, and they drive the economy and, yes, businesses do pay taxes and this government is addicted to those taxes. We all know that with the increases we've seen over the past several years, the massive tax increase that they've taken from Manitoba companies. So get out of the way and let businesses do what they do best.

We know that there's all kinds of government regulation have come in to protect the consumer, so you put those regulations in place, you enforce them. If you're not confident in those, well, let's investigate them and see if you can do a better job at that. If that's your fear on protecting the consumers, then let's find a better way to do it. But you put all that in place, have confidence in the business sector to do what they do best. Remove these trade barriers, join the New West Partnership, and let's get on with it. It's long past due that this government should get off what they're doing and just join an organization.

* (10:30)

Because it's not one trade deal that we want to be part of, Mr. Speaker. There are many, many trade deals. One does not pre-empt another necessarily. They can work together; they can give you many opportunities, just like we have many businesses in Manitoba and across western Canada. If you're not happy with one business, you can go on to the next one.

Trade deals are similar, Mr. Speaker. You work with what works best for your environment and your business, and this is a trade deal in an organization that Manitoba has long since missed an opportunity. Should have been in there from the beginning, and now we see just a vacuum on the other side on why they're not.

If there's something you're concerned about in it, that's when you enter into the negotiations. But, in

fact, they've not even had any communication. You know, the Minister for Jobs and Economy said he'd reached out to the minister from Saskatchewan. And, you know, strangely enough, Minister Harrison had said, haven't heard from him, nothing; seen something in the media, perhaps, but certainly no communication.

Sad to see, Mr. Speaker, when the governments just can't speak to one another. And it's part of that communication that makes trade work in Canada. Those are the things that are integral to this. It's high time that this government stopped looking in the back, in the rear-view mirror and stopped look-start looking ahead, enable Manitobans to have opportunities, and that's what this deal would do.

Thank you. I'm sure I'd be interested to hear what the government has to say.

Mr. Bidhu Jha (Radisson): This is very a good opportunity for me to put a few words on this bill, which I believe definitely have good intentions on their part to build trade in Manitoba. But I think that the whole approach, as some of my colleagues have spoken—I think I have spoken on this bill before—that we need to have a wider lens rather than a narrow lens looking at Manitoba's growth and economy and trade.

So, as the member from Brandon West just spoke, and he said, yes, Manitobans are—Manitoba businesses are ready to export products all over the world. So what we are doing here is making the trade agreement west versus east. Canada is a very small country, Mr. Speaker. We don't have 100, 200 million people here; we have 35 million population, huge country, lots of resources to develop. But we cannot really try to see markets here in the west side and forget about east or 'forget' about north, forget about US. We have to look how we expand the market.

And I think we are doing not bad in terms of the initiatives taken. And I would say, as people have spoken, we have started developing international trade. We are not yet there, which I think I would like to, but I think we are in the right track to see we should get a pan-Canadian approach of trade. We cannot really say we will only ship to west and not look at east. A pan-Canadian approach will mean that whole—the national agenda on international trade will make some sense. And I think NAFTA is one agreement that we have to follow. It's already in place. We are Canadians; we got to follow the national agreements.

The new trade deal is being—was being negotiated, I understand, with the last prime minister, Harper, but the present Prime Minister is not rejecting it; he may be looking at it. So I think we have to be careful. Trade is a very, very sensitive field, Mr. Speaker. It is not something that we can quickly say, yes, let's sign the deal and then forget about it. It could be complicated.

The member from Wolseley said there are losers, there are, you know, people who will benefit, they may not benefit. So the whole thing has to be looked at very seriously and see what we can do.

There is one agreement which particularly I have been following. It's called the Comprehensive Economic Partnership Agreement. The—Canada is working on that—it's called CEPA—with several countries, including India. And they are looking at how to partner with that economic partnership which will allow the trade.

Look at the world today, Mr. Speaker. Three billion people on the planet need food. And we are—Canada is the champion and pioneer in growing grains and food products.

The question is should we concentrate on developing that into the world. And as the member from the Interlake said, the Port of Churchill is the gateway which will start shipping products from this belt—North America, I would say, but definitely from Canada—northern port to ship product, which is more efficient through the Port of Churchill. I would rather concentrate on developing an economy based on such ideas and projects which are available today, to see build on that, rather than say that we only do western and forget about the other parts.

Second thing, we have World Trade Centre. World Trade Centre has been developed here in Manitoba. I'm very proud to say Centrallia will be an event happening next year. I think a lot of countries come from outside, they come to Manitoba, they look at what we do here and then they develop relationships and trade.

We have tremendous amount of opportunities on those fronts to see how we develop more international trade, and we have products, manufacturing base in Manitoba, even one of the best. New Flyer Industries is an example, ideal example, of how we build the world's best products. Electronic buses have been made right in Manitoba. When we talk about this outside, they say, wow. So we have to really be taking pride in what we have already done

and how we expand that into the world. And, I think that when I mentioned about CentrePort is another facility we have which was designed to say that people who are distributors in the whole world, they can come, put a shop there, distribution channels, and they can ship product to east, west, north, south, all the way up to Mexico. So we have the infrastructure. We have been working on this now, and let us capitalize on that. Let us put our energy together on that to see how we can work as a pan-Canadian approach to see we can ship.

The Wheat Board being dismantled is a very, very big disappointment. If you look at the farmers, they are today—I am sorry to say this, that the export volume of the grains going through the Churchill has scaled down. You know what has happened? People, farmers, who are not in the business of developing trade—they're in the business of selling the products—they're a bit nervous about, and the American and Saudi Arabian ownership of the Wheat Board is going to create a problem because the farmers don't know where to go, and they will just say, okay, we'll go, and they may hoard. They may do things that will try to maximize their returns, but the farmers will suffer. I would rather have taken a different approach, and we have a port here; we could develop that. And there are markets in the world that you can attract to ship products right from Manitoba and Saskatchewan to the world. But—and maybe Ontario, maybe Quebec, maybe Atlantic provinces, all of us can work together and build that.

