

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*

Vol. LXX No. 44A - 10 a.m., Tuesday, April 25, 2017

ISSN 0542-5492

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
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CULLEN, Cliff, Hon.	Spruce Woods	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 25, 2017

The House met at 10 a.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.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Hon. Andrew Micklefield (Government House Leader): Madam Speaker, this morning I'd like to ask for leave to call Bill 215, The Civil Service Amendment Act.

Madam Speaker: Is there leave to consider second reading of Bill 215 this morning? [*Agreed*]

SECOND READINGS—PUBLIC BILLS

**Bill 215—The Civil Service Amendment Act
(Employment Preference for Reservists
with Active Service)**

Madam Speaker: Second reading, Bill 215, The Civil Service Amendment Act (Employment Preference for Reservists with Active Service).

Mr. Nic Curry (Kildonan): Madam Speaker, I move, seconded by the member for Southdale (Mr. Smith), that Bill 215, The Civil Service Amendment Act (Employment Preference for Reservists with Active Service), be now read a second time and be referred to a committee of the House—of this House.

Motion presented.

Mr. Curry: It is an honour to rise today on such an important matter. I rise to speak to Bill 215, The Civil Service Amendment Act (Employment Preference for Reservists with Active Service).

This bill corrects ambiguous language and affirms that members of the Canadian Armed Forces reserve who were on active service and continue to

serve in the reserve force ought to enjoy the same preferred hiring to the provincial civil service as currently prefer—that is currently enjoyed—excuse me—to other members of the military who have left the military.

Canadian soldiers, sailors and airpersons serve the people of Canada outside on a variety of roles whether it be missions to places like Afghanistan, whether it be to conflicts in Africa or in Europe that we are now experiencing, where many of my friends currently stand very close to the Russian border in operations to support our friends and allies in eastern Europe.

These members of the reserves often will augment their regular force operations and other international operations, but unfortunately, current language of The Civil Service Act does not extend to them the preferential hiring of veterans that they ought to deserve. Bill 215 affirms in plain language that a veteran serving the Canadian Armed Forces' Primary Reserve is recognized as a veteran when applying for any position within the provincial civil service.

Since before Confederation, ordinary citizens of Canada have joined militias in their communities and then have gone on to serve outside of Canada. Members of the Canadian Armed Forces reserve answer the call, become double volunteers, when they put their civilian lives on hold to serve outside of Canada on many operations for decades.

Furthermore, many regular force veterans who have served Canada—served outside of Canada multiple times can transfer to the reserve force, and suddenly, under the language of this current legislation, be no longer considered a veteran if they were to apply to the civil service. Their experience is a great benefit to the reserve force, but of course would be a great benefit to the provincial civil service if they were afforded the preferential hiring ability. Now this is not to say that they cannot find that employment otherwise, but ought to deserve the recognition and the ability to apply for veterans' preference that already exists if, say, they had left the military.

This year we celebrate 150 years of Confederation, and many Canadians understand a lot of

our identity through the service that many of us take on, especially members of this House, where we serve our province and serve our constituents. I myself am very happy to serve the good people of Kildonan from my home in Garden City up to the Perimeter and Riverbend, Rivergrove, through Kildonan Park, all the lovely places. Amongst many of my friends and neighbours in that area are veterans themselves. Many of them are veterans from many decades ago, and many of them are veterans from a few years ago, and many of them, also, were reservists. And their service should not be changed in any way when applying for the civil service—if we already have a preferential hiring.

And, again, my legislation does not change dramatically the way that we have our hiring in this province. It merely recognizes that when someone continues to serve with the reserves and does not leave the military, they still ought to be considered a veteran. This is an important way to recognize the role and value that veterans play, not just in the past, but in current and active service with organizations like the reserves.

One thing that's important to me, Madam Speaker, is that many people, especially when we consider our history as a nation, consider service through our family connections. I'm very happy that both my grandfathers speak, sometimes sparingly and sometimes 'volumously', especially my one grandfather before he passed away. Both chose to serve in the navy during the Second World War.

Now, neither of my grandfathers wanted a career in the navy, but they knew that it was their time to serve. They had had family members who had served and they'd taken up the calling. And this act of the citizen serving for a brief amount of time is, in many respects, how we can understand the modern reserves: people who will take time of their lives as teachers, as postal workers, or sometimes police, and who are able to then take that sacrifice and take the time away from family, from friends, from their area codes here in Canada and serve outside of Canada in a variety of roles. And this is something where, when they return to Canada, ought to be afforded the same principles that we have for other veterans.

And that this language has not been changed yet is something I'm very happy to bring to this chamber and that we can debate today to extend that preference to people who continue to serve with the reserves.

It's very important that we understand that this bill clearly states that a Primary Force reservist who has served outside of Canada can then make their application to preferential hiring without any prejudice or any conditions or any explanation outside of their record that they have to present if they had left the military as well. We're simply continuing that understanding that a veteran deserves to have an extra preference with hiring, not just because of some sake that it's an ideal thing that lawmakers decades ago said, well, I know some veterans and this would be nice. It's because we recognize that the service one does for our country and our military adds extra elements to one's ability for employment.

When—some of the many civilian jobs I've worked with, I've received compliments from employers who would say: Well, you reservists, you guys know how to wake up early; most of you don't talk back. Or at least the one job I had they said, oh, well, except for this one guy. And then they would speak to us, the few other reservists, and say, hey talk to this guy, you know, he's having some issues, and we were able to speak with him in our kind of maybe military language and he was to understand that the supervisor wasn't happy with some of his work. And after that—he's still employed at that one profession.

* (10:10)

I'm very happy that this congenial work that we have together as reservists is something that can then translate into the workplace. Many reservists will often find employment in the same places and are able to work better with each other because of past experience, because of shared language, shared culture. And that culture is something that we're happy to endorse as a benefit to our civil service. This is not just simply that it's some way that we can show preference for the sake of showing preference; this is understanding that veterans add an extra element—intangible qualities to employment—that is recognized across Canada. That is recognized in many other jurisdictions. It's recognized at the federal level that we receive a benefit when we have veterans apply to work in many fields of occupation, but especially to our civil service where they're essentially continuing this service on.

When I took my oath of office to become the MLA for Kildonan, it struck me as quite similar to my oath of office I took to become a soldier, and many other oaths of office that members from the

military will take when they move on to other professions—are things that are second nature to a soldier. This service above self, this ability to sacrifice time away from family that many veterans will do for sometimes up to years. The sacrificed time away from our communities—we're away from our rec leagues, we're away from just going down to the legion to watch a hockey game. These sacrifices are something that, in employment, is quite needed. Sometimes many of us have to spend time in this Chamber well past 5 p.m. once in a while. And I see a few people are awake to that comment here. I think a few people are still waking up to that.

But that sacrifice we put in where we're away from our families for that time, veterans understand the sacrifice because, for many of them, that sacrifice is second nature to their employment. It's second nature to many reservists, as well, who take time away from their ability to move forward in certain careers when they serve outside of Canada. They take time away from established positions.

