

**Second Session – Forty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
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**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
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EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Ind.
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
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YAKIMOSKI, Blair	Transcona	PC

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 2, 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.

Please be seated.

Good morning, everybody.

### ORDERS OF THE DAY

#### Point of Order

**Hon. Steven Fletcher (Assiniboia):** Good morning, Madam Speaker.

On a point of order, I wish to withdraw my Bill 213 for—from the need to be voted on today.

**Madam Speaker:** Is there leave—[interjection]

The honourable member for Assiniboia, on a clarification?

**Mr. Fletcher:** Yes. It just occurred to me that I would like to ask for leave to remove Bill 213 from the Order Paper and from this session.

**Madam Speaker:** Is there leave for the member's request? [Agreed]

And, therefore, for clarification of that, the vote later on this morning will not occur on that bill.

### PRIVATE MEMBERS' BUSINESS

#### SECOND READINGS—PUBLIC BILLS

##### Bill 227—The Provincial Court Amendment Act (Mandatory Training and Continuing Education)

**Madam Speaker:** As previously announced, we will move directly to Bill 227, second reading, The Provincial Court Amendment Act (Mandatory Training and Continuing Education).

**Ms. Nahanni Fontaine (St. Johns):** Madam Speaker, I move, seconded by the member for Point Douglas (Mrs. Smith), that Bill 227, The Provincial

Court Amendment Act (Mandatory Training and Continuing Education), be now read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Ms. Fontaine:** I'm pleased to rise in the House this morning and put forward comments in respect of and in support of Bill 227.

So, Madam Speaker, it requires that newly appointed Provincial Court of Manitoba judges undergo sexual awareness training—sexual assault awareness training, social context training, deconstructing myths and stereotypes in respect of sexual assault and rape within 90 days of taking their oath or affirmation of office.

It also includes newly appointed judicial justices of the peace to undergo the same training in respect of, as well, domestic violence, stalking and, again, sexual assault awareness training before they could actually hear applications for protection orders under The Domestic Violence and Stalking Act.

The chief judge of the Provincial Court of Manitoba must establish and implement a continuing education program for judges and judicial justices of the peace. Certainly, I think that—you know, I've spoken several times in the House in respect of some particularly troubling and egregious cases where judges have made really condescending, egregious, disgusting comments to women—and in some cases little girls—in respect of their rape and their sexual assault.

And I think that it is incumbent on us to ensure that we have judicial processes that recognize, first and foremost, that women and girls don't call it upon themselves to be raped or sexually assaulted. It is not what we wear, how we choose to dress, whether or not we choose to drink, whether or not we choose sometimes to drink and we're not fully aware, whether or not we wear makeup, whether or not we're out late at night. It is never right to insinuate, and certainly it's never right to make past judgment and to make judgment in rendering sentencing in respect of these particular cases where we are blaming and further victimizing women and girls who come forward.

I want to remind the House that the statistics for women and girls who actually go to the police with a particular incident or to relay their sexual assault or their rape is, I believe, one in eight. So we are leaving out a huge portion of the Canadian population who have been subject to rape or sexual assault who do not report it. And it really does beg the question why do they not report it, why do women and girls not report it. And I would suggest to you it is that—because it is one component in respect of these egregious comments that women and girls have to go through once, and if, their case actually makes it to a court hearing and a sentencing.

And we certainly can do better in this country, and I would suggest to everyone in the House that we can do better in Manitoba to ensure that those type of comments never take place again in our courts. And we should demand the best from our courts and demand the best from all of us, particularly in this House, in support of and in recognition of women and girls who are facing, again, the traumatizing consequences of sexual assault and rape, not the least to go and sit in a court and to outline in very graphic and intimate details the nature of your rape and your sexual assault.

So, you know, I think that it's important to recognize, as well, that we've seen in the last little bit some stories in respect of protection orders that have not been granted for women and girls seeking protection from abusive partners. And I think the one that has—just in the last week and a half—is from a woman who was not granted a protection order against her ex-husband, who continuously beat her and assaulted her, who was stalking her, but also who had access to firearms—which, you know, common sense would say that that elevates the level of urgency in respect of this particular woman's need of a protection order.

\*(10:10)

And I just want to read into the record, Madam Speaker, some of the comments that were made by the JJP just in support of our bill and the need for further education, and I want to just read into the record some of the comments. And the JJP says, and I quote, I am satisfied on the basis of the evidence before me in that regard that you do believe that the domestic violence or stalking will continue or resume.

Next, I must turn my mind to whether or not the subject, that being yourself, believes that the domestic violence will continue or resume. Based on

the evidence before me with respect to the domestic violence and the allegations; the nature of that domestic violence and the repetitiveness of that violence; the pattern of coercive and controlling behaviour; the incidence of violence alleged against animals; mental health concerns; the current relationship between yourself and the respondent, including the intention to divorce; substance abuse that are likely to increase the risk to the subject and that access to firearms and one specifically the evidence before me that you believe him—and I'm paraphrasing—to be living with—I'm going to—there's a name in there. I'm going to remove that name—so-and-so—that you suspect he is living with now and you have—I quite know that he has access to guns now as a result.

It goes on, Madam Speaker, and I quote, based on the totality of the evidence, I am satisfied that based on the patterns of behaviours that there is evidence to support continued likelihood of domestic violence continuing.

So the JJP does believe that the domestic violence will continue. However, certainly, you've taken—and I quote—certainly you've taken steps throughout the years with respect to safety planning for yourself and your family, and I'd urge you to continue to do that.

But the—but, Madam Speaker, the JJP goes on to deny the protection order request because, despite all of this, she does not think the situation is serious or urgent. That being said, I am not persuaded that there is a seriousness or urgency in the circumstances that would require that an order be made without delay.

And I quote, Madam Speaker, and, again, perhaps the most egregious of this narrative is, and I quote, it is not to be granted to alleviate an unhappy situation or improve a less than ideal family situation. It is to be used to provide protection in a real emergency.

So, Madam Speaker, we have right now situations in which it is up to the discretion of JJPs based on their knowledge. Their discretion is always—is predicated upon what they understand an issue to be. And we clearly see, and I've clearly read into the record, that this particular JJP doesn't necessarily understand the totality of domestic violence and the urgency of domestic violence that—and, in particular, when there is access to guns, the level of protection that is needed and, really, the moments that can go from one moment yelling or

hitting to the next where this individual takes her life.

This bill tries to mitigate in a very real way, in a respectful way, some of those lack of awareness for both judges and JJPs and I would implore members of this House to seriously consider voting in favour of Bill 227 so that we take our responsibility seriously as legislators in this House and that we offer common sense approaches to protecting women and girls and ensuring that they get the equity in justice and sentencing that they deserve.

Miigwech.

### 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. Shannon Martin (Morris):** And I appreciate the bill and the comments put on the record by the member for St. Johns.

I'm wondering if the member for St. Johns can advise whether or not she's had conversation with the Manitoba Provincial Court Education Committee as to their plans. I understand they set aside 10 days of educational—judicial education per year—and what their comments were regarding her private member's legislation.

**Ms. Nahanni Fontaine (St. Johns):** And I do know that they do training—10 days worth of training—and I haven't had the opportunity to meet with them, and I would look forward to any discussion with them.

I will say that, you know, our bill is not so dissimilar to the bill that was presented in Parliament by Rona Ambrose, Bill C-337, in respect of educating federal judges as well. And so, certainly I think that at the federal level and at the provincial level we see that there's a need for this type of training to be able to, you know, further give the awareness and education that judges need.

**Mrs. Bernadette Smith (Point Douglas):** Could the member please tell me why would mandating training for judges in sexual assault law improve the experience of sexual assault victims who testify in court?

