

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

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

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

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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 8, 2013

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

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

### ROUTINE PROCEEDINGS

**Mr. Speaker:** Seeing no bills, we'll move on to—

### PETITIONS

#### Applied Behaviour Analysis Services

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

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And, Mr. Speaker, this petition is signed by V. Burachynsky, A. Sherritt, G. Smierc and many other Manitobans.

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

Further petitions?

#### Provincial Sales Tax Increase—Referendum

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

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by J. Breckman, D. Cherewayko, M. Girard and many, many more fine Manitobans.

#### Provincial Road 520 Renewal

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

The background to this petition is as follows:

(1) The rural municipalities of Lac du Bonnet and Alexander are experiencing record growth due

especially to an increasing number of Manitobans retiring in cottage country.

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

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

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

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

We petition the Legislative Assembly as follows:

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

This petition is signed by D. Dewit, R. Loewen, J. Neufeld and many, many more fine Manitobans.

#### Applied Behaviour Analysis Services

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

And these are the reasons for this petition:

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

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

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

The provincial government's policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for their effective ABA treatment because of a lack of access. Many more children are expected to

age out because of a lack of available treatment spaces.

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition's signed by E. Hernandez, A. Victor, D. Dubbert and many, many more Manitobans.

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the

current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

And this petition is signed by S. Clyde, M. Goran, K. Dvorak and many other fine Manitobans.

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

The background to this petition is as follows:

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

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

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

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

\* (13:40)

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by S. Reid, T. Soriano, L. Brack and many others, Mr. Speaker.

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by K. Menard, L. Epp, B. Hilton and many other fine Manitobans.

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

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is submitted on behalf of R. Morton, G. Neufeld, K. Kilpatrick and many other fine Manitobans.

#### **Municipal Amalgamations—Reversal**

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

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by S. Simpson, W. Capri, D. Braybrook and many, many others, Mr. Speaker.

#### **Applied Behaviour Analysis Services**

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

The background for this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by J. Thiessen, L. Andrusuk, B. Goncalves and many, many other fine Manitobans.

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

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by I. Harnet, P. Bosak, C. Osborne and many, many other fine Manitobans.

\* (13:50)

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

The background to this petition is as follows:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment

such as applied behavioural analysis, also known as ABA services.

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by N. Parker, J. Parker, D. Baum and many other fine Manitobans.

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

And these—and the background to this petition is as follows:

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

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

(3) The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is

expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This is signed by R. Grantham, J. Brison, C. Black and many, many other Manitobans.

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

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by L. Kinds, W. Zacharias, G. Pommen and many more fine Manitobans.

#### **Applied Behaviour Analysis Services**

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

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by J. Schenkeveld, K. Kalupar, R. Tervoort and many, many others.

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by K. Urbanski, C. Kubicz and C. Profiti and many, many more fine Manitobans.

## COMMITTEE REPORTS

### Standing Committee on Justice First Report

**Mr. James Allum (Chairperson):** Mr. Speaker, I wish to present the First Report of the Standing Committee on Justice.

\* (14:00)

**Clerk (Ms. Patricia Chaychuk):** Your Standing Committee on Justice presents the following—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

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

#### Meetings

*Your Committee met on August 7, 2013 at 6:00 p.m. in Room 255 of the Legislative Building.*

#### Matters under Consideration

- *Bill (No. 8) – The Provincial Court Amendment Act/Loi modifiant la Loi sur la Cour provinciale*
- *Bill (No. 10) – The Correctional Services Amendment Act/Loi modifiant la Loi sur les services correctionnels*
- *Bill (No. 16) – The Department of Justice Amendment Act/Loi modifiant la Loi sur le ministère de la Justice*
- *Bill (No. 21) – The Highway Traffic Amendment Act (Impoundment of Vehicles — Ignition-Interlock Program)/Loi modifiant le Code de la route (mise en fourrière des véhicules — programme de verrouillage du système de démarrage)*
- *Bill (No. 23) – The Highway Traffic Amendment Act (Increased Sanctions for Street Racing)/Loi modifiant le Code de la route (sanctions accrues en matière de courses sur route)*
- *Bill (No. 25) – The Statutory Publications Modernization Act/Loi sur la modernisation du mode de diffusion des publications officielles*
- *Bill (No. 36) – The Public Guardian and Trustee Act/Loi sur le tuteur et curateur public*
- *Bill (No. 38) – The Provincial Offences Act and Municipal By-law Enforcement Act/Loi sur les infractions provinciales et Loi sur l'application des règlements municipaux*

#### Committee Membership

- *Mr. ALLUM*
- *Mr. ALTEMEYER*
- *Hon. Mr. BJORNSON*
- *Mr. CALDWELL*
- *Ms. CROTHERS*
- *Mr. DEWAR*
- *Mr. EICHLER*
- *Mr. HELWER*
- *Mr. MAGUIRE*
- *Hon. Mr. SWAN*
- *Mr. WISHART*

Your Committee elected Mr. ALLUM as the Chairperson.

Your Committee elected Ms. CROTHERS as the Vice-Chairperson.

Substitutions received during committee proceedings:

- Mr. BRIESE for Mr. MAGUIRE

#### *Public Presentations*

Your Committee heard the following six presentations on Bill (No. 36) – *The Public Guardian and Trustee Act/Loi sur le tuteur et curateur public*:

Kerry Anderson, Private Citizen

Margaret Anderson, Private Citizen

Bertha Travers, Private Citizen

Jeff Sinclair, Private Citizen

Daryl Wallman, Private Citizen

Errol Pinnock, Private Citizen

Your Committee heard the following three presentations on Bill (No. 38) – *The Provincial Offences Act and Municipal By-law Enforcement Act/Loi sur les infractions provinciales et Loi sur l'application des règlements municipaux*:

Doug Dobrowolski, Association of Manitoba Municipalities

Steve Strang, Rural Municipality of St. Clements

Harold Dick, City of Winnipeg

#### *Written Submissions*

Your Committee received the following written submission on Bill (No. 36) – *The Public Guardian and Trustee Act/Loi sur le tuteur et curateur public*:

A. Leonard Anderson, Private Citizen

#### *Bills Considered and Reported*

- Bill (No. 8) – *The Provincial Court Amendment Act/Loi modifiant la Loi sur la Cour provinciale*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 10) – *The Correctional Services Amendment Act/Loi modifiant la Loi sur les services correctionnels*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 16) – *The Department of Justice Amendment Act/Loi modifiant la Loi sur le ministère de la Justice*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 21) – *The Highway Traffic Amendment Act (Impoundment of Vehicles — Ignition-Interlock Program)/Loi modifiant le Code de la route (mise en fourrière des véhicules — programme de verrouillage du système de démarrage)*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 23) – *The Highway Traffic Amendment Act (Increased Sanctions for Street Racing)/Loi modifiant le Code de la route (sanctions accrues en matière de courses sur route)*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 25) – *The Statutory Publications Modernization Act/Loi sur la modernisation du mode de diffusion des publications officielles*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 36) – *The Public Guardian and Trustee Act/Loi sur le tuteur et curateur public*

Your Committee agreed to report this Bill without amendment.

- Bill (No. 38) – *The Provincial Offences Act and Municipal By-law Enforcement Act/Loi sur les infractions provinciales et Loi sur l'application des règlements municipaux*

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

*THAT Clause 2 of Schedule B to the Bill (The Municipal By law Enforcement Act) be amended as follows:*

*(a) in the definition "by law enforcement officer", by adding ", and includes a designated employee or officer under The Planning Act" at the end;*

*(b) in the definition "municipality", by adding "and a planning district under The Planning Act" at the end.*

*THAT Clause 3 of Schedule B to the Bill (The Municipal By law Enforcement Act) be amended by adding the following after subsection 3(3):*

***Authority of planning districts***

**3(3.1)** In addition to requiring administrative penalties to be paid in respect of the contravention of its own by laws, a planning district may require penalties to be paid under this Act in respect of the contravention of the by laws of its member municipalities referred to in section 14 of The Planning Act.