A friend of mine had spent over 25 years in a certain role and had returned after service on operation and was told his job was no longer needed there. Well, this is something we do not want to have happen—that person's employment was rectified, but this is something where we need to recognize that, when people take this enormous task of serving outside of Canada, serving for our country's sake wherever our country needs it—this must be understood that there is not just a sake of rewarding these individuals, but recognizing that that adds extra ability, that this—that these individuals are able to return and have value added to whatever employment be. Where many of these members can work in highly stressful environments. And, again, this is something where it's hard to necessarily put that on resumes.

It's hard to necessarily say that all this time spent away from family, the sacrifice—you don't annotate that on your—at the back of your resume right after you put your hobbies and references. But, by having the veteran preference, it can have the understanding that this is something that is value added to our civil service. And, by extending that veterans' preference to people who actively serve in the reserves, what we're recognizing is that veterans can be many ways.

When I had first joined the army reserve, in many ways I didn't know exactly what I was getting into. But I found myself in a wonderful family of people where, when people were away outside of

Canada, we treated them well. We're sending care packages; we made sure that their families were continuing to be reached out to different events that we have within our regimental family, that they were not forgotten while their family was away. And this collegial family that we have through the military is something that adds again that sense of extra character that would be a great benefit to any employer. I'm very happy that this legislation—I expect we have great supports across all party lines, because this is not in any way a political issue, this is just rectifying some language that ought to have been corrected long ago.

Thank you, Madam Speaker.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence: first question to be asked by a member from another party; this is to be followed by a rotation between the parties. Each independent member may ask one question and no question or answer shall exceed 45 seconds.

Mr. Andrew Swan (Minto): I thank the member for Kildonan for bringing this bill forward this morning.

Could the member for Kildonan just confirm that active service in the bill means not just what people may first think of as a combat role, but also include peacekeeping duties that reservists may be included in, as well as humanitarian roles that reservists may be involved in.

Mr. Nic Curry (Kildonan): I'd like to thank my friend for the question.

So active service in this legislation refers to any service outside of Canada and international operations. This could be active service with, say, NATO, as was the combat mission in Afghanistan. This could be active service, however, with also NATO in the supporting missions that we have in Latvia and Poland. This could be a peace—or this could be a UN mission to places like Haiti where there was humanitarian effort where military members were sent to assist the civilian governments in Haiti, and so this is an operation—this is any operation that exists outside of Canada in support of our allies or in support of an international organization that is recognized within the current language.

Mr. Wab Kinew (Fort Rouge): And I'd also like to thank my colleague from Kildonan for bringing this forward here today.

I'm wondering if he can—you know, I think I've got the gist of what the legislative substance of this bill is, but I'm wondering if he can talk a little bit about the philosophy, if you will, or the ideals behind this.

Can he just explain to the House, why is it important that we have preferential treatment for veterans?

Mr. Curry: Again, I'd like to thank my friend across the way.

This preferential hiring for veterans is something that's existed for many years, and, again, it affirms that there are intangible qualities that veterans gain from their service outside of Canada. There are intangible elements that will enhance their ability to serve in other roles, in other employment, and in work and service to the civil service of Manitoba, these intangible qualities, again, only add value to their work.

And there's something that can't really be put on a resumé, can't really be put on their letterhead that they served outside of Canada and thus they have an extra sense of service or an extra ability for their oaths that they take, and so this preference is something that allows that preference to be done for them without the necessity of explaining it every time they apply for a job.

Mr. Scott Johnston (St. James): Can the member from Kildonan further explain to the House why he feels this bill is needed at this time?

Mr. Curry: And, again, I thank my friend for the question.

We have many missions and operations that are serving across this world, unfortunately. We had hoped for peace but we plan for the worst conditions, and many of our active members in both the regular force and reserve force are serving outside of Canada at this very moment. In fact, there are some friends of mine, and I'm sure I could use the modern magic of the Internet to chat with them while they're essentially on the front lines in eastern Europe and communicate with them about this legislation itself.

And their service is something that will continue. Unfortunately, we can only plan that this will—that these conflicts will continue. We must prepare to make sure that the veteran status is

recognized when these members return, not just from war but from any operation.

Mr. Swan: Now, as I'm learning on the Royal Winnipeg Senate, there is an entire language of the military that many of us civilians may not always be familiar with.

What is the minimum, then, to get preferential hiring with the civil service? Is it one tour of duty that would be considered the minimum standard for someone to then be able to take advantage of the proposed law?

Mr. Curry: Again, I thank my friend for the question.

In the current legislation, essentially one operational tour is the necessary component to be recognized as a veteran, but current language discusses that as either during an act of war, and so this could be domestically as well, as happened during the Second World War, where many active soldiers served here in Canada, but also it can include operations with international organizations like United Nations, like NATO.

The current legislation would call for essentially one of these so-called tours. In terms of duration, that does vary and that is not defined in the legislation, but one operation, whatever its duration, is essentially the necessary component to being recognized as a veteran in the current legislation.

Mr. Andrew Smith (Southdale): I'm wondering if the member for Kildonan (Mr. Curry) could explain what other jurisdictions currently offer the preferential treatment for military people in the hiring of civil servants.

Mr. Curry: Again, I thank my friend for the question.

Currently, a great example is the federal government of Canada has preferential hiring for veterans through their—for their civil service in positions across Canada. This is something where a very layered system of hiring for veterans exists at the federal level. There are provinces like New Brunswick who have something similar, provinces like Ontario. And, in terms of essentially having preferential hiring for veterans, each province deals in a unique way, but the overarching way that the federal government deals with preferential hire is the standard that many other jurisdictions look to.

* (10:20)

Mr. Kinew: Assuming this bill were to pass, can the member for Kildonan give us sort of what the lay of the land would be at that time? Which forms of military service, which military branches would be recognized in terms of employability and preferential considerations there?

Mr. Curry: I thank my friend for the question.

Important to note is that, within the current legislation, say for example an RCMP member who could have been deployed on a mission to Afghanistan to help support training for local police—they are recognized as being a person who has served outside of Canada on an international operation and would be afforded a similar preference to, say, a reservist from my own regiment, the Queen's Own Cameron Highlanders of Canada. Their—any service—or any, sorry, branch of service in the military is applied. This includes, of course, also, our rangers, this includes coast guard, and this includes anyone who falls under the Canadian Armed Forces umbrella, and a few other organizations such as the federal service branch and organizations as I mentioned—RCMP.

Mr. Johnston: Veterans often have gaps on their resumes due to long deployments and training outside of Canada. How will this bill assist veterans to find employment after extended deployment?

Mr. Curry: Again, I thank my friend for the question.

Something that can be perilous for especially young soldiers—young reservists—is when they have their resume and they're staring at them and, essentially, there's a two-year block where they were either training to go overseas, overseas, or returning from overseas. With this preferential hire, it is something that, essentially, they can add to their resume that validates that this service that they have done where they were working, say, a non-civilian-applicable job is something that is—should be not a detriment to their ability to be hired to the civil service. And, by having preferential hire extended to especially reservists, we can help extend that ability for having gainful employment despite having, perhaps, not the most substantive of resumes due to their service outside of Canada.

Mr. Swan: Madam Speaker, one of the things I've had the chance to speak about both inside this Chamber and outside with the member for Kildonan (Mr. Curry) and the member for St. Norbert

(Mr. Reyes) is how military units can attract more reservists to take up that service.

