

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

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 11, 2018

The House met at 1:30 p.m.

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

Please be seated. Good afternoon, everybody.

An Honourable Member: Madam Speaker.

Madam Speaker: The honourable Minister of Finance.

Hon. Cameron Friesen (Minister of Finance): On a matter of privilege, Madam Speaker.

MATTER OF PRIVILEGE

Madam Speaker: The honourable Minister of Finance, on a matter of privilege.

Hon. Cameron Friesen (Minister of Finance): I would like to move a matter of privilege under rule 36(1) related to the comments by the Leader of the Official Opposition (Mr. Kinew) during question period on June 7th, 2018. The rules of this Chamber require that I raise this issue at the earliest opportunity.

Madam Speaker, it was important for me to ascertain from the published record of Hansard exactly what the Leader of the Opposition said, and therefore I have now reviewed the record of this Assembly, and I am of the opinion that this is my first opportunity to raise the issue, having verified the language and words of the official Leader of the Opposition.

On June 7th, the Leader of the Opposition, in questioning the government, stated that I, as Minister of Finance, had misled the House in regards to the government's statements that we did not yet have certainty for the coming fiscal year's revenues from the potential legal market for cannabis, which, as we know at this time, is still uncertain, at least to the timing. The Leader of the Opposition stated that the

information I put on the record in the Committee of Supply was false.

I believe there is a prima facie case here of privilege, where a member, and not just any member, but the official Leader of the Opposition, stands and suggests that a minister of the Crown is making an untruthful or misleading statement. The Opposition Leader showed a lack of discretion in making this assertion. I did—believe he did so without basis.

These are the facts, Madam Speaker. We know that the federal government has not yet passed Bill C-45 or Bill C-46 in Canada's Parliament. So, not only do we not know what future revenues will be, legalization itself for this current fiscal year is still uncertain. There is no definite date that government can point to with any degree of assurance or confidence at which cannabis legalization will be known and when revenues could be reported.

What we do know, Madam Speaker, is that when legalization does occur, and if it occurs once the federal government concludes its own political debates on the issue, is that the provinces will be saddled with the majority of the costs. Those costs are pertaining to policing, justice, health care and addictions, education campaigns and efforts to protect our youth from the impacts that cannabis has on a young and developing brain.

We know that there will be costs related to the implementation, and a great deal of effort has been undertaken in this province to ensure that we are doing the right things in preparing for the legalization of cannabis. We are doing what we can to ensure that criminal gangs will be moved out of the legal market. We are doing what we can to keep these products out of the hands of youth. We are doing what we can to get ready to cast out to Manitobans knowledge and information about the dangers of the use of cannabis.

We know that at this time we are still resolving many issues, as are the Senate and House of Commons, where debate continues on amendments related to these very topics. Clearly, we were correct when we said that the federal deadline was rushed, since the House of Commons has still not passed

their own bills or set a date when legalization will take effect.

The Leader of the Opposition, when he made his unadvised statements, he offered as proof a document, a FIPPA document. He waved it around—and one that he probably rescued from the dust bin. The document he pointed to essentially amounts to an early guesstimate by one proponent—an early guesstimate by one proponent. Government received that proposal, as it received many proposals from proponents, in deliberations on how we should market, how we should construct our system here in Manitoba. We rejected that proposal in early days as inaccurate and unlikely to succeed.

This is clearly a specious argument. It was nothing more than an opposition's vain attempt to discredit the government. Our made-in-Manitoba approach to cannabis legalization is a better model, one that clearly understands the value of the public sector in regulation and transportation. It identifies the clear strengths of the private sector in retailing and taking that risk. This is the better model, and we have been clear about the model we have chosen and the reasons for which we have done so.

The government has expended a great deal of effort to determine all of the costs of cannabis legalization since the document that the Opposition Leader referenced was drafted. Government continues to assess what the impacts of legalization will be. Let me be clear: there is no estimate that we have seen that would indicate the likelihood of making money in the retailing of cannabis, especially in the short term, when weighed against all of these significant factors and costs that we as a province will incur.

Further, since legalization has not yet occurred and the system is not yet up and running, the government has no legitimate frame of reference to determine how much market share the legal market will achieve and whether there will be any material revenues to government at all. What we do know is there will be costs to this government and that these costs will outweigh any potential revenues, especially in the short term.

Clearly, the government has provided enough information repeatedly on the record to make it clear to the Leader of the Opposition what the many variables are that have provided the government with the rationale for stating that there is no certainty regarding cannabis legislation, therefore no certainty regarding his assertion about cannabis revenue.

There—Madam Speaker, we are therefore not budgeting any revenues from cannabis in this fiscal year, as we made clear in Budget 2018. I have made abundantly clear to the Leader of the Opposition and his critic for Finance, whoever that may now be, on many occasions, that this is our approach.

It's not the first time the Leader of the Opposition has put inaccurate statements on the record. I can recall only last week in this House he rose and said that the reason that they could not adjourn the House is because he did not want to give up his last opportunity to ask questions on the budget implementation and tax statutes act.

Now, I don't know if it is because he is in possession of poor materials, if he is poorly prepared or if he's careless, but that member understands that that is not his last chance to ask questions on the budget implementation and tax statutes act because that member should clearly understand—and if he doesn't, his colleagues would understand—that that bill is its own bill and therefore shall be introduced and read at first reading, second reading and third reading, but, in between that time, it will be heard at Committee of the Whole, and, Madam Speaker, the opposition parties have discretion on timing when it comes to committee on the whole. So let him not mislead the members of his own caucus. Let him not try to mislead the members of this Chamber. Let him not try to mislead all Manitobans in his false assertion that somehow he gives up discretion.

* (13:40)

Madam Speaker, it is because of this that I move for the House to impose a remedy and reparation for this matter of privilege under rule 36, and that the Leader of the Official Opposition (Mr. Kinew) apologize for his stating that the Minister of Finance made false statements and calling into question my forthrightness with this Assembly, as this amounts to unparliamentary language and is not suitable for this Chamber.

Madam Speaker: The honourable Minister of Finance.

Mr. Friesen: I move, seconded by the Minister of Justice (Mrs. Stefanson), that this House impose a remedy and reparation for this matter of privilege under rule 36, and that the Leader of the Official Opposition apologizes for his stating that the Minister of Finance made false statements and calling into question my forthrightness with this

Assembly, as this amounts to unparliamentary language that is not suitable for this Chamber.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Mr. Wab Kinew (Leader of the Official Opposition): I'll return to a question about the relevance of this point in a few moments, but I just want to note that when you're considering the substance of the matter at hand, the Minister of Finance's (Mr. Friesen) comments that he just made, I think, serves to illustrate my point that there is a contradiction in the words that this minister has put on the record with respect to cannabis estimates.

It seems clear that in the comments he just made, he said, on the one hand, the government has made a great deal of effort to ascertain the possible revenues from cannabis. But then, in the same barrage of words that he just unleashes in this matter of privilege, he goes on to say that there's no basis with which the government could estimate revenue. So therein lies the contradiction. That is the heart of the matter that I was referring to in the question period when I rose in my place and put the words that the minister is now referring to.

So, again, when I asked the question in question period—and I'm sharing this with you as background for your deliberations on whether or not this is a matter of privilege—I would say that I referred to a statement that this Minister of Finance made in Estimates, where he said, quote, there's no basis on which a government could make a claim about the estimate of revenue, unquote. However, we have heard from the minister himself just now that there are several 'bases' by which they could make a—an estimate of revenue.

I would also remind you that on that day, in question period, I tabled a document that showed at least one basis for revenue that the government could use to make an estimate of what the potential revenues are.

Now, there is a bigger issue here, which is that, you know, the government has called us back for an extended sitting for undetermined reasons. First it was because we had to discuss urgent financial matters; then it was because of concerns that were so

emergent and so important they couldn't be set out in writing. But I think that this issue does tie into that insofar as the confusion on the Minister of Finance's part is adding to some of the confusion as to why we are here in this overtime sitting of the House.

Now, again, I would remind you that what was, I think, the gist of the question in the question period that is now the subject of this matter of privilege was the statement that there was no basis on which a government could make a claim about the estimate of revenue. However, the minister did have and was aware at that time of these internal estimates which could be used as a basis to, you know, ascertain what the potential revenues for cannabis might have been.

So I think any reasonable person knowing that the Finance Minister had access and had been briefed on these documents would know that the claim in the Estimates process that he had made did not match up, that the facts and the statement did not align. And, again, I'm being very careful to, I think, use parliamentary language here because I want to return to that point in a second.

So, we tabled those documents. The—or the Minister of Finance makes reference to other internal estimates and other internal processes that have been undergoing that he has access to, that he has knowledge of. I think that should be part of your deliberations. You should take that under your consideration. But I would also invite the Minister of Finance to table these other proposals, table these other documents, table these other estimates that he has received. I think it would be an act of good faith and would probably help us to better debate and better understand these urgent financial matters that the House has been recalled to debate.

So, again, if he wants to bring that forward, it would certainly, I think, help us to understand why it is that the Premier (Mr. Pallister) recalled the House. Again, it is the Premier's prerogative to do so, but he has been very unclear as to follow-up on that.

He also makes reference—I'm not sure the relevance, but, however, he was allowed to put these words on the record, so I would just rebut them—he did make some comments about the budget implementation and tax statutes amendment act, which we are anticipating will be brought in sometime this calendar year for BITSA 2018.

But I would remind the Minister of Finance that that bill, even though he did not explicitly state this in his comments just a few minutes ago, that bill

was not called to public committee last year for BITSA 2017.

And so there, again, is a mismatch between the words that the Minister of Finance (Mr. Friesen) puts on the record and his attempt to assert that there will be all opportunity afforded to public and to opposition members to be able to ask the necessary questions so that we can exercise real due diligence on this government's budget process.

So I will leave any questions as to the motivation behind this government not bringing forward the budget implementation bill aside for now but just put on the record a reminder that BITSA was not called to public committee last year.

Also, if I recall correctly, the government also did not call that BITSA bill—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —for more than one day last year. Again, that does not seem to be the necessary time in order to have a fulsome and a meaningful and a deep discussion of the, you know, the BITSA act from last year. And that bill was not called back until the deadline came 4 p.m. one afternoon in which—at which time that bill was called for a vote.

So I would just—again, I'm not sure as to the relevance of it, because—but because the Minister of Finance did raise this in his commentary, I do want to provide the reasonable perspective that most people would have on the issues that he makes reference to there.

I would also point out for your consideration, and I do believe this is germane in so far as you may undertake to ascertain the facts of this case and so I will just put this commentary on the record, based on the Finance Minister's commentary, that there appears to be—I don't know if this is intentional, I don't know if this is deliberate or not—but there appears to be some confusion on the part of the Minister of Finance as to the difference between revenues and expenditures.

And that is a very salient point when we're talking about the finances and the budgets—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —of, you know, the Province of Manitoba.

So again, the question that I had asked in question period that is the focus of this matter of

privilege, it did focus on the revenues. And the commentary that I made at that time, the document that I tabled, did focus on revenues.

However, in his—I'm not, again, not sure if this is intentional, not sure if it's deliberate—but in his apparent confusion over the matter, the Minister of Finance rises today and now starts to talk about expenditures, perhaps attending—intending to gloss over the fact that we were really getting at trying to ascertain the truth of his statement as to whether or not the government had estimated the revenues, a.k.a. the money coming in—right—which is a question which can be considered in conjunction with the expenditures but should not be glossed over unnecessarily because, again, as opposition, we are trying to ascertain the facts so that we can carry out our role in advancing the freedom and well-being of all people here in Manitoba.

Now, these are a few of my initial thoughts on the record, but I think that overall, I think you understand the gist of what I'm saying here, Madam Speaker, that there are several things that are being asserted in this matter of privilege by the Minister of Finance which don't really match up with either the facts that have been put on the record or the commentary that the Minister of Finance himself has put on the record either today or on other occasions.

Now, it is clear that while the Minister of Finance may not always agree with the Minister of Finance on his statements, it's also clear that there is not agreement between the Minister of Finance and myself on statements.

And the reason why this is relevant—and I share this for the edification of my colleague from Steinbach, the esteemed Minister of Health—the relevance is that this is a dispute over the facts, Madam Speaker. And I would suggest that you dismiss this from being considered as a matter of privilege because it is simply a dispute over the facts.

