

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

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

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

| <b>Member</b>            | <b>Constituency</b> | <b>Political Affiliation</b> |
|--------------------------|---------------------|------------------------------|
| ALLAN, Nancy, Hon.       | St. Vital           | N.D.P.                       |
| ALTEMEYER, Rob           | Wolseley            | N.D.P.                       |
| ASHTON, Steve, Hon.      | Thompson            | N.D.P.                       |
| BJORNSON, Peter, Hon.    | Gimli               | N.D.P.                       |
| BLADY, Sharon            | Kirkfield Park      | N.D.P.                       |
| BLAIKIE, Bill, Hon.      | Elmwood             | N.D.P.                       |
| BOROTSIK, Rick           | Brandon West        | P.C.                         |
| BRAUN, Erna              | Rossmere            | N.D.P.                       |
| BRICK, Marilyn           | St. Norbert         | N.D.P.                       |
| BRIESE, Stuart           | Ste. Rose           | P.C.                         |
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| CULLEN, Cliff            | Turtle Mountain     | P.C.                         |
| DERKACH, Leonard         | Russell             | P.C.                         |
| DEWAR, Gregory           | Selkirk             | N.D.P.                       |
| DRIEDGER, Myrna          | Charleswood         | P.C.                         |
| DYCK, Peter              | Pembina             | P.C.                         |
| EICHLER, Ralph           | Lakeside            | P.C.                         |
| FAURSCHOU, David         | Portage la Prairie  | P.C.                         |
| GERRARD, Jon, Hon.       | River Heights       | Lib.                         |
| GOERTZEN, Kelvin         | Steinbach           | P.C.                         |
| GRAYDON, Cliff           | Emerson             | P.C.                         |
| HAWRANIK, Gerald         | Lac du Bonnet       | P.C.                         |
| HICKES, George, Hon.     | Point Douglas       | N.D.P.                       |
| HOWARD, Jennifer, Hon.   | Fort Rouge          | N.D.P.                       |
| IRVIN-ROSS, Kerri, Hon.  | Fort Garry          | N.D.P.                       |
| JENNISSEN, Gerard        | Flin Flon           | N.D.P.                       |
| JHA, Bidhu               | Radisson            | N.D.P.                       |
| KORZENIOWSKI, Bonnie     | St. James           | N.D.P.                       |
| LAMOUREUX, Kevin         | Inkster             | Lib.                         |
| LEMIEUX, Ron, Hon.       | La Verendrye        | N.D.P.                       |
| MACKINTOSH, Gord, Hon.   | St. Johns           | N.D.P.                       |
| MAGUIRE, Larry           | Arthur-Virden       | P.C.                         |
| MARCELINO, Flor, Hon.    | Wellington          | N.D.P.                       |
| MARTINDALE, Doug         | Burrows             | N.D.P.                       |
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| MELNICK, Christine, Hon. | Riel                | N.D.P.                       |
| MITCHELSON, Bonnie       | River East          | P.C.                         |
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| PEDERSEN, Blaine         | Carman              | P.C.                         |
| REID, Daryl              | Transcona           | N.D.P.                       |
| ROBINSON, Eric, Hon.     | Rupertsland         | N.D.P.                       |
| RONDEAU, Jim, Hon.       | Assiniboia          | N.D.P.                       |
| ROWAT, Leanne            | Minnedosa           | P.C.                         |
| SARAN, Mohinder          | The Maples          | N.D.P.                       |
| SCHULER, Ron             | Springfield         | P.C.                         |
| SELBY, Erin              | Southdale           | N.D.P.                       |
| SELINGER, Greg, Hon.     | St. Boniface        | N.D.P.                       |
| STEFANSON, Heather       | Tuxedo              | P.C.                         |
| STRUTHERS, Stan, Hon.    | Dauphin-Roblin      | N.D.P.                       |
| SWAN, Andrew, Hon.       | Minto               | N.D.P.                       |
| TAILLIEU, Mavis          | Morris              | P.C.                         |
| WHITEHEAD, Frank         | The Pas             | N.D.P.                       |
| WIEBE, Matt              | Concordia           | N.D.P.                       |
| WOWCHUK, Rosann, Hon.    | Swan River          | N.D.P.                       |

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 3, 2010

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

### ROUTINE PROCEEDINGS

#### PETITIONS

##### Multiple Myeloma Treatments

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by S. Dlot, R. Putzke, B. Murphy and many, many others, Mr. Speaker.

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

##### PTH 16 and PTH 5 North—Traffic Signals

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

And these are the reasons for this petition:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition's signed by B. Clark, B. Pedersen, L. Denbow and many, many other fine Manitobans.

##### Waste-Water Ejector Systems

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

These are the reasons for this petition:

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

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

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

And this petition, Mr. Speaker, is signed by C. Radford, W. Rushka, W. Melnyk and many, many other fine Manitobans.

### Multiple Myeloma Treatments

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by T.A. Bailey, B. Smirnov, J.T. Mills and many others.

### Community Police Offices

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

The background to this petition is as follows:

In the 2007 provincial election, the NDP clearly stated that making communities safer was a priority.

The NDP government did nothing to prevent the McPhillips Street community police office and other offices from closing.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba to consider the important role that community police offices can play in making our communities safer.

And, Mr. Speaker, this is signed by R. Villanueva, D. Camila and C. Herrera and many, many other fine Manitobans. Thank you.

### Introduction of Guests

**Mr. Speaker:** Order, please. I'd like to draw the attention of honourable members to the public gallery where we have with us today, we have Lorna Anderson from British Columbia, who is the guest of the honourable Minister for Health (Ms. Oswald).

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

And also in the public gallery we have from Reston Elementary School, we have 15 grade 6 students under the direction of Ms. Lori Greig. This school is located in the constituency of the honourable member for Arthur-Virden (Mr. Maguire).

And also in the public gallery we have from J.R. Walkof Elementary School, we have—well, I guess we will be having—90 students under the direction of Ms. Erin Pethybridge, and this group is located in the constituency of the honourable member for Pembina (Mr. Dyck).

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

## ORAL QUESTIONS

**Vince Li**

### Supervised Pass Review Decision

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, this morning the public's confidence in the justice system was dealt another blow by the decision involving the custody of Vince Li. This decision is an insult to the family of Tim McLean, it's an insult to those living near the facility, and it's an insult to everyone who was on that Greyhound bus on that horrible night.

I ask this Minister of Justice (Mr. Swan): Will he appeal this decision and will he ensure that the facility at Selkirk is changed so that there is always an appropriate physical barrier between the public and Mr. Li or will he transfer Mr. Li to a facility that can ensure there are secured grounds?

**Hon. Greg Selinger (Premier):** Mr. Speaker, and before I address the question, I just want to wish you a speedy recovery from your impending surgery, and I know all members of the House look forward to seeing you back here as soon as possible.

And I thank the member from Steinbach for the question. This decision came as a shock to all of us here in Manitoba, and I, indeed, think it'll be a shock to all Canadians, just two years after this horrific incident which enraged people all across this country. We do not believe it is appropriate at this time for this person to be in a situation where any public safety would be at risk.

We have been assured by the institution that additional measures will be taken before any release of this individual or this order is complied with. The order will not be complied with until additional measures of security are put in place.

\* (13:40)

And as the House knows, our Crown has opposed this recommendation which has come forward today and we support the Crown in their views on this matter.

**Mr. Goertzen:** How in the world could the Premier be shocked? It was his Minister of Justice who just a few days ago did everything he could to defend this system and to defend the board. The only thing he didn't do at that time was to stand up and defend the

public. This minister should have known ever since Mr. Li was—

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

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

**Mr. Goertzen:** Well, and they should be sensitive because ever since Mr. Li was sentenced to the facility at Selkirk, they should have known that this day was coming and they should have prepared.

I wonder if the Premier can give a full assurance that there will be a physical barrier between Mr. Li and the Selkirk community and the public of Manitoba. Will he ensure today that there will be a physical barrier between Mr. Li and the community and all Manitobans?

**Mr. Selinger:** This side of the House has always been very clear in its priorities of putting public safety as the paramount consideration in any decisions that we have taken. We did not wait for this decision. In this budget, there are additional resources for security at the Selkirk Mental Health facility. In the last budget, there were additional measures for security at these—at this facility; 24-7 security has been provided in the building where the forensic unit exists. Members opposite may not be aware of that. We put that measure forward. These members voted against it.

We will not be complying with this order on the agreement of the institution until additional measures are put in place to ensure public safety is paramount in any further actions that are taken by this institution, and this minister and this government have always supported that.

**Mr. Goertzen:** We've seen many times before, when it comes to the issue of justice, that this government says one thing in the House and does something completely different. We want clear assurance what those security measures are going to be. The order indicates that people are going to be walking with Mr. Li, but they're going to have cell phones or two-way radios. I'm sure that many people on that bus—that Greyhound bus that fateful night—had cell phones and that did little to secure anybody on that bus.

The Premier has to be clear today what those security measures are. He cannot just say, oh, trust us, don't worry about it, because two days ago he had nothing more to say in terms of the detail.

Will he say, today, that there will be a physical barrier always in place between Mr. Li and the public or is he just going to say, oh, trust us, even though we failed you before?

**Mr. Selinger:** Mr. Speaker, long before this recommendation was made by this review panel, additional resources were put in place to provide 24-7 security in this forensic unit at Selkirk Mental Health Centre. This is a fully secured unit.

This order will not be complied with until additional measures are taken. We have made public safety our paramount, No. 1 concern, and we will continue to advocate and follow that position. We will continue to support our Crown in that view, and we will continue to put those resources in place to ensure that public security is No. 1.

The member knows that. The member has voted against those additional resources. If he wants to talk about inconsistency, let him stand up in this House today and explain why he has voted against every single improvement we have made to this facility and now acts righteous when we take additional measures in this House today.

**Vince Li**  
**Supervised Pass Review Decision**

**Mr. Ron Schuler (Springfield):** The problem is, Mr. Speaker, that there is nothing there. We couldn't vote against something that wasn't even there.

Selkirk families are shocked to hear that Vince Li, the Greyhound bus killer, is allowed to go on supervised ground walks and even so far as to tour into the community.

The minister should have known for months that this case was coming and seems to be unprepared in his response. The Minister of Justice has till Monday, Mr. Speaker, to come up with a plan. What confidence should we have in this minister?

Thus, can the minister confirm that if Vince Li is allowed to walk freely without any barrier between him and the general public, will he be restrained in some form? Will there be any restraint placed on him while on hospital grounds or in the general public?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** The member for Springfield should be aware that the Crown attorney, who is an experienced Crown attorney who deals with these matters, strongly opposed the recommendation that was made by the independent board under the federal

Criminal Code. The Crown has done her job. We are disappointed with the decision of the board.

But let me make it very clear to all members of this House: Mr. Li will not be leaving the locked forensic unit of the Selkirk Mental Health Centre unless and until there are security measures in place to ensure public safety for the people of Selkirk, to give confidence to the people of Manitoba and, indeed, the people of Canada who are, indeed, very, very interested in this extraordinary case, Mr. Speaker.

**Mr. Schuler:** Well, perhaps the minister who handed out Slurpees can let the member for Selkirk (Mr. Dewar) and all members know and all Manitobans know what his plan is.

Mr. Speaker, with the ill-considered permission that Vince Li, the Greyhound bus killer, be allowed to roam freely in Selkirk, is there any plan to notify the general public when Vince Li is set loose in Selkirk until either an appeal or a security fence is built? For example, the seniors home across the street or the Ruth Hooker and the Lord Selkirk Regional comprehensive schools, both of which are six blocks away, or the outdoor sports facility six blocks away. And, for that matter, will the minister notify the public in general? Will he do his job instead of handing out Slurpees? Will he enforce what he says he's going to do?

**Mr. Swan:** The member for Springfield needs to understand that Mr. Li is remaining in the locked forensic unit. He will not be leaving that locked forensic unit unless and until there are security measures put in place that our government will ensure will protect the safety of people in Selkirk and across the province of Manitoba.

I can tell the member, indeed, that this independent board made a decision based on the federal Criminal Code. I have today spoken with Minister Nicholson, the Attorney General of Canada, and I have written to him expressing our concerns with the provisions in the Criminal Code of Canada. And, indeed, Mr. Speaker, I will table this for the members opposite so that they will be aware of the federal Criminal Code provisions that are concerned in this case.

**Mr. Schuler:** Mr. Speaker, it's a provincial facility. The minister should take charge. The review board recommendations come into effect on Monday.

Mr. Speaker, with the ill-considered permission that Vince Li, the Greyhound bus killer, be allowed

to roam freely in Selkirk, can the minister inform the less-than-impressed residents of Selkirk if there's any plan to notify the RCMP when Vince Li is set loose in Selkirk until either an appeal is filed or a security fence is built or something is done?

Mr. Speaker, this minister has till Monday, and then the order comes into effect. What is he going to do by Monday to make sure that the people of Selkirk have at least some sense of security, or is he going to keep talking and talking and do nothing?

**Mr. Swan:** Mr. Speaker, the member opposite is simply wrong.

And let me say now, for the third time, Mr. Li is in a locked forensic unit and he will remain in that locked forensic unit unless and until the Selkirk Mental Health Centre has a plan to ensure that public safety is protected. Nothing will happen today, tomorrow. Nothing will happen Monday or next week. Nothing will happen unless and until there is a full plan in place to ensure that public safety is the paramount consideration.

The member opposite needs to understand this and should not be spreading incorrect information and putting improper information on the record, Mr. Speaker.

#### **Teachers' Retirement Allowances Fund Cost of Living Allowance**

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Speaker, it is clearly easy to see the priorities of this NDP government. This government is determined to push Bill 31 through this session. This is the bill designed to protect the salaries of the 19 Cabinet ministers opposite.

Why is this government so determined to protect their own salaries and not be prepared to protect the income of retired teachers?

**Hon. Rosann Wowchuk (Minister of Finance):** Mr. Speaker, I would ask the member opposite to think about what his government did when they were in power with teachers and what this government has done since we have been in power. We put \$1.5 billion into the fund, a fund that was neglected completely by the members opposite when they were in power.

\* (13:50)

Mr. Speaker, I would remind the member to think very carefully about what he has done, his party has done, the actions they have taken on many

other pension plans that they neglected while they were in power. And this is the first government that is addressing those issues and those gaps that have been created by policies of the members opposite.

**Mr. Cullen:** Well, Mr. Speaker, I'm going to table today, for the minister's reference, the fact that COLA was paid up till 1999, full COLA, and it has never been paid since that time. I am going to table that for the minister.