Can the member suggest, if this bill is to pass, is it his intention that it would simply be another tool that reserve units could use to try and attract and retain individuals, or does he see, as a private member who can't introduce a bill that spends money, is he going to be asking his government to assist with publicizing the fact that this law would now be in effect in Manitoba.

Mr. Curry: I'd like to thank my friend for the question.

And so this is something where, as my friend from Minto recognizes, recruitment and retention are sometimes problems with the Canadian Armed Forces. This is another element where many members, when being recruited, can be told about certain benefits. The education reimbursement program, one that I took advantage of—essentially a bursary program—is a tool that is helped to use—recruit some reservists. And this is another element when people are joining the military, say, at age 18 and asking sometimes those questions, what happens after the military? This is something that recruiters can, perhaps, tell to them when they're doing it.

In terms of public education, it starts with many of us here. My friend and I from Minto frequent Minto armouries, and I know I will be working through those organizations to spread the information around as well.

Mr. Smith: Could the member from Kildonan explain to us, you know, that many members of the Canadian Armed Forces are subject to discrimination because of their service and occupation that do not innately translate to the civilian world.

How does this bill assist veterans in a transition to the military to civilian life?

Mr. Curry: I thank my friend for the question.

Friends of mine who have served outside of Canada often will put reservist on their resume, and there's never any easy way of putting it, but sometimes this is the first way that an employer can get rid of that resume by saying, simply, they don't want to hire soldiers because of certain biases that maybe people have. This is something where the civil service of Manitoba already has the preferential hire for veterans. By extending that to reservists, we give an element to reservists who have served outside of Canada another means to not have bias

against their resume but, instead, the opposite, to affirm that, by having service outside of Canada, that their resume is even better and that they're even more employable within the civil service.

Madam Speaker: The time for questions has expired.

Debate

Madam Speaker: Debate is open.

Mr. Andrew Swan (Minto): I thank the member for Kildonan (Mr. Curry) for bringing this bill forward, and I am pleased to put some words on the record about it.

As the member has stated, The Civil Service Act right now does have provisions which provides employment preference to veterans involved in active service. This bill would extend that preference to include reservists within the Canadian Forces who've been in active service outside of Canada, and as the member has confirmed that service may take any one of a different number of forms. That could be a more traditional combat role that reservists are involved in. It could also be a peacekeeping role which has been a big part of Canada's history. It could also be a humanitarian mission, as well, that would satisfy this. The member has confirmed that it would be one tour of duty that would be the minimum standard for someone to then receive the preferential hiring preference.

Now, this does carry on. It's a good next step, I do believe, to recognizing the service that individuals put in whether they are in the regular forces or they choose to serve in a reserve unit. And, as I had put on the record just a few minutes ago, I was the recipient of a Senate appointment I could be proud of, and that was to become a member of the regimental senate of the Royal Winnipeg Rifles which is a unit here in Manitoba which trains out of Minto armouries in the West End and which has a proud history going back more than 100 years.

Like many regiments in the Canadian military, they have excess capacity. They could have more Manitobans and more Canadians joining the reserve units. Those units are mandated to have a larger number of people than they now do, and I know the Rifles, like many other organizations, would be more than happy to have more good women and men stepping up to become part of those organizations. And it's our hope that this bill will pass on to committee and become the law of the province of Manitoba. And it will then be something that

recruiters can use, something that other supportive members can use their own spheres of influence to try and spread. And I'm hoping, as well, the government would take some steps to make it clear that Manitoba is a province that has always been at the forefront of providing more recognition for those who do serve our country, again, whether it's in the regular force or in the reserves.

Several years ago, we changed the employment standards act to protect reservists' employment. Until then, it was up to reservists to cut their own deal with their employer. And, even though most employers were quite prepared to let their employees go off on their own time—evenings, weekends, using their holiday time in the summer or even sometimes, for some of the winter exercises, in the winter—it became far more difficult when those same reservists were called upon to go to various places where the Canadian military is engaged. And most employers, I do believe, were quite prepared to make allowances and find ways to let that happen. Unfortunately, that wasn't the case for all employers. And so it was felt, with the agreement of many good employers as well those serving in the reserves, that it made sense to formally protect that employment under the employment standards act, to provide that if somebody was sent off—in some cases to places like Afghanistan or Bosnia, sometimes for a tour that might be three or four or six months in duration—that their employment would be protected. And it is important to note that all parties in this Legislature supported that extension of the employment standards act, and that is a good thing.

Now, one of the things when I was the minister for Competitiveness, Training and Trade—you might not think that has many connections to what the military does, but it did in two main areas. One of the things I was very proud of was the population growth that we enjoyed in the province of Manitoba, which we hope will continue. And one of the surprising things I used to tell people in the military was that the province of Manitoba really, really wanted them to stay. Many military personnel, mostly in the regular forces, but possibly in the reserves, as well, do travel from place to place. For a military family it's not unusual to have 10 or 15 postings in the course of a career. And I was very proud on behalf of the people of Manitoba to remind people serving in the military that we appreciate their service and want them to stay in Manitoba whether they are from British Columbia or New Brunswick or Nova Scotia, when their service to the military ends we want them

to know there's a place for them to stay right here in Manitoba: reasonable house prices, a wonderful summer—if a somewhat bracing winter climate; there's all kinds of reasons why we would want people to stay here. And sometimes that was the first time they'd ever heard a provincial politician telling them that their province wanted them to stay, and I hope that is something that's going to be carried on by the current military envoy and the member for Kildonan (Mr. Curry). I'm quite hopeful that will be the case.

* (10:30)

The other thing that we were able to do was to move the goal posts on recognizing the trades which are learned by many individuals in the military. Someone might be a military electrician—they might have very, very specific and very useful skills, but that didn't always translate to being able to be certified as a Red Seal electrician when they finish their military service.

And as we all know, there is a shortage of tradespeople—whether it's electricians or carpenters—anyone who has a trade. And one of the things that I was very proud of is working with the military and with the apprenticeship branch to do a better job of recognizing those trades so that when people come out of the military, it is—again—one more reason for them to stay right here in the province of Manitoba.

And this bill goes another step along recognizing the work that—and the value that we place on individuals who are prepared to serve, whether in the regular service or in the reserves. And it is not only a way we can show appreciation, but another way that we can grow Manitoba's economy. I think we can all agree that, if somebody has the discipline and the respect that's necessary to get through training, to be part of a regimental family, that is likely something that will serve that individual in good stead if they seek a job in the public service. And we certainly accept that, and we agree that this is something we should do.

Sometimes it seemed like the relationship with the military was trying to just take down the obstacles, and I know that we experienced that when the protocol for driver's licences became more and more difficult, something which Manitoba Public Insurance was required to take on so that our MPI driver's licences are effective not just across Canada, but also in the United States. And that increased some of the obligations on someone applying for a licence to prove their identity.

And, unfortunately, some of those changes which were forced by events across the border wound up being a hardship for those serving in the military, and someone newly arrived here from Borden or from Cold Lake would find themselves faced with an application which required them to get someone who's known them for at least two years to certify who they are. And if you've just shipped in from Cold Lake, you might not have somebody available to be able to do that. We listened to what military people had to say and we changed that to provide that, indeed, your commanding officer could certify that you are indeed who you say you are, and get that driver's licence.