*THAT Clause 6(3) of Schedule B to the Bill (The Municipal By law Enforcement Act) be amended by adding "if it has one or, if not, the vehicle identification number" at the end.*

*THAT Clause 8 of Schedule B to the Bill (The Municipal By law Enforcement Act) be replaced with the following:*

***Limitation period — one year***

*8 A penalty notice may not be issued more than one year after the designated by law contravention for which it is issued is alleged to have occurred.*

*THAT Clause 27(3) of Schedule B to the Bill (The Municipal By law Enforcement Act) be amended in the proposed section 178.1 of The City of Winnipeg Charter by striking out everything after clause (b) and substituting "may not be enforced under The Summary Convictions Act."*

*THAT Clause 28(3) of Schedule B to the Bill (The Municipal By-law Enforcement Act) be amended in the proposed subsection 236(3) of The Municipal Act by striking out everything after clause (b) and substituting "may not be enforced under The Summary Convictions Act."*

**Mr. Allum:** Mr. Speaker, I move, seconded by the honourable member for St. James (Ms. Crothers), that the report of the committee be received.

***Motion agreed to.***

**Mr. Speaker:** Any further committee reports? Seeing none—

**Introduction of Guests**

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today Alex Steffen, who is visiting us from Saskatoon, Saskatchewan, and is the guest of the honourable member for Riding Mountain (Mrs. Rowat). On behalf of honourable members, we welcome you here this afternoon, no doubt, wearing green and white.

And also, in the Speaker's Gallery, we have with us today Ivan and Sonia Kostyshyn from Canora,

Saskatchewan, no doubt, wearing green and white; their grandson, Zayden Kungu, from Montréal, Québec; and Carrie Brown from Winnipeg, who are the family members of the honourable Minister of Agriculture, Food and Rural Initiatives (Mr. Kostyshyn). On behalf of honourable members, we welcome you here.

**ORAL QUESTIONS****Morris By-Election  
Government Timeline**

**Mr. Brian Pallister (Leader of the Official Opposition):** I remind the green and white that this season is not remotely over, Mr. Speaker, not even close.

The Premier, when he prepared his doctoral thesis back in '99, did it on the topic of strategic civil engagement, and in preparing that thesis, the Premier would have studied the strategy and formation and execution of collective action. His thesis would have examined the best methods of initiating social change and the importance, of course, of empowering the people.

But that was then, Mr. Speaker, and this is now. And now it seems the Premier is less interested in empowering people and more interested in empowering governments.

I'd like the Premier to explain how his refusal to call the Morris by-election for the past six months is empowering the people of Morris.

**Hon. Greg Selinger (Premier):** I thank the member for the question. I think the Leader of the Opposition should explain by what—why that member quit her—quit the caucus and walked out and left that seat unrepresented.

But I can tell you we've been in that—in those communities many times. We're the ones that want to protect the downstream communities in the constituency of Morris from people going into the diversion and threatening floods to the people downstream. And, Mr. Speaker, that kind of civic engagement, we don't support.

We support lawful civic engagement which keeps people safe and protects communities, and we will continue to do that on this side of the House.

**Mr. Pallister:** I'd remind the Premier that the reason he's in that position is because the previous member for Concordia did exactly the same thing, and he

should show some respect for former members of the Legislature.

The title of the Premier's thesis was Organizing Hope, a strategic model of civil engagement. But his priorities are no longer engagement. In fact, they're clearly now disengagement. And his thesis was intended, it says, to help challengers of authority to sense what's possible and help them do it. Well, perhaps in 1999, but not anymore.

Clearly, what the Premier wants today is radically different. What he wants today is to discourage action, Mr. Speaker, particularly against the government, particularly against the PST hike. And the fact of the matter is the Premier used to care. He used to care about encouraging Manitobans, but now he prefers, rather than encouraging, he prefers to discourage Manitobans by eliminating, in fact, Manitobans' rights to vote on a proposed PST hike.

When will he allow the people of Morris to engage in the process of voting for their next member of the Legislative Assembly?

**Mr. Selinger:** It was about a year ago today that we called a by-election in the constituency of Fort Whyte, and the Leader of the Opposition didn't want that election then. He wanted to leave it to the fall. He wanted to leave it 'til later. He thought there were other things to do in August.

And so, Mr. Speaker, we're obviously very committed to civic engagement, which is why we'd like to call Bill 18 and let those 300 people come down and speak on antibullying. And I only hope he would give them that opportunity as soon as possible.

**Mr. Pallister:** Collective action and citizenship engagement is people power, Mr. Speaker. We believe in that, and we believe, here on this side of the House, in encouraging people to be part of a process the Premier chooses to ignore and disrespect.

The Premier knows—he knows—how to encourage citizens. He's studied it. He also knows how to discourage them. He used to want to encourage them to fight the elites who wield power. Now he's one of those elites. And he also knows how to discourage people from opposing him with blatant misrepresentation of the facts, misinformation, false accusations, ribbon cuttings and, frankly, what the Romans used to call bread-and-circuses techniques. He's trying to replace people power with political power. He used to think he was fighting the man. To

fight the man, you engage people. Now that he is the man, he prefers to disengage people.

When will the people of Morris be respected by this Premier and allowed to engage in a by-election in their own riding?

**Mr. Selinger:** There's only one group of MLAs that wanted to protect the people in Cartier, St. François Xavier from putting them at risk by allowing people to go into the diversion to put those communities at risk by not letting the floodway work which would've protected those downstream communities.

Your concept of civic engagement is a high-risk approach, I say to you, the Leader of the Opposition. You want to put Manitobans at risk every single day with your \$550 million of cuts, with putting people in the diversion, by not allowing people to participate in the economy through hydro development.

That's not civic engagement; that's putting people in a deep-freeze, Mr. Speaker. We won't do that; you will.

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

#### **PST Increase Impact on Restaurant Industry**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, Manitoba's restaurant industry is one of the largest sectors of the provincial economy, with sales of approximately \$2 billion. This industry creates and sustains more than 42,000 direct jobs, 6.7 per cent of Manitoba's workforce.

So, Mr. Speaker, I would like to ask the Minister of Finance to tell us why this important industry was disrespected and ignored and not consulted with about the PST hike.

**Hon. Stan Struthers (Minister of Finance):** Well, Mr. Speaker, if the member for Charleswood had been listening at the public meetings that we held, she would know that I met with that Restaurant Association before the budget, after the budget, since the budget. We've had many good conversations with the Restaurant Association about all kinds of things.

And the strength of our restaurant businesses in Manitoba is one of the reasons why the Conference Board of Canada is so confident in our economy that it said it's going to grow by 1 and a half per cent this year.

This side of the House is absolutely committed to growing our economy, providing employment, keeping our unemployment records low, unlike

members opposite who simply want to cut, hack and slash their way into poverty.

**Mrs. Driedger:** Mr. Speaker, it's obvious that the Minister of Finance wasn't listening very well during the committee hearings, because exactly the opposite of what he's saying is what the industry told him.

Even before the PST hike, Manitoba's restaurant industry was facing challenges. Since 2001, under this NDP government, they have seen a loss of over 300 food-service establishments.

So I'd like to ask the Premier (Mr. Selinger) to tell us why he flatly refused to meet with this industry to hear their concerns about the PST hike and how it could hurt them. The Premier flatly refused to meet with them. Can he tell us why?

**Mr. Struthers:** Well, Mr. Speaker, I listened very carefully at every time a Manitoban came forward to present at the hearings that we had. I listened very carefully to the Restaurant Association when they came to talk with me.

Mr. Speaker, I can say to members opposite that the Restaurant Association wants to build our economy. They want to work with us to build the economy so they have more people coming to their restaurants and spending money on the foods and the services that that association provides.

That is why, Mr. Speaker, in this year, the Conference Board of Canada has said that retail sales are forecast to increase 2 and a half per cent. That's better by 0.4 per cent than the Canadian average.

**Mr. Speaker:** The honourable member for Charleswood, the final supplementary.

\* (14:10)

**Mrs. Driedger:** Mr. Speaker, every time the Minister of Finance speaks, he shows that he did not really hear people at those committee hearings.

Mr. Speaker, even before the PST hike, Manitoba's average annual per capita food-service sales were the lowest in Canada, dead last, 10th out of 10th. Why? Because Manitobans have less disposable income than most other provinces in Canada.

So I'd like to ask the Minister of Finance to tell us: Why did he ignore this? Why did he hike up the PST anyway? Does he have any clue at all how much this PST hike is going to hurt this industry and hurt Manitobans who have almost the lowest

disposable income in all of Canada? Where was his thinking, or not?

