

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

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

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The Honourable Daryl Reid  
Speaker*

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon	Kirkfield Park	NDP
BRAUN, Erna	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MAGUIRE, Larry	Arthur-Virden	PC
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MELNICK, Christine, Hon.	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
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ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
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WHITEHEAD, Frank	The Pas	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	Morris	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 5, 2013

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

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

### ROUTINE PROCEEDINGS

**Mr. Speaker:** Seeing no bills, we'll move on to—

### PETITIONS

#### Provincial Sales Tax Increase—Referendum

**Mr. Ian Wishart (Portage la Prairie):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And this is the reasons for this—these petition:

The provincial government promised not to raise taxes in the last election.

Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

An increase to the PST is excessive taxation and will harm Manitoba families.

Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

This petition's signed by V. Fingas, G. Wescoup and R. Wercourt and many, many more fine Manitobans.

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

Further petitions? No further petitions? Then we'll move on with committee reports. Seeing no committee reports, we'll move on with tabling of reports. No tabling of reports, then we'll move on with ministerial statements.

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public

gallery where we have with us today from the Indigenous Leadership Development Institute Andrew Carrier, who is the guest of the honourable member for St. James (Ms. Crothers).

And also in the public gallery today, we have with us Bob Holliday and Jim Kale, who are the guests of the honourable member for St. Vital (Ms. Allan).

On behalf of honourable members, we welcome you here this afternoon.

And also, in keeping with our practice here, we have some new pages with us again here today, and these are the—two more of our new pages for the year 2013-2014. We have Destiny Oliveira, who is the grade 12 student attending West Kildonan Collegiate, and we also have Nicolas Connor, is a grade 11 student attending Centre scolaire Léo-Rémillard. On behalf of honourable members, we wish them well in their time at the Manitoba Legislature and their careers as pages here in the Assembly and thank them for their service.

### ORAL QUESTIONS

#### Cabinet Ministers

#### Bullying

**Mr. Brian Pallister (Leader of the Official Opposition):** Mr. Speaker, if we are going to combat bullying, we'll need to define it properly and we'll need to know bullying when we see it, and to do that we have to understand what is acceptable behaviour that is not bullying and what is unacceptable behaviour which is. And I hope the government members would agree that if we describe acceptable behaviour as bullying, then we're clearly not on track, but it follows if we identify unacceptable behaviour that fits the description, we should not tolerate it.

Perhaps the Premier could help us develop a better understanding today by answering some questions.

If one of his colleagues was to describe witnesses at a committee hearing here as howling coyotes or local government officials as insolent children, I have to ask the Premier: Would that be bullying, in his definition?

**Hon. Greg Selinger (Premier):** Mr. Speaker, Bill 18 was brought forward to address bullying in public schools and in—to make schools safe, as a safe environment for our children regardless of their sexual orientation, regardless of their race or their religion or any other characteristic they might have. And it's a very important piece of legislation because what we're doing is we're trying to provide support to teachers and parents and children to ensure that the atmosphere they create in schools is a safe one, one that's accepting of people, that validates their humanity and creates an atmosphere where they can learn without fear of being at risk of any kind of violence or any kind of bullying, and that's exactly what that bill's about and that's why it's so important that we continue to do that.

**Mr. Pallister:** We agree it would be important. Also, it must be, therefore, important to define bullying properly, and the Premier didn't answer the question.

The government bill attempts to define bullying as hurt feelings. The Minister of Local Government (Mr. Lemieux) used the exact epithets I just asked the Premier about, and we know that that caused hurt feelings. So by the government's own definition, this would certainly mean the minister was bullying, but the Premier said nothing about it at the time. He says nothing about it today. He simply looks the other way, so let's try again.

Flood victims have been waiting for over two years, and they waited for almost two years this spring when they were forced to protest to the Emergency Measures Minister, and the Emergency Measures Minister responded, not by keeping his word and paying the flood claims, Mr. Speaker, but rather he threatened them. He threatened them with criminal charges, and he said, quote, they don't even have the decency to accept responsibility.

Will the Premier accept responsibility now? Will he answer this question? Were those comments by the Emergency Measures Minister bullying?