**Ms. Fontaine:** I thank the member for Point Douglas for that question. Certainly I think that anybody who has gone through sexual assault or rape would know that even at the best of times, to be able to navigate through that is a very, very difficult process and involves an enormous amount of courage and strength. And so, you know, this training, to be able to allow women and girls to go into a court setting, knowing that they've got the confidence that who's hearing their case understands somewhat—to the best of our abilities—where that individual is coming from.

**Ms. Cindy Lamoureux (Burrows):** My question for the member from St. Johns is: Would you be open to an amendment to your bill where members of the Legislative Assembly are also required to take this training?

**Ms. Fontaine:** I want to thank the member for Burrows. I actually think that that's a great suggestion.

You know, I'm a proponent that, you know, the more training the better in respect of sexual assault, domestic violence, stalking, all of these egregious fronts to women and girls' protection and safety in our province, I welcome all of it.

We all need more education and awareness, and so I thank her for the question.

**Ms. Janice Morley-Lecomte (Seine River):** Can the member from St. Johns identify if there are other ways other than legislation to ensure judges are properly educated on sexual assault awareness?

**Ms. Fontaine:** Well again, Madam Speaker—and I thank the member for the question—I'm certain there are a lot of different ways to make one aware in respect of sexual assault and rape and domestic violence. The issue is that we've seen within our judicial system and within—even just in the last week and a half, that clearly something is amiss. If we can have these comments on the official judicial record made to women and girls seeking protection orders or coming to court in respect of sexual assault, clearly we need to do more.

**Mrs. Smith:** How does a proposed training for justices of the peace improve upon the current training?

**Ms. Fontaine:** Again, I think that it's an opportunity to offer a more robust and wholesome understanding of a variety of the issues that come before JJPs. And I think that one of the key pieces as well as the

amendments that were made to The Domestic Violence and Stalking Act, which took out the word imminent and replaced it with urgent, I think that there's still a disconnect among JJPs in exactly what does that mean.

How does that manifest itself when a woman or a girl is coming forward for a protection order? So, certainly that would strengthen that information and education.

**Mr. Martin:** Madam Speaker, I always appreciate having the opportunity to rise.

I'm curious if the member for St. Johns (Ms. Fontaine) can advise—she's flanked by two former Justice ministers of a government that was in office for 17 years, and it's a sad state that this is not a new situation—why this legislation wasn't brought forward when they had a majority government for 17 years.

\* (10:20)

**Ms. Fontaine:** Well, I thank the member for his question, and I would say that, you know, under the NDP, we made some substantial changes to provincial law in respect of protecting women and girls and, certainly, the changes, again, as I indicted in respect of The Domestic Violence and Stalking Act, which, again, made it easier and more open to be able to get a protection order in respect of removing that word imminent, again, to that word aid—urgent.

So, certainly, we did that. We have legislation that does not penalize women if they need to be away from work if they're leaving a domestic violence situation so they can look for a place to stay.

**Mrs. Smith:** Would the member please explain to me how cuts to women's shelters reduced the safety of women and children in our province?

**Ms. Fontaine:** Well, I thank the member for Point Douglas (Mrs. Smith) for that question.

Certainly, I think any time we decrease the level of funding that we're offering women's shelters increases vulnerability of women and children—and their children because there are not enough programs and services. There are not enough staff and advocates to help women in their times of crisis and need and, certainly, as someone who did advocacy work for well over 20 years, many, many women need that advocacy and need those individuals to be

able to be there to help them navigate these different crises that women go through.

**Ms. Judy Klassen (Kewatinook):** The Minister of Justice (Mrs. Stefanson) repeatedly states that this bill violates the constitution. Can the member speak to this and get the record straight?

**Ms. Fontaine:** I thank the member from Kewatinook for her question.

You know, I don't think that it's enough for us to say that it's contravening the constitution. The bill was constructed in a way that it's not the government that is dictating or administrating or creating the curriculum for judges. It is still the responsibility of the chief judge to be able to do that. It simply mandates that all new judges have to take this training. So it's not us imparting and dictating on the independence of the judiciary. It's simply saying you have to do this. We support you in the ways that you want to do that, but this is something we feel is necessary.

**Ms. Morley-Lecomte:** Does the member from St. Johns not trust that the Manitoba Provincial Court Education Committee to provide sexual assault and social context training?

**Ms. Fontaine:** Certainly, Madam Speaker, I don't think that those words have ever come out of my mouth. I don't think I would've ever said that. I would've never even thought that. I'm simply saying that, clearly, we see—and women are facing the consequences of not having a more robust and wholesome education in respect of sexual assault, domestic violence and stalking. So, certainly, there is a disconnect, and I would never in any way, shape or form disrespect the training that is provided. I'm just saying that we can do a little bit more to ensure the protection and safety of women and children.

**Mrs. Smith:** Would the member please let—tell us if it's fair that judges who have no training on sexual assault are working—if it's fair that these judges are working on related cases?

**Ms. Fontaine:** I thank the member for Point Douglas for that question.

I will simply say this, Madam Speaker, is that if I were raped or sexually assaulted and I had the courage and the strength to go to the police and it made its way to court, I certainly would feel a lot more confident if I knew that the judge presiding over this particular case understood, to the best of his or her ability, what I was going through as a victim

and the social context in which rape and sexual assault occurs. I would want the best for my case, and I want the best for all Manitoba women and girls.

**Mr. Martin:** Madam Speaker, can the member advise whether the current justices and Provincial Court judges are not receiving training in terms of domestic violence and sexual assault as part of their 10-day training program?

**Ms. Fontaine:** Certainly, I can't go on the record and talk about all of the 'spetstific' modules of training that judges and JJPs are going through, but certainly, as I've said in the House, is that we have seen, literally, just in the last couple of days, that some women are not being granted protection orders that are putting their lives at risk. So, certainly, there is more that we can do and there is more that we must do.

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

#### Debate

**Madam Speaker:** Debate is open.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I want to thank the member for St. Johns (Ms. Fontaine) for bringing this forward. It's a very important debate for us to have in the Chamber on this very important issue. And I want to also say that I certainly share the concern of the member for St. Johns, who has expressed—what she has expressed with regard to domestic violence, stalking and sexual assault in our communities. I think the most important thing we can do for victims of sexual assault and domestic violence is believe them and believe their stories, and we certainly on this side of the House share that view and we will continue to work with all those who suffer from these needless crimes.

Madam Speaker, as the Minister of Justice and Attorney General, there is nothing more important to me than supporting victims and ensuring that all Manitobans have timely access to justice. The need for timely access to justice is something that our government has made a priority from the very beginning when I took over as the Minister of Justice. Unlike other jurisdictions that have experienced significant numbers of stays of proceedings due to delay, we have taken a proactive approach to ensure that we are meeting the timeline set out in the Supreme Court's decision in the Crown v. Jordan.

Our government is committed to protecting victims by ensuring that serious violent offenders don't walk free on stays of proceeding due to reasons of delay. In addition to the work we've done locally to speed up trials, our government also continues to advocate for preliminary inquiry reform at the federal level to ensure that all Manitobans and all Canadians have access—timely access to justice.

Madam Speaker, the objective of this legislation is laudable. We can all agree that victims should be treated with respect and sensitivity in our courts. That's why I'd like to outline what Manitoba currently does in this area and why our government supports the efforts of our independent judiciary to direct education for Manitoba judges and JJPs.

Provincial Court judges in Manitoba receive at least 10 days of judicial education per year, and their education and training is planned by a Manitoba Provincial Court Education Committee. The Provincial Court also holds two in-house education sessions per year on various topics. As for training for the JJPs, training on the new Domestic Violence and Stalking Act has been provided and is ongoing based on the direction of the chief judge.