Now, Mr. Speaker, this is this government's third attempt at trying to balance budget legislation, which protects their salaries. Finally, we get a bill to committee last night, and this is obviously their priority. And I want to quote from a submission made by Richard Benoit, the president of the Retired Teachers' Association. And in his submission he says: RTAM feels that this legislation, Bill 31, serves to alleviate the challenges faced by Cabinet members, while not dealing with the COLA problem faced by RTAM members. Bill 45, passed in 2008, has still not fixed our COLA problem.

I ask the minister responsible: Why is the priority of this government to protect their own salaries at the same time leave retired teachers high and dry?

**Hon. Nancy Allan (Minister of Education):** Well, I'd like to thank the members for the question, and I'd like to thank the retired teachers' organization for being in the gallery today. I had a very good meeting with them this year, just a few months ago, and I'm sure that we can look forward to a very collegial working relationship as we make pensions for retired teachers better.

I think it's important that members of the opposition understand that if it wasn't for our government—if it wasn't for our government, Mr. Speaker, there may not be any pensions for our teachers, our retired teachers or our civil servants because of the unfunded liability that we discovered when we became government in 1999. It was an issue that had been there for many, many years, and we've moved on that issue and put—

**Mr. Speaker:** Order.

**Mr. Cullen:** Now, we know the government is serious about protecting their incomes. When are they going to be serious about the incomes of retired teachers?

Mr. Speaker, if the minister would have read the report, the TRAF report released last week, she will

understand the dire straits the fund is in. If the fund is facing its largest deficit either, the report signals to government there's going to be tough decisions ahead. The report says they have two options to put forward: either an increase in contribution or a decrease in benefits.

Will the minister explain her position to the retired teachers in the gallery today? What is she going to do about it?

**Ms. Allan:** Well, it's obvious that they read that report that was tabled last week in the House and cherry-picked the information out of it that they wanted to cherry-pick. The good news in that report is that the investment portfolio has increased by double digits this year, so we're very pleased about that.

We're also very pleased that the COLA that the teachers will be—retired teachers will be receiving as of the July the first of this year, is .80 percent; that is almost two-thirds of COLA. And, actually, that—it's quite interesting, that's what the Leader of the Opposition (Mr. McFadyen) promised the teachers. He said he would promise them two-thirds COLA, so we're actually implementing Tory policy.

### **Bill 31** **Retroactive Taxation**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, last night at committee for Bill 31 we heard from a well-respected tax lawyer in our community, Mr. Cy Fien, about the fact that this NDP government, in Bill 31, plans to retroactively tax Manitobans back 18 years.

Well, Mr. Speaker, we know that they have a spending problem. We know that they are obsessed with the 1990s, but, seriously, retroactively taxing hardworking Manitobans back 18 years, will they stop at nothing to feed their spending habit? What's next? Do they plan to then retroactively increase income taxes for Manitobans in this province? What's next?

**Hon. Rosann Wowchuk (Minister of Finance):** Well, Mr. Speaker, I'd like to inform the member opposite that the change we are correcting here is a change that the Tories made when they were in power. When the Tories were in power they had—this is a provision that they made, enacted in 1996, which was designed to address the interprovincial tax planning scheme known as the Québec shuffle. The government of the day enacted the provision to

protect Manitoba's income tax and made the measure retroactive to 1929.

This amendment that we are making is only clarified. It is not a new tax. We are clarifying a change that the members opposite made in 1996, and I would encourage the member opposite to do her homework.

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

**Mr. Speaker:** Order. I can't hear you.

**Ms. Wowchuk:** This is not a new tax.

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

**Mr. Speaker:** Order. I want to remind members that—order. I need to remind members that I need to hear every question and answer because we've had some examples—order—we've had some examples of breaches of rules that I was not able to hear and I'm asking the co-operation of members because if there's a breach of a rule or a departure from our practices, you will expect me to make a ruling on it—order—and you would expect me to make a ruling, which is the rightful thing to do, but I need to be able to hear the questions and the answers in case there is a departure from our rules or practice. I'm asking the co-operation of all honourable members.

**Mrs. Stefanson:** The only people taking us back to the 1990s are members opposite and they want to tax us all the way back. It's outrageous. If they knew about this way back when, when they first came into government 11 years ago, they could've enacted the change then but they didn't. Now fast forward 11 years and they want to retroactively tax Manitobans back 18 years. It's outrageous. Mr. Speaker,

Mr. Fien, in his presentation at Bill 31 committee last night, indicated that this 18-year retroactive tax could cost Manitobans, and I quote: tens of millions of dollars, Mr. Speaker.

Is this government so intent on feeding their spending problem that they are willing to stop at nothing to feed this spending habit? Why are they now introducing legislation to retroactively tax Manitobans back 18 years? Mr. Speaker, won't they just admit that they've got a spending addiction and that they will stop at nothing to feed it.

**Ms. Wowchuk:** Again, Mr. Speaker, I will tell the member that this amendment is only clarification. It is not—it is not—and I repeat again, it is not a new tax. The changes—the 2010 changes removes ambiguity

so that all taxpayers are treated equally under the provision. It keeps retroactive—it's kept retroactive to ensure taxpayers to which are—to ensure taxpayers to which it applies in past years and to whom it will apply in future years are treated the same.

So, again, I say to the member, I would ask her to read the book that we provided her with on the line-by-line explanation in which it says that this is not a new tax, it is a clarification of a law, a tax that the previous administration put in place in 1996.

**Mrs. Stefanson:** Mr. Speaker, I will take the advice of tax lawyers, professional tax lawyers in our province on this piece of legislation over this Minister of Finance any day.

Mr. Speaker, the NDP government has already proven to Manitobans that if they can't live within the laws of our province they simply change them. They have done it three times with balanced budget legislation alone. Now, in order to feed their spending addiction further, they are turning to retroactively taxing Manitobans back 18 years in order to add tens of millions of dollars to their spending pot.

Mr. Speaker, will they agree to reverse this decision to make this tax retroactive for 18 years? Will they do the right thing and take—and do this?

**Ms. Wowchuk:** Well, Mr. Speaker, the members opposite will say anything if they think they're going to get ahead.

Mr. Speaker, first of all, they ask on teachers' pensions, when we know full well—

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

\* (14:00)

**Mr. Speaker:** Order. I just kindly ask the members if we could have a little decorum here. Order. Let's have a little decorum, please. We need to be able to hear the questions and the answers. Okay? Let's have some decorum.

**Ms. Wowchuk:** Members opposite, Mr. Speaker, will say anything for a headline.

First, they ask about teachers' pensions when we know full well when we were putting the \$1.5 billion into the fund, Mr. Speaker, members opposite voted against it. Members opposite did nothing on teachers' pensions when they were in power and that's why there are the challenges that there is. Thank goodness the fund is performing better and there will be better opportunities to provide a better pension for teachers.

Mr. Speaker, but, again, I say to the member, read your briefing book. This is a clarification. This is not a new tax.

### **Donwood Manor Sewer Maintenance Concerns**

**Mrs. Bonnie Mitchelson (River East):** Issues have been raised with the Department of Housing regarding Donwood Manor's problems with their sewer system, their sump pit and their weeping tile blockage as far back as 2005, with no action taken by the department.

Mr. Speaker, sewage backup this past weekend saw the elevators shut down, the water shut off, and many seniors occupying the eight floors of this seniors complex were severely inconvenienced. Manitoba Housing, almost a week later, has not even been out to assess the situation or the damages.

Mr. Speaker, why are Manitoba's seniors in Manitoba Housing not a priority for this government?

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** Well, Mr. Speaker, I remind the House, of course, that seniors are a priority, not only generally in all policy areas, but when it comes to Manitoba Housing, we've seen the development of many enhancements, reinvestments in seniors housing and, indeed, the development of new seniors housing, many in ridings of members opposite. So we are working hard to make sure that seniors have a place, low-income housing options available, and we will continue to do that.

In terms of the questions around Donwood, Mr. Speaker, we certainly will ask the department for accountability and what their action plan is.

**Mrs. Mitchelson:** But we'll have to send that answer out to the seniors that lived on the eighth floor and had to walk down eight floors to go to the bathroom.

Mr. Speaker, even though the basement has been cleaned and is dry now, there's lots of water under the floor and there are serious concerns about shifting and structural damage. Donwood Manor has called in structural engineers to assess the situation.

Will all of the costs associated with this be covered and will the report that's produced by the engineers be acted on immediately?

**Mr. Mackintosh:** Well, as I said earlier, Mr. Speaker, we'll ensure that there's swift action. If there

is outstanding issues that have to be addressed, that is a priority.

**Mrs. Mitchelson:** That's a priority five years after the department was notified, Mr. Speaker.

Mr. Speaker, many other unforeseen costs have been incurred by Donwood Manor as a result of Manitoba Housing ignoring the sewer issues for far too long.

Will all of the additional operating costs associated with this disaster be covered by Manitoba Housing, because, Mr. Speaker, Donwood Manor should not have to use their ongoing operating dollars to cover the costs for damages that this government ignored for five years?

**Mr. Mackintosh:** It's my understanding, then, that Donwood Manor is, in fact, an independent operation, Mr. Speaker. It's owned and operated by a board and we'll certainly make sure that there are the proper liaison methods in place. If it's direct Manitoba Housing, we'll take direct action.

#### **Diagnostic Services Manitoba Mismanagement Allegations Review**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, last year this Minister of Health ignored serious concerns that were raised by the DSM lab personnel. Finally, a whistle-blower was forced to go public with his concerns about patient safety, mistreatment of staff and financial abuse. This Minister of Health has tried to diminish his concerns, and the report into the allegations was nothing more than a whitewash.

The latest report that we've heard of—the College of Physicians and Surgeons put out a report and it raises some very, very serious concerns.

I'd like to ask the Minister of Health: Is she going to turn her back on this report as well?

**Hon. Theresa Oswald (Minister of Health):** Well, Mr. Speaker, again, the member opposite's definition of me turning my back on an issue is calling for an independent review three days after the complainant raised issues last spring.

Further, I can say to the member, we know, of course, that the Manitoba Quality Assurance Program accredited by the College of Physicians and Surgeons in Manitoba, MANQAP, as it's come to be known—we indeed have tripled our funding to the college so that MANQAP is actually able now to do

10 times as many inspections of labs than they could do in 1999. That sounds like commitment to me.

**Mrs. Driedger:** Mr. Speaker, the College of Physicians and Surgeons latest lab inspection report reveals that 85 percent of Manitoba's labs aren't able to meet expectations because of shortages of staff.

I'd like to table for this House the FIPPAAs which show that between 2007 and 2009, \$1.4 million in overtime was paid out. Mr. Speaker, this speaks to a very, very serious shortage in the labs, and because of this, timely testing of lab specimens will almost be impossible.

I'd like to ask the Minister of Health to tell us: Was there a backlog of almost 12,000 specimens for the Health Sciences Centre, St. B, and Westman a few weeks ago, and if so, how has this affected turnaround times?

**Ms. Oswald:** Well, Mr. Speaker, again, the member makes the point that turnaround times are measured by Diagnostic Services Manitoba, and they are monitored very carefully. And as we've said in the House before, in the very few occasions where turnaround times are inappropriately long, we will send tests out of the province, not an ideal situation, admittedly, but we will do that to minimize turnaround times.

This, incidentally, stands in stark contrast, Mr. Speaker. When radiation therapy wait times were dangerously long at six weeks, members opposite refused to send people out of town, out of the province, because they said it was, and I'm quoting here, not pragmatic. Tell that to somebody that's dealing with cancer. We turned that ship around. We have the best—shortest wait time in the country today for radiation therapy, and we're continuing to work on our turnaround times for pathology tests ensuring that patient safety is paramount.

**Mrs. Driedger:** Mr. Speaker, the minister chose not to answer that question specifically. Critical incidents over the last two years show some alarming errors are already occurring in our labs. Two patients with cancer had their cancer-care treatment delayed, likely because of slow results. A serious misdiagnosis of an ovarian tumour may have resulted in a poor prognosis.

The death of a patient was investigated a year ago to see if a delay in the giving of blood was the cause of death. Pathology examples from the Interlake have gone missing. These are just a few of the critical incidents over the last few years.

So, I'd like to ask this Minister of Health: How can she possibly downplay what is happening in our labs when there obviously is compromised patient care already occurring?

**Ms. Oswald:** Mr. Speaker, when allegations were brought forward concerning specific tests, an independent review was launched.

When we came into office we reviewed the issue and the importance of discussing critical incidents and brought in legislation that entrenches in law the investigation of critical incidents. Members opposite never did that.

The member opposite talks about shortages for medical technologists—*[interjection]* Well, I can hear the member from Brandon West chirping from his seat, making no mention of the fact that we are rebuilding the Westman Lab, something that members opposite never ever did, not to mention the hospital.

\* (14:10)

#### **Waste-Water Treatment Facilities (Winnipeg) Nitrogen Removal**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the Premier is still uneducated on the issue of nitrogen removal from Winnipeg sewage.

First, the Premier said nitrogen must be removed to save beluga whales, and recently the Premier has said that we must spend half a billion dollars to remove ammonia, and this is nonsense too.

I table today scientific reports which show that modifications to Winnipeg's existing North End treatment plant are already removing ammonia to the required levels. The Premier's out of his league here, and he's ignorant, and it's going to cost Winnipeggers half a billion dollars.

Will the Premier today abandon his requirement for the City of Winnipeg to remove nitrogen now when there is evidence that it's not needed?

**Mr. Speaker:** Order. I think, in this House, that all members are honourable. I think we should pick our words a little carefully. I don't think the word "ignorant" belongs in this Chamber. I think there's other words that could be used for maybe not knowing or understanding facts of issues, but I don't think that's a very parliamentary word to be using. There's other words that are—that could be used by all honourable members, because all members in here

are honourable members, and I'd pick my words carefully.

**Hon. Greg Selinger (Premier):** Yes, thank you, Mr. Speaker. We have a Clean Environment Commission which has reviewed this matter at least twice, is doing further work on it. They have made it very clear that there are some technologies that do a better job on both phosphates, ammonia, as well as nitrogen. That is the biological nutrient removal system which is in place in Brandon and virtually all jurisdictions to the west of us in western Canada. That's the preferred method for treating waste water in their jurisdictions. That is the method that the Clean Environment Commission has recommended here. It allows for superior treatment of both phosphorus and ammonia, and gives the option of looking at what can be done with nitrogen as well.

The Clean Environment Commission, in addition, has made it very clear that there are broader issues other than the specific algae that is impacted by nitrogen. There are other algaes and other forms of biodiversity that have to be protected in Lake Winnipeg. And we want to ensure that our third of the money that will go to funding this gets the maximum benefit for Manitobans so that they can enjoy that lake and ensure that it is a healthy lake for all to benefit from.