**Mr. Struthers:** Well, Mr. Speaker, I'm really pleased that the member for Charleswood mentioned household disposable income in her question, because instead of believing the member for Charleswood, I'm more prone to believe the Conference Board of Canada, who said household disposable income in Manitoba is forecast to increase by 3.8 per cent.

And I know the member for Charleswood can chirp all she likes from her seat, but you know what, Mr. Speaker? The Canadian average is 3.4 per cent. We beat them there again too.

#### **Phoenix Sinclair Destruction of Case Files**

**Mrs. Leanne Rowat (Riding Mountain):** In 2012 Manitobans first learned that Phoenix Sinclair's case notes had been shredded.

We now know that in 2006 the minister's office was made aware of the intent to shred case files. This is after Phoenix Sinclair's inquiry had been called. This is a very serious breach of trust by the member for Riel (Ms. Melnick), the former minister of Family Services, who, since 2006, knew that the safekeeping of documents had been compromised and that the case notes were shredded, where she actually failed to act.

Mr. Speaker, does the minister know why her colleague the member for Riel, as Family Services minister in 2006, failed to ask the questions of her department to ensure that the notes were preserved?

**Hon. Nancy Allan (Acting Minister of Family Services and Labour):** Well, I just want to say how privileged I am to stand in the House today and answer a question for the Minister responsible for Family Services.

It has been 14 months since I've been asked a question as the Minister of Education. I know that the members opposite think they care about education, but if they really cared about education, they might want to ask a question once in a while on education. That—[interjection]

I'm very pleased to respond on behalf of the Minister responsible for Family Services. Following the horrible discovery of Phoenix Sinclair's death in 2006, our government initiated several—

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

**Mrs. Rowat:** This past July I asked the Family Services Minister if there was anything in what she read on the Phoenix Sinclair murder that disclosed the intent to shred case file documents. Her response, there was nothing. I disagree, Mr. Speaker. February 2013 inquiry transcripts indicate that in 2006, and I quote, concerns noted around the plan to shred case notes.

Clearly, this NDP government knew in 2006 of the intent to shred the case notes, and they also knew that someone would have to have—give the approval for this to happen.

When did this minister first learn of the 2006 plan to shred Phoenix's case notes? Did she immediately ask the department officials to inform her of when and how the case notes had been destroyed?

**Ms. Allan:** Well, I just want to remind the member opposite that when the Minister of Family Services learned of the tragic death of Phoenix Sinclair, she called an external review, and we are going to learn from that Phoenix Sinclair inquiry.

There have also been changes made for children. There have been 295 recommendations from a multi-year action plan for Changes for Children.

And I want you to know that she takes her responsibility very seriously. She is the minister responsible for children in care, and she has a background in regards to working in this field.

And we will learn from that inquiry, and we will take the commissioner's recommendations very, very seriously, and we will continue to work to protect children in care.

**Mrs. Rowat:** Mr. Speaker, the minister—or the member for Riel (Ms. Melnick) in 2006 and the preceding Family Services minister stepped away from their responsibility to ensure that staff documentation was safely contained. For seven years, this NDP government has known of the shredded case files and they have arrogantly misled Manitobans as to this fact.

In 2006, who within the Department of Family Services knew of the protocol breach and who approved the shredding of Phoenix's case notes? Was it the member for Riel? Or maybe it was the member for—Gord—the Minister for Conservation when he

was minister of Family Services. Thank you, Mr. Speaker.

**Ms. Allan:** Well, I'd like to thank the MLA for Riding Mountain for the question, and I can guarantee her that the Minister responsible for Family Services takes her responsibility very seriously.

I would just like to ask the MLA for Riding Mountain: Today we learned that John Baird has defended gay rights in Sochi, Russia, and he was slammed by a conservative group of women called REAL Women. And I just want to know if the MLA for Riding Mountain is a real woman, and does she support gay rights? Does she support the protection of LGBTQ youth, or is she going to support the MLA for Fort Whyte and the MLA for Steinbach?

**Mr. Speaker:** The honourable member for Morden-Winkler.

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

**Mr. Speaker:** Official Opposition House Leader, on a point of order.

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

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

Official Opposition House Leader, on a point of order.

### Point of Order

**Mr. Kelvin Goertzen (Official Opposition House Leader):** Mr. Speaker, the House of Commons Procedure and Practice, second edition, by O'Brien and Bosc, makes it clear about reflections on members, reflections on this House and that all of us have to live up to a certain standard.

There was a very serious question asked by the member for Riding Mountain about the tragic death—the tragic death of a young girl—a very serious question that was asked. And if the Minister of Education (Ms. Allan) doesn't know the answer, which clearly she didn't, she has options. She could have taken it as notice. She could have said nothing. She could've deferred to one of her colleagues who might know the answer. But it's wholly unacceptable to try to deflect and in that same way reflect on other members when there was a serious question about a young girl who lost her life.

She might not have respect for us. She may not have respect for this Legislature. She might not have respect for anybody, but for respect for that young

girl and her legacy, could she please try to have some decorum and respect for that young girl who lost her life, Mr. Speaker.

**Hon. Andrew Swan (Acting Government House Leader):** I did listen to the exchange between the member for Riding Mountain (Mrs. Rowat) and the Minister of Education (Ms. Allan). I heard very clearly the question that was being asked was about the protection of children, which is something that, certainly, members on this side of the House are indeed engaged in, and the member—the Minister of Education, as she entitle—is entitled to, did put on the record comments about the protection of children. And, indeed, we look at protecting all children, and on this side of the House we believe in protecting children even if they are gay or lesbian or transgender, and that's what the Minister of Education was speaking about.

\* (14:20)

So I'm sorry if the members opposite have once again been offended. They don't want to talk about Bill 18. They don't want to talk about protecting all children in our society. They only wish to protect certain children. That's not the way that we do things on this side of the House.

There is no point of order, Mr. Speaker.

**Mr. Speaker:** On the point of order raised by the Official Opposition House Leader (Mr. Goertzen), I understand that feelings can run very high on topics—and I've said this many times to members of the House—and that I know that feelings can run quite high at times about particular issues, and I respect that. I mean, members have strongly held viewpoints.

I'm going to have to take this matter under advisement. I'm going to have to review the Hansard transcripts of the proceedings here today to determine exactly the language that was used in both the question and the answer that was just posed moments ago before the point of order. And then I'm going to bring back a ruling for the House.

And I'm going to, while I'm on my feet, caution all honourable members of the House. I understand and I respect your right to strongly hold the views that you have, but I'm asking that when we're asking questions and when we're answering questions that all of those questions asked and answered be done through the Chair. I'm becoming very aware of the finger pointing that goes on when members are an-asking and answering questions. I want the

comments to come through the Chair. That's one way that I can maintain order and decorum in the House, and I'm asking for the co-operation of all honourable members in that regard, please.

So I will bring back a ruling for the House.

\* \* \*

**Mr. Speaker:** Now, next question, I believe we're at the honourable member for River East.

**Phoenix Sinclair  
Destruction of Case Files**

**Mrs. Bonnie Mitchelson (River East):** I'd like to follow up and try to get some answers to a very serious question that was just asked by my colleague. A young girl was murdered and killed. She was a girl that was a part of the child and family services system.

Mr. Speaker, the inquiry that is just finishing wasn't able to do the full work that it should have been able to do because documents were shredded under the watch of the member for Riel (Ms. Melnick), who was the minister of Family Services. The department knew about those documents being shredded.

I would like to ask the government: Who knew and who authorized the shredding of those documents?

**Hon. Nancy Allan (Acting Minister of Family Services and Labour):** Well, I want to remind members opposite that we have taken this issue very, very seriously from the very beginning. And the ministers on this side of the House have taken the recommendations from the Changes for Children document. There were 295 recommendations to improve our child-welfare system.

Mr. Speaker, we have also more than doubled our child-welfare funding to \$425 million a year. We have added 280 positions to support the workload in the child-protection system.

We will continue to support the front-line workers in the system, and that is why in this budget this year we have made significant investments in our Family Services Department to provide funding to child-welfare workers so that we can continue to support the most vulnerable children in our society.

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

**Mrs. Mitchelson:** But I'm wondering if someone on the government side couldn't show accountability and stand up today in this House and answer a very specific, simple question.

Who on the government side of the House knew or directed those documents to be shredded? Surely someone can take some leadership and show accountability in this very serious issue.