In spring 2016, Victim Services provided information to all JJPs on amendments to The Domestic Violence and Stalking Act. Earlier this year, Victim Services provided information on the act and the cycle of violence to new JJPs. I would also like to add that Victim Services administers the protection order training program to assist victims when they apply for protection orders.

As part of this program, Madam Speaker, Victim Services regularly consults with protection order designates who are assigned to help applicants. All protection order designates have received information about the changes to the legislation and how these changes affect their role. Currently, there are 126 protection order designates trained to assist individuals applying for protection orders.

All that being said, Madam Speaker, we can and should do more for victims. The Minister responsible for the Status of Women (Ms. Squires) and I will continue to work with stakeholders, including organizations like RESOLVE that has been highlighted in this House, to ensure that victims of domestic violence and sexual assault are given the supports that they need.

Madam Speaker, judicial independence is a cornerstone of Canada's constitutional democracy, and I believe the intent of this bill can be achieved without violating judicial independence of the constitution of our country. Judicial education has always been the sole purview of the judiciary itself, and this legislation encroaches on judicial independence far beyond what has been considered in other jurisdictions. This legislation will tell the chief judge how to educate both new and continuing members of our judiciary. It will also legislate which judges can be assigned to cases based on that training.

\* (10:30)

Madam Speaker, this is a clear violation of judicial independence and goes much further than the federal Bill C-337. Bill C-337 requires that federal Minister of Justice only consider lawyers and judges for appointment if they have completed sexual assault training. In contrast, this bill, Bill 227, requires sexual assault training after an appointment is made, which is the exclusive responsibility of the chief judge.

Similarly, Bill C-337 allows for judicial discretion in directing continuing education for judges, providing that the Canadian Judicial Council may establish seminars for continuing education and sexual assault law, and only requiring that they report to the minister about that education. In contrast, this Bill 227 tells the judge that she must work with the Manitoba Judicial Council to mandate continuing education in this area. So that's a clear violation, as well, of judicial independence.

Finally, Bill C-337 does not ban the current judges from hearing sexual assault cases. In contrast, this legislation tells the chief judge which judges can assign—can be assigned to cases based on completing training.

This is an obvious violation, Madam Speaker, of constitutional protected judicial independence. We have repeatedly heard warnings about the constitutional ramifications of encroaching on this independence, and I believe that we need to heed those warnings.

Justice Adèle Kent, executive director of the National Judicial Institute, has said that, and I quote, judicial education needs to be led by the judges, and the judges have to determine what the content of that education is. End quote.

Similarly, the Canadian Bar Association has warned that, and I quote, judicial independence is a pillar of our justice system and democracy. They add, that before legislatures pass laws in this area they, and I quote, should give careful consideration to ensure that none of the proposals interfere with the independence or integrity of Canada's judges.

Madam Speaker, our government condemns all forms of domestic violence, stalking, sexual assault, and we are committed to working with the judiciary and with stakeholders across our province to ensure that all victims are treated with respect and sensitivity in our courts.

Madam Speaker, while we share the same concern as the members opposite with respect to domestic violence, stalking and sexual assault, we believe that we can still deal with these very important issues while still respecting judicial independence and the rule of the law.

Madam Speaker, because this bill does not respect those areas, we will not be supporting this legislation as it violates the constitution of our country.

**Mrs. Bernadette Smith (Point Douglas):** I am pleased to rise in support of Bill 227, The Provincial Court Amendment Act, brought by my colleague from St. Johns.

As we know here in Manitoba, all too well, that sexual assaults are real. We know it's a real issue in Manitoba, as my colleague from St. Johns alluded to. One in eight girls and women are reporting, and it's because it's difficult for women and girls to report when we see headlines like she should just keep her legs shut. Oh, she's got a pretty face, but she's chubby. You know, it's headlines like that that make women feel less safe to go and report, because even if it does get to, you know, the courtroom, there's not that space to feel supported.

As we heard, judges don't even have to have training to hear sexual assault cases, so in Manitoba, you know, \$120,000 was cut from the North Point Douglas Women's Centre. A lot of women, that's their first point of access that they go and report and they talk to someone. We know now that there's less funding, which means less people are reporting, which means there are less services.

This bill would help women to know that they're not going to hear, you know, keep your legs shut. She's got a pretty face, but she's chubby. We have to create those spaces and we have to provide that

education so that women and girls know that when they get to that place that they're going to be supported, that it's not going to be a place that they hear from this judge and they're blown off like they're liars, that they're not believed.

We recognize that too many women are experiencing sexual violence and that they're even scared to go and even report it. Sixteen per cent of women who do report don't even get to court. And it's because of those fears of someone else hearing their case that don't even understand what their experiences are. So this will help victims that are going into court understand that someone behind that bench has had the training, they understand, they know that it's a hard place for them to be coming in front of them.

We understand that sexual violence can have a devastating emotional, physical, psychological and spiritual impacts on the lives of women and girls. This is why we need more supports for women in the community. We need—we don't need less supports, we don't need cuts to our services that are supporting our women. We need more services so that women are coming forward and we can start talking about this violence that we see in the community.

You know, we just had the national inquiry interim report come out yesterday, and there were some very good recommendations in there. And part of it was to do with our province and what we could do as a province. This is a very tangible thing that we can be doing today. We could pass this today. This would set a precedence for Manitobans. This would give this government credibility in the community with women when they're cutting services to women's clinics, when they're cutting services to women's services that—organizations that support women.

So, you know, I urge this government to do the right thing, to pass this—this bill today. To vote in favour of it. All it's saying is that you provide some extra training to these judges so that they understand what these women and these girls are going through when they come before a judge.

It's hard enough to even go into a police station to report it or to go into a hospital to have a rape kit done. You know, this is one less layer—one less barrier for these women and girls to have to go through. When they come to court, they see someone behind the bench that they know has had the training, that they know has some semblance of understanding of what they've gone through.

We're particularly concerned with the pervasiveness of rape culture, which encourages and justifies sexualized violence against girls. It's become this norm that people don't talk about because of these headlines that we see, because of the lack of resources in this last year, that families are facing.

You know, young children—I've heard that, you know, when women go and they're going to report a rape in the future, that possibly, you know, the underwear that they're given after might even be gone. That might not even be something that they can get from the hospital. I really hope that that's not the way that this government is going but, you know, it's—we're in scary times, and people are very anxious about what's happening.

So we believe that sexual abuse victims deserve judges who are educated on fairness, compassionate modern approaches onto sexual assault cases. And most sexual assault victims don't feel safe or supported enough to make reports and they struggle with long-lasting effects of this.

So this would, you know, ensure that more people are reporting instead of one in eight girls and women reporting, that maybe it's, you know, one in four, or four in eight, instead of less women, that more women are coming forward.

And we know that sexual violence or sexual assault is a real issue in Manitoba, and it's something that we need to get behind. It—this bill doesn't encroach on judicial independence. You know, it creates a space for more women to come forward. It creates a space that women know that whoever's behind the bench has had training, that it's not just some judge that's had 10 days of training and we don't know if, you know, sexual assault is a part of that training. Or even an intense sexual assault training needs to be expanded.

We must pass Bill 227, Provincial Court Amendment Act, to ensure that all women feel safe enough to report. We know that it's a real issue here in Manitoba, and this government has a responsibility to listen to Manitobans and pass this bill.

Miigwech.

\*(10:40)

**Mr. Shannon Martin (Morris):** It's my pleasure to rise today and make a few brief comments on this bill, Madam Speaker.