**Mr. Gerrard:** Mr. Speaker, the City of Winnipeg has approved a contract for upgrades at the sewage treatment facilities with Veolia Canada, and yet the Premier's poor knowledge of this area is resulting in delays in getting a firm decision to proceed without having to spend the extra wasteful half a billion dollars.

The Premier, if he thinks that there's some other organisms affected by nitrogen, should name them because it's very clear from the science done to date that you don't need to remove nitrogen. And everything that the Premier has grasped at to date—the beluga whales, the ammonia—it doesn't work. It's not an excuse. You don't need to spend that half a billion dollars. Why don't you make the decision now to proceed without wasting half a billion dollars?

**Mr. Selinger:** Mr. Speaker, this is an important scientific debate and it is one that the Clean Environment Commission has canvassed very thoroughly. And experts in the field, such as Peter Leavitt, has said, the cost to upgrade the wastewater treatment plants of the City of Winnipeg are largely fixed by the unavoidable need to meet federal regulation requiring the release of ammonia. He has

indicated that biological nutrient removal is a preferred technology not only for nitrogen and ammonia but also for phosphorus.

We want to ensure that when we put our third commitment to that, which we have done on projects up to date, which we have done in Brandon, Manitoba, where they are using biological nutrient removal. And this same technology is being employed in other jurisdictions in western Canada without controversy, with excellent results for the removal of all forms of ammonia, phosphorus and nitrogen which can threaten the long-term viability of those specific waters.

We want to ensure that Lake Winnipeg is there not just for today, but for many generations to come, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, the Premier is grasping at straws in order to try and spend a half a billion dollars extra money. The reality is—as it's very clear in the figure in this paper—that the City of Winnipeg has already worked out the process to remove ammonia and it doesn't require BNR. It doesn't require the expenditure of half a billion dollars. The facts are very clear. The Premier is grasping at straws to take a ridiculous position that Manitoba taxpayers should waste a half a billion dollars.

When will the Premier come to his senses? When will we get a decision by this Premier that you don't need to waste this half a billion dollars?

**Mr. Selinger:** Mr. Speaker, we take our advice from the clean 'envire' commission, which does a very thorough study of these matters. They employ and engage expert advice on these matters, scientific advice, and that advice is used to formulate their policy recommendations. That's why we put that body in place. That's why we follow their recommendations. They have looked at it twice. They have recommended biological nutrient removal as a preferred technology. If further information is submitted by the City that gives them confidence that the public policy objectives can be met, that will ensure Lake Winnipeg does not become further eutrophied, does not become further endangered by the wastes that are going into that, they will tell us that. We will take our advice from them, not cheap shots from the member opposite.

### Manitoba Access Awareness Week Events

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, May 30th to June 5th, 2010 has been proclaimed

Manitoba Access Awareness Week in an effort to raise awareness of barriers and opportunities for individuals with disabilities.

Would the Minister responsible for the Persons with Disabilities please inform the House how her department is working to recognize individuals who provide leadership in making Manitoba an inclusive society?

**Hon. Jennifer Howard (Minister responsible for Persons with Disabilities):** I want to thank the member for that question. It's been a great week.

Manitoba Access Awareness Week kicked off on Sunday at The Forks with a great performance by the Scott Tones. We had at the Independent Living Resource Centre day-long training and the release of a DVD that was funded by Infrastructure and Transportation on disaster assistance for people with disabilities and how they, too, could be safe in the event of a disaster. And today we handed out awards to members of the community who've taken a leadership role in accessibility, and I want to tell the House who those folks were: Doris Koop and Clare Simpson as volunteers; Premier Personnel and Word Vision Captioning and CART Services as businesses; and Suzanne Slagerman, who works in the Department of Justice, on making things accessible.

I invite members here to celebrate and take a look at some of the great art that's on display in the basement by people with disabilities.

### La Broquerie Auditor General's Report

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, the Public Accounts Committee recently revisited the Auditor General's report on the Rural Municipality of La Broquerie. This report made a number of recommendations for both the municipalities—the municipality and the Province in order to prevent similar situations from occurring in the future.

Mr. Speaker, my question is to the Minister of Local Government: Who is responsible for ensuring the Auditor General's recommendations are implemented and what are the penalties if those recommendations are not implemented?

**Hon. Ron Lemieux (Minister of Local Government):** We are implementing all five of the Auditor's recommendations from the special audit of the R.M. of La Broquerie, Mr. Speaker, and we're very pleased to work with the R.M. of La Broquerie,

as well as many other municipalities in the province of Manitoba to ensure that they're following all the guidelines.

**Mr. Speaker:** Time for oral questions has expired.

## MEMBERS' STATEMENTS

### International Trails Day

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, immersing oneself in green space and the beautiful outdoors can greatly improve our health, disposition and overall well-being. We are lucky here in Manitoba as our province is rife with lush vegetation, varied fauna and refreshing lakes and streams all within easy access of many trails.

June 5th, 2010, marks International Trails Day in Manitoba, and it is a perfect time to go out and enjoy the green bounties of our province in their natural environment. If time is of limitation, we don't have to venture far into the country to experience Manitoba's great outdoors.

St. Norbert Heritage Trails in my constituency provide a wonderful chance to take in some fresh air and enjoy one of Manitoba's most historic sites, the birthplace of our province and home for many unique communities along the ages from several First Nations, the Métis people to the Trappist monks. St. Norbert includes seven distinctive trails that are designed for four core activities: walking, cycling, cross-country skiing and canoeing.

\* (14:20)

International Trails Day is a cause near to my and dear to my heart. On May 19, 2005, the Manitoba Legislative Assembly unanimously passed a private member's resolution that I introduced on the Trans Canada walking trail.

As a graduate of the physical education program at the University of Manitoba, I strongly advocate for the benefits of increased physical activity. I would like to encourage all my constituents to embrace our provincial trails and increase their level of physical activity this upcoming weekend. With our reserves of natural gas ever depleting and damaging our land, taking a bicycle on one of Manitoba's many trails is a triple saving for your health, for the environment and for your bank account. It also allows us to experience nature in its purest and simplest forms.

Happy Trails Day to everyone.

### Manitoba Access Awareness Week

**Mrs. Bonnie Mitchelson (River East):** I am pleased to rise today to recognize May 30th to June 5th as Manitoba Access Awareness Week. Access Awareness Week provides an opportunity to generate awareness of the barriers that individuals with disabilities face on a daily basis. By promoting awareness, we can encourage the removal of these barriers and allow for full participation in society. Access Awareness Week is a celebration of individuals with disabilities and their accomplishments, as well as the organizations that work to promote a more inclusive and accessible society.

On March 11, 2010, the Government of Canada officially ratified the United Nations Convention on the Rights of Persons with Disabilities. Encouraging increased access is one way we can contribute to making this convention a reality. Throughout the week, activities planned will increase the awareness around issues that people with disabilities encounter, such as a presentation on accessible transportation organized by the Independent Living Resource Centre, Manitoba Deaf-Blind Association's booster night and fundraiser. The Manitoba League for Persons with Disabilities will hold its annual general meeting and reflect on the year ahead.

We have made great strides in promoting the rights of persons with disabilities, but there's still a long way to go before we truly achieve an integrated and accessible society.

Today in Canada there are 4.4 million people living with disabilities, about 14.3 percent of the population. As the number of people with disabilities continues to rise, it is important to ensure that they are part of an inclusive and accessible society.

I want to congratulate all the people and organizations who work to put on the activities as part of Access Awareness Week. Awareness is the first step towards a truly integrated community. Thank you, Mr. Speaker.

### École Howden

**Mr. Bidhu Jha (Radisson):** Yesterday I had a wonderful morning with a great bit of walking and talking with a group of students from École Howden, a French immersion elementary school in my constituency. As this is the annual commuter challenge, 60 students from kindergarten to grade 6 formed a walking school bus which took us from Niakwa Community Centre to the school. The

concept of walking school bus has caught on in the other cities and is being considered across our province. Parents and caregivers contribute by volunteering in turns to lead the students from their homes and along a designated safe route to the school each morning.

The concept complements an initiative of Resource Conservation of Manitoba, called Active and Safe Routes to School known as ASRTS. The program encourages the use of active transportation, walking or cycling, to go to the school. As I pointed out to the students, there are many benefits to active transportation, including increased physical activity for kids and parents; less traffic congestion around the schools; safer, calmer neighbourhoods; and improved air quality.

Active transportation has always been a point of pride in many, many families, including my own. In medical school, my son, Dr. Prabhat Jha, would take—ride his bicycle to his campus. And, of course, it is with great pleasure and pride that I say our Premier (Selinger) has been walking or biking from his home to this building.

In closing, I would like to thank all the students and staff at École Howden for their participation in the walk yesterday. A special thank you is extended to Monsieur Roland Marion and Monsieur Gerry Noonan for their help in organizing the event. Parents and teachers of this community school deserve a big applause, Mr. Speaker. Thank you.

#### Neepawa Area Collegiate Institute Life Skills Class

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, it is fitting during Manitoba Access Awareness Week I highlight the Neepawa Area Collegiate Institute life skills class for the work they are doing to ensure the students of the program are able to live a full and integrated life. The NACI life skills class began in the 1980s as a program to equip students who have special needs with the skills that they need to live independently in the community. The class involves skills such as cooking, grocery shopping and interacting with the community.

The life skills program in NACI is a unique program in the province of Manitoba. It has drawn a number of school divisions to tour the classroom and hopes to bring in the program to other schools.

NACI has also attracted families to move to the area. One family moved from Thompson to Neepawa so that their son could be part of the life skills

program. Communication is an important part of the NACI program. Teaching the students to communicate with others allows them to gain confidence and interact with their community.

Technology can often be used to assist communication. The students use pods, which group together pictures and symbols, to help others understand them. Teachers have seen the students' confidence grow as they have begun using the pods.

The program is also hoping to purchase a SMART Board for the classroom, which is an interactive white board used in special needs classrooms across the country. In order to raise funds for the SMART Board, the class has put together a cookbook of recipes that the students have used. The class is selling the cookbook for \$10 in order to raise the \$1,500 they need for their portion of the purchase.

I want to congratulate all the program staff for their ongoing work with the life skills program, and I wish them great success in their fundraiser. Thank you.

#### National Cancer Survivors Day

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, cancer is an insidious disease that does not discriminate among people of different ages, ethnicities or beliefs. It is among the most devastating diagnoses any individual can receive, and it challenges sufferers and families alike to remain optimistic during their darkest moments and in the face of difficult treatments and drastic lifestyle changes. It is among the most widespread illnesses around the globe, and I suspect there are very few among us who have not felt its reach.

So, Mr. Speaker, it is with hope that I rise today in recognition of National Cancer Survivors Day, held annually on the first Sunday of June in celebration of all those who have succeeded in battling cancer.

It is a battle not easily won. Fighting this disease on all fronts requires prevention, early detection and treatment, and I am proud of this government's comprehensive response. Manitoba has been recognized for its efforts to reduce the risk by emphasizing healthy choices, introducing a province-wide voluntary HPV vaccine program and creating timely and accurate screening programs for colorectal, cervical and breast cancers.

Manitoba was the first province in Canada to acquire a Gamma Knife, a non-invasive treatment for cancers and tumours of the brain. We have implemented the shortest-in-Canada wait-time guarantee for radiation therapy and have increased the number of oncologists since 1999. Most recently, construction began on a new, \$24-million CancerCare facility in Brandon, allowing more people to access cancer treatment closer to home.

These investments and the work of dedicated health professionals are paying off with improving cancer survival rates, offering more hope to those affected by cancer. These latest statistics—the latest statistics from the Canadian Cancer Society show that Manitoba has the best survival rate for lung cancer and has seen improvements in survival rates for other cancers, including breast and prostate cancer.

Mr. Speaker, in light of this important day, I invite all members to join me in celebrating life. We must be unified in our belief that cancer is no longer a death sentence. As a cancer survivor myself, I know that life after a cancer diagnosis is not only possible, but can be a positive, full and meaningful experience. Thank you.

### Introduction of Guests

**Mr. Speaker:** Before moving on, I'd like to draw the attention of honourable members to the public gallery where we have with us from J.R. Walkof Elementary School, we have 90 grade 4 students under the direction of Ms. Erin Pethybridge. The school is located in the constituency of the honourable member for Pembina (Mr. Dyck).

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

### ORDERS OF THE DAY

(Continued)

### GOVERNMENT BUSINESS

#### House Business

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

**Hon. Bill Blaikie (Government House Leader):** The business of the House today will be debate on the Opposition Day motion brought forward by the honourable member from Steinbach.

**Mr. Speaker:** Okay, orders of the day, we will be dealing with Opposition Day motion.

\* (14:30)

### OPPOSITION DAY MOTION

**Mr. Kelvin Goertzen (Steinbach):** I would move, seconded by the member for Lakeside (Mr. Eichler),

THAT the Legislative Assembly of Manitoba urge the Minister of Justice (Mr. Swan) to implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to police and that the total number of individuals who are in breach of their court orders under the supervision of probation services is reported on a quarterly basis.

**Motion presented.**

**Mr. Goertzen:** Mr. Speaker, you know, in some ways it's a pleasure to rise and in some ways it's not. One would hope that we wouldn't have to bring this sort of a motion into the Legislature to try to get the government to do what I think the vast majority of Manitobans would already assume that they're doing, and that is, being serious with serious offenders, those who have probation orders. And we know from past experience, unfortunately, that there are many, many offenders who are out on our streets today, who have probation orders, who are not adhering to those orders.

And one of the clearest ways that you could increase safety for all Manitobans is ensuring that those orders are enforced, ensuring that there are the resources and the individuals on the streets to enforce those orders. But, of course, here in Manitoba, we see time and time again, when somebody is involved with a serious crime, almost routinely, that individual has had probation orders placed upon them, has had some sort of a court order placed upon them to tell them to stay away from certain areas, to be home at certain times, to avoid associating with certain individuals or to avoid partaking in certain activity. And yet, those court orders are routinely not adhered to, time and time again.

We saw the tragic case of Antonio Lanzellotti, a taxicab driver, a father, a husband, who was killed by a repeat car thief who also had probation orders. And those probation orders were violated not once, not twice, not 10 times, not 15 times, not 18 times, not 20 times, but 24 times those probation orders were violated. And yet, they were not reported, even though the department that the minister is responsible for, the Minister of Justice (Mr. Swan), knew about these violations, those probation

breaches were not reported to police to give the opportunity to police officers to bring an individual in who has been shown to be high risk. And we found out through that tragic case that, in fact, in the Department of Justice, it is a routine procedure, under this NDP government, not to report breaches even for high-risk offences and high-risk offenders.