Another area—and, Madam Speaker, the area that you represent—has a number of people serving in the military. I grew up in St. James, as did the member for St. James (Mr. Johnston), and we know there's a lot of military families.

One of the biggest frustrations for families when they arrive in Manitoba is finding a family physician. And maybe not such a big deal for the active member, but certainly a big deal for the rest of the family—again, moving, finding their feet in a new place. And one of the things we were able to do was to work with Manitoba Health and Manitoba doctors to provide that any military family coming into Manitoba would have access to a family doctor.

Now, that—in many cases—was not a great obstacle, because if one military family is moving in, many times it means that one military family is moving out. And it just take—took co-ordination to make sure that doctors would hold those places just to make it a little bit easier for people starting their life in Manitoba and, hopefully, something that we believe will lead to them remaining in Manitoba after their military service is done.

So I do thank the member for Kildonan for bringing this bill forward. This is a way to provide some additional appreciation of those serving in the reserves. We recognize, then, that if they do have an active tour of duty outside of Canada, they will receive preferential treatment when it comes to applying for a job in the civil service. It goes with the respect that my colleagues and I have for our civil servants, and it goes along well with the respect that my colleagues and I—and I believe all colleagues in this House—have with respect to those who put their leisure time aside—and sometimes put their work time aside—to serve our country in the reserves.

So we are prepared to see this bill go on to committee. Hopefully, that will happen in May, and I look forward to hearing, perhaps, from some Manitobans in committee who may have more details they would like to tell us.

So thank you very much, Madam Speaker.

Ms. Cindy Lamoureux (Burrows): It's nice to stand today and put some words on the record on Bill 215, The Civil Service Amendment Act. Enhancing legislation for veterans is something that we are happy to support.

Reservists are Manitobans that provide service to our province and our country. They give their time for the betterment of our greater community. Reservists also play a crucial role in ensuring that our national security is not compromised. They take risks when they join the reservist ranks in the military, and their dedication deserves recognition.

Reservists are also oftentimes veterans of the Canadian Forces. They join the reservist ranks for a variety of reasons, and their active service with the Canadian Armed Forces should not go unrecognized.

The current wording of The Civil Service Amendment Act does not allow such members to be given preference for employment in provincial civil service. This change would allow for fair treatment of our veterans who deserve this continued recognition when they join reservists.

I'd like to thank the member from Kildonan for bringing this bill forth, and we're happy to support it.

Thank you, Madam Speaker.

Madam Speaker: Are there any further members to speak on debate?

Is the House ready for the question?

Some Honourable Members: Question.

Madam Speaker: The question before the House is second reading of Bill 215, The Civil Service Amendment Act (Employment Preference for Reservists with Active Service).

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

I declare the motion carried.

Hon. Andrew Micklefield (Government House Leader): Madam Speaker, I'm wondering if you

could canvass the House to see if we can call it 11 o'clock.

Madam Speaker: Is there leave to call it 11 o'clock? *[Agreed]*

House Business

Mr. Micklefield: Pursuant to rule 33(7), I am announcing that the private member's resolution to be considered on the next Tuesday of private members' business will be one put forward by the honourable member for Kildonan (Mr. Curry). The title of the resolution is Promotion of E-waste Disposal Recycling.

Madam Speaker: Pursuant to rule 33(7), it has been announced by the honourable Government House Leader that the private member's resolution to be considered on the next Tuesday of private members' business will be one put forward by the honourable member for Kildonan. The title of the resolution is Promotion of E-waste Disposal Recycling.

* * *

Mr. Micklefield: Madam Speaker, would you please canvass the House to see if there is leave to move the Estimates for Education and Training into room 255 and the Estimates for Health, Seniors and Active Living into the Chamber, with this change to apply permanently for this session?

Madam Speaker: Is there leave to move the Estimates for Education and Training into room 255 and the Estimates for Health, Seniors and Active Living into the Chamber, with this change to apply permanently for this session? *[Agreed]*

RESOLUTIONS

Res. 10—Asserting Copyright for Victims of Child Abuse

Madam Speaker: The hour is now 11 a.m. and time for private members' resolutions. The resolution before us this morning is the resolution on Asserting Copyright for Victims of Child Abuse, brought forward by the honourable member for Transcona.

Mr. Blair Yakimoski (Transcona): I move, seconded by the member from Seine River,

WHEREAS copyright law in Canada is a matter of federal jurisdiction; and

WHEREAS at present, those who produce illegal content such as child pornography or voyeuristic images and videos are considered to be the author

and owner of this material for copyright purposes; and

WHEREAS this material is illegal in nature, and it can be reasonably assumed that an individual was abused or victimized to produce it; and

WHEREAS victims should be empowered to assert their rights to stop the reproduction and publication of content, to recover costs and obtain damages associated with the infringement of copyright; and

WHEREAS the Provincial and Federal Governments can work together in partnership to ensure that the rights of victims are strengthened.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the federal government to change relevant sections of the Criminal Code and Canadian copyright law to ensure that victims of the creation of illegal content have copyright to that material.

Motion presented.

* (10:40)

Mr. Yakimoski: Imagine, if you will, colleagues, you're in your mid-20s—or 30s, perhaps—walking around The Forks on a beautiful summer day here in Winnipeg. A rare day, perhaps, in your life that you feel good enough about yourself and your life to head out and enjoy being alive. You're approached by an unfamiliar person who simply says: hello, you look familiar. Have we met before?

Those simple, seemingly innocuous words set off alarm bells in your brain. They take you to that area of your conscious mind that you so valiantly try to suppress; the time in your life where the person you trusted betrayed that trust in the most heinous manner imaginable. That time a person you knew sexually abused you in your childhood, in your home, recorded it and told you that, if you told anybody about it, you would die. Or worse. What could be worse? In your mind, at that time, dying may have been a much easier than watching, perhaps, your brother or sister or another loved one go through the same hell.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

Victims of child abuse imagery go through life always wondering who has seen those pictures. Wondering: do they know what I did? Do they think I'm dirty? They're going to tell someone I know, perhaps my family, perhaps my friends, perhaps my boss.

That is why I seek unanimous consent from this House for my resolution that we work with the federal government to amend copyright law so the innocent victims of sexual—child sexual abuse imagery can gain the ownership of said material and be able to empower them to add this as a tool in their arsenal to have the material removed from distribution.

Copyright law allows for the ownership of any material that's produced to happen at the click of a shutter. Whether you're behind the camera or you're drawing something, you own that copyright law. This legislation—or, this resolution to work with the federal government as copyright law as a federal jurisdiction—would transfer that ownership to the victim.

There can be no doubt that all of us in this Chamber and society as a whole, agree on the horrific nature of this crime and the need for all of us to help the victims—those most vulnerable children who have survived the trauma, who as adults struggle to hold their job, maintain a relationship, and who struggle to find worth in themselves and trust in those who love them.