**Ms. Allan:** Well, I want to remind members opposite that when we received recommendations in regards to making sure that we had proper documentation in place, the previous minister has strengthened the requirement. They have made sure that note keeping standards apply to all agencies in the province of Manitoba. And we require agencies to maintain records regarding services that they provide to individuals, that they provide to families, that they provide to children. And this applies both to paper records and electronic records, Mr. Speaker.

So we will continue to work with our agencies to ensure that those—

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

**Mrs. Mitchelson:** Well, thank you very much, Mr. Speaker, but I'm looking for a clear answer to a very serious question.

Mr. Speaker, is there any coincidence between the documents and the department knowing about the documents that were planned to be shredded and the minister's removal from the Department of Family Services and another minister being put in place? Is there any correlation between the two issues? Did she know, was it found out and is that why she was moved?

**Ms. Allan:** Well, I'd like to thank the MLA for River East for the question. And the answer to it is no.

#### **ER Services Review Government Initiatives**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, this week the inquest began into the death of Brian Sinclair, the man who died after a 34-hour wait in a hospital emergency room where he was left unattended.

At yesterday's proceedings Manitoba's Chief Medical Examiner told the inquest it's likely that Mr. Sinclair had been dead for at least a couple of hours before being found; it could have been as long as seven hours.

As this inquest commences, can the Minister of Health explain what is now in place in Manitoba that will prevent a similar tragedy to Brian Sinclair's and ensure the protection of both patients and front-line workers?

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question and I say quite sincerely I thank him for how he asked that question.

The tragedy that happened at the Health Sciences Centre concerning Brian Sinclair was devastating. And we know that his loved ones will never feel the same and they will feel an incredible loss. And I said to them then and I say now that we are very, very sorry that this happened and we are committed to do everything that we possibly can to ensure that such a devastating event will never happen again.

I can inform the member that in the days following the event, a critical incident investigation began immediately. And I'll complete my answer—

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

**Mr. Friesen:** The minister says she's committed to doing everything that she can. And yet just this spring in this Legislature, we brought to the minister's attention that Bonnie Guagliardo went to the ER after falling in her home and she was initially assessed and she proceeded to wait six hours without being checked on, just like Brian Sinclair. And after six hours of waiting, she returned home. And she was found dead in her home the next morning.

And, Mr. Speaker, I ask the minister again: What has she got in place at this time to prevent tragedies like Brian Sinclair's and Bonnie Guagliardo's and ensure the protection of patients and front-line workers?

**Ms. Oswald:** And to continue, immediately following the event, a critical incident investigation was launched. There were recommendations coming out of that critical incident review, which, of course, we have entrenched in legislation as compulsory. There were five recommendations and the WRHA has followed through and completed all of the recommendations that came from that.

Three days after the event, a protocol was put in place whereby individuals sent from a community clinic to an emergency room—that there would have to be notification to the emergency room that a

patient was being sent so extra care could be taken to ensure that that patient was identified.

A safeguarded triage process was put in place very shortly thereafter to ensure that anybody awaiting to be triaged would be identified by way of an identification band—

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

**Mr. Friesen:** Mr. Speaker, earlier in this session I informed the minister of another woman, a 65-year-old woman who suffered a stroke and went to the ER and she waited for five and a half hours without being reassessed at all.

And we've reminded this minister that the Emergency Care Task Force made recommendations for a reassessment rule where ERs would have someone checking on patients to make sure they are waiting safely. The more this minister says that she changes things, the more they seem to stay the same.

At yesterday's inquest the chief medical officer said thus clearly: someone should have checked on Mr. Sinclair when the signs showed he was going into shock.

\* (14:30)

How can this minister be confident that another tragedy like Sinclair's won't take place? What is she prepared to do to ensure the safety of patients and front-line workers?

**Ms. Oswald:** To continue, Mr. Speaker, indeed, eight days after the tragedy that surrounded Mr. Sinclair's death, more staff was added to that particular ER. We have indeed added over 60 positions across the system.

I can inform the member that we're taking very special care to ensure that we drive down wait times. The average wait time in city ERs last week overall was 2.1 hours. By creating alternatives for individuals like QuickCare clinics, access centres and family doctors for all, we can ensure that our emergency rooms are available for those that are in emergency situations.

We want to provide better access because Brian Sinclair and his family deserve no less.

### Phoenix Sinclair Destruction of Case Files

**Mrs. Leanne Rowat (Riding Mountain):** Her words reek hollow with everybody within this Chamber, Mr. Speaker.

In 2006 the member for Riel (Ms. Melnick) and preceding Family Services minister stepped away from their responsibility to ensure that staff documentation was safely contained. What happened over the next seven years in this Chamber and in the media, this government misled Manitobans about the facts with regarding the case files.

Mr. Speaker, in 2006 the member for Riel knew that those case documents were in jeopardy and she did nothing. She did not act. We are seeing a disinterested government, a disinterested minister 'regot'-responsible for Family Services.

Mr. Speaker, can the minister tell us when they knew and who instructed them—their government to destroy those files?

**Hon. Nancy Allan (Acting Minister of Family Services and Labour):** Well, Mr. Speaker, I have already explained very clearly to the member that we take the recommendations from the report, the Changes for Children report, very seriously.

We stand—we have standard outlines, minimum requirements for documentation. We ensure that supervisors, when they are conducting case reviews, are already required to ensure that the information and the documentation is stored or filed in the appropriate case record. We make sure that with all new intakes a new electronic intake module becomes a requirement, and this is important to us because we want to ensure that staff, social workers in the Department of Family Services have appropriate records so that they can use the—

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

**Mrs. Rowat:** This minister—former minister, the member for Riel, tabled a news release as her parameters or timelines for the review that was being done. Mr. Speaker, this minister should've known and decided not to act. One of the reviews is where this information came forward from. So this minister actually did nothing and, in a sense, condoned the shredding of case files that were critical for the review and the investigation and, actually, the court case.

So I would like to know: When did this minister know that the case files were destroyed and who gave the directive to do that, Mr. Speaker?

**Ms. Allan:** Well, I just want to ensure members opposite that we take the responsibility of children in care very, very seriously, Mr. Speaker.

And I just, you know, I want to ensure members opposite that we will be receiving from the Phoenix Sinclair inquiry—we will be receiving information from them, recommendations from them, and we will continue to work to strengthen the safety for children in our family services 'kay'—system, Mr. Speaker.

We have made changes to ensure that documentation is strengthened and that people working on the front lines have the appropriate documentation in place to ensure that young—

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

The honourable member for Riding Mountain, on a final supplementary.

**Mrs. Rowat:** Winnipeg Child and Family Services is—was directly under this Minister of Family Services. There were no authorities to report to. This department—this agency reported directly to the minister.

Mr. Speaker, their protocols were in place. They talk about protocols being enhanced; those protocols were in place to not destroy documents and that they were to be kept in a safe place.

Mr. Speaker, I ask the Premier (Mr. Selinger): Did he move the member for Riel (Ms. Melnick) because she knew of the shredded case notes and did nothing to stop it? Did he move her because she was incompetent and did not do her work as the minister responsible for Child and Family Services, the protection of little children like Phoenix Sinclair? Did he move her because she was totally incompetent and put in another minister to try to clean up her mess?

**Ms. Allan:** I'm pleased to inform the MLA that the Child and Family Services in Winnipeg has updated its recording policies and practices, and the recording policy has been updated. And our policy states that supervisors should always record information on case material discussed in supervision and supervision activities. And it states, you know, that these notes are important even if the supervisor leaves the employment of the Child and Family Services department.

We will continue to strengthen policies to ensure that our most vulnerable children stay safe in the Child and Family Services department.

### **Parental Suicide Support for Children**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, as Gordon Sinclair indicated in his column today, we all need to be aware of the fact that there have been far too many suicides among Aboriginal youth. What Samantha Jensson's story, the tragic story of a 15-year-old Aboriginal girl who committed suicide, what her story shows is the importance of extra support for the children of a parent who commits suicide.

I ask the Premier: What measures have been put in place to help and support the children following the suicide of a parent?

**Hon. Greg Selinger (Premier):** Mr. Speaker, we have put in place a suicide strategy in Manitoba, and we've worked with some of the most vulnerable communities on that strategy. It includes the ability to have access to a telephone line if people need an emergency response.

