

**Second Session – Forty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

*Published under the  
authority of  
The Honourable Myrna Driedger  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew, Hon.	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SELINGER, Greg	St. Boniface	NDP
SMITH, Andrew	Southdale	PC
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC
<i>Vacant</i>	Point Douglas	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 5, 2017

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

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

Please be seated.

### ROUTINE PROCEEDINGS

**Madam Speaker:** Introduction of bills? Committee reports? Tabling of reports?

### MINISTERIAL STATEMENTS

**Madam Speaker:** The honourable Minister for Infrastructure. The required 90 minutes' notice prior to routine proceedings was provided in accordance with rule 26(2).

Would the honourable minister please proceed with his statement.

#### Spring Flooding Update

**Hon. Blaine Pedersen (Minister of Infrastructure):** Good afternoon, Madam Speaker.

Manitoba Infrastructure's Hydrologic Forecast Centre reports overland flooding continues across much of southern Manitoba, often due to ice in the drainage network.

Situations can change quickly, and municipalities and communities across the province are dealing with flooding issues quickly and capably. Flows on waterways across the province are continuing to react to the runoff from the melt, and water levels remain high on many waterways.

Ice has moved out of—moved out on some rivers, but remains in place on others, including portions of the upper and lower Assiniboine River. Ice jams are still possible and difficult to predict. There are portions of ice moving along the lower Assiniboine River from Portage la Prairie to Headingley, leading to high water advisory for that area. The Portage

Diversion is being operated to limit flows on the lower Assiniboine River and minimize ice jamming.

With the operation of the floodway, the Red River in Winnipeg crested yesterday, April 4th, at 19.4 feet. Without the benefit of the floodway, the water level at James Avenue yesterday would have been more than five feet higher, or about 25 feet. With the floodway in operation, water levels at James Avenue are expected to remain relatively stable for the next week.

High water advisories, flood watches and flood warnings also remain in place on several creeks and rivers across the province. People are reminded to be watchful of local waterways, as flood conditions can develop rapidly. Ditches and culverts contain fast-moving water which could be hazardous and should be avoided.

We will continue to respond to issues as they arise and work with our partners across the province to ensure the safety of all Manitobans.

Thank you, Madam Speaker.

**Mr. Jim Maloway (Elmwood):** Overland flooding remains an issue throughout the province with ice jams and ice in the drainage network being one of the main causes of the problem.

In Brandon crews are working around the clock to prepare for when the Assiniboine River crests, which is expected to happen anytime between April 10 and 17.

High-water level advisories, flood watches and flood warnings have either remained in place or been issued for several creeks and rivers throughout the province. The Red River Floodway is in operation as water levels, I believe, continue to rise. But as the minister mentioned, the crest was yesterday at 19.4 feet James, and it would have been, without the floodway, I believe, 25 feet James, which would be a pretty serious situation.

Thankfully, the risk of flooding has decreased in other areas of Manitoba as most of the snow has already melted. These areas include East Branch, Hodgson, Fisher River, where water levels are beginning to decrease.

In other good news, several members of Sioux Valley Dakota Nation who were evacuated on April 2nd are expected to be able to return home later this week.

On behalf of our NDP caucus, I'd like to remind Manitobans in flood-affected areas to stay vigilant, watch out for waterways and to avoid driving through moving water. Flood conditions can often be unpredictable and develop suddenly and quickly.

I would also like to thank the crews who are doing their best to mitigate the damages caused by flooding and keeping Manitoba communities safe.

**Hon. Jon Gerrard (River Heights):** Madam Speaker, I ask leave to speak to the minister's statement.

**Madam Speaker:** Does the member have leave to speak to the ministerial statement? *[Agreed]*

**Mr. Gerrard:** Madam Speaker, I want to thank the minister for the update on the flood. We're all anxious, in a sense, about what may happen, but rather grateful that the weather has co-operated so far and that things are not worse than they are now.

Certainly, still concerned about what's happening in Peguis and the—being able to get people back home as soon as possible as soon as the water goes down. I think that there is, as I've already spoken, a major opportunity for this government to act now, this year, on moving forward on the prevention plan for Peguis, and there may be an opportunity also to do something, but it won't need as much, at Sioux Valley where they've also been some people evacuated.

I think it's important that we remember that 20 years ago today there was a huge, very large snowfall, and that large snowfall 20 years ago today was a major factor in leading to the flood of the last century in 1997.

So we are not out of the woods yet. We hope for continuing co-operation from the weather, but we must still be vigilant.

Thank you.

## MEMBERS' STATEMENTS

### Skylar Park

**Mr. Andrew Smith (Southdale):** Manitoba is home to many notable athletes, including Jonathan Toews, Cindy Klassen, Israel Idonije. However, one athlete you may have only recently heard about is Skylar

Park. So today I rise to the Legislature to recognize both her and her coach, Master Jae Park.

Skylar Park earned her black belt at a tender age of seven. After a decade of winning several championships and medaling in international tournaments across the globe, she recently won the World Taekwondo Championships.

With over 800 athletes from 102 different countries competing, she took the only gold medal on behalf of Canada at the World Taekwondo Junior Championships.

Even more impressive, that she was not only the 59-kilogram-weight-class champion, but she was also awarded the MVP award for all female competitors.

Skylar's success does not end with tae kwon do as she is now an inspiration to aspiring and successful professional athletes around the world over. She was recently given the title, the ambassador of sport for development of peace at the United Nation's celebration in New York on the international day of sport and development of peace. She was joined alongside by an Olympic gold medalist and World Taekwondo Federation president.

\* (13:40)

Skylar trains at Tae Ryong Park Academy, a tae kwon do dojang, owned by her coach and father, Master Jae Park. The academy is renowned for producing international medalists. Skylar and her father are not the only black belts in the family, however, as her mother and brothers are all black belts as well. In addition, her grandfather is a tae kwon do grand master and co-founder of the Tae Ryong Park Academy. With their combined experience in martial arts, they have created one of the leading tae kwon do and hapkido schools in the world.

Tae Ryong Park Academy has been a very important part of the community in helping its students to stay fit and healthy as they train in the physical aspects of tae kwon do, as well as helping students to develop great confidence, respect and discipline.

I invite all members to join me in thanking coach Master Jae Park for his hard work and contributions to the community and the Tae Ryong Park Academy, and congratulate Skylar Park on her world champion victory representing—

**Madam Speaker:** The member's time has expired.

**Mr. Smith:** Madam Speaker, I ask leave to have the following names submitted to Hansard.

**Madam Speaker:** Does the member have leave to have names inserted into Hansard? *[Agreed]*

*World Taekwondo Junior Champion, Skylar Park; coach, Master Jae Park.*

#### **Kelvin Active Living Centre**

**Mr. Wab Kinew (Fort Rouge):** Kelvin students are here today to tell the Premier (Mr. Pallister) how badly a new gym is needed. With over 1,300 students, they have one of the largest high schools in the province. Seventy five per cent of these students have to complete their mandatory phys ed credits outside of school hours at private gyms, in classrooms, in school hallways or at home because their current gym is too crowded.

For more than two decades, the students and parents and alumni of Kelvin High School have been working to raise money for this desperately needed gym, organizing fundraisers, socials and bake sales. Clearly, the entire community recognized the benefit of a new Active Living Centre and were all committed to this project.

A few weeks ago, they received disappointing news that the project had found its way onto the Premier's chopping block, didn't matter that the plans were already drawn up. It didn't matter that the community had raised over \$1 million towards the gym. There was no consultation or warning, just a cut. The fact is—the fact of the matter is, in a public school students should be able to complete mandatory credits within school hours and not at their own expense.

In spite of all of this, the Kelvin community has not lost hope. This month's social to raise money for the new gym is still going ahead, hundreds of people have signed petitions to raise their concern about these cuts and today, Kelvin students, parents and alumni gathered on the steps of this—of the Legislature to ask the Premier to restore funding for the new gym. On behalf of our NDP caucus, I would like to thank Andrea Firth, Garth Steek, Shawna Nagler-Neufeld and the entire Kelvin community for their commitment to this project, and I also would like to encourage the Premier to meet with them directly to hear about why they need this new gym so much.

Miigwech.

#### **Parkinson's Awareness Month**

**Mr. Brad Michaleski (Dauphin):** Madam Speaker, April is Parkinson's Awareness Month. It is important for us to recognize the struggle that folks who have Parkinson's disease face, but also recognize and be optimistic towards the efforts being put forward to combat this disease.

According to Parkinson Canada, Parkinson's is a neurodegenerative disease. Movement is normally controlled by dopamine, a chemical that carries signals between the nerves in the brain. When cells that normally produce dopamine die, the symptoms of Parkinson's appear. Symptoms include tremor, slowness and stiffness, impaired balance and rigidity of muscles, but Parkinson's is different for every person. As the disease progresses, non-motor skills such as depression, difficulty swallowing, cognitive changes or sexual problems can occur. The average age of onset is 60, but it can affect people as young as 30 or 40.

So far, there is no cure to this disease. People can live with Parkinson's for years and often symptoms are able to be treated by medication, though some people opt for surgeries or therapies that may benefit them.

In addition to the hardship Parkinson's brings to the affected individual, it also has a deep effect on the families and caregivers. Parkinson's society Canada has 10 regional partners and 240 chapters and support groups to educate, support and advocate on behalf of folks impacted by Parkinson's and are dedicated to improving the lives of those people who are living with this disease.

This month, we recognize the compassion, strength and determination of the caregivers and those who are combatting the disease themselves.

Thank you.

#### **Ross L. Gray Raiders**

**Mr. Dennis Smook (La Verendrye):** I rise in this House today to congratulate the students of Ross L. Gray School in Sprague, Manitoba. The Ross L. Gray Raiders won both the girls and boys 2017 high school A varsity provincial basketball championships held in Hamiota and Gladstone.

This in itself is accomplishment worth celebrating. But what makes these championships even more special is that their entire high school has only 27 students, and the Ross L. Gray Raiders are not strangers to provincial basketball championships.

To capture this year's provincials, the boys defeated Churchill, Gladstone and Treherne, and the girls defeated Hamiota, Elton and Grandview. These wins are extremely impressive, not only because of the small number of students in the school, but because of the impressive skill set that these students have developed.

Madam Speaker, there is a lot to be said about participating in high school sports. You learn how important it is and what you can accomplish by playing as a team. All these students have learned how important it is to give that little extra to get what you want in life. Hopefully, these feelings of proudly representing their community in sports will continue on a lifetime and inspire them to continue representing and working for their community.

I would once again like to congratulate the girls and boys varsity teams of Ross L. Gray School.

Madam Speaker, I would ask that the names of the teams be inserted to Hansard.

**Madam Speaker:** Is there leave to insert the names into Hansard? [*Agreed*]

*Ross L. Gray Raiders, girls team: Rachel Brown, Kailey Cooper, Kayla Fortin, Cidney Goodman, Frances Lerma, Tianna O'Connor, Shaunti Theriault, Katelin Thiessen, Haleigh Zimmerman. Coaches: Ainsly Pederson, Caleb Pederson, Darryl Pederson.*

*Ross L. Gray Raiders, boys team: Avery Bechard, William Bradley, Sebastien Brindle, Paul Hacault, Zachary Hacault, Colton Meek, Walker Meek, Cyrus O'Connor, Ethan Prevost, Alex Roch, Caleb Roch, Quentin Sylvester, Colby Vinet, Kevin Zebrasky. Coaches: Keith Preteau, Rob Stradeski.*

**Madam Speaker:** Any—the honourable member for the Interlake.

### Festival Manipogo

**Mr. Derek Johnson (Interlake):** I rise in the House today to acknowledge an annual festival in my home municipality of St. Laurent. Festival Manipogo is St. Laurent's signature cultural and tourism event.

Manipogo, as the locals call it, celebrates the end of the annual commercial ice fishing season

on Lake Manitoba. The festival promotes Michif cultural and traditions, benefiting everyone present and, obviously, generations to come. Hundreds of festival-goers attend this event, which is named after Lake Manitoba's famous serpentine monster, Manipogo.

The annual festival celebrates the region's tradition and industry of fishing by giving visitors the chance to see commercial ice fishing demonstrations and Metis cultural activities at work. The RM of St. Laurent has a multitude of distinct cultures and backgrounds, but one unwavering culture is that of commercial fishing.

This year's theme is in recognition of not just fishers in general, but concentrating on the recognition of female fishers, or fisherwomen, and giving them the recognition they deserve for not just what they do today, for what they've contributed to the fishing industry in the past. This year's Manipogo Festival recognizes all the fisherwomen still working, retired and the ones lost to history but kept in our memories.

I want to thank the House for taking this time to support fisherwomen, not just because this year's theme for Festival Manipogo, but because they truly deserve the recognition.

Thank you, Madam Speaker.

### Introduction of Guests

**Madam Speaker:** Prior to oral questions, we have some guests in the gallery. Seated in the public gallery we have 13 home-schooling students under the direction of Christa Wilchow, and this group is located in the constituency of the honourable member for Morris (Mr. Martin).

On behalf of all members here, we welcome you to the Manitoba Legislature.

\* (13:50)

### ORAL QUESTIONS

#### Education Funding Increase Request

**Ms. Flor Marcelino (Leader of the Official Opposition):** Earlier this year we saw the lowest funding increase for primary and secondary schools since the dark days of the 1990s.

More recently, the Education Minister decided to lift the cap on the number of students in classrooms and—claiming that class size doesn't matter.

Will the Premier admit to teachers and parents that his government got it wrong in February and that he will reverse their course of cuts in education and restore the increase in funding to at least the rate of inflation?

**Hon. Brian Pallister (Premier):** Madam Speaker, the opportunities that an education gave to me, and to many members of this Chamber, were opportunities that allowed me to move from a life of relative modest financial circumstances to find some success in my life, and I think that education is the key investment we can make in uplifting the potential of our young people in this province. That is why we are increasing the funding to education and why we are making those investments, Madam Speaker, because we value that.

But we also know that the status quo is not good enough, and we know that being 10th of 10 in our rankings on educational outcomes is not good enough. And so we'll strive for improvement, Madam Speaker, just as all of us must do in our daily lives, and just as our students do every day in their classrooms.

**Madam Speaker:** The honourable interim Leader of the Official Opposition, on a supplementary question.

#### **Budget 2017 Tuition Rates**

**Ms. Flor Marcelino (Leader of the Official Opposition):** Students in K to 12 aren't the only ones that are feeling the pinch of this government's short-sighted vision. This government is also planning on allowing tuition costs for students to grow well past the rate of inflation.

Students can be assured the NDP is on their side, and it's why we chose to delay passage of the government's tuition increase bill this week.

Will the Premier commit to protect our students in this upcoming budget, or will the students expect the same empty promises our front-line workers have received?

**Hon. Brian Pallister (Premier):** Madam Speaker, when in government, the NDP failed to demonstrate they were on the students' side, or on the side of the parents or families when they went to their door—they went to the doors of the homes of people all over the city of Winnipeg and around the province, knocked and promised people, when they looked in their eyes, they promised them they wouldn't raise

their taxes. And then, of course, they did raise their taxes on things like the insurance on the home or on the car that they owned or on the—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** —gas that they had to purchase, or on the beer or wine they like to have occasionally. These taxes went up, up, up, Madam Speaker, higher and faster than any other province in Canada under the previous government. So talking about being a friend of the students with that record, Madam Speaker, doesn't ring true.

Now, we are going to—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** —quintuple the amount of money available. We are going to make the amount of money available to help young graduates through high schools to get to post-secondary education so the barriers to their training and their opportunities are lowered, not raised as they were in the previous government.

**Madam Speaker:** The honourable interim Leader of the Official Opposition, on a final supplementary.

#### **Kelvin Active Living Centre Dakota Alumni Field Funding**

**Ms. Flor Marcelino (Leader of the Official Opposition):** Under an NDP government, tuition fees were frozen for a decade.

Madam Speaker, we know we can't—*[interjection]*

**Madam Speaker:** Order.

**Ms. Marcelino:** —count on this government to protect students—*[interjection]*

**Madam Speaker:** Order.

**Ms. Marcelino:** —from their austerity—*[interjection]*

**Madam Speaker:** Order, please.

**Ms. Marcelino:** Madam Speaker, we know we can't count on this government to protect students from their austerity policies.

Students and their families are already playing a big role in fundraising for new capital projects for their schools but, even when students and their families do most of the work on the ground or have this—to have these projects built, this government doesn't appear ready to stand with them.

Will the Premier commit today to reverse his Minister of Education's decision not to build the Dakota Field of Dreams and the new Kelvin Active Living Centre?

**Hon. Brian Pallister (Premier):** Madam Speaker, as I said earlier, our commitment to investing in education and facilities is higher than any previous administration. We will, over our first term, invest more in infrastructure than any government in the history of Manitoba.

But, Madam Speaker, let's be fair. The members, when they were in government for 17 years, didn't get it done. Now they claim in opposition they would do the very thing they failed to do for 17 consecutive years.