As I indicated in my earlier comments to the— or questions to the member for Point Douglas (Mrs. Smith), I had asked, why now these comments. And it's unfortunate that these comments, these situations when it comes to violence against women, sexual violence against women, domestic violence against women, these are not new issues in our society and that is unfortunate. And, speaking as a husband and as a father of two young girls, that worries me about the life that they lead and the future ahead of them.

And it's interesting that after, you know, 17 years, the member opposite is actually flanked by two former Justice ministers of the government that had a majority for 17 years, and yet this was never one of their priorities. I won't go too much, Madam Speaker, because there's many comments to make about the members opposite priorities in that and go into the issue of their, you know, so-called internal rebellion.

But just for members who are new in this House, just to make them realize what was going on at that time, the government of the day, the NDP government of the day, actually, instead of bringing forward legislation like this, legislation on the issue of training for justices and judges to deal with sexual assaults and domestic violence, they were actually going off site to do mediation services because they couldn't stand each other. They literally couldn't deal with each other. And for about 18 months, when you talk to senior civil servants and that, for about an 18-month period they were saying that government almost ground to a halt because departments couldn't talk to other departments because ministers couldn't talk to other ministers. So it was priorities like this that they bring forward now in opposition that, unfortunately, never got promoted.

Madam Speaker, there were—I listened carefully to members opposite, their comments in encouraging conversation about this legislation, and I do appreciate those comments. In a previous life, I had the opportunity to be a probation officer at Westman community justice services in Brandon, Manitoba. I dealt with victims of domestic violence and dealt with, obviously, the perpetrators too. One common theme was always—especially in terms of perpetrators of domestic violence—was denial, an inability to admit what they'd done, or even more egregious was their justification as to what they had done and talking to victims.

And I agree with a lot of the comments the member for Point Douglas, the member of St. Johns have said in talking about the world that we live in, this, you know, why do women not report it, was the question put forward by the member for St. Johns (Ms. Fontaine), and the member for Point Douglas talked about the pervasiveness of a rape culture that exists in our society.

But, when we look at, you know, perhaps, you know, why do women not report it, you know, take the issue of domestic assault and why do women not report it. Members opposite, there was a former Cabinet minister, an NDP Cabinet minister who had allegations that his wife actually got a protection order against him following allegations of verbal abuse, threats and stalking, Madam Speaker. And despite that, despite this individual getting a protection order against him because his spouse feared that she was being pushed and shoved. She was being assaulted and that she worried, and you talk about the question about why women don't report it; she said that he is a public figure so there is added pressure not to do anything about it.

So, despite that, Madam Speaker, despite this individual getting a protection order against him, members opposite continue to elevate this former cabinet minister. They retweet him. They promote him on social media, and I'm thinking what kind of message does that send to women. What kind of message are you sending to the victims of domestic violence, of sexual violence and of stalking, when the NDP party is lifting and promoting those individuals that are actually receiving protection orders against them?

When we talk about, you know, why do women not report it, when we talk about the pervasiveness of the rape culture, Madam Speaker, we don't need to look any further to what the world are—or my daughters live in. You know, I know the member in—the Leader of the Opposition has said, you know, the waitress bringing me lunch is wearing a Star Trek uniform, hashtag, and I won't say it, but essentially he achieved orgasm in his pants in a public setting, Mister—or Madam Speaker. And I wonder what does that say to women when the Leader of the Opposition makes these—or has made these kind of public comments. I mean, is this the pervasiveness of the rape culture that we talked about?

Madam Speaker, when elected officials say—and I quote—it's a new day, so I don't know whose mouth my blank is in, is that not the creation of the rape

culture that members opposite talk about? I know the member for St. Johns made a comment about really egregious and condescending comments towards women. I would suggest that those comments I just read the record, by the Leader of the Opposition, would fit those categories, would fit those comments in terms of really egregious and condescending comments towards women.

And so we wonder why women don't come forward and promote and share their stories and that, when they talk about the pervasiveness of the rape culture, when they talk about the necessity for additional training. I thought it was interesting, and I do appreciate the comment from the member for Burrows (Ms. Lamoureux) noticing the absence of training for elected officials.

So here we have legislation saying, you know, that those individuals that apply the law need training when it comes to sexual violence, when it comes to domestic violence, when it comes to stalking, but the legislators that create the law, the actual people that create the law that the judges apply, they don't need similar training.

Madam Speaker, we just looked at members opposite, and I've given two clear examples, and we can clearly see that that training is required. The misogyny across the way is very evident and very clear. Again on the left-right flank of the member for St. Johns (Ms. Fontaine) are two individuals that actually had to publicly apologize in this House for shaming women legislators. And again you wonder why that women maybe don't enter politics, that women don't share their stories, and you wonder why when you have that culture, that culture that tells women that somehow they are less than.

So, you know, I wonder and I look to my own situation, and you look at comments in the paper and that, and you talk about—again, the member for St. Johns asked the question, you know, why do women not report it? Why do women not share their stories? And I do agree that obviously the comments that she cited by various justices are egregious, and if there was a situation which my own daughters found themselves before a justice, male or female, and they made those kinds of comments about them, you know, being chubby and yet attractive and somehow enjoyed the attention, I would share that outrage.

But, when you have elected officials, Madam Speaker, that dismiss charges of domestic assault and refer to them as hurtful situations—and that was actually what the member of St. Johns said in

describing two instances of domestic assault: one that left a victim with serious injuries that they couldn't actually even bend their knees, and another incident in which this—the victim was actually threatened to be thrown off a building, that they were dragged around by the hair. And so these kinds of violent, violent situations against women, the member of St. Johns—and again I quote: hurtful situation.

So again, we talk about the normalization of violence against women, and it is really unfortunate that it continues to be perpetuated by members opposite on a day-to-day basis. And so, Madam Speaker, they talk about—they want to talk about, you know, services to victims of domestic violence, and yet they don't mention that under their mandate they actually closed the Osborne House, you know, an organization and a shelter that provided services to women. And I remember the former member for Fort Rouge, Jennifer Howard, on the radio was defending those cuts and defending the closure of those services; was truly unfortunate.

The member for Point Douglas (Mrs. Smith) wants to highlight a particular not-for-profit that hasn't had their funding reduced. But I don't remember her getting up and defending when her colleagues, when her government, went to 122 not-for-profits—not-for-profits that provided addiction services, that would play a role when it comes to violence, services towards women who were victims of domestic violence, services towards children who were exposed to 'mestic' violence—when her government went to 122 organizations just before Christmas and said, you must return funding, and if you cannot, you must justify why you can't.

So, Madam Speaker, with those few comments—I will note, in the news lately has been the hashtag: I believe her. Unfortunately when it comes to the NDP, they believe her, but only when it is politically convenient.

Thank you, Madam Speaker.

\* (10:50)

**Mr. James Allum (Fort Garry-Riverview):** I don't know if I'm more disappointed in the member from Morris in his ability to go straight to the gutter in everything that he says, or in his colleagues who would get up and give him a standing ovation for something as shameful as that particular speech on an issue of—that is incredibly important and pressing in our society.

I compliment the Minister of Justice and the Attorney General (Mrs. Stefanson) for taking the issue on. I disagree with her, and I'm going to explain why in a minute. But I compliment her for taking the high road while the member from Morris always seems determined to take the low road on every possible issue.

Now, I want to say that I listened closely to the Minister of Justice, the Attorney General, both in her remarks today. I listened to her on CBC radio earlier this week and she clearly had her speaking point—

**An Honourable Member:** Just one.

**Mr. Allum:** Yes, it was just one. And she has said it repeatedly over and over and over again. And I want to say I have some empathy and sympathy for her position.

