

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

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

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The Honourable Daryl Reid  
Speaker*

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	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
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MELNICK, Christine	Riel	Ind.
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
PIWNIUK, Doyle	Arthur-Virden	PC
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	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
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	The Pas	

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, May 22, 2014**

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

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

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 72—The Coat of Arms, Emblems  
and the Manitoba Tartan Amendment Act**

**Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection):** I move, seconded by the Minister of Conservation and Water Stewardship (Mr. Mackintosh), that Bill 72, The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act, be now read for a first time.

*Motion presented.*

**Mr. Lemieux:** This bill would officially recognize three new provincial emblems, the plains bison as the provincial mammal, the walleye, sometimes called pickerel, as the provincial fish and the big bluestem as the provincial grass.

Mr. Speaker, these amendments formally acknowledge and celebrate the natural resources and the rich heritage that have sustained and continue to sustain our beautiful province.

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

Any further introduction of bills?

**PETITIONS**

**Mr. Speaker:** Seeing none, we'll move on to petitions.

**Provincial Sales Tax Increase—  
Reversal and Referendum Rights**

**Mr. Ralph Eichler (Lakeside):** 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 Balanced Budget, Fiscal Management and Taxpayer Accountability Act is a law that guarantees Manitobans the right to vote in a referendum to either approve or reject increases to the PST and other taxes.

(2) Despite the fact that the right to vote is enshrined in this legislation, the provincial government hiked the PST to 8 per cent as of July 1st, 2013.

(3) The Progressive Conservative Party of Manitoba has asked the courts to rule on whether or not the government broke the law failing to address the referendum requirement before imposing the PST tax increase on Manitoba families.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to reverse the PST increase.

(2) To urge the provincial government to restore the right of Manitobans to vote in a referendum on increases to the PST.

This petition is submitted on behalf of E. Werzak, M. Becker, T. Walde and many other fine Manitobans.

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

Any further petitions?

**Provincial Sales Tax Increase—  
Effects on Manitoba Economy**

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

The background to the petition is as follows:

The Premier of Manitoba is on record calling the idea of a hike in the PST ridiculous.

Economists calculate the PST hike has cost the average family \$437 more in taxes after only six months.

Seventy-five per cent of small businesses in Manitoba agree that provincial taxes are discouraging them from growing their businesses.

The Canadian Restaurant and Foodservices Association estimates that a 1 per cent increase in the provincial sales tax will result in a loss to the economy of \$42 million and threaten hundreds of jobs in that sector.

Partly due to the PST, overall taxes on new investment in Manitoba recently stood at 26.3 per cent whereas the Alberta rate was 16.2 per cent and the Ontario rate was 17.9 per cent, according to the Manitoba Chambers of Commerce.

The Manitoba Chambers of Commerce are concerned that the provincial sales tax hike will make an already uncompetitive tax framework even more unattractive to job creators in the province.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to reverse the job-killing PST increase.

To urge the provincial government to restore the right of Manitobans to reject or approve any increases to the PST through a referendum.

This petition is signed by A. Martens, H. Steward and E. Gudnason and many other fine Manitobans.

#### **Beausejour District Hospital— Weekend and Holiday Physician Availability**

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

And these are the reasons for this petition:

(1) The Beausejour District Hospital is a 30-bed, acute-care facility that serves the communities of Beausejour and Brokenhead.

(2) The hospital and the primary-care centre have had no doctor available on weekends and holidays for many months, jeopardizing the health and livelihoods of those in the Interlake-Eastern Regional Health Authority region.

(3) During the 2011 election, the provincial government promised to provide every Manitoban with access to a family doctor by 2015.

(4) This promise is far from being realized, and Manitobans are witnessing many emergency rooms limiting services or closing temporarily, with the majority of these reductions taking place in rural Manitoba.

(5) According to the Health Council of Canada, only 25 per cent of doctors in Manitoba reported that their patients had access to care on evenings and weekends.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government and the Minister of Health to ensure that the Beausejour District Hospital and primary-care centre have a primary-care physician available on weekends and holidays to better provide area residents with this essential service.

This petition is signed by H. Hamende, J. Nicholson, E. Magnusson and many, many more fine Manitobans.

#### **Tabor Home—Construction Delays**

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

The background to this petition is as follows:

(1) Morden's population has grown nearly 20 per cent in the past five years.

(2) Twenty-three per cent of Morden's population is over the age of 65.

(3) The community worked for years to get the provincial government's commitment to build a new personal-care home and, as a result, construction of the new Tabor Home was finally promised in 2010.

(4) The Minister of Health initially indicated that construction of the new Tabor Home would commence in 2013.

(5) The Minister of Health subsequently broke her promise and delayed construction until spring 2014.

(6) The Minister of Health broke that promise as well, delaying construction again until fall 2014.

(7) In March of 2014, the Minister of Health broke her promise yet again, once more delaying construction of Tabor Home until 2015.

(8) Too many seniors continue to live out their final days and months in facilities far from home and family because of a shortage of personal-care-home beds in the area.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to stop breaking their promises, stop the delays and keep their commitment to proceed with the construction of Tabor Home in 2014.

And this petition is signed by J. Wiebe, H. Boscitman, R. Rempel and many other fine Manitobans.

**Mr. Speaker:** Any further petitions? Seeing none, committee reports? Tabling reports? Ministerial statements?

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I have a number of guests I'd like to introduce to honourable members.

Seated in our public gallery today we have with us John Wiens and Sharron Wiens, who are the guests of the honourable member for Morden-Winkler (Mr. Friesen).

\*(13:40)

And also seated in our public gallery we have from École Précieux-Sang 45 grades 7 and 8 students under the direction of France Bouchard and Patrick Legal. This group is located in the constituency of the honourable First Minister.

And also seated in the public gallery we have from Pineview Mennonite School in Barwick, Ontario, nine grade 7 and 8 students under the direction of Mr. Robert Heatwole.

And this—on behalf of all honourable members, we welcome all of you here this afternoon.

### ORAL QUESTIONS

#### Hydro and MPI Rates Government Intention

**Mr. Brian Pallister (Leader of the Official Opposition):** If I might, Mr. Speaker, I'd like to offer congratulations to you and to the staff here in the building and under your charge for the great work that you did yesterday in terms of hosting the Prince and—*[interjection]*

As we see hydro rates and MPI rates galloping upward in our province, many Manitobans are very concerned. The government doesn't leap to their defence but is quick to leap to its own defence, saying, well, we have legislation that protects this basket, this subset of your expenses, and makes sure that you pay less.

Well, Mr. Speaker, we have—we had legislation to guarantee that the government had to balance the budget and they disregarded that. They said, no, it's not important that we obey that legislation.

And we had legislation that said that the government couldn't raise the PST, which it promised not to. We had legislation to protect Manitobans on that, and the government said, no, it's not important to obey that either.

So given that fact, why would Manitobans believe that keeping rates low is a promise the government would keep?

**Hon. Greg Selinger (Premier):** We did have a wonderful expression of Manitoba hospitality yesterday here at the Legislature, and I do want to, on behalf of all of us—and I appreciate the Leader of the Opposition starting with this—thank all the staff: protocol office, the staff that buffed up the building and made it shine, your office, of course, Mr. Speaker.

And it was a proud day and people really enjoyed it. The public was out in force last night. Even the sun shone at the right time. So it worked out extremely well and I think we showed a warm Manitoba welcome.

And thank you for the—Their Highnesses for being in the province of Manitoba.

And, Mr. Speaker, I recall the debates we had on all those bills that he discussed here, and, uniquely in Manitoba, on second reading of a bill we have public presentations and public representations, unlike every other province. We've debated all of these pieces of legislation thoroughly—thoroughly—right here in the Legislature, and I recall being here for many days to discuss that with people opposite who may not have wanted to be here. But the reality was, as we took our responsibility seriously, we debated these matters thoroughly.

Mr. Speaker, we made decisions in the public interest, decisions that were not always easy to make but decisions that kept people working in Manitoba, kept building our infrastructure, generated over \$6-billion lift in the economy as we go forward and 58,900 jobs, as identified by the Conference Board of Canada, which the members opposite like to quote.

And we've got a solid program for the future of the province, and that's exactly what we're here to do.

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

### **Taxpayer Protection Act Impact Study Request**

**Mr. Brian Pallister (Leader of the Official Opposition):** Well, actually, what the government did, Mr. Speaker, was jack up the PST more than any other Canadian province. That's what they did.

And we had hearings, and hundreds of Manitobans took part in those, that's true, but the Premier never came and listened to one of them, not one. And the fact is he did not act in the best interests of Manitobans; he understands that. He should understand it if he does not.

Now, the taxpayer protection act was thrown into that bill. It was said, we don't have to abide by it, said the government. We don't have to give Manitobans the right to vote on this because we say we don't, because 37 of—36—35 MLAs get to decide and a million Manitobans don't matter. That's what the government said.

Now, Yes! Winnipeg, Winnipeg Chamber of Commerce, Manitoba Chambers of Commerce, Manitoba Business Council all say: mistake. Taking away the right of Manitobans to vote was a bad idea, taking away the taxpayer protection act an even worse idea. Why? Because it helps Manitoba, through stability, attract investment and jobs to this province.

Did the Premier do any study? Did he give any thought to the negative connotations of taking away that stability from Manitoba's investment climate?

**Hon. Greg Selinger (Premier):** Mr. Speaker, first of all, I think it's useful for the Legislature to know what the member opposite said when the legislation was introduced. And he said, I believe the legislation can be, by any subsequent Legislature, withdrawn or repealed, so I do not believe the hands-being-tied argument is one that has any validity at all. That's what he said.

Mr. Speaker, we've seen some excellent reports come out as recently as today in one of our major newspapers that says Manitoba will lead the country in exports next year: a double-digit increase in exports, 10.7 per cent last year and a forecast of over 10 per cent this year, No. 1 in the country for exports, a growing economy.

Mr. Speaker, how are we going to move those goods to market? We're going to pave the roads, Highway No. 75. We're going to make sure that CentrePort is moving forward. We're going to make

sure that the Perimeter is well looked after and interchanges are put in place, creating good jobs now, greater productivity for our transportation sector and greater opportunities for Manitoba as we export to the world out of Manitoba.

### **PST Increase Impact Study Request**

**Mr. Brian Pallister (Leader of the Official Opposition):** So this is what the Premier's down to now. He can't talk about his record. It's that bad. He can talk about forecasts and brag about possible achievements, but he cannot embrace the challenge of dealing with the reality that we have a horrible job creation record in this province, thanks to his policies, a horrible wealth creation record and a horrible wage increase record. We also export more people for our size than any Canadian province, thanks to this Premier and his government's inability to build an environment for growth here.

Now, the PST was introduced by this government. We know this. We know they studied it before the election. We know that they promised they wouldn't raise it during the election, and we know they raised it right after the election. And, Mr. Speaker, we know all those things.

But they said they wouldn't do it, and they said it was a difficult decision after. My experience is difficult decisions are made more difficult by a lack of research.

So I have to ask the Premier this: Did he do any studies on the impact of taking \$300 million off the kitchen tables of Manitoba working people? Did he do any studies to determine what the net effect of taking that money away and giving it to himself would be for our province? Any studies? One?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the Conference Board of Canada, when we brought out a report this year, said every dollar invested would generate \$1.16 of economic activity. And we've seen research from other institutes in the United States, such as the Brookings institute, which says that infrastructure investment generates even more benefits than that and even has a greater multiplier effect.

We've seen Standard & Poor's said that a \$1.3-billion investment in infrastructure will generate 29,000 jobs, Mr. Speaker, even more jobs than we're forecasting in Manitoba. Infrastructure makes a significant difference.

And what do our people say in Manitoba? The head of the Heavy Construction Association says this five-year plan to invest is focused, it is transparent, it is dedicated and it is accountable. This is a long-term plan with a focus on core infrastructure investments that will grow our economy.

Harnessing infrastructure is that key growth ingredient, the first of its kind in Canada by any provincial government. Good news.

### **Tax Increases Interprovincial Migration**

**Mrs. Heather Stefanson (Tuxedo):** According to the Province's own numbers, Mr. Speaker, Manitoba lost 4,221 more people to other provinces across this country than they gained from those provinces in the last year.

Mr. Speaker, will the Minister for Jobs and the Economy just admit that her high-tax, low-wage policies in this province are driving Manitobans out of this province?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** No, I will not.

I will say to the member opposite, of course, that when we look carefully at the increase of population in Manitoba, in particular, Mr. Speaker, to the success of the Provincial Nominee Program, where we have people coming from all over the world, putting down roots here in Manitoba, having families, starting new businesses, creating jobs, on this side of the House we count every one of those new Manitobans as Manitobans.

We know that members opposite are very selective on which individuals they choose to count and which they don't. We welcome people to Manitoba with open arms.

**Mrs. Stefanson:** Mr. Speaker, these are net numbers, and they are the Province's own numbers.

The net interprovincial out-migration numbers are the highest that they've been in this province in six or seven years.

Will the Minister for Jobs and the Economy just admit that her high-tax, low-wage policies are driving Manitobans out of this province?

\* (13:50)

**Ms. Oswald:** Well, again, Mr. Speaker, I would say to the member opposite, Manitoba had the third highest population growth of all provinces last year—

all—of all provinces last year—and in addition to that, those individuals that are coming to Manitoba are very well known to get settled, to buy a new home within five years of settling in Manitoba. Many, many of those individuals start new businesses that are creating new jobs.

Many of those individuals engage in export. And I can say, as the Premier (Mr. Selinger) just said, we're going to lead the country for the second year in a row in exports from Manitoba.

**Mrs. Stefanson:** Well, what they're leading in is exporting our people, Mr. Speaker, to other provinces. This is not something to be proud of.

We have the highest net interprovincial out-migration number in seven years in this province. And the minister doesn't seem to want to admit it, even though these are her own numbers.

Will the minister just admit that her high-tax, low-wage policies are driving people out of our province?

**Ms. Oswald:** Yes, well, just a couple things, Mr. Speaker.

First of all, yesterday we had a discussion about the fact that the government of Manitoba is investing, in partnership with Price Industries, \$1.5 million to assist in training individuals who will be in high-skilled, high-wage jobs. They were grousing about that. They don't want us to invest in the kinds of jobs that pay high wages.

And I would also remind the member, very directly, that it was the Free Press that called the '90s the no-growth '90s. People were leaving in record numbers, an average of over 2,500 people a year for a net loss of 28,000 during their last time in office, equivalent to losing more than two cities the size of Steinbach and Dauphin. Every year the opposition were in government, more people left Manitoba.