I'm, of course, perfectly willing to continue arguing with the facts on our side against the position of the Minister of Finance, but because it is a dispute over the facts, I would argue that it is not a *prima facie* case of a matter of privilege.

* (13:50)

I would also point out to you that the Minister of Finance has not raised this issue at his earliest possible opportunity. Again, he could have raised this issue last week. He could have raised the issue

over the weekend. He could have raised this issue in writing this morning. However—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —he chose not to do so and, you know, for what strategy I'm not clear. Whether there is a strategy—highly doubtful. But he has not brought it forward at the earliest possible opportunity. [*interjection*]

Madam Speaker: Order.

Mr. Kinew: And so for these reasons I would ask that you dismiss this, not take it under advisement, and rule that it's not a prima facie case of a matter of privilege because it has not met the test of timeliness and it does not meet the prima facie test for it being a matter of privilege because it is, in fact, a dispute over the facts.

That is my argument to the main point.

The secondary argument that I wanted to raise that I raised—and that I alluded to at the beginning of my commentary—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: This is just the introduction, everybody, okay, so please indulge me here—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: Again—I'm sorry, Madam Speaker. I am having difficulty, you know, speaking, with all these—positive commentary—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —all these—positive 'commentariat' that I'm hearing from the other side. And I know the heckling does upset the younger folks in the House quite a bit.

But the point that I wanted to return to, Madam Speaker, is that, you know, there is a question of parliamentary language. I would share with you that I always endeavour to use, you know, the appropriate language, to use parliamentary language and I actually, you know, am open to, you know, a conversation as to whether my assertion that the facts and the statements by the Minister of Finance (Mr. Friesen) do not match up, was, in fact, parliamentary or not.

Again, if I can find a way within parliamentary discourse to make the same point I am happy to do so and I anticipate I will need to do so at many other occasions in the future. And I would search for your

direction on that matter if there is a question of language being parliamentary or not.

However, I would also suggest to you that if this was a question on whether or not language that was parliamentary, that that would not be a matter of privilege, that rather that would be a point of order and it could be something that you interject on at the time, as we know that you often do. And so I would just add that to your—I guess I would add that on the record also for you to consider on this matter.

So having then argued that the matter of privilege does not stand because it does not meet the prima facie test or the timeliness test, I would just add that I'm always willing to take direction from you, Madam Speaker, as to whether or not, you know, something that may have properly been argued as a point of order is something that deserves proper consideration in the future.

So with those few brief, concise and well-reasoned remarks on the record, I would again just repeat that there's no—that there is no matter of privilege here, but always looking forward to discussing issues like this in the House in the future.

Hon. Jon Gerrard (River Heights): Madam Speaker, a few quick points.

First, as is—has been ruled on many occasions before, this would really fit into a dispute over the facts rather than a matter of privilege. However, I would also add that it does meet the normal tradition that we have as being raised in the first possible opportunity because it is important that members have the opportunity to read through Hansard and that this would be the first occasion that the Minister of Finance would be able to have read through Hansard and check what was said and brought it forward.

So, certainly, on our point of view, this would meet the criteria of having been raised at the earliest possible opportunity.

I think that the Minister of Finance, when he said there is no basis on which the government could make a claim about the estimate of revenue from cannabis, that he probably talked and—with insufficient caution for a Minister of Finance; that he should have said there is not sufficient basis or there is inadequate basis to make a precise claim. But clearly there was some basis. And so I would suggest that the Minister of Finance in the future could, in fact, be more precise in his language and then there

would not be this debate in terms of whether the things that the minister said were false or not.

I would also suggest to the Minister of Finance (Mr. Friesen) that this whole matter could be expedited, in terms of what we're dealing with at the moment, if he did bring forward this BITSA bill. And clearly, at this point, the Minister of Finance—*[interjection]*

Madam Speaker: Order.

Mr. Gerrard: —the Minister of Finance has not provided an adequate explanation for why he can't bring it forward. And hopefully, if he does not bring it forward, he will do that, but hopefully, he will bring it forward.

Thank you, Madam Speaker.

Hon. Steven Fletcher (Assiniboia): On the same matter of privilege, I believe that the Finance Minister is correct that he's raising this at his first opportunity.

I will make the following comment. If the Health Minister is esteemed, and I agree that he is—*[interjection]*—esteemed, great guy, meets the minimal test for that—and if he does, the Justice Minister and Deputy Premier must be 10 times that esteemed.

And that brings me to some comments the Justice Minister made just a week ago in the Free Press at a business community, and it's, quote—

Madam Speaker: Order, please.

I would ask the member that—I'm hoping he's leading towards making relevant comments related to this specific matter of privilege, and it is about the comments made by the Minister of Finance, not comments made by other ministers. So I would urge him to be relevant in the comments that he's making because it needs to relate to this specific matter of privilege.

Mr. Fletcher: And, Madam Speaker, it does because it's—the quote is, the cost associated with regulation and enforcement will largely outweigh the revenue opportunities. Justice Minister. It says—continues on in the article, one of the greatest myths about cannabis legalization is that there will be a—some sort of windfall.

This is very relevant to the point. The fact is that this matter of privilege is a dispute of the facts, but the quote definitely suggests that the revenue will be greater than the expense, but maybe not. So instead

of us fighting about this specific point, perhaps the Finance Minister could simply put zero on the revenue expense side and so we could get on with the budget Estimates.

What is \$10 million one way or the other on a \$9-billion budget? To be delayed because of this item is not a reasonable thing and is not consistent with common sense or the real world.

That's my comments. Thank you, Madam Speaker.

Madam Speaker: A matter of privilege is a serious concern. I am going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

ROUTINE PROCEEDINGS

Introduction of Guests

Madam Speaker: Routine proceedings, and before I move forward with those proceedings, we do have some guests in the gallery that are going to be leaving in about five minutes. And seated in the public gallery from Kleefeld School we have 46 grade 4 students under the direction of Tanya Klinkhammer, and this group is located in the constituency of the honourable Minister of Health, Seniors and Active Living (Mr. Goertzen).

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

So, routine proceedings.

INTRODUCTION OF BILLS

Bill 201—The Manitoba Conservation Officers Recognition Day Act

Mr. Alan Lagimodiere (Selkirk): I move, seconded by the member from Thompson, that Bill 201, The Manitoba Conservation Officers Recognition Day Act, be now read a first time.

Motion presented.

Mr. Lagimodiere: Bill 201 will designate October 1st in each year as conservation officer recognition day. A day will be—this will be a day to recognize the history of conservation officers in Manitoba, a day to recognize the training and responsibilities of—performed by conservation officers on a daily basis and a day to recognize those in the profession that pay the ultimate price in the performance of their duties.

* (14:00)

Thank you.

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

Committee reports?

TABLING OF REPORTS

Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living): Thank you and good afternoon, Madam Speaker. I'm pleased to table all the matters taken under advisement during the—this year's Estimates process for the Department of Health, Seniors and Active Living.

Madam Speaker: Any further tablings?

Hon. Brian Pallister (Premier): Madam Speaker, I'm pleased to table three copies of matters taken under advisement during consideration of Estimates in the Committee of Supply.

Madam Speaker: Ministerial Statements?

MEMBERS' STATEMENTS

Trust, Truth and Integrity

Mr. Cliff Graydon (Emerson): I want to talk today about trust.

Where I come from, trust is a currency that far outweighs anything else. You can buy fertilizer, sell grain, get cattle from farm to the table on a handshake. Your word is the most valuable currency there is; it's what defines you and ensures that the trust you have between one another remains strong.

In the time that I've been fortunate enough to sit in this place, the NDP has done nothing but break the trust of the people of Manitoba. A PST increase after calling the notion ridiculous, longer wait times after promising better care and lower education scores for our children after promising better results are the NDP's legacy.

Two years ago, Manitobans made something perfectly clear. They made clear what was clear within the NDP's own caucus: nobody sitting over there can be trusted. Not a single one of them. They don't trust themselves, they don't trust their caucus mates, they don't trust Manitobans. There's no gang of five anymore; there's a gang of 12 rebels looking for a life raft. They're all in this for their own political survival; they wouldn't know what a team is because they've never been on one.

That means that everything they say should be scrutinized, looked over and thrown in a trash can.

There's no strategy, no rhyme or reason. It's a bus careening downhill with no brakes. Their word actually isn't worth anything. If it was something that you could buy in a store, the NDP couldn't even raise taxes on it, because you can't collect 8 per cent on zero.

Oh, what a web they weave when first they practise to deceive. It's very clear that birds of a feather flock together.

Filipino Street Festival

Ms. Flor Marcelino (Logan): I wish to thank and congratulate the organizers, officers and the many hard-working volunteers who recently concluded another successful Filipino Street Festival. The festivities held at the Maples Community Centre grounds this weekend marked the seventh year of the annual Filipino Street Festival. The vibrant Filipino culture—music, dance, attire and delicious food—were in full display for everyone to enjoy and appreciate.

Madam Speaker, it was not very long ago I invited a dear friend, Marivic de Venecia, for a New Year's Eve dinner. She had just arrived then in Winnipeg as a new immigrant through the MPNP. Right after dinner, I shared with her my vision of a big event with Manitoba's indigenous and multicultural communities which would generate local and international tourism. Thus started an enthusiastic and feverish discussion of possible activities to undertake and then the concept of a street festival was born. We both agreed on testing the concept first with a community we know best: the Filipino community.

We started laying out concrete steps needed to start this project right after the clock struck 12—literally during the first few minutes of January 1, 2012. Just before dawn broke, Marivic and I had finished the template of a Filipino street festival, one that would engage young and old from various organizations in the community and even overseas. With adrenaline pumping and creative juices flowing, we lost track of time. In the next few weeks afterwards, I presented the plan to leaders of community organizations, and the rest is now history.

The street festival is just one of the many events happening during the Philippine Heritage Week. The Philippine Heritage Week started with a flag-raising ceremony last Saturday. Beginning tonight, various events will be held to commemorate 120 years of Philippine independence. For decades now, the

well-attended Independence Day ball is one of the highlights of heritage week where the community's joie de vivre is—

Madam Speaker: The member's time has expired.

Is there leave to allow the member to conclude her statement?

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Speaker: Leave has been denied. The—leave has been denied.

Trust, Truth and Integrity

Mr. Len Isleifson (Brandon East): We, as legislatures, have a responsibility to act in accordance with standards—[interjection]

Madam Speaker: Order.

Mr. Isleifson: —set before us as we represent the constituents in a professional way. This is not a new procedure in this Legislature or any other Assembly around the world.

We are held to account for our actions and our words by not only you, Madam Speaker, but also—and I may say, even more so—by our constituents whom we are elected to represent.

The Middle English word *trewe* was introduced to our language as an indication of peoples' factual, honest, trustworthy, unwavering, faithful and truthful thoughts and actions. Unfortunately, the opposition NDP simply do not represent these values.

You see, Madam Speaker, trust, truth and integrity go a long way in building the respect of all constituents in our great province. The NDP continue to spread misleading information with each and every question they ask in question period.

The NDP talk about the myths of cuts in health care. The truth is, Madam Speaker, our government has invested over a billion—half a billion dollars more than in previous years. The NDP talk about myths related to cuts in education. The truth is that more funding is invested in education than ever before. The list goes on and on.

We are here to work for our constituents and, over the past few days, the NDP have proved that they do not care. We suggested sitting Fridays. They voted against it. We suggested extending sitting hours to get even more work done. They voted against it.

Even just this past Wednesday when we were scheduled to work until 5 p.m., they simply attempted to introduce an early closure of the Legislature. They simply do not want to work for the people of Manitoba.

I will conclude my remarks by stating loud and clear that I, along with my PC colleagues, will continue to represent our constituents with continued truth, trust and integrity, something that has been lacking in the NDP caucus for almost two decades.

Gordon Crook

Mr. Andrew Swan (Minto): Today I am honoured to recognize a true West End legend. At the end of June, Gordon Crook will retire as the principal of Tec Voc High School.

Gord has a legacy of dedicated and passionate service to students with the Winnipeg School Division. Gord has been an educator for 40 years, including the last 18 years as principal at Tec Voc. His presence will be dearly missed by teachers, students and parents alike.

As a lifelong Winnipegger with a deep love for his city, Gord was working in government when he returned to school to get his education certificate. He began his teaching career at William Whyte School and, as they say, the rest is history.