So my thinking is that while the intention of the bill is not bad, but I disagree with the approach that we cannot and we should not really narrow our approach in Canada to make little countries, little territories. It's a small country; we have a lot of population. Let's keep growing on that. So I think my idea is we have a few agreements done, like TILMA, which allow the workers, you know, to be—mobility of workers from one province to another province. That we have already done. We can build on things we already have done and keep on expanding the market.

I am a little bit not very happy with the—Canada's export in the whole world. And I have a data here, Mr. Speaker, which I thought the Conservative government in Ottawa, Prime Minister Harper, was going to really expand the export. We are not that export oriented. I would rather have Canadians do more export, more international trade. Develop, like Japanese had at one time, a very aggressive economy, because if you export, if your relationship

with the whole world, it's a huge population out there to consume the products, consume the services we manufacture in this country, and we have.

* (10:40)

Canada's total export is \$525 billion in 2014. Out of that, Mr. Speaker, India, which is 1.3 billion people, a huge market, had only 3.2 billion. So look at the size. I mean, there has been a lot of visits by the member of Parliament and others, but substantial in terms of what you do for trade is lacking in Canada.

Now, I hope that the new government takes a new approach, more aggressive approach to promote and sell products from Canada outside and see how they can develop it.

So I think that I am looking at some of the challenges we have in Manitoba. Yes, we need to really see how we smarten up, how we go and get products shipped all over the world, but not with the approach of narrowing.

So my comment would be opportunity than abundance. We have—we had visits from people from other countries: Russia, China, India, you name it. They are all interested in things that we do in Manitoba. The aerospace industry is booming. Our Bristol Aerospace and StandardAero, these are some of the high-tech products and services that we do. And I would rather promote those things to other countries and make sure that they are really developing together. But I would work with the west; I will work with the east; I will work with the North, south, everywhere.

I think that the intention of this bill is not bad, but I think that the whole argument needs to be looked at very, very carefully, Mr. Speaker—

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

Mr. Blaine Pedersen (Midland): So far all we've heard from this NDP government is excuses, no reasons why they cannot—why they should not go and join the New West Partnership. It's in our best interest in the—as a province to be as part of the New West Partnership with the Saskatchewan, Alberta and BC. We've already heard now many times how the Saskatchewan government is going to direct their Crown corporations to purchase only from within the partnership. We should be in this act.

And what is next for us here in Manitoba? What if the canola plants in Yorkton—which we should

have had here in Manitoba, but this government dragged their heels and Richardsons built in Yorkton, ADM built in Yorkton, instead of building in Manitoba. We've lost the spinoff from those jobs that are the direct jobs that are at those canola plants. We turn our trucks full of canola to head out to Yorkton now instead of having this product processed here.

This morning, we were downstairs with the Life Science Association of Manitoba and all the new products coming out, food products coming out, and Manitoba is not positioned to take advantage of many of this because we are not working in harmony with the western province—with the three western provinces. And this can—this will only cost us in the long run.

They're—for some reason this government is ideologically opposed to doing this, and perhaps this relates back to a premier that's not listening to his own Cabinet. And I believe it was probably a year ago today that this—there was a Cabinet revolt. And instead of focusing on how to improve the province, the NDP now has spent the past year with this internal revolt which continues—deep, harsh criticism from within their own members, former Cabinet members criticizing the Premier. And, again, you have to wonder, is that why that they're not out there actively trying to join the New West Partnership. And is just one example of the dysfunction within this government.

So it's time that this government stop making excuses, trying to fabricate reasons for not signing a trade agreement. We know that originally this government was opposed to NAFTA, the free trade agreement with the US. Trade is in our lifeblood of Manitoba, and there is no reason why they shouldn't be joining the New West partnership. They need to get on board, start thinking about what's best for Manitoba and not—and stop focusing on their internal revolt against the Premier, who continues to steadfastly refuse to do what's best for Manitoba.

It's time to join the New West Partnership and it's time to do it now. Thank you.

Mr. Clarence Pettersen (Flin Flon): Mr. Speaker, I appreciate being allowed to say a few words on Bill 202. I think any trade agreement you've got to look at very seriously because there's long-term and short-term benefits, and I think right now the opposition is thinking too small in this. I think we've got to think larger on a Canadian—a pan-Canadian

agreement where all provinces and territories are involved in resource agreement.

I know you mentioned British Columbia, Alberta, Saskatchewan in this agreement. But it doesn't look like British Columbia and Alberta are really working together when it comes to shipping resources across borders, and so I think we've got to have a made-in-Canada agreement so that resources can be shipped throughout Canada to every place of the world and every province.

I want to give a little history lesson here, is that this building, our Legislature, was built because of a vision of immense trade that was going to be shipped from eastern Canada to western Canada, and the size of the Legislature was built upon that premise that we would be the next Chicago. And things were going well until the Panama Canal was built and that vision was lost.

But now, with technology, with trucking, with the rail, with planes, Manitoba is now at the centre—the centre of North America and with CentrePort and having one of the few—well, the only port on the prairies, we are basically getting ready to have a renaissance, a renaissance of trade in North America because we are positioned, positioned to take advantage of the east-west, north-south trade. And I think we don't want to lock into any other agreements unless the agreement is wide-spanning, like all of Canada.