And I believe, and I think many Manitobans believe, that Mr. Lanzellotti might still be here today with his family, with his wife and with his children, if, in fact, it had been reported to police. At its very least, it would have given the police the opportunity to go and find this high-risk car thief before he was rocketing down Portage Avenue, before he came into contact with Mr. Lanzellotti's taxicab, and before an innocent life was taken.

But that opportunity was never given because of the way that the NDP department is run by this Minister of Justice (Mr. Swan) and his predecessors. They have decided to overlook breaches. They've decided that somebody not following their court order is not a serious thing and not even to report it. In fact, in a court case with—involving the young offender, it was reported by those in the probation department, that it was a routine sort of thing not to report violations, regardless of the risk of the offender.

And so, we have said—we have joined the calls of many, many Manitobans who said this cannot stand. We need to learn from this terrible mistake and how the department is being run by this NDP government, by this Minister of Justice. And so, we need to have a policy to ensure that every time a high-risk offender is breaching a probation order, it's reported to police, to give our police, our men and women on the street, a chance to bring this—some individual into justice, off of the street.

And, you know, we should look at a breach of a probation order or a court order as a warning. It's the clearest warning that an individual is not intent on following the order that has been placed upon them. It's the clearest warning that an individual is going to continue a life of crime and is going to continue to cause more people to be victimized. And to ignore that warning, to ignore it over and over again, in the case of a high-risk offender, is absolutely unbelievable and there is no justifiable reason for it. And I defy the Minister of Justice to stand up and give a logical reason why there should've been 24 breaches in place and yet it's still not reported to police. I don't believe he can give that logical reason.

And so we have to bring the motion forward today, unfortunately, to try to shame the government into doing what they should have been doing all along, and that is protecting the public. We have to bring the motion forward to shame them into doing what Manitobans would already have been expecting them to be doing over the last number of years. We had to bring the motion forward to shame this Minister of Justice, who, when this issue came to light, publicly acknowledged that one of his strategies of dealing with high-risk offenders is to give them Slurpees, to give them baseball tickets, to give them other treats and rewards. We've heard that high-risk car thieves have received electronics, have received articles of clothing, Mr. Speaker, all because that is what this Minister of Justice's philosophy is. He believes simply in giving chance after chance after chance and if that causes more victims, if that causes an individual to be victimized, well, then, so be it, because he is going to continue to have that approach, to not be tough on individuals who've already, through their own actions, said that they have no intention of following a legal path and of following a path of keeping an orderly society.

And so we have to, then, bring this motion forward. In fact, the Minister of Justice indicated that he is going to be providing a list of all of the expenditures that have been put out by probation officers. We await that list eagerly. It seems to be taking weeks and weeks for him to put it together. So I wonder how long and how intensive that list must be, or if he's just simply trying to run out the clock so that it doesn't become public during this legislative session. We'll see how long it takes to get that particular list, but he made that commitment to the public and we will ensure that he honours that commitment to the people of Manitoba.

This motion would ensure that every time somebody who's a high-risk individual and deemed high risk by the probation system, that when a breach happens, that it would be reported. And I know the minister will talk about, well, if somebody's a minute late for school, or this and that. He knows, as well as I do, that those breaches are never entered as breaches and only when an individual has done something significant outside of their order is a breach ever registered. And, when that breach is put in place, it then has to be reported to police.

You know, we often talk about the good work that our police officers do. I think the minister has said that in the past, himself. I've heard him say it outside of this House, and we obviously agree that

our men and women on the street, whether they're municipal police forces in Winnipeg or RCMP throughout the province, do good work, but if you don't allow them to do their job, if you don't report the breaches, if you don't ensure that they have the information, then how are they going to do the job to protect the public?

We, also, in this motion, want the minister to report the number of breaches who—that have been entered on a quarterly basis, to give some assurance to Manitobans that this problem is being dealt with in a transparent way, and that things may be getting better and not worse. We know, when talking to probation officers, that this information is available to each individual probation officer and all that it would take would be the collating of the information on a quarterly basis, to have the probation officers send in the number of breaches that they, individually, are responsible for so that it could be reported publicly. And then, and only then, could we see if the problem is getting worse or if it's getting better.

But this minister hides from transparency. He hides from accountability, and the violent crime rate continues to go up as a result of that poor attitude and how you deal with justice in the province of Manitoba.

\* (14:40)

So we look forward to the government passing this resolution, to see if they've learnt their lesson from handing out Slurpees to car thieves, to see if they've learnt their lesson of handing out baseball tickets to high-risk offenders, to see if, for the sake of Mr. Lanzellotti and his family, some change can happen that'll be good for the province of Manitoba and for all those who want to be safe on our streets.

Please ensure, Mr. Minister, and members of the government, that this is passed on behalf of the family and other victims who, unfortunately, should never have been victimized as a result of policies under this NDP government.

**Mr. Speaker:** The honourable Attorney General. [*interjection*] Can I just entertain House business first? We just have some House business to deal with.

### House Business

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

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, thank you very much, Mr. Speaker, on House business.

And I, too, on behalf of our Progressive Conservative caucus, Mr. Speaker, we wish you well in the coming months, and our hearts and minds will be with you, and we hope and pray for your speedy recovery from your upcoming surgery, and we hope that you come back fully recovered.

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**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, and, obviously, I second those comments from the member for Lac du Bonnet (Mr. Hawranik), as I'm sure everybody in this House does.

I'm pleased to be able to speak to this motion and, indeed, I'm actually quite optimistic that it now appears the member for Steinbach (Mr. Goertzen) is beginning to catch up to what we're doing on this side of the House, and I think it's a really positive day.

It was just a couple of weeks ago that the member for Steinbach, for, I think the first time put on the record that criminal law is made by the federal government, and I think that it's a positive move forward, and now I am very glad to be able to stand up and speak about the efforts that we make when dealing with high-risk offenders. And it's a pleasure this afternoon to be able to talk about how the processes work and to talk about some of the ways in which we are taking great steps to move ahead to make sure that high-risk offenders are dealt with in the most serious way when there are breaches.

So I'm glad that the member opposite has raised this as an issue, and I'm going to be pleased to tell him a little bit about what we're doing as a government, the investments that we've made, and I expect now the member for Steinbach will now be in support of these measures, as opposed to voting against them, as he and his colleagues have, time and time again.

But let me just begin by putting a few facts on the record about breaches and how they occur. Probation orders, of course, are imposed by the court. They're imposed generally under the Criminal Code of Canada or they're imposed under the Youth Criminal Justice Act, another federal act, and judges may release people into the community whether on bail or as a condition of their sentence, and, in that case, it's then up to Probation Services, working with

police, working with the Crowns, working with courts, to enforce compliance with those provisions.

A breach of a condition contained in an order is, in fact, a new charge. It's a new charge under section 733.1 of the Criminal Code or section 137 of the Youth Criminal Justice Act, and, of course, as a result, prior to proceeding with a breach, probation officers have the duty and the obligation to ensure there's sufficient evidence to sustain the charge. And I support probation officers in doing that, and I expect, actually, as the member for Steinbach (Mr. Goertzen) goes down his path of learning, I expect he does as well.

I want this House to know that the supervision of high-risk offenders is a significant part of the role of Probation Services and, as we continue to improve systems, we're doing a better and better job of targeting our resources, targeting our efforts to those high-risk offenders who are the biggest concern for our system.

There's many programs and I'm quite prepared to talk about them. There's programs like Spotlight, which deal with young offenders who have gotten in trouble with the law, to make sure not only that there is the threat and the hand of justice but also that there be services to support those youth and their families to prevent them from reoffending, which I do believe, Mr. Speaker, is the goal.

I want to talk about the Criminal Organization and High Risk Offender Unit. The Province works with the Winnipeg Police Service, works with the RCMP, works with our stakeholders, to make sure that high-risk individuals are identified and there are measures in place. And there's two strategies, in particular, that I think need to be highlighted. The first is the Winnipeg Auto Theft Suppression Strategy or WATSS.

Starting in 1992, the level of car theft in this province continued to rise unacceptably, and it's only been in the past five years, through major initiatives of this government, of Manitoba Public Insurance, of work by the Crown attorneys, by work by our police officers, that we have dramatically reduced car theft in the province of Manitoba. Car thefts in Winnipeg are down more than 75 percent from where they were just five years ago, and, in fact, we have lowered the rate of car theft all the way back to where it was in 1992.

And that's been done through suppression strategies, through monitoring of high-risk offenders,

so that when high-risk offenders breach their conditions, there's a swift and an immediate impact. *[interjection]*

The members opposite are now starting to chatter. I know the member for Russell (Mr. Derkach) will have a chance to speak. I wish he would listen and learn something, but, apparently, you can't teach old dogs new tricks, so I'll just continue on with my comments.

The—one of the other strategies, Mr. Speaker, is the gang response and suppression strategy, or GRASP. Now, I know the member from Russell doesn't respect the work that police officers do, but I do, and I'm very pleased that my government has invested resources to work with the City of Winnipeg police, and what do they do? They target high-risk offenders. If there are violations of the orders, there are protocols in place, there's resources given to the police so that there is an immediate response when there is a violation of a bail condition or a sentencing provision. And that's been very successful. *[interjection]*

And, indeed, I hear the members chattering. I expect they're looking for us to put more resources into those units, so next year, if indeed we do that, I will expect to see the member for Steinbach (Mr. Goertzen), the member for Russell and every other member in that side standing up and actually supporting our police officers, supporting our probation officers, supporting our justice system, and supporting safety in the city of Winnipeg and in the province of Manitoba. But, Mr. Speaker, we'll see. We'll see what happens.

Now, Corrections has very good systems in place to assess the level of risk. The motion that's in front of the House today talks about high-risk offenders. Well, high-risk offenders aren't determined by throwing darts at a dartboard. High-risk offenders are determined through very, very sophisticated techniques that are used by probation services in terms of dealing with the type of crime that's been committed, whether there's reoffences and, as well, many of the background factors which affect the offender. And there's a very sophisticated risk assessment which allows correction services to properly assess those individuals and, for high-risk offenders, to put more resources into those individuals.

So I'm glad to see the member for Steinbach now appreciates that. So I'm very glad to see him bringing this motion forward so we can keep talking about

things that we are doing to advance public safety in the province of Manitoba.

And certainly, we respect police officers on this side of the House. That's why we now fund 219 more police officers in the province of Manitoba than were supported back in 1999. *[interjection]* And again, there's the members chatting.

And I know the member for Russell (Mr. Derkach) will tell us he has a family member who's a police officer. That's great. I've got a family member who's a police officer. I can go to family dinners in my house and I can say how I've supported more and more police officers across the province each and every year. I don't know if the member for Russell goes to dinner and says, hi, I have opposed each one of those 219 police officers now funded by the government since 1999. It might be an interesting dinner. In fact, maybe I should come up and visit the member for Russell and we'll have dinner and we'll talk about it.

So indeed—so we can also talk about some of the circumstances that result in individuals being out in the community, and, again, I think the member for Steinbach (Mr. Goertzen) gets it. I expect he'll brief his caucus members who may not understand.

Criminal law is actually created by the federal government which sits in Ottawa. And it's quite interesting to note that the federal government has opened up the Youth Criminal Justice Act, and frankly, we support the federal government opening up the Youth Criminal Justice Act.

But I want the member opposite to know—and he should be aware, because I tabled the letter for him—there are some serious concerns with the approach that the government has taken in amending this act. In particular, Mr. Speaker, the proposed legislation would amend the Youth Criminal Justice Act to actually make it easier for young offenders to get bail. I don't think that's what anybody was expecting to have happen. I've let my voice stand with other western Attorneys General and Solicitors General. I expect the member for Steinbach will do the research and will actually agree with us, and perhaps he can also call upon the federal government to improve the amendments they've brought to the Youth Criminal Justice Act.

\* (14:50)

And the member for Russell will one day understand where criminal law is made; that's why I'm putting this on the record today. He can review

*Hansard* at his leisure, when he has an opportunity, and perhaps then he can be more informed when he wishes to chatter from his seat.

As well, we believe that the federal government can continue to make improvements to the system so that there are fewer individuals that are risks to public safety being released on bail or being released on conditions into our community.

And, frankly, Mr. Speaker, we've done a lot to increase the number of probation officers. I've talked about some of these measures to improve the number of curfew checks, to improve the number of times, the number of opportunities there are to find individuals in violation. So, indeed, the more we do, the more those numbers may increase. Now, for example, in the '90s, when the Tories laid off every worker one day a week, I'm sure the number of breaches would go down. They didn't want people on the streets. They didn't want public servants doing their job.

So that's the difference between that side and this side. We do, and I want my probation officers out there doing their job so I am very pleased we're having this discussion this afternoon, Mr. Speaker. Thank you very much.

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, I, too, want to agree with the First Minister and the member from Lac du Bonnet on wishing you well on your upcoming surgery and I know all members of the House certainly do wish you the best.

I want to start off by talking about the motion brought forward by the member from Steinbach and—THAT the Legislative Assembly urge the Minister of Justice to implement a departmental policy to ensure that every breach of court order for a high-risk offender is reported to the police and the total number of individuals who are in breach of their court order under the supervision of probation services is reported on a quarterly basis.

And the Minister of Justice, I was listening quite intently to what he had to say, the member from Minto, and he said that you can't teach an old dog new tricks. Well, I can tell the minister that we certainly have the wisdom from the wise men that certainly came before him. I'm certain he should be paying attention to what these people have to say, and I know he said it tongue in cheek, but I certainly know that we should respect what these people have to say.

What this motion does, in fact, does give us another tool in that box of tools that we need to work with in regards to the hardworking police men and women within this province of Manitoba, and I know that we talked in regards to the breaches of these and we looked at what had happened with some of the transparency that was asked in Estimates and the transparency is missing from this NDP government. When the Premier (Mr. Selinger) was asked how many times probationary breaches had occurred in the last year, he refused to answer it 10 different times. Ten different times, Mr. Speaker.

I find that's something that should be unacceptable from this government, a government that's been in power for some 11 years and can't seem to get it right, and whenever we look at the loss of one life, and if this tool in this toolbox that's been brought forward by the member from Steinbach would save one life, such as this taxi driver who died in 2008 from a individual that had breached his probation 24 different times and would have saved one life, whether it be this individual or another, we've done the right thing in implementing such a motion in this House.