Gord has been a mentor, educator and role model to countless children. As principal, he has maintained this connection and has put in place a staff that truly care about their students.

One of Gord's greatest achievements has been elevating the convocation ceremony for Tec Voc to attract scholarships and recognition on a par with schools elsewhere that may have an easier time raising money for alumni and nearby businesses. It is well known that Gord has sacrificed his wedding anniversary each year to celebrate his students' achievements and this year's grad in a few short weeks will be the last time.

I've been lucky enough to get to know Gord over the years. Whether it's been announcements on trades and technology at Tec Voc, standing on the sidelines at Hornets games or even joining him in the cast of the West End premiere of the Putnam County Spelling Bee, I can see Gord's devotion to his staff and to his students and an unceasing commitment to education.

I hope to see Gord at Tec Voc on special events, especially on the day, hopefully not too far into the

future, when Tec Voc gets its new aerospace and welding wing.

On behalf of the thousands of former students whose lives have been enriched by Principal Gordon Crook, please join me in thanking him for everything and wishing him all the best in retirement.

Trust, Truth and Integrity

Hon. Ron Schuler (Minister of Infrastructure): It is an honour to rise today and put some words on the record. After more than a decade and a half of NDP mismanagement, broken promises, scandals and fiscal irresponsibility, Manitobans voted for change, and we are glad they did.

Our PC government inherited a massive debt, ballooning debt-servicing costs and unacceptable poor service and poor quality in health, education and elsewhere. It is our goal to fix the finances, repair our services and rebuild the economy.

Indeed, as important as these goals are, perhaps equally important is how we go about achieving them. We as a government are committed to governing with truth, integrity and trust.

*(14:10)

Under the previous government, these virtues were nowhere to be seen, which is both tragic and unacceptable. We saw the lack of integrity when five NDP MLAs resigned, citing turmoil and grave concerns surrounding former premier Selinger's leadership. We saw the lack of trust when they raised the PST. We continue to see the lack of truth when they renege on deals made between House leaders.

Our great province of Manitoba deserves better.

For the first time in a long time, the future of this province is looking up. Fiscal management under the NDP put our fiscal health and front-line services at risk. It has been a difficult task, but we are making significant progress in tackling the deficit and at the same time improving the services that Manitobans need and rely on. The people of Manitoba have given us a mandate, and where the NDP failed, Madam Speaker, we will succeed.

Introduction of Guests

Madam Speaker: Prior to oral questions, I would like to introduce some guests to you.

I would like to draw the attention of all honourable members to the Speaker's Gallery, where we have with us today the parents of the honourable

Minister of Municipal Relations (Mr. Wharton), Mike and Gayle Wharton, from St. François Xavier, and their friends Larry and Bonnie Shea from Wisconsin Dells, USA.

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

And I am also told that in the public gallery we have Patrick Trudeau, who is with us in the House today, and it happens to be his 20th birthday, and he is here as the guest of the honourable member for Rossmere (Mr. Micklefield).

We welcome you to the Manitoba Legislature as well.

ORAL QUESTIONS

US Steel and Aluminum Tariffs Government Position

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, Canadians are talking about the war of words that erupted between the President of the United States of America and our Prime Minister. I think I speak for all members of the House when I say that Trump's attack is wrong. It's not what we want from our politics, especially when so many jobs are at risk.

Now, we know that the Trump administration's steel and aluminum tariffs threaten a relationship that has withstood the test of time. Now, Canadians embrace trade, but we also must defend our interests. When the Canadian economy is under attack, when good Canadian jobs are at risk, we have to take action. We need to protect our interests from those threats.

So I would ask the Premier: Will he stand with the Prime Minister, with the Government of Canada, but, most importantly, with the working people of Manitoba to reject the US President's attacks?

Hon. Brian Pallister (Premier): Well, we have, Madam Speaker, and we continue to stand for free trade, unlike members opposite, including the Leader of the Official Opposition, who actually signed the Leap Manifesto, which opposes all trade deals. The member can't have it both ways. He can't oppose trade out of one side of his mouth and defend someone who's fighting for free trade on the other.

We have been working with the federal government and with our partners in the United States of America to make sure that they understand—and Mexico—to make sure that all of us understand

there is too much at stake here to be escalating rhetoric to try to score short-term political points, Madam Speaker.

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

Mr. Kinew: What we stand for on this side of the House is fair trade, Madam Speaker. That means trade that advances the interests of the people of Manitoba that also ensures that there will be a great environment for our kids to grow up in for generations to come.

And that's why this upcoming dispute, or the current dispute, with the United States of America is so important. This is a key test of Canada's ability to stand up for our own national interest against a government in the States that is flying off the rails as we speak.

Now, we know that here in Manitoba there will be some 400 jobs at the Gerdau steel factory in Selkirk that will be impacted if these steel tariffs come into effect. We know that some \$100 million in steel products are exported to the US every year, that there's also aluminum exports coming out and that that could spin off to other areas of the provincial economy.

The Premier ought to reassure the people of Selkirk and those others whose jobs are affected.

Can he tell the House today what steps he has taken to protect jobs in the steel industry as well as other industries which may be affected by tariffs and a trade war with the United States of America?

Mr. Pallister: Well, Madam Speaker, President Trump won't succeed in making America great again without Canada.

The fact remains that we have to promote free trade and not do as the NDP leader and some of his colleagues have done: sign on to an agenda of no trade.

The NDP was so against fair trade internally in our own province that they created a massive list of exceptions and exemptions in the name of protectionism that put Manitoba behind other provinces who were actually endeavouring to work together to try to improve trade within our Canadian confederation.

We are now at the front of leading that fight, Madam Speaker, and we are also making sure that we do everything in our power to assist Manitobans

and Canadians in creating real jobs and creating real opportunity, not only here and in the United States but elsewhere around the planet. That's what we'll continue to stand for, and the opposition is now embracing it, too, so I'm appreciative of the member changing his position formerly outlined as being against all trade deals.

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

Manitoba Economy Request for Jobs Plan

Mr. Wab Kinew (Leader of the Official Opposition): What is necessary of nations and jurisdictions in trade negotiations is your ability to open up trade where it benefits your country or your jurisdiction but also to be able to protect your national or your jurisdictional interests. That is something that the Premier has shown that he is unable to do. He refuses to stand up for Manitoba jobs in hydro—[interjection]

Madam Speaker: Order.

Mr. Kinew: —in other industries, when it comes to intraprovincial jurisdictions, even though other provinces stand up for workers in their own backyards. So we are in favour of fair trade, but we are, importantly, in favour of jobs right here in Manitoba.

Last Friday, we saw some disappointing job numbers come out here in the province of Manitoba. We know that the unemployment rate is now at 6 and a half per cent, worse than BC, Alberta, Ontario and Quebec. It seems that we are backsliding, no longer leading the nation when it comes to the job situation in the country here. So if these tariffs come into effect, it could worsen the job situation.

What is the Premier doing to stand up for the interest of Manitoba jobs, and when will he bring forward a real plan for jobs right here in Manitoba?

Hon. Brian Pallister (Premier): Well, as opposed to the member opposite, Madam Speaker, we are blessed on this side of the House to have people who actually have created a job, who actually understand what putting capital at risk means, who are ready to partner with the small-business sector, ready to eliminate unnecessary and costly red tape, ready to reduce taxes both at the corporate and personal level, ready to build partnerships for economic growth and development, not silos.

Madam Speaker, the 17-year record of the NDP was counter to productive job creation and growth. We are seeing initial signs of success, and we'll continue to 'purtue'—pursue that success.

And I would also say, in terms of outreach, my colleagues and I have been reaching out to our American and Mexican partners as well in terms of hosting the Midwest legislative conference here in July. We'll have another opportunity with trade on the agenda, and I encourage members to turn over a new leaf and fight for open free trade for a change.

Madam Speaker: The honourable Leader of the Official Opposition, on a new question.

**Bureau de l'éducation française
Assistant Deputy Minister Position**

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the French community in Manitoba has, for a long time, fought for its rights. These are rights that are actually rights that this province was founded on. That's why the community reacted so strongly when this government unilaterally cut the ADM position for the Bureau de l'éducation française. It bypassed the advisory council that had been set up—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —to liaise with the francophone community.

Maintenant la communauté s'est organisée. The Canadian Parents for French ont fait un sondage de leurs membres : il n'y avait aucun parent qui appuie la décision du gouvernement de couper la position du ADM à BEF. On a présenté une pétition avec plus de 1 800 noms de Manitobains et Manitobaines qui demandaient le gouvernement de renverser cette position.

Translation

Now the French community has organized itself. Canadian Parents for French did a survey of its members, and there are no parents who support the government's decision to cut the ADM position at the BEF. We presented a petition with the names of over 1,800 Manitobans who are asking the government to reverse its position.

English

Will the Premier listen to parents and educators who care about French language education in Manitoba? Will he reverse the cut to the ADM position for the Bureau de l'éducation française?

Hon. Brian Pallister (Premier): We all know here, Madam Speaker, the member cares more about by-elections than bilingualism, and the fact remains, les Manitobains nous ont élus pour réparer les services qu'ils apprécient.

Translation

Manitobans elected us to repair the services they appreciate.

English

We are fighting for front-line services, Madam Speaker. Where the NDP built up the top of their business structure, their organizational structure within government, to the point where it was dysfunctional and overly expensive and didn't get the results that everyone needed and wanted at the front end, we are focusing on investing in the front end. That's why we've increased the investments to the relevant services that will benefit Franco-Manitobans and all Manitobans across the board.

The unsustainable nature of the way the previous government managed its affairs is well understood by all who understand the difference between gross and net.

* (14:20)

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

Mr. Kinew: Madam Speaker, the voices of those who deliver education on the front lines is very important, and that's why I would table for the First Minister's consideration the summary report from Partners for French Education.

Now, ça, c'est un groupe qui va travailler avec plusieurs organismes : Manitoba Teachers' Society, Fédération des parents du Manitoba, Société de la francophonie du Manitoba, Division scolaire franco-manitobaine, l'Université de Saint-Boniface, et puis d'autres.

Translation

Now this is a group that will work with several organizations: Manitoba Teachers' Society, Fédération des parents du Manitoba, Société de la francophonie manitobaine, Division scolaire franco-manitobaine, Université de Saint-Boniface, as well as others.

English

Parents and educators have come together to find a path forward for French education in this

province, recognizing that education is key to their community's success, but it also touches on the lives of so many other Manitobans now that French immersion education is so popular.

Key among their recommendations is this government backing down and reversing the cut to the ADM position in the BEF part of the Department of Education.

Given that the First Minister, in his first answer, just said he wants to listen to the people on the front line, will he now listen to the recommendations of this report from front-line workers calling on him to reverse the cut to BEF?

Mr. Pallister: Well, Madam Speaker, again, when the member runs out of material, he uses immaterial. And so what he's using today is a misrepresentation of the facts.

We have close to a half a billion dollars of evidence that we are focused on educational investments, but we're not focused on building the organization at the top. Building it at the top is not a way to get greater results, and we know that because the NDP kept spending more money and getting poorer results. We went from middle of the pack when it came to reading skills to bottom of all provinces, Madam Speaker.

And so, you know, I am pleased to say today that we are finally in resolution of an agreement with True North that will result in a savings to the people of Manitoba of close to \$80 million, Madam Speaker.

An imprudent last-minute-gasp promise by the previous administration, which I'm sure the member would have supported were he here, would have given away \$80 million and have us have the largest liquor store in the country of Canada, Madam Speaker, a monolith, a megalith—whatever the word is—a Walmart, an IKEA of liquor stores, and we'd be out \$80 million.

The people of Manitoba would rather have that money and they'd rather see it invested in things like education than see it thrown out the window to build things at the top we don't need.

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

Mr. Kinew: Again, so there is a consensus among parents, amongst educators, amongst members of the French community. Even the Progressive Conservative candidate for St. Boniface disagrees

with this Premier's unilateral decision to cut the ADM position in BEF. And again, it is crucial to the community's future that French education be very robust, be very strong in this province.

Et si on a—si on veut voir une situation où—une vraie situation où l'éducation est bilingue, on devrait avoir un département qui est aussi bilingue. Alors les personnes qui avancent la francophonie au Manitoba pourraient contribuer leurs idées en français.

Translation

And if we want to see a situation where education is truly bilingual, we should have a department that is also bilingual. So the people who actually move Manitoba's Francophonie forward can contribute their ideas in French.