So it's easy when they sit on that side to say they'd build everything under the sun, but here was their record in government among all Canadian provinces on investing in education—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** Where do they rank, Madam Speaker? Tenth—10th of 10 provinces investing in educational infrastructure.

Now, we'll make the commitment to fix the roofs, to fix the structures, to fix the systems that they failed to fix, but, Madam Speaker, it's going to take time to clean up the mess they created over there.

**Madam Speaker:** I would ask for everybody's co-operation, please. We have a short period of time for questions and answers. We do have a number of guests in the gallery, and it would be nice if they had an opportunity to see democracy in action in the way that we are trying more heartily to move towards.

#### **Kelvin Active Living Centre Request for Funding Commitment**

**Mr. Wab Kinew (Fort Rouge):** Thank you kindly for that direction, Madam Speaker.

Kelvin High School students and parent advisory council have come out today to show us all how much the gym means to them. Hundreds and hundreds of students rallied outside the Legislature today because they want to see the new Kelvin gym built. They have tirelessly fundraised over \$1 million, going above and beyond to do their part.

To put it simply, Madam Speaker, the Kelvin community is awesome, and I was pleased to see that

the Premier agrees and gave them a standing ovation just a few minutes ago.

So I would like to ask to that end: Will the Premier commit to funding the new Kelvin gym?

**Hon. Brian Pallister (Premier):** Madam Speaker, I won't do that because it would be wrong for me to do that because there's an inheritance here that we have to deal with because we've inherited a decade of debt that was handed to us by the previous administration, and to ignore it—to ignore it, Madam Speaker—would be wrong. To ignore it would be wrong, because what would happen as a consequence to that is that taxes would continue to rise on every household in our province, barriers to education would continue to rise, as they have under the previous administration, and the challenges faced by our province in terms of its economic growth relative to others would be very, very real.

Now, the members opposite created a mess. They were in the direction of a \$1.7-billion annual deficit. And, Madam Speaker, that's the amount which would be necessary to build 170 gymnasiums, and that was the amount of overspend that we would've seen if they had gotten back in, if they hadn't kept any of these promises they're making now.

So, to be fair, I have tremendous respect for the efforts of the folks who raised money, but I have to represent, and our government must represent, the future and the sustainability of our entire education system. So I ask the member: Which of the \$47 million of investment we're making in schools would he choose to cut if he wants to find the money for the project he is now saying he supports but his government didn't support for 17 consecutive years?

**Madam Speaker:** The honourable member for Fort Rouge, on a supplementary question.

**Mr. Kinew:** Well, Madam Speaker, the first thing I would cut is the 20 per cent raise that the Premier and his Cabinet took.

And, you know, the truth of that statement is that this government is spending money in certain areas, and yet the Kelvin gym does not see this needed investment.

Hundreds and hundreds of students here today—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:** –engaging in the democratic process, and they will remember each of you and how you conducted yourself in the Chamber today. So what sort of impression do you want to leave with them?

Again, they were engaged—or, sorry, let me retract that. They will remember how the—my colleagues conducted themselves today.

\* (14:00)

These investments are needed in the educational system. The Premier has begun to answer the question, but I believe that it is important for him to meet with the students of Kelvin directly to hear the concerns from them first-hand as to why they need this gym.

Madam Speaker, will the Premier commit to sitting down with Kelvin students?

**Mr. Pallister:** I love Kelvin, Madam Speaker. My mother graduated from Kelvin.

But the members ought to realize this too. The member for Fort Rouge will realize how members conducted themselves today, and he just put false information on the record. The students can research it and they'll find that out.

And the fact of the matter is we did not give ourselves a raise and the fact of the matter is that the NDP did.

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

**Madam Speaker:** Order.

**Mr. Pallister:** No. Those are the facts—those are the facts. The members opposite don't need to—they repeat the falsity, Madam Speaker, because they think it serves their purposes. The member has chosen to raise the issue of integrity. I choose to address it this way. Research that. Research what he just said, and ask yourself if he's not just playing to the crowd today.

I won't play to the crowd; I'll do the right thing, and the right thing is to invest in things the NDP didn't—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** –like roof replacements, like boiler replacements, like air conditioning, like wiring, like heating systems. The things you let fall apart in the previous administration we are forced to fix now. We will fix these things. It's the right thing to do.

But the member opposite ought not to pretend that he's putting accurate information on the record when he is not and he will be held to account by the intelligent students of Kelvin High School today.

**Madam Speaker:** The honourable member for Fort Rouge, on a final supplementary.

**Mr. Kinew:** Any student in Manitoba can look at the Public Accounts of this province and see that the salary of the current Premier is more than 20 per cent higher than the salary of the last premier, and that this government, in voting on balanced budget legislation, has acted to preserve that salary increase.

Returning to the matter at hand, the Kelvin gym: \$1 million in community fundraising, an amazing project which has the support of the community and which will in the long run save the provincial Treasury money in health costs. The only thing missing is the government funding.

So will the Premier commit today to restore funding for the Kelvin gym?

**Mr. Pallister:** Again, Madam Speaker, the member puts false information on the record in hopes that he will not be caught in doing so, but he will—he will—because the research will be done by the students of Kelvin and they will find out who speaks honestly to them.

It's very easy for the members in opposition to cater to the certain demands of each project and they do it on an almost daily basis here. They would say yes to everything, Madam Speaker, in theory. But in reality, for 17 years they didn't address the problem of our decaying education system, and we will face the challenges of doing that because we must, because education is critical and we will invest in education.

Madam Speaker—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** –my office's budget is 40 per cent less than the preceding premier's budget. The Cabinet is 30 per cent smaller. Our travel expenses are down by 11 per cent, Madam Speaker. We are looking to save money. We are looking to save money in every possible way in our organization so that we have the funds available that we do not have to mortgage—*[interjection]*

**Madam Speaker:** Order, please.

**Mr. Pallister:** –the future of our children and their children so that we can claim credit today for

supporting projects, as the member is doing, which his government never supported in 17 years.

Madam Speaker, we'll do the right thing for the sustainability of our environment, of our economy and of our education system.

### **QuickCare Clinics Closure Inquiry**

**Mr. Matt Wiebe (Concordia):** Madam Speaker, the Premier told us that he's planning some big changes to our health-care system in Manitoba and that further cuts to community ERs and clinics are on the table. These cuts would come on the heels of over \$1 billion in cancelled projects, including CancerCare, shuttered QuickCare clinics and support for two-tier, American-style health care right here in our province.

On top of that, the Premier has bungled negotiations with the federal government, leaving Manitobans with the health-care funding scraps.

The Premier's been doling out cuts to health care, but we know he's got plans for more.

Will he make it clear to the House today: Is he planning to close any more QuickCare clinics in this province?

**Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living):** Madam Speaker, I know that the member opposite, along with many of his colleagues, live with regret. They live with the regret of 17 years of breaking the health-care system, pouring billions of dollars of taxpayers' money into a health-care system that never improved, that never got better, that was always last. That must be a heavy regret to live with.

We recognize these are difficult decisions that have to be made, and there will be difficult decisions to be made, but they'll be made on the base of advice from experts—experts who are telling us how this system could be made better. They'll be made by experts driven by the goal of patient care, Madam Speaker.

**Madam Speaker:** The honourable member for Concordia, on a supplementary question.

### **ACCESS Centres Closure Inquiry**

**Mr. Matt Wiebe (Concordia):** The Premier (Mr. Pallister) said yesterday he wasn't shy to have this conversation with Manitobans about his cuts to

health care, so let's have this conversation and let's be clear and honest in this House.

He froze wages for front-line workers. Then he stepped aside for a private health-care clinic to poach nurse practitioners.

Health-care workers are worried about what's in store for the services that they deliver, including primary care for families in their community.

I'm simply asking—families and workers deserve the heads-up: Will he be closing any ACCESS centres in Manitoba?

**Madam Speaker:** Prior to proceeding with oral questions, I would just like to issue a caution to all members that some of the language is getting pretty close to the line of being unparliamentary, and I would just urge some caution in terms of language around let's be honest and such other words associated with that. We have been making an effort over time to try to be more careful with those types of allegations, and I would just urge a little bit more caution today in the language that people are choosing to use. And I urge that to all members in the House.

**Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living):** The greatest threat to our front-line services has been the accumulating debt under the NDP. A deficit that was projected to go to \$1.7 billion would've only added to that debt and the threat of those front-line health-care workers.

The greatest frustration for those front-line health-care workers is that, despite all of that deficit and that accumulated debt, is that the system never got any better. They know that, working in the health-care system, the waits just got longer. We feel that frustration with them.

Are there difficult decisions that have to be made? There absolutely are, but they're going to be driven by experts, they're going to be driven by those such as Dr. Peachey, whom it's the NDP commissioned to give a report, and they'll be driven by patient care, Madam Speaker.

**Madam Speaker:** The honourable member for Concordia, on a final supplementary.

### **Provincial Negotiations Government Strategy**

**Mr. Matt Wiebe (Concordia):** Well, the reality is I think that the Premier and the Minister of Health aren't the master negotiators that they seem to

consider themselves. They spent months arguing with the federal government on a health accord that hasn't actually won any extra funding commitments for health care.

They claimed that they wanted to work with the workers and respect collective bargaining agreements. Then they imposed a wage freeze.

And then they said that they wanted to listen to Manitobans, yet they ignored students' pleas about the tuition increase.

Will the Premier (Mr. Pallister) admit that his negotiating skills may have been more of a hindrance than a help?

**Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living):** Madam Speaker, it's interesting to hear from the master negotiator from Concordia, a government that each and every year would sit down with unions and would set aside the bargaining table and ask them, how much do you want? How much should we give you this year?

\* (14:10)

They never talked about patient care. They never sat down with the unions who were working within the health-care system and said, how do we discuss patient care? They just asked them each and every year, how much more do you want? And that resulted in money flowing into the health-care system, but no additional services, no more surgeries, no more tests, no more scans, longer wait lines.

That is his negotiation; the master negotiator gave all the money away, never thought about patient care, Madam Speaker.

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

**Madam Speaker:** Order.

#### **Elections Amendment Act Voter Identification Concerns**

**Mr. Andrew Swan (Minto):** Yesterday I asked the Minister of Justice why she thought her voter suppression bill was more important than the public safety of Manitobans and we never received an answer.

I wonder if the Minister of Justice could put on the record today any statements made by Manitoba's independent Chief Electoral Officer that would support this minister's plan and her priority of making it more difficult or even impossible for people without photo identification to vote.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I'd be pleased to quote Dr. Ian Lee, professor of Carleton University, who said, and I quote: Contrary to the critics, low-income people need significantly more ID in order to access the array of social services available. The unsubstantiated, undocumented allegation that significant numbers of Canadians possess no identity cards appears to be another urban legend.

**Madam Speaker:** The honourable member for Minto, on a supplementary question.

**Mr. Swan:** Well, Madam Speaker, my colleagues and I hear every day from women's centres around this province, from poverty advocates in this province, from people in social services, from people that we know and work with in the inner city and in the North, and they will tell this Minister of Justice and this Premier that not having photo ID is not a myth. It is a reality, and I'm disappointed and I'm shocked the Minister of Justice would not even accept this.

Will this Minister of Justice reconsider this regressive bill and reconsider making it more difficult for people without photo ID to vote today?

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

**Madam Speaker:** Order.

**Mrs. Stefanson:** In fact, we know that the member's party, the NDP party, remains under more than a year-long investigation for allegation violations under the election finances act.

So it's no wonder, Madam Speaker, that members opposite are concerned about this legislation, which protects the very integrity of the voting process. There are other provinces that have gone this way. There are other—there—the country of Canada. Those who come forward in Manitoba who vote for their MPs, they vote for their City councillors, they vote in advance polls, they all have to show identification.

Manitobans want consistency when it comes to voting and that's exactly what this bill will do.

**Madam Speaker:** The honourable member for Minto, on a final supplementary.

#### **Political Party Financing Changes to Donor Limits**

**Mr. Andrew Swan (Minto):** Madam Speaker, we have a minimum wage in this province which is

frozen. We have public service wages which are going to be frozen by government legislation. We have funding for schools now locked in at less than inflation rate.

What is going up in Manitoba: the maximum annual donation that the very richest in this province can give political parties, going up 66 per cent from \$3,000 to \$5,000.

Can this Minister of Justice explain why she wants to take power away from those who have the least and give more power to those who already have the most?

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

**Madam Speaker:** Order.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** What, in fact, this bill does is it provides for a permanent voter registry. We are the last province in Canada to provide a permanent voter registry.

Members opposite had the opportunity to make that happen. They chose not to. This is what the Chief Electoral Officer has been asking for for some years. We are going to deliver on that province—that promise because it is in a best interest of Manitobans.

And I think of our students in the gallery today who will probably have the opportunity to be able to vote in the next election. They can show their ID cards from school in order to vote, and they will have the opportunity to vote.

And I thank the Chief Electoral Officer for bringing that issue forward for us. We will deliver where members opposite never did.

#### **Reproductive Health Care Abortifacient Funding Coverage**

**Ms. Nahanni Fontaine (St. Johns):** New Brunswick, a province that at one time had the most regressive and restrictive abortion regimes in Canada and now, instead, has committed to providing universal access to the abortion pill.

The announcement came despite the Canadian drug review's ongoing review in hopes that doctors and pharmacists will get certified so that the service can be fully rolled out once it's complete. With this announcement, New Brunswick has stated very clearly that they want to invest in women and girls' reproductive health and support women and girls' rights to their bodies.

Will the Premier (Mr. Pallister) and Health Minister make the same commitment today?

**Hon. Rochelle Squires (Minister responsible for the Status of Women):** I thank the member for raising the issue of women's health.

Building a health-care system that is sustainable for the women in the province of Manitoba is a high priority for this government. We know that members opposite, the only thing that they were on track to build was a \$1.7-billion deficit. Our government is going to build a health-care system that will be there to address women's health needs throughout the province of Manitoba.

Thank you.

**Madam Speaker:** The honourable member for St. Johns, on a supplementary question.

**Ms. Fontaine:** The bottom line is that the abortion pill is a game changer in the reproductive lives of women and girls, while at the very same time, universal access to reproductive medicine saves Manitoba money.

Unfortunately, one barrier is the cost. The abortion pill will cost anywhere between \$300 and \$450. This is a very real barrier in the lives of women and girls who don't have access to those types of dollars. But, as I've said in this House many, many times, either you are for women and girls' rights or you're not.

So, will the Premier and the Health Minister commit to cover the abortion pill today?

**Ms. Squires:** The member opposite mentioned a game changer, and I can tell you what is a game changer in the province of Manitoba is when you go to families throughout the province, to women who are most vulnerable, and take \$300 million off of their kitchen table. That, Madam Speaker, is a real game changer.

Our government is committed to building a sustainable health-care system and improving the lives of girls and women with meaningful, sustainable investments for the betterment of women and girls in the province of Manitoba.

**Madam Speaker:** The honourable member for St. Johns, on a final supplementary.

**Ms. Fontaine:** The reality is women have fought for access to abortion and for full control over our reproductive rights for decades. And here I am, in 2017, asking two men, both the Premier and the

Minister of Health, to grant Manitoba women and girls access to and support of their reproductive health. And, as everyone knows, there's nothing more I love than asking men 'permission' to do something.

So, it is—it's time that the Premier (Mr. Pallister) and the Minister of Health got on the right side of history and on the side of Manitoba women and girls. Will this government join New Brunswick and make the abortion pill free?

**Ms. Squires:** I'm sure that the member opposite doesn't recognize what this looks like.

This is what teamwork is all about. I am proud to work as a strong woman in this Cabinet, in this caucus, to work with the men. I'm proud to work with a male Premier and a male Health Minister, and if the member opposite doesn't like a woman standing up and advocating for women's rights, well, she should get with the times. It's 2017.

\* (14:20)

#### **Kelvin Active Living Centre Request for Funding Commitment**

**Hon. Jon Gerrard (River Heights):** Madam Speaker, planning for the new Kelvin gym has been going on for 20 years. The gym is badly needed. The gym currently at Kelvin only is enough for 675 students. Kelvin has 1,378 students, more than twice the capacity of the gym, and half of the students are not even able to take their phys ed classes in the gym.

Other high schools with single gyms have a gym with a much larger capacity than Kelvin's.

When will the Minister of Education reverse his decision and—to axe the funding and support the Kelvin gym?

**Hon. Ian Wishart (Minister of Education and Training):** I thank the member for the question.

But we found the education system in this province in such a state of disrepair that it was necessary for this government to prioritize things like roofs, heating systems, safety and security issues, access issues. And our government is very pleased to have spent \$44 million on 72 projects across this province to improve access for students in Manitoba.

**Madam Speaker:** The honourable member for River Heights, on a supplementary question.

**Mr. Gerrard:** Madam Speaker, Kelvin High School serves students from all over Winnipeg with its International Baccalaureate program and has a large catchment area with its French immersion program.