Also, I want to talk about what is in regards to accountability, and whenever we talk about what is important here in this toolbox is to make sure that the police officers, when there is a breach, are notified accordingly. We know the tools are there, you know, and this just gives that final edge where we're able to go ahead and put the final catch on this individual or individuals that have breached that probation. And also, Mr. Speaker, I want to put on the record in regards to these breaches that allows legislatures and the court system and the police service to be in a better position to use information to their benefit in adapting to the respective policies and actions in the field of probations.

So I know, Mr. Speaker, that whenever we look at motions such as this in this House and we bring forward our views on this issue very clearly, I know the Minister of Justice (Mr. Swan) talked about what he thought was a great idea. Some of those ideas obviously are not working. We need to make sure, whenever we talk about things in the House, we look at all possibilities to ensure, in fact, that those tools in that toolbox gives those people the opportunity to be able to serve and do the things they need to do to keep those individuals from doing another crime within the province of Manitoba.

So I know that we have a number of other speakers with this side of the House that want to talk about this particular motion brought forward by the member from Steinbach, so we'll leave it at that.

Thank you, Mr. Speaker.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I join my colleagues in wishing you the very best in the next few days and weeks ahead as you undergo some surgery and, certainly, we wish you a very speedy recovery and a return back to this Chamber when the House resumes.

Mr. Speaker, the Opposition Day motion that has been put on the floor today is a pretty important one. And I guess we can throw barbs at each other across the Chamber here, but, at the end of the day, this is a resolution that I think deserves the attention of legislators and certainly deserves the consideration of this House in order to either pass it, or in some way amend it, or at least adopt it as a resolution that addresses a very, very important problem that I think Manitobans, and especially the city of Winnipeg residents, are facing.

Mr. Speaker, in recent weeks we have seen how a number of violent crimes in this city have taken the lives of innocent people, have affected families and neighbourhoods and, indeed, the city as a whole and our province. And I don't think anybody in this Legislature wants to see this province labelled as the murder capital of Canada, doesn't want to see this province labelled as a high-crime capital of Canada. And I think we as legislators have a responsibility to ensure that, in fact, we don't have that title or at least we don't have it for a long time.

And so, by way of this resolution, Mr. Speaker, we are trying to encourage the government and to, I guess, emphasize that the government must do more. Now, the—I listened to the Minister of Justice (Mr. Swan) speak on this issue, and I think he just really disregards anything that is put on the floor by members opposite. And, although he gives it lip-service in terms of saying, well, you know, I give so and so credit for bringing it forward, actually, in seriousness, he rejects it because he thinks he has all the answers, and he thinks his party has all the answers.

But, Mr. Speaker, I have news for him, and that is that I think it takes the collective effort of all members of this House not only to look at issues seriously like this but, indeed, to work together to a co-operative resolution of issues like this.

And, Mr. Speaker, I think my colleague from Steinbach has put on the floor of this Chamber a number of options for this minister to consider when it comes to violent crime, when it comes to offenders who commit violent crimes, who commit serious crimes. And he has, I think, pleaded with the government to at least give some consideration to the motions and the possible solutions. And maybe those solutions have to be amended, but at least the government should have the courage and be able to stand up on its own feet and say, you know, that does make sense. Perhaps we should amend some legislation that would take into account what the members opposite are putting forward, because these solutions are not being put forward on a political basis only. They are being put forward as serious possibilities for trying to avert some of the violent crime that we are experiencing in this province and especially in the city of Winnipeg.

Mr. Speaker, people have to be accountable. People in office must be accountable for the decisions that they make. And this is where we look at the Minister of Justice (Mr. Swan) and the Premier (Mr. Selinger) of this province, and we ask them to be more accountable for the decisions that they have been making recently, be more accountable to the citizens of this province.

When you look at individuals like Vince Li, who is about to be released without any parameters in terms of where he could go within that community, and, Mr. Speaker, this is just wrong. And what are we waiting for? The minister doesn't seem to have the intestinal fortitude to be able to stand up here and say, we will not allow this individual to be released without either being released into an area which is confined, where he perhaps can get some fresh air and some exercise in a confined area but, indeed, he will not ever be allowed to wander without any restraints of any kind in a community because this crime only happened a couple of years ago. And the nature of this crime was so violent and it would repulse any individual who knows anything about the crime to see this individual on the streets without any kind of restraints and without any kind of supervision.

\* (15:00)

Mr. Speaker, that's what we're calling on this government to do, is to become more accountable, to perhaps become more involved. And, you know, I have listened and I have watched the member from Steinbach bring issues up in the House. And, yes, he

brought the issue about, you know, probation officers providing things like Slurpees and baseball tickets. Those are not any kind of deterrents that will, you know, dissuade those individuals from committing further crimes. They are almost reinforcements. How do you reinforce a child when a child has done something well? You reinforce him with a gift or you reinforce him with some incentive. Well, that's exactly what the minister was doing or what his probation officers were doing to these individuals who were breaking probation orders, not once, not twice, but many times.

And we saw the end result of that, Mr. Speaker, when the individual who was on probation and refused to report to his probation officer, broke probation officer laws, in terms of reporting, 24 times. And what was the end result of that? The end result of that was that an innocent Manitoban died at the hands of this individual. And so we're calling on this government to take it more seriously. When repeat offenders are put on probation who have to report, it is incumbent upon a minister to ensure that his officials make it mandatory for these individuals to report or else they will go back behind bars.

And, Mr. Speaker, until we get tough with these individuals, we are going to see innocent Manitobans, like Mr. Lanzellotti, give up their lives for no reason at all, because the accountability has to go back to the minister, to the Premier and to this government. And I know—I know exactly what this group of individuals across the way who form government today, if they were in opposition and an incident like this occurred, I know exactly what they would be doing. I remember the now Minister of Housing who was sitting in the seat where the minister of Brandon West is sitting today—*[interjection]*—or Family Services, I'm sorry, I was corrected—when he was Justice critic.

He would get out of his seat and he would walk down to the Chamber floor here and point his finger at the government because he was so motivated by issues that he thought we weren't handling properly. And, Mr. Speaker, those are the kinds of antics the government used to engage in when they were in opposition. But today they sit back and they—and when they stand up, they criticized the opposition as though we were responsible for some of the things that are occurring on the streets today.

Well, I remind them that they have now been in government for 11 years, and after 11 years, Mr.

Speaker, they can no longer point at governments of the past and say, it's because of you that things of this nature are happening. They have to take accountability for the issues that are happening today, and they have to be accountable for them, not somebody, whether it's the opposition of 11 years ago, or whether it's the federal government. Yes, there are issues that belong to the federal government, but with issues of this nature, crime issues, those issues belong directly to this Minister of Justice (Mr. Swan) and this government.

And so, Mr. Speaker, I hope that the Chamber today will, indeed, support this resolution that has been brought forward by the member of Steinbach and that we can give approval to this, for the minister to at least consider some of the elements of this resolution and to implement him into his plan of furthering justice in this province and furthering safety of Manitobans and especially the citizens of Winnipeg.

Thank you very much, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** Okay, I defer to some of the other members who are wanting to get up to speak. The answer is—oh, okay. I guess—all right, thank you, Mr. Speaker. I guess they don't want to get up to speak.

Although they want to accept this resolution, that—the motion that has been brought forward by the member for Steinbach (Mr. Goertzen), and again I want to congratulate the member for Steinbach for the motion that he brought forward here today that I thought was going to be debated. I thought that this was the Chamber; this was the avenue, the venue that we can use in order to debate some of the motions that come forward and some of the issues that are present within our province.

However, I find that, from the members opposite, the NDP, that they don't want to debate. And it's similar to what we see taking place with Bill 31. They don't want to debate, either that or they have been muzzled.

*Mr. Mohinder Saran, Acting Speaker, in the Chair*

So, Mr. Speaker, I've—Mr. Acting Speaker, I'm pleased that I can put a few comments on record, and I do want to refer, though, to the comment that was made by the Attorney General, the Minister of Justice (Mr. Swan), when he talked about—he was I think in a derogatory way referring to the—some of the members opposite here that—just old dogs and

they couldn't learn any new tricks, and I would suggest to the minister that he could learn a lot from some of the older members within the Legislature. And, in fact, I would suggest that you're never too old to learn something new, so I think the point he made was—I'm hoping it was, as the member for Lakeside (Mr. Eichler), I believe it is, indicated, said that he was hoping, he said, it was said in tongue in cheek.

But, Mr. Acting Speaker, I continue to encourage members opposite to get involved in the debate that is taking place here this afternoon. It is their opportunity to put some comments on record and, you know, they're doing this but they're doing this in a chirping manner. Why would they not want to have their comments put on to *Hansard* where, in fact, they could be recognized and they could go back to their constituents and say, listen, we are upset about some of the things that are taking place here?

The other comment I wanted to make was that the former premier, Gary Doer, indicated that if there were suggestions and comments that came from the opposition and they were good suggestions that he was quite prepared to implement them, and so here today we have an opportunity to implement some of the comments—and in opposition mostly, in fact—something that would be constructive that the member for Steinbach has been working at for months and months giving constructive criticism but also suggestions to the government of areas and ways that they would be able to improve the justice system as we have it within the province here.

Now, the other point that was made by the Justice Minister was the fact that they constantly talk about all the money that they are spending, and, yeah, we know they are spending a lot of money, the point being, though, that it would be nice to get some results, something to show for the money that they are spending. And, to this point in time, you know, it seems to be a poor investment where they are spending their money because we're not getting results, and, yet, though, we want to see something take place.

Now, in the recent weeks, a number of flaws and weaknesses have been highlighted in the probation system. Many cases were reported where Manitobans became victims of violence and crime, although offenders already had a long list of probation breaches on their record and should not have been roaming our streets in the first place, and, so, there,

again, we see just the start of some of the things that have been taking place.

Now, Mr. Acting Speaker, I would suggest that, again, that when you invest money you should be looking for the returns on your investment, and that really would be something that we should be considering. Now, moving ahead to just a case in point, the best known of these cases is that of the young criminal who killed a taxi driver, Antonio Lanzellotti, in 2008, after already having breached 24 probation orders without consequences. Now, here is someone who breached 24 times and in the—ultimately, at the end of it, we see someone was killed. He was a father. He was a taxi driver. He was a husband, but he was killed by a repeat car thief who at the time of committing the crime had breached 24 of his probation orders.

Now, these are the kinds of things that I believe we should not be tolerating. We need to put an end to these kinds of deaths that are out there, the fact that the probation orders are not carried out, and this is something that the government should be listening to and should be putting in action. Now, reporting breaches of high-risk offenders to the police will help police and probation officers to better monitor those at risk of reoffending and act accordingly. This will protect Manitobans and prevent such tragic cases as Mr. Lanzellotti.

\* (15:10)

Now, another area is the part of transparency. Reporting the number of these breaches on a quarterly basis will also allow for more transparency on the issue of probation of breaches—or probation breaches, rather. Manitobans deserve to know how many high-risk offenders are in their community. And today, again, we had questions to that extent within—in question period. The community needs to know the people who are going to be out there who have been repeat offenders that—so that they are aware of the—some of the risks that they are taking.

This transparency is missing from the NDP government. When the Premier (Mr. Selinger) was asked in Estimates to provide the number of probation breaches that have occurred the last year, he refused to answer, and that was 10 times that he refused to answer that question. And this is something that is not acceptable. We need to encourage those who are out there who know—those in positions of authority who know some of the people who are out there who are involved and are moving into the different communities. We need to

tell the people in the communities of the people who are moving there so that they, in fact, can be aware of some of the risks that they are taking.

There needs to be more accountability. Reporting the number of breaches will also ensure accountability for the review of the probation system, as promised by the Minister of Justice (Mr. Swan). Transparency and accountability are core elements of our parliamentary democracy and should therefore be adhered to at all times.

So, Mr. Acting Speaker, as we continue in our debate here, these are responsibilities that we have as legislators within this Chamber to make sure that the legislation that is out there and the legislation that is being suggested by members opposite be adhered to and listened to. And I think that we have—and the member for Steinbach (Mr. Goertzen) has some good suggestions that would help the minister, the Justice Minister, to be able to implement some of the legislation that he needs in order to be able to curb some of the repeat offenders who are out there.

Now, this NDP government is not transparent and not forthcoming in regards of information in the number—in a number of departments. Recently, freedom of information requests were accompanied by fees of thousands of dollars. Reporting of statistics regarding probation breaches would be a step towards more transparency and accountability from the NDP government. The analysis of the data and statistics resulting from these breaches will also allow legislators, the court system and the police service to be in a better position to use this information to their benefit in adapting their respective policies and actions in the field of probations.

And so, Mr. Acting Speaker, I realize that my 10 minutes are about gone, but I would just encourage the members opposite to adopt the resolution and the motion that was put forward by the member from Steinbach. It's a good motion, and I believe this is the forum and this is the opportunity that we have here to take some of the good information, some of the good suggestions, bring them forward and implement them. Thank you.

**Mr. Cliff Cullen (Turtle Mountain):** I do appreciate the opportunity to enter into discussion today on this particular resolution brought forward by the member from Steinbach. It's obviously nice to have an Opposition Day opportunity to bring forward what we think is a very important aspect to what the provincial government should be dealing with.

And I think many Manitobans, not just Winnipeggers but Manitobans all across the province, have a concern with the level of crime and the level of violence that we're seeing in the province of Manitoba. And it's very unfortunate that we're starting to see those levels. And every time you pick up a newspaper here in the province, there seems to be some sort of another crime event or an act of violence that's been—taken place the day before or the previous evening. And, obviously, I think it has Manitobans very concerned about the state of justice here in the province of Manitoba.

I know we certainly would like to have a debate about justice. You know, the Minister of Justice (Mr. Swan), relatively new to the portfolio, and I would think that he would be—and should be—open to suggestions on how the—his department could be improved here in the province of Manitoba. And we're just suggesting a very simple policy be established here in Winnipeg. And it's very straightforward, and I think it would be fairly easy for the government of the day to implement this particular policy.

And the point of the resolution is we want to make sure that the high-risk offenders are being reported to police and any breach of those probations are being reported. The fact of the matter is, for the most part, we know who the bad guys are out there. We know who the people are that are committing the crimes and the acts of violence, and it's a matter of us, as society, making sure that those particular individuals we keep a very close watch on, and if they are going to be repeat offenders, they are dealt with in a substantial manner.

And I believe that's what all Manitobans are looking for. They're looking for some guidance from the Minister of Justice to deal with these very important issues. Just over the last couple of weeks we had four youths here in the city of Winnipeg shot, either in their homes or basically in the front yard of their homes, resulting in one homicide. It's almost a return to the wild West here in Winnipeg, and I think part of the issue is we don't have a very effective strategy in dealing with gangs as well in the province.