English

So given the unanimous opposition to this cut, given the fact that he said in this very question period he wants to listen to the people on the front lines, will the Premier now listen to the francophone community?

Will he listen to those working on the front lines of French education and reverse their cancellation, reverse their cut for the assistant deputy minister position in the Bureau de l'éducation française?

Mr. Pallister: Il est important de se souvenir de respecter la volonté des Manitobains.

Translation

It is important to remember to respect the will of Manitobans.

English

Madam Speaker, the will of Manitobans was not, as the member is espousing today, to protect the elites within the education services of our province or the elites in government, in Hydro, in Crown corporations. It was not the will of Manitobans to borrow a billion dollars more in every year than we were bringing in with some of the country's highest taxes.

We listened to Manitobans. They spoke clearly just two years ago, Madam Speaker. The member opposite is clearly not listening, and he wasn't listening when he said, to buy favour with the Manitoba Metis Federation, he would be happy to sign a cheque for \$70 million on a proposal he had yet to read.

Madam Speaker, this is not responsible management. If a larger civil service at the top—
[interjection]

Madam Speaker: Order.

Mr. Pallister: If a larger civil service at the top would solve all the problems, the NDP might still be in power, Madam Speaker, and the services might be a lot better. But they aren't. And we're going to improve the services for the people of Manitoba. We're working on the front line with front-line people. [interjection]

Madam Speaker: Order.

Budget Implementation Bill Request to Introduce

Mr. Matt Wiebe (Concordia): Well, the Premier's had a week to think up an urgent financial matter that he has recalled the House for, and yet all that remains is his government's failure to bring forward the budget implementation bill.

He knows that it's been the practice of this House now for many decades to debate this bill in the spring session, and in fact, it's happened every single year except in election years. Instead, his only—he only puts—continues to put on false information on the record about our caucus. But he knows that on this side of the House, we're not going to pass the budget until we see the budget bill.

So will the Premier introduce BITSA to the House today so that we can debate it?

Hon. Cameron Friesen (Minister of Finance): It appears that there has been a shuffle of responsibilities on the opposition side. I welcome my new critic of Finance, who finally has a question. So, congratulations to him.

Madam Speaker, it has been months, weeks. If that member wants to talk in—about an exceptional circumstance, let him talk about the fact that there was a budget brought in this province in March and we have yet to have a question by a Finance critic on a budget. I can only interpret that as wholesale endorsement of a plan that is getting better results for all Manitobans. [interjection]

Madam Speaker: Order.

The honourable member for Concordia, on a supplementary question.

Mr. Wiebe: Well, Madam Speaker, it was only last week that the Premier put false information on the

record when he said that our former government delayed the introduction of BITSA by three months in 2014. Now, if he went back and he checked Hansard, he would see that it was actually introduced on June 3rd of that year.

So, it's now June 10th and the Premier continues to refuse to bring forward his budget implementation bill and refuses to be transparent with Manitobans about when his next cuts will be.

So I simply ask the minister and the Premier: Will he bring his budget implementation bill forward today?

Hon. Brian Pallister (Premier): I appreciate the member's reference to June 3rd, Madam Speaker, because that is Tax Freedom Day in Canada. And I appreciate the fact, also, that our commitment—and I know Manitobans appreciate it—that our commitment here in Manitoba is to move that date back earlier into the year so that Manitobans can stop paying governments taxes earlier in the year and start putting more money into their own family's hands, onto the kitchen tables where they can decide how to spend it.

Now, I know that the member opposite is committed to higher taxes, and I know that he wants those taxes to go up in every category. So I'd like him to outline in his next preamble how far does he want it to go back. July 3rd? August 3rd? September 3rd? What is it? [interjection]

Madam Speaker: Order.

The honourable member for Concordia, on a final supplementary.

Mr. Wiebe: Madam Speaker, the reality is last year, this Premier used BITSA to hide some of his government's most harmful cuts.

He used it to hide infrastructure cuts, the money that's used to fix our roads and our bridges. He used it to hide deep cuts to transit that are hurting some of Manitoba's most vulnerable people. The Premier tried to hide a cut in his last BITSA bill that caused everyone's bus pass to go up to more than \$100 per person.

So I simply ask the Premier: Will he be transparent? Will he come clean with Manitobans and will he introduce his budget implementation bill today so that this House can debate it?

Mr. Pallister: Well, two things, Madam Speaker. The member talks about transparency. The NDP

promised Manitobans they wouldn't raise taxes. They went ahead and raised taxes. So I think we know what the NDP's version of transparency is like and we can see right through it.

On the other issue, the Opposition Leader—and it appears now the newly appointed Finance critic—put on the record that public committees of BITSA hadn't been held last year. Madam Speaker, public committees of BITSA haven't been held for 20 years or longer. They were never held when the NDP was in government either.

So I would encourage the member—he says he respects the rules, Madam Speaker, but he can't respect the rules because he doesn't know what the rules are. *[interjection]*

* (14:30)

Madam Speaker: Order.

Accessibility for Manitobans Act Implementation of Employment Standards

Mrs. Bernadette Smith (Point Douglas): Today is the first day of Manitoba Access Awareness Week. It reminds us that much work still needs to be done on The Accessibility for Manitobans Act. This act addresses barriers for Manitobans by setting new—five new standards which would make it be achievable by 2023. But this minister has failed to fully implement any of these standards. In fact, he's only started working on it.

The employment standards act is almost two months late. This means that there are still barriers to good jobs for some Manitobans.

Will the minister implement the employment standards?

Hon. Brian Pallister (Premier): Madam Speaker, of course, our neighbouring province had an election last week, and I do want to put on the record my personal thanks and the thanks of this government to Kathleen Wynne for her many years of service, her—specifically, of course, her recent service as premier of Ontario, and to say that I appreciated her forthrightness and her—the opportunity to get to know her better through a variety of meetings and interactions that we had.

I want to offer congratulations to Andrea Horwath for leading her party to their second best showing ever, and they will be in official opposition.

I also wanted to offer congratulations to the new Premier, Premier Ford, and say that that I encourage the member to offer her apologies to that Premier.

Madam Speaker: The honourable member for Point Douglas, on a supplementary question.

Mrs. Smith: Under The Accessibility for Manitobans Act, the minister must create a compliance framework—*[interjection]*

Madam Speaker: Order. Order.

Mrs. Smith: —to plan how Manitobans will achieve the standards. This framework was due in September 2017. We're now in June. Ten months ago, it was due.

The minister must also release an implementation plan in his budget to set goals for this fiscal year. But there's no plan in his budget.

There are two pieces that are critical to removing barriers for Manitobans with disabilities. Why hasn't this minister released them?

Hon. Scott Fielding (Minister of Families): This government is very much committed to inclusive society and making accessible—accessibility a priority for Manitobans.

We know the NDP want to run away from their previous record. We also know that they introduced legislation that suggested that the five standards should be done in—by 2023.

Let me put the real facts on the record, Madam Speaker. We have introduced the customer service standard. We are currently working on the employment standard. We anticipate introducing that soon. The other three standards we'll be working in concurrent fashion.

And, as said, our commitment from the campaign was that we'll introduce five standards by the end of our first term. We're well on our way, Madam Speaker.

Madam Speaker: The honourable member for Point Douglas, on a final supplementary.

Mrs. Smith: We know the track record of this government and—we'll get to it; we'll do it by the end. But it never gets done.

The minister is ignoring his duties to Manitobans with disabilities. He's broken his promise to make Manitoba a more inclusive, accessible province. He's behind schedule on implementing the standards.

He has not even a plan to get these standards implemented by 2023. And—*[interjection]*

Madam Speaker: Order.

Mrs. Smith: —he has refused to provide any funding for this work in his budget.

The Premier dropped the minister's responsibility for persons with disabilities, designated, from Cabinet.

Why is the minister ignoring his responsibilities to make Manitoba accessible?

Mr. Fielding: This is really about integrity. I know the member opposite can speak highly about integrity because of what—her comments earlier on this weekend.

I can tell you, from our government point of view, our credibility and what we have committed to, again, is implementing the five standards within our first term of office. We are well on our way to doing that.

My other concern with the members as well is what they do with credible people, like whether it be Dr. Rush or whether it be people like Jim Baker, who is head of our accessibility, where they attack the credibility of these individuals.

Jim Baker has clearly said that we're on track in terms of our five standards for accessibility, Madam Speaker.

Recreation Programs for Inner-City Youth Application Approval Inquiry

Ms. Nahanni Fontaine (St. Johns): Last year, the City of Winnipeg applied again for a grant of half a million dollars to fund recreational programs for youth and children in Point Douglas, Madam Speaker. That application was made in December of 2017 for this current fiscal year. This program has been funded every year since 2009 because it tangibly benefits vulnerable but vibrant, determined and beautiful youth here in Manitoba. The City presented detailed evidence of its benefits and it's important that it continues.

Will the minister confirm for the House today that the \$500,000 enhanced recreation program for children and youth in the inner city has actually been approved?

Hon. Jeff Wharton (Minister of Municipal Relations): I'd like to welcome my new critic to her

new role today. It's nice to see that I have a new critic.

And, Madam Speaker, we are so proud of our investment that we make in our community organizations, not only here in Winnipeg, but right across this province of ours. We continue to collaborate with our groups. We'll ensure that any investment is made at the front lines of these services.

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

Ms. Fontaine: We know these kinds of recreational programs are important for youth, particularly youth in the North End, Madam Speaker. They keep kids active and outside during the long summer months. They even give working parents support so that their children can have the same opportunities as other Manitobans and other Winnipeggers. The evidence is there. The funds are well spent on our youth.

Will the minister confirm for the House today that the \$500,000 enhanced recreation program for children and youth for the inner city has actually been approved, Madam Speaker?

Mr. Wharton: Once again, I'll reiterate my comments earlier in my preamble. We were so pleased with the amount of consultation that we've been doing over the last several months and we'll continue to do, Madam Speaker, with groups like Point Douglas senior centre and groups all throughout the inner city. We're very committed to ensure that there's—we reduce the duplication in programming to ensure every dollar goes to the front lines of the communities that need them most.

Madam Speaker, where they got it wrong, we will get it right.

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

Ms. Fontaine: We know this government and the City of Winnipeg have a rocky relationship at this moment. The minister made massive infrastructure—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: —cuts in his budget that have hurt Winnipeggers who rely on transit and other public services. Recreation programs for communities are an important part of the City's budget, and without support from the Province these programs will

certainly have to be reduced or even just cut, Madam Speaker.

Will the minister confirm that the \$500,000 grant has been approved and, what's more, will the minister—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: Miigwech, Madam Speaker.

Will the minister support more recreation programs, like a south Winnipeg rec centre, for all children and youth here in Manitoba?

Hon. Brian Pallister (Premier): The sad debt legacy of the NDP, Madam Speaker, in reality means that over a billion dollars will not be available for the programs the member describes as high priorities today because it has to go to service past debts accumulated by the previous administration. Their short-term thinking created the problem that we'll now have to solve.

But the fact also remains, when she refers to rocky relationships—that she knows about that, I guess—but we have good relationships with certainly the City of Winnipeg, one of the most generous relationships in the country of Canada.

And I would encourage her leader to understand that when the House leaders make a deal that deal should be honoured. It should not be disrespected. And so, again, I'd encourage the leader opposite to just ask the member for The Pas (Ms. Lathlin) who she believes. Does she believe the member for Point Douglas (Mrs. Smith) or the member for Spruce Woods (Mr. Cullen)? Who does she believe that a deal was made and that is should be honoured? I would ask the leader.

Air Ambulance Services Safety and Maintenance

Ms. Judy Klassen (Kewatinook): Thousands of Manitobans rely on our province's air ambulance service. It is a lifeline for northern residents who require urgent medical attention. Northern residents have reached out to me with stories of instrument failure occurring before boarding, even during mid-flight.

* (14:40)

I can't imagine how that additional stress affects the patient when they're facing a critical situation.

Can the minister responsible please share with the House what procedures or safety checklists are in

place to keep Manitoba's air fleet in proper working condition?

Hon. Ron Schuler (Minister of Infrastructure): Madam Speaker, not just does our government ensure that the maintenance is continued, these are maintenance standards that are set by the federal government, our government also spends more than \$1 million on training our pilots.