We have the mental health crisis response unit, our response unit that we've just opened at the Health Sciences Centre, first of its kind in Canada, which is available to anybody that needs that kind of particular support during a time of stress.

The member also will know that when it comes to helping people with suicide, some of the most important things you can do are to have good community-based networks of support for prevention purposes. And we've invested heavily in that throughout Manitoba, not only on the child-welfare side but also on the health-care side.

And in our schools, as well, we've put teaching methodologies into the schools, things called the PAX program, which teach skills to people on how to deal with conflict, how to deal with being bullied and how to ensure that they have support to work through those issues. And that is one of the reasons that we've brought forward legislation in this session to continue to build a culture of safety where people can be who they are, risk free, no matter what environment they're in, Mr. Speaker.

### **Children in Care Mentoring and Support Services**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, coming out of Samantha Jensson's sad and tragic

story has been the development of Samantha's principle, a principle that Samantha's grandfather, who is in the gallery today, endorses. This principle is that children who are in the care of Child and Family Services should be given hope and the possibility and the help to be able to dream of having a child themselves one day so that they can look after that child well.

I ask the Premier what efforts he is making to ensure that children who are in care will have suitable counselling, mentoring and supports as they continue on their journey to having the possibility of raising children on their own.

**Hon. Greg Selinger (Premier):** It is a good question, Mr. Speaker. Any child in care requires a support program tailored to their specific circumstances. And that support program has to have as a No. 1 principle, which we've now enshrined in legislation, that the safety of the child comes first. That's the No. 1 principle. And to the extent that Samantha's principle would support that, that clearly would be a principle that we could consider.

But the No. 1 principle is the safety of the child and that has to be the key in any intervention that's made within the system. That intervention could include additional supports when they reach 18, which weren't in place before, to help them make the transition to adulthood. That can include supports within the community. That can include supports between the child-welfare agency and the school or the place of employment that that young person might be working or all of the above.

\* (14:40)

That's why we fund the Brighter Futures programs in the-through the Education budget. That allows students to have extra help with schoolwork after school, tutoring in a safe place, including during summertimes, not just throughout the school year.

So there does need to be networks of caring that cut across child-welfare systems, education systems, health-care systems and bring communities together to support children. And that's what we're all about, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, Samantha was 15 years of age when she tragically ended her life. Learning about life starts at birth, and the minister needs to start and the Premier needs to help start helping children who have been in care very early on.

One of the sad facts is that too many children who've been in the care of Child and Family Services too often have children who end up themselves in the care of Child and Family Services. We need to break this cycle.

And I ask the Premier what measures—what specific measures—he's taking to interrupt this cycle, which has far too often occurred in the past, and to ensure that young children in care have the learning, through education and example, for the parenting and the life skills they needed to raise their own children well.

**Mr. Selinger:** This is a good question. I'll just use by way of illustration some of the excellent programming I have seen going on in the community. I recently visited the high school in Portage la Prairie where they have a number of young mothers attending school. When they go to that school, they get support for their children in care, they get parenting skills, they get budgeting skills, they get skills in terms of how to find housing and have supports in the community and they get skills to succeed in school so that they can go on to get employment or go on to further post-secondary education. And many of our schools are doing that throughout Manitoba in our high schools.

And we have now required that schools provide opportunities for young people 'til the age of 18. No longer at 16 is a child not a responsibility of the public school system. They have a responsibility now to provide innovative programming to allow as many young people as possible that wish to complete high school, even if they're a parent and a young parent, and there are many instances of that, we want them to have the proper supports and respect and dignity to go to school, to have the support for their children and to be successful in life.

And we will continue to fund that in our budgets, Mr. Speaker. We will not hesitate to do that in the future.

#### Lake Manitoba-Lake St. Martin Flooding Update

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, this government has always been here for Manitobans when flood waters begin to rise.

But I have to report the situation, once again, is not good. Lake Manitoba is above its range of regulation and Lake St. Martin is very near to 803 feet above sea level. Fortunately, this government had the will to build the emergency

outlet and the wisdom to locate equipment there this spring in case we had to put it into operation again this summer.

Could the Minister of Infrastructure and Transportation update the House as to local conditions and what actions would be required to get this emergency outlet back into operation this year?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Well, Mr. Speaker, and I want to thank the member for the Interlake for being there for all of the flood-affected communities in and around Lake Manitoba and Lake St. Martin.

I want to indicate that we have certainly not seen levels equivalent to 2011, but there have been high levels both on Lake Manitoba, Lake St. Martin. There's anticipated to be some decline over the next number of weeks, but we are concerned with unfavourable weather that there could be impacts, not only in Lake St. Martin but also Lake Manitoba and Lake Winnipegosis.

As a result, we are in communication with federal authorities. I'd remind members that when we built the outlet, we had one-time authorization to use it in 2011, and we want to make sure that if we need to use it in the case of inclement weather over the next number of months that we'll be able to do that. And we are in communication with the federal government because if we need to use that outlet, we will do it to protect—

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

#### **Phoenix Sinclair Destruction of Case Files**

**Mrs. Bonnie Mitchelson (River East):** In previous answers, the minister has indicated that new processes have been put in place. Mr. Speaker, there were protocols in place back in 2006 that didn't allow or shouldn't have allowed for files to be shredded in the child and family services system. So you can strengthen rules on paper, but if they're not followed, it really doesn't mean anything.

Mr. Speaker, in 2006, after the inquiry into Phoenix Sinclair's death had been ordered, there was concern about files being shredded in the Department of Family Services.

Who authorized those files to be shredded?

**Hon. Nancy Allan (Acting Minister of Family Services and Labour):** Well, we are—I'm very

pleased once again to inform the members opposite that we have looked at our standards in regards to note taking and standards in regards to requiring agencies to maintain records in regards to the services to families and in regards to the services of children.

As I have said earlier, all intakes—there is an electronic intake module that is now a requirement. Even when a supervisor leaves the employment of Child and Family Services, we ensure that those records are kept in place to ensure that young people are taken care of—

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

**Mrs. Mitchelson:** Mr. Speaker, but surely in 2006 processes were in place to protect vulnerable children, but a child was murdered and died under this government's watch and under the watch of the member for Riel (Ms. Melnick).

Mr. Speaker, files were shredded that should have been available so we could get to the bottom of exactly what happened to Phoenix Sinclair, but this government allowed those files to be shredded.

Who gave the direction to shred the files?

**Ms. Allan:** Well, I can guarantee the member opposite that all members on this side of the House care deeply about children in care, and I can guarantee all members across the way that we took the death of Phoenix Sinclair very seriously, Mr. Speaker.

And I just want members opposite to know that Commissioner Hughes has finished the inquiry and witnesses have come forward and the final report is going to be presented to us. And we look forward to that report, Mr. Speaker, because it's going to provide us with insight to this tragic incident that occurred.

And that is our responsibility, Mr. Speaker, as government, to ensure that we proceed with—

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

Time for oral questions has expired.

#### **MEMBERS' STATEMENTS**

#### **Happy Anniversary**

**Ms. Melanie Wight (Burrows):** Mr. Speaker, I would like to wish a belated happy anniversary to the Leader of the Opposition. As we're all keenly aware,

it's been a bit over a year since the member for Fort Whyte (Mr. Pallister) became the Leader of the Opposition and, my, what a year it's been.

He launched his campaign for leader by calling Gary Filmon's PC government of the 1990s, in which he was a senior Cabinet minister, one of the finest governments Manitoba's been blessed with. We know that government's legacy of cuts and privatization. And the Leader of the Opposition has spent the last 12 months proving he still believes in the failed policies of the past. Here are a few examples.

He told Manitobans that instead of our plan which will build health centres and hire more doctors and nurses throughout Manitoba, it was a time for tough love, meaning cuts to the services families count on. In fact, he has pushed for \$550 million in cuts to services for families. This would mean firing over a thousand front-line workers, such as nurses, flood forecasters, social workers and correctional officers.

He has advocated for American-style two-tier health care, where very wealthy can buy their way to the front line for tests and treatments, calling it a system we need.

He opposes Hydro plans to build for the future and export power to keep rates down here at home, calling it a mega-mistake.

He and the PC caucus oppose antibullying laws that would protect all kids from bullying, including gay students. He mocked the gay-straight alliance in our schools, saying that he doesn't think a tall, geeky guy club would have helped him.

He found time to work in jokes, such as flooding out Winnipeg.