The Canadian Centre for Child Protection is an amazing organization here in our city which was born out of a tragedy and the strength of a mother's love and continues to do ground-breaking work in protecting children from sexual exploitation, and education and creating awareness with the public, and lobbying government to work to enact policy for the most vulnerable in society. I am proud to have worked with them to bring this to the Chamber today. It is with their support and direction that I am here today advocating for the most vulnerable with this resolution.

Despite its egregious nature, and with the advent of the Internet, child pornography—or, more correctly, imagery of disturbing child abuse—continues to flourish online. Its harm to society and the victim are well documented. The harm to their—the harm to the victims during the abuse is obvious, but the harm is ongoing. It is said their past is their present. One victim in a series of online images, referred to as Amy, she has said in her victim's statement that as the realization of the spread of images globally of her abuse spreads, it gets clearer as she gets older of the feeling of being powerless to do anything, feeling that at any moment, anywhere, someone is looking at pictures of me as little girl being abused by my uncle, and is getting some kind

of sick enjoyment from it. It's like I'm being abused over and over again.

The assertion of Amy's ownership of copyright of her image will not stop this growing problem, but it can help Amy and others with the ability to use these rights to stop reproduction and publication of this content and get it removed through a notice and takedown regime, and to take legal action to obtain damages associated with infringement of copyright.

In my discussions with people regarding this issue, many ask, isn't child pornography illegal? In Canada, of course it is. But there is—there are many countries that also have legislation against child pornography. But globally, there are still countries without legislation for this. In jurisdictions where laws are less stringent, there are distributors who are distributing online images without fear of the law.

Copyright law, although is much more readily accepted globally, and with a lower burden of proof and the potential for the copyright holder to seek monetary damages making the removal of the image in a timely manner more likely.

According to the Canadian Centre for Child Protection statistics, 78 per cent of victims are below 12 years old, 63 per cent of those appear to be younger than eight years old, 80 per cent appear to be girls and 50 per cent of the images depict a sexual assault. These are sobering numbers, and the stories of the victims are difficult to read.

I spent the weekend reading the stories and stats and was thankful to have a loving family to hold close. There were times my daughter saw my struggle with the material and said, Dad you need a hug.

But many of the innocent victims were victimized by their family, and now find the trust of others difficult. Although much Internet content of this kind may be originating from outside our borders, Canada is not immune to having distributors in our midst as evident in the Project Spade international investigation from 2013, which began from reports of—from cybertip here—dot c-a—here in Winnipeg and ended up including 50 countries, 350 arrested and 386 children rescued.

Will this eliminate child abuse imagery? I'm not foolish enough to believe that. It will put in a dent. But the Canadian Centre for Child Protection has recently launched Project Arachnid, which is a web crawler which began scanning the Internet, and in its first six weeks processed over 230 million web

pages, detected 5.1 million unique web pages hosting child sexual abuse material, detected 40,000 unique child abuse images. It is an automated system that crawls links on sites previously reported to cybertip that contain sexual child abuse material and detects where these images are publicly available if it's—the content is detected, a notice is sent to the provider and the request to removal.

It was created to help those same victims that this resolution will benefit. Those who deal with the knowledge of their image being shared and potentially viewed, it locates them, contacts the ISP and law enforcement to work to remove the images.

We hope victims of these actions are able to move forward with their lives and healing. But that doesn't come by avoiding the past. It requires therapy and acknowledgement of what happened, and the ability to seek damages through this change of copyright law can help them access help in leaving the past in the past.

I also hope there can be more use of The Justice for Victims of Child Pornography Act, which was brought forward in 2013 by our now Minister of Health. This would allow the provincial government to sue in civil court individuals who have been involved in creating, processing, accessing or distributing child pornography, and the monies received would go directly to the victims where they are known, and victims are unknown, it will assist other victims of child pornography.

I want to thank the Canadian Centre for Child Protection and all those who've given me support and advice throughout this process.

In closing, I would like to thank all members for their time and consideration, and I hope that we can bring this to a vote and all support this resolution moving forward. I look forward to working with members here in the House, as well as our federal counterparts, to help those in society whose victimization continues to have profound effects in their day-to-day life and give them tools to work towards healing, and to help Canada become a global leader in tackling the fight against online child sexual abuse and exploitation.

Thank you, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: A question period up to 10 minutes will be held, and questions may be addressed in the following sequence: the first

question may be asked by a member from another party; any subsequent questions must follow in a rotation between parties. Each independent member may ask one question and no questions or answers shall exceed 45 seconds.

* (10:50)

Mr. Andrew Swan (Minto): I thank the member for Transcona for bringing this forward.

The member, in his resolution, acknowledges this is a federal matter. Has he had conversations with the Minister of Justice (Mrs. Stefanson), and does he expect that—if this resolution was to be passed—will the Minister of Justice take this up at the minister's meeting?

Mr. Blair Yakimoski (Transcona): I thank the member opposite for the question.

The Minister of Justice is aware of this resolution and there have been some discussions regarding it. The idea of bringing it forward to the federal justice meetings, I think, would probably be a great idea if that's the next level that has to be moved forward to move this towards removing it, as it is a federal jurisdiction.

Mr. Swan: And, of course, the member's resolution calls for changes to the federal criminal code, but also changes to copyright law, which maybe none of us are that familiar with.

Can the member just elaborate a bit more: How would this bill—or, how would this resolution propose changing copyright law to ensure victims of the creation of illegal content would then have ownership rights to that material?

Mr. Yakimoski: I thank the member for the question.

Your background—the honourable member from Minto—his background perhaps—maybe has a little bit more experience with copyright. I know, myself, I had some experience with copyright law in my previous business. This would hopefully simply transfer the ownership of the material produced to the victim of child abuse. So that victim then has the right to insist that material is removed from either a website or from a person's computer. We know that quite often it's illegal, and when law—

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

Mr. James Teitsma (Radisson): Can the member for Transcona talk about why partnering with our federal government is so necessary for making these changes?

Mr. Yakimoski: Thank you to the—my colleague for the question.

I think it's important to work with the federal government on this. It's a great opportunity for our government to work with the—our federal counterparts in empowering the victims, those most vulnerable in society, for a very, very important change that can help change their lives.

Mr. Swan: As I expect the member for Transcona is as well, I'm a big fan of the Canadian Centre for Child Protection, which is headquartered, of course, right here in Winnipeg, Manitoba, which I think makes every member of this House quite proud.

I have been following some of the press releases and the other information that the centre has been putting out. Does this resolution come from a particular action or resolution, or some statement from the centre?

Mr. Yakimoski: Thank you to the member for Minto.

Yes, it does. I first became aware of this idea—we read in this job, we try to consume material so we're—have more knowledge. And the Canadian Centre for Child Protection put out a piece of literature called the federal action plan to protect Canada's children. And within there, they have an actual action plan.

Action plan No. 8 is actually equipping victims with an additional tool: asserting copyright. So they're very aware of this. This is—comes from them. When I read that it was copyright, and because of my history in the past, I thought this is a great idea that I think I can—

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

Ms. Janice Morley-Lecomte (Seine River): Can the member talk about how the difference between criminal and civil law would play a role in this legislation?

Mr. Yakimoski: Thank you to the member from Seine River.