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

Manitoba's Air Services Privatization Inquiry

Ms. Judy Klassen (Kewatinook): Madam Speaker, the past two years of this PC government have come with detrimental changes. We would have hoped that the rise in extreme weather incidents would have been a warning to this government to take action, but instead they've decided to privatize wildfire suppression and air ambulance services, emergency services that are keeping Manitobans safe and alive.

Services which are keeping entire communities from burning to the ground are going to be privatized.

Can the minister tell the House why the—doesn't the value of a life supersede the supposed cost saving this government expects to save with these reckless measures?

Hon. Ron Schuler (Minister of Infrastructure): Well, Madam Speaker, I would like take this opportunity to thank all of those who worked on the recent wildfires that took place here in Manitoba.

I'd like to thank our federal partners—the federal government of Canada—and also the Canadian Red Cross for doing an exemplary job. Also, within the government of Manitoba we all participated to ensure that all Manitobans were safe.

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

Ms. Klassen: Wildfire suppression and air ambulances are essential services, not just in theory but under The Government Essential Services Act of 1966, which lists water bombers and air ambulances as such.

It's been proven time and time again that services suffer when a corporation needs to turn a profit. Cuts to northern airports have made it so that a—critical patients are forced to wait outdoors, even in the dead of winter—*[interjection]*

Madam Speaker: Order.

Ms. Klassen: –because airports are not open to house them while they're waiting for a medivac to come in and land. This is quite serious.

Knowing that Manitoba's air service saves lives on so many levels, is the government still proceeding with plans to privatize the province's air services?

Mr. Schuler: Madam Speaker, I would advise members of this House to choose their words carefully because misplaced words really matter.

The member opposite first trash-talked all the airplanes that we have and then talked about how wonderful they are. I would like to tell all Manitobans that we take great pride in the fleet that we currently have. We maintain it to a federal standard. These are standards that are set federally on how your airplanes are supposed to be maintained.

We also train our pilots to a federal standard. The Province of Manitoba spends millions of dollars not just maintaining our airplanes, but also training our pilots.

Child Protection Centre New Pilot Project Funding

Mr. James Teitsma (Radisson): Madam Speaker, this PC government is repairing the services of this province after a decade of decay under the NDP.

This is most 'poignety' true when it comes to children in care. The NDP has one of the worst records when it comes to child poverty in all of Canada, and last week our Minister of Families took part in an important announcement that will provide hope: additional resources and services to serve some of Manitoba's most vulnerable children.

So can the minister please update the House on this important endeavour?

Hon. Scott Fielding (Minister of Families): Our government is very proud of our investment to transform the child-welfare system in the province of Manitoba. We know that's in stark contrast to what the NDP did in terms of child welfare, where children were in hotels as opposed to safe homes. We also know that the number of children in care went up by over 80 per cent under the NDP administration.

Our \$424,000 investment will provide for 2,000 more parental assessments. What that means, Madam Speaker, is parents and children will be able to come back together sooner and better care plans

will be in place. In fact, on average under the NDP administration, it would take about 130 days before any meaningful care planning. This will do it in days.

This is a plan that makes sense. We think it's important for vulnerable children here in the province of Manitoba, Madam Speaker.

North Dakota Water Diversion Project Manitoba's Legal Dispute

Mr. Rob Altemeyer (Wolseley): A question for the Premier, if I may: Why is it that Donald Trump's America knows more about his government's plans for water protection than people in Manitoba do?

Hon. Brian Pallister (Premier): Madam Speaker—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: –why is it that David Suzuki knows more about the provincial NDP's plan to kill jobs in Manitoba than the NDP do?

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

Mr. Altemeyer: Well, the Premier's own government is up to its usual secretive ways. It's only because of an Associated Press news article posted on CBC late Friday afternoon that we know his government has filed court documents in the United States on May the 3rd indicating they are trying to reach an agreement with North Dakota which would see polluted water enter the Souris River and go right through Brandon, into the Assiniboine and up through Lake Winnipeg.

Why on earth has his government been so unaccountable in what their intentions are, or are they selling us downriver to the Americans?

Hon. Rochelle Squires (Minister of Sustainable Development): As far as selling us down the river to the Americans, I would argue that the NDP did that in 1999.

This project was proposed by the Americans going back to '97. The NDP government did absolutely nothing for 17 years to stop this project from going ahead. And just like with many other files, when we took office, they handed us a file, it was nearing completion, and they said, here, do for Manitobans what we failed to get done. And that's exactly what we're going to do. We're going to stand up for water protection in this province.

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

Mr. Altemeyer: The minister just misled the House and she knows it. This government, when we were in office, were the ones who got the injunction which she's now filed an appeal of in North Dakota state law. The government is making stuff up, as usual, and meanwhile, all of our fresh water is threatened by this. There are multiple foreign invasive species which could damage the commercial fishery.

When—[*interjection*]

Madam Speaker: Order.

Mr. Altemeyer: Thank you, Madam Speaker.

When our federal MP in town, Daniel Blaikie, asked the federal government for their position on this, he actually got an answer. They confirmed that they're still standing behind the 40-year-old decision of the International Joint Commission that these projects are a threat and they need to be opposed.

What is this government's position, and why are they not telling Manitobans about this massive shift in policy? [*interjection*]

Madam Speaker: Order.

Ms. Squires: Well, this member is so clearly out of touch with facts that he wouldn't recognize a fact if one confronted him right in the face.

So let me reacquaint him with some facts. In 2014, his government had slashed the budget and the science-based approach in our department greater than any other cut in the province's history. They got rid of all the scientists, they turned their back on evidence-based research, and they allowed aquatic invasive species to come into this province at an unprecedented rate.

Manitobans know that they cannot trust the NDP to protect—[*interjection*]

Madam Speaker: Order.

Ms. Squires: —them against invasive species. They know that our government will stand up for water quality in this province. [*interjection*]

Madam Speaker: Order. [*interjection*] Order.

Highway Infrastructure Budget for 2018

Mr. Jim Maloway (Elmwood): In just two short years, the highways budget has been cut nearly in half. The NDP spent \$628 million in their last year;

then it was cut to \$520 million, then 430. Now it's only \$350 million. [*interjection*]

Madam Speaker: Order.

Mr. Maloway: Last year, the minister promised \$500 million. He said it to the media; he said it to the public. The Pallister government even put out a press release pledging \$500 million every year.

* (14:50)

Why is this minister using a wrecking ball on the construction industry?

Hon. Ron Schuler (Minister of Infrastructure): Well, Madam Speaker, the member for Elmwood would know his government's record. He was here for most of the time and he knows full well that the NDP overspent in every budget—in every budget in government—except for one, and that was Infrastructure.

So their plan was that they would raid, raid, raid, and right before an election, they have a parade. Madam Speaker, in this year alone we will have infrastructure spending of over \$1 billion.

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

Mr. Maloway: In talking about the highways budget, last November the current minister assured the media and the public that they'd be maintaining their \$550-million commitment to highways. He called it a robust investment. But the minister cut the budget again and failed to provide a plan for future investments.

Chris Lorenc from the heavy construction industry says that this is hurting our local economy directly and immediately.

Why has this minister broken his promise to workers and the public?

Mr. Schuler: Our government is very proud that this year we are going to be spending over a billion dollars on infrastructure.

The question really is to the NDP and to the member for Elmwood: so exactly which school would they cut? Perhaps the one in Seven Oaks, the one in Brandon?

Madam Speaker, our government is committed to infrastructure. Why doesn't the NDP get on board?

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

Mr. Maloway: I wish the minister would answer the question. And the question is about infrastructure—highway spending, not the infrastructure budget.

Madam Speaker—[*interjection*]

Madam Speaker: Order.

Mr. Maloway: —promises made, promises broken by the Pallister government. That's what the Heavy Construction Association is saying about the Pallister government.

How can this government cut the highways budget from \$628 million in the last year of the NDP to a new low of \$350 million? That is one monster cut. These cuts mean 1,500 fewer construction jobs.

When will the minister stop trying to wreck the construction industry?

Hon. Brian Pallister (Premier): Madam Speaker, it's pretty obvious if the NDP had a record—and they don't—of investing and working with the infrastructure people in the private sector in our province—and they don't—then they wouldn't be citing a single year of investment, would they? But that's all he ever talks about. One year of investment out of 17 years.

Madam Speaker, they raided that department every single year, and just before the last election, in an effort to get re-elected, they decided that suddenly they loved infrastructure.

The Manitoba Heavy Construction Association said they wanted stable and steady investment. That's what they're getting. We are going to build projects the NDP never built, like Freedom Road—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: —like an outlet on the north end of Lake Manitoba they promised they'd build years ago and never got around to, like seven schools—they built about one a year, we're going after seven in the first two years of government.

Look, Madam Speaker, we're building things, and Manitoba Heavy Construction will be part of the partnership that sees that happen, even though the NDP never were.

Madam Speaker: I have a ruling for the House—oh, oral questions has expired.

Speaker's Ruling

Madam Speaker: I have a ruling for the House.

Following the prayer on May 30th, 2018, the honourable member for Assiniboia (Mr. Fletcher) raised a matter of privilege relating to a letter he had received from the law firm MLT Aikins regarding comments made during second reading debate on private member's Bill 208, The Conflict of Interest Act, which had occurred earlier in the month.

The member explained that he had just returned from an out-of-province trip when he received the letter. He went on to indicate the letter from the law firm asserted his comments made during debate of Bill 208 and live tweets issued from him during the debate were suggestive that the company Delta 9 was involved in impropriety and insider trading.

The letter demanded a retraction of the comments. The honourable member for Assiniboia said that the letter was an attempt to intimidate him in his role as an MLA and this infringed on his privileges in that role.

Following the conclusion of his remarks the honourable member for Assiniboia moved, and I quote: That the Speaker utilize her full powers under the Manitoba Legislature act and the Legislative Assembly and Executive Council Conflict of Interest Act, specifically sections 1(2) Registered common-law relationship; 2(1) Subsidiary corporation; 2(2) Control; 2(3) Subsidiary includes subsidiaries; 3(1) Indirect pecuniary interest; 3(2) Exception for indemnity or expenses; 3(3) Exception for common interests; 3(4) Indirect pecuniary liability; 3(5) Exception for common liabilities; 3(6) General exception; 3(7) Statutory appointments for Crown agencies; 3(8) Employees of public bodies; 4(1) Meetings involving members, insist on much more comprehensive legislation. End of Bracket. End quote.

The honourable Official Opposition House Leader (Ms. Fontaine) also offered advice to the Chair on the issue.

I took the matter of privilege under advisement in order to consult the procedural authorities.

Before exploring whether or not a prima facie case exists I would like to note for the House the motion submitted by the honourable member for Assiniboia is not exactly the same motion that he read to the House in raising the matter of privilege and that in moving the motion he added extraneous words that do not appear in the written motion he submitted.

This is not acceptable practice as a motion must be the same in what is read to the House and what is submitted in writing to the Speaker. I am raising this point so that all honourable members will be mindful of this for the future.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached in order to warrant putting the matter to the House.

For the first condition of timeliness, the honourable member for Assiniboia (Mr. Fletcher) indicated that he was raising the issue on his first return to the Chamber after receiving the letter, and I accept the word of the honourable member that timeliness was met.

Regarding the second condition of whether a prima facie case has been made, there are several conditions to explore. On the surface, whenever members are threatened by outside sources with legal action for comments made inside the House it is a situation that would appear to violate the privileges of the member and of the Legislature as parliamentary privilege does provide protection for comments made by members during a proceeding of the Legislature.

This is a well-known concept that is identified on page 92 of the third edition of *House of Commons Procedure and Practice* by Bosc and Gagnon where it states, and I quote: Freedom of speech permits members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make. End quote.

Joseph Maingot, in the second edition of *Parliamentary Privilege in Canada* also suggests, on page 35, that, and I quote: Members of provincial legislatures do have freedom of speech in debate and freedom from criminal prosecution. End quote.

However, these protections are in place for comments that are spoken during a proceeding of parliament or the Legislature, but they do not provide protection for comments that are repeated outside of the Chamber, whether through a press conference in the hallways, or through mailings to constituents or to post on social media.