We see net increases—

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

### **Provincial Deficit Government Record**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, this NDP government made a promise to all Manitobans, a fundamental pledge before the last election. They said they would eliminate the deficit by 2014.

And here we are; it's 2014, the year that the NDP government was supposed to get this province back in the black. But instead of a balanced budget, Manitobans instead get another \$357-million deficit handed to them by this government.

After 14 years, Manitobans are saddled with an NDP government that has doubled the debt, has raided the Fiscal Stabilization Account. They have illegally hiked the PST to 8 per cent.

Why, Mr. Speaker, in place of a balanced budget, does this NDP government offer Manitobans another broken promise?

**Hon. Jennifer Howard (Minister of Finance):** I thought we had a very informed debate this morning about the different approaches to dealing with economic downturns and prices that we've seen in this province.

And, Mr. Speaker, the approach that we have taken is a balanced approach, an approach to grow the economy by making those strategic investments in infrastructure and skills training, an approach to protect jobs, to protect the front-line services that Manitobans count on, get to balance in a responsible way.

When the former government left office, their debt-to-GDP ratio was higher than the debt-to-GDP ratio is today, and they were paying twice what we currently pay to service that debt. The debt is more affordable today, and it's a lower percentage of the overall growth in the economy.

We're on track to balance the budget responsibly by protecting jobs, growing the economy and protecting the services that Manitoba families want.

**Mr. Friesen:** Mr. Speaker, I remind this Finance Minister that the former Finance minister stood in his place just 24 months ago and said, and I quote, we reaffirm our commitment to return to balance in 2014, end quote. It is clear the NDP is now breaking that promise.

This minister wants to talk about extenuating circumstances. Okay, let's talk about extenuating circumstances. Record transfer payments, record low interest rates, record high revenues to government from corporate and individual income taxes, record revenues from fees and services, record retail sales tax revenue from an illegal 8 per cent PST, and they still cancelled the mandatory payments to the Fiscal Stabilization Account.

Mr. Speaker, how could this low-wage, high-tax, high-debt government get it so wrong?

**Ms. Howard:** Well, I'll refer the member to page D1 of the budget, where you sees—he will see on the bottom a chart pulled directly from Finance Canada's website that shows, in actual fact, through the period of economic recovery, the per capita allocation of transfer payments to Manitoba is lower. It has gone from \$2,783 in 2009-10 to \$2,625.

In the same period of time, the federal government gave away \$12 billion in increased transfer payments to other provinces. Manitoba saw none of that. That is a fact, Mr. Speaker.

Despite that, we are on a path to protect those services that matter to Manitobans. We are on a path to invest in skills training, to invest in infrastructure improvements, because we know that the way to balance is a growing economy.

Today, we had very good reports from Export Development Canada. That isn't a forecast. It says, in 2013 Manitoba's exports increased by 10.7 per cent, double the export growth—

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

**Mr. Friesen:** Well, so the minister has made it clear she wants to blame the federal government and the Building Canada Fund.

Mr. Speaker, the facts are clear. This NDP government has had every advantage—low interest rates, high transfers, rising revenues—yet they are the only provincial government to hike a PST. After all that revenue, not a balanced budget, a \$357-million budget projection that Manitobans have every reason to suspect will only get larger. It's not just a broken promise. It is a spectacular broken promise. It is an epic broken promise.

Will they admit today that they broke their word? Will they agree today to enforce those provisions of the taxpayer protection act that demands salary reductions for those ministers who—as a consequence for their failure and their broken promises?

**Ms. Howard:** Well, in the last election the members opposite went door to door promising to balance the budget in 2018, later than we are planning to balance the budget, and then this morning, Mr. Speaker, this morning in this House, the member for Agassiz (Mr. Briese) affirmed that that is still their plan. This morning in this House, the member for Agassiz said

if they had been elected, indeed, they would have delayed balance until 2018. That is their plan.

On day one of the fiscal crisis, Mr. Speaker, the plan they announced in this house was to cut half a billion dollars in one year from the budget.

Last year, when they had their chance to show their true colours, they said again their plan was tough love, cuts across the board, a chill across the civil service. And today they reveal that their plan, even with all those cuts, is to delay balance until 2018.

### **PST Increase Impact on Business Community**

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, the spenDP government broke their promise. They raised the PST illegally after campaigning against higher taxes and raising the PST.

What do business people of Manitoba have to say? Dwayne Marling of the Canadian Restaurant and Foodservices Association called this a triple whammy. Larry McInnes, the prairie director of Retail Council of Canada, said, and I quote, another reason to look online or south of the border to do their shopping. Becky Cianflone, the manager of the Altona and District Chamber of Commerce, called this one of the most blatant disregards for democracy that she has seen in this province.

Mr. Speaker, what does this government have against morals, ethics and democracy?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Yes, Mr. Speaker, this just in. StatsCan released their retail trade, March 2014, report to say that retail trade increased 1.4 per cent from February 2014 to March 2014, better than the national average that saw a decrease of 0.1 per cent, and accounted for the largest month-over-month increase among the provinces.

**Mr. Graydon:** Well, Mr. Speaker, when you're at the bottom of the barrel, there's only one way and that's up.

The Premier (Mr. Selinger) decided to break the law and, as well, break his promises, and the businesses in Arborg, including Vidir, Pro-Fab, Swivel, Diemo, are forced to pay for illegal PST hike. Pro-Fab responded by moving 25 jobs to Tennessee. Gerald Stuart of Roblin, faced with the same illegal PST hike, responded by laying off staff.

Mr. Speaker, the spenDP broke their promises to Manitobans. Why do they fear democracy and disrespect businesses?

\* (14:00)

**Ms. Oswald:** Mr. Speaker, if I can assist the member further, I can let him know that, in fact, Manitoba also saw a 4.1 per cent increase from March 2013 to March 2014, over the national average of 3.9, the third best among the provinces. So contrary to what the member is saying, the facts don't bear that out.

And on the subject of what are others saying about our investment with Budget 2014, well, I can let the member know that David Northcott of Winnipeg Harvest says, this is the best budget I've seen in two decades. I can let him know that Pat Wedge of the Manitoba Child Care Association says, it's a good day for child care, and I can let him know that Diane Gray, president and CEO of CentrePort Canada, says, the five-year plan is very important to the continued development as it focus on public investment, building Manitoba's economic infrastructure and building our key trade corridors.

So—

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

### **Tax Increases Impact on Municipalities**

**Mr. Cliff Graydon (Emerson):** And, Mr. Speaker, for the minister's knowledge, I can pass on something else. The municipalities of Eriksdale, Siglunes, Bifrost and Riverton are feeling the effects of this government's high-tax policy.

The spenDP are taxing municipalities at record levels and the municipalities are tired of this government passing-the-buck's policies. The NDP has done nothing but disrespect municipalities, with the MLA for the Interlake going as far as calling them dysfunctional.

Why does this NDP government break their promise to Manitobans and thumb their noses at democracy and the laws of Manitoba?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Well, Mr. Speaker, as was debated this morning very clearly, we absolutely are going to work with urban centres, with rural centres, with northern Manitoba to improve our economy.

We know that a \$5.5-billion investment over five years is not only going to do excellent work to

improve our infrastructure, to increase trade—although I might mention again that we're No. 1 on the hit parade on exports—but I can say that it will also create nearly 60,000 good jobs.

We know members opposite advocate for low-paying jobs. Over here on this side of the House we advocate for training for high-skilled, high-paid jobs, good infrastructure.

We have a balanced approach. I don't know why they don't get it.

### **Student Debt Burden Post-Secondary Funding**

**Mr. Wayne Ewasko (Lac du Bonnet):** Too busy exporting our people.

Many students attending post-secondary institutions are struggling to make ends meet. The cost of living is going up. Fees and taxes are going up, and many students are facing a difficult time affording education.

This government promised students in universities an increase in funding. Instead of following through on what they promised, they cut the increase in half. Manitoba students need support, not broken promises.

Will the minister apologize to the students of Manitoba today?

**Hon. James Allum (Minister of Education and Advanced Learning):** I thank the member for the question. He needs to remember that we've actually increased funding to colleges and universities by 12 and a half per cent over the past three years.

Mr. Speaker, our government has focused on creating good jobs and high-paying jobs for Manitoba's young people. That's why we continue to invest in education. That's why we continue to have the—among the highest funding among governments in Canada, and that's why we continue to have the lowest tuition—or among the lowest tuition among governments in Canada as well.

On this side of the House we're focused on improving the conditions of students so they can stay here, live in Manitoba and get a good job.

**Mr. Ewasko:** But it's not working. They're still exporting. They're leaving this province.

Mr. Speaker, education is the pathway to a brighter future. All of us in this House must set a good example of being honest and following through

on what we have to say. When students in universities are struggling, we need to work with them in a spirit of trust and good faith.

Unfortunately, this government has not done that. They took money out of the pockets of students in universities when they broke their funding promise, which is leading to the difficulties we see day and day in, Mr. Speaker.

Will the minister acknowledge that the government's broken promise has made life tougher for Manitoba students and hurt our post-secondary institutions?

**Mr. Allum:** Well, Mr. Speaker, when the Minister of Finance (Ms. Howard) brought forward the budget in March, universities and colleges across Manitoba were very grateful to this government for continuing to provide solid, predictable funding to our universities and colleges, as I said, by 12 and a half per cent over the past three years.

But, Mr. Speaker, more than that, we have a tuition rebate program that helps students after they're done, refunds up to 60 per cent of their tuition, and we spent upwards of \$90 million on that going forward.

The only real dilemma for the member opposite is that while he shares his agenda—our agenda, he sits on the other side of the House and votes against the budget every time.

**Mr. Ewasko:** Mr. Speaker, the students that are being affected by this minister's decisions and broken promises weren't even around in the '90s.

Mr. Speaker, this is not a partisan issue. This is about the future of Manitoba students. All of us in this House, on both sides, want to ensure that our students have the opportunity to succeed, but this means follow-through. When the government promises a funding increase and then goes back on their word, it makes it difficult to trust that this government supports students.

Will the minister admit that, by cutting their funding promise, this government is making life more difficult for Manitoba students and is hurting our post-secondary institutions?

**Mr. Allum:** Mr. Speaker, I've tried to correct the record that the—and the facts that the member opposite keeps putting on the record. Let me reiterate: We have increased funding to colleges and universities by 12 and a half per cent over the last three years.

By contrast, Mr. Speaker, when the Leader of the Opposition was at the Cabinet table, tuition increased by 132 per cent. As a result of that, enrolment declined by 8 per cent.

The biggest threat to education in this province, Mr. Speaker, is the Leader of the Opposition, who is threatening to cut a half a billion dollars from the budget, which will result in a \$50-million cut to the Education budgets. Schools will suffer, parents will suffer and, worst of all, under their government, students will suffer.

### **Provincial Parks Cottage Fee Increases**

**Mr. Shannon Martin (Morris):** Mr. Speaker, as I mentioned yesterday, the long weekend brought the annual opening up of cottages.

One of those cottagers is a lifelong cottager here in Manitoba, Ms. Stewart, who recently wrote to the minister: In Winnipeg, I have a fire department, a police department, libraries, pools, sewer and water service, curbside garbage and recycling, symphony orchestra, art galleries, dance, theatre companies and more. In the Whiteshell Provincial Park, I have a refuse transfer station and pay to have my holding tank pumped for transport to a sewage lagoon.

She asked the minister, and I quote: How is it even conceivable that the cost of a four-month vacation home could equal the property taxes I pay on my Winnipeg home?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Well, Mr. Speaker, Manitobans and people on this side are observing that if it ever came to pass that members opposite were on this side of the House, they would make massive cuts to health and education, to public safety. At the same time, they would reintroduce massive subsidies to a select group of cottagers.

Mr. Speaker, everyone has to pay for their services in Manitoba, whether you're a new home buyer, whether you're a cottager in a municipality.

We all have to pay our fair share, and the interests of members on this side is to get it right, to make sure that park cottagers pay their fair share, and that will depend on the services they are receiving and on the fair market value of their properties. Fairness is the only objective.

### **Public Consultation Notices**

**Mr. Martin:** Mr. Speaker, I'm surprised the minister's fish announcement this morning wasn't the sucker fish.

But, that being said, at the Duck Mountain cottage association meeting, Mr. Speaker, there was concern about the public consultation process that resulted in five people attending at Dauphin, one in Brandon. Cottagers noted, and, again, I'm quoting: You certainly know how to get a hold of us when you want to send us your fee payment invoices, but you can't do the same for a consultation meeting. End quote.

Mr. Speaker, if the government was truly interested in consultation with cottagers, why were they unable to send a note as to the when and where the meetings were to be held?

**Mr. Mackintosh:** Well, Mr. Speaker, unlike when members opposite were in power and increased fees to park cottagers, we have introduced transparency to the adjustments.

\* (14:10)

Mr. Speaker, first of all, the parks strategy was introduced about a year ago and there was a robust public discussion about park cottage fees at that time. The service costs and fees were posted online last year and were supplemented by, I think, about 1,000 pages so that cottagers could look to make sure that the amounts are properly reflected.

Yes, indeed, open houses were attended by hundreds of people across Manitoba. They were advertised. There have been ongoing meetings with the associations and with individuals. There's been direct letters to the cottagers. There's an outside audit by Grant Thornton. These are examples of the transparency, and if anyone is concerned—

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

### **Duck Mountain Cottage Association Cottage Fee Review Meetings**

**Mr. Shannon Martin (Morris):** Mr. Speaker, those direct letters that the ministers speak of, well, we—with—included with an invoice saying, balance due.

Mr. Speaker, why have the annual cottage fee review meetings between the government and the Duck Mountain cottage association not be held despite years of repeated requests and the

government—in the requirement under the parks act were those very meetings to be held?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Well, Mr. Speaker, we are investing \$100 million in provincial parks in Manitoba over the next number of years.

It's—I think this time of year it's obvious for park cottagers, as they go out to get their cottages ready for the season, that throughout Manitoba parks we have a vast network of roads, some that are much better than the roads in my own immediate neighbourhood.

Mr. Speaker, we have park cottagers all across this province who are enjoying clean drinking water. We're having park cottagers enjoy the ability to protect Lake Winnipeg and the waters at their own feet by waste water treatment. We have waste treatment all across Manitoba.

And, in fact, we're investing tens of millions of dollars in West Hawk. We have one of the most massive main street makeovers ever in the history of—

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

The honourable member for River Heights has the floor.

#### **Employment Rates Provincial Numbers/Standing**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, as data from StatsCan show, in April of this year compared to April last year, even though the number of Manitobans 15 and up grew by 12,000, the number of Manitobans employed dropped by 5,000 in the same period. As the graphs I table show, declining employment in a growing population tells the opposite of the Premier's boasts about new jobs.