The one thing that we have not seen this year, Mr. Speaker, is any surprises. In fact, I think we can fairly say it's been a rather chilly blast from the past.

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

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

\* (14:50)

### Border View Electric

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, today I rise to congratulate Border View Electric on their 25th anniversary in business. As a thank you to their customers, an outdoor celebration

took place July the 27th with a free barbecue lunch and entertainment.

Founded in 1989, partners Jake Dyck and Stan Wall started with a 500-square-foot rented shop in downtown Winkler, and they worked hard. They concentrated on developing a relationship with customers, and they've now grown to a staff of 17 electricians and two office assistants, and they're located in a modern 4,000-square-foot building at 399 Manitoba Road.

Based in Winkler, Border View Electric provides residential, commercial, industrial and agricultural services to a 200-kilometre area around the city of Winkler. Their workmanship is evident in major projects throughout the region, like Meridian, Access Credit Union, the Hydro customer service centre, Winkler Mennonite Church and Prairie Dale School and the Morden Collegiate addition, to name a few.

Growing their business meant responding to the changing needs of their customers, incorporating new technologies and appreciating each customer, regardless of the job size. Building on their motto, no job is too big or too small, they grew their business to where it is today.

They have been generous to the community along the way, contributing to projects like Bethel Heritage Park, the Winkler Bible Camp and Eden Foundation and many, many more things.

The—Jake and Stan introduced Kevin Wall—that's Stan's son—and John Friesen and Eric Unrau at the celebration. Those are the next generation of owners for Border View Electric.

I congratulate Jake and wife Esther [*phonetic*], and Stan and wife Helen on their 25 years of service and value to their customers. And I wish Kevin, John and Eric the best, as they begin their venture as new business owners and carry on the legacy that Jake and Stan started 25 years ago.

### Rotary Club of Dauphin: Manitoba MudRun

**Hon. Stan Struthers (Minister of Finance):** Mr. Speaker, I rise once again to share another great event that will be occurring this weekend in the Parklands. The Rotary Club of Dauphin is hosting its first Manitoba MudRun at the Selo Ukraina site in Dauphin this Saturday.

The Manitoba MudRun is a 10-kilometre outdoor trail run. Over the course of the run, participants will run, climb and crawl their way past

20 obstacles. The Manitoba MudRun, or MANMUD, was started by a group of Rotarians who had participated in similar MudRun events across Canada over the past year. The group partnered with the Dauphin Rotary Club to create Manitoba MudRun, which will raise funds for the Rotary Club and for the MS Society of Canada.

This weekend, Mr. Speaker, over 600 people from 72 communities across Manitoba, as well as from Saskatchewan, Alberta, Ontario and even Texas, will come to Dauphin to test their personal limits, have fun and get muddy.

The run is not a race but rather a personal challenge. The goal is for every participant to finish the course, to push themselves and to head home afterwards with a smile on their face and a lot of laundry to do. Spectators are also welcome to come and cheer on participants.

An event like this requires the dedication of many, and the MudRun's organizers have put tremendous amount of energy into planning it. Every member of the Rotary Club has been fully behind the project. They have outdone themselves, Mr. Speaker. The response has been overwhelming and the registration had to be reopened to allow more participants. Fifty volunteers have also signed up to help out this weekend.

I would like to thank directors Kevin Steinbachs, Clayton Swanton and Steve Sobering; registration co-ordinator Nathan Fleck; sponsorship co-ordinator Brendan Gardner; and volunteer co-ordinator Carla Terrick-Steiner; as well as Rotary Club members, sponsors, volunteers and, of course, Manitoba MudRun's participants.

I invite all members to come out to Dauphin this weekend for what is certain to be a fantastic event.

Thank you, Mr. Speaker.

#### **Canadian Foodgrains Bank**

**Mr. Ian Wishart (Portage la Prairie):** Mr. Speaker, recently I had the opportunity to participate in one of the many celebrations to mark 30 years for the Canadian Foodgrains Bank.

Throughout the year, the CFGB will be celebrating and thank the many people and organizations that have created, built—and built and support the CFGB as it exists today.

In particular, we'd like to thank the early visionaries from the Mennonite Central 'commodity'—

Committee who worked out the mechanics and the many farmers across the country who have caught the vision to establish the initial Foodgrains Bank and then invited other churches to join. Today over 15 Canadian churches and 32 church-based agencies now belong to the Canadian Foodgrains Bank.

Since its founding in 1983, the Foodgrains Bank has provided over 1.1 million tonnes of food and seeds worth \$682 million to millions of people in 78 countries.

Today the Foodgrains Bank is one of Canada's leading food assistance organizations. With support from the Canadian International Development Agency in 2011-2012, it provided \$43 million worth of assistance to 2.1 million people in 36 countries, including over 40,000 tonnes of food.

According to the executive director, Jim Cornelius, it's a calling that has taken root and grown over the past 30 years, enabling the Foodgrains Bank and its member agencies to respond to the needs of people across the world who don't have enough to eat.

As the celebrations continue, the Canadian Foodgrains Bank is aware that there are still 870 million people around the world who are going hungry. Throughout the year, the CFGB will be working on ways to strengthen their programs and continue to encourage Canadians to fight world hunger.

Significant progress has been made in reducing the prevalence of hunger around the world over the last 30 years. The most recent report by the Food and Agricultural Organization indicates that the prevalence of hunger in developing countries has fallen from 23 per cent to 15 per cent in the last 20 years.

Mr. Speaker, I ask all members to join me in congratulating the Canadian Foodgrains Bank on its 30th anniversary.

#### **First Vessel Ceremony—Atlantic Dream**

**Mr. Dave Gaudreau (St. Norbert):** Mr. Speaker, this last Tuesday I joined the Minister of Agriculture, Food and Rural Initiatives (Mr. Kostyshyn) and others in Churchill for the 84th Annual First Vessel Ceremony.

Together, provincial and municipal government officials and industry representatives welcomed the Atlantic Dream, the first grain vessel of the 2013 shipping season. We boarded the vessel, which

will ship Canadian grain to Mexico, and met with the captain and crew.

The ceremony was organized by the Churchill Gateway Development Corporation, a marketing agency jointly funded by Manitoba, Western Economic Diversification and OmniTRAX, this port's private owner and operator. Our generous hosts gave us a tour of the ship and threw us a luncheon party, where the minister brought greetings on behalf of the Province and the mayor presented the vessel's captain with a book about Churchill. A small part of me wanted to ship out with them, Mr. Speaker.

This Port of Churchill is Canada's only Arctic seaport, an important and strategic part of Manitoba's infrastructure and economy. In 2012, over 430,000 tonnes of grain were shipped through this port and over 600,000 are expected to be shipped this year. It's also a major employer for the people in Churchill. About a quarter of Churchill's residents depend directly on the port for work.

Each year, the First Vessel Ceremony renews our optimism for the Port of Churchill, even with the threat caused by the dismantling of the Canadian Wheat Board, which members opposite supported.

Manitoba stands behind the great work that the Churchill Gateway Development Corporation is doing to market the port and diversify products shipped through it.

Together with industry and producer groups, we are seeking solutions that will ensure the sustainability of the port through the changes made to our grain marketing system and beyond.

Thank you, Mr. Speaker.

**Mr. Speaker:** Grievances. No grievances. We'll move on with orders of the day.

### ORDERS OF THE DAY *(Continued)*

#### GOVERNMENT BUSINESS

**Hon. Andrew Swan (Acting Government House Leader):** Could you please call for debate on second readings, bills 4, 30, 24, 19 and 13.

**Mr. Speaker:** We're calling bills debate on second reading, the bills in the following order starting with Bill 4, followed by Bill 30, Bill 24, Bill 19 and Bill 13.

### DEBATE ON SECOND READINGS

**Mr. Speaker:** Starting with Bill 4, The Personal Health Information Amendment Act, standing in the name of the honourable member for Morden-Winkler who has 29 minutes remaining.

#### Bill 4-The Personal Health Information Amendment Act

**Mr. Cameron Friesen (Morden-Winkler):** It's my pleasure to rise and put some comments on the record with respect to Bill 4, The Personal Health Information Amendment Act.