We are a resource economy and we've got to work with Quebec and Ontario so we can ship goods through them, in particular Alberta's oil or we've got to make agreements with Ontario for hydro. They need hydro, so does Saskatchewan, so does Alberta and Manitoba's positioned to ship hydro there. Saskatchewan, our neighbour, 50 per cent of Saskatchewan hydro or power is coal, and that we've got to change.

We just had a new agreement with some hydro that we're selling to Saskatchewan. I'm sure there's going to be more in the future, and so we've got to look at both sides, east and west. I know the Minister of Jobs and the Economy (Mr. Chief) basically said 50 per cent of our trade is going east and 50 per cent is going west, so if there's going to be any agreements they've got to be across-Canada agreements. If we don't look at that, if we become little cliques, and the Maritimes and Quebec and Ontario and western Canada, then you know what? We're divided up into countries.

We have had a disadvantage having the prime minister, a Conservative prime minister, in for 10 years, which wouldn't meet with the premiers, and that became—that became a stumbling block for all of Canada. Now, hopefully with the new Prime Minister, the premiers can sit down and talk and talk about their interests and also put forward plans where Canada could be made better.

I know the opposition here is putting out numbers but I'd like to put some facts on here. We're focused on opening a new market for Manitobans with all Canadian provinces and territories. That's important; we're not singling out an area. Increased trade is opening up new opportunities for Manitoba. Our economy is strong and competing on a world stage.

Over the last decade we've had the third best economic growth in Canada. You know, this is important. In the last 10 years, Manitoba's exports increased by \$4.1 billion. The Conference Board released a report last term that says Manitoba's economy will see the second best economic growth in the country this year.

*(10:50)

So, you know, we don't have our head in the sand. What we're doing is looking at opportunities, negotiating with the east, west, north, south and coming out in a made-in-Canada agreement.

Our unemployment rate is one of the lowest in Canada at 5.4 per cent. KPMG named Winnipeg as the least expensive place to do business in western Canada. Okay, and this is better than Calgary. This is better than Edmonton. This is better than the green of the Roughriders in Saskatoon or Regina. So let's not look and look across and say the grass is greener. It's not. The grass is green right here.

'Mana' is working with provincial and federal trade ministers to break down trade barriers across the country on an internal trade agreement. Manitoba's geographical location's a huge trade advantage, and we talked about that with the hub right here in Winnipeg for north-south trade and—but also east-west.

Many things. We're making major upgrades to our strategic trade corridors like the CentrePort Canada Way, the Trans-Canada Highway, highways 75, 10, 6 and Highway 9. And, like I say, if you travel in Manitoba, you probably will be stopped by men-working signs because what is happening is we are investing in infrastructure, especially in roads. It

doesn't matter where you go. You go up north of Flin Flon, they're blasting away there. You go even farther north up at Nelson House or the road to Lynn Lake, they're working on the roads there. You—No. 1 Highway down here.

What we're realizing is that if you have strong and efficient infrastructure, trade will come, and we do have that. Over \$200-million investment in the project will create 2,200 jobs. We're investing in CentrePort Canada, a foreign trade zone inland port that is unique in Canada. We're going beyond the box here. We're investing in building the Headingley bypass which will enhance our trade corridor between CentrePort Canada Way and the Trans-Canada Highway.

These are all important steps in making Manitoba and especially Winnipeg the trade hub of Canada. And we don't want to say we don't want to not work in that direction and sign agreements with certain areas of Canada and cut out other agreements. Budget 2'15, we're investing over \$1 billion on our roads, bridges and infrastructure; that's throughout Manitoba. We're opening up new markets, as we know, and international trade. We've had missions to India. We're working on more. I'm, you know, proud to say the Premier (Mr. Selinger) is looking at all alternatives when it comes to trade.

In contrast, the Opposition Leader wants to take us back to the cuts and privatizations of the no-growth '90s. I mean, he's quoted saying that the best government was the Filmon government, which is, you know, really sad. Now he's demanding \$550 million in across-board, indiscriminate cuts that would hurt families. He's also calling on our government to cancel new schools and clinics, and invest less in road repairs. He also wants to privatize our public utilities like Manitoba Hydro and MPI. We went through that with Manitoba Telephone System. I had a colleague sitting in here from Emerson that was saying he's not getting service. Well, you know what? When you have a private company, they're not going to invest unless they can make money. And if we had owned Manitoba 'telemone' service, I'm sure you would have the good service. *[interjection]* Yes.

An abundance of affordable energy has helped to draw new industries like cloud computing data centres to Manitoba. The leader of the 'opp' said he would cancel Bipole III and freeze exports. I'd pull the plug on Bipole III project. He said that on October 24th in the Winnipeg Free Press. Said the

new hydro work should be delayed and built for domestic needs, not exports.

We can't be stagnant. We got to move with the world. We can't put up borders and say things will be well. We are a trading province. We are a province that has to for our jobs, for our population, have to be trading not just within Canada, but throughout the world. And we have been doing that and with great success.

In conclusion, we have fresh new ideas on how to make Manitoba a better place to live for all of us. We're working with all provinces and territories to grow Manitoba's economy, and we're investing in the things Manitobans care about, like highways, schools and hospitals. Manitobans, we are on your side.

Thank you.

Mr. Jim Maloway (Elmwood): I'm very pleased to speak to Bill 202 today, and I've noticed this bill has been around this Legislature for some time now.