Even if comments repeated elsewhere are identical to comments that were made in the Legislature, these outside comments are not protected by parliamentary privilege. Bosc and Gagnon note, on page 96 of the same work cited earlier, that, and I quote: Members should be aware that utterances which are absolutely privileged when made within a parliamentary proceeding may not be when repeated in another context, such as in a press release, a householder mailing, on an Internet site, in a television or radio interview, at a public meeting, or the constituency office. Members also act at their peril when they transmit otherwise defamatory material for purposes unconnected with the parliamentary proceeding. Thus, comments made by a member at a function as an elected representative but outside the forum of parliament would likely not be covered by this privilege, even if the member were quoting from his or her own speech made in a parliamentary proceeding. Telecommunications, including technology such as electronic mail and the Internet, should therefore not be used to transmit otherwise defamatory material. End quote.

*(15:00)

This reference goes on to indicate that the publication of defamatory material has been considered by most courts to be beyond the privileges of parliament when such publication was not part of the parliamentary process to begin with. It is also noted that, in 2006, the federal court confirmed that since communications to constituents are not part of a parliamentary proceeding, they are not protected by parliamentary privilege.

I have reviewed carefully the letter sent by MLT Aikins to the honourable member for Assiniboia dated May 18th, 2018, that was tabled in conjunction with the raising of the matter of privilege. It is quite clear that the letter is referring to social media posts and not to comments spoken in debate.

The subject matter of the letter is identified in the heading as, and I quote: defamatory social media posts regarding Delta 9 Cannabis Inc. End Quote. Throughout the letter, the only references are to social media accounts and to comments on Facebook and Twitter with a request for a retraction of the social media comments and the issuing of an apology for the same.

There are no references in the letter to comments spoken by the member in the House during the course of debate. Given this finding, the honourable

member for Assiniboia has not demonstrated that his privileges have been violated in relation to comments made during a proceeding of parliament, nor are comments made outside of the House protected by parliamentary privilege, even if repeating comments made during a proceeding in parliament.

With the greatest of respect, I rule that a prima facie case of a breach of privilege has not been demonstrated.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I'd like to challenge the Chair and provide reasons.

Madam Speaker: Is the member—there is no debate opportunity for the member. He can either accept the ruling or challenge the ruling, but there is no further debate.

Mr. Fletcher: Well, I'd like to challenge the ruling.

Madam Speaker: Does the member have support of three other members?

The question before the House is shall the ruling of the Chair be sustained? All those in favour—shall the ruling of the Chair be sustained?

Voice Vote

Madam Speaker: All those in favour, 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 Yeas have it.

Recorded Vote

Mr. Fletcher: I'd like to call for a vote.

Madam Speaker: A recorded vote—does the member have support of three other members for a recorded vote? A recorded vote having—the member has support for a recorded vote.

A recorded vote having been called, call in the members.

* (16:00)

Recorded Vote

Madam Speaker: The one hour provided for the ringing of the division bells has expired. I am therefore directing that the division bells be turned off and the House proceed to the vote.

The question before the House is, shall the ruling of the Chair be sustained?

Division

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

Yeas

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

Nays

Allum, Altemeyer, Fletcher, Fontaine, Kinew, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Smith (Point Douglas), Swan, Wiebe.

Madam Speaker: The ruling of the Chair has been sustained—[interjection] I did that. I think I did that once two years ago. I should know better by now.

Clerk (Ms. Patricia Chaychuk): Yeas 41, Nays 12.

Madam Speaker: The ruling of the Chair has been sustained.

* * *

Hon. Steven Fletcher (Assiniboia): On a matter of privilege.

MATTER OF PRIVILEGE

Madam Speaker: The honourable member for Assiniboia, on a matter of privilege.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I'd like to reserve my right to comment on any aspect of your ruling until I've had the opportunity to read Hansard. However, I would like to table the tweets that were in question. The fact is, they were—the tweets are innocuous. They were done in real time while I was in the Chamber. And nobody knows who made those tweets without asking me, and I have not been asked. So I bring that forward in a—as a piece of information that you may find helpful.

So I move, seconded by the member from River Heights, that these tweets be utilized in further investigation of what we've been discussing and that the tweets constitute and are privileged.

Thank you, Madam Speaker.

Madam Speaker: I would indicate to the member that his comments are out of order because I have already ruled on this, and he does not have a matter of privilege.

* * *

Mr. Fletcher: On another matter—

Madam Speaker: On a matter of privilege?

Mr. Fletcher: On a point of order.

Point of Order

Madam Speaker: On a point of order.

Mr. Fletcher: Madam Speaker, I'd like to table some documents. These documents—we have—in another proceeding, you mentioned that I would not be able to table them until you have ruled on this issue, on the previous issue. You have, so it seems legitimate to be able to table these relevant documents. There are three copies, and they are in accordance with the rules of this place.

* (16:10)

Madam Speaker: I would indicate to the member that that is not in accordance to the rules of this place. There is no opportunity to just table documents. The member has to be either asking a question or—the opportunity does not rise with just a straight tabling of events. It has to be in accordance with the member perhaps asking a question in question period or maybe making a statement in private members' hour or something like that—or private members' statements, but there is no opportunity just to table documents in this House. That's just not how it works.

When ministers table, that's a whole different thing. They are tabling something because they're ministers and they're allowed that. That does not apply to backbenchers. They are not just allowed just to table anything in the House. It has to have a context and it has to be in accordance with asking a question or another matter similar to that. So as a backbencher, members don't have just that ability to just table documents. And that is a long-standing rule.

The member does have that ability, if he's raising it appropriately, he can now table documents as long as he's raising it within a certain context now that that matter of privilege has been applied and we have gotten past that. So the member does have an ability

to table his documents as long as it's within a context of how he chooses to table them.

* * *

Mr. Fletcher: Madam Speaker, on a separate point of order.

Point of Order

Madam Speaker: On a point of order.

Mr. Fletcher: Last week I did ask questions related to the topic and was—the tabled documents, even though I referred to them in my question, were not allowed to be tabled. And, Madam Speaker, rule 40, section 5 indicates that if someone reads from a private document they have the right to ask for that document to be tabled. Both instances occurred last week and both times they were denied to be entered, just as you outlined.

So it would seem that the rules were maybe not reaching their full potential on—in the last sitting. That's my point—so my point of order is to allow the documents that were tabled last week to now be tabled today.

Madam Speaker: Just to point out to the member that they could not be tabled last week because there was a ruling under advisement and that's why he was not able to do that at the time. They could be tabled now.

* * *

Madam Speaker: Does he have a point of order he wishes to make on that?

Mr. Fletcher: On a point of order.

Point of Order

Madam Speaker: On a point of order.

Mr. Fletcher: Madam Speaker, on a point of order, it's very difficult to table documents in this place, and I hope that there will be an ability in the rules so that that would be allowed.

But within this point of order I would like to table the documents that I am referring to, including the tweets, the January 6th—or June 6th letter for now.

Thank you, Madam Speaker. That's my point of order.

Hon. Jon Gerrard (River Heights): On the same point of order, Madam Speaker. It seems the

member for Assiniboia (Mr. Fletcher) has referred to these documents in the point of order. He doesn't have very many questions or member statements, so I think it would be unfair to not allow him to table these documents now.

Madam Speaker: The member does not have a point of order, but the documents can be accepted for tabling now and we will accept them.

* * *

Madam Speaker: Petitions? Oh, the honourable member for Assiniboia.

Mr. Fletcher: I—on another point of order, I just want to be clear that I'm going to—

Point of Order

Madam Speaker: The honourable member for Assiniboia, on another point of order.

Mr. Fletcher: Yes. I want to be clear that I'm very interested in reading the Hansard of your ruling because I am concerned about the comment about what I said in Hansard and what was given to you in writing. And I hope—if there is a difference between the two, I hope to be able to reconcile those without giving up the point of order—or, the matter of privilege, because, you know, obviously I didn't write the motion, and what I said is probably what I mean. And it seems problematic that the whole issue is dismissed on a technicality.

Madam Speaker: I would indicate to the member that he is now reflecting on the comments and the ruling of the Speaker, and he does not have a point of order. And I would urge the member to discontinue these lines of—comments that he is making at this point.

PETITIONS

Gender Neutrality

Ms. Judy Klassen (Kewatinook): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) Gender, sexuality and gender identity are protected characteristics of human rights, both federally and provincially, in Manitoba, Ontario, Alberta, British Columbia, and soon will be in Saskatchewan, Yukon and other places in Canada. These governments have realized the need for this option on identification for the benefit of people who identify or who are identified by others as

intersex, third gender, transgender, genderqueer or non-binary.

(2) Identification and government documents should reflect gender neutrality to prevent issues that may arise from intentional bias on gender and misgendering. The people described above face anxiety and discrimination in many aspects of day-to-day life, such as: (a) interactions with health-care professionals; (b) interactions with persons of authority; (c) accessing government services; (d) applying for employment.

(3) Gender neutrality describes the idea that policies, language and the other social institutions should avoid distinguishing roles according to people's sex or gender in order to avoid discrimination arising from impressions that there are social roles for which one gender is more suited than other.

(4) Many newcomers to Canada may already have gender-neutral ID. Many indigenous persons are coming to identify as two-spirit as the effects of colonization are lessening, and this needs to be addressed in the process of reconciliation.

(5) Being forced to accept an assigned gender affects children and newborns as they grow and become part of society. There are many psychological benefits for transgender and non-binary people to be allowed to develop without the constraints put upon them by having their gender assigned based on purely physical attributes.

(6) The consideration to have a third option like X or Other on documents was on the previous provincial government's radar for several years, but the current provincial government has not taken steps to implement it.

(7) The City of Winnipeg is actively making its forms reflective of gender neutrality in respect to all persons who work for or come into contact with that government.

(8) The federal government now issues passports and is educating personnel about the correct language and references for non-binary persons.

(9) An other option existed on enumeration forms for Elections Manitoba in 2016, was easily accepted, and provided a framework to provide accurate statistics of those who do not identify under the current binary system.

(10) The foresight, along with training and making changes on required forms, acknowledges and accepts persons who fall outside the binary

genders so that governments and people can more effectively interact with one another and reduce the anxieties of everyone involved.

* (16:20)

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to immediately begin implementation of plans to convert systems and forms to be more inclusive of two-spirit and other non-binary individuals, whether it be to include a third gender option or no requirement for gender on forms unless medically or statistically necessary, including health cards and birth certificates.

(2) To urge the provincial government to immediately instruct the Manitoba Public Insurance Corporation to offer a third gender option or no gender requirement for licences or any other form of provincial identification.

(3) To urge the provincial government to instruct Manitoba Health, Seniors and Active Living to offer the option of Manitoba Health cards with no gender in order to reduce the anxieties of transgender and non-binary persons accessing the health-care system as a first step.

(4) To consider revisiting legislation that may need updating to meet the needs of its citizens in this regard.

And this is signed by Unter Jaywa [*phonetic*], Marilyn Beloff, Kimberly Boulay.

Thank you.

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

Hon. Jon Gerrard (River Heights): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

Gender, sexuality and gender identity are 'porrect'-protected characteristics of human rights, both federally and provincially, in Manitoba, Ontario, Alberta, British Columbia and soon will be in Saskatchewan, Yukon and other places in Canada. These governments have realized the need for this option on identification for the benefit of people who identify or who are identified by others as

intersex, third gender, transgender, genderqueer or non-binary.

Identification and government documents should reflect gender neutrality to prevent issues that may arise from intentional bias on gender and misgendering. The people described above face anxiety and discrimination in many aspects of day-to-day life, such as: (a) interactions with health-care professionals; (b) interactions with persons of authority; (c) accessing government services; (d) applying for employment.

Gender neutrality describes the idea that policies, language and other—and the other social institutions should avoid distinguishing roles according to people's sex or gender in order to avoid discrimination arising from impressions that there are social roles for which one gender is more suited than other.

Many newcomers to Canada may already have gender-neutral ID. Many indigenous persons are coming to identify as two-spirit as the effects of colonization are lessening, and this needs to be addressed in the process of reconciliation.

Being forced to accept an assigned gender affects children and newborns as they grow and become part of society. There are many psycho-logical benefits for transgender and non-binary people to be allowed to develop without the constraints put upon them by having their gender assigned based on purely physical attributes.

The consideration to have a third option like X or other on documents was on the previous provincial government's radar for several years, but the current provincial government has not taken steps to implement it.

The City of Winnipeg is actively making its forms reflective of gender neutrality in respect to all persons who work for or come into contact with that government.

The federal government now issues passports is in—and is educating personnel about the correct language and references for non-binary persons.