There is a clear and undeniable need for the new gym for Kelvin students, and there's a need for this gym to help keep people healthy in our province and decrease health-care costs.

I ask the Premier, who himself lives in the catchment area for Kelvin: When will he make the decision to invest in our youth and support the funding for the new gym for Kelvin High School?

**Mr. Wishart:** We are pleased to be a government that has focused on the safety and security of Manitoba students. We are working hard to make sure that we can deal with the infrastructure deficit in education that we inherited as a government.

Previous government in the previous 10 years had come in dead last across Canada in building education infrastructure. I think the member for River Heights is well aware of that, and we are certainly working very hard to deal with the infrastructure deficit in this province and we will be pleased to do so in the future.

**Madam Speaker:** The honourable member for River Heights, on a final supplementary.

**Mr. Gerrard:** Madam Speaker, the Premier himself has promised to spend \$1 billion this year on infrastructure. Exercise and sport are important to learning and health, and the return on investment of building the Kelvin gym will be among the highest return of any of the infrastructure investments.

When will the Premier make the right decision and support the funding for the new gym for Kelvin High School?

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

**Mr. Wishart:** I appreciate the teamwork demonstrated over here in terms of offering the question.

But we have made it very clear that we have focused on many valuable projects in terms of safety and security, many of which have been in the system for 10 years or longer.

I'm sure the member opposite wouldn't have us pass up putting three new roofs on the member for Flin Flon's (Mr. Lindsey) three schools, which is one of the projects that we are funding this year that has

been in the system since 2008 and never, ever done.  
[interjection]

**Madam Speaker:** Order, order.

### Northern Manitoba Economic Development Summit

**Mr. Brad Michaleski (Dauphin):** This government recognizes that northern Manitoba is filled with untapped economic potential.

Responsible economic development benefits not only the North, but all of Manitoba. We need a long-term vision for lasting, sustainable development in our North.

The minister was recently in the North. Can he please update the House on what the government is doing to foster economic development in the North?

**Hon. Cliff Cullen (Minister of Growth, Enterprise and Trade):** I certainly appreciate my colleague's question on the economy.

This week our government kicked off a series of northern economic development summits. This is part of our Look North strategy for sustainable economic development. Visits included The Pas, Thompson and Churchill. These summits bring together indigenous, business and community leaders to talk about a plan for economic development.

I will contrast this to the previous NDP government that focused on short-term bailouts and took Manitoba—northern Manitoba for granted. These summits—

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

**Madam Speaker:** Order.

**Mr. Cullen:** —are in addition to numerous community meetings behind held throughout northern Manitoba.

Madam Speaker, our team is engaging Manitobans on our journey to recover—on the road to recovery here in Manitoba.

### Affordable Child Care Economic Benefits

**Ms. Amanda Lathlin (The Pas):** This government's target for new child-care spaces is constantly shifting. First it was 550, then it was 904 and now it's 739.

Can the Minister for Families explain how he plans to put even the slightest dent in the list

of 15,000 people waiting for child-care spots in Manitoba?

**Hon. Scott Fielding (Minister of Families):** One thing is very clear when you look at the child-care system: we are left with a mess, over 15,000 parents waiting for child-care spaces. We know there's endless amounts of red tape and orange tape that was created by the previous government.

This—[interjection]

**Madam Speaker:** Order.

**Mr. Fielding:** —government is creating a sustainable child-care system that's going to provide more spaces for Manitoba families.

**Madam Speaker:** The honourable member for The Pas, on a supplementary question.

**Ms. Lathlin:** Provinces like Quebec are prioritizing accessible and affordable child-care programs. In Quebec the number of single parents living below the poverty line went down by 50 per cent since they implemented affordable daycare policies in 1997.

Since the value for money is so clear, can the Minister for Families explain why isn't he taking bold strides to resolve a child-care shortage in Manitoba?

**Mr. Fielding:** When you're left with a mess in terms of what was left by the previous administration in terms of the amount of people that—on waiting lists, it does take some time.

We've taken two steps right off the bat in terms of addressing the red tape that's a part of the child-care system, right now, to start centres. We've also made substantial investments in 15 community projects that's going to create over 750 spaces.

We think those are important first steps in terms of creating a sustainable and affordable child-care system for Manitobans.

**Madam Speaker:** The honourable member for The Pas, on a final supplementary.

**Ms. Lathlin:** Without factoring in the long-term benefits, and the annual return on investment for Quebec's child-care program is \$1.75 for every dollar spent. Parents who have reliable child care they can depend on are good for the economy.

Will the minister for families make a smart choice and give Manitoba parents what they're asking for?

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

**Madam Speaker:** Order.

\* (14:30)

**Mr. Fielding:** I did notice the Liberal caucus had more people standing than the last [*inaudible*]. So thank you. It shows—show there is competing factors still in the NDP that I'm sure we'll see over the next number of months.

We are committed to an enhanced child-care system, a plan that's robust, a plan that will create spaces. We're going to work—the federal government that has announced some dollars, long-term dollars in terms of the child-care system. We've made substantial steps. We're going to fix the mess that was left by the NDP government.

**Madam Speaker:** The time for oral questions has expired.

## PETITIONS

### Kelvin High School Gymnasium and Wellness Centre

**Mr. Wab Kinew (Fort Rouge):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) Manitobans recognize how important it is to provide young people with quality learning spaces to succeed in school.

(2) Sport, recreation and the spaces to engage in them are critical to the health and welfare of all students.

(3) All forms of educational infrastructure, including gyms and recreation centres in general, represent an incredible value-for-money investment whereby the return is improved physical and psychological health and wellness.

(4) Kelvin High School is one of the largest high schools in the province with over 1,200 students.

(5) Kelvin High School spent several years raising almost \$1.2 million towards the construction of a new gymnasium and wellness centre.

(6) Some Kelvin students currently have to pay to use outside facilities to obtain their mandatory physical education credit.

(7) The provincial government, in a regressive and short-sighted move, cancelled funding for the Kelvin gym and wellness centre for political reasons

despite the extensive community support, fund-raising and engagement.

(8) It is wasteful and disrespectful to the dedicated efforts of students, staff and the community in general to simply lay their goals aside without consultation.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to recognize the need for excellent recreation facilities in all Manitoba schools, to reverse this regressive cut and to provide Kelvin High School with the necessary funding to complete a new gymnasium and wellness centre.

Signed by Nichole Fontanarus, Mateo Cornejo, Sebastian Durand and many other proud Manitobans.

**Madam Speaker:** Order, please.

I would just like to indicate to members in the gallery that there is to be no applause for the comments that are being made in the Chamber that this is part of the proceedings of the House, and the public gallery members are not allowed to participate in that. So I would encourage your support in that.

I would also indicate to members reading petitions that when you are identifying at the end of your petition the names, that there's not to be any ad libbing in terms of putting adjectives to the name of your list; it's just to indicate many Manitobans. So I would urge all members to keep that in mind too.

Thank you.

In accordance with our rule 133(6), when petitions are read they are deemed to be received by the House.

### Neighbourhoods Alive! Funding

**Ms. Amanda Lathlin (The Pas):** I wish to present the following petition to the Legislative Assembly.

Since 2001, Neighbourhoods Alive! program has supported stronger neighbourhoods and communities in Manitoba.

Neighbourhoods Alive! uses a community-led development model that partners with neighbourhood renewal corporations on projects that aim to revitalize communities.

Neighbourhoods Alive! and the neighbourhood renewal corporations it supports have played a vital important role in revitalizing many neighbourhoods

in Manitoba through community-driven solutions, including: employment and training, education and recreation, safety and crime prevention, and housing and physical improvements.

Neighbourhoods Alive! now serves 13 neighbourhood renewal corporations across Manitoba which have developed expertise in engaging with their local residents and determining the priorities of their communities.

The provincial government's previous investments into Neighbourhoods Alive! have been bolstered by community and corporate donations as well as essential support from community volunteers, small businesses and local agencies.

Late in 2016, the minister responsible for the Neighbourhoods Alive! program said new funding for initiatives was paused and that the future of the Neighbourhoods Alive! program was being reviewed bringing hundreds of community projects to a standstill.

Neighbourhood renewal corporations and their communities are concerned this funding freeze is the first step in a slow phase-out of the Neighbourhoods Alive! grant program, which would have severe negative impacts on families and communities.

We petition the Legislative Assembly of Manitoba as follows:

That the Legislative Assembly of Manitoba be urged to support Neighbourhoods Alive! program and communities served by neighbourhood renewal corporations by continuing to provide consistent core funding for existing neighbourhood renewal corporations and enhancing the public funding available for specific initiatives.

This is signed by many Manitobans.

**An Honourable Member:** Point of order, Madam Speaker.

#### Point of Order

**Madam Speaker:** On—the honourable Official Opposition House Leader, on a point of order.

**Mr. Jim Maloway (Official Opposition House Leader):** As I sat patiently by the member who just delivered her petition—and I'm only, like, six inches away from her, and I couldn't hear a word of it. There is so many conversations going on here in close proximity to where I am right now.

**Madam Speaker:** I will indicate that I do agree that we do need to pay attention to the members that are speaking. I would indicate that that probably is a point of order, and I would ask members that are having those conversations to either take down the level of them or sit in the loge or move to the back of the room to the chairs so that we can hear the proceedings that are going on on the floor.

Thank you.

#### Manitoba Human Rights Code—Physical Size, Weight and Appearance Protections Inclusion

**Hon. Jon Gerrard (River Heights):** Yes, Madam Speaker, I wish to present the following petition to the Legislative Assembly. These are the reasons for this petition—got the wrong one. Well.

The Yale Rudd Center released a report in 2012 indicating that weight discrimination is pervasive in the general public, with over half of 54 per cent of larger bodied persons reporting workplace discrimination based on their size and more than two thirds reporting 'discrimination' by doctors.

Studies have shown that weight discrimination affects mental and physical health as it's associated with increased depression, body dissatisfaction and disordered eating as well as increased risk for heart disease, diabetes and high blood pressure.

There's a mistaken belief that shaming individuals to lose weight will help them to be healthier, when studies have shown that those who experience weight discrimination end up eating more and exercising less, thereby decreasing their health status and causing weight gain.

The Yale Rudd Center also indicated that weight discrimination affects children in the form of bullying, which could lead to suicide, as 92 per cent of adolescents in schools reported witnessing larger bodied students being teased about their weight.

Weight discrimination appears to be the last form of socially acceptable discrimination and is a long overdue human rights issue that must be addressed through human rights legislation.

Manitoba does not currently have physical size, weight and appearance as a protected category in its Human Rights Code.

Every Manitoban, regardless of size and appearance, deserves respect in the workplace, in health care and in society.

Human rights legislation addressing weight discrimination will help to ensure equality, fair and respectful treatment and improve the lives of all Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

That the Legislative Assembly of Manitoba be urged to add physical size, weight and appearance as a protected category in the Manitoba Human Rights Code to end this form of discrimination in Manitoba.

Signed by Lindsey Mazur, Anna Visperas, Phaedra Miller and many others.

### **Taxi Industry Regulation**

**Mr. Tom Lindsey (Flin Flon):** Madam Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The taxi industry in Winnipeg provides an important service to all Manitobans.

The taxi industry is regulated to ensure there are both the provision of taxi service and a fair and affordable fare structure.

Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-sharing services like Uber.

There was no consultations with the taxi industry prior to the introduction of this bill.

\* (14:40)

The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom are—have invested their life savings in the industry.

The proposed legislation also puts the regulated framework at risk and could lead to issues such as has been seen in other jurisdictions, including differential pricing, not providing service to some

areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

And this petition has been signed by many Manitobans.

**Mr. Andrew Swan (Minto):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The taxi industry in Winnipeg provides an important service to all Manitobans.

(2) The taxi industry is regulated to ensure there are both the provision of taxi service and a fair and affordable rate structure.

(3) Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

(4) The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

(5) The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-sharing services like Uber.

(6) There were no consultations with the taxi industry prior to the introduction of this bill.

(7) The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

(8) The proposed legislation also puts forward—the regulated framework at risk and could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

This petition is signed by many Manitobans, Madam Speaker.

Thank you.

**Ms. Flor Marcelino (Leader of the Official Opposition):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The taxi industry in Winnipeg provides an important service to all Manitobans.

(2) The taxi industry is regulated to ensure that there are both the provision of taxi service and a fair and affordable fare structure.

(3) Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

(4) The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

(5) The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in the so-called ride-sharing services like Uber.

(6) There were no consultations with the taxi industry prior to the introduction of this bill.

(7) The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

(8) The proposed legislation also puts the regulated framework at risk and could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

Signed by many, many Manitobans.

**Mr. James Allum (Fort Garry-Riverview):** I wish to present the following petition to the Legislative Assembly.

Background to this petition is as follows:

(1) The taxi industry in Winnipeg provides an important service to all Manitobans.

(2) The taxi industry is regulated to ensure there are both the provision of taxi service and a fair and affordable fare structure.

(3) Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

(4) The regulated taxi system has also has significant measures in place to protect passengers, including a stringent complaint system.

(5) The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-sharing services like Uber.

(6) There were no consultations with the taxi industry prior to the introduction of this bill.

(7) The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

(8) The proposed legislation also puts the regulated framework at risk and could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

Signed by many, many Manitobans.

**Mr. Mohinder Saran (The Maples):** Madam Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background is—to this petition is as follows:

The taxi industry in Winnipeg provides an important service to all Manitobans.

(2) The taxi industry is regulated to ensure there are both the provision of taxi service and a fair and affordable fare structure.

(3) Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

(4) The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

(5) The provincial government has moved to bring the legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-sharing services like Uber.

(6) There were no consultations with the taxi industry prior to the introduction of this bill.

(7) The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

(8) The proposed legislation also puts the regulated framework at risk and could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

Signed by many, many concerned Manitobans.

**Mr. Ted Marcelino (Tyndall Park):** Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The taxi industry in Winnipeg provides an important service to all Manitobans.

The taxi industry is regulated to ensure there are both the provision of taxi service and a fair and affordable fare structure.

Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

\* (14:50)

The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-sharing services like Uber.

There were no consultations with the taxi industry prior to the introduction of this bill.

The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

The proposed legislation also puts the regulated framework at risk and could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and significant risks in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

This petition was signed by many Manitobans.

**Mr. Jim Maloway (Elmwood):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The taxi industry in Winnipeg provides an important service to all Manitobans.

(2) The taxi industry is regulated to ensure that both the provisions of taxi service are fair and affordable fare structure.

(3) Regulations have been put in place that has made Winnipeg a leader in protecting the safety of taxi drivers through the installation of shields and cameras.

(4) The regulated taxi system also has significant measures in place to protect passengers, including a stringent complaint system.

(5) The provincial government has moved to bring in legislation through Bill 30 that will transfer jurisdiction to the City of Winnipeg in order to bring in so-called ride-share services like Uber.

(6) There were no consultations with the taxi industry prior to the introduction of this bill.

(7) The introduction of this bill jeopardizes safety, taxi service and also puts consumers at risk, as well as the livelihood of hundreds of Manitobans, many of whom have invested their life savings into the industry.

(8) The proposed legislation also puts the regulated framework at risk that could lead to issues such as what has been seen in other jurisdictions, including differential pricing, not providing service to some areas of the city and a significant risk in terms of taxi driver and passenger safety.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to withdraw its plans to deregulate the taxi industry, including withdrawing Bill 30.

And this petition is signed by many Manitobans.

**Madam Speaker:** Grievances?

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

#### House Business

**Hon. Andrew Micklefield (Government House Leader):** Madam Speaker, on House business, I would like to announce that the Standing Committee on Social and Economic Development will meet on Monday, April 10th, 2017, at 6 p.m., to consider the following: Bill 6, The Manitoba East Side Road Authority Repeal Act; Bill 7, The New West Partnership Trade Agreement Implementation Act.

Further, I would like to call, this afternoon, for debate and second reading, following bills: bills 4, 16, 18, 26, 27 and 32.

**Madam Speaker:** It has been announced by the honourable Government House Leader that the Standing Committee on Social and Economic Development will meet on Monday, April 10th, 2017, at 6 p.m., to consider the following: Bill 6, The Manitoba East Side Road Authority Repeal Act and Bill 7, The New West Partnership Trade Agreement Implementation Act (Various Acts Amended).

\* \* \*

**Madam Speaker:** It has been announced also by the honourable Government House Leader that we will

consider second readings of bills this afternoon, Bill 4, 16, 18, 26, 27 and 32.

## SECOND READINGS

### Bill 4—The Provincial Court Amendment Act

**Madam Speaker:** So the House will now consider second reading of Bill 4, The Provincial Court Amendment Act.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Madam Speaker, I move, seconded by the Minister of Indigenous and Municipal Relations (Ms. Clarke), that Bill 4, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mrs. Stefanson:** I am pleased to rise in the House today to introduce for second reading Bill 4, The Provincial Court Amendment Act.