You know, we have from this government announcement after announcement after announcement in terms of a gang strategy but, at the end of the day, we don't have any results. The situation just continues to get worse. In fact, it gets—it's getting so bad that I'm getting calls from some of

my seniors in rural areas of the province that are scared. Never before have they seen it necessary to lock their doors at night but, now, with all the violence in Winnipeg, which is spreading across the province, they are in a position where they don't feel comfortable in their own homes, and it's a very sad situation, Mr. Acting Speaker, that this is occurring in Manitoba, and if we as people in our society are afraid in our own homes, something has to be done with the provincial Justice Department.

Now I know some of the people in the corrections officers that have, you know, very challenging jobs. When the people do get incarcerated and they are put in our provincial systems and our federal systems, they have some very difficult jobs to deal with those particular criminals because a lot of those members that are in there are associated with one gang or another and it's not just one or two or three gangs here in the province of Manitoba. We have, probably, in the neighbourhood of a dozen or so gangs in the province of Manitoba.

So these corrections officers have to be very careful that gang members do not get too close to other gang members which would exacerbate the situations in various places. And we've had a couple—two or three incidents in the last few months here in our provincial penitentiaries where these situations have developed. Riots have pursued and damage was done to the facilities so it's very important that these individuals are watched very closely.

But getting back to the idea of probation here, it's very important that we deal with these high-risk offenders in a very diligent manner, Mr. Acting Speaker, you know, and one of the classic examples we've got here just—and it—the situation of Antonio Lanzellotti. This one here really hits home. When you have an individual who has breached 24 probation orders without any consequences whatsoever, ends up stealing a car, and as a result, kills a father and a husband, the public has the right to ask, what is their provincial government doing about it? And that's why this resolution has been put forward by the member from Steinbach. He's simply asking the Minister of Justice to stand up for all Manitobans, take a hard stand, and deal with these high-risk offenders that we know are repeat offenders.

\* (15:20)

Mr. Acting Speaker, we think, you know, if the actions are taken, this will help protect innocent

Manitobans because that's what is happening on the streets of Winnipeg and some of the areas around Manitoba. Innocent people are getting harmed. Innocent people are becoming victims of crime and violence. In many cases, they're at the hands of repeat offenders, and these are repeat offenders that our justice system knows about, but there has been no consequences to the actions. And if they're breaking probation orders, nothing is happening to them. And these issues, once they're allowed to continue, time after time, sooner or later, it will arrive at a serious consequence, as in the case of Mr. Lanzellotti.

We're also asking the government to be transparent, and that's something the government doesn't have a very good record at, in terms of being transparent and up front with Manitobans. We're saying that these breaches should be reported on a quarterly basis, and this would allow more transparency on the whole probation issue and what the breaches are—have happened over the last, you know, quarter, is what we're suggesting.

And I think Manitobans deserve to know how many high-risk offenders are in their community. We have a debate today, or a discussion today, about Mr. Li and the fact that he is going to be, basically, out in the community with no restraints and, you know, those types of individuals, who I would think most people would recognize are a potential threat to people across the province, those particular individuals should be monitored fairly closely. And that's simply what we're asking about and we're talking about in terms of transparency. Now we know the previous premier talked about transparency and accountability but the fact of the matter is, today, we don't have that transparency and accountability.

Now, we're just simply asking the Minister of Justice (Mr. Swan): Let's be up front. Let's be honest with Manitobans. Let's be accountable to them. Let's have a review of the probation system, as promised by the Minister of Justice. Let's get down to the grass roots here. Let's actually see what's going on. Let's see how bad the problem is.

We know it's not good, but let's really get down to it and find out how bad it is. And, I think once we get a sense of just how bad it is, the Minister of Justice is going to have to take some serious action because we are looking for results, and Manitobans are looking for results. And, unless you really get a sense of how bad the situation is, it's probably hard

for the minister to move forward with some positive programming, and that's the reason for this resolution. You know, this—

**The Acting Speaker (Mr. Saran):** Honourable member, the time has expired.

**Mr. Rick Borotsik (Brandon West):** I find it rather disconcerting that none of the members opposite wish to talk to or speak to this Opposition Day's motion which, quite frankly, Mr. Acting Speaker, is fairly self-explanatory. And certainly, even they, I suspect, could understand what it is that we're trying to get across to them and what the population of the province of Manitoba really is looking for from this government, which is some leadership, some direction when it comes to crime.

As a matter of fact, Mr. Acting Speaker, just this morning I was speaking to a resolution, and the member from Burrows had indicated that, perhaps, more of the opposition members should be speaking to that resolution as they had been talking to it. But I would now challenge the member from Burrows. I would just now challenge the member from Burrows to stand in his place and actually talk about, talk to and debate this particular motion. I'm sure he has some understanding as to what the population of this province wants from their government and from, particularly, the Minister of Justice and the Ministry of Justice.

I would, first of all, like to congratulate the member from Steinbach who, over the last seven to 10 days, has actually put forward more thought-provoking bills and resolutions and motions than the Minister of Justice (Mr. Swan) has done in the last numbers of months that he's been the minister.

Like, is it necessary that opposition members have to put forward ideas? Are there no ideas that can come from the Minister of Justice to improve the judicial system? Is there no ideas in his department that they can actually put forward to improve the situation that we find ourselves here in Manitoba?

And if he wants to sit and stick his head in the sand, I think all he has to do is walk on the streets of Winnipeg at any point in time and ask—ask the constituents what they would like to see with respect to justice in this province. And he may, and will, in fact, get a whole different point of view as to what he, as the Minister of Justice, is putting forward which, effectively, is quite possibly nothing, Mr. Acting Speaker. [interjection]

Now, I know the member from Burrows won't speak to this because he probably doesn't understand what justice is all about at the best of times.

Mr. Acting Speaker, a long time ago, I found out—I realized that, actually, in good management, all the direction and ideas come from the top. That's where the ideas and the direction comes from. But, if the person at the top doesn't understand what the problems are, then certainly the policies and the direction that are put into place are policies that don't deal with the real problems and the real issues of the day.

And that's what we find with this Minister of Justice. He obviously doesn't understand, nor does he prepare to put in the proper policy and the proper direction to deal with a situation that is, in fact, making Manitobans afraid to walk their own streets in the city of Winnipeg and other communities in our province.

And not putting in those policies is an abdication of his responsibilities. In fact, it's a dereliction of duties, Mr. Acting Speaker. If the minister cannot put forward the necessary actions and the necessary policies to prevent what's happening in our cities right now, then there has to be a change at the top. And I suspect that the Premier (Mr. Selinger) should be looking very seriously at making those changes in order to put into the proper—the necessary policies in the Department of Justice.

Instead of Slurpees and Goldeye tickets to repeat offenders, perhaps—just perhaps—the Minister of Justice should put into place some remedies that are going to stop those offenders from becoming repeat offenders.

We need some transparency here in the province of Manitoba. When asked how many offenders that are out there with probationary orders, with court orders that are not complying to those orders, we and the citizens of Manitoba get stonewalled. They're not going to tell us how many of those offenders are out there because that speaks to their inability to manage. That's exactly what it speaks to.

So, if they're going to tell us that there are serious problems out there and they can't fix them, then that speaks to the inability of the minister to be able to make sure his department is protecting the citizens of this province. The police want this. How many times have we opened the newspaper or how many times have we listened to a news broadcast when we've heard that a young offender, an offender

who is out on the streets on probation, have now committed another crime? We hear it constantly—constantly—in this community. But does the minister take any note of that? No. We'll give him a Slurpee or a ticket to the Goldeyes, but we're not going to make sure that there's going to be remedies to keep them off the streets.

And Manitobans are getting tired of that. They're getting tired of having repeat offenders continue to offend. Now, this is a simple resolution, and it's a simple policy statement that should be made by this Minister of Justice (Mr. Swan). Implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to the police. That is a no-brainer. That should be a standard operating procedure already in place in this government.

\* (15:30)

The minister doesn't want to listen to it. Ensure that a breach of a court order—why does he think that the judges lay down court orders to offenders? And it could be anything. It could be stay away from gangs. It could be a curfew. It could be, in fact, an ankle bracelet. It could be any type of a court order that is ordered by the courts that is being breached. Yet, the probationary officers do not have a policy in place that says if they breach those court orders that we are now going to tell the police about it. The courts have given the order. The police are the enforcement, but somewhere in between there's a disconnect, and the disconnect comes right from this Minister of Justice and his department, and he should be taking full responsibility. The next time there's an Antonio Lanzellotti—and there will be because this minister has decided not to make any changes to the department—the next time there's a Mr. Antonio Lanzellotti, I hope the minister stands in place and apologizes for being ineffective and negligent in his duties, because that's what he would be, Mr. Acting Speaker.

If it happened—*[interjection]* If it happened to any one of us in this House, if it was a member of our family, if it was our son or our daughter that was killed in an accident on the city streets of Winnipeg—you should be able to be safe on the streets of Winnipeg. But this minister has made sure that there is no safety on these streets. You should have the ability to drive on the streets of Winnipeg without having to worry about a young offender, a car thief who is in breach of probation 24 times, stealing a car and killing one of our citizens. And that

responsibility lies at the feet of the Minister of Justice, and he cannot blame the federal government. He cannot blame the previous administration of 11 years ago. He can't blame any other of his Cabinet colleagues. He has to take that responsibility.

And if there's another incident of an Antonio Lanzellotti, and, as I say, as I stand here today—I wish it were not true—there will be another incident. But all it would take is a departmental policy from the top. Have and show some leadership. Oh, well, and we won't even go into leadership now, will we? I think, maybe—*[interjection]* Oh, we won't even—you know, the—even at the mention of leadership there's certain things that come to my mind which probably I shouldn't even be thinking and certainly not mentioning it—the floor of this House.

But we know that some people do have the ability to lead. Those that don't have the ability to lead should follow. And, in this particular case, the Minister of Justice should be given a second chance to lead, and he should lead his department in the right direction. And that direction is to protect the citizens of Manitoba, not the criminals. Do not mollycoddle the criminals in our society, and that's what the soft-on-crime Minister of Justice is intent on doing. And as he does it, this community gets less safe and less safe and less safe.

Those people who are already charged by the courts—

**The Acting Speaker (Mr. Saran):** Order. The member's time has expired.

**Mr. Kevin Lamoureux (Inkster):** I stand today and, looking at the—what the—is being requested of the government, I think that it is a reasonable request.

And, you know, I was listening to the Minister of Justice when he was talking about the motion that we have before us, and I noted that one of the things that the Minister of Justice referred to, Mr. Acting Speaker, was the issue of automobile theft. Automobile theft in the province of Manitoba does, indeed, have a very interesting history. And what I have found is that over, especially the last few years, the government seems to take great credit or assume a great deal of credit as if they've done a lot in terms of dealing with automobile theft and how they've been able to turn it around. And this is something in which this minister and ministers before him, just in the last year or two, have been talking a great deal about.

Why I think it's an interesting point is because I think it highlights the whole area of high-risk offenders. And if you take a look at the issue of automobile theft in the province of Manitoba, and when the minister made reference to it in his speech, he gave the impression that, you know, that they're doing great, because I believe he said something like 75 percent reduction in automobile thefts and how wonderful the government has actually been.

Well, Mr. Acting Speaker, you have to take into consideration that they are the ones that created the problem in the first place. If you take a look at the history of automobile theft, you will find that the automobile theft started to really skyrocket shortly after the NDP had taken office. These are the actual numbers as reported by a former minister of Justice during the Estimates, and that was: In 1994, there was 8,541 vehicles; '95, 8,733 vehicles; in '96, 9,449 vehicles; '97, 9,914 vehicles; '98, 9,013 vehicles; '99, 9,385 vehicles. And then it started to hit the five digits in the year 2000: 2000, 10,496 vehicles; 2001, 12,056 vehicles; 2002, 11,093 vehicles; 2003, 12,039 vehicles; 2004—now, this was the whopper of the years—16,213.

So whenever you hear the government talking about how wonderful a job they're doing, it's only because they compare it to their worst year, Mr. Acting Speaker. It was an NDP administration, and it was well into their mandate when they actually had the record high in terms of automobiles being stolen.

That was back then. Even prior to then, Mr. Acting Speaker, I was trying to get answers from the government as to who is stealing these vehicles. And it was actually—I'm not too sure if it was through a freedom of information or it might have been a question during Estimates, not sure, it's a number of years ago—where I posed the question, who is stealing the vehicles? Can we get a report on terms of the high-risk offenders?

And that's when I found out, Mr. Acting Speaker—and I don't even think the minister of Justice back then was even aware of it—that we had such a small—a relatively small number of young offenders that were stealing thousands of vehicles every year. And, you know, it was an interview that was had on CJOB in which I, through the Liberal Party, had in essence broken the story about the number of vehicles actually being stolen by a relatively small number of young people. And I suggested to the government that they better be doing something about those high-risk offenders.

You know, the government's approach was to victimize the victims by saying that we have to have the citizens of our province install immobilizers. And then shortly thereafter, they realized, well, maybe we should provide the incentive, and the incentive worked.

But they needed to do more than that. They needed to be able to address the individuals that were causing all the problems in terms of automobile theft, Mr. Acting Speaker.

It wasn't because the NDP had a light bulb that went off and it was their idea in terms of, well, gee whiz, let's focus attention on the high-risk offenders. Mr. Acting Speaker, it was the opposition. It was the different stakeholders that started to say to the government, you need to do more, you just can't sit back and do nothing and just, la la, continue to allow the number of vehicles in this province being stolen at the rate, in fact, that they're being stolen.

\* (15:40)

And, Mr. Acting Speaker, it was shortly thereafter that the numbers actually then started to go down. So from that record high in 2004 of 16,213 province-wide to 2005 of just under 14,000—it was actually 13,991. In 2006, it was 16,988; 2007, 14,094. And then, we finally got things somewhat under control where we started to go back to the numbers that we had in the '90s. For the first time, we're back into the four digits, and in 2008, there was 8,662.

In most part—and, yes, the immobilizers did prove to be effective—but in most part, it was recognizing that we have a large number of repeat offenders that keep on stealing car after car after car. You have one individual—and in all likelihood, Mr. Acting Speaker, it's a youth—that is stealing 30 cars plus a year, and that wasn't unique. We're talking about dozens of youth that were stealing 30 cars plus, and I suspect those are cars in which they got caught stealing.