And, actually, the members will know that there have been innumerable barriers to trade within the Canada, between the provinces, for the last hundred years. And back in 1988 when the federal government negotiated the Free Trade Agreement with the United States and then subsequently expanded it to include Mexico, people were somewhat surprised that we had in the country a phased-in international trade agreement that was reducing and removing barriers to trade in and among these three countries in North America, and, in fact, we had all these barriers on an interprovincial basis. There were barriers, maybe still exist as between Quebec and Ontario in the labour-movement of labour, in terms of agricultural products, and, for example, wine could not cross provinces. As a matter of fact, that was simply changed in the last couple of years, I believe.

So what is—what that—has happened is that the provinces now have been forced to get together and try to work out and iron out the barriers to free trade within our own country. It was fine to have the NAFTA agreement and then now the federal government has negotiated numerous international trade agreements, and we have that problem with not having free trade within the country. So, in the last 20 years, we have seen a huge change in a reduction of barriers as between provinces. And as has been pointed out by my colleagues here on innumerable speeches on this subject, that we are not just focused on one trade agreement between Saskatchewan and

BC and Alberta. We are focused, as the member for Radisson (Mr. Jha) has ably pointed out in his address today on the subject, we are focusing on trade to the south, to the east, to the west, to the north. We're focusing on trade all over.

And the fact of the matter is that Manitoba would not have had such a healthy economy today if it wasn't for the fact that we have managed to reduce trade barriers in and among the provinces. All you have to look at is our industries that are thriving right now, like New Flyer Industries and Motor Coach Industries producing buses in Manitoba, city buses in the case of Flyer, highway buses in the case of Motor Coach. These companies are flourishing. They're expanding their labour force. They're expanding their sales all throughout North America. That, to me, doesn't indicate that we have excessive barriers in this country to trade. Our aerospace industry is flourishing in this province. Other members have spoken, on our side particularly, and have pointed out how healthy the economy is. In fact, in the last 10 years, Manitoba exports increased by \$4.1 billion.

Now, you know, let's, Mr. Speaker, juxtapose that, which is not only expected to happen but the public know will happen, if you have a change of government to a Conservative government. All this good news is going to evaporate. You're going to see a contraction in the economy if the Conservatives form the government. You're going to see less exports over the next 10 years if we have to deal with Conservatives in this government. Because, rather than looking outward, which they, you know, are pretending to do in this particular bill, that is not what they do at all. As soon as Conservatives become government in any jurisdiction, it's a concentration on what can we sell. What public enterprises can we box up and sell to our friends in the private sector?

* (11:00)

I'm looking at an article today in the Free Press dealing with the privatization of hydro in Ontario, and I'm sure members of our opposite are—some of them are reading that article right now and thinking, wow, you know, if Ontario can privatize hydro and get away with it, then perhaps we would do the same thing here in Manitoba.

That is the focus of a Conservative government anywhere—anywhere—anywhere in—

An Honourable Member: Lean, mean Liberals.

Mr. Maloway: Well, you know the member wants to talk about Liberals. And that's true. The Liberals in Manitoba are pretty much a knock-off of the Ontario Liberals. I mean, we look at privatization; it's not exclusive to the Conservative Party over here or a Conservative Party anywhere else. It also includes their junior cousins, the Liberals, who talk a great line when they're running for elections how they're going to protect private service, but the moment the election over, they jump out—

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

When this matter's again before the House, the honourable member for Elmwood (Mr. Maloway) will have four minutes remaining.

The honourable Government House Leader, on House business.

Hon. Dave Chomiak (Government House Leader): Yes, Mr. Speaker, I'd like to ask leave of the House to set aside the next hour of private members' business to consider the following two items of government business: first we call the government motion listed on the Order Paper in the name of the Minister of Justice, and second, following that, we will call second reading of Bill 33.

Mr. Speaker: Is there leave of the House to set aside the private members' resolution time? *[Agreed]*

And it will now be—is it leave of the House to proceed with the calling of government business, starting with the government motion, to be followed by second reading of Bill 33? *[Agreed]*

GOVERNMENT BUSINESS

GOVERNMENT MOTION

Mr. Speaker: Okay, we'll start first by calling, under government motions, the honourable Minister of Justice.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the minister of mines, that in accordance with subsection 11.1(28) of The Provincial Court Act, the report of the Standing Committee on Legislative Affairs respecting the judicial compensation received on November 20, 2014, be concurred in.

Motion presented.

Mr. Speaker: Any debate on this matter?

Mr. Kelvin Goertzen (Steinbach): Just briefly, Mr. Speaker. I know the committee, regarding this issue,

the judicial compensation review report, went to, I believe it was Legislative Affairs. We had some discussion about it.

I want to again thank Mr. Mike Werier who was employed to do the review of the compensation for the judges in Manitoba, the provincial court judges, Mr. Speaker. He's been, of course, hired to do a variety of different things, and while we don't always agree on every recommendation that's made, I always am impressed that he does a good job of surveying the landscape both in Canada, whether it's regarding judges or other things that he's asked to look at, and I think that the recommendations that he makes are always well reasoned, well reported, well documented and they're thorough in their examinations. So we appreciate the work that he did.

We also heard from counsel for the judges at committee, and it was able representation again, Mr. Speaker. There was a resolution that changed a couple of the recommendations. It's important to remember that we are limited as legislators in terms of what our role is on judicial compensation. There is both law and Supreme Court precedent, of course, that indicates that there is independence of the judiciary and that extends to independence and when it comes to compensation. And for those who are interested in reading that legislation, it's interesting, it's extensive—I'm sorry, the court decisions—it's interesting, it's extensive, and there are reasons for it.

So the role of MLAs in terms of establishing compensation is limited. I am not always sure, and I think I've said this on the record in the past, whether it's the best process, because I think that there is something of an—a feeling, maybe, that it is set by members of the Legislature and we have this sort of hybrid system where there is no changes that can be made when it falls into a certain formula when it comes to averages of pay, Mr. Speaker. So it's an interesting system that maybe doesn't reflect what people might think in terms of what the ability is here in the Legislature.