Madam Speaker, this bill creates two new roles within the judicial justice of the peace program of the provincial court and administrative justice—judicial justice of the peace and a senior judicial justice of the peace. The administrative JJP will assist the chief judge in the administration and management of the JJP program. The administrative JJP will be appointed for a five-year, non-renewable term and will be appointed from the existing complement of JJPs. The administrative JJP will also perform the duties of a JJP as directed by the chief judge.

The senior JJPs will be retired. JJPs who indicate to the chief judge that they are available to perform the duties of a JJP—the provision of the senior JJPs is similar to the provision of senior judges of the Provincial Court in that they are assigned to perform duties when, in the opinion of the chief judge, they are needed to carry out the work of the court.

The ability of the chief judge to assign senior JJPs provides the court with the flexibility to address a variety of circumstances that affect the availability of JJP resources. For example, there are times when a full-time JJP may be on an extended leave such as maternity or medical leave, Madam Speaker, and so that gives the opportunity for the senior JJPs to fill in.

The amendments creating the senior JJP provide for the following: firstly, the senior JJPs will be retired JJPs who have indicated to the chief judge that they are available for the JJP service. The chief

judge would call upon the senior JJPs when she is of the opinion that the services of senior JJPs are required to carry out the work of the court. Senior JJPs would be paid a per diem amount for their service and would also be entitled to be reimbursed for expenses related to their services as senior JJPs.

A senior JJP would be subject to the authority of the chief judge and would have the same powers, authority and jurisdiction of a JJP of the provincial court. Similarly, senior JJPs would be subject to provisions contained in The Provincial Court Act that apply to JJPs, such as the taking of their oath or affirmation of office prior to commencing their duties as senior JJPs, the judicial justice of the peace complaints process and exemption from liability.

As Attorney General, I am mindful of the need to ensure public confidence in our justice system, and an important component of that is timely and efficient court service. The role of the JJPs play within the Provincial Court of Manitoba is critical and they perform a wide range of functions pursuant to both federal and provincial statutes such as the Criminal Code, The Highway Traffic Act and The Domestic Violence and Stalking Act.

These amendments will help to address the judicial justice of the peace resource needs of our province and, in turn, contribute to enhanced court service for all Manitobans.

So I want to take this opportunity to thank all of the JJPs, the chief judge and all of those who played a part in this. We've certainly heard loud and clear from Manitobans the need to ensure that there's timely access to care within our justice system, and these senior JJPs will help with that, as well as an administrative JJP to help the chief judge perform her duties and in scheduling and so on.

So, with those few words, Madam Speaker, I look forward to the support of this House and having this bill passed, and any questions that members opposite may have.

\* (15:00)

### Questions

**Madam Speaker:** A question period of up to 15 minutes will be held.

Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent

questions asked by each independent member; remaining questions asked by any opposition members and no question or answer shall exceed 45 seconds.

**Mr. Andrew Swan (Minto):** I would like to ask the Minister of Justice: We know that the proposed bill would add the equivalent of one judicial justice of the peace and it can be divided among many individuals, but the equivalent of one JJP for the year. There is also a provision to add more than that by regulation.

Can the Minister of Justice just confirm for the record that it's her intention, for the foreseeable future, this bill would allow for the addition of one equivalent JJP?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I wonder if the member could clarify. Is he talking an additional JJP to perform the role of the administrative JJP position?

**Mr. Swan:** No. What I'm talking about is the bill which provides for the addition of the equivalent of one JJP which will be undertaken, perhaps, by a number of senior JJPs, and the bill provides that in the statute there will be support for up to that one equivalent position, more positions can be added by regulation.

I just want the minister to confirm that, for the foreseeable future, it's the equivalent of one JJP that will be added.

**Mrs. Stefanson:** Yes, that is correct.

**Mr. Swan:** Another question: I understand that the administrative judicial justice of the peace will also be, in addition to serving the roles as the administrative judicial justice of the peace, will also be undertaking regular duties as a judicial justice of the peace—if the minister can just confirm that for the record.

**Mrs. Stefanson:** Yes, that is correct, Madam Speaker.

The administrative judicial justice of the peace is actually an existing judicial justice of the peace that will be taking on roles of an administrator as well. It's similar to the associate chief judge position of the provincial court who assists the chief judge in the administration of the court.

**Mr. Swan:** Yes, will the Minister of Justice have control over how much time that particular person who's named as the administrative JJP will spend in

the administrative role and how much time they will spend in the courtroom?

**Mrs. Stefanson:** I have tremendous faith in the role that the chief judge plays in her position and she's in a fairly new position. I've had a great opportunity to work with her as we work through being fairly new to the positions that we're in and, certainly, I've watched her as she's working through the various challenges and so on that we face in both of our roles, and, certainly, she is more than capable of ensuring and providing for the duties associated with the administrative justice of the peace, a judicial justice of the peace, and that will be under her purview.

**Mr. Swan:** Yes, I also have a great deal of respect for the chief judge of the provincial court, who I'm very pleased to call a friend. The question, though, was, does this minister—will she have control over how much time is spent by the administrative JJP in the courtroom as opposed to doing those administrative matters, or is the minister's answer that it will be up to the chief judge to make that allocation?

**Mrs. Stefanson:** Well, the associate judicial justice of the peace will work with—very closely with the chief judge in performing her duties with respect to scheduling and so on, and so she'll be performing those duties and that will be under, again, as I mentioned in the last answer, under the purview of the chief judge.

**Madam Speaker:** Are there any further questions?

If there are no further questions, the floor is open for debate.

### Debate

**Mr. Andrew Swan (Minto):** It's a pleasure to speak about Bill 4, The Provincial Court Amendment Act. This bill will amend The Provincial Court Act to provide for the creation of an administrative judicial justice of the peace, and we understand that their job will be to assist the chief judge of the provincial court in the administration and management of all judicial justices of the peace.

This bill will also create a retired judicial justice of the peace program, if I can call it that. There can be individuals designated as senior judicial justices of the peace and can be assigned duties by the chief judge whenever the need may arise in the legal system.

So I can indicate that we do support moving this bill on to committee. We are pleased to see at least the beginning of some effort by this Justice Minister to continue much of the very important work that was done over the last number of years to move ahead with the—improving our justice system.

And, of course, the provisions for a senior judicial justice of the peace follows on the heels of the very successful senior judge program that was brought in by the previous government back in 2011. And at that time we increased the senior judge program to make use of the services of retired judges, people retired from the Provincial Court of Manitoba, to supplement existing judicial resources. And that program was created to add to the capacity and flexibility that—to the judicial services a court can provide. It also is intended to support the court's ability to more—be more accessible in more communities and outside of traditional business hours.

And the introduction of this senior judge program was one of the ways that we were able to assist the chief judge with the ability to reduce court backlogs. There was an attempt made to have weekend bail sittings. When that turned out to be undersubscribed by lawyers in the community, those resources were reallocated to other areas of the system.

At that time, I was very pleased as Justice Minister to have a good relationship with the then-Chief Judge Ken Champagne. At that time he commented that the senior judge program was a positive step towards increasing access to justice for all Manitobans. It would serve to provide the court with flexibility to target and diffuse potential backlogs in the system.

So, certainly, with respect to the creation of a senior JJP position, we do agree that it can be a useful way to add more resources to the system. If the senior judge program is any indication, there may be three or four or five or six individuals who may now retire or who have retired who may be interested in coming back really on a part-time basis to do important work within the justice system.

And, indeed, judicial justices of the peace are truly the front-line workers when it comes to providing legal services. Some of the very important work they do is issuing warrants. When a warrant need be obtained by law enforcement they often do the very difficult work of hearing applications for protection orders and prevention orders and the like.

They also perform a number of other activities in terms of bail hearings, in terms of other functions within the court, and, to be honest, it's hard to imagine how the court system would function without them. The authority they have, of course, is delegated into The Provincial Court Amendment Act, and although their duties are limited, they are certainly very important.

There are 21 judicial justices of the peace in Manitoba, so we accept that adding the equivalent of another JJP will add some capacity to the system.

Now, the second part of this is to provide an administrative judicial justice of the peace, and they were told that person will assist the chief judge in the administration and the management of all judicial justices of the peace. And, as the minister has put on the record, it will not be up the minister or anybody in the department to decide how much time that person actually spends in the courtroom and how much they spend on the administrative duties.

And, while we understand that this will provide for an extra judicial justice of the peace on the one hand, there is a real concern, depending on the needs of the chief judge, depending on the responsibilities, that this will at the same time take away the equivalent of one or the greater proportion of one judicial justice of the peace, so we may be running as fast as we can and not actually getting anywhere. And it is why I asked the minister the question in the question period. The bill will provide that the equivalent of one judicial-justice-of-the-peace year will be added. More can be added by regulation, but the minister has today put on the record that there will only be the one position added for the foreseeable future. Maybe there'll be more in the budget on Tuesday, but, Madam Speaker, I'm really not too hopeful there's going to be any additional resources for the Department of Justice or, for that matter, just about any other government department that does important work.

\* (15:10)

So, on the one hand, while we support this minister following the NDP's lead in coming forward with a senior program, I'm—I guess time will tell how much benefit the system actually gets from that. And if, indeed, we're replacing something that's being done by a civil servant already with some work that's now going to be done by a judicial justice of the peace, and that takes up a fair amount of time, we're really not going to be any further ahead.

We do believe that there is more work that must be done to make sure that the court system allows Manitobans to access justice in a timely manner and have access to resources to help them understand justice processes. And I know the minister is learning in her role, I have been critical of her and I will continue to be critical of her when I believe that she is more engaged with following the Premier's (Mr. Pallister) mandate for his own wishes and desires than a mandate to actually make our justice system better, to improve public safety, to truly take on the role of the Minister of Justice and truly act independently, as is the obligation of the Attorney General.

And, as Attorney General over the five years, Madam Speaker, there wasn't a day that went by that I didn't learn something new, and I appreciate for this minister—I'm sure she's learning something new every day. She may be learning things she never wanted to learn in the first place, but that comes with the territory.

I am certainly concerned that we're seeing an increase in crime in the city of Winnipeg. We're getting anecdotal evidence of an increase in crime across the board—across Manitoba, and this bill, which was the first bill brought in by the Justice Minister this session, will not address in any way at all the need to be on the front lines preventing crime, assisting communities and strengthening those bonds, working with people who are at risk, finding more ways to keep our youth engaged, finding more ways to keep youth in school and out of the justice system.

So, with those words, I can confirm that we will support moving this bill on to committee, but I would, again, express my disappointment that it may be that we're not actually going to get any more capacity out of this bill at all, and it is becoming a growing pattern of this government to over-promise and under-deliver. I suppose many governments can fall into that trap. It's disappointing if that happened to a government in the first year of its mandate.

So we would like to see this bill go to committee. We'll have more to say on third reading and I do look forward to hearing what other members of this House may have to say on the bill.

Thank you very much, Madam Speaker.

**Ms. Janice Morley-Lecomte (Seine River):** It is my pleasure to rise in the House today to speak to Bill 4, The Provincial Court Amendment Act.

It is well known that the court system is one of the pillars of our great democracy. The justice system is the mechanism that upholds the rule of law. Our courts provide a forum to resolve dispute and to test and enforce laws in a fair and rational manner.

Bill 4, The Provincial Court Amendment Act, helps to improve the system by creating two new roles that will increase efficiency and ease access in a timely manner. Currently, a judicial justice of the peace, or a JJP, is elected or appointed to their position. In the past, the position was termed the commissioner of peace. The JJP has limited powers and duties, which include hearing cases that involve civil controversies, conserving the peace, performing judicial acts, hearing minor criminal complaints and committing offenders. A judicial justice of the peace is regarded as a civil public officer, but is distinct from the police and police officers. A judicial justice of the peace will hear individuals plead cases either in a courtroom or through audio-visual technologies when the individuals seeking legal supports are in remote areas. The day-to-day work of the JJP is very demanding and taxing given their limited resources.

Prior to becoming a member of the Legislative Assembly, one of the duties of my past employment was that of a protection order designate. In this role, I assisted individuals requesting protection orders, which often involved me accompanying them to the courts. It was very evident, then, that the system was overburdened. The daily dockets of the JJPs would fill up very quickly.

Madam Speaker, this is why I fully support Bill 4, The Provincial Court Amendment Act. This bill creates two new roles within the JJP program of the Provincial Court: an administrative judicial justice of the peace and a senior judicial justice of the peace. An administrative judicial justice of the peace will provide for a more efficient and appropriate administrative structure within the JJP program.

Currently, without this position the chief judge and/or designated associate chief judge must manage and provide direction to the JJPs on many of the day-to-day issues in regard to assignments and duties. This is on top of their very demanding case work. An administrative judicial justice of the peace will help manage day-to-day issues affecting the JJP sitting schedule and assignment, liaise with the chief judge and/or associate chief judge as required to resolve more complex issues impacting JJP service

in Manitoba and give orientation to newly appointed JJP.

In addition, this individual will liaise with the director of the Justice of the Peace Services responding—or sorry—respecting the provisions of educational opportunities, offer supports to the JJPs in any justice system initiative that may impact the work of JJPs, as well as perform the duties of a JJP when necessary to ensure the continuity of JJP services. The creation of this new position will help ease the administrative burdens of the chief judge and enable full programs to run smoother.

In addition, this bill will amend The Provincial Court Act to create a senior judicial justice of the peace program for the Provincial Court of Manitoba. Senior justices of the peace would be retired judicial justices of the peace of the court who have indicated to the chief judge that they would be available to provide justice of the peace services as determined by the chief judge. These individuals would be remunerated on a per diem basis for that service.

Senior judicial justices of the peace would provide the provincial courts with the ability to draw upon supplementary judicial services to address a variety of circumstances, such as when the court is waiting for a JJP vacancy to be filled following the retirement or resignation of a JJP from the court or when a full-time JJP is on an extended leave for maternity or paternity leave or sick leave, for example.

The availability of the senior judicial justices of the peace will assist in addressing backlogs of summary conviction court trials such as traffic court. This will likely reduce trial times and reduce the pressure on the criminal justice system as a whole. More importantly, there have been recent court decisions, including that of the Supreme Court of Canada, that have now mandated timelines within which Provincial Court matters are to be held and determined. If those timelines are not met there will be grounds for a stay of proceedings based on a person's right to be tried within a reasonable time. This development makes it even more critical that cases be heard in a timely manner. Bill 4, The Provincial Court Amendment Act will greatly assist in this manner.

Madam Speaker, good governments make the decisions necessary to ensure the protection of sustainable quality services for their citizens. During the decade under the previous government the concern surrounding the backlog in the courts

was constantly ignored and, as a result, grew exponentially.

Our government has begun the hard work required to repair the damage, correct the course and move toward balance in a sustainable way. Bill 4, The Provincial Court Amendment Act creates two new positions to address and help correct the problems in our court system that were ignored for so long.

So, once again, Madam Speaker, I would like to state for the record that I fully support Bill 4, The Provincial Court Amendment Act, as it will help to improve our judicial system by creating two new roles that will both increase efficiency and ease access in a timely manner. Thank you.

**Ms. Cindy Lamoureux (Burrows):** You know, my remarks today are very short. I just want to get a few words on record pertaining Bill 4, The Provincial Court Amendment Act.

This bill is pretty straightforward. It appears to create the opportunity for retired judicial justices of the peace to be called in when there is a higher need and they will get paid on a per diem basis that cannot exceed the annual salary of judicial justice of the peace.

In theory, this should work to reduce court delays by providing more help for the chief judge in managing and assisting and preventing delays from the lack of available justices.

I'd like to thank the minister for bringing forward the bill and for answering all of the questions today in the answer-and-question portion, and I'm looking forward to learning more about it at committee. Thank you.

\* (15:20)

**Madam Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Speaker:** The question before the House is second reading of Bill 4, The Provincial Court Amendment Act.

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

I declare the motion carried.

\* \* \*

**Madam Speaker:** We will now move to the next bill as indicated in the lineup earlier, Bill 16, The Fatality Inquiries Amendment Act.

**Hon. Andrew Micklefield (Government House Leader):** Madam Speaker, just in light of some discussions, we'd actually like to change the order a little bit and proceed to Bill 32.

**Madam Speaker:** Is there leave of the House to skip next to Bill 32?

**An Honourable Member:** Agreed.

**An Honourable Member:** No.

**Madam Speaker:** No? *[interjection]* Oh, sorry.

I understand that the honourable Government House Leader can indicate that we were moving to Bill 32, The Statutes Correction and Minor Amendments Act, 2017.

### **Bill 32—The Statutes Correction and Minor Amendments Act, 2017**

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I move, seconded by the Minister of Growth, Enterprise and Trade (Mr. Cullen), that Bill 32, The Statutes Correction and Minor Amendments Act, 2017; Loi corrective de 2017, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mrs. Stefanson:** Part 1 of the bill contains amendments that are primarily concerned with correcting spelling, translation, and drafting 'erriors'. Throughout the year, as the—I know the previous minister knows that the Legislative Counsel works very diligently to look through pieces of legislation where various improvements can take place throughout various acts of legislation within the province of Manitoba.