Another option existed on enumeration forms for Elections Manitoba in 2016, was easily accepted and provided a framework to provide accurate statistics of those who do not identify under the current binary system.

The foresight, along with training and making changes on required forms, acknowledges and

accepts persons who fall outside the binary gender so that governments and people can more effectively interact with one another and reduce the anxieties of everyone involved.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to immediately begin implementation of plans to convert systems and forms to be more inclusive of two-spirit and other non-binary individuals, whether it be to include a third gender option or no requirement for gender on forms unless medically or statistically necessary, including health cards and birth certificates.

(2) To urge the provincial government to immediately instruct the Manitoba Public Insurance Corporation to offer a third gender option or no gender requirement for licences or any other form of provincial identification.

To urge the provincial government to instruct Manitoba Health, Seniors and Active Living to offer the option of Manitoba Health cards with no gender in order to reduce the anxieties of transgender and non-binary persons accessing the health-care system as a first step.

(4) To consider revisiting legislation that may need updating to meet the needs of its citizens in this regard.

Signed by Nicole Reynolds, Neil Reynolds, Dominique Reynolds and many others.

Tina Fontaine—Public Inquiry

Mrs. Bernadette Smith (Point Douglas): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

(1) Tina Fontaine was murdered at the age of 15 years, and her body was found in the Red River on August 17, 2014.

(2) Tina Fontaine was robbed of her loving family and the Anishinabe community of Sagkeeng First Nation.

(3) Tina Fontaine was failed by multiple systems which meant not—which did not protect her as they intervened in her life.

(4) Tina Fontaine was further failed by systems meant to seek and pursue justice for her murder.

(5) Tina Fontaine's murder galvanized Canada on the issue of missing and murdered indigenous women and girls, MMIWG, as she quickly became our collective daughter and the symbol of MMIWG across Canada.

(6) Manitoba has failed to fully implement the recommendations of numerous reports and recommendations meant to improve and protect the lives of indigenous peoples and children, including the Manitoba Aboriginal Justice Inquiry, Royal Commission on Aboriginal Peoples and the Phoenix Sinclair inquiry.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the Premier of Manitoba and the Minister of Justice to immediately call a public inquiry into the systems that had a role in the life and the death of Tina Fontaine, as well as the function of the administration of justice after her death.

(2) To urge that the terms of reference of a public inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them.

And this is signed by Andee Kerr, Brianna [phonetic] Cohen, Jaime Dixon and many, many, many other Manitobans.

Madam Speaker: Did the member of Assiniboia wish to read his petition?

An Honourable Member: Yes.

Vimy Arena

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The residents of St. James and other areas of Manitoba are concerned with the intention expressed by the provincial government to use the Vimy Arena site as a Manitoba Housing project.

(2) The Vimy Arena site is in the middle of a residential area near many schools, churches, community clubs and senior homes, and neither the provincial government nor the City of Winnipeg considered better-suited locations in rural, semi-rural or industrial sites such as the St. Boniface industrial hospital, the 20,000 acres at CentrePort or existing properties such as the Shriners' Hospital or the old Children's Hospital on Wellington Crescent.

* (16:30)

(3) The provincial government is exempt from any zoning requirements that would have existed if the land was owned by the City of Winnipeg. This exemption bypasses community input and due diligence and ignores better uses for the land which would be consistent with a residential area.

(4) There are no standards that one would expect for a treatment centre. The Minister of Health, Seniors and Active Living have stated that the Department of Health has no role to play in the land acquisition for this Manitoba Housing project for the use of a drug addiction facility.

(5) The Manitoba Housing project initiated by the provincial government changes the fundamental nature of the community. Including park and recreation uses, concerns of the residents of St. James and others regarding public safety, property values and their way of life are not being properly addressed.

(6) The concerns of the residents of St. James are being ignored while obvious other locations in wealthier neighbourhoods, such as Tuxedo and River Heights, have not been considered for the Manitoba Housing project, even though there are hundreds of acres of land available for development at Kapyong Barracks or parks like Heubach Park that share the same zoning as the Vimy Arena site.

(7) The Manitoba Housing project and the operation of a drug treatment centre fall outside of the statutory mandate of the Manitoba Housing renewal corporation.

(8) The provincial government does not have a co-ordinated plan for addiction treatment in Manitoba as it currently underfunds treatment centres which are running far under capacity and potential.

(9) The community has been misled regarding the true intentions of the Manitoba Housing as the land is being transferred for a 50-bed facility even though the project is clearly outside of Manitoba Housing's responsibilities.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to take the necessary steps to ensure that the Vimy Arena site is not used for addiction treatment—as a addiction treatment facility.

(2) To urge the provincial government to take the necessary steps to ensure the preservation of public land along Sturgeon Creek for the purpose of parkland and recreational activities for public use, including being an important component of the Sturgeon Creek Greenway Trail and the Sturgeon Creek ecosystem under the current designation of PR2 from—for the 255 Hamilton location at the Vimy Arena site, and to maintain the land to continue to be designated for parks and recreation activity neighbourhood and community.

This petition has been signed by Don Penner, Leslie Sommerfield, Kevin Sommerfield and many other Manitobans.

Madam Speaker: Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Cliff Cullen (Government House Leader): Madam Speaker, on House business.

House Business

Madam Speaker: On House business.

Hon. Cliff Cullen (Government House Leader): I would like to announce that the Standing Committee on Public Accounts will meet on Monday, June 18th, 2018, at 6 p.m., to consider the following reports: the Auditor General's report, Annual Report to the Legislature, dated March 2014, chapter 3: Government Deficits and Debt; the Auditor General's report, Follow-up of Previously Issued Recommendations, dated May 2015, section 13: Information Technology Security Management Practices; the Auditor General's report, Follow-up of Recommendations, dated May 2016, the information technology security management practices; the Auditor General's report, Follow-up of Recommendations, dated March 2017, Information Technology Security Management Practices; and Public Accounts for the fiscal year ending March 31st, 2017, volumes 1, 2 and 3.

Witnesses to be called: Minister of Finance (Mr. Friesen) and Deputy Minister of Finance.

Madam Speaker: It was announced that the Standing Committee on Public Accounts will meet on Monday, June 18th, 2018, at 6 p.m., to consider the following reports: Auditor General's report, Annual Report to the Legislature, dated March 2014, Chapter 3: Government Deficits and Debt; Auditor

General's report, Follow-up of Previously Issued Recommendations, dated May 2015, Section 13, Information Technology Security Management Practices; Auditor General's report, Follow-up of Recommendations, dated May 2016, Information Technology Security Management Practices; Auditor General's report, Follow-up of Recommendations, dated March 2017, Information Technology Security Management Practices; Public Accounts for the fiscal year ending March 31st, 2017, volumes 1, 2 and 3.

Witnesses to be called: Minister of Finance (Mr. Friesen) and Deputy Minister of Finance.

* * *

Mr. Cullen: Madam Speaker, would you call Bill 29, The Wildlife Amendment Act (Safe Hunting and Shared Management)?

DEBATE ON SECOND READINGS

Bill 29—The Wildlife Amendment Act (Safe Hunting and Shared Management)

Madam Speaker: To resume debate on second reading of Bill 29 and the amendment thereto proposed by the honourable Leader of the Official Opposition (Mr. Kinew), standing in the name of the honourable member for Minto, who has 29 minutes remaining.

Hon. Cliff Cullen (Government House Leader): Yes, on further House business, Madam Speaker, could you please canvass the House to see if there's leave to waive rule 4(4) regarding the usual adjournment hour of the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba such that the House shall not adjourn today until the reasoned amendment put forward by the Leader of the Official Opposition on Bill 29, The Wildlife Amendment Act (Safe Hunting and Shared Management), has concluded debate and is voted on?

Madam Speaker: Is there leave to waive rule 4(4) regarding the usual adjournment hour of the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba such that the House shall not adjourn today until the reasoned amendment put forward by the Leader of the Official Opposition on Bill 29, The Wildlife Amendment Act (Safe Hunting and Shared Management), has concluded debate and is voted on?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Moving forward, then, resuming debate on second reading of Bill 29 and the amendment thereto proposed by the honourable Leader of the Official Opposition, standing in the name of the honourable member for Minto, who has 29 minutes remaining.

Mr. Andrew Swan (Minto): It's a good chance to continue my comments on the very intelligent motion that was brought forward by my leader, the member for Fort Rouge (Mr. Kinew).

And, of course, here it is, day 3 of the emergency session, and we're still trying to figure out what the emergency is—

An Honourable Member: Relevance.

Mr. Swan: —and here we are—well, and indeed, the member for Interlake (Mr. Johnson) has a really good point. He said, what is the relevance to what we are doing in this House this afternoon to the letter that the Premier (Mr. Pallister) sent requiring that there be this emergency sitting?

We were on the edge of our seat this afternoon to see what the House leader was going to do. We thought he might call concurrence, which would allow us to continue asking questions of government ministers, but he didn't. We thought that perhaps the Government House Leader might have actually talked to the Finance Minister. And when the House leader stood up and asked for leave, we thought maybe he was going to ask for leave to actually introduce the budget bill, which I think—if the House leader would do that, I think he would find a lot of co-operation on this side of the House.

But instead, that's not what happened, so we will, as we're entitled to do—*[interjection]*

* (16:40)

Well, again, the member for Interlake wants to join the debate and that's fine. He'll have his chance, probably not today, maybe tomorrow, maybe the day after that when we come back to it, or next week or perhaps July or August, however it works. But it is my time to speak on this matter which, apparently, is the most important thing that the government has and the reason why we're back here.

And the motion is very important and I will direct my comments, Madam Speaker, to that motion. The motion, of course, asked, and indeed the House declines to give second reading to Bill 29. And why is that? Because Bill 29 fails to institute the principles necessary for a real system of co-management for safe hunting in Manitoba.

So I will have more things to say on the rest of Bill 29 because I expect I will have a couple of opportunities to talk on that bill, but I will limit my comments to the missed opportunity by this government, in truly moving ahead with reconciliation and truly moving ahead in charting a new course of the way that our government deals with indigenous people in Manitoba and instead, from this Premier (Mr. Pallister), we've seen more of the same that we now come to expect from this Premier.

It's very important, I think, as a background, to understand where the idea of co-management comes from and where the idea of consultation comes from, and the duty to consult comes from the Constitution Act, of course, which was passed in 1982. Section 35 of the Constitution Act recognizes and affirms what were termed at the time Aboriginal rights. The Canadian government, actually, in 1982, didn't plan to include these rights so extensively within the constitution while the act was being drafted and early drafts and discussion during what I'm sure many members remember was the patriation of the Canadian constitution did not include any recognition of all those existing rights and relationships.

And it was only by indigenous people and their allies, by standing up and saying, you know, we are entitled to be here; we are entitled to be at the table and, as the first inhabitants of this country, we have a right to assert ourselves. And it was only because of that work that indigenous people in Canada successfully fought to have their rights enshrined and protected in our constitution.

And I think it's really important, Madam Speaker, to understand that section 35 recognizes Aboriginal rights or indigenous rights; Aboriginal rights is the word that I will use because that's what's contained in the constitution. But it's really important to recognize that section 35 didn't create any rights. These are all rights that have existed before section 35, including—in fact, going back a long, long time.

In section 35 of the Constitution Act states: (1) the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed; (2) in this act, quote, Aboriginal peoples of Canada, end quote, includes the 'indian'—Indian, Inuit and Metis peoples of Canada; (3) for greater certainty, in subsection (1) treaty rights includes rights that now exist by way of land claims agreements or may so be acquired; (4) notwithstanding any other provision of this act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

It's very important, Madam Speaker, to note that section 35 of the Constitution Act of 1982 recognizes and affirms all existing indigenous rights but doesn't define them. And that's why governments now must move carefully and thoughtfully and in consultation with indigenous people if they want to do things which might have an impact on rights which existed.

Aboriginal rights have been interpreted by the courts to include a range of cultural, social, political and economic rights including the right to land, as well as to fish, to hunt, to practice one's own culture and to establish treaties.

Section 35 also recognizes that Aboriginal rights are existing and courts in Canada, including the Supreme Court of Canada, have stated this means that any Aboriginal rights that had been extinguished by treaty or other legal processes prior to 1982 no longer existed and therefore are not protected under the constitution.