This piece of legislation proceeds from a specific case, as sometimes legislation does—comes from a specific place and this one, of course, to remind the members of the House came because of a family who experienced a breach of the electronic health records of a member of that family, and they were not satisfied with the explanations that had been provided to them when they became aware of these breaches. And so, because the determination primarily of one mother, she refused to let the matter lie because she was concerned both for the experience that they had had as a family, but she was also looking forward and she was concerned that other Manitobans would experience the same kind of stress, the same kind of hardship that they did if she wouldn't stand up, if she wouldn't drive the issue forward.

\* (15:00)

And, Mr. Speaker, the piece of legislation that we debate this afternoon comes about simply because one Manitoban had the determination and the tenacity to stand up against a system and insist that there would be measures in place that would protect families and protect their electronic records.

And, Mr. Speaker, I have to say, at the very outset this afternoon, that I am honoured that this afternoon that this woman and her daughter join us in the public gallery today, this woman who is the original complainant, who went not only to CancerCare Manitoba, but who went to the provincial Ombudsman and took it upon herself to write the letter and explain exactly what their situation had been, and explain to the Ombudsman how it was that a family who was already struggling with a diagnosis of a child with cancer—and for anyone who—in this House has had a family member struggle with a condition like that, they understand how hard it is; they understand what it's like to walk that walk. And they understand that the struggle for a

family, who is still trying to earn money in the family, trying to go to work and trying to put on a brave face for family members and trying to give all of that love and encouragement they need to the loved one who's struggling. They understand that that is plenty to deal with.

But, then, in addition to that, for a family to have to struggle with the fact that they realize that they have been exposed and that the private health information that has been entrusted to the system has been exposed, has been improperly accessed, and they don't have the confidence about how great the breach is or where it went or how the materials were used, and they find out in the community that that information has been repeated. I can't imagine what it would be like for that family to walk that walk. And what I have been amazed with, as I have met with this family and met with this woman who has driven this information forward, is that somehow they found the strength to not only be able to walk that walk, but to also have in mind the greater interest of Manitobans and say, if we don't move this forward, other families will suffer the same kind of fate.

And so, Mr. Speaker, they did bring forward and they reported—and just to remind my colleagues in the Legislature what actually took place. Well, this family found out through the community—they'd strongly suspected—that someone close to their family had improperly accessed the information that was on the record because their daughter had been diagnosed with cancer. That part was later on reported in the Winnipeg Free Press. But because the daughter's information was in the system, someone who had no context, someone who had no role in providing care to that child in the system was all of a sudden in possession of facts they could not have known from the community, they could not have known from the family. They had to have used their access to electronic records to gain that knowledge. And so, acting on that suspicion, this family went to CancerCare Manitoba and they got a response that was completely unsatisfactory. And many people would have stopped there. Many people would have stopped and said, oh, well, I guess, that's as far as we can go.

So, for whatever reason, this family decided they could not in good faith stop there. And they went back and they asked for a better explanation and finally they got, at a certain point, at a certain juncture, they got an explanation sitting down with officials and information officials from cancer mare—

care Manitoba where they basically said they could not divulge any more information about the actual breach because it would not be fair to the privacy of the employee who was under suspicion of having breached and having improperly accessed that information.

And, Mr. Speaker, when the—this individual had contacted the minister's office, even the minister's own staffers, they actually chuckled; they said they find that laughable. And I certainly wouldn't have used the word laughable. But the minister's staff agreed that that was unacceptable. And, finally, this woman took it upon herself to write that letter and the Ombudsman took an interest in this situation. And because we know that other provinces are far, farther down the road than ours when it comes to protecting the electronic health information, the Ombudsman took an interest and said this is worthy of investigation and we need to go down this road.

Now, Mr. Speaker, we know that, in this province, if someone at this point—and this is what the Ombudsman actually discovered or uncovered and reported—is that if someone was to actually improperly access health information and then to disclose it, to disseminate it, to maybe print it and use it and go to the media and go to others, yes, they would be subject to a fine and that would be called an offence. But, to his shock, the Ombudsman discovered that in the province of Manitoba, for someone to willfully access that information—who had no role in caring for someone—to improperly access the information, to view it, multiple tabs, to go in any number of times, there was no penalty that could go to that person. It was not called an offence. There could be no levying of a fine. There could be no disciplinary action. And the Ombudsman noted with horror that nothing really could be done in the same way as had that individual then disclosed the information.

And, certainly, in this case, as I spoke to the family, what became clear is there was a strong possibility that this individual did, indeed, disclose. It could never be proven. But indeed that possibility existed. And, in this case, the Ombudsman came back and finally reported—took a long time to do so, but when they finally came back, the Ombudsman put in very, very clear decision saying things had to change. There needed to be stronger protections. As a matter of fact, we understand—and from the Ombudsman own report, he said that, accordingly, the security of personal health information depends on the trustee's ability to prevent and to detect

unauthorized use of personal health information and to invoke consequences for employees who violate privacy requirements under PHIA. He said, you lose that sense of security; you lose that sense of trust and confidence in the facility and the system itself. And I can tell you, in this case, the Ombudsman said, the individual was absolutely shaken by it and traumatized. And the Ombudsman was quoted as saying, given our increasing reliance on electronic health record systems and the potential for employee snooping, there must be strong sanctions that serve as deterrents.

So the minister has brought in a bill, and the bill would then state that anyone who would access without authorization another person's health information, that the bill would create this offence. And we welcome a bill that would then create an offence. We wonder why those protections did not exist until now, especially when other provinces have enacted such legislation and other provinces have gone farther down the road to prosecute and to bring sanctions against employees who actually went there, improperly accessing. The word that the Ombudsman used, the word that's commonly used, is snooping—that unauthorized access and looking into another person's files is referred to as snooping.

And so, we believe, it's high time that there was legislation in place. Obviously, we have concerns as a party. Does this very, very short bill go far enough to satisfy the Ombudsman? Because the ministers said they fully support the report of the Ombudsman. And the ministers said that they will—that the government will implement the recommendations of the Ombudsman. And there are seven very specific recommendations of the Ombudsman. The Ombudsman went so far to say he was dissatisfied—strongly dissatisfied with the kind of sanctions that were taken against this individual when the report finally came up.

And what were those sanctions against this particular employee when it was proven that this employee had indeed accessed these records without authorization? Well, basically, they had to undergo some more training for PHIA and they had to appear at a meeting and there was a letter put in their file. And Mr. Speaker, I can understand why the Ombudsman would say that was completely unsatisfactory, especially when in other provinces people who have done similar things have been dismissed from their position; they have been demoted; they have had fines assessed against them; and there has been a report to their governing body

so that there would be a permanent record with that governing body of these—the deeds that were performed, that were done by the individual within the professional group.

\* (15:10)

Now, in this case, in that instance, there could be no action taken to relay information to the governing body because this employee did not belong to an association under a collective agreement with a governing body that was recognized, that could take that action. But it was clear this family—it was never disclosed to them originally why actions were taken against that employee. It was not disclosed to them. Only when the Ombudsman's report came out, were they finally aware of what happened.

But, Mr. Speaker, I wish I could say, for the sake of this family, members of whom join us today in the gallery, I wish I could say that the incidents stopped there and they were able to gain a measure of satisfaction and some closure. I wish I could say that they were able to focus, then, on their daughter's treatment plan and on this child's recovery. But, indeed, what became clear, because this family demanded to have in their possession those—access to exactly the records that were accessed by an employee, because they demanded to have access to those files—and originally, that wasn't granted; CancerCare Manitoba was uncomfortable without—with granting to the family the same records that were unlawfully and unethically accessed by the employee—well, they did eventually gain them, and the Ombudsman insisted that they have copies. And it was on the basis of reading through those breaches, looking at the patient access logs, those digital logs, that they were able to determine that there was actually a second independent breach of those health information records.

Now, Mr. Speaker, at that point, I can't imagine the discouragement; I can't imagine the horror. And, you know, the minister has been very quick to, you know, to put her hands together and say this is all tidied up, nothing to see here. And I read her comments again at second reading. I read her comments in—she says, we welcome this new legislation; it's going to really tidy up the whole situation because we do insist that people be protected. And she said, I wholeheartedly agree with what the Ombudsman has suggested, which is why we're bringing the amendments and the protection against snooping, and we want to send a strong message.

And, yet, Mr. Speaker, what we need to understand is what—it was not one isolated case. In this case—and it—the second breach wasn't even at CancerCare Manitoba. The second breach was outside of that, and so this family went back to the Ombudsman, and the Ombudsman started a second independent investigation that is still ongoing.