Increasing fees, new and higher taxes and fewer jobs are burdening everyday Manitobans who feel the pinch while the Premier is living the high life.

When will the Premier pay attention to the needs of Manitobans? Why is the Premier's rhetoric so out of touch with the reality that the number of jobs in Manitoba is going down, not up?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the member will know that during the recession we created 29,000 additional jobs in Manitoba, and we do have a—one of the highest participation rates in the country, one of the lowest unemployment rates.

And the member opposite, if he's concerned about jobs, should've voted for our budget that will support 58,900 additional jobs in Manitoba over the next five years, 5-and-a-half-billion-dollar program, \$6.3-billion lift to the economy, all of which will provide good jobs to young Manitobans. If he's really concerned about jobs, he should recant and vote for the budget.

#### **Local Business Development NDP Fiscal Management Record**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, Statistics Canada numbers reveal that in April of this year, unemployment, compared to last year, numbers went down 2,000. But more than this, people not in the labour force went up by 15,000. Unemployment is rising and people are so discouraged about the work situation that many have even given up looking for work.

Tying up small businesses in bureaucratic NDP orange tape, increasing our payroll taxes is making it difficult for small businesses to grow. They can't afford to keep their staff or even stay in business, let alone hire more Manitobans.

When will the Premier stop burdening business owners and create an environment where local businesses can foster and hire more Manitobans?

**Hon. Greg Selinger (Premier):** Mr. Speaker, he may have missed the announcement. We did the announcement with E.H. Price, 175 more jobs. We did the announcement with Canadian Tire.

Members opposite said—the members opposite had said that the training support would result in jobs disappearing soon as it ran out. Au contraire, \$50 million invested in the technology, in the quality of workplace, 50 jobs to start and growing as we go forward.

Our infrastructure program, 58,900 jobs over the next five years, very significant investment in roads, very significant investment in strategic infrastructure, very significant investment in municipal infrastructure. In the city of Winnipeg alone, a five-year, \$250-million program matched by the City, half a billion dollars of roads being fixed up in the city of Winnipeg.

Mr. Speaker, good jobs, better infrastructure, safer neighbourhoods.

**Mr. Gerrard:** Mr. Speaker, while the Premier talks out there, the reality down here is that even as our population is growing, the number of people actually

working in Manitoba in the last year has been going down. Indeed, this has been the case in Manitoba every year since October 2013.

The NDP's economic mismanagement is so bad it's physically visible to tourists. On a trip to Manitoba this past weekend, a visitor from outside the province commented that so many businesses are closed and boarded up in downtown Brandon that it looks like it's been totally abandoned by this government.

I ask the Premier: When will he get in touch with reality and help put more Manitobans to work instead of making it harder for local businesses to hire?

**Mr. Selinger:** Mr. Speaker, the member opposite has consistently refused to support lifts in the minimum wage in Manitoba, just like the members of the official opposition, the Conservative Party, consistently opposed raising the minimum wage in Manitoba. We've seen minimum wages—ways—wage increases in this province.

We've seen more people get good jobs. In the construction sector, the facts show that the construction sector pays better wages than most other sectors in the province. We're creating construction jobs. They will pay well over \$20 an hour in most cases. Those jobs will go to young Manitobans; they will get skills.

We're increasing the number of opportunities for trades in this province, and stay tuned, more to come on that. We will have more trades, more apprenticeship opportunities.

The Winnipeg Technical College, new legislation has been brought forward. It will be able to train more people more rapidly. University College of the North, being able to train more people more rapidly.

All of our institutions are being supported. What does the member opposite do? Every time we want to invest in those things, he votes against it and then pretends he wants more of it.

#### **Electric Vehicles New Charging Station**

**Mr. Bidhu Jha (Radisson):** It is about 20 years back at an engineering conference I addressed, and I said it would be my life's dream come true if I would ever ride a bus that would be driven by the battery-powered engine, and it has happened.

Imagine India and China, with billions of people commuting, will pollute the planet so bad it could be a dangerous level. Our government has been working for the number of years I've been here to green initiatives and alternative energy alternatives, and I am very, very excited to see this is coming true.

But could I ask the minister of local government to give us some feedback to say how he wants to motivate people to take the—encourage people to take the electrical bus for commuting? Thank you.

**Hon. Stan Struthers (Minister of Municipal Government):** Well, Mr. Speaker, I'm very pleased that the dreams of the member on our side of the House are coming true. Of course, this is a government that's here to facilitate those dreams for all Manitoba families.

I was really pleased today to stand with our partners, The Forks, Red River College, the—CAA Manitoba, MPI, Manitoba Hydro, to launch the first public recharge station for electrical vehicles at The Forks. We also launched, at the same time, a web portal that'll help Manitobans educate themselves, become more aware of the possibilities with the electric vehicles.

I want to make the point very clear that the incentive—the incentive—to drive electric vehicles are many. First of all, the support that we achieved through these charging sites and the real advantage is our low Manitoba Hydro rates—

\* (14:20)

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

#### **Farmland School Tax Rebate Cap Impact on Families**

**Mr. Blaine Pedersen (Midland):** Mr. Speaker, according to Statistics Canada, in 1999 there were 30,576 farm operations in Manitoba. In 2013 there were 20,373 farm operations in Manitoba. So this means the NDP have now put over 10,000 farm operations out of a job. They fired 10,000 farm families.

Mr. Speaker, the Minister of Agriculture continues to drive even more farmers out of business with his deliberate redesign of the farmland education tax rebate. The minister's new program caps farm families at \$5,000 per family unit and specifically targets farm women to be ineligible for a rebate.

Why is this minister so desperate for cash that he must target farm families and, in particular, farm women to—

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

**Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development):** Mr. Speaker, I'd like to thank the member opposite for the question.

Obviously, what we have in place today, a prime example is last Friday's announcement. We made an announcement of \$20 million that's going to be spent in the province of Manitoba to develop new businesses, to develop innovation, research ideas. We're talking about partnerships with private industry of \$13 million which we're moving forward with. Those are the partnerships we believe in. We believe in community pasture, helping out the beef industry. We talk about forage industry, about helping out the forage industry of the beef producers.

I don't know what the member opposite's talking about, but I know we've got a good track record for rural Manitoba and we will continue to work on that regardless of what the member opposite thinks. Thank you so much.

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

#### MEMBERS' STATEMENTS

**Mr. Speaker:** It's time for members' statements.

##### ACCESS Winnipeg West

**Ms. Deanne Crothers (St. James):** Last week I was pleased to join the Minister of Health (Ms. Selby) for the opening of ACCESS Winnipeg West at the Grace Hospital. The new centre integrates both health and social services under one roof, providing families with better co-ordinated care and added convenience.

The centre features a new primary clinic that will connect patients with a family provider. Other health services include counselling, occupational therapy, pharmacy, physiotherapy and dietary services. This is a big step forward for health care in west Winnipeg. New patients are already signing up for primary care. These are people who did not previously have a family doctor, people who are now getting the quality care that they need. We committed to ensuring that every Manitoban has access to a doctor by 2015, and ACCESS Winnipeg West takes us closer to that goal.

What makes ACCESS centres so effective is the co-ordination of both health and family services. In

addition to health care, ACCESS Winnipeg West offers families employment and income assistance services, child and family services, speech language pathology programs and disability services. It also includes early learning and child-care services, including a child-care centre with 80 new spaces opening in the coming months.

By breaking down barriers between services and increasing collaboration we create tremendous opportunities. Staff from all disciplines are able to work together. Information can flow seamlessly and all the services patients need are right at their fingertips. Manitobans are truly going to notice the difference this makes.

This is just one of many exciting health-care projects taking place in west Winnipeg. We are also building a new emergency department and MRI at the Grace Hospital and a quick-care clinic that will provide an alternative to emergency care.

I look forward to these future developments, and I am very excited about how the new health-care options and new child-care spaces will make a real difference for the people of St. James. Thank you.

**John M. Wiens**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, today I rise to celebrate the life of John M. Wiens.

John was born and moved with his family to Morden in 1927 where he made a life for himself through hard work, commitment to family, church and community. John was a committed family man and was married to Martha for 62 years and they had four children.

John M. Wiens was a successful businessman in the town in Morden. He founded a lumber business with friend and business partner, Reverend F.H. Friesen in 1948. The Morden Lumber and Fuel became a commercial contracting division and a concrete plant. His business was involved in building the water treatment plant and later became Morden's first residential land developer.

He was committed to business in southern Manitoba, even serving as president of the Winkler Chamber of Commerce. John M. played a significant role in the growth of the community not only as a businessman, but as a public servant. When John retired he became active in local politics. He was town councillor serving several terms prior to and subsequent to being elected mayor, where he served

from 1974 to '77. His son, John B. Wiens, followed in his footsteps and also served as Morden's mayor, and it's my pleasure to have him present with his wife, Sharron, in the gallery today.

Mr. Speaker, John played a major role in bringing many industries, including Tupperware Canada and Quality Communications, to the town of Morden. A natural leader, John M. Wiens was involved in many community boards, including the school board, the Tabor Home board, the provincial Minimum Wage Board, the Morden Community Development Corporation board and the Morden hospital board, to name just a few.

John was a real doer. When the town of Morden needed something built or renovated, he had the needs of Morden first and foremost. When new businesses and professionals came to town, he went above and beyond his public servant role to assist in any way possible to keep those resources in Morden.

My own father, who, along with his business partner, opened a Chrysler dealership in Morden in 1967, speaks often of the invaluable help that John offered to these two young, highly motivated, highly leveraged business men.

John M. Wiens was a man of integrity, passion, generosity and leadership. It was obvious in how he treated his fellow citizens. It was obvious in how he was always willing to help out a neighbour. For his many contributions, John M. Wiens was named Morden's 1974 Citizen of the Year for all the contributions that he had made to the community through work, public service and to the Church.

John M. Wiens passed away this January, but the community will remember him. And I invite all my colleagues to join me and recognize the contributions of John M. Wiens to the community of Morden and to the southern Manitoba region.

### **Order of Manitoba**

**Mr. Ted Marcelino (Tyndall Park):** This year our province inducted 14 new amazing members of our community into the Order of Manitoba. This award, the province's highest honour, recognizes those who have achieved excellence in their respective fields.

Last night I was privileged to be at the special ceremony at the Manitoba Legislature to recognize these individuals. We were honoured to also have Prince Charles and Camilla, Duchess of Cornwall, attend this wonderful ceremony.

Mr. Speaker, the Order of Manitoba recipients are picked from a pool of world-class nominees by an independent advisory council. This is a special honour bestowed on only a chosen few. The Order of Manitoba recognizes recipients on the merit of their achievements with a focus on benefiting others in an outstanding manner, whether that is in social, cultural or economic endeavours.

This year the recipients came from a wide range of backgrounds. These include elite athletes such as Israel Idonije, the first graduate of the University of Manitoba Bisons to play in the NFL, and curling champions Jennifer Jones and Don Duguid. There were also many community leaders, including Lorraine Brandson, curator of Churchill's world-renowned Eskimo Museum, and Doris Sarah Young, a member of the Truth and Reconciliation Commission and assistant to the president of the University College of the North.

Mr. Speaker, I am honoured to recognize these 14 men and women. They display an inspiring and daunting array of talent and expertise. They have committed themselves to working hard to improve the quality of life for Manitobans. I think we can all agree that their stories reach well beyond our province's borders and have contributed to making Canada the great country it is.

Thank you, Mr. Speaker.

\* (14:30)

### **Flooded Farms**

**Mr. Doyle Piwniuk (Arthur-Virden):** Mr. Speaker, it's my pleasure to rise today to honour and commend the Manitoba farmers who have persevered the 2011 flood and reliving the same wet conditions again in 2014.

In 2011, many farmers from southwestern Manitoba and the Interlake were unable to seed 70 per cent of their croplands during the extreme wet conditions. There were extreme flooding for most of the year for the Assiniboine valley, Souris valley, Whitewater Lake, Lake Manitoba and Birdtail valley. Many of the farmers in the 2011 flood have told me that they were not compensated fairly from this current NDP government.

This late winter—this last winter, the NDP government indicated to the Assiniboine valley producers that there would be no flooding along the Assiniboine valley and there would be no reason to let excess water out of the Shellmouth Dam during

the latter part of this winter. This government was totally out to lunch on their forecasting of the Assiniboine valley. The farmers of the—along the Assiniboine valley will not get their crops in in this 2014 crop year because the water will not be off the land in time.

Mr. Speaker, these farmers have worked very hard all their lives to invest much of their hard-earned capital into their farmland and produce food for the world. The members opposite may not understand, since very few of them have ever taken a risk to—investing in the farm or a business. This NDP government is clueless when it comes to risk and reward.

Mr. Speaker, in closing, I would like take this time to applaud these farmers for their determination and their drive to succeed when this government has given a blind eye and deaf ears to the agriculture industry.

#### **Winnipeg Wheatfield Souldiers**

**Mr. Matt Wiebe (Concordia):** Mr. Speaker, I would like to congratulate the Winnipeg Wheatfield Souldiers men's hockey team for winning the 2013-2014 UUHA championship in Toronto on April 12th.

Made up of Manitobans living in Toronto, the Wheatfield Souldiers have a vibrant 15-year history representing our province in the UUHA and in an earlier league, the Good Times Hockey League for the Arts. Since the founding of the UUHA in 2009, the Wheatfield Souldiers have won three out of five championships, adding to the three championships and one Exclaim! Cup that they won in the previous league.

The team consists of Manitobans Chuck Molgat, Wes Gerbrandt, Keven Magura, Kelly McCaig, Rodney Merchant, Scott Montgomery, Jimmy Murphy, Joey Serlin, Sheldon Shurland, John Sutton, Brad Sveistrup, Jon Weier, Mike Wilk, and Rob Zifarelli, as well as eastern Canadian imports, Derek Domingos, Mike Harkness, Steve Harkness, Eric Toth and Ryan Turner. Together they defeated archrivals, the Humiliation, to take home the championship trophy. With only a .500 record at the end of the regular season, the Wheatfield Souldiers went on to defeat the Brockton Rockets and the Beau's Beer Hack in the playoffs to make the final.

Made up of eight teams, the UUHA plays every Saturday night through the winter at Upper Canada College and at the newly renovated Maple Leaf

Gardens. UUHA players also take part in two league mingle tournaments: the Yule Log and the Supercup. In these tournaments, the teams are mixed and everyone gets a chance to play with their regular season opponents, thus promoting a climate of sportsmanship and collegiality among its members.