**Mr. Selinger:** Again, Mr. Speaker, I think the legislation is extremely important, and I think the legislation extremely important to ensure that children have safe atmospheres in schools, a place where they can learn, a place where they can be respected regardless of their orientation, a place where, if they want to get together in a gay-straight alliance group and discuss and understand each other and generate better concepts of tolerance with a greater respect for the dignity of each other, I think that is all to the good.

The member opposite wants to pursue other lines of questioning. We actually want to pursue safe schools for our children, good environments where they can learn and have success and go on to become good citizens and contributors to our community.

**Mr. Pallister:** If that's what the Premier truly wants, it's important to set the right example here, and it's important to answer questions about the details of the bill, such as the definition of bullying, Mr. Speaker.

Bill 18 defines bullying as referring to self-esteem, hurting self-esteem. Clearly, the minister, in his comments, designed his comments to damage the self-esteem of flood victims. He was—they were already experiencing hurt feelings, certainly, due to government incompetence. That would mean, under the government's definition in Bill 18, that the minister was bullying, but the Premier said nothing about it, looked the other way, and he's doing it again today.

So let's try again. The Finance Minister withheld money from the horse racing industry which was not his. It was legally the horse racing industry's money. A judge found that the minister was guilty—a Court of Queen's Bench judge—guilty. When he met with the Jockey Club, the Finance Minister said, and I quote: So if you want to go there, I am prepared. I'm a politician. This is what I do. If you want a public fight, I am ready, and we will win, no question.

Was that bullying?

**Mr. Selinger:** Mr. Speaker, the amount of misinformation that the member has just put on the record is really quite astounding but not new, I might say.

And if the minister—if the member, the Leader of the Opposition talks about wanting to set an example, he might actually, for the first time in his life, apologize for the abusive language he used in this Chamber, a language that was identified, language which he denied and then denied again and then for good measure denied even further.

Mr. Speaker, members on this side of the House, if they've made an error, if they've used inappropriate language, they do the right thing. They take responsibility for it. They apologize for it, and then they get on with the business of making life better for Manitobans.

You can't learn if you can't admit that you've done anything wrong, and you can't empathize with other people if you're perfect. We don't think we're

perfect on this side of the House, but we do try to learn and we try to make sure that we put those learnings to the benefit of all Manitobans.

And that's why this antibullying bill is so important, because it gives us an opportunity to further create space for safety and security and a sense of identity and the kind of environments what—that we wish to have—

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

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

**Mr. Pallister:** The Premier makes my point for me with his repeated false accusations. Continuing to put those on the record doesn't make them true.

Now, would the Premier consider this. When the NDP member for St. Norbert (Mr. Gaudreau)—who I just heard chirp again from his seat and who clearly hasn't learned anything—when he clumsily attempted a gay slur in this House, the Premier did take action and, to his credit, he took action and he withdrew the responsibilities from that member. And those comments were, therefore, unacceptable in the mind of the Premier, and so I would assume they are examples of bullying behaviour in his mind.

\* (13:40)

Yet those comments were paralleled by accusations of homophobia thrown out by three of his Cabinet ministers and directed both generally and specifically at members of the opposition, but the Premier did nothing and he looked the other way, as he's doing again today.

So I have to ask the Premier: Does the Premier have a lower standard for bullying when it's done by his Cabinet ministers?

**Mr. Selinger:** Mr. Speaker, does the member have any standard of all for himself or any other member of his caucus? Apparently not, because they never do anything wrong. They completely deny that they've ever made an error in their entire lives. It's as if they were born perfect and things have never deteriorated since then. It's a remarkable record of never having made an error, that they will at least admit to, because if they admit to it they might have to apologize, and they've never apologized.

Members on this side of the House recognize that they can make errors. Members on this side of the House recognize that the way forward is to

acknowledge that and then to improve their behaviour and to respect other people, and respecting other people starts by respecting yourself and having the decency to apologize when you make a mistake, something we've never seen from the members opposite.

**Mr. Speaker:** The honourable Leader of the Official Opposition, with a supplementary question.

**Mr. Pallister:** Perhaps the Premier would like to begin healing himself by apologizing to the people of Manitoba for breaking the promise to them that he made in the last election.