So I—the process that we have, though, now, it's gone through that process with the committee. We had representation, of course, from those representing the lawyers. We saw the report issued by Mr. Werier. There was a resolution that adopted the vast majority of the report by changing a couple of issues within it. Mr. Speaker, I know this has become a controversy in the past. I don't expect it to become a controversy on this particular report.

So with those few words, I think we're willing to see this resolution pass. And if there is further discussion maybe in the future about how additional compensation is set, I think we'd be open and willing to have those discussions whether or not this process is ideal. I think it's questionable, but, certainly, on this particular round we're willing to see this resolution pass.

Mr. Speaker: Any further debate on this matter?

Is the House ready for—oh, sorry, the honourable member for River Heights.

Hon. Jon Gerrard (River Heights): Yes, I just want to thank Michael Werier and all those who provided input into the report that was produced. Thank you.

Mr. Speaker: Any further debate?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the government motion.

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

SECOND READINGS

Bill 33—The Family Law Reform Act (Putting Children First)

Mr. Speaker: We'll now proceed to call for second reading Bill 33, The Family Law Reform Act (Putting Children First).

Hon. Dave Chomiak (Minister of Mineral Resources): Yes, Mr. Speaker, on behalf—I move, on behalf of the Minister of Justice (Mr. Mackintosh), seconded by the Minister of Family Services (Ms. Irvin-Ross), that Bill 33, The Family Law Reform Act (Putting Children First); *Loi sur la réforme du droit de la famille (mesures pour le mieux-être des enfants)*, be now read a second time and be referred to a committee of this House.

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

Mr. Speaker: It's been moved by the honourable Minister of Mineral Resources, on behalf of the honourable Minister of Justice, seconded by the honourable Minister of Family Services, that Bill 33, The Family Law Reform Act (Putting Children First), be now read for a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill—His Honour, pardon me, the Lieutenant Governor has been advised of the bill and the message has been tabled.

Mr. Chomiak: Mr. Speaker, I want to thank all members of the House, particularly the House leaders, for allowing us to move forward on this bill insofar as matters evolve during the course of the session.

This is a profoundly significant act, Mr. Speaker. It deals with the fact that families have many faces now and families are more mobile than ever before and our laws need to keep pace with the diverse needs of the modern family. And when couples separate the law should be understandable, it should provide guidance and, most important, the law should protect and put the interest of the children first.

This bill will repeal The Family Maintenance Act and replace it with a new statute, the family law act, to address the rights and duties as between family members and the family support enforcement act, which will address support enforcements. It will amend The Court of Queen's Bench Act to lay the foundation for summary administrative family law court processes to allow certain family law issues determined in a simpler, timelier and less costly way, improving access to justice of Manitoba.

Mr. Speaker, all of the current enforcement tools are carried over from The Family Maintenance Act that is posted on the Internet: withholding and suspending recreational hunting and fishing licences; requiring security deposits from debtors with a history of persistent arrears.

Under the new act, The Maintenance Enforcement Program will be able to prevent a debtor from obtaining an enhanced identification card. Under the act, these enhanced ID cards are used to gain entry into the United States by land and the new measures allow such a card to be withheld.

* (11:10)

There are other new powers been given to Maintenance Enforcement Program under Bill 33 that will benefit families, including the authority to enforce court-ordered costs that relate to support orders. These new powers will save time and money for families and will ease the workload of busy family courts.

Really significantly are found the provisions that determination of parentage of a child conceived through assisted reproduction and how cases involving the relocation of a child are to be resolved. Once enforced, part 2 of the new family law act will establish clear rules for determining a child's legal parents not only for children conceived naturally but also where assisted reproduction has been used, including a surrogacy arrangement, posthumous conception and when the child may have more than two legal parents.

The new provisions would also clarify the roles of donators and genetic material. There'll be consequential amendments as a result of Vital Statistics Act to change how births of children born in Manitoba will be registered. The bill also proposes amendments to The Dependents Relief Act, The Intestate Succession Act and The Wills Act so that posthumously conceived children may be eligible for relief under each of these statutes.

Mr. Speaker, another important issue addressing the new family law act is what happens when a parent intends to relocate with a child to another community, another province or country. The new act defines what is meant by relocation, clarifies the law by requiring parents to give notice of any changes of residence and provides a process to be followed where change in residence will have a significant impact on a child's relationship with the other parent.

There are many reforms contained in the act, Mr. Speaker, but putting it frankly, there's two, I think, fundamental issues here. First, it is that we are going to be, as in other areas of legislation, ensuring that the best interests of children are served by this. And secondly, the advanced nature of technology and the issue of technological evolution as it concerns biological matters and other related matters is fast evolving. We must have in place a framework to allow for the dealing of these issues within that particular 'formal'—framework. One only needs to look at the—some of the recent court cases that have occurred in other jurisdictions in order to understand how complicated and complex this issue can be and how, in fact, without a sound framework in place, very serious consequences can occur.

This is a very complex bill, Mr. Speaker. As you know, this is agreement in principle to this bill. We are very much looking forward to going to the second—to the stage of community involvement where we will have advice and recommendations

from the community with respect to how this bill evolves. Needless to say, the necessity for a framework in place to allow children to feel secure, parents to have some sense of security, parents to be able to feel that their child's interests are protected with respect to maintenance issues. Issues of post-humously conceived children and related matters are complex, but they are—there is, within the framework of this bill, specific remedies to address these issues.

And apart from the substantive changes to the law, Mr. Speaker, the two new acts have been reorganized and have been written in clear, simple language to give Manitobans a better understanding of what its provisions means.