Congratulations once again to the team and thanks for proudly representing your home province while living away.

Thank you, Mr. Speaker

**Mr. Speaker:** Grievances? Seeing no grievances.

### **ORDERS OF THE DAY**

*(Continued)*

#### **GOVERNMENT BUSINESS**

**Hon. Andrew Swan (Government House Leader):** Mr. Speaker, on House business, could you please call the following bills for second reading: Bill 49, Bill 52, Bill 57, Bill 60, Bill 61 and Bill 63.

**Mr. Speaker:** Under orders of the day, we'll be calling bills for second readings in the following order: Bill 49, followed by bills 52, 57, 60, 61 and 63.

#### **SECOND READINGS**

##### **Bill 49—The Manitoba Public Insurance Corporation Amendment Act**

**Mr. Speaker:** Starting with Bill 49 for second reading, The Manitoba Public Insurance Corporation Amendment Act, the honourable Minister of Justice (Mr. Swan).

**Hon. Andrew Swan (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** I move, seconded by the Minister for Jobs and the Economy, that Bill 49, The Manitoba Public Insurance Corporation Amendment Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, be now read a second time and be referred to a committee of this House.

#### ***Motion presented.***

**Mr. Swan:** Mr. Speaker, I can tell you that Manitoba Public Insurance provides the best program of auto insurance in Canada. And, of course, part of the success is that MPI has one of the most comprehensive benefit packages for ratepayers in North America, and that is a fact. People receive benefits to which they're entitled to for a lifetime if

necessary, which is very, very different from many insurance plans elsewhere in North America.

I'm happy to state that MPI is continually improving and enhancing its Personal Injury Protection Plan, otherwise known as PIPP. This bill calls for several amendments to the MPIC act. This bill will enhance PIPP for Manitobans, bring additional value to those who need the program because of injuries sustained in an automobile accident and the process will also tighten up a few areas which up until now were not clearly defined.

First of all, Mr. Speaker, there are some activities which I don't believe ratepayers expect should be part of the PIPP system. This bill will result in the exclusion of golf carts, for example, from MPI's Personal Injury Protection Plan. It will also exclude accidents involved in aggressive driving on a closed track. With respect to golf carts, these amendments will also exclude from coverage electric bikes, Segways. Segways, if members aren't aware, are two-wheeled self-balancing, battery powered electric vehicles—and children's battery powered cars.

These amendments with respect to golf carts are the direct result of court decisions that found that MPI owed benefits to injured golfers and those driving on closed tracks. Golf carts are not registered with MPI and therefore there are no premiums collected and these amendments address this issue. We consulted with operators of golf courses across our province explaining the options available to them as it related to persons injured on golf carts and, Mr. Speaker, I can assure this House that the golf course operators agreed these amendments made sense and were, indeed, the best option. It's important to note that coverage and benefits will still apply if these various modes of transportation are involved with a collision with a vehicle registered with MPI, for example, someone driving in a golf cart across a public street.

As well, Manitobans who participate in closed track driving with high performance vehicles will now have to buy insurance on the competitive market for those activities. Clearly, golf carts and racing at a high speed around a track are not the type of things that people expect their public auto insurance to cover and, indeed, I think it's fair to say that was never the intention of PIPP.

And to put this change into financial perspective, just one catastrophic injury claim of this type could cost ratepayers up to \$5 million.

We know we're moving in the right direction and that we're continually reviewing the benefits of PIPP. I'm pleased to tell you, Mr. Speaker, these new measures will ensure that MPI continues to be responsive to the changing needs of Manitobans. It will also help MPI keep claims costs down and continue to offer Manitobans the most affordable insurance in Canada.

There's a number of other changes this bill addresses. MPI, as we announced, as part of Budget 2014 will provide low-interest loans to those Manitobans who participate in its low-interest winter tire financing incentive program. This will make it easier for drivers to buy cold weather tires, and, Mr. Speaker, I think everybody living in this province only has to look back a few short months to see just how severe Manitoba winters can be. And it's a fact that nearly 60,000 collision claims were opened with Manitoba Public Insurance between just December and February, a much higher total than in a typical year. Winter tires have benefits. We do know that many Manitobans have trouble affording this out-of-pocket expense. This low-interest loan program will now pave the way for Manitobans to purchase approved snow tires if they so choose.

Now, Mr. Speaker, as I said earlier, MPI's PIPP program is all encompassing. Unfortunately, despite improvements in vehicle design, despite efforts by law enforcement and by government to try to encourage safe driving practices, there continue to be about 100 road deaths yearly in our province. There is a lump-sum death payment above and beyond coverage for loss of income, above and beyond protection for dependants. This lump-sum death benefit for non-dependants would rise to \$13,154 from \$5,000 as it is at present. This brings added financial assistance to those Manitobans who, sadly, require this benefit because one of their loved ones has been killed in an automobile accident.

This bill will also make an offence to knowingly provide false or misleading information to MPI, as well as clarify the powers of investigators so that they may investigate and enforce The Manitoba Public Insurance Corporation Act.

MPI's special investigation unit looks at about 3,000 files a year. Each file is closely examined. Auto insurance fraud affects all of us as Autopac premium payers. Last year, thanks to the diligence and expertise of this unit, they saved MPI ratepayers about \$8 million due to the denial and discovery of fraudulent claims. Of course, MPI is not looking to

deny valid claims, but MPI is certainly looking to safeguard ratepayer's money. Auto insurance fraud is a serious matter and has direct financial cost for the majority of Manitoba ratepayers who are law abiding. Honest Manitobans shouldn't have to pay for the dishonest actions of a few.

\* (14:40)

Bill 49 amendments will also result in MPI investigators being given the authority to collect information on claims from the Office of the Fire Commissioner, municipal fire departments, local emergency services departments and police services for claims investigations.

Moving forward, MPI and the Province will set up new penalties against people caught lying about their claims. The new provincial offence will be created for claimants who knowingly provide false information or mislead MPI on a claim. Under the amendments, the maximum fine for an individual would increase to \$50,000, and for a corporation the maximum fine would increase to \$500,000.

Further, Mr. Speaker, income replacement indemnities would be continued for catastrophically injured claimants who return to work after an injury but later cannot continue working. We want to continue to make things as easy as possible for those individuals who suffered a catastrophic auto injury. As well, caregiver weekly indemnities will be paid to senior citizens injured in collisions who can no longer care for their spouses; for example, those suffering from Alzheimer's or a disabled adult child. We think that this is an appropriate increase in benefits for Manitobans who may be suffering from the impacts of an injury.

With respect to recovery of monies, this bill will allow the recovery of monies from out-of-province insurers based on the Province's personal injury protection, no-fault benefit plan and not tort or civil court damages awarded in other provinces. That will simplify the process of recovering monies from insurers in other provinces.

In closing, Mr. Speaker, this bill will enhance PIPP and it will ensure that Manitoba Public Insurance continues to provide the best value for auto insurance, not just in Canada but in North America, and we intend to do that going forward. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Pleasure to put a few words on the record towards Bill 49 this afternoon before it reaches its second reading

conclusion, Mr. Speaker, along with other bills that are under the sessional order as prescribed.

I want to say a few words regarding Bill 49, in particular, the concerns that exist regarding Manitoba Public Insurance in the public. Not having been the critic for MPI very long, I've been surprised at how many concerns there are, how many calls the MPI critic gets. I have a new-found respect and some sympathy for the former members or former critics in this role who received calls from all over the province and from constituents of all different areas concerning MPI and a wide variety of different concerns.

I think that the minister, when he wants to say that all is well with MPI and that everything is going just great, might want to take some of those calls, too, because I know he receives them, and he gets the emails as well. There are lots of concerns about how things are running at MPI and how this government is running MPI. Some of those, of course, are very micro concerns in terms of the insurance coverage itself, and we've heard some of those concerns and have had some discussions with the minister regarding some of those particular issues, and some of them have been addressed to some degree and I appreciate that.

And some of them are broader concerns. We have heard, going back to the early days of this government, Manitobans upset, and you may remember, Mr. Speaker, when this government was looking to take money from MPI and put it into universities. And there was quite the reaction from those who were upset, in the public, that the government would take ratepayers' money and try to redirect it into universities. Not that funding universities isn't important; it is important, but to fund it from Autopac rates, to fund it from insurance rates, was something that the public simply couldn't bear. And, ultimately, the former premier decided to reverse the decision on that because there was such significant public backlash to the decision to fund universities through MPI rates.

More recently, we've seen trial balloons floated out by this government about trying to fund roads and road construction through MPI Autopac rates. That was a trial balloon that went up from the government a number of months ago, and they got the same response from the public that they got a decade ago when they tried to take funds out of MPI and put it into university. The ratepayers of MPI, the insurance premium payers, legitimately said that's

not what we're paying insurance for. We're not paying our insurance rates for it to go to road repair. That should be something that happens under the general revenue of government. We're not paying our MPI premiums to go to fund university. That is something that is funded jointly through the government and through tuition rates.

So there is concern about MPI and how it's run and how this government manages it. And there's a trend, because the government has run into a lot of problems when it comes to managing Crown corporations generally across the board, whether it's MPI, whether it's Hydro, whether it's lotteries and liquor. Mr. Speaker, there's been many concerns about how this government runs Crown corporations in the province of Manitoba, and this is an extension of that.

Certainly, the most recent public concern that we've heard on a broader base is the rehiring of the former CEO into Manitoba Public Insurance. Now, the former CEO retired, as is her right to do, Mr. Speaker. All of us will hit that age at someday when we decide to retire and do something else. We may not all be so fortunate to get a half-a-million-dollar retirement package, and we might not all be so fortunate to then get hired back the day after at a \$180-an-hour consulting contract with the very firm that we'd just left the day before. That's a pretty sweet deal, I think, on behalf of—or what Manitobans would consider a pretty sweet deal. And we've heard the backlash. And I'm sure that members opposite have heard the backlash, as well. But it's not simply about that particular retirement payout. And it's not simply about that rehire on a contract basis. That is really the tip of the iceberg. And Manitobans are saying, well, if that's how it's run in terms of how executives are treated, what are all the other waste that are happening within the corporation. How can we ensure that the government is going first to try to find that waste before they're coming to us as ratepayers for Autopac and asking for more money?

And that's why there's a great deal of skepticism out there, Mr. Speaker, when the minister of—responsible for MPI, he said it today in his speech, that rates are going to go up because of the long, cold winter. Well, all of us know it was a difficult winter in Manitoba. That happens in Manitoba sometimes. It shouldn't be a surprise that once in a while we get a difficult winter. Nobody looks forward to it, but nobody is overly surprised when we have an exceptionally cold winter because that is part of what living in Manitoba is about. We embrace it in our

own way. We don't relish it. But it's the reality of living in Manitoba. It should not come as a surprise to the government or to MPI that that happens in Manitoba once in a while. Conversely, sometimes we get a relatively mild winter by Manitoba standards as well. It does kind of go both ways.

But the government is suggesting to Manitobans that they're going to raise the rates on MPI simply because of the long, cold winter. Well, that long, cold winter clearly didn't affect the former CEO getting a pretty good retirement package and then getting rehired at \$180 an hour. So a lot of people are asking in the coffee shops, as they often talk about these things in the coffee shops, and, I'm sure, around their kitchen table, Mr. Speaker, how is it that we are going to be paying more for MPI? How is it that the government can say MPI doesn't have any money, and yet they had money to pay out a half-a-million-dollar retirement package and hire that same individual back at \$180 an hour? Something doesn't add up. It doesn't seem like the corporation is somehow void of money.

And Manitobans are right to be skeptical. Manitobans are right to say, we don't think the government has looked internally for savings first. We saw the same thing with the PST increase. Manitobans don't believe that the PST was—increase was necessary. Overwhelmingly, polls will tell you—and you wouldn't have to look at a poll, Mr. Speaker, you could simply go and talk to Manitobans down in the street or at a fair or a festival this summer—and overwhelmingly, they will say that they don't believe that the PST increase was necessary, that the government could have found those savings internally had they looked first. But they didn't look first. And that is the pattern. And that's where there's a lack of credibility, because Manitobans don't believe that the government is first looking for savings before they come to Manitobans and ask for more money. And that's a frustration for Manitobans. And they have a right to be frustrated by that.

Now, the Attorney General (Mr. Swan), the Minister responsible for MPI, in his comments on this bill, also talked about how MPI will be setting up a loan system for winter tires. Winter tires are a good idea. I'm sure that those who can afford them, it's a valuable thing to have and it can increase safety. But the Attorney General talked about how Manitobans can't afford to buy winter tires. Well, that's an interesting comment. It's not an incorrect comment. There are many Manitobans who can't afford to buy winter tires, and I would say that there

are many more Manitobans this year than two years previously who can't afford to buy winter tires because of the increase to the PST, because of the expansion of the PST onto home insurance and because of the other myriad of fees that have gone up under this government, not in—just in the last two years, but particularly under the last two years.

So—but this is classic NDP philosophy. Let's take the money through a PST increase, let's take the money through a PST expansion, let's take it through more fees, and then, because Manitobans can't afford to have something that might be good for them to have, like winter tires, we'll turn around and we'll offer them a loan so that they can loan back the money that we took for them over the last two years through tax increases. And I can see why Manitobans would be frustrated with that philosophy. Why wouldn't the government have just left the money in their pockets first, and then the Manitobans could have made the decision?

\* (14:50)

But this is a government, this is an NDP government, with the philosophy that somehow government has to be involved in everything. Somehow government has to be there to help. I heard it from the member, actually, for the Interlake in a question he was talking about yesterday on farming, about how happy everybody was that the government was there to get involved with farming, that the government has to be somehow involved in everything that happens, that government has to be involved in everybody's life at every step of the way.

Well, instead of taking the money away from individuals by taxing them higher on their PST and expanding it to home insurance, why not leave them the money in their pockets and then they can decide whether or not it's a good thing for them to have winter tires, Mr. Speaker? I actually trust Manitobans. I actually believe Manitobans are common-sense individuals by and large. And I think that they would be making the right decision, but that is not what this government does. This government decides they're going to take the money and then loan the money back to try to get them to do something that might be a valuable thing to do.