Criminal law—we know child pornography is illegal, but to lay criminal charges in a case like this, you'd have to engage law enforcement and then engage government—or, the Crown—to lay charges. In

many jurisdictions, law enforcement will not cooperate with a Canadian criminal law. So copyright, having a lesser burden of proof, a copyright law or civil law, is much more globally recognized. So the victims can use that much easier to have the items removed from the Internet.

Hon. Jon Gerrard (River Heights): Mr. Speaker, my question relates to framing the content as illegal, and that's obviously very critical for this whole resolution. You mentioned just a moment ago, quite often the material is illegal. Maybe you could go in a little bit more definition in terms of illegal. Would this apply to any material anywhere which is illegal or just the child pornography, for example?

Mr. Yakimoski: I thank the member for the question.

At this point, I'm simply dealing with the victims of child pornography where that content is legal, and that is clearly defined here in Canada. As to which images are illegal and which images are not, it really comes down to the context of the images. So, when it comes to this resolution I shall not ruminate on other sorts of illegal things. I just want to refer to things that are clearly defined within Canadian legislation of criminal child abuse images.

Mr. Swan: I want to ask a question sort of along those lines, and I appreciate the member for Transcona (Mr. Yakimoski). For all of us it is sometimes frustrating trying to understand that an image that might generated here in Canada, then is transmitted outside of Canada's borders. We know how the Canadian criminal law can deal with those living in Canada, but can the member just help us out? How would Canadian copyright law help a Canadian victim with images that might be—being shared in Europe or South America or the United States?

Mr. Yakimoski: Thank you to the member for Minto (Mr. Swan) for that terrific question.

As I'd stated before, and I would like to know more about this, from what I understand and the advice that I've been given, copyright law is globally accepted. Copyrights in other countries or Canadian copyrights in other countries are honoured, and the distributors could be assessed punitive punishments, dollar amounts, that could impact their bottom line. The reality of it, if it'll impact their bottom line, is it worth it for them to leave that content up? In my opinion, I believe, with copyright law, they would be—

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

Mr. Teitsma: As I'm sure the member for Transcona and all those assembled here in this House know, it's very important to me to protect our children and youth from sexual explicit imagery online, as the resolution I brought forward earlier talked about. I'd just like the member for Transcona to give us a little bit of insight as to why it's important to him, why this is important to him to stand up for victims of child abuse and to stand against child pornography.

Mr. Yakimoski: Thank you to the member from— from Radisson for this.

Child abuse hurts the victims. Child abuse hurts society. I have an opportunity, we all have an opportunity, to make society better. I think in this job we have to stand up for those people that we can help. I've been fortunate. I have a wonderful family, a wonderful supportive family, a wife and children. As I read about some of the stories of those that are abused, I find it a very difficult read—

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

Mr. Swan: Of course, I expect many members of this House are familiar with the work of the Canadian Centre for Child Protection, which has a kit to actually assist those who find they may have intimate images that are out on the Internet.

* (11:00)

Now, again, I don't think either the member for Transcona or myself or anybody else in this House are really that familiar with copyright law.

Has the member pursued or found information on how does the identity of the copyright owner, who'd be a youth who has inappropriate images out there, how would that be maintained as private information, or is there a risk that by coming to assert that copyright, a youth would then have to be exposed to somebody whose images are out there?

Mr. Yakimoski: Excellent question by the member for Minto. That's part of the details of moving forward on this.

I do know that this isn't a simple, easy solution. In the United States, one of the people viewed online in the series of Misty [*phonetic*], Amy was able to gain copyright ownership of her images from her uncle, who was her abuser. He agreed to transfer the images over. But, unfortunately, for her to own the

copyright for them, she needed those images, and those images were held by the FBI who would not release those images.

So, for Amy to get copyright ownership of that, the hoops that she was trying to jump through were difficult because she couldn't gain the images from law enforcement. In the end, it was agreed that verbal or written descriptions of—

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

The time for question period has expired.

Debate

Mr. Deputy Speaker: The debate is open, any speakers?

Mr. Andrew Swan (Minto): It's a pleasure to speak to the resolution of the member for Transcona (Mr. Yakimoski) this morning, which is an attempt to deal with what I think we can all agree is a very difficult and challenging problem with great impact on young people in our society in general.

I was very pleased when I asked the member that he has, indeed, looked at the research that's done by the Canadian Centre for Child Protection. That organization has a very, very strong connection to Winnipeg because of the strong individuals who got the organization going, but also the support that the Manitoba government has provided to that organization over the past many years. And the centre has become, frankly, the world leader at many measures to try and stop the distribution of child pornography on the Internet, trying to protect and locate missing children and trying to prevent the abuse of children in the first place.

And the issue at the heart of this resolution is agreed, I think, by every member of this Legislature to be a serious one. And I'm looking at a news release, actually, that the Centre for Child Protection put out last year which the member referred to a little bit in his comments. The report put out by the centre, called *Child Sexual Abuse Images on the Internet: A Cybertip.ca Analysis*, was based on the review of close to 152,000 reports that the centre received. If somebody anywhere in the world sees an inappropriate image on the Internet which involves a child, they can connect to Cybertip.ca right here in Winnipeg. And that organization, through the centre, then communicates with law enforcement. They communicate with the owners of servers. They

communicate with others to try and get those images taken down and taken down as quickly as possible.

This report examined almost 44,000 unique images and videos classified as child pornography, and as the member has stated, nearly 80 per cent of the images assessed by Cybertip.ca depicted very young, prepubescent children under 12 years of age with the majority of those being under the age of 8, and nearly 7 per cent were babies or toddlers. Most concerning, as the centre has said, was the severe abuse depicted. Mr. Deputy Speaker, 50 per cent of all images showed explicit sexual activity and assault and almost 70 per cent of the images appeared to have been taken within a home setting. Those statistics and that information, I think, is shocking to each one of us in this Legislature. And why there has been a great deal of work done, and yet a great deal of work yet to do to try to make sure that these images aren't created in the first place, but when they are that there is a means and a measure to have them taken down.

The relationship of the Manitoba government with the Canadian Centre for Child Protection is a long one and I would say it's a proud one. It was the Province of Manitoba that stepped up more than a decade ago to assist the centre to get Cybertip.ca working. And, of course, there have been not just the sobering statistics that I put on the record, but there have been successes not just in taking down inappropriate images, but, also, in some cases being able to track the source of the inappropriate images and in some cases even rescuing children from situations where they're being abused. Because of the nature of the way that these images are shared that's not always possible, as law enforcement will tell us. But protecting a child, certainly, has to be the most important thing that we can do.

Just back in 2013, the Manitoba government strengthened our partnership with the Canadian Centre for Child Protection in a number of different ways, developing further resources for students because, as we all have to keep telling our own children and other young people we come in contact with, once an image is sent on the Internet, it could be out there forever.

And perhaps young people who get involved in Snapchat—I've got two daughters who love Snapchatting, and of course, when they first went on Snapchat they said, well, Dad, it's cool, it's okay, because you sent a Snapchat picture and then it's—it disappears in six seconds. And you will hear people—

young people say that. Snapchat's safe, it's fun, I'm just sending it to a friend of mine. Well, the challenge is that a Snapchat image or a short video can actually then be saved by the person who receives it and then distributed as they think appropriate and, although in most cases it would be harmless, and in fact that image would disappear after a few seconds, unfortunate it's not always the case.