And with those few comments, Mr. Speaker, I will conclude my comments with respect to this particular bill and look very much forward to the presentations by the public with respect to this bill that is of tremendous significance.

Thank you, Mr. Speaker.

Mr. Speaker: Any questions on this matter? Any questions for—the honourable member for River Heights.

Hon. Jon Gerrard (River Heights): Mr. Speaker, this bill is called The Family Law Reform Act, and I would just ask the minister who has put this forward at second reading, it's generally well recognized that where it's possible for a child to be raised in that child's own family is beneficial and that there should be strong supports for families staying together.

As the minister well knows, we have more than 10,000 kids in care, and clearly one of the things that we need to make sure is that families are well supported.

I just want to check with the minister: Is it the intention of bringing forward this bill that the government is wanting to make sure that, where that is possible, that children are able to stay with their own families?

Mr. Chomiak: Mr. Speaker, I don't think it would be incorrect to say that every member of this Chamber would very much want to have families reunited, and for families to grow together in the best interest of the child.

However, unfortunately that is not always the case, and there are instances where the specific agencies have to intervene, as we know, in the best interests of the child. But I think it would be incorrect to say that any member of this Chamber

would not feel that it's important that the family unit as we know it, and the family unit as it is evolving into the future, and let's remember, Mr. Speaker, this bill is a bill that's trying to put in place a structure—it is putting in place a structure that will deal with issues as they evolve into the future with respect to protecting children. And, so, with respect to the relationship of that bill and other matters, the child is always considered the paramount importance.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, to the Government House Leader (Mr. Chomiak) on this particular bill, I know the bill amends different acts. I want to ask him whether or not there's any changes to the issue of protection orders within this particular legislation.

Mr. Chomiak: Within the confines of this bill there's not an intention to change any of the existing protection order legislation as it pertains to the bill, although yesterday I believe the Justice Minister had indicated that there will be changes coming in place with respect to protection orders.

Mr. Gerrard: Mr. Speaker, I note that one of the clauses here, which is 86, is that a court may make an order excluding any person other than a party from attending a hearing.

We have run into instances where individuals who are advocates for a mother or for a family are—have been—that this clause has been used to remove people who are advocates for a party from the court and from the courtroom. And it just seemed to me that, you know, it might be possible, for example, to consider putting except a person who is an advocate for a party or something along that line so that, you know, an individual could be assured of where they have a specific advocate working for them. An example might be, you know, the AMC's Aboriginal advocate being able to support that person by being in the court at that time where it was clearly desired by the mother of father or parents.

Mr. Chomiak: Mr. Speaker, I appreciate that this is a new process that we're putting in place. I'm not sure that its specific reference to clauses and amendments is actually what we intend to do in this question and answer.

But I will attempt to deal with this and point out that that clause, then, goes on to say, and I quote, if the court considers that a person's presence at a hearing or publication would be detrimental to a child's health or well-being or have an adverse effect, or cause undue hardship to the party or child, Mr. Speaker. So the very clear intention of the

legislature is to protect the child and protect the child's interests. It's not to exclude other interests, necessarily, but, rather, it's to protect the best interest of the child.

* (11:20)

As the member has raised in this, sort of, an exception to an exception, it may be appropriate for the member, at some point, to bring upon an amendment, if he likes, to this particular bill. But I think if you look at the way the legislation has been drafted, it's very clear, as we do in other cases of law where the judge has the ability to, in the cases of a sexual matter, to exclude particular individuals to protect their identity, Mr. Speaker. That would be inappropriate for us as legislators to go counter to that particular provision of the law.

So I think while the member has a question with regard to that, he certainly has the ability to question it when we get to committee stage or to propose an amendment but in general, Mr. Speaker, we do that to protect the child.

Mr. Goertzen: Mr. Speaker, are there, or Mister—to the minister, are there portions of the bill that will make it easier for orders to be varied?

And I use the example of an individual who's gone through a divorce or a separation and they're paying support to the parent that has custody of the children, and then the custody changes and the person who was paying the support then takes over custody of the children, and yet it takes a long time for the order to get changed. And in fact, the—for quite some time, the individual continues to pay child support to the individual who is now not actually in custody of the children, which seems to defeat the purpose.

I know it takes an awful long time sometimes to change these orders. Is there anything in this act that will better that?

Mr. Chomiak: Without getting specifics, the member's correct. There is provision in the bill to provide for that. There's also support that is provided in order to, without cost to the individual involved, to have those changes made. And those provisions have been incorporated into the bill to provide for a easier and more accessible ability to do that.

Mr. Gerrard: Yes, Mr. Speaker, I raised the earlier questions in part because I think it's pretty important to get on the record the intent of the government with respect to certain aspects of the legislation, and for that I thank the minister for his comments.

I want to ask the minister, what is the intention now in terms of taking it to committee? Because this is, you know, a fairly long and comprehensive piece of legislation. I think it—people who may be presenting at committee or interested in presenting need adequate warning of when it will be. I would hope the minister's not planning to have it go to committee and pass it by this week, but is going to have a committee meeting next week or the following week so that it can be dealt with and we make sure that there really is lots of time for people to be aware of when it's going to be and be able to come and present.

Mr. Chomiak: Mr. Speaker, this is a—such a significant change to dealing with family law and to dealing with families and to matters affecting Manitobans that it's important that we allow for a widespread discussion and broad opportunity for Manitobans to present on this bill.

So the member will know that we will—we have tried in the past six to eight months to be as accommodating as possible to the public by virtue of issues of scheduling hearings of committee, by providing advance notice. And there's been a few wrinkles we've run into under the provision of these new rules. But I think it's been the intention of all of us in this House to provide for a more broader discussion of issues and to allow for more input by the public, and that certainly will be our intention in going forward on this bill.