So we have questions regarding this bill. I expect that we'll hear some presenters at committee when this bill goes to the committee process sometime over the next two weeks. But, more generally, I would ask the government to reconsider some of its philosophical underpinnings, that you don't take

money back from people and then loan it back to them so they can do something they can't afford because you took the money from them to begin with, Mr. Speaker. You don't go to the public and say, we can't afford not to increase your MPI rates, and then turn around and rehire a CEO at \$180 an hour after having paid them a half million dollars to retire. Those things don't add up. It causes Manitobans to be skeptical, it causes them to be frustrated and it causes them not to believe that the government is managing their money in a way that is effective and efficient. And those Manitobans have a right to be skeptical, and I suspect if we continue to see this government manage the finances, they'll continue to grow in their skepticism. Until then, we look forward to the comments from members of the public on this bill at committee in the next couple of weeks.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, briefly, you know, this bill will, as we've seen, made—make changes to the Manitoba Public Insurance act, enhancing the ability of MPIC to gather data, changes to compensation for minor victims, clarifying issues around catastrophically injured claimants, clarifying temporary workers' entitled claims and ensuring there's indemnity in the relation in the event a person making a claim is an unpaid caregiver.

I've looked through these. I would, you know, wait on the—let's hear what we see at committee stage in terms of presenters, but so far these changes seem reasonable.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on Bill 49?

**An Honourable Member:** Question.

**Mr. Speaker:** House is ready for the question.

The question before the House is second reading of Bill 49, The Manitoba Public Insurance Corporation Amendment Act.

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

**Bill 52—The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)**

**Mr. Speaker:** We'll now call for second reading Bill 52, The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments).

**Hon. Sharon Blady (Minister of Healthy Living and Seniors):** I move, seconded by the Minister of Justice (Mr. Swan), that Bill 52, The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments); Loi modifiant la Loi sur la protection de la santé des non-fumeurs (interdiction visant le tabac aromatisé et autres modifications), be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Ms. Blady:** It's my pleasure to rise today to speak to this important bill. Mr. Speaker, no parent wants their child to start smoking. We don't want that for any child in Manitoba. We know where it leads. We know that smoking is the leading cause of preventable death, and we also know that at least half of all youth who start smoking will go on to become lifelong smokers. And not long ago, if you'd heard kids having a conversation and—where someone was talking about grape, cherry, strawberry or peach, it would probably have been fair to assume that they were talking about bubble gum; today, they are just as likely to be talking about tobacco products.

Nearly half of high school students in Manitoba who have used tobacco products in the last 30 days have used flavoured tobacco products of some sort. Flavours like candy, chocolate or fruit make tobacco more attractive to children and youth, and they make it more likely that the kids will experiment with tobacco and get hooked. We can't have that.

Over the years we've made tremendous progress in keeping tobacco out of kids' hands, and this legislation builds on this progress. Bill 52, the amendments to The Non-Smokers Health Protection Act that will ban the sale or supply of flavoured tobacco products in our province, is the right step, a step in the right direction in so many ways because flashy packaging and flavours like watermelon, grape, cherry and peach are designed to make tobacco attractive to kids. Some of these products can even be purchased for as little as \$1. This is just irresponsible and unacceptable. It's time that we remove these products from the shelves and help youth avoid tobacco all together, and Manitoba is proud to be a leader in this fight. We will be among the first in Canada to ban the sale of these products, building further on our anti-tobacco record.

Now, the federal government tried to get at this issue a number of years ago. The federal Tobacco Act was amended to prohibit flavours other than

menthol in cigarettes, cigarillos and blunt wraps. The problem with the federal legislation, in what is commonly referred to as the loophole, is that cigarillos are defined as cigars having 1.4 grams of tobacco or less, or having a cigarette filter. So manufacturers, Mr. Speaker, they've just simply skirted these requirements by producing products containing more than 1.4 grams of tobacco and not having a filter.

Back in November I wrote to the federal Health Minister urging the federal government to take action to close this loophole. Now, although this hasn't happened yet, I would still like to see the federal government develop a national policy to avoid a patchwork of different standards across provinces and territories.

In the meantime, Bill 52 will close the federal loop here in Manitoba. And we'll keep these products off the shelves and out of kids' hands, and some other jurisdictions are making similar moves. Both Alberta and Ontario have introduced legislation to close the loophole and, again, keep these products off the shelves in their provinces.

In Manitoba Bill 52 is part of our comprehensive effort to reduce overall tobacco use: first, through prevention; second, by protecting non-smokers from exposure to second-hand smoke; thirdly, also by helping smokers quit; and, finally, by denormalizing tobacco products and their use.

And I have to say, Mr. Speaker, I was very pleased to make the announcement about this legislation at West Kildonan Collegiate. The staff and students at West Kildonan are leaders in the fight against youth tobacco use. Manitoba's first Students Working Against Tobacco, or SWAT team, as they're more commonly called, was started at that school in 2003. And members of the current SWAT team were present at the announcement, and it was really great to hear their perspective, including that of a young woman who we know as one of our pages, Nicole Gomes, who is a part of the SWAT team. So, again, and she's done a lot of other work and has been recognized as a nominee for the Young Women of Distinction. So you can see, these are young leaders that are a part of these SWAT teams.

Other important partners who were able to join us for the announcement to show their support included Erin Crawford, who is the senior director, Public Issues and Community Engagement for the Canadian Cancer Society. And, Mr. Speaker, she called Bill 52, and I quote, an important step in

protecting young Manitobans from being tempted to purchase tobacco products marketed as candy-like goods. Such initiatives contribute to our fight against cancer, and I appreciate her comments.

We were also joined by Murray Gibson, who is the executive director for the Manitoba Tobacco Reduction Alliance, more commonly referred to as MANTRA. Sheila McIntosh also joined us, and she is the director of health initiatives from the Manitoba Lung Association. And we were also joined by Donna Turner, the director of Population Oncology for CancerCare Manitoba.

So, together with these groups, we continue to work towards a smoke-free Manitoba. And, if I get the chance, I might talk about some of these ongoing partnerships a little bit more, but I know that we are pressed for time this afternoon.

\* (15:00)

So another thing I'd like to mention, Mr. Speaker, though, is that the media attended the announcement, and it didn't take the Free Press long to find a young user of these very products. This man actually started smoking with a peach Bullseye, and is now a regular smoker. And he's quoted in the paper as saying: I'd rather smoke flavoured tobacco than normal cigarettes. It tastes good and it kind of takes your mind off everything. He also said that while he's not thrilled with the ban, it will probably lead him to quit smoking. That is great news, Mr. Speaker, and reflects the idea that Bill 52 is really part of a larger strategy to get kids away from tobacco and to help them to stop smoking if they've already started.

Our government is developing a new tobacco reduction initiative and expanding current programs that we know are working in order to achieve these four main goals of, again: preventing youth from starting; protecting non-smokers from exposure to second-hand smoke; helping smokers quit; and denormalizing tobacco products and their use.

And, again, we have made a lot of progress. Smoking rates for Manitobans 15 and over have declined from 23 per cent in 1999 to 18 per cent in 2012, and youth smoking rates—that is for the ages of 15 to 19—have declined even more, from 29 per cent in 1999 to 13 per cent in 2012. And that is one more reason why Bill 52 is so important. We need to keep up this momentum and help kids continue to steer clear of tobacco.

Bill 52 represents the next step in a long series of bold initiatives we have undertaken since 1999 aimed at reducing overall tobacco use and specific steps to keep tobacco products out of our kids' hands. Manitoba was the first province in Canada to introduce a province-wide smoking ban in enclosed public spaces and indoor workplaces in 2004. It was the first—one of the first provinces to introduce restrictions on the display, advertising and promotion of tobacco products in stores. I mean, we all know, if kids can't see things, they're probably less likely to pick them up, the old out-of-sight, out-of-mind, which is the goal of this legislation. Last year we ended tobacco sales in pharmacies, stores containing a pharmacy, health-care facilities and from vending machines.

We're also working, Mr. Speaker, to protect Manitobans from the dangers of second-hand smoke. Manitoba was the first province, as I said, to go smoke free in all public and work places in 2004. It's also illegal to smoke in a private vehicle when someone under the age of 16 is present, and I'm proud to say that my colleague the Minister of Conservation and Water Stewardship (Mr. Mackintosh) is also on board with protecting Manitobans from second-hand smoke, because starting this July playgrounds and beaches in our provincial parks will be smoke free. And that means a lot to a mom who wants to be able to bring her kids out to those places and know that they can play, run free, and not have to worry about breathing in somebody else's second-hand smoke as we enjoy the beach and the playground.

But, more importantly, Mr. Speaker, one of the things that we're all way—just far too familiar with is the huge costs of smoking. It has a terrible human impact as a leading cause of cancer, chronic disease and untold suffering. This year it is estimated that 2,000 Manitobans will lose their lives due to smoking, and I'm sure there are many in this Chamber who have lost someone they have known and loved for these very reasons.

It also has—means increased costs to our health-care system, and our government is joining other jurisdictions in suing tobacco product manufacturers in order to recover some of those costs incurred in treating smokers who have become addicted to tobacco products.

So, Mr. Speaker, again, it is one of these things that we know that so much is based on getting to the kids before they get to that kind of place where their

life is at risk. We know that about half of the kids who start smoking will remain life-long smokers, thanks to the highly addictive nature of these products.

But the opposite is also true, and this is cause for hope. If they don't start smoking when they are young, they are more unlikely to pick up that habit later in life, and that is why Bill 52 is so important. It's also why we have a number of great programs in schools across the province to help educate our kids about smoking and help them stay away from these deadly products.

Manitoba has had a very successful school-based prevention program called Review and Rate in place for nine years that reaches 15,000 to 20,000 students each year, and about 99 per cent of teachers who run the program say it is effective in raising awareness about the dangers of smoking and second-hand smoke. And Manitoba is committed to funding programs that are specifically designed to help young people quit smoking. Every year we invest in Manitoba Lung Association's school-based teen smoking cessation program, Not on Tobacco.

As I've mentioned before, the Students Working Against Tobacco, or SWAT teams, again, are being significantly expanded and established in high schools throughout Manitoba and, again, it is a way of organizing and uniting students to work on reducing tobacco use among their peers and to counter the youth-focused marketing of the tobacco industry. And as I can tell you, I can—as a mom, you can say something as a mom to your kids, but if that same message comes from a peer, it's going to stick and that's what's so important about this peer-to-peer support education and counselling. And as I said before, you know, the West Kildonan Collegiate team is the first SWAT team in the province, is a phenomenal group of students, but I'm proud of them as well the 49 other SWAT teams, the 50 SWAT teams that are operating across the province. And over the next two years we will double and, hopefully, triple the number of SWAT teams in schools.

And, Mr. Speaker, it's not just about the youth, it is also about broader cessation. And each year 1,500 Manitobans sign up for the Manitoba Quits quit and win contest, a partnership with the Manitoba Lung Association providing a positive incentive to try to quit smoking. Manitoba smokers' helpline has experienced a two-fold increase in call volumes thanks to the placement of a 1-800 number on

cigarette packaging. And many more Manitobans are accessing this free professional smoking cessation service and succeeding at quitting.

Manitoba has also added the effective smoking cessation drug, Champix, to the provincial drug formulary in November of 2011 to assist smokers with quitting. And the Province has continued to invest \$240,000 every year to help the Manitoba Tobacco Reduction Alliance, MANTRA, deliver smoking cessation programs across the province.

I'm also proud to say that our new Wellness Works campaign launched in November will also help connect more workplaces with MANTRA's expertise and resources to help smokers quit in the workplace environment. The Province is investing nearly \$250,000 in smoking cessation projects and partnerships with RHAs focused on supporting cessation in health-care facilities.

In closing, I would like to thank all of those who have shown support not just for this bill but the ongoing work that we do in this area, and I'm confident that this bill is a rights—is a step in the right direction to help kids stay away from tobacco and to continue building towards a smoke-free Manitoba.

**Mr. Cliff Graydon (Emerson):** I rise to put a few words on the record on Bill 52. I certainly know what smoking is all about as I was a smoker. I've—I'm a reformed smoker, I would say. At the same time I do agree that young people do get influenced very young, and perhaps the flavoured tobacco would be something that would entice them to start smoking. And, from what I understand and from what the research is, that menthol, menthol cigarettes are some of the first ones that young people do start with and right now I would say that from the research that it is a preferred cigarette for new smokers. And, unfortunately, this bill doesn't address that. I know we have talked about that and I'm disappointed that it wasn't addressed in the bill, that it certainly should have been. We don't—none of us on any side of the House here condone smoking in young people, and I would suggest that smoking with some of the older people isn't condoned either. But they don't listen to me either so I guess we can't do much about that.

But I'm also a bit disappointed as well because the snuff and chewing tobacco are also on the rise with young people. And they pick that up from a lot of the sports that they watch. You see a baseball pitcher and he's got a mouth full of chew and you see hockey players with the same thing. A lot of the

sports idols are people that chew, and this isn't addressed here either.

There's many, many different flavours of chew on the market. I can't profess that I have tried any of them for the simple reason, I might add, is that the reason that I don't try them it says on the bottom of the can, for men only. So I don't—never have been able to chew, but at the same time many, many kids now, in school, do chew. I know that for a fact. My son has just quit chewing and he started chewing in school. So that's something else that the minister could have included in this bill. I know that she's new at her job and she couldn't be expected to cover all the bases the first time at bat, but at the same time it would have been nice to see that in the bill.

\* (15:10)

There was one thing in the bill that I felt needed to be addressed and certainly will address going forward, and that was the section where it said, and traditional, Aboriginal, spiritual or cultural were going to be exempt. And, Mr. Speaker, I thought that that was exclusive, and what I would like to see in the bill would be certainly more inclusive, for example. And I would say that there are more than Aboriginal people that do have cultural practices that do include tobacco and I would like to see that included in this bill, and I'll be bringing something to that effect forward in the future.

But, overall, I would suggest that the bill should have a positive effect on young people. However, this tobacco industry is a very, very large industry, and what we've—see is the Province has profited by raising taxes on tobacco, of all tobaccos. And we have a higher tax than our provinces to the east and/or to the west, and that has created a huge black market.

We also see smoke shops that spring up all over the place, Mr. Speaker. And, yes, they are put to rest sooner or later, but at the same time, they're replaced immediately by another underground group in another locale.

And I don't know that the high taxation on this—on the tobacco products has been beneficial in lowering the use of tobacco in our province, but what it has done is created another industry. And I think there's another way to address that, and it would have been nice if the minister would have taken that into consideration as well. But, at the same time, Mr. Speaker, I—what she has done at the first time at bat is satisfactory to begin with.

So thank you for those—the opportunity to put those few words on the record.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I want to just say a few words about this legislation dealing with flavoured tobacco marketed toward young people in particular; it could be marketed toward anyone.

The fact that this bill is necessary shows how important it is to make sure that the legislation that we do, or in this case was done at the federal level, is done well, so there are not gaps in the legislation which need to then be covered. And this is addressing a gap in federal legislation; hopefully, it will do that successfully.