When the comments of the Deputy Premier (Mr. Robinson) concerning volunteer board members and staff at the Osborne House women's shelter came to light, the Premier did nothing again. He did worse than nothing: he made excuses.

Now, the email from the Deputy Premier referred to the, quote, "ignorance of do-good white people." That's clearly a racial comment. The Premier knows that this was a hurtful comment. He must know that it would lower the self-esteem and hurt the feelings of board members, of volunteers, of staff, of supporters, of donors, even clients of Osborne House, and yet the Premier turns and continues to turn a blind eye and does nothing—nothing.

Now, can the Premier explain why Manitobans should possibly believe he is serious about tackling the problem of bullying when he won't even stand up to the bullies in his own Cabinet?

**Mr. Selinger:** Mr. Speaker, the incident the member refers to, the Deputy Premier got up, he recognized that he had made an unwise choice of words. He apologized for it, and then he continued to work on a lifetime of championing the cause of missing and murdered women in this country, a record of service to a cause of victimized people that no member anywhere else in this House, perhaps across any Legislature in Canada, has—can match in terms of long-term dedication and service.

And again I say to the member opposite, having never made an error that he's prepared to admit to in his life, having never been able to muster up an apology for something he's done wrong when people all across this House heard the comments he made on many occasions, heard the comments he made which were with respect to a bullying bill that was being discussed at the Legislature at the time, he has no moral lessons to teach anybody in this House. Given

his past behaviour, given his past voting record, giving his past denials of his own mistakes, giving his record for perfection which goes beyond—

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

#### **Fox Lake Gathering Centre Project Update**

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, \$3 million was committed by this NDP government for the Fox Lake gathering place, and so far they have received nothing. So I guess it's fair to say that there is no youth wilderness traditions program, no Cree language program, no crisis centre and wellness counselling program and no elders area, amongst others.

The question is to the NDP member for Kildonan, the Minister responsible for Manitoba Hydro: Where is the Fox Lake gathering place or where is the \$3 million?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, the member said yesterday that he had tried to phone that community 10 times. I'm not surprised they didn't want to answer the phone from that member. I'm just saying.

That money, that \$3 million that was allocated for that is still in trust, Mr. Speaker, and the community has asked that the purpose of that money be changed and they're in the process of negotiating, that is, talking with each other about how that money should be allocated in the future.

And the member has constantly stood in here and accused First Nations of using money inappropriately. He's wrong again.

#### **Keeyask Community Centre Project Update**

**Mr. Ron Schuler (St. Paul):** Well, actually, Mr. Speaker, Manitoba Hydro ratepayers paid \$7 million for the Keeyask Centre for the TCN First Nation, and to date they have received nothing. So I guess it's fair to say that when it comes to programming, no traditional lifestyle experience, no traditional foods program, no Cree language, no museum and oral history, no healthy food fish program.

Mr. Speaker, the question then is: Where is the Keeyask Centre or where is the \$7 million? What

have Manitoba ratepayers and the TCN gotten for \$7 million?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** The member will know that I gave him a copy of the chief's card and the number yesterday so the member can phone the chief and ask about it.

With respect to Fox Lake, I should indicate that they've intended—they've asked for a program change and they want to have the priority change from that of a community centre to that be housing and infrastructure. I know the members do not believe in building hydro. I know they have very poor relations with a lot of people in the North, but I can't believe they're against housing and infrastructure in those communities. That money is still in trust for those purposes.

Mr. member—Mr. Speaker, the member ought to do his research instead of lambasting First Nations every day in and day out this entire session.

**Mr. Schuler:** For the Keeyask signing ceremony, Manitoba Hydro ratepayers forwarded \$74,757 for the signing ceremony. The question is: What did Manitoba Hydro ratepayers get for \$74,757? The question then really should be: How much food did the NDP member for Kildonan eat?

So far, \$7 million, no Keeyask Centre; \$3 million, Fox Lake gathering place, they've got nothing.

But the question is: For the \$74,757, other than well-fed NDP Cabinet ministers, what have Hydro ratepayers gotten for that money?