That's why we worked to fight revenge porn or sexting coercion by bringing in laws to allow victims to pursue legal action and sue for damages in civil court and also helping people resolve the matter out of court or contact police to pursue potential criminal charges.

Manitobans who face non-consensual distribution of intimate images, whether they're a youth or not, can now have those intimate images removed from social media if there is a Manitoba connection. There's more advice to help contact individuals or their parents to remove and delete these images, again, education to help students better understand the dangers of sharing intimate images and facilitating the transfer of the case to police where appropriate, but I don't want to pretend that that has ended the problem. This work and these investments are only a start.

We want every student in Manitoba to have the knowledge and the protection to try to stop these things from happening. Unfortunately, many of the cases that the member, I believe, was talking about and I'm talking about today are children who are much younger, where it's not even an adolescent who sends off an inappropriate picture to their boyfriend or their girlfriend or to somebody else; it's younger victims who really don't have the ability to stop the abuse from happening. And, as the member has acknowledged, it is sometimes frustrating in the Manitoba Legislature that some things that we would like to have happen can't simply happen by the 57 of us, even often standing together to get something done. And, in this case, I think the member has highlighted the challenges in the situation which requires not only a change to the Criminal Code of Canada, but also requires changes to copyright law, and that's why I mentioned in my question that we would hope to have the Minister of Justice (Mrs. Stefanson) for Manitoba, if this resolution is to pass, or arguably even if it doesn't, to go to the next meeting of the federal, provincial and territorial justice minister's meeting and put this on the agenda.

Sometimes good ideas can take a long time to work their way through the system, and what is even more complicated is that this would require a change to federal copyright law, and I can tell you, Mr. Deputy Speaker, I had the experience, as the Justice minister for five years, of having, in some cases, despite the rhetoric that's sometimes thrown around and despite what other people may say, having a Justice minister who was interested in certain issues. And I remember raising one issue at federal-provincial-territorial meetings that would improve family law in Manitoba, and Ontario and Prince Edward Island were two other provinces with exactly the same problem. They were entirely supportive, the federal Justice minister was very supportive, we agreed on what should happen and what should happen is I needed the federal Justice minister to then speak to the Industry minister to make a change to the bankruptcy act. That was, I believe, five years ago, even having a Justice minister federally who was engaged, and the file just sat there because the Industry minister found a request to assist a couple of provinces with a family law problem was not seen as a priority.

I would hope that the federal government would have more interest now in dealing with this. I do fear the industry minister would not give the top priority to a request coming over from the Justice minister, but that's not something the member for Transcona (Mr. Yakimoski) can fix today.

* (11:10)

Let me just say that we do stand as one, I believe, to do what we can to try to protect children from being exploited, to protect children from being abused. We do stand together on trying to find better ways and better tools to help those—and the parents and guardians of those who may have inappropriate images—to get those images back, or get those images taken down.

There are some interesting ideas and I will—I'm very pleased the member for Transcona talked about the Centre for Child Protection federal action plan. That is very helpful, and I'm sure we'll be having some more discussions about this as we move forward.

So this is a serious issue, one that I think this Legislature should certainly take seriously. And, again, it's not a matter where we can stand together today and get a result. We know it's going to be, potentially, a frustrating process to get the federal government and all of its departments on side.

So, with those words, Mr. Deputy Speaker, I thank the member for Transcona for bringing this forward and for allowing us to have what I think is an important debate today. Thank you.

Mr. James Teitsma (Radisson): I'm grateful for the opportunity to speak to the member for Transcona's (Mr. Yakimoski) resolution. I think it's an important one, and I think it's one, that I'm glad to hear from the member for Minto (Mr. Swan), that unites us; something that we can all get behind.

He mentioned, and I will mention again, that the Canadian Centre for Child Protection is based here in Winnipeg, and that's something we are justifiably proud of as Manitobans—as Winnipeggers, many of us. But, as Manitobans, we should be proud that so much of the work that's being done in Canada—and, in fact, around the world—in standing up for victims of child abuse—for victims of child pornography, is based right here in Winnipeg. It's difficult work that they do, and I think we should always remember that, that I don't think many of us could do that work for as long as some of them have been engaged in it.

It's mentally taxing, it's emotionally draining. Even just in the discussion that we had today and some of the statistics that the member for Minto brought forward, some of the comments that the member for Transcona made, it hits you. It hits you in the heart and it's difficult to imagine. You don't even want to imagine it. It's difficult to deal with.

And I think this is where we, as a legislature, stand united. It shouldn't be a surprise that this resolution comes forward in the Manitoba Legislature. I understand it's a federal issue but, at the same time, with the Canadian Centre for Child Protection based here in Winnipeg, of all the legislatures in Canada, which one should be speaking in favour of this? Which one should be sending a strong message to Ottawa to hear above the hue and cry that they deal with from across the country to say that this is a priority; these victims need our support?

And it's important, obviously, to protect our children and to prevent sexual exploitation but, at the same time, we also need to have an appropriate response—an appropriate and supportive response to people who have been victimized—to those who have suffered—and that we can get justice for them. And I think that's really the focus of the resolution and what we're asking the federal government to do.

I will acknowledge, with the member for Minto, that changing copyright law is going to be difficult.

It's an arduous process, and it can be frustrating. He related for himself his frustration with seeing, you know, a bill that—a move that could have been beneficial now not having happened for five years.

And that's why I think it's important for us to not be part of that legislative block; to make sure that we, as the 57 legislatures—legislators here in Manitoba, that we're prepared to act. We're prepared to send that message to Ottawa. We're prepared to make this a priority and we're prepared to bring this to a vote, to all come together and to be supportive of this resolution.

I notice that a number of people are filling the gallery. I'm not sure why they're here, I hope they're here to hear about this important resolution that we're bringing forward right now. It's—it was a little bit ahead of time, so—such as the legislative—the way the clock works in this Legislature. Apparently it was 11 o'clock at 10:37, and that might confuse anybody outside this Chamber, but, hopefully, it doesn't cause too many problems for the rest of us.

In any case, I do want to continue to talk about the work that the Canadian Centre for Child Protection is doing and the requests that they're making of us. They're asking us to send a strong message to Ottawa. They're asking us to enable victims, to give them supports, to give them tools to take back copyright of the images that were produced, often without their consent.

Certainly their consent can't be given, given their age, with these young victims, and so that they'll be able to assert their rights, that they'll be able to, then, use other methods, methods that are more globally accepted, that they'll be able to get damages brought against those who are not only profiting from the—or, sorry—creating the imagery in the first place, but also those who might be profiting from it, those who might be distributing it.

These are illegal activities, but we also have to recognize that even in Canada, and certainly in many places in this world, we do not see justice coming out of our courts sometimes, and that's a very frustrating and disappointing thing.

I think it's incumbent on us as government to protect our most vulnerable and one of the ways that we do that is by ensuring that they can obtain justice. If they can't obtain justice, then we have to ask ourselves what are we doing as legislators, what are we doing as courts, as judges, as lawyers if we've created a system where they can't get justice.