It has included section 9(1), which allows regulations to be made in certain areas. As far as I can read this, this probably wouldn't include chewing tobacco, but maybe the minister can have a look at that, and if it doesn't then include flavoured chewing tobacco, then there could be an amendment added as well. And the comments of the member from Emerson could be—no, yes, Emerson—could be taken into account.

So, with those few comments, Mr. Speaker, I'll let us move on to another bill. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Just briefly, Mr. Speaker, I appreciate the comments that have been put on the word—or on the record by the previous speakers, and I know that this is almost a never-ending battle in terms of trying to reduce smoking among young people and the population more generally.

More recently, I've had some concerns raised to me by schools regarding e-cigarettes, which I didn't realize what they were until I looked it up, and I've learned a little bit more about it since then. I understand that it's sort of a vapour device, and that normally it wouldn't contain nicotine and wouldn't be the same type of thing as a cigarette. In fact, in some ways, I think they're often used as ways for young people to stop smoking, to still have the sensation of smoking but without the nicotine. But there have been problems raised and concerns raised by schools that marijuana is being placed within these e-cigarette devices, and it's difficult to be able to smell the fumes from the marijuana smoke when they go through these e-cigarette devices.

And so a couple of the schools in my area and a couple outside of my area have raised this as an issue and didn't suggest any sort of prescriptive action in

terms of what the government should be looking at, but they wanted the government to be aware that it is a problem and they are looking for some direction in terms of how they can ensure young people aren't able to mask the smell of marijuana or potentially other, of course, drugs, because marijuana can be laced with a lot of other more hard-core drugs or what we would define as more hard-core drugs. So that's an emerging issue, and, actually, probably, it's probably fair—by the time it hits the floor of the Legislature it's probably no longer emerging, it's probably already a fairly well-established problem, and it only comes to our attention after it's fairly well established.

So I just wanted to raise that in the context of this debate. The minister is nodding her head. I suppose she's already heard about this and perhaps there's some discussion happening within the department about how to address the issues around this particular device. And I'd be happy to have discussions with her off the record at another time, but I wanted to put it on the record in the context of this discussion, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on Bill 52?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question's been called.

The question before the House is second reading of Bill 52, The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments).

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

**Bill 57—The Highway Traffic Amendment Act  
(Countermeasures Against  
Drug-Impaired Driving)**

**Mr. Speaker:** We'll now proceed to call for second reading, Bill 57, The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving).

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I move, seconded by the Minister for Jobs and the Economy, that Bill 57, The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving); Loi modifiant le Code de la route (conduite avec facultés affaiblies par la drogue), be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Swan:** I think it's fair to say that very few people would disagree that impaired driving is an issue of concern in Manitoba, and I do believe that every member of this Legislature is interested in finding more ways to deter and prevent Manitobans from driving motor vehicles while unsafe to do so.

We do need to continue to be vigilant in order to protect the safety of our citizens on our highways and on our streets. Over the past decade, Mr. Speaker, the government of Manitoba has introduced many amendments and changes to The Highway Traffic Act to continue to combat impaired driving. The focus of our initiatives has primarily been on drinking and driving, however there's also a need to ensure that our laws also address drug-impaired driving.

Drivers who are unable to safely operate a vehicle because they are under the influence of drugs, whether illegal drugs or pharmaceuticals, are just as much of a danger as drivers who are under the influence of alcohol. And frankly, Mr. Speaker, the issue is not the substance that's causing the impairment, but rather protecting the public from road-safety threats.

In 2004, with the advice of law enforcement in Manitoba, the government of Manitoba amended The Highway Traffic Act. We provided authority for peace officers, police officers, to conduct standard field sobriety tests to detect drivers who are unable to safely operate a motor vehicle due to the influence of drugs and suspend their driver's licences at roadside.

In 2010, further listening to the advice of law enforcement, there were further amendments to recognize the Criminal Code physical co-ordination test and provide roadside sanctions against drivers found to be unable to operate a vehicle safely based upon their performance on these tests.

Mr. Speaker, currently, The Highway Traffic Act provides that drivers who are under the influence of drugs and who are found to be unsafe to operate a vehicle based on their performance on a physical co-ordination test face an immediate roadside driver's licence suspension. Drivers who refuse a police demand to participate in a physical co-ordination test or who fail to follow a police officer's instructions during the test face an immediate three-month roadside driver's licence suspension and vehicle impoundment for at least 60 days.

However, Mr. Speaker, the police tell us that in many cases now police are choosing—based on the circumstances and based on their considerable expertise, they're choosing to demand a more elaborate Criminal Code drug recognition evaluation without first administering a physical co-ordination test. There is a need to ensure that The Highway Traffic Act sanctions will also apply in those circumstances.

\* (15:20)

This bill will amend The Highway Traffic Act to provide that drivers who are found to be unsafe to operate a vehicle based upon their performance during a drug recognition evaluation will receive an immediate driver's licence suspension. This bill also clarifies that the sanctions for refusing a police demand or failing to follow instructions concerning a physical co-ordination test also apply to refusing or failing to follow instructions relating to a drug-recognition evaluation.

Mr. Speaker, I want to finish my comments on this bill by thanking law enforcement, our police here in Manitoba, for their ongoing advice and direction on the best ways to continue to take on impaired driving, and while I'm doing it, I might as well thank our police services for everything they do to keep our highways and our roads safe for Manitoba drivers.

Thank you very much.

**Mr. Kelvin Goertzen (Steinbach):** Certainly, I'll echo the final comments made by the Minister of Justice (Mr. Swan) to thank our law enforcement officials, the women and men who are every day out in the communities and on our roads and our highways, going to situations that are often unknown, often dangerous, and doing so to protect all of us in our communities and in our province. They have a variety of different things that they're responsible for and that list grows it seems each and every year, and the responsibilities that they have become more technical. The responsibilities that they have become more legalistic, and it's difficult, I think, for them. In many times you sometimes see through the myriad of laws and regulations and procedures that they have to adhere to simply to ensure that they're doing the job that they, I think, signed up for when they join either the RCMP or one of our municipal police forces in the province.

So I know for—in speaking with law-enforcement officials, as other members of this Chamber do as

well, I'm sure they hear that frustration as well, that sometimes it's a difficult job to do because of all the requirements that are involved, because of all the specific things that they need to do to ensure that they make a good arrest and that there is a good charge laid where it's appropriate that a charge be laid.

And so it is not an easy job and not one that, I think, anyone would take lightly when they're going into it, but certainly one that I think is eye-opening when you do see all the things that police officers do.

For the public, of course, I mean, I think that they see probably 10 per cent of what officers are often engaged in. They see them in the community. They see them doing patrol. Sometimes they'll see them rushing to a scene. They'll see them involved in a traffic stop, but they rarely see them involved in the very difficult situation that they deal with responding in a home in a domestic assault, responding to a home where they don't know if somebody is armed or they're putting themselves in danger, dealing in situations where often individuals are fueled by drugs or alcohol. Those are very difficult situations that we don't see on a day-to-day basis, and most of us choose not to be involved in that type of an occupation, so not to see it. But we benefit even if we aren't involved, obviously, in the activity of trying to stop these things from happening. We benefit by the fact that there are those who are doing exactly that kind of work. So anything that we can do to make things easier for law enforcement is important and should be supported.

We only had a briefing on this bill yesterday. It's a somewhat technical bill in comparing it to existing legislation that already exists, so we're undertaking that analysis of the bill currently. But certainly the intention of the bill, such as it is, to reduce drug-impaired driving is something that we on this side of the House and, I believe, on all sides of the House wholeheartedly support.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I've been through this legislation which looks at addressing drug-impaired driving. I think it's reasonable to make concerns over drug-impaired driving comparable to that with alcohol-impaired driving. But I think it's also pretty important that we have ongoing assessment, that we have, you know, the science and evidence of the effects of impairment on driving in terms of drug-related driving and the impacts of different types of drugs.

But, that being said, I certainly ready to support this moving forward. I look to comments at committee stage.

I, too, want to thank the police officers around Manitoba for the fine work that they do, on behalf of all of us, and for all of us in keeping our streets and roads and parks and other places in Manitoba safe. I think we should also compliment the police on, you know, what they do not only every day, but what they do on special occasions like yesterday and the day before when we had the visit of princess—Prince Charles and Camilla, and I thought that they did an excellent job and they should be complimented for it. Thank you.

**Mr. Speaker:** Is there any further debate on Bill 57?

Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 57, The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving).

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

#### **Bill 60—The Restorative Justice Act**

**Mr. Speaker:** We'll now proceed to call second reading of Bill 60, The Restorative Justice Act.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister for Education and Advanced Learning, that Bill 60, The Restorative Justice Act; Loi sur la justice réparatrice, be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It's been moved by the honourable Minister of Justice, seconded by the honourable Minister of Education, that Bill 60, The Restorative Justice Act, be now read for a second time and be referred to a committee of this House.

And the message from His Honour the Lieutenant Governor has been tabled.

**Mr. Swan:** Mr. Speaker, I'm very pleased to have an opportunity to speak to this bill this afternoon. This bill is intended to promote the development and expansion of restorative justice approaches in the province of Manitoba.

At the outset, Mr. Speaker, I can say it's interesting the possibility of expanding restorative justice opportunities is supported by Manitobans who may have very different points of view and may actually see the legal system in very different ways.

First, Aboriginal communities across Manitoba have expressed an interest in expanding restorative justice in their own communities. And some communities, there already are elders committees or healing committees or justice committees, as they may be called, working with offenders. And it's interesting, as we speak about restorative justice, which some of us may see as a new or a dynamic initiative, principles of restorative justice actually follow traditional practices of Aboriginal people in this province going back hundreds if not thousands of years. And I've heard from many Aboriginal Manitobans who are seeking better ways to get better outcomes for safety in their communities but also better outcomes to turn people away from reoffending.

I've had the chance to meet elders in communities like Waywayseecappo, Peguis, Cross Lake and Nelson House, and I know that our Aboriginal peoples in Manitoba are very, very interested in having all of us perhaps catch up to some of the practices that they've been putting into place for a long time.

But, you know, Mr. Speaker, there's also many other groups, and I believe that expanding restorative justice fits with the views of many faith communities of many different faiths who see that the ability to pursue forgiveness and healing is certainly something that's in keeping with their own traditions. And I know that it's through faith communities that many times we've been able to find many volunteers to support restorative justice processes that now exist in Manitoba. We know that by working with faith communities, we can find a greater pool of Manitobans who may be prepared to give of their time to try and get better outcomes in our justice system.

And, as well, as I've said to many faith communities across the province, we also know that these are communities where we expect we may find a number of victims of crime, or people affected by crime, who are quite prepared to put their own faith's ideas into practice by agreeing to participate in the restorative justice program.

There are many who want me, as minister, to do everything we can to provide alternatives to

incarceration. These are people who may be supporters, as I am, of the Winnipeg Drug Treatment Court, Mental Health Court, which now operates in Manitoba, bail supervision programs and other ways to try and divert people from our correctional centres and divert people in many cases from having a criminal record, as long as they take responsibility for what they've done. And I believe that those individuals also expect us to move ahead in restorative justice and find more ways to get better outcomes like turning around offenders' lives without that necessarily happening within a correctional centre.

\* (15:30)

At the same time, there are others who may not be so concerned or may not express their concern that way but who may, at the same time, say that we're spending too much money on putting people in our correctional centres, that we have to do everything we can to invest in people in our communities to try and prevent people from having to go into our correctional centres while awaiting trial or as a sentenced prisoner.

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

As the Attorney General of Manitoba for the past four and a half years, I've had a chance to meet many incredible Manitobans with stories to tell. Some are victims: some victims—I'm sure there are other members who've had the same experience—who are angry; other victims who worked through their anger or their grief and who want to use their experience and want to donate their time and their efforts to helping to make changes in our system—and there's some incredible Manitobans who really humble me in terms of what they do; and there are many victims who have told me that by pursuing a restorative justice approach they might have received more closure, a better outcome, more satisfaction from the justice system than by our traditional court system.

And, indeed, I hear from offenders, as well, and I just want to speak for a moment about a young man named Ryan who contacted me. I knew him a little bit, but he contacted me after this bill was introduced and wanted—and authorized me to tell a bit of his story. Ryan's been convicted of a number of offences over a number of years. He would be the first to tell you that these offences occurred at a time when his life was spiralling out of control, and he spent time in and out of our correctional centres and he told me of really the first path or the first step on his path to

change occurred in a courtroom in Portage la Prairie. It wasn't a restorative justice process. It was part of a traditional system. But it was a sentencing hearing, and one of the victims actually spoke to the court and told the court about what they wanted to see happen. And he was expecting the victim to say he wanted the most serious punishment and the harshest result, but instead the victim spoke to the court and told the judge what he really wanted was Ryan to get help so that he wouldn't offend and wouldn't victimize other people in future. And Ryan gave me a quote that I don't think I can ever top, and he said when victims have compassion for the offender, everything else falls in line. And Ryan tells me that that victim's comments changed his life and he's been able to move ahead. Ryan truly has turned his life around. He has a family. He belongs to a faith community, and he wanted to tell me very, very clearly how he supports expanding restorative justice processes so that maybe we can turn around people and make a start before they're in a courtroom about to be sentenced for a criminal activity.

We know that successful restorative justice processes can result in lower re-offence rates, which is a very healthy thing for our communities. We also know that a successful restorative justice process can increase the satisfaction of victims of crime that they are being heard, that they are being treated fairly and that, indeed, the offender has listened to what they have to say and the offender is going to make amends to the victim and, on a broader sense, to the community.

Restorative justice is a philosophy and a different approach to addressing illegal conduct outside of the traditional way that we've been doing things. It's an approach to justice that focuses in repairing the harm caused by crime. It requires offenders to take responsibility for their actions. It provides an opportunity for the parties directly affected by a crime to identify and address their needs resulting from the crime. It also seeks a resolution that provides healing, reparation and reintegration. A restorative justice approach, Mr. Deputy Speaker, may also involve focusing on the problems underlying an offender's behaviour so the offender obtains treatment or counselling to address underlying mental health conditions, addictions or other behavioural issues that contribute to the offender's unlawful conduct.

The Criminal Code of Canada and the Youth Criminal Justice Act authorize the use of alternative measures and expert judicial sanctions to deal with

persons who've accepted responsibility for their unlawful conduct in specified circumstances. There are an existing range of restorative justice programs supported by the Province for adults and youth in Manitoba. It is hoped that this bill will increase demand for those services and allow us to increase the availability of these programs, and it is important, Mr. Deputy Speaker, to note that no victim will be forced to participate in a restorative justice process against their will.