Mr. Goertzen: Mr. Speaker, to pick up on the point from the member for River East, I might have a suggestion—

An Honourable Member: River Heights.

Mr. Goertzen: Sorry, River Heights. It was such a good suggestion I thought it maybe came from the member from River East.

But I know we're trying to change the issue of committees and how committees work, and so this is more of a thought to put on the record. Maybe we can have further discussions. But this might be the kind of bill, because it is so comprehensive and it's so detailed and can be technologically—or it can be complex for a lot of members, including myself, that it might be the kind of bill where we bring it to a committee, we allow other witnesses to come forward, not in the typical forum where we have a 10-minute question-and-answer period, but maybe certain stakeholders within the law area and family law area in particular, to come and maybe make a

presentation that's longer than that outside of the normal committee, and then we bring it to a sort of a public forum to give committee members a little bit more in-depth a discussion. I know they do that in Ottawa. It's more of a hearing kind of committee, but I put that out there as a possible suggestion, Mr. Speaker.

Mr. Chomiak: Mr. Speaker, I appreciate the member's suggestion and I think that should be part of further discussions that we will have with respect to this bill, but I recognize both the concerns raised by the member for River Heights (Mr. Gerrard) and the suggestion by the member for Steinbach (Mr. Goertzen) about the importance and the complexity of this bill, and I think in our intersession and continuing discussions during this session we ought to discuss the options as they present themselves with regard to this bill.

Mr. Speaker: Any further questions on this matter?

Then we'll now proceed with the debate.

Mr. Goertzen: Mr. Speaker, as the Opposition House Leader, I want to give my assurance to the Government House Leader (Mr. Chomiak) and to the Minister of Justice (Mr. Mackintosh) that we will—I understand the session will end on Thursday and there'll be a new session that will begin in about a week and a bit with a Throne Speech, and so this bill would normally, through our rules of probation, would have died on the Order Paper. We will give the government the assurance that we will do whatever mechanisms it takes to ensure that the bill stays at its same position, so when it ends or passes second reading today, that it can come back to second reading when the new session begins. We think it's an important bill for discussion and we want to move it along, so we give the government an assurance on that.

Certainly there are many areas of law where people have concerns about and people have questions about. I don't know if there is any areas that emit more emotion than the issue of family law and those who have practised family law, which I have not, but in discussions with those who have, I mean, I certainly hear that it's emotionally draining, that for those who are involved and for those who represent themselves as counsel, for those who are involved, that it's a difficult area because of the strong emotions that, of course, are there.

There's nothing—a few things that are more difficult than the breakup of a relationship,

Mr. Speaker, and all the emotional aspects come into that, but then, of course, all the financial aspects come into that as well, and there's been many, I know, attempts, some in Manitoba, in other jurisdictions, to try to remove this from the court process as much as possible because the court process isn't always a good place to deal with emotional issues. They're often very personal for individuals and because it's a combative system in many ways it often accelerates and makes those situations even more difficult than other countries and jurisdictions that have tried different forms.

I remember looking and reading a study, I think it was out of Australia where they had, I think they were called family relationship centres, where individuals would go into those centres and if they decided that their relationship was at an end or perhaps they weren't quite at that stage yet, but there could be discussions in a non-legal setting about what the options were, or if they had decided that their relationship was irreconcilable and that they were going to be ending that relationship, discussions could happen about orders that would take place, about agreements that could be put in place, and it would be done in a non-legal setting. And there were different resources that were there in that particular setting, not just legal resources, Mr. Speaker. Those, of course, would be some of them, but there would be all sorts of other players in the—that would have to be involved in somebody who's ending their relationship to give advice. It was almost like a one-stop shop but it was in a way that was non-legal and didn't have all those bearings that a courtroom can have sometimes.

So, I know there are elements and aspects of that that happened here in the province of Manitoba, but I do think, and I've certainly talked to others who are involved in the legal profession, whether it's the various associations who represent lawyers, Mr. Speaker, about how it is that we can take more of these cases out of the courts.

There's a practical element to that, Mr. Speaker, a pragmatic element about trying to speed up the court system itself, and if you are able to move some of those issues out of the courts, of course, it helps those that naturally end up in to the court, and that can't be avoided. But if you can find those that are avoidable then they can be going to a different stream. Not only is it better for the participants and the individuals who are involved in that particular family case, but it's better for the court system overall.

* (11:30)

So, I'll be interested to hear whether that's in a traditional type of committee that we normally have, or more of a hearing kind of committee prior to that. I'll be interested in hearing from those who are involved in the family law system, what steps this particular bill takes that forward because I have a strong interest, and I believe members of our caucus have a strong interest about trying to divert a lot of these family issues away from the courts, trying to find ways where they—things can be done not through lawyers and judges and case conferences, but can be done in a much more reasonable and, I think, friendly fashion—as friendly as these situations can be. Not only is it a benefit, of course, to the two individuals who are severing and ending their relationship, but it also benefits the children who might be involved in that relationship. And I think the sooner there can be a reconciliation as much as possible of a relationship, it benefits the children even if there is a departure in terms of two individuals if there can be a reasonable relationship between two individuals who used to be in a marriage or a common-law relationship, that certainly is better when, for the children, when they go forward. So I hope that this bill, you know, when we do the analysis at committee that there—that provides some of that.