And so often when we work through our courts and we see the way the courts are working, sometimes the process itself is a punishment and, unfortunately, that punishment is not exclusively reserved for the person defending themselves who, you know, may or may not be guilty of the crime of which they've been accused, but often it's a punishment. It's a trial for the victims themselves.

So I'm optimistic that by—*[interjection]* I'm optimistic that by bringing forward this legislation—or this resolution, rather—we will be able to encourage our federal government to take action. We can thereby give better supports to those victims of child pornography and to allow the Canadian Centre for Child Protection to continue to grow, to continue to expand, to continue to do the excellent work that they're doing and to do so more productively, more—with greater effect that they're able to shut down these kinds of activities and these kinds of websites more quickly, that they're able to get better co-operation from providers around the world and that we can stop this tide that has been growing.

So I encourage us all. I believe we are united, but that unity needs to now be expressed. It needs to be expressed in a way that shows us standing up together and sending that message to Ottawa together and bringing this important resolution to a vote.

Thank you, Mr. Deputy Speaker.

Hon. Jon Gerrard (River Heights): Just a few comments on this important resolution.

I want to thank the member for Transcona (Mr. Yakimoski) for bringing this forward. Efforts to reduce child pornography and to reduce its impact are important, and efforts which prioritize the rights of the victims and help them to deal with what can be an extraordinary difficult situation are certainly worthwhile.

It is good to see that the member for Transcona has been in discussions with people at the child protection centre and it would appear from the conversation to date that there is general support, and I am offering on behalf of the Liberal party our support in terms of this resolution.

I want to make some specific comments about the resolution as it's brought forward and some specific suggestions for the member for Transcona.

* (11:20)

The resolution is that the Legislative Assembly of Manitoba urge the federal government to change

relevant sections of the Criminal Code and Canadian copyright law to ensure that victims of the creation of the legal content have copyright to that material.

And in the member's own statement during question period, it was clear that the member really is focused just on child pornography in terms of illegal content and where there may be merit in broadening this out to any illegal content—my suspicion is that the chances of success in taking this forward are likely greater if that focus on child pornography is there.

And, if this turns out to be effective, it could perhaps be broadened out, but if the first step, really, is to focus in on child pornography and reduce the opportunities for child pornography, I think that, in terms of having to define what illegal content and what is not illegal content—that it's going to be a lot easier when we're dealing with child pornography than it is with dealing with other content which people may claim is illegal because somebody didn't sign the right consent form, or something like that.

And so, if this can be a letter accompanying from the Minister of Justice (Mrs. Stefanson)—for example, accompanying this resolution when it's taken to Ottawa—which emphasizes the specific focus on child pornography, I think it would be a cleaner and more readily-accepted effort.

I also think that it would be possible—and this has been done in the past—for the Minister of Justice to take the transcript from today and to give that as part of the—or, as an appendix to, or a background material to whatever letter and copy of the resolution is sent. So I think that's something else that could be considered.

So, with this concern, as I've said, over what is illegal and what is not, it's not a simple a question as we might like to think. And rather than get this tangled up in a debate over what's illegal and what's not illegal, I think focusing this on where we really want to aim, which is decreasing child pornography and giving victims of child pornography an opportunity to use the Copyright Act to provide a defence, to provide protection from material being spread on the Internet, I think it's a worthwhile effort. We will see whether or not it's successful, but I think it is certainly worth trying, and hopefully it will be—turn out to be a very useful tool.

So, with those comments, I thank the member for Transcona again and hope we can move this forward. Thank you, Mr. Speaker.

Ms. Janice Morley-Lecomte (Seine River): Good morning, Deputy Speaker.

I am pleased to put a few words on record in support of my colleague, the member for Transcona, and his asserting copyright for victims of child abuse resolution.

Children are our future and the need to protect them is our responsibility, both as concerned citizens and as members of our government. The ongoing victimization of our children has grown with the introduction of many social media outlets available to offenders and perpetrators of this dehumanization of our youth.

The province of Manitoba is unique in that the province is home to the Canadian Centre for Child Protection, formerly known as Child Find. The Canadian Centre for Child Protection officially launched its services in April of 1985.

Over the years, the agency has expanded to offer national intervention, education, and prevention programs, including Cybertip.ca, Canada's tip line to report the online sexual exploitation of children, and MissingKids.ca.

The Canadian Centre for Child Protection is a charitable organization which addresses matters related to missing and exploited children. Our government believes that the victims of child abuse need to be equipped with every tool possible.

The proliferation of illegal material on the Internet is rampant. Victims and legal professionals need to be able to stay ahead of the ever-changing landscape of the online cyber world. Every day, individuals are finding new and innovative ways to victimize and exploit our children.

The global battle has seen some successes with the online systems created to locate and destroy sites. Unfortunately, victims can have their lives exploited online for years.

These individuals live each day not knowing how many other people have viewed the horrific, demoralizing abuse they suffered at the hands of these predators. This can impact how they interact in social settings throughout their lifetime.

Law enforcement agencies can seize material; however, the material may remain online for some time. The ability to be able to identify the pictures and the videos which depict child pornographic material has been enhanced by several initiatives

through the Canadian Centre for Child Protection. Cybertip.ca was introduced in 2002 and in 2004 was recognized as Canada's national tip line for the public reporting online child sexual exploitation under the National Strategy for the Protection of Children from Sexual Exploitation on the Internet.

Further to Cybertip, the Canadian Centre for Child Protection has developed an online tool called Project Arachnid. Project Arachnid helps reduce the online availability of child sexual abuse material and break the cycle of abuse.

Project Arachnid works through a system that detects images and videos based on confirmed digital fingerprints of illegal content. Digital fingerprints are fingerprints which have been captured by the RCMP and have been submitted to the Canadian Criminal Real Time Identification Services for processing.

To date, Project Arachnid has processed over 230 million web pages, detected 5.1 million unique web pages hosting illegal material and has detected over 40,000 unique images of child sexual abuse.

Deputy Speaker, these efforts are ongoing in the battle against the abuse against children. Reports have identified 78 per cent of the victims are under 12 years of age and, of that population, 80 per cent are girls.

Victims are young and vulnerable to the environment around them. Any additional tool to stop this crime against our children is beneficial to the safety and well-being of our future generations.

Writing in support of legislation would add to existing copyright laws is another method to aid in the removal of the images and videos which exploit and can remain on the many websites for years. Canada has strict legislation supporting child pornography in comparison to other countries around the world.

This makes for challenges in countries with less stringent rules. As the victims mature and become adults, images of their youth can still be attainable on websites. Further review of the federal legislation, Mr. Deputy Speaker, can strengthen the existing regulations and offer victims another avenue for support. Thank you.

Mr. Deputy Speaker: Is there any other speakers on the resolution?

Is the House ready for the question?

Some Honourable Members: Question.

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

I declare the resolution carried.

Hon. Andrew Micklefield (Government House Leader): Mr. Deputy Speaker, I'm wondering if you

could canvass the House to see if there's agreement to call it 12 o'clock.

Mr. Deputy Speaker: Is it will of the House to call it 12 p.m.? *[Agreed]*

The hour being 12 p.m., the House is adjourned and it's—is recessed and it's—reconvene at 1:30 p.m. this afternoon.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 25, 2017

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