I also was a non-practising lawyer who had the great privilege and honour and responsibility to be Attorney General and Minister of Justice, and I understand the context of that department and how it operates and the advice that comes forward to you, as my friend from Minto also understands how the—how that particular department operates. And I daresay, but I say it with some respect, that I think she's—the Minister of Justice, the Attorney General, is a hostage to a talking point that's not actually accurate and certainly not defensible.

She's talked about judicial independence repeatedly. On CBC, she went back to that same point several times, going so far as to say this law is actually illegal, that it breaks the law, which is utterly ridiculous. But she's gone to this point about judicial independence several times. And so what is the nature of judicial independence? Has she actually asked her department what that actually means? What does it look like? What are the elements of judicial independence that need to be respected?

And I did a little bit of research on this. I want to share it with the House, if I could, and I tried to do this frankly when I was named Attorney General, Minister of Justice, because I needed to know. I needed to understand it. I wasn't trained in the law and so it was important for me to understand it.

And so there are three elements, I think, that are relevant to the concept of judicial independence. One, of course, is length of tenure, how long a judge sits on the bench. Well, clearly this bill doesn't touch length of tenure. Nobody is saying here how long or how short a judge's tenure should be. This is not relevant.

The second issue relates to salary. The understanding is that a judge needs to be compensated in such a manner, and quite generously, I might add, so that they're not in some manner compromised by other financial considerations in doing the very important and critical work that they do. But in no instance can you say that salary here is relevant to this discussion or is that element compromised by the very important bill put forward by my friend from St. Johns.

And then the third element, it's the administration of cases before a judge. And so there can be no interference in how a judge handles a case in the courtroom or outside of the courtroom for that matter. And clearly again there is no indication here of any interference with that third principle of judicial independence, the administration of cases before a judge. This is not relevant here. This is primarily and solely about training and, as my friend from St. Johns said, as well as my sister from Point Douglas, when is it not a good time to educate yourself more and to do more training to understand it, especially in the very complicated world that we live in in the second decade of the 21st century.

It seems to me and it seems to our caucus that it makes eminent sense for us to have trust in the judiciary, that they have the training that's required in order to understand the social context in which these cases come before the judges.

So there's nothing, no compromise of judicial independence in this case—

**Madam Speaker:** Order, please.

In accordance with rule 24 and as previously announced, I am interrupting this debate to put the question on selected Bill 227.

The question before the House, then, is second reading of Bill 227, The Provincial Court Amendment Act (Mandatory Training and Continuing Education).

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

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Madam Speaker:** I heard a no.

**Voice Vote**

**Madam Speaker:** All those in favour of the motion, please say aye.

**Some Honourable Members:** Aye.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Nays have it. I declare the motion defeated.

#### Recorded Vote

**Madam Speaker:** The honourable government—or the honourable House leader of the Official Opposition.

**Ms. Nahanni Fontaine (Official Opposition House Leader):** Could you please summon the members for a recorded vote?

\* (11:00)

**Madam Speaker:** A recorded vote has been called. Call in the members.

Order, please.

The question before the House is second reading of Bill 227, The Provincial Court Amendment Act (Mandatory Training and Continuing Education).

#### Division

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

#### Yeas

*Allum, Fontaine, Gerrard, Kinew, Klassen, Lamoureux, Lindsey, Maloway, Marcelino (Tyndall Park), Selinger, Smith (Point Douglas), Swan, Wiebe.*

#### Nays

*Bindle, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Fletcher, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Piwniuk, Reyes, Schuler, Smith (Southdale), Smook, Stefanson, Teitsma, Wharton, Wishart, Wowchuk, Yakimoski.*

**Deputy Clerk (Mr. Rick Yarish):** Yeas 13, Nays 36.

\* (11:10)

**Madam Speaker:** I declare the motion lost.

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**Madam Speaker:** The hour now being—oh. And for information of the House, I would indicate that for

future reference, if members wish to abstain from a vote, then they should not be in their seat for the whole period of the vote. And I would encourage members, as a future reference, to please heed that rule of our House.

The hour being past 11 p.m., the time for private member's resolution—oh—the hour now being past 11 a.m. and the time for a private member's resolution, the resolution before us this morning is the resolution on Keeping Post-Secondary Education Affordable for Students and Families.

Prior to this—the honourable Official Opposition House Leader, on House business.

#### House Business

**Ms. Nahanni Fontaine (Official Opposition House Leader):** Pursuant to rule 33(8), I am announcing that the private member's resolution to be considered on the next Thursday of private members' business will be one previously debated and put forward by the honourable member for Tyndall Park (Mr. Marcelino). The title of the resolution is Provincial Government's Plan to Shutter Three Winnipeg Emergency Rooms Will Undermine Patient Care and Hurt Families and Seniors.

Miigwech.

**Madam Speaker:** It has been announced that the private member's resolution to be considered on the next Thursday of private members' business will be one previously debated and put forward by the honourable member for Tyndall Park. The title of the resolution is Provincial Government's Plan to Shutter Three Winnipeg Emergency Rooms Will Undermine Patient Care and Hurt Families and Seniors.

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**Madam Speaker:** Moving to the resolution, then, brought forward by the honourable member—or, the honourable—oh—we will move, then, to the resolution before us, standing in the name of the member for Riding Mountain.

#### DEBATE ON RESOLUTIONS

##### Res. 9—Keeping Post-Secondary Education Affordable for Students and Families

**Mr. Greg Nesbitt (Riding Mountain):** Bill 31 will give post-secondary institutions the flexibility to set tuition rates while ensuring that the average tuition

rate in Manitoba remains among the lowest in Canada.

As with every piece of legislation that our government introduces, the honourable Leader of the Opposition and his colleagues would have you believe the sky is falling by allowing colleges and universities to make small, predictable increases in tuition fees.

Bill 31 will simply allow institutions to increase tuition fees to better reflect the cost of delivering programs and will ensure long-term sustainability for the good of students and faculty members.

Yes, even Rich Uncle Pennybags, a.k.a. Mr. Monopoly, Madam Speaker, approves of the great work our government is doing to clean up the mess created by 17 years of NDP mismanagement.

I would encourage members opposite to get on board as our government works to create a better Manitoba.

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

**Madam Speaker:** Order.

**Mr. Matt Wiebe (Concordia):** Well, Madam Speaker, it's certainly a pleasure and an honour to rise this morning to speak to an issue that's certainly important to our NDP caucus, but as we heard through successive nights of public presentations just recently, and have seen students from around this province gathering here at the Legislature to bring their voices forward, this is certainly an issue that is foremost in the minds of students, foremost on the minds of parents, and foremost on the minds of institutions who are looking to provide quality education here in this province and wish to enable the most number of students to participate in that process and to be successful in it.

*Mr. Doyle Pivniuk, Acting Speaker, in the Chair*

I would like to note, before I jump into my comments this morning, that this is a resolution that was brought forward by our now-Leader of the Official Opposition (Mr. Kinew), and I point that out simply to note that though he was, of course, our Education critic prior to becoming the Leader of the Official Opposition, I know that this is an issue that is very important to him. It's certainly an issue that he has put a lot of his efforts and his time into, and something that he's spoken very loudly and very clearly about and stood very solidly beside students in support of them and their fight for affordable tuition in this province.

And so I want to acknowledge that when he brought this forward, and I guess that was in the spring session in April, you know, maybe I guess we were all a little naive. We were still just sort of reeling from some of the other cuts and announcements that had been made by this government and, you know, when this came forward, this was certainly a shock, I know, to our caucus, but, more importantly, this was a shock to students.

And, at that time, what we were able to do as the opposition—you know, the government certainly has the right to bring forward legislation, has the right to push through its legislative agenda no matter what the public says, no matter what students come to this Legislature to tell them. They don't need to listen; they can push through their legislative agenda.