And so I want to thank our Legislative Counsel for all the work that they do throughout the year, especially around session time when they're getting bills ready for us, and certainly The Statutes, Correction and Minor Amendments Act, is one of those bills that they work on throughout the year in order to identify some areas that are sort of crossing the T and dotting the I, and some improvements with language, whether it be translation services—translation issues that maybe were not done as well or have become obsolete as a result of the passage of time, and so that is primarily what the bill is about.

And part 2 of the bill amends several acts that establish independent officers of the Legislative Assembly such as the Ombudsman and the Auditor General.

I'd like to bring a few matters in the bill to the attention of the honourable members. Members will note that the bill repeals two sections of The Civil Service Act, which were added to the act in 2000. The repeal of these provisions reflects the new structure of government by transferring administration of certain sections of the act, including those relating to classification, pay plans, rates of pay and collective bargaining, from Treasury Board back to the Civil Service Commission. The Victims' Bill of Rights is amended to update the information given to witnesses in criminal cases about the supports available to them when testifying in court. And finally, the amendments in part 2 make the language that describes the appointment process for independent officers of the Legislative Assembly more clear.

These acts were all amended in 2015 to ensure consistency in the appointment process for the various officers. The amendments in this part simply replace the text introduced then with new text that has the same meaning but is easier to understand.

So, again, I just want to reiterate that it doesn't change the process by which we as a Legislative Assembly choose those independent officers; it's simply just updating the language around that. And, so with those few words, I look forward to any questions that members opposite may have.

### Questions

**Madam Speaker:** A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: First question by the official opposition critic or designate; subsequent questions by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no question or answer shall exceed 45 seconds.

**Mr. Andrew Swan (Minto):** Section 14 of the bill provides that subsection 3, sub (7) of the prearranged services is repealed. It's this section which allows the Public Utilities Board to review and consider the costs and fees involved with prearranged funeral services.

Is—can the minister put on the record: Is this a result of Manitoba's entering into the New West Partnership?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I thank the member for that question, and certainly we know that our involvement in the New West Partnership has been a very positive thing for our province, and I want to thank the Minister of Growth, Enterprise, Trade for all the work that he has done, of course, for many, many years in our province.

We see that the members opposite choose not to go in that direction where, in areas of procurement, where we can work with our neighbours to the west of us in order to help, you know, save money for Manitobans and save for the taxpayers of our province, and so we see our entry into New West Partnership as a very positive thing and we hope members opposite will see that as well. It could provide very significant savings to our province in the long term.

**Mr. Swan:** Well, let me just follow up because I don't think I got an answer to my question, Madam Speaker.

Right now, The Prearranged Funeral Services Act provides the Public Utilities Board—is able to review and consider costs and fees of Manitobans who purchase prearranged funeral services. This statute law amendment act is purporting to take that ability away from the Public Utilities Board and that protection away from Manitobans.

I'm just wondering, is that because of our entry into the New West Partnership, or is this just something that the minister's come up with on her own.

**Mrs. Stefanson:** Well, again, Madam Speaker, the bill contains amendments that are primarily concerned with, you know, various areas that need to be updated as a result of modernization that has taken place over the years, and that's the primary purpose of the bill along with providing clarification in certain areas, and, in some areas, in terms of our independent officers and how they are chosen within Manitoba. And so, certainly, we—those are the intentions of the bill. It's an update to provide for modernization across various acts in the province.

And, again, I want to commend legal services for all the work that they do, because it's throughout the year that they put together the various changes

that need to take place in order to modernize the various acts in our province.

**Ms. Cindy Lamoureux (Burrows):** I'd like to ask the minister why this bill is changing Manitoba Ukrainian Canadian Heritage Day to Terry Fox Day.

**Mrs. Stefanson:** The Ukrainian Canadian heritage day act refers to the formerly named civic holiday in August that is now officially Terry Fox Day, so I believe that there were some changes that were made in order to reflect some of those changes.

**Mr. Swan:** I just want to return to the question that I've been trying to get an answer to, and I appreciate for the Minister of Justice (Mrs. Stefanson) sometimes there can be bills from all different areas.

The minister is also the minister responsible for consumer protection, and it appears that this bill, which normally is just correcting grammatical errors and translation errors, is going to remove the ability of the Public Utilities Board to review and consider the costs and fees for Manitobans who purchase prearranged funeral services.

And I've asked the minister a specific question, whether this is a result of the New West Partnership and—a bill which is going to committee. If the minister doesn't know the answer today, will she take it as notice and provide me with that answer before we proceed to committee on Bill 32?

**Mrs. Stefanson:** Well, again, I want to thank the member for that question.

I'm going to reiterate again the importance of the New West Partnership for our province and the tremendous work that our Premier (Mr. Pallister) and the Minister of Growth, Enterprise and Trade (Mr. Cullen) have done to modernize and bring us up to speed and be able to work with our western provinces and our western partners on procurement services.

\* (15:30)

So I will say to the member 'opposite'—opposite with respect to the section that he is referring to, it has nothing to do with the New West Partnership.

**Mr. Swan:** Well, if it has nothing to do with the New West Partnership, then why do we have a statute law amendment act which is taking away consumer protection for Manitobans? This section, again, is going to remove the ability of the Public Utilities Board to serve as the watchdog to review

and consider costs and fees of pre-arranged funeral services.

If the minister is saying that there is another equally strong protection fee added, I would like to hear it because all this says is that protection is being taken away from Manitobans, many of whom are paying more than \$10,000 to purchase pre-arranged funeral services that need to be protected—they need to be held for the protection of Manitobans.

**Mrs. Stefanson:** And I know the member opposite asked about whether or not this section has anything to do with New West Partnership, and I have answered that question that it doesn't have anything to do with that, and I would remind the members opposite that we are absolutely committed to, and I am as the minister of Consumer Protection, to protecting Manitobans.

But I'll remind the member opposite that he was not protecting consumers in Manitoba when he was part of a government that raised the PST for Manitobans without going—without properly consulting with them. And they went door to door and, in fact, told Manitobans that they were going to do the exact opposite, and as soon as they had the opportunity, they raised the PST. That does nothing for consumer protection in Manitoba.

**Mr. Swan:** Well, I'm surprised by where this is going on a bill which is normally a pretty straightforward affair. We now have the Minister of Justice saying—acknowledging that now the Public Utilities Board will no longer review and consider the costs and fees for pre-arranged funeral services.

I put out there the possibility this was because of the New West Partnership, and we'll be reviewing Bill 7, which I believe makes reference to pre-arranged funeral services. If I am wrong on that, then I will put that on the record. But if that is not the case, and if it is not because of the New West Partnership, first of all why is this minister putting forward a statute law amendment to remove this protection and, secondly, why is she removing this protection from Manitobans at all?

**Mrs. Stefanson:** Well again, Madam Speaker, the member opposite should know full well that throughout the year Legal Services branch of the government works diligently and works very hard for—to put together and to upgrade our laws in Manitoba. And he knows full well that the statutes

correction and minor amendments act does exactly that, and we—this is a modernization of this.

I have mentioned that several times to the member opposite. I know he doesn't like the answer, but that is, in fact, what this piece of legislation does. He should know that, having been the minister in the past, and certainly I would hope that he would respect all the hard work and dedication of Legal Services that they have put into this, and I want to thank them for all the work that they've done.

**Mr. Swan:** Well, it's clear that either the minister doesn't know what's in this bill, or she and her government are trying to hide removing consumer protection for Manitobans. So, rather than spend more time and debate it today, I'm going to ask the minister if she will review this provision with her officials, review the provision with the minister for trade who is very excited about the New West Partnership, and simply provide an answer to myself so I can give that advice to my caucus and do what we think we need to do in advance of the committee hearing.

Will the minister agree to do that so we can move ahead?

**Mrs. Stefanson:** And I believe I've answered the questions that the member opposite has asked. And, certainly, he has every right to continue, and move forward, and ask questions in committee, and so on. I—you know, I'm happy to answer those questions as I have today.

**Madam Speaker:** Was the honourable member for River Heights standing on a question?

**Hon. Jon Gerrard (River Heights):** Madam Speaker, just to follow up on the earlier question, was it the minister's intent—as it seems—to change the day for the Ukrainian Cultural Heritage Day, or is the minister—if that is not the minister's intent, will she review those clauses and make sure that the correct day is there?

**Mrs. Stefanson:** I want to thank the member for the question again.

I just had to deal with the—it being the same day as the Terry Fox Day, and I believe it just clarifies that within the legislation.

**Mr. Swan:** Sections 22(2), 22(3) and 22(4) of the bill would repeal sections dealing with francophone school divisions, taking away language which would allow them to be assembled into regions with

particular names, and would provide details of the electoral divisions and such things.

I know the minister will not have this at her fingertips today; I don't expect her to have it today. Will she undertake simply to advise me—before we go to committee, can she simply confirm that the Minister of Education consulted with the francophone school division before this was included in the legislation?

**Mrs. Stefanson:** I thank the member for the question.

And certainly the member opposite has a right to ask whatever questions he wants, and certainly if he wants to ask the Minister of Education with respect to the details associated with that, he is free to do so. There's question period; there's other forums to be able to ask questions of that.

Certainly, I'm here to ask—or answer questions on the statutes correction and minor amendments act; that is what I am endeavouring to do today and provide the member opposite with the answers to those questions.

He asked various questions on the New West Partnership; I've answered those. We've answered a number of the questions that they've brought forward. But certainly it's within her—his purview to ask questions of any minister he wants in—within question period or other venues that are appropriate.

**Mr. Swan:** I'm very surprised by the minister's answer, because I was prepared to acknowledge that she wouldn't have the answer at her fingertips and all I asked was an undertaking for her to provide that. If she then wants to provide the answer now, I'll take it.

Did she consult with the francophone school division before making this change?

**Mrs. Stefanson:** Well, first of all, I want to thank the francophone school division for all of the work that they do in our province. They're a very important part of our province and contribute a great deal towards the culture and education of our children and of ourselves, as well. I know I struggle through French and try and speak French in the House and out in communities, and I've often looked to my friends in the francophone community for their support and their guidance with respect to helping me through those times. And so I just want to thank them, first and foremost, for all of the work that they do.

I think it's important at these times to have the respect for those individuals out there and all the work that they do, and so I want to thank the francophone school division for everything that they do.

**Mr. Swan:** Well, I respect them, too, and that's why I'm just making sure that before we take away certain rights contained in The Public Schools Act, that somebody in the government side has spoken to them to make sure that they're agreeable with that.

I'm disappointed that the minister seems to be defensive on specific questions about provisions contained in this bill.

I would like to ask the minister about section 23(2), The Public Works Act. It'll create an enforcement officer under The Public Works Act and give them effectively peace officer status.

Can the minister let me know, then, who exactly are these enforcement officers and what will be their qualifications and training?

**Mrs. Stefanson:** Just want to revert back to one of the previous questions that the member had asked with respect to the francophone school division. The changes that are taking place are simply to match the English in the act. And, as we understand, it's a very simple process that takes place. It's—just has to do with translation as—and—which is indicative of exactly what the statutes correction and minor amendments act is about. It's to modernize the act. It's to ensure that we're simply, through language, bringing it up to speed with translation. And so in this particular case it has strictly to do with just translation.

**Mr. Swan:** As the minister said in her comments, this bill will also make changes to the way in which the various independent officers of the Assembly are appointed, which is not an insubstantial thing.

I'm just wondering why the minister thought it was appropriate to put it in this statute law amendment act and not in an independent bill which would maybe allow for a more complete discussion of how we do appoint those very important officers.

\* (15:40)

**Mrs. Stefanson:** I want to thank the member for that.

As he will be quite aware, he was in government at the time when these areas were reviewed back in

2015, so that has taken place within the last couple of years. It's a reasonable amount of time.

What this legislation does is just simply provide for the clarification of the process that takes place. The process that—to appoint our independent officers is no different than it was that was established under the previous government. It's simply to bring plain language and better understanding to the process.

**Madam Speaker:** The time for this question period has ended.

### Debate

**Madam Speaker:** The floor is open for debate.

**Mr. Andrew Swan (Minto):** I know—I realize this—that a bill of this type is a tradition every spring when the Minister of Justice, usually it's the Minister of Justice, is tasked with bringing in a number of changes from all the different government departments and it's bundled up into one—I suppose we'd call it an omnibus bill, but it is a tradition within this Legislature. We wouldn't want to have to sit to pass 70 or 80 bills making minor changes.

And that is the reason why we still have a full process, including a question-and-answer period, to make sure that bills that are contained in this act, any changes that are made, are truly of a minor nature. And it's understood every time our excellent translators have another look at the bills they find words that maybe could be improved in terms of the relationship between English and French. They find there may be some issues, some problems with certain words, with the way punctuation is placed; perhaps it should be an and instead of an or. That is all reasonable, and, certainly, we don't want to stop moving ahead with improving legislation.

In fact, over the past 20 years or so, largely under the guidance of Gord Mackintosh, who was always a stickler for plain language, every effort has been made all the time to try to make our statutes more accessible and more readable.

I am surprised by where things went in the question-and-answer period today. Of course, Madam Speaker, as you know, the question period has been added to our legislative procedures to allow members to ask specific questions of the ministers, and, it is hoped, to get specific answers.

Now, we know that sometimes, whether it's a private members' bill and it's an opposition member or a government member or a minister coming forward, sometimes the questions are rather pointed,

sometimes political, sometimes partisan. I don't believe that the questions I was asking in the question-answer period were partisan. They were intended to do my job as an opposition member and as the Justice critic and the consumer protection critic to get clarification on matters.

And I am worried about the provision of this bill which deals with The Prearranged Funeral Services Act, that tells us that sections of The Prearranged Funeral Services Act, which right now allow the Public Utilities Board to review and to consider the costs and fees of prearranged funeral services, is going to be removed, and that is a concern because prearranged funeral services actually require a fair amount of trust, hopefully a fair amount of confidence on the part of Manitobans.

Manitobans give money to funeral directors sometimes decades in advance, well, they hope decades in advance, of when they will need those funeral services, and there are protections put in place for Manitobans because it would be a tragedy for someone to have taken care of affairs only to have their grieving family find 10 years, 20 years, 30 years down the line that the services they had paid for are not going to be there, or there'd been an annual maintenance fee that has been charged by a funeral director that eats up the value of the services that the person thought they were contracting for.

So I am concerned about this. I may have distracted the minister because I was trying to help her. I understood that Bill 7, which is now going before committee, actually contained a number of consequential amendments, including provisions dealing with The Prearranged Funeral Services Act. I actually wanted the Minister of Justice (Mrs. Stefanson) simply to confirm that this change is a function of entering into the New West Partnership.

The minister has come back in her answers. We'll check Hansard very carefully, but I believe the minister has put on the record very clearly this has nothing to do with the New West Partnership. So I ask the question: If it has nothing to do with the New West Partnership, why is the minister responsible for consumer protection standing in this House today under the guise of a very innocent act, The Statutes Correction and Minor Amendment Act, 2017, and purporting to take away protections that Manitobans have, to take away the ability of the Public Utilities Board to review those costs and those fees?

*Mr. Doyle Piwniuk, Deputy Speaker, in the Chair*

And I put this on the record today, but I am hopeful that the minister will be less defensive, she will go back to the minister responsible, she will speak to her staff, and we can get more information before this goes to committee to clear this up. I am hoping that the minister has an explanation, because if she doesn't, it's actually going to be very difficult for the NDP caucus to support a bill which takes away consumer protection from Manitobans and, worst of all, is going to make things more difficult for grieving families who then have to go and find out that what they thought the deceased had contracted for is no longer there for them. And I'm hoping that is not the case, I'm hoping there is an explanation, and I'm inviting the minister to do her work, to come back and provide us with a better answer before we go to committee.

Now, we do have some other questions, and again I asked about The Public Schools Act. I expect that there is not a great deal of difficulty with what is being removed, but what is being removed is a right that has been given to the francophone school division to potentially be separated into regions with various names, with various representation of trustees. And I simply asked the question of whether the minister could find out for this House—and find out for us whether there was consultation with the francophone school division.

I was prepared to give the minister the benefit of the doubt because, in fairness, I didn't expect her to have the answer to that question available to her today, but the minister seems to have taken offence with me giving her the opportunity to undertake to do that and bring this back to us. So I'm hoping again—yes, I could ask a question in question period, but I don't think that I need to use up a question in question period to put on the record a question in a question-and-answer period reserved for bills, to have some confidence I'm going to get an answer.

So, again, I hope the minister will be less defensive and can go away and can find an answer, because that would be very helpful to us, Mr. Deputy Speaker.