This bill provides a framework to promote and develop the expansion of restorative justice as a different path to long-term community safety solutions. I will work with our police and our Crown attorneys to have them provide the best information early on to encourage victims of crime in appropriate cases to consider restorative justice. The bill also establishes a restorative justice advisory council which will assist by identifying effective restorative justice approaches that work best and recommend options to further the use of restorative justice as alternatives to criminal prosecution process.

Mr. Deputy Speaker, as many members know, the federal government has introduced a victims' bill of rights, and no one, not critics, not supporters, not commentators, have mentioned that federal bill specifically mentions the availability and the usefulness of restorative justice. I'm proud that Manitoba will be the first jurisdiction in Canada with a stand-alone bill in support of these restorative justice principles, and we will continue to be the leader at finding better ways to deal with people who find themselves in our criminal justice system.

We know that increasing the use of restorative justice in Manitoba can get better results, lower re-offence rates, lower incarceration rates, greater satisfaction of victims. And we know the measure of success will be the number of increased cases that we can divert through having restorative justice processes available in as many places across this province as we can. I look forward to moving ahead, to taking this bill to committee, and ultimately passing this bill. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Deputy Speaker, perhaps you'll allow me just the slightest bit of latitude, as I suspect this will be my last opportunity to speak today and this week.

I didn't have the opportunity earlier in this week to thank the former member for The Pas, Mr. Frank Whitehead, for his service to this Legislature. I didn't get a chance to know Frank well, but in the

conversations that we did had, I always found him to be a very honourable person. I know that it wasn't always easy for him to be an MLA, both because of the health challenges within his family and the distance that his home is from this Legislature, but when you get a chance to talk to people individually in this House, outside of the normal sort of party disciplines that we have and party debates that we have, I'm often very enlightened by the different realities that people have within their own lives and often very impressed by their individual attributes, Mr. Deputy Speaker.

So I just wanted to say briefly on the record that I appreciated very much Mr. Whitehead as an individual. I realize that his time was relatively short at the duration of this Legislature, but I listened to others who made tributes to him earlier in the week, about the impact that he had on his community, and I believe those impacts to be true. So I—we don't measure our success by the time we're here in the Legislature, but we measure it by the impact we have on our community and, by that measure, I think he stands up quite well. And I want to wish him well in the time ahead and wish him all the best, in terms of his health and his family, as well.

Now, on this bill, I—on the issue of restorative justice, I certainly do appreciate the comments that the Minister of Justice (Mr. Swan) has brought forward. There are certainly many in my region that I represent who have a heart for restorative justice, whatever version that takes. It can be different forms of sentencing, whether that's El'dad Ranch in my area, which brings—is often a court-ordered sentence where they have individuals who will come to the El'dad Ranch and serve out a sentence there, and do so in a way that teaches them things that they might not learn in a prison environment or a jail environment.

Also, there are many in my region who, for faith reasons, as the minister mentioned, would prefer mediation as a potential course of action, as opposed to going through the legal system. Certainly, I know that the former government under Gary Filmon, I believe, was the first to fund mediation services in the province. I believe I'm correct in that. And so there was certainly a recognition of the importance of alternative ways to deal with things in the justice system.

I've spoken in the past about—and it's particular to youth, but it wouldn't just be to youth, but ensuring that where there is a crime, that there

is meaningful but measured consequences. The meaningful part is, of course, that whatever the crime is, that the individual feels that there's some sort of a meaningful response to the fact that they committed this crime, that there is something that is significant enough to try to act as a deterrent for committing future crimes, but also measured. Measured is the sense that it's not overreaching, that the punishment isn't so severe that it causes more harm than would have been caused otherwise. And finding meaningful but measured consequences can be difficult in many circumstances, but there are, of course, many cases where restorative justice, mediation or other sort of measures that are outside of the normal justice system make perfect sense.

\*(15:40)

Obviously, where there are certain kinds of offenders, first-time offenders, where the crime is of a certain nature and, of course, where both parties agree, where the victim wants to partake in that kind of a process, it makes perfect sense to try to ensure that there is something other than the criminal justice system, as we know it, that will take effect for those who are involved in that system. So we support that and our party has always supported that, and we supported it when we were in government and looked for alternatives.

But it's more than lip service, Mr. Deputy Speaker. There has to be, I think, a culture that ensures that within the Department of Justice that there is a recognition that different restorative justice measures are important and should be considered. I know that the government has a prosecution policy that exists on their website that talks about restorative justice, but certainly prosecutors need to be encouraged and supported when they're looking at other measures. I would be very interested in seeing how often individuals who are working within prosecutions are actually using restorative justice as an option. My guess is that it's comparatively quite few or quite—not very often. I'd be interested to see in five years from now whether or not there are more cases referred to restorative justice or whether or not this bill is simply something that speaks to a good principle but doesn't actually encourage any change, as often happens with legislation.

So my concern isn't with the bill or the intention of the bill; my concern is whether or not it will actually effect any meaningful change, because that seems to me that meaningful change when it comes to mediation or restorative justice will come from a

culture of understanding within the Department of Justice and not by legislation.

The government talked a little bit about the Victims Bill of Rights federally, and I do think that that is something that is worth mentioning again. I appreciated the invitation by the Honourable Shelly Glover to attend the announcement locally, in Winnipeg, about the Victims Bill of Rights. We did so at the Child Protection Centre in Winnipeg, and there are others who were involved with the announcement: Mike Sutherland from the Winnipeg Police Association; Ros Prober was there from Beyond Borders.

And now, the Victims Bill of Rights federally: it puts in law a lot of things that might already be happening in practice, but I think in many ways it's important to ensure that it is in law so that we send that strong message that the rights that exist within the justice system aren't all rights for those who are accused or those who are ultimately convicted, but that there are rights for victims as well. So, whether it's victim impact statements or the ability to have somebody else read a victim impact statement for you, which is part of the legislation, whether it is restitution to be considered, which is part of the federal legislation, those are things that are important. And I appreciate that Shelly Glover and the federal government brought forward that bill, and we look forward to see it being implemented.

I know that Floyd Wiebe was involved as well with the discussion on the bill—on the Victims Bill of Rights—and he had some input into it. I had a chance to speak to him at a walk recently, and, of course, he indicates there's always much more to do. There's more things that can be done but it's a good start. It is a good step forward. So we appreciate the fact that the federal government is bringing that forward as well.

So I look forward to the discussion on this bill in committee about restorative justice and different ways to ensure that people who wouldn't naturally fit within the criminal justice system can find other means, and that those who are victims who don't want their cases to be going through the standard criminal justice system find another way to have resolution and healing.

And I do appreciate the comments that there are faith-based communities and those individuals of faith who will prefer this method. We haven't always, in my view, seen this government being sensitive to issues of faith-based concerns in this

Legislature. So, on those moments when there is a consideration of those who hold faith within our communities, I'm glad to hear that, and I hope it resonates more strongly across the board when it comes to legislation because I do believe we need to continue to respect those who have faith perspectives within the province of Manitoba.

So I look forward to a further discussion on this bill at committee, discussing how not only legislation can change but the culture can change within government and justice itself, to ensure that where there are appropriate cases to go to, things like mediation or restorative justice, that they end up going there for the various reasons that have been mentioned in the debate here today.

Thank you very much, Mr. Deputy Speaker.

**Hon. Jon Gerrard (River Heights):** I rise to put a few words on the record on Bill 60, The Restorative Justice Act. First of all, I find it rather surprising that this NDP government, in 14 and a half years, hasn't moved until now to bring in this bill to more clearly move toward a greater use of restorative justice in Manitoba. There's certainly been ample opportunity to do so, but this government, in 14 and a half years, has largely failed to do that and is now trying to catch up on 14 and a half years of neglect with regards to vigorously implementing and promoting restorative justice approaches.

It's particularly surprising in this since the NDP government came to be elected following the recommendations of the Aboriginal Justice Inquiry which came out, indeed, a number of years before they were elected in 1991. And the Aboriginal Justice Inquiry—and I will quote a little bit later on from this—recommended much greater use of restorative justice-type approaches, and yet this government, which was well aware of these issues, in 14 and a half years, failed to bring this sort of a legislation forward.

This bill is also surprising in that the Youth Criminal Justice Act which was passed in 2003 and provided for much greater use of alternative sentencing—and yet one has to ask, why did this government take 11 years after Youth Criminal Justice Act to bring forward this bill, which certainly had been—the pathway had been laid in the Youth Criminal Justice Act of 2003.

Now, I want to comment on areas where there are significant shortcomings on this bill. What is clear to me is that we need to have an ability to

'keep' track of the results using restorative justice approaches in comparison with these to results using more traditional approaches, including incarceration. And, you know, we need to do this because we want to move forward with a scientific and evidence base in terms of what we're doing and improve the outcomes of our justice system. And so this bill should have incorporated within it a very clear path for making sure that such assessments, such evaluations of what's happening, are an ongoing facet of our justice system and that we can then build upon the results of those studies.

I think it's also important, as, indeed, the MLA for Steinbach mentioned, that we keep track of the number of cases going to restorative justice to find out whether in fact this is changing or whether this is not as a result of this legislation. Clearly, there's a lot of evidence which suggests that it's not being very much used at the moment, although it needs to be better tracked, and that it could be much more broadly used and perhaps we need to understand why that is and, you know, whether there are changes other than what's being said in this bill that would be important to enhance the use of restorative justice programs where they're appropriate and where they've been shown to be effective.

I think what is clear—and this would be a second major suggestion in terms of this legislation in terms of need for change—the evidence from the Aboriginal Justice Inquiry and many other sources would suggest that it's important to have community involvement, and yet there is not in this bill a clear path in terms of community involvement, and that really should be looked at in terms of how it can be incorporated in this bill.

I would suggest also the third significant point, that there's a need for cultural sensitivity. No matter what culture, but, of course, for Aboriginal people there is in law now the Gladue principle, which, you know, we don't at this point have Gladue courts in Manitoba, although many other provinces do. But there at least is a principle, and that reference to cultural sensitivity certainly would—could have been in this bill and this bill would have benefited by it.

\* (15:50)

A fourth comment I want to make is that there's a need to address what seems to be an inherent bias of the current NDP government as seen in its attitude toward the drug treatment courts, which the current government has been reluctant to fully support. Right now they've left the drug treatment courts in

uncertainty. The drug—the government has failed to extend these courts to Brandon and Thompson in spite of knowing that this would be a beneficial move and would be helpful to people in other parts of the province outside of Winnipeg. I mean, it's too bad that we have a Winnipeg-centric government but it's the reality, and we need to have attention to other parts of the province and not just lip service but real action.

Fifthly, in setting up the advisory council, in view of the Aboriginal Justice Inquiry, in view of the over-representation of Aboriginal people in our courts and in our facilities, our corrections facilities, that it would be very smart, I would suggest to the Minister of Justice (Mr. Swan) to have First Nation and Metis representation on the advisory council. This is—would reflect the reality of what is all too often happening. It doesn't mean, and it should include representatives perhaps from outside, you know, First Nation and Metis with a particular cultural sensitivity so that we are broader and inclusive, but I think that this is something that should have been addressed, is rather surprising that it was not addressed in this legislation.

In reviewing the Aboriginal Justice Inquiry, I'll just quote a little bit from the inquiry. This was 1991, remember. The system, correctional system, the justice system, in quotes, is viewed by Aboriginal people as a foreign one and there is much bitterness about the unfair way that Aboriginal people and Aboriginal communities are treated. The price that Aboriginal families pay in terms of family breakdown, loss of income and educational opportunities cannot be underestimated.

Certainly, in 14 and a half years the NDP have largely decided to continue the traditional system. It's good that we have this legislation now. We will wait to see whether it in fact makes a difference, but, certainly, I hope that the Minister of Justice looks carefully at some of the suggestions that I've made in terms of changes. Let me quote again, again, from the Aboriginal Justice Inquiry. As a result, court decisions seldom reflect the values, beliefs or traditions of Aboriginal communities. Sentences as seen by Aboriginal people as an exercise conducted for the often mysterious purposes of the non-Aboriginal justice system.

What is needed is a philosophy of sentencing that would make less use of correctional facilities, strengthen the use of community sanctions, address the need of the victims and offenders, give proper

consideration to cultural factors when formulating sentences and allow the community to play a meaningful role in the development and monitoring of sentences.

So, given the effectiveness from a variety-wide variety of studies of restorative justice, effectiveness which the Minister of Justice, himself, referred to, I submit that it's rather surprising that it's taken 14 and a half years. I'm glad that we are moving forward on this. I welcome and hope there will be some comments that will contribute to this discussion at the committee stage and I look forward to those.

**Mr. Deputy Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Deputy Speaker:** The question before the House is second reading of Bill 60, The Restorative Justice Act.

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

#### **Bill 61—The Peatlands Stewardship and Related Amendments Act**

**Mr. Deputy Speaker:** Next order of business is second reading of Bill 61, The Peatlands Stewardship and Related Amendments Act.

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** I move, seconded by the Minister of Housing and Community Development (Mr. Bjornson), that Bill 61, The Peatlands Stewardship and Related Amendments Act, be now read a second time and be referred to a committee of this House.

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

*Mr. Speaker in the Chair*

**Mr. Speaker:** It's been moved by the honourable Minister of Conservation and Water Stewardship, seconded by the honourable Minister of Housing and Community Development, that Bill 61, The Peatlands Stewardship and Related Amendments Act, be now read for a second time and be referred to a committee of this House.

And the message from His Honour the Lieutenant Governor has been tabled.

**Mr. Mackintosh:** With the introduction of this bill, Mr. Speaker, Manitoba becomes the first jurisdiction in the country with stand-alone, comprehensive

legislation that balances protection of sensitive peatlands with the responsible development of Manitoba's peat resource. Its purpose is to protect and conserve Crown peatlands, to regulate the commercial development of peat on Crown peatlands and to ensure that recovery of the peatlands takes place.

Mr. Speaker, this bill is the cornerstone of the newly released provincial Peatlands Stewardship Strategy. The strategy's vision is for healthy, well-managed peatlands that are able to provide value and ecological goods and services, and support responsible economic development opportunities. The development of a comprehensive strategy is a priority for the government and is, of course, one of the initiatives under TomorrowNow-Manitoba's Green Plan.

The government recognizes the ecological significance of peatlands in providing critical habitat for species at risk and the significant role they play in moderating climate change through their ability to absorb carbon from the atmosphere. Over 30 per cent of Manitoba is covered by peatlands, which are an important part of the larger, complex interconnected ecosystem that filters and stores water and preserves biodiversity.