And I want to use part of my time in the minutes remaining to indicate, clearly, the family is dissatisfied with the forward motion or lack thereof of where this is going, and they contacted the Ombudsman. They contacted the minister's office at points to say, we understand what the rules say about how long an investigation can go on by the Manitoba Ombudsman before it must be completed and before a report must be made under section 47. And, basically, that investigation must be completed within 45 days if the complaint is about access, and 90 days if it's about privacy. And there's—can be an extension filed.

Well, the minister wrote back to the family and said, well, it's going to be longer, but we can anticipate the date for completing the investigation; providing the report will be in such and such a date. And, Mr. Speaker, I want to make clear to the House that this family has had no communication in months from the minister's office. They've had no communication in months from the Ombudsman's office, and so they can have no closure. This family had a diagnosis of cancer in their family two years ago. I spoke yesterday with the mother who said we're not at the point where we can say we have any degree of closure because the issue goes on.

And I would ask the minister today if she would please help us to bring closure to the family. I know she has the power to be able to contact the Ombudsman's office and just to politely request and say, where is that second investigation because the family could really use it. And I wonder if it is exactly because it will not be an issue that brings easy closure. Perhaps the Ombudsman has expanded the scope of investigation and now he's signalling that there needs to be greater protections yet.

But I would ask for the minister's co-operation for the sake of this family, for the sake of their well-being as they continue to work along their own path towards recovery for this child. And I ask for her co-operation to look into the matter as this point and respond very, very quickly to me. I'd be so happy to convey that information to the family.

Now, I want to say that I am deliberately—Mr. Speaker, I am deliberately stopping short of disclosing identities, and it's just for the simple reason that throughout this process, the family has never allowed the identity of this child to be revealed. It would become troublesome; we all understand that. And so I thank my—the members of this Chamber for their co-operation in this matter. I would be happy to convey information back and forth.

But, Mr. Speaker, the tenacity of this family continues to amaze me. And it became clear through the Ombudsman's recommendation on the first report, he said, you know, there needs to be a mechanism by which the information goes to the governing body. Well, the family took it upon themselves to investigate. And even though we have no report on the second unauthorized and wilful breach and wilful access of electronic health information without permission, even so, this second incident has resulted in a report, a 'conveyal'—or a conveyance of information to the College of Registered Nurses of Manitoba. And I can indicate to this House there's been a notice of censure and that this individual, who I will not name in this Chamber, has had an action against him, has had a fine of a thousand dollars assessed against him even though the Ombudsman's report is not concluded.

So we know already the Ombudsman's called for stronger sanctions. He calls on this minister to put in place protections for families, and to get them done. The minister says she will respond. I would want to put on the record that the minister says, you know, in every instance the trustee should send a letter to the complainant apologizing. The family had to fight hard for it.

The Ombudsman recommends that they need to train staff better. The minister says she'll adopt that. The Ombudsman recommends that the trustee conduct an audit of its safeguard security system every two years. How will the minister assure that? The Ombudsman recommends that 'canc'—or, in this case, that the trustee investigate which modules within the system got accessed.

And it goes on, and I can't take my time to do all of that, but he does say this: That the trustee in every case proactively communicate with complainant and the affected individual.

And I think where this family felt most let down was that there was just no—there was no commitment

to communicate with them. They had to fight hard every step of the way.

And our hope in all of this, and I know the family's hope, is that the next Manitoban—and I would hate to think there will be a next one—would not have to fight as hard, that there would be protections in place, staff would be aware and that there would be those protections.

Mr. Speaker, I want to just conclude my comments with this: Throughout this process, the minister has been very quick to say, trust us, we'll get this done. We have grave concerns, that there needs to be more in the legislation that clearly spells out what the process would be.

Even now, if I'm on Facebook, if I'm on different social-networking sites on my computer, there's ways for IT, for information technology, to flag to me that someone has accessed my site or contacted me. And surely the provisions are in place where we don't have to trust an IT manager, but maybe we can set up a system by which that the chief security officer or the chief information technology officer would get a flag. They build the protections around it and then someone upstairs gets a flag to say there has been an improper breach, and there can be a reporting mechanism to the minister or the Ombudsman. Those are the kind of concrete and transparent, actual steps that would give this family and give all Manitobans a measure of success.

So to sum up, Mr. Speaker, we welcome a bill that goes there, that closes this obvious gap. But we push the minister to do more to make sure that the concerns expressed by the Ombudsman in his report—or the acting Ombudsman in his report—would be enshrined in legislation so that the protections are clear, they are concrete and the steps were be—will be there.

Mr. Speaker, we wish this family every success as they walk along in the final steps of this journey, as they see their—this daughter and this child back to full recovery, as she goes back into the school system in the fall. This has been a difficult battle for them. It was made more difficult. And I give them my assurances that we, and our party, will continue to fight hard to make sure they have a level of assurance that they can have, and all Manitobans will have going forward, to make sure that this doesn't happen to another Manitoba family.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** Mr. Speaker, I move, seconded by the

member for Arthur-Virden (Mr. Maguire), that the House do now adjourn.

**Mr. Speaker:** It's been moved by the honourable member for Steinbach, seconded by the honourable member for Arthur-Virden, that the House do now adjourn.

\* (15:20)

Pleasure of the House? Is it the will of the House to adjourn?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no. Give me one moment, please.

Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no.

### Voice Vote

**Mr. Speaker:** All those in favour of the motion will please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the motion, please signify by saying nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In the opinion of the Chair, the Nays have it.

### Recorded Vote

**Mr. Goertzen:** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** Recorded vote having been requested, call in the members.

\* (16:20)

Order, please. The one-hour allocation for the ringing of the division bells has expired. I'm instructing that they be turned off and we'll now proceed to the vote.

The question before the House is the adjournment motion for the House.

**Division**

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

**Yea**s

Briese, Cullen, Driedger, Eichler, Ewasko, Friesen, Gerrard, Goertzen, Graydon, Helwer, Maguire, Mitchelson, Pallister, Pedersen, Rowat, Schuler, Smook, Wishart.

**Nay**s

Allan, Allum, Altemeyer, Ashton, Bjornson, Blady, Braun, Chief, Chomiak, Crothers, Dewar, Gaudreau, Irvin-Ross, Jha, Kostyshyn, Lemieux, Mackintosh, Maloway, Marcelino (Logan), Melnick, Nevakshonoff, Oswald, Pettersen, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Wight.

**Deputy Clerk (Mr. Rick Yarish):** Yeas 18, Nays 30.

**Mr. Speaker:** Motion is accordingly defeated.

\* \* \*

**Mr. Speaker:** Now continue with the debate.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I move, seconded by the member for Arthur-Virden (Mr. Maguire), that debate now be adjourned.

**Mr. Speaker:** It's been moved by the honourable member for Steinbach, seconded by the honourable member for Arthur-Virden, that debate be adjourned. Is that agreed?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no. [interjection] Yeas and Nays? Okay.

**Voice Vote**

**Mr. Speaker:** Then we'll go, all those in favour of adjourning the debate would please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed, please signify by saying nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In the opinion of the Chair, the Nays have it.

**Recorded Vote**

**Mr. Kelvin Goertzen (Official Opposition House Leader):** A recorded vote, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

Order, please.

The one hour allocation for the ringing of the division bells has expired. I'm instructing that they be turned off and we'll proceed to the vote.

The question before the House is the motion to adjourn debate on Bill 4.

**Division**

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

**Yea**s

Briese, Cullen, Driedger, Eichler, Ewasko, Friesen, Gerrard, Goertzen, Graydon, Helwer, Maguire, Mitchelson, Pedersen, Rowat, Schuler, Smook, Wishart.

**Nay**s

Allan, Allum, Altemeyer, Ashton, Bjornson, Blady, Braun, Chief, Chomiak, Crothers, Dewar, Gaudreau, Irvin-Ross, Jha, Kostyshyn, Lemieux, Mackintosh, Maloway, Marcelino (Logan), Melnick, Nevakshonoff, Oswald, Pettersen, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Wight.

**Deputy Clerk (Mr. Rick Yarish):** Yeas 17, Nays 30.

**Mr. Speaker:** Motion accordingly defeated.

\* \* \*

**Mr. Speaker:** When this matter is again before the House, the honourable member for Steinbach will have 30 minutes remaining.

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Thursday, August 8, 2013**

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