Well, Mr. Acting Speaker, it's an interesting time that we live in. You know, if a 11-year-old steals a car and you ask a police officer, well, what is the consequence of that automobile theft? The police officer will quite often refer to the fact, well, we have no other obligation other to—or responsibility other than to bring them back to the parent or to the guardian or—whomever that individual might be. And I sense there's a great deal of frustration within our

police forces because they see the limitations that are there.

And the government's response is: It's Ottawa. It's Ottawa that has to change. Mr. Acting Speaker, it's more than just Ottawa. There's Child and Family Services, and maybe we need to start looking at what we can do at the Child and Family Services level. Maybe it's time that we start looking at what we can do with alternative measures.

I think that there's a higher responsibility, and the government has been dragged, kicking and screaming, to do and take action on a number of issues such as this, Mr. Acting Speaker. And I believe, at the end of the day, that if the government showed and demonstrated more leadership at dealing with crime against people and property, especially that is being done from our younger population, that our society will be a whole lot safer.

And I have—and I continue to want to see the Minister of Justice (Mr. Swan) go into the communities, to leave the comforts of this Chamber and his caucus colleagues and find out what people in the real world, in our communities, have to say about crime on the street.

Mr. Acting Speaker, I believe that ultimately we need to have proper programming. I believe ultimately that there has to be a consequence to an action.

And the government seems content on accepting things the way they are in status quo, and if there's any blame, the blame is always, always, always Ottawa. And, Mr. Acting Speaker, I—you know, I suggest to the Minister of Justice, as opposed to constantly looking at passing the buck, that he—

**The Acting Speaker (Mr. Saran):** Order. The honourable member's time has expired.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Acting Speaker, it's my privilege to as well put some words on the record in regards to my colleague from Steinbach who's brought forward this Opposition Day motion to be debated and voted on here today.

And, Mr. Acting Speaker, this legislation is an opportunity to act as preventative legislation. It's to help the safety of Manitobans everywhere in the province, not just here in Winnipeg but across the breadth of our province.

And I just wanted to say in the outset, this motion is that the Legislative Assembly of Manitoba urge the Minister of Justice to implement a

departmental policy to ensure that every breach of a court order for a high-risk offender is reported to police and that the total number of individuals who are in breach of their court order under the supervision of Probation Services is reported on a quarterly basis.

So, Mr. Acting Speaker, if the government in their wisdom, who is—who doesn't feel that it's that necessary to speak to a bill like this, or to, in regards to debate of this motion, if they already had done this as a preventative measure, it wouldn't have been needed to be brought forward.

But there are so many instances where we've seen breaches of probation go unreported and continue to be repeat offenders out on the streets, that it's incumbent upon the opposition, as our role in this House, to try to support the government by bringing forward better motions that will allow them to pick up on some good ideas to provide. Not just safety for the citizens of Manitoba, in regards to justice issues here, Mr. Acting Speaker, but as we've done on many cases, regards to economic bills, to issues around health-care issues, and finances particularly. Whether it's other areas such as education or agriculture, rural development, mining—a whole host of areas that the government could learn from many of the fine pieces of private members' resolutions that have come forward from the opposition.

But, in this particular case, we're dealing about the justice system; the Minister of Justice (Mr. Swan), who has failed to bring forward and protect citizens in Manitoba by not having a system set up where these kinds of high-risk offenders can be reported.

Now, Mr. Acting Speaker, we've seen, you know, the member from Steinbach has brought forth in question period, as I sit here and listen to the questions that he's put forward to the government on many occasions, around issues of safety. Just about all of them deal with safety of Manitobans; to try and make the province better.

You know, even today, I'm surprised that the Minister of Justice didn't take the tact of his Minister of Education (Ms. Allan), his cohort today who said, well, we're implementing Tory policy, so it must be good.

Well, here's another opportunity for them to pick up on something that's got a bit of an opportunity, a huge amount of opportunity actually, to provide

greater incentives for safety in the province of Manitoba. And I would urge the minister to provide his colleagues with a little bit of direction on this.

My colleague from Brandon West was just talking about leadership. And we haven't seen it from the government side of the House, whether it's the—whether from the Premier (Mr. Selinger) or the would-have-been premier, or the would-have-been premier that only ran half the race, Mr. Acting Speaker, as there—the circumstances there, I guess that this minister should be able to direct his colleagues in a direction that would support this kind of a motion. But, of course, if they supported it, then, unlike a lot of other pieces of legislation that they have supported as well, they'd have to implement it. And, of course, they're not good at implementing this type of legislation.

And I'd just like to say that—back that up by the fact that, you know, in their—in—I think it was the '07 election campaign, I remember them saying that they were going to, you know, hire a hundred new police officers, and then they received money from the federal government to add another 30, Mr. Acting Speaker. When I say that they haven't followed up on the actions of what they—of their talk, this is a prime example. They've only hired—I think it's something like 66 or 67 of those police officers, leaving us somewhere in the neighbourhood of 63 or 64 short. Almost—just a touch over half of what they said they would do and we find that in so many areas of this government.

You know, there's a whole host of cases that have come up, even this week, about how they have just gone halfway with the measures that they said they were going to do. They've filibustered the House; they've—you know, with their own legislation. The only way that they, you know—they kept calling Bill 31 but they haven't spoken to it in two weeks, Mr. Acting Speaker. It's the only piece of legislation that they really wanted to bring forward and it's to protect their salaries.

Well, instead of protecting Manitobans from the justice changes that could help keep these people off our streets, Mr. Acting Speaker, or at least be able to keep track of where they are, this government's much more concerned about protecting their own salaries by breaking balanced budget legislation for the third time in three years, having to change it for the third time in three years. And once again, government, this government is the only one that I've ever seen, or certainly in my memory as a—in this province,

whereby, if you break the legislation, you just change it. And that's what this government's good at.

\* (15:50)

Mr. Acting Speaker, I want to say that, but there's another particular case, of course, one of the best-known cases in this province, as in regards to the death, as my colleagues have said, of one Antonio Lanzellotti. And that is where a young criminal who killed a taxi driver, Mr. Lanzellotti, in 2008, had already breached probation orders, without any consequences, a total of two dozen times, 24 times. And, you know, that's a shame. That is a shameful record. It's a—you know, to be killed after 24 breaches of probation by a repeat car thief is unheard of. Imagine the ramifications of this to the family, not only to the family of Mr. Lanzellotti, but also to the family and the—his immediate ancestry of the individual that caused this death.

Reporting breaches of high-risk offenders to police will help police and probation officers to better monitor those at risk of reoffending and act accordingly. This will protect Manitobans, prevent such tragic cases as that of Mr. Lanzellotti from, perhaps, happening in the future. And, you know, it's a—it is a great concern to all Manitobans and, you know, you might say, well, how would this work? Well, if they're reported, then the police actually know where these people are and they have an indication, a much more clearer indication than they do if they're not reported at all. And they could actually enforce other areas of restriction around them and, whether it's house arrest, whether it's opportunities to have situations where they can track and trace these individuals on a more regular basis, it provides a lot more opportunity for police to do their job.

And, you know, I don't suppose the government's thought about that, but maybe that was part of their tact when they forgot to hire the other half of the police officers in Manitoba that they said that they would over the last three years. And they've had three years. That's about 20 police officers a year that they could have hired, about one and two-thirds of them a month for the last while. And if they'd have been able to do that, they would have certainly been able to have had a much better process in place to keep track of these individuals.

Mr. Acting Speaker, the transparency is missing from the NDP government. And when the Premier (Mr. Selinger) was asked to, in Estimates, to provide a number of breaches—of probation breaches that

have occurred in the last year, he refused to answer that question a total of 10 times, and I think that's an atrocity in itself.

Mr. Acting Speaker, if we weren't the—hadn't been labelled as the murder capital of Canada once; if we hadn't have been the car theft capital of Canada for many, many years; if we weren't diagnosed as the—and labelled as the knifing capital of Canada just this spring, some of these things could maybe be looked at—overlooked and let go more, because you'd think that the government was doing more of its job. But the government just seems to keep pushing this issue from one catastrophe to another. So they take all the resources and push them over in one area, which just opens up an opportunity for another one to occur. And when they moved it over from being the murder capital of Canada and the car theft capital of Canada, then we ended up being the area of Canada with the most break-ins in businesses and the most break-ins in homes, and so they had to shift over to that area. And then we became the knifing capital.

Well, Mr. Acting Speaker, all I'm saying is that analyzing of the data and statistics resulting from these breaches would allow legislators, the court system and the police service to be in a better position to use this information to their benefit in adapting their respective policies and actions in their fields of probation. And I think that the NDP government is very in-transparent and not forthcoming in regards to the information in a number of these departments. Recently, the freedom of information requests were accompanied by fees of thousands of dollars just for us to try and get some of this information out of them—

**The Acting Speaker (Mr. Saran):** Order. Honourable member, the time has expired.

**Mr. David Fauruschou (Portage la Prairie):** It is with great pleasure that I have the opportunity to rise this afternoon and speak to the Opposition Day motion, which has been brought before the Assembly by the honourable member for Steinbach (Mr. Goertzen), and seconded by the honourable member for Lakeside (Mr. Eichler).

The motion, as it reads: THAT the Legislative Assembly of Manitoba urge the Minister of Justice to implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to police and that the total number of individuals who are in breach of their court order,

under the supervision of probationary services, is reported on a quarterly basis.

I would like to commend the member for Steinbach (Mr. Goertzen) for bringing this before us today because it is with great concern to not only myself as an elected member of the Legislative Assembly, but as a Manitoba citizen.

We have experienced individuals that have been released from custody on—with conditional orders to which probation services are responsible for tracking the individuals' whereabouts and performance within the conditions of release. And these conditions of release have not been widely distributed to agencies that the individual that is being released is, effectively, going to be in contact with or where these agencies be responsible for assuring that the court order is, in fact, followed.

Now, it's common sense, I would suggest, that the law enforcement agency within the jurisdiction to which an individual was released would be contacted and informed of the conditions to which the individual has been released. But this is not the case. In most practices, the individual is released, probation services is notified. There's a probationary officer assigned to the case and as we all are aware, probationary officers currently are almost overwhelmed with the number of individuals to which they are responsible for. And their resources, I will say, are limited and, in some cases, almost non-existent.

And I'm going to speak, specifically, of a probationary officer who expressed his frustration that the vehicle to which he was using to enforce probationary orders and to ascertain whether or not the individuals were in compliance, had broken down and that there was not another vehicle available to him for him to carry on his responsibilities.

What was the response from this government? Well, give them a telephone call. Wow. Honest to goodness, everyone knows that telephones these days are mobile. How can one ascertain as to whether the individual is, indeed, at the location that he or she says she is by communicating through a mobile telephone? A cellular phone can be effective in almost all areas of our province, and there is no verification, perhaps—perhaps—if the probation services did have access to tower relations as to the—where the call and the signal is being received and transmitted, perhaps then we would be able to be

assured that the individual is, in fact, where he or she says she is.

But I don't believe that the government has that working responsibility because this individual to which I spoke with certainly was unaware as to whether or not the government had this service available. Obviously, he was not able to use it, in any event.

So he made the telephone calls and, certainly, most everyone he was able to contact, but it was very, very sceptical. In fact, he was, I will say, was very, very sceptical as to whether each and every individual to which he contacted was, indeed, being truthful as to their whereabouts.

\* (16:00)

And so, this is an example of what is happening in our province today, and that's why this resolution before us today needs the debate within this Assembly. And it is shocking to me that members of the government side of the House, who represent a majority of Manitobans, are silent on this very important issue. *[interjection]* I believe that I just heard a comment from the—a member of the government side of the House that said that they intend to pass this motion. So I am very much looking forward to the call for the question at the conclusion of my remarks this afternoon.

But I want to emphasize to the Minister of Justice, the Attorney General for Manitoba, that currently, probationary services do not have the resources that are necessary to ensure accountability and a credibility of our judicial system. And without that, the rule of law that all of us in the Chamber are responsible for and the judicial system to which we entrust the laws which we pass are, in fact, followed and, if not followed, enforced through penalty. And the penalties that are assessed, many persons here in the province of Manitoba are done through probationary services that monitor individual's conduct and attempt to ascertain as to whether or not the court orders are followed. And community service, for instance, the number of hours that have been designated to an individual are indeed accounted for, and that the community to which the offence was perpetrated sees, perhaps, a nominal return on the offence that saw the individual into the judicial system.

And, so, Mr. Acting Speaker, I am in complete support of this motion and I hope that the members opposite will indeed support it as well, as they have

indicated through chatter throughout my address here this afternoon. And it is vitally important, especially, that when cases are of a severe nature, that the offences that have been perpetrated against society here in our province of Manitoba are recognized, because without enforcement, we will be looking at chaotic situations. And this example I cited earlier, if I did name the community, that indeed is almost the case, because persons are indeed fearful of their safety. There is a lot of criminal activity, some more severe in nature than other, but it is definitely a concern. And from that community, the criminal activity is spilling out into surrounding areas, and I want to try and impress upon government that we have to do more, because without enforcement—

**The Acting Speaker (Mr. Saran):** Order. Honourable member, the time has expired.

**Mrs. Myrna Driedger (Charleswood):** I am pleased to rise today to put a few words on the record about this Opposition Day motion as moved by the member for Steinbach (Mr. Goertzen), and I just want to acknowledge the good work of the member of Steinbach for all of the hard work he puts into this Justice portfolio as the opposition critic. He certainly looks for innovation in how to solve the problems, you know, besides being able to very effectively critique this government and this Minister of Justice. He also spends a lot of time doing research to try to find solutions in the system, and he's brought forward a number of solutions that I wish this government would pay more attention to and be more receptive to, because I think if they would put aside, you know, any partisanship on this, they might see that some of these issues are good and should be adopted. And I just get the sense, with none of them standing to speak to this issue, that we probably aren't going to see any of that open-mindedness coming from them. And that's too bad, because I think that there are some issues, particularly the one we're talking about today, that I think a lot of Manitobans would be happy to see in place.

And what we're urging the government to do is to implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to police. Now, that is not unreasonable. That is something that this government should be willing to do.

You know, every morning when I get up and I open the papers, I almost cringe before I even look at that front page because I'm not sure what we're going to see. And lately, more and more, there seems to be

very serious issues, whether, you know, it's an accident by, you know, a youth that's stolen a vehicle and killed somebody, or whether it's something else. And it is becoming almost a reflex to, you know, wince a little bit as one picks up the morning paper and looks at it. And you almost approach the morning news with some trepidation as to what's going to be in the paper.