However, as an opposition, we do have just a few legislative tools in our—at our disposal to make a difference, and this is one of those cases, I want to point out, Mr. Speaker, where, because of the work of this caucus, because we were able to hold this bill over until the fall sitting, that we were able to actually delay this government's agenda in raising tuition.

And I'm proud to say, and I was proud to say it to those students who came to committee, who gave their time and gave their voices to this debate, I was proud to say that, as an opposition, we saved them money, we saved them an increased tuition. We kept the tuition affordable this year, Mr. Speaker, and I think that's an important thing to note.

And, as I said, our leader has been foremost in this discussion. I know that he sees education as a true investment in this province, something that pays dividends down the line for generations to come, but the investment needs to be made now, and it's this government's intention to be penny-wise and pound-foolish in that regard, Mr. Speaker, and that is certainly not what we heard from students as a priority.

So, you know, I see my time is quickly moving past, Mr. Speaker, but I—just in terms of my own experience, I wanted to put some words on the record because I was given the opportunity in this province to get a quality, a competitive and an affordable education, and that was a direct result of the policies set by the previous government to keep tuition low, to keep it tied to the rate of inflation, and to make sure that it was affordable and it was competitive across the country.

And this was an important thing for myself personally, and we've heard these stories over and over and over again from students that they know that post-secondary education is a must in tomorrow's economy, and they understand that getting a good-quality education is absolutely necessary for them to get the jobs of the future and to be competitive and stay here in this province.

\*(11:20)

And what they're seeing is a government who set a course that veers very much from that path that the previous government had set us on of building this economy and building the knowledge base for the future, and that's why they are so concerned. This government clearly has an idea that a quality education is important, but only important for those who can afford it, and that's where we certainly differ from the government in that regard.

What we've heard from students—and again, we did have the opportunity to hear from them in committee, a very, I would say, informative process. We had a broad range of presenters that came to committee: we had current students, we had alumni, we had professional students, we had experts in the field, we had students from an indigenous background or with experiences in the indigenous community, we had racialized students, we had students with disabilities. And what we heard from them over and over and over again is, is that an increase to tuition is a very clear barrier to their entry into our post-secondary education world. It was oftentimes a touching evenings that we spent here in the Legislature because we did hear those personal stories, the personal struggles from students.

But it was also, I think, informative because what they were bringing forward, time and time again, student after student was bringing forward was the idea that those with the largest barriers are the ones that need the most supports. And they're the ones that need the most help and encouragement to enter the post-secondary education world. And when they do, we know that they are oftentimes very successful, but not just for themselves, but for their children and for their families.

And it's just a—it's a pathway out of poverty for many people. And they told us over and over again, tuition is a barrier to entry. Fees, which are also included in this bill, and a deregulation of fees that can be charged in faculties by this government is been removed, and I think that this is an important

part that students brought over and over again that we can't forget.

It's not just the tuition which will rise over 30 per cent over the course of this government's term, but also the fees that can be charged. And we know that institutions, when given the opportunity, will take advantage of the ability to raise those fees and to get as much as they can in order to support programming.

And the reason that they're doing this, I want to add, Mr. Speaker, is because the grants to institutions—while at the same time tuition is going up, the grants have been frozen. So it's not like this government is taking, you know, moneys and reallocating them or reorganizing how institutions are receiving their government funding. In fact, they're freezing, which is an effective—because of inflation—an effective cut to institutions. They're cutting the grants that are going to institutions at the same time tuition is rising and fees are potentially going through the roof.

We often hear, you know, from the government that investment through tuition, of course, and this is where it comes—it's very clear, it's on the backs of students, that students are paying for these investments in post-secondary education—the government has abdicated its responsibility in that regard—will help these institutions be better. Well, in fact, Mr. Speaker, we have examples across Canada, oftentimes people point to Quebec, where there is very competitive universities and some of the lowest tuitions, and that's because the government there has made a priority.

So I'm running out of time very quickly here, Mr. Speaker, but I will just touch on a few other items we heard at committee, and that is about the tuition rebate, which we know this government has—is walking away from. We understand that it's a big part of the planning process for students when they're getting into post-secondary education. It helps them—it encourages them to put roots down here. And we know, as we've raised in this House now over and over again, that supports for students that this minister has proposed, they aren't adequate. We've heard that from students from the get-go, that it just doesn't cover the increase. A thousand extra students receiving a scholarship in their first year doesn't touch the 32,000 students that will be paying more in tuition this year.

And we know that there are real needs among students, and I hope that this minister is listening. I

hope he's heard this—our leader who's been a strong advocate on this. But most importantly, Mr. Speaker, I hope he's heard from students who have come, who have given their time, who will continue to push for their fellow students to ensure that education in this province is a priority, that it is invested in, and most importantly that it stays affordable.

Thank you.

**Hon. Ian Wishart (Minister of Education and Training):** It's a pleasure to rise and put a few words on the record regarding this resolution, and I certainly too appreciated the presentations that occurred during the public hearings for Bill 31. Certainly, there was some thoughts that came forward there that we are certainly looking at. And in particular—and I appreciated the member for Concordia's (Mr. Wiebe) closing remarks and that he did acknowledge that we have put additional supports in place to help Manitoba students that are challenged with the issue of finances get the additional supports that is necessary.

I mean, in this House we've brought—numerous times we have mentioned the significant improvement in Manitoba scholarship and bursary initiatives, and there is also the move to improve the bursary program that is available, the additional 10.5 million for qualifying students in '17-18. That will get to about 5,800 students here in Manitoba, and that is co-ordinated within changes to the federal program so that together, the two programs will put additional \$5,000 in the hands of many students in this province based on need. And I think that that too is very good.

But we did hear some concerns regarding adult ed students coming back through the university system, and we also did hear some concerns regarding disabled that we're going to be looking at whether there should be additional supports put in place for that.

But we also did hear that tuition is a cause for concern for all students in Manitoba, but we have heard from many other students that they wanted supports up front, which is what we have moved to do. They also want to hear—we also heard from students that they wished to see educational opportunities expanded and become more sustainable in this province. We've heard that also from the post-secondary institutions.

And we look at—we look back and see that in 1999, in terms of percentage of our population that

had a post-secondary institution, that we were number three in the country. And while we had in place a tuition freeze at universities during the last 17 years—well, not the whole time, but certainly the majority of the time—we find that we move from being third place in Canada to being tenth place in Canada, where we are not able to—or—not have the same number or equivalent number in—of people getting post-secondary educations and we have lost ground to other provinces.

And we look at the causes for that and certainly it is not extremely clear what the—what has driven that, but I think a diversity of programs is certainly one of the positives that we see in other jurisdictions, that they are timely, that they are very competitive, that they are incorporating some of the changes that are taking place, and we find that our system perhaps is stuck a little bit in the past. And we need to modernize what we're doing in post-secondary education.

In particular we've moved to do a colleges review and that is very timely—one that was overdue. Based on the legislation, it should have happened five years previous and hadn't been done, and we certainly have found that there are many things coming forward and we look forward to the final recommendations.

We've had a preliminary set brought to the department to suggest—to look for some input back and it does certainly suggest that there is a need for significant change. And we all look forward to that and that's something that I think every Manitoban would benefit from, because we recognize the value of a good education in Manitoba, and that there's more than one way to get that good education.

So supports certainly need to be in place for those that need them to provide additional access. And I noted the member referenced the fact that already we have seen some additional applications and we know that our program needs fine tuning and we're looking to do that as well with scholarship and bursaries. And certainly we'd share with the member that we are doing far more in terms of how to target that in the future to make sure that those are in need.