The third question—or third series of questions I ask—deals with The Public Works Act. And I know that the minister is carrying on the work which we began, which was to make sure that anybody who is designated as a peace officer with particular rights and duties is properly constituted and that the obligations and the rights they have are very clearly set out.

I believe, and I hope, and I'm prepared to give the minister the benefit of the doubt that changing The Public Works Act to define an enforcement officer is going to carry that work forward. And I expect that the minister will come back after she has a chance to consult with her—the responsible colleague—the responsible Cabinet minister, and I'm hoping she will come back and she will say, yes, we are continuing on the work the previous government did to clarify the roles and the purposes of various peace officers in the province.

I asked the minister to undertake to do that, and we'll check Hansard again, but I don't even think she did that. So, to save time when this bill goes to committee, which I hope will be on Monday evening or some very early date, I'm hoping the minister can provide those answers so that I can do my job as a member of the opposition and satisfy myself that there are no surprises hidden in this bill. But, unfortunately, what we've heard so far this afternoon is that there are some serious questions about what's contained in this bill. And I would like to be able to get more information on that to allow this bill to proceed to committee and be passed in the normal fashion.

I will step up and say that I'm—I support some of the changes. And as Justice critic, I agree that the planned changes to the Victims' Bill of Rights are positive. It will expand the ability to ask that a party in a court proceeding—whether it's a witness or a victim—actually has the right to have a support person close by. This will expand the ability of that to happen; we think that's good. We also agree that it makes sense to expand the number of people who can be allowed to testify by closed-circuit television or behind a screen or other device in the courtroom.

As we enter into a Sexual Assault Awareness Month, I think we all need to understand that the court can be a very daunting place for a victim of sexual assault. And using existing technology, using the Criminal Code and making sure that you, the prosecutor, or the person who feels unsafe can make that request, I think is a good thing. And I commend the minister for moving ahead on that.

\* (15:50)

When I was the minister, I had the chance to appear before a senate committee by teleconference, as the minister has discovered is a good way to get things done. I actually spoke to the senate and I said that it was very important that protections be given to the victims of sexual assault, almost all women—not

entirely, but almost all women—to make sure that when they attend at court they aren't faced with an unfair examination of their entire medical and personal history by an attempt by an accused to try and paint a negative picture of the person. And I believe the Minister of Justice (Mrs. Stefanson) supports that. If she is not aware of the work that was done, she can certainly speak to some of the good people in the department. And we believe that this change to the Victims Bill of Rights will carry that work forward. And if we can clear up the other problems—or at least concerns with this bill, I hope it can move through quickly.

I want to speak about the various changes which are contained in the rest of the act. And these are proposed amendments to: The Elections Act, The Child and Family Services Act, The Freedom of Information and Protection of Privacy Act, The Legislative Assembly and Executive Council Conflict of Interest Act, The Lobbyists Registration Act, The Ombudsman Act, all of which will be changed by this bill.

It strikes me as a little strange, Mr. Deputy Speaker, that these important changes are being brought in a statute law amendment bill. They aren't really the correction of a grammatical error. They're not removing a section which no longer has relevance. They're actually updating the laws which provide for the selection of new, independent officers—and it is important. I do believe it would have been more appropriate for the minister to bring forward a separate bill that would have accomplished this away from all of the other changes. Be that as it may, it's contained in the bill so I will have some comments on it.

We know that in the past several years there were situations where the appointment of independent officers took far too long, and I suppose it was the fault of the NDP government for being too reasonable in listening to the views of members from other parties. And there were times when the New Democratic Party, as the government of the day, could've simply used its majority to go ahead and push through the appointment of a new Children's Advocate or a new Ombudsman or a new Auditor General. But we believed that these officers are so important, so critical to the functioning of this Legislature, that it was very, very important to achieve consensus by standing committees.

And I know that we had gone through a number of processes. I was part of a number of them. I know

my friend, the member for Concordia (Mr. Wiebe), has been a part of them. Many of us have been a part of hiring people who wound up being very good people doing great work independent of the politics of this Legislature. And, unfortunately, that sometimes did result in delays. In terms of Elections Manitoba, it was the Progressive Conservative members who held up the appointment of a new chief electoral officer—I believe for almost two years. And perhaps it was the fault of the NDP and our majority government for not simply closing debate and moving ahead, but, you know, we listen to people.

We believe that those independent officers are very, very important, and if there's a valid concern we would always take that into account. And if that meant going back, reconsidering a competition, allowing for other individuals to be interviewed, those were always things we were prepared to do.

It became abundantly clear just this week, though, that with this new Progressive Conservative government, they do not share the same interest in making sure that there is a frank discussion, that there are considerations taken into account. And that became very clear at the standing committee meeting just the other day. And the Progressive Conservatives have used their majority to wipe away concerns—valid concerns, I would say—that were raised. And I think that we need to have a better look at exactly how all of these appointments happen. And maybe it is the time, Mr. Deputy Speaker, that we improve how this is done in many ways.

For example, I put to you the question, Mr. Deputy Speaker: if, indeed, these are independent individuals, why is it the president of the Executive Council—namely, the Premier (Mr. Pallister)—who ultimately has to accept the recommendation? And maybe rather than simply amending these sections, maybe we should strike an all-party task force and we should go and come up with a better way to do this, perhaps giving the human resources department more ability to conduct the interviews, to run the process and ultimately have an approval process that doesn't depend on a recommendation being made to Cabinet and an order-in-council being provided.

And I believe now with the hiring of the Children's Advocate, which I expect will be announced shortly—I hope it will be some time before we have to raise this again, but I hope before that happens we can have a good, valid discussion

on whether the way things are being done is the best way to appoint independent officers of this Assembly. It is an important question. I don't think it should be stuck in the back of the statute law amendment act, but because it is, I'm going to spend some more time taking about it.

We believe that it is incumbent on us as legislators to make sure that those independent officers are the best possible people we can find. And in the past, I believe that process has worked very well. I believe we've been well served by the independent officers, but I think that there is more that we can do, in terms of the appointment process, in terms of how they are confirmed, and in terms of who actually hires them that can make them even more truly independent from this legislative body.

So those are the concerns. I appreciate, with these sections, that there is the desire to move more quickly to hire those officers, which by and large is a reasonable thing. However, we need to know that in some cases, the Assembly may be starting from a difficult position. If an independent officer suddenly resigns and it comes as a surprise, we know the six months would begin ticking under these various provisions.

Although six months sounds like a long time, sometimes it isn't in terms of getting a standing committee together, in terms of drafting an advertisement, in terms of actually presenting the ads, in terms of getting people to apply, in terms of screening those applications, in terms of conducting interviews, in terms of getting the subcommittee together and getting back to standing committee. Six months, which sounds like a long time, is not necessarily a long time.

And, if what we saw this week was any indication, we have a Progressive Conservative government that's quite interested in ignoring valid issues which are raised by opposition members, that is inclined simply to rubber-stamp and to use their majority to push through those appointments, and frankly, that is not the best way to go.

And I was pointed out by someone who knew I was going to be speaking on this today. They pointed to me—pointed me to a recent paper that was done for the federal government talking about the independent federal officers. And they said it's much more clear that if there are to be sponsorship of these new members, they should actually be not approved by the premier of the province; they should actually be approved by the House leaders of all of

the parties to make sure there is truly consensus so that the new independent officer walks in knowing they are truly supported by all members of this Legislature and all political parties, and that all issues have then been dealt with.

So I throw that out as something that I believe we should be talking about. I believe that. We'll be moving ahead; we'll have a further discussion about this when we get to committee. And I think it'll give all members time to put some more thought into whether this is really the best way that we can appoint independent officers or whether it's time for Manitoba to move forward and do something even better.

So I do believe that I've spoken longer on the statute law amendment act than anybody other than the member from Steinbach did one year when he had some particular issues. I believe the questions that I've raised in the question-and-answer period are valid, they're important, they deserve an answer. And I'll be expecting to get that answer from the Minister of Justice (Mrs. Stefanson).

I believe the concerns that I'm raising about independent officers are real concerns, and I hope that in a spirit of non-partisanship, all parties can actually get together and have a realistic discussion about maybe improving the way that we do things here at the Legislature when it comes to our independent officers.

So we are prepared to have this go to committee. Again, I put on the record once more that I expect to receive answers to the questions that I've been put, which were not answered today, in the spirit of moving ahead and improving the laws of Manitoba.

Thank you very much, Mr. Deputy Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just quite briefly on this bill which updates a whole series of statutes, it's curious to me that in a session when the government is bringing in various—well, a bill on red tape and cutting down on regulations—that this includes amendments to The Fisheries Act to put more regulations in.

\* (16:00)

So I'm interested to know what these regulations are. I'm also interested to know what regulations the government is going to get rid of, and look forward to hearing more on that in due course.

In the meanwhile, I listened with interest to the comments of the MLA from Minto, and I think that

there are some points which are worthy of consideration and I look forward to any presentations that we may have at committee stage and any further discussion at that time.

Thank you, Mr. Speaker.

**Mr. Wayne Ewasko (Lac du Bonnet):** Gives me great pleasure to stand up and put a few words on the record this afternoon on Bill 32, the statutes correction and minor amendments act. I thought maybe when the member from River Heights stood up he was going to put some strong words on the record. He didn't even reference which bill he was speaking about and again patted the member for Minto (Mr. Swan) on the back for asking certain questions and whatever else. But that's about it and then he sat down fairly quickly. So I guess it's—the Liberals don't really have much to say in regard to Bill 32.

Now, listening to the member from Minto—and, again, I'd, you know, like to take this opportunity to congratulate the Attorney General (Mrs. Stefanson) and the Deputy Premier on bringing forward this Bill 32, which, in fact, as the member from Minto should know, this is a yearly legislation. This is something that happens each and every year. It's amendments that have been legislated in the past, primarily to correct typographical numbering and address minor drafting and translation errors. And so, when I start looking through Bill 32, I know that he has, you know, some additional questions, and I know that when committee—after we pass Bill 32 today, from second reading on to committee—I know that that will give him an opportunity to actually come to committee and ask some questions. And I know that he's referenced the question-and-answer period, which is new, Mr. Deputy Speaker, to this process since we've become in government. There was some agreed-upon rule changes to the way that we have processes and procedures here in the Leg.

But, back to Bill 32, Mr. Deputy Speaker, as I've mentioned, that this annual legislation is comprised to basically check out the various errors and omissions that have happened in past pieces of legislation, outdated references, unclear parts of various acts that were found over the course of the past year. And, I mean, when we talk about outdated facts and that, I mean, Manitobans spoke quite clearly on April 19th of last year that they were absolutely ready for a change, and I applaud this new government, the PC government of Manitoba, for a historic—historic—election win, overwhelming win in

the 2016 election. We had captured 40 seats and we have a great representation from all across this great province of ours, representing their constituents—and not the way that the previous government, the previous Selinger government, represented the people. They went door to door in 2011 election promising that they were not going to raise any taxes. *[interjection]* And I know that the member from Minto, he's actually, you know, speaking from his seat. And I don't think I have enough time today to get into the facts about all the broken promises that the previous Selinger government had made—*[interjection]*—and also to bring in the fact that the member from Minto, as he so says once in a while—*[interjection]*—and we've pointed out that he was actually the attorney general for a while until, you know, he felt that his team, his so-called NDP team, over there was having some internal conflicts, and now they're down to 12 positions or 12 seats in their caucus, which might have anywhere between six, 10, 12 different team constructs over there, Mr. Deputy Speaker.

And it is interesting, on any given day, you don't quite know which one of them are actually backing each other because you—it's almost like those silent claps, the one-handed claps, Mr. Deputy Speaker. It's quite interesting to witness here in this House.

So—but I would like to get back to Bill 32, Mr. Deputy Speaker. And when we talk about some of the examples, I know that some people, the member from Minto—I know the member from River Heights who decided to put a couple words on the record, again, without referencing actually the bill—I'll just, I'll give one example, and then what I'll do is I will give anyone else in the House here the opportunity to get up and put a few words to Bill 32.

So the one example that this—that Bill 32 is going to help is The Manitoba Ukrainian Canadian Heritage Day Act refers to the formally named civic holiday in August that is now officially Terry Fox Day. So that is a change that over the past year, we have taken the time—the government, the Attorney General—has taken the time to go back and find that error in the legislation and make those changes or amendments. That's an example.

And, when the member from Minto, the long-standing past Cabinet minister, stands up and starts questioning things along those lines, it's sort of, it's—it baffles me, because he should know—of anybody on that side of the House within the NDP—

he should know that this process happens on a yearly basis.

So with that, Mr. Deputy Speaker, I appreciate the time to put a few words on the record. I encourage everybody in the House to move this bill forward past second reading into committee so that we can hear from those great Manitobans.

Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Is there any further—other speakers?

Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Deputy Speaker:** The question before the House is second reading of Bill 32, The Statutes Correction and Minor Amendments Act, 2017.

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

#### **Bill 16—The Fatality Inquiries Amendment Act**

**Mr. Deputy Speaker:** Now we'll move on to Bill 16, The Fatality Inquiries Amendment Act.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I move, seconded by the Minister of Infrastructure (Mr. Pedersen), that Bill 16, The Fatality Inquiries Amendment Act; Loi modifiant la Loi sur les enquêtes médico-légales, be now read a second time and be referred to a committee of this House.

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

**Mrs. Stefanson:** I'm pleased to rise today to talk about Bill 16, the fatality inquiries act. Let me start by saying that the changes contained in this bill are to provide clarity to experts, the judges, and the Chief Medical Examiner to the inquiry process.

On numerous occasions, these experts have requested changes and clarification over a number of years. And I think this is something that we've worked on, we've consulted with them on, and we believe that this is the common sense approach to dealing with some of the challenges that they face within their expertise.

The language in the bill has been updated using plain language and to reflect current practice. Headings have been added to improve readability and provisions have been reordered to flow more logically. This bill clarifies when an inquest into a death will be called by the Chief Medical Examiner.

I'd like the time—to take the time to talk about when an inquest is required, Mr. Deputy Speaker. There will be a presumption that an inquest is required if the person died while in custody of a peace officer or residing in certain provincial facilities, and an inquest will be required if the person dies as a result of a use of force by a peace officer.

In consultation with the Chief Medical Examiner, an inquest will not be required if death was due to natural causes, was not preventable, or there was no connection between the death and the supervision or care provided to the person.

\* (16:10)

The bill provides the Chief Medical Examiner with the discretion to not call an inquest if there will be another review that will result in recommendations to prevent similar deaths. An inquest will not be required if a public inquiry into a death is or will be called and, if called, the inquest will be cancelled. The bill specifies that an inquest cannot proceed until any criminal process related to the death is concluded.

The presiding inquest judge may cancel the inquest if satisfied that the circumstances of death have been adequately examined by the criminal proceedings and the public interest would not be served by the inquest proceeding.

The role of the judge presiding at an inquest or inquest counsel is clarified by stating that the inquest is a non-adversarial proceeding and counsel to the inquest takes direction from the judge.

The bill authorizes an inquiry into a death of a resident of Manitoba that occurred outside of the province.

The bill contains a transition provision that allows the Chief Medical Examiner to cancel an inquest that has been called where the inquest has not started and where, under this bill, an inquest would not have been required. For example, deaths occurring where the person is in the custody of federal corrections. Has not started, is interpreted to mean that the judge has not heard any evidence from witnesses called to testify.

That's—with those few words, I look forward to any questions that members opposite may have with respect to the changes that have taken place, which we believe is a common-sense approach to where we need to go. It's something that, again, the experts, the

Chief Medical Examiner, the judges have been asking for for some time to bring some clarity as to the inquest procedures as well as providing a common-sense approach to eliminate the overlap and duplication where inquests are concerned.

### Questions

**Mr. Deputy Speaker:** A question period up to 15 minutes will be held.

Questions may be addressed to the minister by any member of the following sequence: first question by the official opposition critic or designate; subsequent questions asked by each independent member; remaining questions asked by any opposition members and no question or answer shall exceed 45 seconds.

**Mr. Andrew Swan (Minto):** In her comments, the minister failed to mention that this amendment would also remove the ability of the Attorney General to call an inquest.

Why is that?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** The member opposite, having been the minister responsible for Justice and the Attorney General in the past, will know that the history of the Minister of Justice and Attorney General calling for an inquest themselves has never happened in the history of Manitoba. In fact, when we canvassed other provinces, it hasn't happened in other provinces as well.

We believe that that should be left up to the experts whether they be the—certainly, the primary person will be the Chief Medical Examiner. We believe—in this case, he is a he so I will refer to him as a he—but, he is given the opportunity and certainly has the expertise to decide whether or not an inquest is required. We believe that's the appropriate authority.

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Swan:** Well, the Chief Medical Examiner is not an independent officer, they are a Justice employee, and, even though I have a great deal of respect for the previous and the current CME, they are not an independent officer.

What appeal process does a grieving family have if the Chief Medical Examiner decides not to call an inquest?