Of course, that's not the nature of the right that we are debating with regard to Bill 29 and it is why it is so important that there be a real system of co-management for safe hunting in Manitoba to ensure that this bill will not only pass constitutional muster, but actually be the right thing for everybody in Manitoba.

Now, as I said at the start of my comments, the fight for section 35 was a real one and the father of our current Prime Minister, Prime Minister Pierre Trudeau at the time, in his initial proposal for patriation in 1980 included nothing of the sort. It did not include section 35 or anything close to it, and, indeed, indigenous Canadians had not been consulted about the new constitution and there was initially very little reference to Aboriginal rights.

And indigenous groups across Canada became concerned that with the transfer of constitutional

powers from Britain to Canada, established agreements affirming Aboriginal rights and title would no longer hold legal weight. And, at that time, I think it was a point, really, where indigenous people first really stepped up to assert their rights, and they said that they were very concerned they would no longer be viewed as autonomous decision makers in a federal level and they saw the potential for the patriation of Canada's constitution to be yet another policy of assimilation.

And, in response to the proposed patriation, which, of course, took more than a little time, many indigenous organizations and activists joined in demonstrations and fundraisers and campaigns to have their title and their rights explicitly recognized in the constitution. And one of those demonstrations, I know members will be very interested to note, was the Constitution Express, and that was an action that contemporary activist Arthur Manuel described as the most effective direct action in Canadian history as it ultimately changed the constitution.

It took two years in the raising of concerns before an international audience, including the United Nations and the British Parliament, before the Canadian government finally agreed to include Aboriginal rights in the constitution. Because of the strong fight for recognition by Canada's Aboriginal peoples, section 35 was added to the constitution in time to be formally patriated in 1982.

Now, I'm sure members would be very interested to know that section 35 initially consisted only of clauses 1 and 2 that I'd put on the record just a few minutes ago. Clauses 3 and 4 were further developed in 1983 and 1984 as a result of consultations with indigenous representatives during the First Ministers' conference on Aboriginal rights in March, 1983. And these clauses were added after lengthy campaigns by women's groups who were unrepresented in initial discussions and experienced systemic gender discrimination from legislation such as the federal bill C-31.

Now, there's been much debate over the effectiveness of section 35, but it is indeed section 35 that still governs us today and it is indeed section 35 that gives rise to the motion that we are now debating to amend Bill 29.

Now, some authors have said that section 35 actually reinforces colonialism by recognizing Canadian law as supreme instead of breaking away from it, as would be expected under a true nation-to-nation relationship. Others, though, have

argued that by accepting the constitution, a colonial form of rule based in Western, non-indigenous concepts and ideology such as individual rights and private property ownership, by doing that, that one is acknowledging the colonial power as the overarching supreme law in which everything has to be adjusted to fit the terms of the dominant system.

Others, Madam Speaker, argue there appears to be a disparity between the concept of Aboriginal rights being upheld by section 35 and the daily lives of our indigenous people, where many have been arrested for exercising what they understood as their Aboriginal rights, which include, of course, fishing and hunting.

And I quote two writers, Ardith Walkem and Halie Bruce, who have this to say: Although section 35 guides court and government decisions that directly impact indigenous peoples, there remain a considerable number of indigenous people who are either not directly aware of section 35 or believe it is meaningless in their lives. There are far more indigenous people who personally know brothers, sisters, aunts, dads and uncles who've been stopped, questioned, charged and convicted for exercising their Aboriginal rights than who know of the existence or content of section 35. Section 35, to many indigenous peoples, has remained a powerful yet invisible force.

And it's that invisible force, of course, that guides our deliberations and our debate in this House even today, Madam Speaker.

There are other views expressed. John Borrows, of the Nawash First Nation and law foundation at the University of Victoria, argues that the constitution helped settle what was a troubled relationship—well, that's an understatement—between the Canadian government and Aboriginal peoples, with the government initially able to infringe on Aboriginal rights without providing indigenous people with the institutional means to resist the violation of their rights. And Mr. Borrows actually suggests the case *Calder v. the Attorney General of BC*, in which Mr. Calder lost his case for Aboriginal title in 1973, may have turned out differently—very differently—had section 35 been in place at that time.

* (16:50)

Mr. Borrows also feels that recognition of Aboriginal rights in section 35 places the issue squarely in the public eye, crucial for the Canadian public's acceptance of pre-existing Aboriginal rights.

Given that legal cases have at times upheld Aboriginal rights, such as in the Sparrow case and other times allowed infringement, the true impact of section 35 is still being played out, and indeed, in some small way, Madam Speaker, it's being played out this afternoon and perhaps for the next few weeks in this Chamber.

And I mentioned very briefly the Sparrow case, and I do want to put some comments on the record, because it has a lot of parallels to the situation that we are now dealing with—obviously, a serious root to the reason for the bill but even more of a reason why consultation is necessary and why this government needed to do a lot more work to make sure that this bill would create a true system of co-management.

The Sparrow case was a case from 1990 decided by the Supreme Court of Canada, and it was the first Supreme Court of Canada decision which actually applied section 35 of the Constitution Act.

And, in particular, the court had to determine the section of section 35, which says the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed, and, in this case, Canada's highest court, the Supreme Court, ruled that First Nations have an Aboriginal right, as defined in the constitution to fish for food, social and ceremonial purposes, and that right takes priority over all others after conservation.

And the facts of the Sparrow case are somewhat different from the situation being considered, but the same time do deal with someone asserting their rights to engage in traditional practice. In the Sparrow case, Mr. Sparrow is a member of the Musqueam First Nation, which is a west coast First Nation, and he appealed his conviction on a charge of fishing with a larger drift net than was permitted by the terms of his First Nation's fishing licence under The Fisheries Act.

And Mr. Sparrow based his appeal on the argument that the restriction on net length was invalid, because it was inconsistent with section 35 of the Constitution Act 1982, the section of the act that recognized and affirmed existing Aboriginal and treaty rights.

Now, in Mr. Sparrow's case, for conservation purposes, was it reasonable to have limits on the size of nets? Well, yes, just as I think we all agree in this

House that there are certainly reasonable limits on hunting practices. There's no question about that.

But it is the impact of government laws and government regulations where those hunting and fishing rights are traditional and have never disappeared from existence that there is a challenge, which every government has to be careful to meet, and a challenge which sometimes courts are required to rule upon.

And it's so interesting. The Sparrow case was the first opportunity for the Supreme Court to really dig in and interpret what section 35 actually meant, and, in overturning Mr. Sparrow's conviction, the court ruled that the Constitution Act, Canada's constitution, provides, and I quote, a strong measure of protection, end quote, for Aboriginal rights, and that any proposed government regulations that infringe on the exercise of those rights must be constitutionally justified.

And there's a two-part test set out by the Sparrow decision, and, of course, it's Supreme Court of Canada, so that is binding on other courts and should be instructive for governments across the country. And that two-part test for determining whether an infringement can be justified is first, is the government acting pursuant to a valid legislative object, and two, the government's actions must be consistent with its fiduciary duty towards Aboriginal people.

Now, if there's a valid legislative object that's established, it's then necessary to assess whether the government's actions are consistent with that fiduciary duty between the Crown and Aboriginal peoples, and that requires that three questions be addressed.

First, has there been as little infringement as possible in order to achieve the intended result? Second, in a case of expropriation, has fair compensation been paid? And third, has the particular—and this is the way the Supreme Court decision is written—but has the particular Aboriginal people been consulted?

Well, I think we can all agree that the legislation that we were debating before this motion was brought does have a valid legislative object. Safe hunting and safety for people who live, whether it's

in the city or whether it's in rural areas, is important and a valid legislative object.

The question is, is the government's action, in this case, the bill which is coming forward, consistent with the duty it owes towards Aboriginal peoples? And the reason why the motion is worded as it is is that we have heard from indigenous people in Manitoba that this bill does nothing to actually create any kind of real system of co-management for safe hunting in Manitoba.

We still have to answer the question of whether there has been as little infringement as possible in order to achieve the intended result. Safety is what is intended by Bill 29. We accept that, and we know that it's a real issue. But, at the same time, the government has not—in its briefings on the bill, in its comments on the bill, has not made any effort to show there is as little infringement as possible in order to achieve the intended result.

This is not a case of expropriation, so there's not compensation to be paid for the taking of property, but the other part of the test is whether the particular Aboriginal people, indigenous people, had been consulted. And here's where it becomes very, very murky. We knew that this was on the government's table for some time. We know that because of comments, unfortunate comments, the Premier (Mr. Pallister) made some time ago, which I will probably not get to until I'm able to speak to this bill tomorrow. But we know that there is a great deal of dispute over whether there has been proper consultation.

And I think that we should be concerned that Grand Chief Arlen Dumas, when this bill was introduced, said that, no, there had not been the nature of consultation which would be necessary for the government to fulfill its duty, but, even more importantly—or equally importantly, there's nothing, he said, there to say there's a real system of co-management for safe hunting in Manitoba that would happen as a result of the section.

And the court in the Sparrow case further ruled that Aboriginal and treaty rights are capable of evolving over time and must be interpreted in a generous and liberal manner—small L liberal, not a capital L, manner, just to make that clear. It also—the court also went on to say that governments may regulate existing Aboriginal rights only for a compelling and substantial objective such as the conservation and management of resources. And,

thirdly, after conservation goals are met, Aboriginal peoples must be given priority to fish for food over other user groups.

And even today, Madam Speaker, even some 28 years after the case was decided, the Sparrow case remains one of the most important Supreme Court decisions pertaining to the rights of indigenous people. And the decision provides substantive meaning to section 35. And this case, again, decided by the Supreme Court of Canada, sends a strong message to all parties concerned, including governments, that when dealing with the rights of indigenous people, their rights are to be taken seriously, sensitively and in such a manner as to maintain the honour of the Crown in its fiduciary relationship with them.

And I think those are very important words and a very strong background for why this motion is important and why the government members, who, I know, have been listening carefully to my comments, will be quite prepared to support this motion.

You know, of course, in Manitoba, we've had our own experiences with hunting rights and with fishing rights. As you're probably aware, Madam Speaker, it was about nine years ago that the Goodon case was determined by the Provincial Court of Manitoba. William Neal Goodon was a Manitoban, still is a Manitoban, who is Metis. And he was charged under section 19 of The Wildlife Act of Manitoba, the very bill that the government wishes to amend. And he was charged with possession of wildlife which was killed in contravention of that act.

And Mr. Goodon, he challenged the claim, and he said he was innocent, that he had a constitutionally protected right, as a Metis person, to hunt for food under section 35 of the Constitution Act. His point was therefore section 19 of The Wildlife Act did not apply to him because it contained no reasonable accommodation for his constitutionally protected right.

Now, I know the lawyers who argued on behalf of the Crown, on behalf of the Province of Manitoba: two very bright, capable lawyers that I had the opportunity to get to know quite well in my time as Attorney General. I also know one of the lawyers who acted for the accused. And the lawyers, I think, had enough respect for each other and for the system that they actually presented to the court a written agreed statements of facts, which meant there was

very little evidence that had to be read at the hearing, so the decision could really be based on pure law.

And the facts of the Goodon case—

Madam Speaker: Order, please.

When this matter's again before the House, the honourable member will have seven minutes remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 11, 2018

CONTENTS

Matter of Privilege		Recreation Programs for Inner-City Youth	
Friesen	2939	Fontaine	2953
Kinew	2941	Wharton	2953
Gerrard	2943	Pallister	2954
Fletcher	2944		
		Air Ambulance Services	
		Klassen	2954
		Schuler	2954
		Manitoba's Air Services	
		Klassen	2954
		Schuler	2954
		Child Protection Centre	
		Teitsma	2955
		Fielding	2955
		North Dakota Water Diversion Project	
		Altemeyer	2955
		Pallister	2955
		Squires	2955
		Highway Infrastructure	
		Maloway	2956
		Schuler	2956
		Pallister	2957
		Speaker's Ruling	
		Driedger	2957
		Matter of Privilege	
		Fletcher	2959
		Petitions	
		Gender Neutrality	
		Klassen	2961
		Gerrard	2962
		Tina Fontaine–Public Inquiry	
		Smith	2963
		Vimy Arena	
		Fletcher	2963
		ORDERS OF THE DAY	
		GOVERNMENT BUSINESS	
		Debate on Second Readings	
		Bill 29–The Wildlife Amendment Act (Safe Hunting and Shared Management)	
		Swan	2965

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