\* (11:30)

But we also do know that there are many Manitobans and many Manitoba families that can afford university tuition, as our university tuition in Manitoba is still considered very affordable, and that this legislation actually guarantees that we will

remain affordable in the future when you compare us to other jurisdictions.

And that is what everyone does when they're looking at their options. They look at the affordability; they look at the quality of the education; they look at the range of courses that are available for them; and they make choices accordingly. And we certainly want to position Manitoba so that, now and in the future, we are affordable, we are competitive, we have a range of good options in terms of education in post-secondary and that we can encourage more people to attend a post-secondary education of all types so that Manitoba—no longer 10th in the country—that we have more people getting good post-secondary education

Because we know that the workforce of the future needs that type of training, whether it would be from university, whether it be from colleges or whether it be through apprenticeship system, which is another option that certainly is gaining in popularity. And we want to make all of those options available to Manitobans, Manitoba students, because it is to the benefit not only of these students, but to the province as a whole.

So we looked for ways to do that. We have certainly tried to strike a balance here and work with the institutions to make sure that we not only have a balance in terms of tuition and other costs associated with that, but that we have a long-term strategy in place that will make sure that we're sustainable. They have some predictability to it, something that was certainly not there in the—in—with the previous government. We never knew what they were going to do. If you look back, you'll see that there were more than one occasion when they actually had to reach in and adjust tuitions for some faculties, and they certainly didn't follow any predictability factors in that. They would jump as much as 18 and 20 per cent—in fact, one case, 46 per cent from year to year simply at the whim of government, so that's certainly not a very predictable path forward.

So we believe that we have struck a good balance here. We look forward to this legislation coming forward. But on the issue of the resolution here, we certainly hear and did hear from many students during the process of public hearings. I believe that the resolution is a little short-sighted in that it focused strictly on university, and we believe that there are more options than university available to students here in Manitoba.

I don't want to get in—today—get into the issue of graduation rates and where the education in this province has gone. We're all looking forward to meeting with Manitoba Teachers' Society later today to talk to them about the good work that the teachers in Manitoba can—are doing and continue to do, and we are pleased to work with them, and we certainly want to try and improve the outcomes, as do they. So we look forward to that opportunity.

So thank you very much, Mr. Deputy Speaker, for the opportunity to speak to this resolution. We believe we have struck a good balance, and I would encourage the opposition to look at what is happening with Bill 31 and the supports that are around it. And, certainly, we're open to suggestions in terms of how we can provide additional supports, and we are trying to improve those now and into the future. We're already vastly exceeded anything that was in place with the previous government, so certainly there is room to do more, and we are looking in at those options as well.

Thank you very much, Mr. Deputy Speaker.

**Mr. Andrew Swan (Minto):** I was interested to hear the comments of the Minister of Education, and while I'm very glad to hear that he now says that he appreciates the words of the many, many students who came out to present over two nights of committee with their concerns about Bill 31, the test will be whether this minister is prepared to listen to those students, to hear what they said, uniformly, at Committee last week about their concerns about tuition fees.

And even if the minister and if this government don't want to listen to the students, well, they should be listening to the students' parents and the students' communities and businesses who tell us that one of their biggest challenges is ensuring that they have a well-trained workforce here in Manitoba that can involve people in building a stronger economy and building a stronger Manitoba.

It's very hard, when talking about tuition fees, Mr. Deputy Speaker, with teenagers in the house—which I know you will appreciate—not to take this issue personally. As many members of this House know, I have a daughter who's now taking science out at the University of Manitoba. She's in her second year of science. She's getting good grades and she is considering applying to professional faculties. We're very proud of that. We're lucky in our house that we've—that we have the income and we've been able to put away some money. But not every family

has that same opportunity. In fact, not many families have that opportunity.

Our younger daughter is in grade 12, she's taking French immersion and she'll graduate in June. And then she'll be looking to join the number of students in post-secondary education. And we want her to have that opportunity, just as we want every student graduating from grade 12 to have that opportunity.

And it was interesting, towards the ends of his comments, the Minister of Education said, well, I don't want to talk about graduation rates. Well, there's a good reason why the minister doesn't want to talk about graduation rates. Because if he did, he would have to acknowledge the tremendous efforts that were made over 17 years of government to make sure that kids were getting through school.

When we formed government in 1999, the graduation rate in this province was only 71 per cent. Almost one in three students were not finishing high school. By the time 2016 had rolled around, that rate had gone up to 87 per cent. In just 17 years, the dropout rate had been cut by more than half; certainly more work to do.

But what's a big draw? What keeps kids in school? Well, for many kids it's the prospect of being able to have a chance, a chance to go on to post-secondary, whether it's university or college; in many cases, taking apprenticeship. Many times, it's the prospect of that happening that is the way that we can keep young people engaged and focused and keep them in school.

And I do take it personally, representing the West End. When I was first elected, I made it a point to go to high school graduations in my area. There's two high schools: Daniel McIntyre Collegiate Institute and Tec Voc. When I was first elected, there were barely 200 students a year graduating from Daniel Mac. As part of our government's investment in students, our investments in communities, our investments in people, that number had grown to close to 300 by the time 2016 rolled along; another 100 students each year finishing grade 12 with the hope of getting on to university. Same story at Tec Voc. When I was first elected in 2004, the numbers were usually well below 200. I'm proud when I go to a Tec Voc grad now, there's more than 200 students each year, many of them already collecting their hours for apprenticeship, many others going on to college and university. So I take it personally. It's for my own family, but it's also for the other families in

the West End that are very concerned about this move, this regressive move to put a post-secondary education out of reach of so many kids in my area. And that's not acceptable.

You know, in my house, my kids work hard. My daughter started her summer job the day after her final exam. Now, it wouldn't have been the day after her final exam except, of course, we know that the Premier (Mr. Pallister) by his own hands manufactured a strike at the University of Manitoba which left 30,000 students out in the cold for weeks. We're lucky that our daughter and everybody else's kids didn't lose a full year of school. But it meant her last exam was April 30th, and she showed up the next day for work. And she worked all the way through to the Labour Day weekend. She's not special, she's like many—well, she is special, but she's no more special than everybody else's kids who are working hard and now face the prospect of having to work that much harder just to have a chance to get to university or college, or maybe see that chance slipping away.

And, you know, Mr. Deputy Speaker, even for those members of this Legislature that don't spend a lot of time in my community, I'm willing to bet that you and others and other members of this Chamber have met some of the students in the West End who are trying to save for university. We all go to events at Canad Inns Polo Park. Probably the student that served you dinner the last time you were there is a student in the West End who's working until 2 in the morning because they're trying to save enough money to go to or to continue their education. If you stop in at the Co-op, the kid who pumps your gas is probably a West End kid who needs the money. If you shop at Polo Park, odds are the retail employee is going to be a kid from Tec Voc or Daniel Mac who's pulling shifts, giving up their time in the evening and weekends, trying to balance their studies in order to afford school. Or if you eat at one of the many great restaurants that I know I've bragged about more than once in this House, Mr. Deputy Speaker, probably the student taking your order is a student at DMCI or Tec Voc, or a recent grad of those schools who are working to save money for school.

\* (11:40)

So that's only for students in Winnipeg. And I can talk about my own community, but I know that for students outside of Winnipeg the challenges are even greater. And students in the West End, as my

kids have the chance to do, as I have the chance to do, can get on the bus and get to university or college. We know, for many other students coming from outside of Winnipeg, outside of Brandon, those costs are even greater. So when I say I take it personally, I take Bill 31 personally for my own family, but for the people I represent and truly for all Manitobans.