And I think Manitobans are getting more concerned about the issue of crime in Winnipeg and in the province, and I don't think this government is very effectively dealing with it. And I think rather than hearing a lot of spin from the government, rather than seeing a lot of photo ops not followed by action, instead of hearing excuses by the government, I think Manitobans want to see a government that is tougher on crime instead of seeming to come across so soft on crime, and we're seeing that more and more often.

You know, an example, as somebody pointed out, as one of my colleagues pointed out, what was the issue of Slurpees? I mean, that's really not going to go far enough in protecting citizens. It may give the government, you know, a feel-good feeling, but I think when it comes to protecting all of the citizens of Manitoba, I think there comes a time when the government has to be a little bit stronger and firmer. And, you know, when we talk about high-risk offenders, I think there's a really good example where the government does need to be a little tougher than what they are.

Now, I know there are instances where, you know, crime prevention through social development is important and there is a place for that, and I don't argue that point. But there's also a place for a stronger government approach to dealing with some of these issues as well, and when we look at high-risk offenders that is one area that, you know, I think these high-risk offenders have just laughed in everybody's face because they can get away with so much. And every time they breach a court order, I'm sure it's like, you know, another notch on the buckle or notch on the belt. They're bragging about it, and I think that this is where the government has an ability to do something; get a little tougher with the high-risk offenders and, when there is a breach of a court order, report that to the police. That seems very reasonable.

The other part of the motion is that the total number of individuals who are in breach of their court order under the supervision of probation

services is reported on a quarterly basis. Again, that's very reasonable. That's part of an—being an accountable and transparent government, and I don't know why the government wouldn't want to do that.

Mr. Acting Speaker, in recent weeks, there's been a number of flaws and weaknesses of the probation system that have come to light. And I suppose why the government doesn't want to be more transparent and more accountable is because, by putting more information out there, it is going to make them look weak and ineffective in their approach to justice in their province.

\* (16:10)

So instead, like we see in other areas—and health care is a great example—there is such a cloak of secrecy that has settled upon this NDP government and everything they're doing, and it is so frustrating to see this in action. And, I guess what we're also seeing with all of that, it's a level of arrogance that comes with a government that's been in power for 11 years. And, you know, rather than have a solid commitment to transparency and accountability, instead we've got an arrogant government that is doing everything in its power to control information, cover up information, bury information and, you know, here's another example where, you know, a quarterly report on this would be a good idea.

You know, many cases were reported where Manitobans became victims of violent crime although the offenders already had a long list of probation breaches on their record and should not have been roaming our streets in the first place. Like, how is this happening? You know, we're hearing more and more people that are becoming afraid to go downtown. And, you know, again, I'm reading comments or hearing on the radio if—you know, the other day, where people are talking about their fears of what's happening in the city, and how all of the news that is happening in this province is spreading across, you know, other provinces and it's forcing people elsewhere to form a certain opinion about, you know, whether or not this is a safe city or a safe province.

So I think the NDP have really dropped the ball on justice and I think their whole approach right now just demonstrates weakness. I don't think they've got a solid grip on what is happening in terms of crime in this province. I think they're soft on crime and that's their modus operandi. They do not want to embrace some of the tougher measures because, you know, whether they're playing to, you know, certain of their

members out there, I don't know, but, you know, I think they've got, you know, enough history to look back on to know that their approach isn't working. So they should be doing something more and something better than what they're doing.

You know, the death of Antonio Lanzellotti is certainly the best known case of that, of a young criminal who killed a taxi driver who was Antonio Lanzellotti in 2008, after already having breached 24 probation orders without consequences. I can remember being in my kitchen and, with my son, we were looking at the newspaper of the picture of that accident and that was a horrible accident. The damage that was done to the car was so extensive and we felt so bad for the family, and to see that just must have made so many people angry that this could have happened in the first place.

And the part about it, Mr. Acting Speaker, is that it shouldn't have had to happen. If the government had done their job, if they had been tougher on high-risk offenders, young people that are breaching court orders—especially 24 probation orders—things like this wouldn't be happening. And, you know, then, when we hear that Mr. Lanzellotti was a father and a husband and he was killed by a repeat car thief, who, at the time of committing the crime, had breached 24 of his probation orders, those were 24 missed opportunities that could have avoided this death and that is, I think, a sign of an incredible failure by this government.

Transparency is what this government is lacking—accountability and transparency—and I'm feeling it on a daily basis in health care. And, you know, I'm seeing where there is such a refusal by this government to be more accountable and more transparent and they're just not there, and I think that is coming after 11 years of a government that has become arrogant.

Manitobans have a right to know how many high-risk offenders are in their community. They have a right to know. They are taxpayers. They are the ones that are funding all of this. They have a right to know—

**The Acting Speaker (Mr. Saran):** Order. The honourable member's speaking time has expired.

**Mr. Stuart Briese (Ste. Rose):** Mr. Acting Speaker, I'm pleased to rise and speak to the motion that the honourable member from Steinbach has put forward, seconded by the honourable member for Lakeside (Mr. Eichler).

I'm disappointed to see that no one's getting up across on the other side of the House. I think this is a worthy resolution and it deserves debate from all members of this House, and they seem to have fastened their seat belts and got settled in quite solidly in their chairs and have no intention of moving.

This motion suggests that—should implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to the police and that the total number of individuals who are in breach of their court orders under supervision of probation services is reported on a quarterly basis.

That sounds like the right thing to do. That sounds like common sense. That sounds like something that everybody in this House should be supporting. It just makes sense that if there's a breach of probation, that there was a law broken at some time to put the individual on probation. If that person is going to breach their probation, it should be reported and it should be reported to the police, and there should be a policy procedure to deal with any of them.

Now, even the second part, where the total number of individuals are in breach of court order is reported quarterly, makes a lot of sense, and at one time in this province that was the norm. They were reported quarterly; we did know the numbers. But when the numbers started to go up, the NDP got a little bit frightened by the numbers. So they knew they were going to get some feedback on it, so they decided they were not going to publish those numbers anymore. We know they're—those numbers are in the thousands. We don't know exactly what they are and we think they are something that should be shared.

You know, they—the NDP like to talk about openness and transparency and all those key phrases, but they only like to talk about them when they—when it suits them. When we ask for openness and transparency on these types of issues, the door closes; you can't get through it. The—but when they think openness and transparency is something that they want on certain issues—and I can refer to one. When Bill 35 went through on the conflict of interest pertaining to municipal councillors, they talked far and wide about openness and transparency. That was the reason they were doing this; had nothing to do with why they were doing the bill, but that was the excuse they were using for putting forward that legislation.

*Mr. Speaker in the Chair*

Yet, just a week or week and a half ago, I put forward a bill that would give councillors more protection from litigation and would definitely have resulted in more openness and transparency in the way municipal councils, councillors, reeves and mayors were proceeding, and they chose not to support that. So it—openness and transparency are just the catch phrases they use when it suits them.

Reporting breaches of high-risk offenders, police—would certainly help the police and probation officers to monitor the ones that are most at risk of reoffending and to take action accordingly to deal with that. When the minister was asked about transparency and asked in Estimates to provide the number of probation beaches in this province—as I said earlier, we know there's thousands, but they've quit reporting them—he refused to answer that 10 times. Ten times he was asked; 10 times he refused to give a number. That—that's a number that Manitobans should know, not just the members of this side of the House; that's a number that should not be hidden. There's no reasonable or legal reason to not release those types of numbers.

\* (16:20)

The—you know, the—we hear over and over again in this House every time we challenge a piece of legislation or we see something that needs some remedying or ask questions in question period, when we ask a specific question, they'll get up and they'll say, oh, we spent \$50 million on that and you voted against it.

Well, when we're asking the question, obviously, the policy that we're asking about has failed. We didn't stop the legislation passing by voting against it. You still passed the legislation. The NDP put the legislation in place and then it failed; it's failing miserably. And they say, oh, well, you voted against it.

Well, yeah, we voted against it. We voted against it because there were certainly parts in it and that's usually in the budget, there are certainly parts of the budget that didn't deserve our support. But they still passed the legislation. How can they blame the other side of the House when they actually passed the legislation and then they say we made it fail? We didn't make it fail. It was poor legislation. That's why it failed.

I know we talk about police officers and Crown attorneys and extra resources on the street and all

those types of things, and they say, oh, we did provide 13 more police officers. We put these officers out there. We put in so many more Crown attorneys and you voted against it. Yeah. We voted against the budget that that may have been included in.

But, if that was a stand-alone issue, we probably would've voted for it. We voted against the budget that was couched in, and they passed the budget, supposedly—supposedly—put the resources out there. I think that's debateable too, and they're still failing.

So, obviously, us voting for or against the budget isn't having a whole lot of impact on what's going on out there. What is having an impact is the legislation they're passing. The actions they're taking are not—they're not working. They're simply failing at whatever they touch. The constant phrase we hear in this House over and over again is: Well, we put another so-many million dollars into that. We put another so-many million dollars into this. There's no results.

We're not seeing results for the money. There's no checks and balances that are saying: This is—this money is being well spent. We're sure, in most cases, it hasn't been, but how do we find that out? They just—the program fails and then, well, maybe, we'd better throw a little bit more money at that.

So, it's a catch-22. It just keeps turning round and round and round.

I see my time is running out, Mr. Speaker, and I would like to just close by saying I certainly support this resolution. I wish I had seen and heard from a few more of the opposition speaking to this resolution to get their thoughts on the record on it. And I certainly support it and will be voting in favour of it. And I urge the members on the opposite side of the House to support this resolution too. Thank you very much.

**Mrs. Leanne Rowat (Minnedosa):** I want to commend the member for Steinbach (Mr. Goertzen) for bringing forward the Opposition Day motion that was presented here today.

The motion speaks to urging the Minister of Justice (Mr. Swan) to implement a departmental policy to ensure that every breach of a court order for a high-risk offender is reported to police and that the total number of individuals, who are in breach of their court order under the supervision of a probation services, is reported on a quarterly basis.

And I have to say that this resolution is a solid resolution. It's well-thought-out and it actually, I think, speaks to the need for government to show some leadership on a file that I think has spiralled into a chaotic mess, Mr. Speaker. And what it's done is created fear and uncertainty within the communities that have seen an increase in violence.

Mr. Speaker, I've lived in Winnipeg for a number of years, prior to moving to rural Manitoba. And I know that a number of people who I've been talking to over the last few days who are very concerned about this government's inability to handle this issue. It appears that they've been soft on crime. We've seen over the last few days that this government has not been able to take a strong position. They are a government that are very concerned about headlines and seem to have really dropped the ball on this issue and can't control it. And, you know, we've seen a number of individuals come forward and have expressed some very serious concerns about the way the government has mishandled this and doesn't appear to have any clear direction on where they're going to go with an issue, such as that has been presented.

Being a victim of crime is something that is—it's a terrible position to be in and it's a terrible thing to have happen to you as a victim. And it also plays havoc on individuals who actually have to deal with the family member who has been a victim of crime. I've—I can say that I personally have been a victim of crime and I know that it's an extremely scary situation to be in and I know that it takes away something. It takes something from your soul and it takes away something I feel is so critical in being a confident and caring individual. It takes away your trust. It takes away your trust of others. It takes away your trust of people and it takes away your freedom in how you go about your business, Mr. Speaker.

So I believe that we've got a very serious issue here. We've got people that are victims of crime, who are looking for this government to help reduce their fear. We have individuals who are perpetrators or are the criminals, who obviously have no respect and no regard to the crimes that they're committing. And that's demonstrated in the probation breaches that individuals have taken upon themselves to care very little about.

I think what the member for Steinbach (Mr. Goertzen) has presented, I think, is a very, very good position to take. I think what this means is that there will be measurements; measurements and—of how

the system is working and then it provides a tool for things to be corrected and to be improved upon. Reporting the number of breaches on a quarterly basis would allow for more transparency on the issue of probation breaches. Manitobans, I believe, deserve to know how many high-risk offenders are in the community, Mr. Speaker.

And I have a friend that's a probation officer and her comments have been very interesting. She's very concerned about the lack of leadership and the lack of vision that this government is showing in—with respect to her job. I believe she works very hard. She has a lot of faith in a lot of her clients. And I believe that there's also some very serious concerns that she has with other clients that she works with. But I do believe that she's looking for some leadership from this minister that would help her do her job.

I also have a friend whose son works at Milner Ridge. And again, he is an individual who is working with criminals, and I believe that he's looking for some leadership from this Minister of Justice (Mr. Swan) and he too would like to see some direction from this minister on the issue of probation breaches.

And I believe that, you know, if anybody that has family members that are working within the policing field or the justice field, feel that they are being let down by this government, by this minister. I believe that people with—

\* (16:30)

**Mr. Speaker:** Order.

The hour being 4:30 p.m., pursuant to rule 28(14), I must interrupt the debate to put the question on the motion of the honourable member for Steinbach (Mr. Goertzen).

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

#### Formal Vote

**Mr. Gerald Hawranik (Official Opposition House Leader):** A recorded vote, Mr. Speaker.

**Mr. Speaker:** A recorded vote.

Order. There's been a request for a recorded vote, so call in the members.

\* (17:00)

Order. The question before the House is the Opposition Day motion brought forward by the honourable member for Steinbach (Mr. Goertzen).

#### Division

**A RECORDED VOTE** was taken, the result being as follows:

#### Yea

Allan, Altemeyer, Ashton, Bjornson, Blaikie, Borotsik, Braun, Brick, Briese, Caldwell, Chomiak, Cullen, Derkach, Dewar, Driedger, Dyck, Eichler, Faurschou, Gerrard, Goertzen, Graydon, Hawranik, Howard, Jennissen, Korzeniowski, Lamoureux, Lemieux, Mackintosh, Maguire, Marcelino, Martindale, McFadyen, McGifford, Melnick, Mitchelson, Nevakshonoff, Oswald, Pedersen, Reid, Rondeau, Rowat, Saran, Selby, Selinger, Struthers, Swan, Whitehead, Wiebe, Wowchuk.

**Mr. Speaker:** I declare—all those opposed to the motion, please rise.

**Madam Clerk (Patricia Chaychuk):** Yeas 49, Nays 0.

**Mr. Speaker:** I declare the motion carried.

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**Mr. Speaker:** Before adjourning the House, I just want to take a moment. I want to thank each and every one of you for the best wishes that you have shown me for a speedy recovery, and I want to let you know that I feel very, very, very humbled by your showing of caring and concern that you have shown towards me. And I do look forward to the day that I can return, and I want to let you know that I want to wish you all the best in your rest of the session because I feel very confident that you will be left in excellent hands and that I'm sure you will have a wonderful session. So, thank you very much for your support.

And the hour now being past 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Thursday, June 3, 2010**

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