**Mrs. Stefanson:** I want to thank the member very much for that question, and certainly I, too, have a great deal of respect for the Chief Medical Examiner as well as the previous Chief Medical Examiner who retired just as I was coming into my role. And, certainly, the previous Chief Medical Examiner as well as the current Chief Medical Examiner have both indicated the challenges that we're facing and that they're facing with respect to inquests in Manitoba.

In many cases, inquests that are deemed to be mandatory in the province of Manitoba are creating overlap and duplication and so that's exactly what this legislation will do.

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Swan:** Well, yes, the minister says this will increase the discretion on the part of the Chief Medical Examiner whether or not an inquest is going to be held in the case of a death.

And the question I have for her is: Given this discretion now being given to the Chief Medical Examiner, is there any appeal process for a grieving family, for a community, for anyone to review the decision of the Chief Medical Examiner not to call an inquest?

**Mrs. Stefanson:** Well, again, I want to thank the member for the question, and again—and thank the Chief Medical Examiner for the incredible work that he and his team of individuals do with respect to their inquests and their looking into various deaths in custody in Manitoba, and those deaths at the hands of our peace officers.

I very much respect that the work that they do. I very much—I think that they have the incredible integrity and they know exactly what is needed, and that is primarily why they are responsible for—and, first and foremost, responsible for making these decisions.

They are the experts, and we believe that that is the appropriate place for this to be.

**Mr. Swan:** Is the minister, then, simply acknowledging there is no grounds for appeal, there is no grounds to review a decision of the Chief Medical Examiner, and a grieving family who learned there will not be an inquest have absolutely no recourse to do anything about it?

Can the minister just confirm that today?

**Mrs. Stefanson:** Well, in fact, I did mention in my opening remarks that this is not an adversarial process and, you know, it's a review to make recommendations where we can remedy a situation to prevent a similar situation from happening with respect to deaths in custody and so on in our province. And so, you know, I think it's important to recognize the role of the Chief Medical Examiner.

This brings us—I should mention as well to the member opposite, that this brings us in line with other provinces and practices of other provinces. And so I think that this is the appropriate way to move forward, and we have the faith in the Chief Medical Examiner to make those decisions.

**Hon. Jon Gerrard (River Heights):** I think it's pretty important that when there is a death in custody, that there, in fact, be an inquest in the death, that that inquest is not made—whether it's be expert or another—in kind of an arbitrary way.

So I would ask the minister: Why is there not an appeal process? Why is she not putting an appeal process in this legislation so that there can be where there are Crowns under this new change for concern about issues which should be dealt with in an inquest? Why is there not an appeal process?

**Mrs. Stefanson:** Well again I believe I just answered that question, but I want to thank the member for River Heights for bringing his question forward, as well.

And I think what's important to understand here is that the Chief Medical Examiner will make decisions based on whether or not it can make a difference to an outcome for procedures that take place in Manitoba. You know, he has the discretion to make those decisions.

We believe that he does an excellent job. This by no means, you know, takes away his ability to call for inquests. It just takes away—what it does, the mandatory component in certain areas. And I'll get into some of those areas if members opposite want me to in another question.

**Mr. Swan:** The minister talks about other provinces. I'm willing to bet there's not another province that had six deaths in custody in provincial institutions in the past year, many of which may not result in an inquest under this amendment.

I'm wondering why the minister would want to take away the right of a grieving family to an inquest for a death that happens in a federal institution such

as Stony Mountain, where a death happened just the other day.

**Mrs. Stefanson:** I just want to say that the member's assertions were false in his preamble and certainly, as it stands right now, what it does is take away the mandatory component. So it still gives the ability of the Chief Medical Examiner to call an inquest if he so chooses within those—within that—within those parameters. But it should be noted that, if he believes that there—well, I'm sure the member will have further follow-up questions, and perhaps I'll continue. I know where—we're—our time is constrained to 45 seconds.

\* (16:20)

**Mr. Swan:** Well, I'd point the minister to section 19(2), which gives the Chief Medical Examiner the discretion not to call an inquest if there will not be changes to provincial laws or the programs, policies, or practices of the provincial government or public agencies.

So will the minister agree that if there's a death at Stony Mountain Institution, which is a federal institution, these changes may result in a death at that institution not resulting in an inquest?

**Mrs. Stefanson:** I want to thank the member for the question, and just for clarification, if the Chief Medical Examiner decides that an inquest would result and could result in changes provincially that could affect provincial policies and so on within Manitoba, that they can choose to go ahead with that—with the inquest.

But what often happens is that the inquests are done and sometimes federally they can be affected nationally in some way, but, you know, there's no indication that it will get to the bottom of the various policy issues within Manitoba.

So other provinces, again we're following the suit of other provinces with respect to—*[interjection]*

**Mr. Deputy Speaker:** The honourable minister's time's up.

**Mr. Swan:** I would remind the minister that someone who dies at Stony Mountain is likely still a Manitoban, and this law that she's now proposing may very well result in no inquest occurring at a federal institution.

Could the minister put on the record, is there a federal inquest system?

**Mrs. Stefanson:** I want to thank the member for that, and, you know, we believe that certainly the reason for this is that if this is about changing policies within Manitoba and the criminal justice system within Manitoba, the Chief Medical Examiner could very well call an inquest if he believes that it could make changes within the system provincially. But often what happens is that he—he's—it's mandatory to make—to conduct that inquest. And the federal, there's no binding, you know, it's not binding on the federal government to accept those recommendations at all, and so often it's done and, you know, there is no change that takes place.

**Mr. Swan:** Well, the minister, in her non-answer, I think, has confirmed the fact there is no equivalent federal inquest process. The fatality inquiries are intended to be for Manitobans who die in a number of different circumstances, including those in custody.

Similarly, can the minister clearly set out which deaths in First Nations are now going to be discretionary in the view of the Chief Medical Examiner?

**Mrs. Stefanson:** Well, I just want to—just clarify the member's assertion. Of course, the federal government can have their Ombudsman review deaths and they do have a process in place with respect to deaths within federal penitentiaries. And so, you know, the member opposite is wrong in his assertion there that there is no mechanism to do that. There, in fact, is. There is a process in place federally to take care of that.

**Mr. Swan:** If I could get an answer to my question about the impact on indigenous people living on First Nations communities where they may be going to a school or being held in a holding cell, or being dealt with by the RCMP under federal jurisdiction, why does she want this bill to provide more discretion on the Chief Medical Examiner not to call an inquest if one of those Manitobans should die?

**Mrs. Stefanson:** Mr. Deputy Speaker, I think it's important to note that the number of people waiting on remand in our provincial correctional facilities is the highest in Canada. Those waiting on remand—so they're awaiting trial—that's something that we inherited from the previous government. It's certainly something that we want to correct.

And many of those people are First Nations, are Aboriginal and we believe that it's wrong. We need

to find the various programs and so on. We need to move people through the Justice system in a more efficient and effective manner to ensure that those who, you know, are—they shouldn't be housed in our jails if they—if they're innocent. And so we need to move people through the system that—

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Swan:** Boy, lots of ideas for this minister, and I'll be expecting them to see a major increase in the Legal Aid budget coming up in the budget next week.

Does this minister seriously think that the effectiveness and trying to reduce remand numbers is more important than giving a grieving family, a community, a system, the confidence of an independent judicial inquiry into, many times, tragic and sad deaths of Manitobans, many of whom are the least empowered in our province?

**Mrs. Stefanson:** I want to thank the member for the question.

Of course, the same rules apply on First Nations as other areas in our province and those who are negatively impacted as a result of some of the, you know, the tragic situations that take place. And so I don't believe that that is any different in First Nations as it is in the rest of the province, and so I'm not sure what the member is getting at in his assertion.

**Mr. Swan:** Well, let me be more direct for the minister. Section 19(2)(b) says that they may—the Chief Medical Examiner may determine an inquest should be held if the CME believes that an inquest may enable the presiding provincial judge to recommend changes to provincial laws or the programs, policies, and practices of the provincial government or of public agencies or institutions to prevent deaths in similar circumstances.

If a death happens in a First Nation, on a First Nation health-care facility run by the federal government, will this be discretionary for the Chief Medical Examiner?

**Mrs. Stefanson:** Well, again, the—I already answered this question for the member opposite.

The same rules apply on First Nations with respect to other areas of the province, and—the event that they are—and I'll remind the member opposite, as I've already stated, that the inquest is required if the person died while in custody of a peace officer, is residing in certain provincial facilities, and if the

person dies as a result of the use of force by a peace officer.

So those are areas—regardless if you're on a First Nation or other areas in the province, those rules will still apply and an inquest will be called.

**Mr. Swan:** Is the Minister of Justice (Mrs. Stefanson) then confirming that deaths which happen for indigenous people living on First Nations—that there will be no difference in the way they are treated by the Chief Medical Examiner under her act than other Manitobans?

Can she confirm that clearly on the record for Manitobans?

**Mrs. Stefanson:** What I will confirm for the member opposite is that there—the same 'appurtenance'—the same rules apply on First Nations as well as other areas of the province. And again I will clarify that an inquest is required if a person dies while in custody of a peace officer, is residing in certain provincial facilities, and if the person dies as a result of the use of force by a peace officer.

So in those circumstances, regardless if you're on a First Nation or if you're in other areas of the province, those rules will apply and the Chief Medical Examiner will call an inquest.

**Mr. Deputy Speaker:** The time for question period has expired.

### Debate

**Mr. Deputy Speaker:** Time for debate.

**Mr. Andrew Swan (Minto):** I'm—I wish I didn't have to get up and speak to this bill today. I think that the minister's presentation of this bill and the question-and-answer period gives me, and I think my colleagues in our NDP caucus, and I think members of the Liberal caucus as well, some serious and some grave concerns about this bill and the impact that it is going to have on the administration of justice in Manitoba.

And let me say at the outset that it is not unreasonable for this Minister of Justice to want to take a look at the inquest system. Fatality inquiries occur in every province, but they occur in different ways.

There's actually a very, very long tradition in the common law with respect to these kinds of inquiries. Originally, the purpose of an inquiry was to simply find out the reasons the person had died. But those have evolved over the centuries and over the years so

that now not only is the judge who conducts a fatality inquiry—not only is their job to find out why the person died, it's much more than that.

And the judge who writes the inquest report has the ability to make wide-ranging recommendations. They have the ability to hear from witnesses; they have the ability to review medical records; they have the ability to review operational records; they have the ability to be the fact-finder and to write a report, which may be short, which may extend to several hundred pages. But the purpose of that is to find out not just the reasons that the person died, but to try to come up with recommendations and ways so that deaths of that type do not occur in the future. And it's a very, very important and very, very fundamental part of our judicial system to have that available.

\* (16:30)

Different jurisdictions in different provinces operate this in different ways. In some provinces, instead of a chief medical examiner they have what's called a coroner. In some cases, it's not a judge that hears the inquest, it may be a panel, it may be someone who's not a judge. It may be somebody who has medical training, somebody who has legal training. There are different ways for that to happen, and we can always have a discussion about what is now the best practice and the best way to do that, but that's not what this bill is about, and I think in the—one of the minister's answers, she made it very clear to Manitobans what this bill is about. This is about trying to save money. This minister is more concerned with processing people through the judicial system than she is about getting justice for people, many times the least empowered, the weakest in our society, who die sometimes in unfortunate, in tragic, every case, in sad circumstances.

And there are reasons to reform our judicial system, and I will agree there is more work to do. I will support this minister. I put this on the record: I will support this minister on measures that she takes that truly make the system better.

Earlier today, in debating another bill, I had quoted former Chief Judge Ken Champagne. I'm going to quote him again, and, actually, it was early in my days as the Justice minister, and I was in an event and I made some comment about making the justice system more efficient, and Chief Judge Champagne actually pulled me aside after and said, you know, efficiency is fine, but the justice system is not just about efficiency. It's not just about

processing people through the system more quickly. We really want the justice system to be more effective.

And Bill 16 does not do anything to make the justice system more effective. It really isn't even going to make it more efficient. What it is going to do is it's going to take away the right of Manitoba families who lose loved ones to know that there will be an independent inquest that will be heard before a provincial court judge, that will have a Crown attorney representing the truth, to bring forward the facts, to hear from various witnesses, to let, in some cases, the families be part of that process, to get a report and get some closure.

For the rest of us, an inquest report provides the ability to find ways to improve the way we do things, whether it's in our health-care system, whether it's in the child-welfare system, whether it's in our law enforcement system or our corrections system, to come up with better ways to make sure that if there are ways to make things stronger, safer, that that advances the interests of justice, and today we're seeing this government moving ahead with a bill that does anything but that, and that is truly a shame.

Let me tell you, Mr. Deputy Speaker, when I was the minister of Justice, I pledged that I would read every inquest report that came into my office from cover to cover. I know the minister, as I was a minister, would get a briefing note, they'll get a summary, they'll get the Cole's Notes version, if you will, of what the report is—what the inquest report is all about. I decided early on that it was part of my duties to make sure that I read every single one of those reports from cover to cover, and I want to tell you they're not easy reading. I remember reading about some of the deaths in custody, reading about deaths where somebody was shot by the police. In that case, the evidence was very clear that the police truly had no choice given the circumstances, but the judge didn't dismiss the question out of hand. The judge went through and heard from all the witnesses, weighed all that evidence, came up that in that case there were no recommendations because of the particular facts.

Probably the most troubling inquest report I ever had the chance—the obligation to read involved two young women who committed suicide at the Manitoba Youth Centre. These two young women committed suicide within a couple of weeks each—of each other at the Manitoba Youth Centre, and it was upsetting for the other youth incarcerated at the

Manitoba Youth Centre. It was also upsetting for the staff at the Manitoba Youth Centre, and I know the minister's had the chance to meet the people that work at the Manitoba Youth Centre. They know that they are caring people. They know that they are truly engaged in trying to get the best and to make changes for youth who spend time at the Manitoba Youth Centre, and it was devastating to everybody involved in that facility.

The two inquests happened quite close together and the Chief Medical Examiner made what I thought was the wise decision to combine both of the cases into one inquest. The report was difficult to read. It was difficult to read because these were two young women who had sustained horrible traumas in their life. When we looked at the backgrounds they had, what they had gone through, perhaps it was not surprising that when they got to the youth centre they each decided they had no choice but to take their own lives.

Judge John Guy, who is a tremendous judge—in fact, the judge who got the drug court going and worked on the mental health court—conducted the inquest and did, I think, a very, very good job at coming up with conclusions. And John Guy in his report made it very clear that, actually, there was nothing that any employee at the Manitoba Youth Centre could have done differently in this particular case, that they were doing their best to check on these children, both of whom had expressed suicidal ideations, both of whom were clearly children at risk. And he didn't try to put blame on the employees.

But he did come up with recommendations, recommendations of how the youth criminal justice system could be even more responsive to sometimes the incredible needs of children who find themselves in the justice system. And that inquest report, far from being seen as a negative thing or a challenge or a criticism, well, that was taken up by the department. And I'm very pleased that because of that report—because of the hard work of the judge, because of the evidence that was led in that report and the importance of that inquest, we were able to improve the way things work at the Manitoba Youth Centre. It resulted in some staff being transferred from the Agassiz Youth Centre. We had the happy circumstance of youth in custody actually going down by a substantial amount, and we were able to close a unit at the Agassiz Youth Centre and transfer some of the positions to the Manitoba Youth Centre; that resulted in better screening, more involvement and better practices to try to stop suicides from

happening. And I believe since then there was the suicide of a youth that happened in another facility. I believe that since then there hasn't been a suicide at the Manitoba Youth Centre. And I would like to think that in some small way that's because of the importance of that inquest report and the work that was done as a result.

These are very, very difficult and sad cases, and I'm very concerned that Bill 16 is not going to take these cases as seriously as they should—and that is not a knock against the Chief Medical Examiners. There was a long-time Chief Medical Examiner who served this province with distinction, and I know that his successor is also a very, very caring individual and a very smart individual. But this bill does two things: it gives more discretion to the Chief Medical Examiner to call an inquest; and it also takes away what in Manitoba has been the ultimate protection, and it's something I ask about, and I think it's something the member for River Heights (Mr. Gerrard) was asking about as well. Right now, the ability of the Attorney General to call an inquest serves as the ultimate appeal, or the ultimate opportunity to make sure that a case is heard even if the Chief Medical Examiner—who is a doctor, who's not a lawyer—makes the determination that no inquest is necessary. There is the residual ability of the Attorney General to ensure that an inquest is called.

On the other hand, it gives the Attorney General the ability early on in a case that may be very, very difficult, that may be very emotional, that may have families grieving to say: well, yes, of course the investigation is ongoing, but as the Attorney General I can confirm that there will be an inquest in this case. Well, that gives families right off the bat a lot more confidence that the person's loss will not be in vain, that there will be an inquest and that—hopefully—there will be recommendations that can make things better.