The idea that minimum wage will be frozen at the rate of inflation, yet university and college tuition will be allowed to rise by 5 percentage points above the rate of inflation, and the other fees will now be deregulated, is a slap in the face to young people in my community, to young people across the province. The Minister of Education should have listened. I'm glad he appreciated it but he should've listened. There is still time for the government to admit that they're wrong. There's still time for this government to withdraw Bill 31, and there is still a chance for this government to let students in this province know that it doesn't depend on the size of their parents' pocketbook or how much they've been left in their will, that they have the same opportunity to get a good post-secondary education here in Manitoba and they have a true chance to stay in this province and build this province. That's what we need.

Thank you, Mr. Deputy Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, just a few comments on this resolution. Despite running a campaign in the last election to make post-secondary education more affordable, this government is going against their word and doing the opposite. Bursaries and scholarships only go so far and won't help everyone affected by the increase, and from what we've seen to date, the promises of this government in terms of the amount of funding so far are falling far short of what was initially promised for bursaries and scholarships. The government, in 'fuxt,' is not only raising the costs of tuition excessively, it's ending the tuition rebate. It's virtually an attack on students by this government. They have singled out students for greater hardships. Students themselves have raised concerns about the removal of the tuition fee cap; that is a cap at the rate of inflation.

The University of Manitoba, the University of Winnipeg and Brandon University provide food bank services through joint collaboration or through student unions to students in need. We have students who rely on these food banks to survive and receive the nutritious food needed to support their studies.

When students are not able to afford basic food and turn to food banks, how do we expect them to pay for increases in their tuition? Certainly, the affordable tuition should be one factor in enabling students to go to post-secondary education, and to the extent that we can keep things affordable, it also enables students to focus on their studies rather than having to work one, two, three, four jobs outside of that in order to pay for their education.

The rapid increases in the cost of post-secondary education can prove harmful to the students of this province. This is especially true for lower income students. Raising the tuition fees disincentivizes—provides disincentives for many from going to university or college as they're unsure of future career prospects and the ability to pay off the debt of their student loans. We have a considerable number of people in our province who are of low income, and we want to give them the opportunities. We should be making sure that we provide the opportunity and the incentives for people who are less well off to be able to attend post-secondary education and get ahead, fulfill their dreams and have great opportunities in our wonderful province.

Education should be a viable option for improving a person's life. It shouldn't be a debt sentence for life for students. It's been shown that the cost of education is one of the biggest considerations for low-income students. Improving one's life and being able to afford the cost of living should not be mutually exclusive of one another. We owe it to the future prosperity of our province to keep education affordable, and if we want to decrease the amount of poverty and eliminate poverty, one of the things that we need to do is to make sure that those who come from families who are struggling have opportunities to advance themselves through post-secondary education.

We have to acknowledge that many of our students are struggling, are in dire need of assistance to achieve their education. Today students are occasionally forced to decide between healthy eating and living their life or going to school. For the future of our province we depend on our youth to become educated in a wide variety of fields to meet the skills that we need in our workplaces.

We know that those who have a post-secondary education have opportunities to work broadly and have opportunities to earn a greater income.

Our students have dreams and ideas, but they need an education to learn how to turn these into

reality. Increasing the cost of education, as this government is doing, doesn't help our students. It doesn't help our province, and it doesn't help the future of Manitobans, and that's why we in the Liberal party will be supporting this resolution.

Thank you, Mr. Speaker. Merci and miigwech.

**Mr. Kelly Bindle (Thompson):** It's my pleasure to rise in the House today and speak to this vague and symbolic resolution keeping post-secondary education affordable for students and families and keeping it expensive for those who have to pay, like taxpayers.

We can all agree that education is important, but it's not just important for post-secondary. It's important at the high-school level, at the elementary level. It prepares students with a solid foundation for later learning in life if they choose to go to university, and that's why our government needs to correct the course that the NDP left in elementary schools of having us 10th out of 10 in math, science, and reading, and we have to do this because we owe this to the future of our province. I'll get back to the elementary portion later.

Along with many of my colleagues, I've listened to the—many of the students' presentations in committee last week speaking to the government bill allowing universities the freedom to raise the funding they need to improve the quality of the education they can provide to students through a controlled increase in tuition so they can assure sustainable education opportunities are available for young people at an affordable rate.

The concept of allowing a small increase in tuition—5 per cent per year tied to inflation, which is legislation brought forward by our government—is not new, and according to the presentation by University of Manitoba engineering student representatives at that committee, the engineering department had voluntarily invoked this type of fee increase in the past, directed the increased revenues back into their programs, and the students and their programs benefited.

During committee hearings on our bill, I heard many students explaining their experience of being students and some of the difficulties they face. Some members of the NDP even called for free tuition. Well, Mr. Deputy Speaker, not all high school kids want to go to university and some aren't interested in post-secondary, and some want to work and earn money.

It is those students that won't benefit from the post-secondary education, but they will be the ones who pay.

I was a student before, a couple of times, quite some time ago, and I'd like to share my story, because listening to those presentations brought back a lot of memories.

I was born and raised in Thompson. My mother was a schoolteacher; my father owned his own new and used furniture store. We got by, and my parents made sure my older brother, younger sister, and I got the necessities we needed, but by no means was there any silver spoon.

I graduated from R.D. Parker Collegiate in Thompson, and after high school the norm is for many grads to go to university in Winnipeg and follow—the following year. Many families had a parent working for INCO and they could afford to go. Me, not so much.

I ended up working to save money to go, and I ended up working in a—for a construction company that allowed me to work on night shift for 12 hours jackhammering in the refinery at INCO. And they were putting in a floor above us and we were taking out the floor below, so we had the jackhammer bent over—and I remember being in the lunchroom with guys who were 50 and 60 and I decided I want to go back to university, but there's no way I wanted them to have to pay for it because they had it tough already.

Madam Speaker, I'm the one that benefited from my university; I'm the one that paid for it, and I don't want others to have to pay.

Thanks.

\* (11:50)

**Mr. Deputy Speaker:** When the matter is before the House, the debate will be considered open for next time.

## DEBATE ON SECOND READINGS— PUBLIC BILLS

### Bill 200—The Human Rights Code Amendment Act

**Mr. Deputy Speaker:** I'm interrupting debate for the accordance to rule 24, as previously announced, debate question before the House is on Bill 200.

The question before the House is the second reading of Bill 200, The Human Rights Code Amendment Act.

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

**Some Honourable Members:** Agreed.

**Mr. Deputy Speaker:** Agreed and so carried.

**Some Honourable Members:** No.

**Mr. Deputy Speaker:** No? So I hear a no.

#### Voice Vote

**Mr. Deputy Speaker:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Mr. Deputy Speaker:** All those opposed to the motion, please say nay.

**Some Honourable Members:** Nay.

**Mr. Deputy Speaker:** In my opinion, the Nays have it.

#### Recorded Vote

**Hon. Jon Gerrard (River Heights):** A recorded vote, please.

**Mr. Deputy Speaker:** A recorded vote has been requested. Is there three other members that will support it?

So, recorded vote has been requested. Call in the members.

Before we start, I would like to put on the record

that the member for River Heights (Mr. Gerrard) had more than three members to call for a vote.

The question before the House is the motion of Bill 200, second reading.

\* (12:00)

#### Division

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

#### Yeas

*Allum, Fletcher, Fontaine, Gerrard, Kinew, Klassen, Lamoureux, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Saran, Selinger, Smith (Point Douglas), Swan, Wiebe.*

#### Nays

*Bindle, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Reyes, Schuler, Smith (Southdale), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk, Yakimoski.*

**Deputy Clerk (Mr. Rick Yarish):** Yeas 16, Nays 35.

**Mr. Deputy Speaker:** I declare the motion defeated.

The hour being 12 p.m., this House is recessed and stands recessed until 1:30 p.m.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, November 2, 2017**

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