I would, again, in terms of the discussion that we had on the questions, I would encourage the government if they're open to this, to having a bit of a hearing committee where we bring forward members of—whether it's the Law Society, the Bar Association, particularly the family law portion of it, Mr. Speaker—they might want to make presentations on it. I'm sure that there are other experts who deal with family law issues on a much more regular basis than probably any member of this Chamber, although I know that there are members who have practised family law. And I'd be interested in hearing those presentations in an environment that doesn't require a 10-minute Hansard discussion.

So I give credit to the Government House Leader (Mr. Chomiak) in terms of his openness to do different things, particularly in the last year. I think we have a different sort of tone, well, maybe not tone, but a different culture in terms of how some of the things happen here in the Chamber. And I think, by and large as we go through that, we're showing that we can have great partisan discussions and debates and we can be as partisan as this place often requires and demands and our democratic system

demands. But there are times when we also set that aside and that is better for all of us as MLAs, but for the system overall, when we can do things in a more orderly and a more professional fashion.

I think this might be one of those bills where if we can have a hearing type of setting and hear from experts on those bills, it'll actually make the committee that follows after a much better committee because we'll have much better informed members who will be on that committee, and I think that they'll be able to ask not only better questions, but come to a better resolution on the bill.

So with those few words, I look forward to the bill of going to some fashion of a hearing, whether it's both the normal hearing that we have after second reading with the public, but perhaps, also, more of a presentation hearing as we've seen in other jurisdictions. And I appreciate the fact that we can work at this stage anyway co-operatively on this bill and seeing it more forward.

Thank you, Mr. Speaker.

Mr. Gerrard: Mr. Speaker, first of all, I would like to give credit to all those who worked on this legislation. It's clearly been a work of some length of time and some considerable effort; so I think it's worthy of note, and that we should offer the people who worked on this important area a thank you for the effort that they've put in as we now move forward and look at it in more detail.

The bill comes with the title, Family Law Reform Act (Putting Children First). As I've already spoken during question period, I think that it is important that, as the minister has already acknowledged, that the children where it is possible that they're within their family—and, of course, families are of varied composition these days—that the family is supported and that the family where possible has the supports to stay together. We know that's not always possible, but we also know that in Manitoba we have more than 10,000 children in care, now probably close to 11,000. And there really is widespread concern in our province at the moment that families should be better supported and that we would do well as a society to have fewer children in care as happens in other jurisdictions around the world. In fact, many other jurisdictions have a 10th of the number of kids in care that we do.

So, as we move forward on this legislation, I think that there's a sense from the government, and the minister has commented that he feels that most

MLAs here would be of the same opinion, and I think that's probably right that, where possible, our goal is to keep children with their families and support the families so that can happen and kids can grow up and develop the best possible way that they can.

It—I think the UN has recognized that a child, where possible, does best within the family, as have many others, and I think that even as we consider this legislation that that's one of the things that we should be thinking about in terms of framework approaches. I know that the CFS act has a number of whereas clauses in the front which speak to the importance of family, but we need to make sure that as we look through the way the whole act works, that we're also, to the best extent that we can, we're supporting families.

It was in that context, and the context of some of the experience that we've had, that in court an advocate for a family has been told to leave and it seems to me that, where possible, we should support families in having advocates and in enabling advocates to be able to participate or to help them and support them, even if they do that just by being present. And, certainly, you know, the fact that the court—or that the bill talks about, if the court considers that a person's presence at a hearing or publication would be detrimental to a child's health or well-being, this, in people I've talked to, appears to be used appropriately in some fashions, but in my experience has not always been used that way. And I think that we have to consider the experience of the Aboriginal children's advocate appointed by the AMC. And, although her experience was not, to my understanding, in court, but it was in other circumstances where she was wanting to be an advocate and be present at meetings, that, you know, we should be moving forward, in my view, with an approach which facilitates the ability of the Aboriginal children's advocate, or others who the family or the individual or the mother or the father or the child wants as an advocate, to be present. There may be some things that arrived, and there may be times when individuals have to be excluded but, as a general principle, it seems to me that it would be smart to—for allowing greater participation by an advocate where it is so desired by a parent or a child.

In discussion and the reading around what's happened in New Zealand and in Australia, a lot of that supports things like family conferencing, things like signs of safety approach in which there is a greater ability to develop, you know, a circle of care

for a family, surrounding the family and supporting that family. And I think we need to be looking, you know, as we move forward, you know, whether it's in this legislation or in other matters to be able to facilitate the operation or the helping impact of such a circle of care.

I look forward to this going to committee stage and to be viewed and looked at, scrutinized very carefully. I think it's an important piece of legislation paying attention to families and provide the legislation which guides many of the cases in which families may appear in court or, as the member for Steinbach (Mr. Goertzen) has said, things may be settled out of court.

* (11:40)

I think—I look forward to the opportunity to listen to presenters. It may be possible, as we've occasionally done in the past, the MLA for Steinbach has talked about having the ability to have longer presentations. We've occasionally done that in our current committee structure, allowed for longer presentations. A 10-minute presentation is a practice, but it's not a, you know, a rule which has to be specifically enforced and the committee can decide to have longer presentations. So that would be one option which be—could be considered as opposed to

having a separate, you know, hearing beforehand. But I think that's—can be something for discussion as we move forward

And those words being said, I look forward to this moving forward, being carefully looked at and being passed in due course.

Mr. Speaker: Is there any further debate on this matter?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: Question before the House is second reading of Bill 33, The Family Law Reform Act (Putting Children First).

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

Mr. Kelvin Goertzen (Official Opposition House Leader): I'm seeking leave of the House to call it 12 o'clock.

Mr. Speaker: Is there leave of the House to call it 12 noon? *[Agreed]*

The hour being 12 noon, this House is recessed and stands recessed until 1:30 p.m. this afternoon.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 3, 2015

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