Peatlands are also the most efficient terrestrial ecosystem in storing carbon and the most important long-term carbon store. The high carbon storage value of peatlands makes them important for managing and mitigating the impacts of climate change. The natural disturbance of peatlands can contribute to greenhouse gas emissions by releasing carbon into the atmosphere. In addition to storing carbon, they also provide many other valuable ecosystem goods and services such as water resource management, biodiversity conservation and use by Aboriginal communities.

Manitoba's peatlands provide opportunities for responsible economic development. The commercial peat harvesting and processing industry is important to the economy, particularly of rural communities and represents about 250 jobs at peak across the province. Over the last 70 years, the peat industry has grown from one company to nine and from one operating area to 15. Proper management of the resource will ensure that these jobs are sustainable into the future.

The bill will allow the province to designate provincially significant peatland for the protection of water quality, biodiversity and carbon stores, as

well as for peatland research. Once designated, provincially significant peatlands will be fully protected from mining, oil, petroleum and gas developments, hydroelectric power or any other prescribed activity that could adversely affect them.

The bill would prohibit commercial peat harvesting in all provincial parks officially and in 82 wildlife management areas, with the exception of one WMA where pre-existing resource rights are in place and where we will now explore how to deal with those rights.

The bill also moves the administration of the peat industry from the Department of Mineral Resources to Conservation and Water Stewardship.

The bill also provides any regulatory regime for peat exploration and harvesting that would emphasize conservation efforts, promote zero tolerance for net impacts to Lake Winnipeg as well. It will transition all existing peat-quarry leases into new peat harvesting licences and introduce new mandatory management and recovery planning and reporting requirements. In addition, all active developments will be required to post a security to ensure recovery plans are carried out post-harvest. Of course, The Environment Act still applies and the licensing regime remains intact.

Mr. Speaker, the bill provides a balanced approach to protecting the environment and providing responsible economic opportunities. The bill fulfills commitments made in TomorrowNow and we now will have with this bill a strong foundation to comprehensively manage peatlands while providing opportunities for peat development.

Mr. Speaker, more work still needs to be done in completing a provincial wetlands inventory and in identifying areas for development and areas to protect. We will continue to engage industry, Aboriginal communities, researchers and others in the implementation of this strategy, the establishment of best practices and in the identification of provincially significant wetlands. Thank you.

\* (16:00)

**Hon. Jon Gerrard (River Heights):** Let me make a few comments about the bill brought forward by the minister, Bill 61, The Peatlands—

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

The hour being 4 p.m., I regret to interrupt the honourable member for River Heights—but the hour being 4 p.m., in accordance with the sessional order

passed by the House—this House on September the 11th, 2013, I'm interrupting the proceedings to put all questions necessary to conclude, without further debate or amendment, the second reading stage of all specified third session bills.

The bills listed at second reading, I will recognize the minister to move the motion first before putting the question.

For bills listed at debate on second reading, I will simply put the question to the House. This order applies to the following bills: at second reading, bills 61 and 63; at debate on second reading, bills 10, 21, 33, 53, 54, 56, 58, 65, 66 and 68.

First, we'll call Bill 61.

It has already been moved by the honourable minister, so is it the pleasure of the House to adopt the motion? *[Agreed]*

**Bill 63—The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act**

**Mr. Speaker:** We'll now proceed to call Bill 63, The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act.

Is it the pleasure of the House to—the honourable Minister of Education.

**Hon. James Allum (Minister of Education and Advanced Learning):** Mr. Speaker, I move, seconded by the Minister of Family Services (Ms. Irvin-Ross), that Bill 63, The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant Governor has been advised of the bill, and I table the—this message.

**Mr. Speaker:** It's been moved by the honourable Minister of Education, seconded by the honourable Minister of Family Services, that Bill 63, The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act, be now read for a second time and be referred to a committee of this House.

The message from His Honour the Lieutenant Governor has been tabled.

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 will please signify by saying nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** Opinion of the Chair, the Ayes have it.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** On division.

**Mr. Speaker:** On division it is agreed.

**DEBATE ON SECOND READINGS**

**Bill 10—The Fires Prevention and Emergency Response Amendment Act**

**Mr. Speaker:** Now proceed to call bills that debate on second reading, starting with Bill 10, The Fires Prevention and Emergency Response Amendment Act.

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

**Bill 21—The Churchill Arctic Port Canada Act**

**Mr. Speaker:** Continuing on debate at second reading, calling Bill 21, The Churchill Arctic Port Canada Act.

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

**Bill 33—The Apprenticeship Employment Opportunities Act (Public Works Contracts)**

**Mr. Speaker:** Debate on second reading, Bill 33, The Apprenticeship Employment Opportunities Act.

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 would please signify by saying aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Speaker:** Opinion of the Chair, the Ayes have it.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** On division.

**Mr. Speaker:** On division. Agreed on division.

#### Bill 53—The Fisheries and Wildlife Amendment Act (Restitution)

**Mr. Speaker:** Continuing debate on second reading of Bill 53, The Fisheries and Wildlife Amendment Act (Restitution).

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

#### Bill 54—The Labour Relations Amendment Act (Time Lines for Labour Board Decisions and Hearings)

**Mr. Speaker:** Proceeding on debate, second reading of Bill 54, The Labour Relations Amendment Act (Time Lines for Labour Board Decisions and Hearings).

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

#### Bill 56—The Vital Statistics Amendment Act

**Mr. Speaker:** Debate on second reading of Bill 56, The Vital Statistics Amendment Act.

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

#### Bill 58—The Manitoba Institute of Trades and Technology Act

**Mr. Speaker:** Continuing debate on second reading of Bill 58, The Manitoba Institute of Trades and Technology Act.

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

#### Bill 65—The Workers Compensation Amendment Act

**Mr. Speaker:** Continuing debate on second reading of Bill 65, The Workers Compensation Amendment Act.

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

#### Bill 66—The Statutes Correction and Minor Amendments Act, 2014

**Mr. Speaker:** Continuing debate on second reading of Bill 66, The Statutes Correction and Minor Amendments Act, 2014.

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

#### Bill 68—The Child and Family Services Amendment Act (Critical Incident Reporting)

**Mr. Speaker:** Continuing debate at second reading of Bill 68, The Child and Family Services Amendment Act.

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

#### Point of Order

**Hon. Andrew Swan (Government House Leader):** Mr. Speaker, on a point of order, I think it's an appropriate time—I know some members have put some comments on the record, but I do want to thank you and all of your staff for the excellent way that the royal visit to the Legislature and to the province of Manitoba came off. And there is one individual that I know has received commendation from the Queen but maybe doesn't get all of the commendation from us, that's Dwight MacAulay, who is the individual in charge of protocol. I know that when a royal visit is announced people get very excited. I know for Mr. MacAulay it means that he and his staff have to get to work. And I think that Mr. MacAulay and his team did just a tremendous job of making sure that the visit went off without a hitch. Of course, some matters are in his control; some aren't, as was indicated a couple of years ago when the boat that Her Majesty was riding on failed in the middle of the river. I believe that may have aged Mr. MacAulay by several years, but he is still youthful and quite excellent.

So I just wanted to stand and, on this point of order, just acknowledge Mr. MacAulay and all of the protocol people for making sure that everything went perfectly during this royal visit.

**Mr. Speaker:** On the same point of order, the honourable Official Opposition House Leader.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** On the same point of order, Mr. Speaker, of course, I'm sure you'll rule in due time that it was not a true point of order but a good point that the Attorney General (Mr. Swan) has on this issue. I think all of us were very grateful with how things went yesterday in the Chamber. Here was a unique opportunity for all of us to participate and those of us who could be here and to, I think, be part of an historical time. Certainly, all those who received the Order of Manitoba, I think it was extra special for them because it was here in the Chamber and in the presence of His Royal Highness and the Duchess of Cornwall.

So I also want to commend Dwight MacAulay and all of his staff involved in protocol. Having some discussions with you over the last several weeks regarding this visit I had my eyes open in terms of how much work goes into it and how much planning goes into it and also how much unknown, sometimes, there is because there is a variety of parties. Not only did we have the royal visit yesterday, the Prime Minister was here as well yesterday and participated in a portion of what went on yesterday. And so you had, sort of, different groups that had different interests and different security details that were all involved and all had to have their protocols met as well.

So it was more than just a royal visit. We also had the Prime Minister here, and that has its own sort of significance to it. So we—I was surprised at how much work went into it but very pleased with the end result. It's a little bit like an iceberg, as the old saying goes, you only sort of see the tip of the iceberg but you don't see everything that's underneath, and there was a tremendous amount of work done underneath by Mr. MacAulay and all of his staff that worked on it as well.

In addition, too, I know that the regional office for the minister—the federal minister here in Manitoba, Shelly Glover's office, was involved, as well, with the co-ordination of what was going on in with the Queen's—or with the Prince's visit, as well, and her and her staff worked hard to ensure that the

different elements that happened with the visit—the royal visit went off well.

\* (16:10)

So I think Manitoba, as it often does, accorded itself well. I think the assembly accorded itself well and I have no doubt that the Prince and the Duchess of Cornwall will have nothing but good memories from their visit here in the Legislature and in Manitoba.

Thank you for all of your work, Mr. Speaker, and all of the staff of the Assembly and all those involved with protocol.

**Mr. Speaker:** Member for River Heights, on the same point of order?

**Hon. Jon Gerrard (River Heights):** Same point of order, if I may. Thank you.

I would like to join others in this Chamber in complimenting Dwight MacAulay and his team for the superb work that was done in terms of the royal visit this week.

Mr. Speaker, I would also extend compliments to the Speaker and the legislative staff, compliments to the Lieutenant Governor and his wife and to all their staff, compliments to the security staff, who did an excellent job, as well as those who were involved in a variety of ways in sprucing up the legislative grounds and in making sure that this building looked, you know, fit for a royal visit, as one might say. I think it was very well done and all are to be complimented on a very successful two days. Thank you.

**Mr. Speaker:** I thank honourable members for their advice on the point of order. I must respectfully rule that there is no point of order, but, nevertheless, appreciate the comments of honourable members.

But I want to draw attention, in addition, to the fact that the protocol office, Dwight MacAulay and Karen Bryk and others in protocol, obviously, did a tremendous amount of work in preparation for the event. I would be remiss if I didn't reflect on all of our security services folks and our accommodation services folks who spent endless amounts of hours in preparing this facility for the Order of Manitoba ceremonies.

So I'd like to thank all of those folks, in addition to His Honour and Her Honour and for the work that they did as well in preparation for the event.

So thank you to all the members for the work and preparation.

#### House Business

**Hon. Andrew Swan (Government House Leader):** Mr. Speaker, on House business, I'd like to announce the Standing Committee on Intergovernmental Affairs will meet on Monday, May 26, 2014, at 6 p.m., to consider Bill 55, The Environment Amendment Act (Reducing Pesticide Exposure).

**Mr. Speaker:** It has been announced that the Standing Committee on Intergovernmental Affairs will meet on Monday, May the 26th, 2014, at 6 p.m., to consider Bill 55, The Environment Amendment Act (Reducing Pesticide Exposure).

**Mr. Swan:** On further House business, Mr. Speaker, I'd like to announce the Standing Committee on Social and Economic Development will meet on Monday, May 26, 2014, at 6 p.m., to consider the following: Bill 23, The Cooperative Housing Strategy Act; Bill 37, The Public Schools Amendment Act (Connecting Schools to the Internet); Bill 58, The Manitoba Institute of Trades

and Technology Act; and Bill 63, The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act.

**Mr. Speaker:** It has been announced that the Standing Committee on Social and Economic Development will meet on Monday, May the 26th, 2014, at 6 p.m., to consider the following: Bill 23, The Cooperative Housing Strategy Act; Bill 37, The Public Schools Amendment Act (Connecting Schools to the Internet); Bill 58, The Manitoba Institute of Trades and Technology Act; and Bill 63, The Advanced Education Administration Amendment and Council on Post-Secondary Education Repeal Act.

**Mr. Swan:** On further House business, Mr. Speaker, could you canvass the House to see if there's agreement to call it 5 o'clock?

**Mr. Speaker:** Is it the will of the House to call it 5 p.m.? *[Agreed]*

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 22, 2014

CONTENTS

<b>ROUTINE PROCEEDINGS</b>			
<b>Introduction of Bills</b>		Electric Vehicles	
Bill 72–The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act		Jha; Struthers	2835
Lemieux	2825	Farmland School Tax Rebate Cap	
<b>Petitions</b>		Pedersen; Kostyshyn	2835
Provincial Sales Tax Increase–Reversal and Referendum Rights		<b>Members' Statements</b>	
Eichler	2825	ACCESS Winnipeg West	
Provincial Sales Tax Increase–Effects on Manitoba Economy		Crothers	2836
Cullen	2825	John M. Wiens	
Beausejour District Hospital–Weekend and Holiday Physician Availability		Friesen	2836
Ewasko	2826	Order of Manitoba	
Tabor Home–Construction Delays		T. Marcelino	2837
Friesen	2826	Flooded Farms	
<b>Oral Questions</b>		Piwniuk	2837
Hydro and MPI Rates		Winnipeg Wheatfield Souldiers	
Pallister; Selinger	2827	Wiebe	2838
Taxpayer Protection Act			
Pallister; Selinger	2828		
PST Increase			
Pallister; Selinger	2828		
Graydon; Oswald	2831		
Tax Increases			
Stefanson; Oswald	2829		
Graydon; Oswald	2831		
Provincial Deficit			
Friesen; Howard	2829		
Student Debt Burden			
Ewasko; Allum	2832		
Provincial Parks			
Martin; Mackintosh	2833		
Duck Mountain Cottage Association			
Martin; Mackintosh	2833		
Employment Rates			
Gerrard; Selinger	2834		
Local Business Development			
Gerrard; Selinger	2834		

**ORDERS OF THE DAY**

*(Continued)*

**GOVERNMENT BUSINESS**

**Second Readings**

Bill 49–The Manitoba Public Insurance Corporation Amendment Act	
Swan	2838
Goertzen	2840
Gerrard	2842
Bill 52–The Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments)	
Blady	2843
Graydon	2845
Gerrard	2846
Goertzen	2846
Bill 57–The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving)	
Swan	2847
Goertzen	2848
Gerrard	2848
Bill 60–The Restorative Justice Act	
Swan	2849
Goertzen	2851
Gerrard	2853

Bill 61–The Peatlands Stewardship and  
Related Amendments Act

Mackintosh	2854
Gerrard	2855

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are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**