And I don't know why the Minister of Justice (Mrs. Stefanson) believes that it is appropriate to simply remove that overarching ability. And, you know, the minister's right; it's not something that's been frequently used in Manitoba. Perhaps you'll go back and find when it was, but it is an overarching control or safeguard, and even more so now with more and more inquests being discretionary.

\* (16:40)

The minister has made it clear there is now, under her bill, no appeal process. There is no review process. If a family loses a loved one in a hospital, or

in a correctional facility, or in a police lock-up, or even in a workplace, they have to abide by whatever the Chief Medical Examiner determines, and there is nothing that this Attorney General (Mrs. Stefanson) will do. She won't lift a finger to give these families closure, and that's just wrong. And I think this bill needs to be improved; the Attorney General needs to retain that power.

And, if the Attorney General doesn't agree, that is an amendment that we will be making to make sure that there is an appropriate protection in place. If the Attorney General has a better idea of some review process, of some appeal process, we will certainly be prepared to listen. The member for River Heights (Mr. Gerrard) has also asked about that. I'm sure he'll be quite prepared to listen to what ideas come forward. But the idea that we are now going to give much more discretion without there being any ability is just wrong.

And I—maybe I was a bit heated and I put this to the Minister of Justice (Mrs. Stefanson), at least six people died in custody in Manitoba in the last year—at least six. There might be more because they're not widely reported. We know of five at the Winnipeg Remand Centre; we know of one at the Dauphin correctional centre; there might be more. That is a terrible record. I can tell this minister that in my five years as minister, I can never recall anything close to six deaths. I've asked this minister about it in the House and tried to get her to give some answers to Manitobans, and she's been completely either unwilling or unable to do so.

**Mr. Deputy Speaker:** I just want to remind everyone, the conversations are starting to get a little loud here. It's hard to listen to the—hear out the speakers, so if everybody can just quiet down a bit and we'll continue.

**Mr. Swan:** Good. And this is—and I thank you for the intervention, because this is truly a bill which has an impact again on the most marginalized people in our province. And we're seeing a theme coming through from this government that they will do whatever they think they can get away with to take rights away from marginalized people. *[interjection]* And there we are. Well, we have someone now calling across the way heckling me as I talk about The Fatality Inquiries Act.

But I will remind that member that the Minister of Justice stood in this House today and said the idea that there were people living in the inner city, people living in rural Manitoba, people living in the North

that don't have photo ID is nothing more than an urban myth.

This is not a good day for the Minister of Justice and it's not a good day for the people of Manitoba. I am hoping that the minister will listen, I'm hoping the members opposite, instead of heckling about a speech I'm making about the rights of marginalized Manitobans, will listen and put some thought into this and put some reflection into why this is so important. And you know, I asked a number of questions again which the Minister of Justice was either unwilling or unable to answer.

And, in particular, this bill provides that it is now discretionary for the Chief Medical Examiner to call an inquest if they don't believe that there will be changes to provincial laws or the programs, policies, and practices of the provincial government.

Well, we saw just the other day, there's been a death in custody at Stony Mountain Institution. I don't know anything about the circumstances of that death. There will be an investigation that takes place, but that investigation is not going to be public. It's not going to be impartial. There's not going to be a judge who has the opportunity to weigh all that evidence and come up with a report unless there is a judicial inquiry that's ordered. And the Minister of Justice has said that if it is a Manitoban who happens to die at the—at Stony Mountain, that then they should have less rights than someone who dies in a different institution, and that doesn't make any sense to me, and it doesn't make sense to my colleagues.

We also know that there are more discretions being given to the Chief Medical Examiner not to call inquests which again might dramatically decrease the number of inquests and prevent light from being shone on circumstances and perhaps saving other lives in the future.

I've had the chance to have some discussions with a lawyer named Corey Shefman. Corey Shefman and I actually don't have the same political views. He might be of a different political persuasion, but he's actually very passionate about this issue. He represents the family of Errol Greene.

Errol Greene died in the Remand Centre last year and it took months and months—and I appreciate there needs to be an investigation. There are a number of questions; I don't pretend to have the answers. I don't think the Minister of Justice would pretend to have the answers. In that case, an inquest has been called. I don't want cases like Errol Greene

to be at the discretion of the Chief Medical Examiner. When someone dies in custody and there are serious questions, there needs to be an examination. That examination should be independent. It shouldn't be political. It should be by a provincial court judge.

And Mr. Shefman actually had an analysis that was printed in the Winnipeg Free Press just a couple of weeks ago on March the 10th. And I think it's good. He was critical of the minister. He was critical of the previous government, too, and that's fine. But he did have some serious criticisms about these proposed changes.

As he says, and I quote: For example, inquests are currently mandatory when a person dies as a result of an act or omission of a peace officer or when they died as a result of violence, negligence or an unexpected or sudden manner while residing in a jail or psychiatric facility. In all of those limited circumstances, the person would have had reduced autonomy and generally would have been at the mercy of the state. Yet, if the Manitoba government has its way, most of those inquests will now be discretionary. They would be called only if the Chief Medical Examiner, someone with medical but no legal training, feels it is necessary.

And one might argue the Chief Medical Examiner is an expert in determining how a person died. The inquest process is about more than simply determining the medical cause of death. According to the Supreme Court, inquests exist to check public imagination by identifying the circumstances of the death, to make the community aware of the factors which put human life at risk and to reassure the public and ensure the public knows that the government is acting to ensure that the guarantees relating to human life are duly respected.

He goes on to say, the minister's proposal, Bill 16, frustrates every one of those purposes.

And as Mr. Shefman goes on to say, none of those goals can be accomplished by investigation conducted behind closed doors with no expectation that the investigation report will be made public. No answers will be available to the family of the victim who will be left with no recourse, no justice and no assurance that changes will be made to prevent future similar deaths. The government's clear aim with Bill 16 is to reduce the number of inquests conducted. In doing so, they express a clear bias against the victims whose deaths are to be investigated and the families of those victims.

And he continues on to say, by making mandatory inquests discretionary Manitoba will be better able to control the narrative without having to engage or consider the unique perspective of the family, those closest to the victim.

Author Chimimanda Ngozi Adichie has said that power is the ability not just to tell the story of another person, but to make it the definitive story of that person. If the government of Manitoba's theft of victims' stories and the appropriation of the sole right to tell the definitive and official version of these stories is an exercise of power against which the victims are unable to defend.

And Mr. Shefman goes on to talk about how there is a need for more resources, and I agree with him. I don't believe that taking the right to an inquest away is the best way to try and get a more effective or efficient judicial system, which is something that the minister says she is trying to do. Taking away—or giving discretion to the Chief Medical Examiner, taking away the right to any kind of appeal or any kind of ministerial ability to call an inquest moves this province backwards.

And, again, if Bill 16 was just one example or the only example, perhaps it would be easier to let it go. But we see this government moving ahead on a number of fronts to take on the most marginalized members of our society, and we saw that today in question period. We see that in the other bills that are before this House. And it is disappointing that we are going to try to achieve some kind of efficiency by taking away the right to justice and the hope that someone's death will not be in vain and will be able to get improvements.

\* (16:50)

So, certainly, there are other things that we think could be addressed. On the one hand, it is helpful that there is a specific reference to an investigation, not an inquest, were an investigation taking place in a workplace death.

We believe that expressly setting this out in Bill 16 is a positive thing. We believe, though, it needs to be carried forward because again, with more discretion given to the Chief Medical Examiner, there may be workplace deaths in which there are serious questions, in which there are potentially improvements that could happen to the way that employees are protected that could prevent further deaths from happening in the future. And I can't think of anything more important than trying to use

all the information available to make sure there is a fair process to try and prevent those kinds of deaths.

And I expect as this bill moves on to committee, we'll hear from people who have made keeping workers safe their life's work—come out to present about improvements that could be made to this bill from the point of view of protecting workers.

We know that many members of this Conservative government believe that regulations that protect workers are red tape, that they're nothing but an administrative burden, that they do nothing but tie the hands of businesses. Well we know that those sections, and those regulations, and those acts, and those protections are intended to make sure that workers can go home at the end of the day and not leave work in a coffin or in an ambulance. And that's why we think there are some positive moves in that area of Bill 16, but it can be still improved, and I'll be looking forward to hearing from Manitobans and perhaps coming forward with some other improvements.

Now, I will conclude my comments by saying that it is very likely that this is not a bill which the great majority of Manitobans are going to be concerned about. I don't know that Bill 16 is going to be the most important bill. Certainly, in this session alone, there are so many bills this government is moving on that are regressive, that take rights away from students, that destroy the taxi industry, that turn the clock back on environmental protection. I know there's not going to be people out front protesting the reduction of inquest, although there have been certainly protests at the Legislature and at the Remand Centre because of this minister's reluctance to show any leadership in the death of Errol Greene or in the deaths of any of the other members in custody.

We know there may be protests outside of Dauphin because the people of Dauphin have waited for a new jail. I keep waiting for the member for Dauphin (Mr. Michaleski) to find his voice—

**Mr. Deputy Speaker:** Order.

**Mr. Swan:** Exactly, Mr. Deputy Speaker—to find his voice and to ask the Finance Minister, to ask the Premier (Mr. Pallister), to ask the Justice Minister when we can go ahead on a new jail in Dauphin.

There was a death in custody last year at the Dauphin Correctional Centre. You know, there was only a little bit of a story in the CBC. The rest of Manitoba just went on as if it had never happened.

And you know it's easy—I suppose it's easy to say, well, those people are in jail. They don't deserve the same protections as the rest of us. They must have done some awful things. You know, it's one thing for us to be angry with people; it's another thing for us to be scared of people, but it's another thing altogether to simply ignore when somebody dies in something that might have been preventable.

And I know more circumstance of the death in Dauphin. The MLA for Dauphin might know more circumstance about the death in Dauphin. I'm willing to be that if there was an inquest called—it's going to take some time for the inquest to happen—but by the time that inquest report is received, there is still not going to be a new jail in Dauphin. And I know that inquest report is going to set out all the deficiencies with the Dauphin Correctional Centre. And I'm willing to bet that inquest report would say that there is no other option in the interest of safety, in the interests of keeping inmates and correctional officers safe—there is no option but to replace that facility.

And you know, I suppose the minister may hope that this bill passes before an inquest is even called in that case. I don't know. I don't know how long it's going to take for that report to come if it does come. But certainly, I would give the member for Dauphin my strength and my support if he wants to raise it within his own caucus because me raising it in the House doesn't seem to be making much of an impact on the Justice Minister, the Finance Minister, or the Premier. Maybe he can use his influence within caucus so that maybe we can prevent another death in custody from happening at the outdated Dauphin Correctional Centre.

Correctional officers do a great job, and as I read—and as I've read inquest reports, that comes through loud and clear that our correctional officers do a good job. But sometimes they're limited by policies; sometimes they are limited by the infrastructure; and now, as we see the crime rate in Manitoba continue to grow, the number of people in jail continue to grow after a decrease in the last couple of years, we know that those workers are more and more burdened.

And we know as things go along, this Minister of Justice is doing nothing to stop the flow of people into the jails; that's going to put more pressure on the system, and I fear—I certainly fear and I think every member of our caucus fear that the six deaths that we know of that happened last year, an unprecedented number, certainly have a connection

with the overcrowding which has been happening in our jail over the past year.

And just to finish on that thought, I was actually shocked when we got to Public Accounts Committee and I asked for the numbers. And I found out the numbers—just from Estimates in June through to Public Accounts Committee in September—showed us that there were 7 per cent more people in Manitoba's jails, an increase of just over four months. And I asked the minister how many more correctional officers, how many more full-time correctional officers are there. The answer was zero.

So what I'm saying is that I don't want to see more inquest reports, and I know there's going to be inquest reports that are going to call attention to a lack of action by this government to make sure that our inmates are safe. I don't want those reports swept under the rug. I don't want them hidden and not called because this minister decided it was more efficient or more expedient to take mandatory inquests away from the Manitoba public and to sign away her own ability in cases where justice needs to be done to stand up as the Attorney General, the chief legal adviser to Cabinet, to say there ought to be an inquest. Justice in Manitoba deserves it. Justice in Manitoba demands it.

I'm hoping that we can get amendments that will improve this bill. I would also be quite—*[interjection]*

**Mr. Deputy Speaker:** Order.

**Mr. Swan:** —quite agreeable if this minister would accept the words that I put on the record today to realize that there can be improvements to the—*[interjection]*

**Mr. Deputy Speaker:** Order.

**Mr. Swan:** —there can be improvements to the inquest system that can make the system more effective and make things better in Manitoba.

I am just hoping that this minister is prepared to listen because Manitobans are counting on it. Thank you very much, Mr. Deputy Speaker.

**Ms. Cindy Lamoureux (Burrows):** Mr. Deputy Speaker, Bill 16 raises a number of concerns, and we hope the government—

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

**Mr. Deputy Speaker:** Order.

**Ms. Lamoureux:** —will listen to possible amendments that could improve the legislation.

This government is cutting the number of mandatory public inquests when someone's life ends while in the care of a government agency of the police. The Fatality Inquiries Act, it currently requires inquests governed by a provincial court judge to be held almost anytime someone's life comes to an end while incarcerated, while a patient of a mental health centre or after interacting with police officers.

This bill will decrease the number of inquiries such as when a Chief Medical Examiner determines the death was due to natural causes and was not preventable.

But, Mr. Deputy Speaker, some would argue, how would you know this without an inquiry. An inquiry would also not be necessary if the Examiner determines that there was no link between the death and the care provided to the deceased.

I understand that some provincial court judges have called for these changes citing the need to save time and resources in the court system. I encourage these judges or representatives to join us at the committee stage.

At this point, the Liberal Party feels this government needs to make a stronger case for why they are making these changes before we can support the bill. Thank you.

**Mr. Jim Maloway (Official Opposition House Leader):** I move, seconded by the member for Logan (Ms. Marcelino), that debate now adjourn.

**Mr. Deputy Speaker:** Is it the—canvass of the House to—the honourable Government House Leader. *[interjection]*

It has been moved by the Opposition House Leader that we—seconded by the honourable member for Logan, that the debate be adjourned.

Is it the pleasure of the House to adjourn for today?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Some Honourable Members:** Agreed.

**Mr. Deputy Speaker:** No?

**Mr. Deputy Speaker:** The debate is now adjourned.

I'll ask again. Is it the will of the House to adjourn the—

The hour being 5 o'clock, the House is adjourned—this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, April 5, 2017**

**CONTENTS**

<b>ROUTINE PROCEEDINGS</b>			
<b>Ministerial Statements</b>		Elections Amendment Act	
Spring Flooding Update		Swan	1087
Pedersen	1079	Stefanson	1087
Maloway	1079	Political Party Financing	
Gerrard	1080	Swan	1087
		Stefanson	1088
<b>Members' Statements</b>		Reproductive Health Care	
Skylar Park		Fontaine	1088
Smith	1080	Squires	1088
Kelvin Active Living Centre		Kelvin Active Living Centre	
Kinew	1081	Gerrard	1089
		Wishart	1089
Parkinson's Awareness Month		Northern Manitoba	
Michaleski	1081	Michaleski	1090
Ross L. Gray Raiders		Cullen	1090
Smook	1081	Affordable Child Care	
Festival Manipogo		Lathlin	1090
Johnson	1082	Fielding	1090
<b>Oral Questions</b>		<b>Petitions</b>	
Education Funding		Kelvin High School Gymnasium and Wellness Centre	
F. Marcelino	1082	Kinew	1091
Pallister	1083	Neighbourhoods Alive! Funding	
Budget 2017		Lathlin	1091
F. Marcelino	1083	Manitoba Human Rights Code—Physical Size, Weight and Appearance Protections Inclusion	
Pallister	1083	Gerrard	1092
Kelvin Active Living Centre		Taxi Industry Regulation	
F. Marcelino	1083	Lindsey	1093
Pallister	1084	Swan	1093
Kelvin Active Living Centre		F. Marcelino	1094
Kinew	1084	Allum	1094
Pallister	1084	Saran	1094
QuickCare Clinics		T. Marcelino	1095
Wiebe	1086	Maloway	1095
Goertzen	1086		
ACCESS Centres			
Wiebe	1086		
Goertzen	1086		
Provincial Negotiations			
Wiebe	1086		
Goertzen	1087		

**ORDERS OF THE DAY**

**GOVERNMENT BUSINESS**

**Second Readings**

Bill 4–The Provincial Court Amendment Act

Stefanson 1096

Questions

Swan 1097

Stefanson 1097

Debate

Swan 1098

Morley-Lecomte 1099

Lamoureux 1101

Bill 32–The Statutes Correction and Minor  
Amendments Act, 2017

Stefanson 1101

Questions

Swan 1102

Stefanson 1102

Lamoureux 1103

Gerrard 1104

Debate

Swan 1105

Gerrard 1109

Ewasko 1109

Bill 16–The Fatality Inquiries Amendment Act

Stefanson 1110

Questions

Swan 1111

Stefanson 1111

Gerrard 1112

Debate

Swan 1114

Lamoureux 1120

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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