**Mr. Chomiak:** Other than ridiculing First Nations, I don't know if the member knows a lot about First Nations, but ceremonies and ceremonial functions are very important, the sharing of food, the sharing of gifts, the fact that that community—I know the member doesn't care, but the fact that that community has several thousand people who attend events. He ought not to take his lead from the Canadian 'taxfayers peder'—Taxpayers Federation, who've put out about six or seven news releases, some of which are drastically wrong.

He's wrong about Fox Lake. They've asked to change—he's against the housing there.

There is going to be a ceremony. If he would talk to the chief, he might get an invite, although I don't know, Mr. Speaker.

And, finally, Mr. Speaker, we're trying to work with First Nations, not have the legacy of flooding and paying over a billion dollars after the area is flooded. We want to work with First Nations, to work with them before, to have jobs, to have training and to be part of Manitoba society, not left behind.

**Deputy Premier  
FIPPA Redaction**

**Mr. Wayne Ewasko (Lac du Bonnet):** Mr. Speaker, Ontario has MPPs, which stand for honourable members of parliament—provincial parliament. We here in Manitoba seem to have MPPs as well, minister protection programs.

Over the last couple of weeks, we've seen this government working very hard to protect their ministers by not allowing them to speak or by using malfunctioning Sharpies to cover inflammatory comments.

I would like to ask the Minister of Culture, Heritage and Tourism (Ms. Marcelino) why she is contributing to or benefiting from the minister protection program.

**Hon. Jennifer Howard (Minister of Family Services and Labour):** And while I'm on my feet, I'm going to talk about protection. I'm going to talk about the protection of rights. I'm going to talk about the protection of my rights. And I'm going to talk specifically about the stand that the Leader of the Opposition has taken in his voting record as a Member of Parliament when it comes to my rights.

He got up today and he wanted to talk about homophobia. I know something about that. And I'm not going to accuse him of anything, but it is a fact that when he had an opportunity in Parliament to vote for my right to get married, he voted against it. That is a fact. That doesn't protect me.

**Mr. Ewasko:** On a serious note, Mr. Speaker, I would like to add that this is now my 17th question on the misuse of the FIPPA legislation under this NDP government.

\* (13:50)

Fact is the Deputy Premier's (Mr. Robinson) inflammatory comments were redacted, apparently under section 23(1)(a) of the act. Fact, the Premier (Mr. Selinger) stated that the comments were neither the advice nor the opinion of the government, which contradicts the first fact. Really, Mr. Speaker?

Can the minister in charge of the act state for the House: What part of section 23(1)(a) were the inflammatory comments redacted?

**Ms. Howard:** I'm sorry the member for Lac du Bonnet didn't take my comments seriously. I'm sorry that he doesn't believe that the protection of human rights is a serious matter. That is something that I believe to be a serious matter. I have answered his question a number of times, Mr. Speaker, but if he wants to talk about protection, I want to talk about the protection of rights.

And one of the things that I would like to know is why, when the Leader of the Opposition had an opportunity to protect the rights of my family, he missed that opportunity and instead he described my family and hundreds of thousands of families like mine, many of them living in this province, as a social experiment. Why did he describe my family that way?

**Manitoba Hydro  
FIPPA Redaction**

**Mr. Wayne Ewasko (Lac du Bonnet):** Mr. Speaker, I would really appreciate my questions to start getting answered.

Yesterday, the Canadian taxpayers association released fully readable blacked-out Manitoba Hydro documents. These documents showed Manitoba Hydro covering up \$224 million in spending, including \$250-an-hour lawyer and consultation fees and a \$75,000 signing ceremony. Now, the document presented by the Canadian Taxpayers Federation had redactions which I could see through on television on the late news last night.

Mr. Speaker, for the 18th time, I'm asking the Minister of Culture, Heritage and Tourism (Ms. Marcelino), the minister in charge of FIPPA: Does she agree with the Minister for Family Services and Labour and her spokespeople that were—

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

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** With respect to the documents the member's referring to, firstly, those were old documents. They were several years old. Secondly, they were provided to the Taxpayers Federation. Thirdly, since that time, the chief and council have changed, there's been an audit done, and it's corrected any difficulties in this audit that's occurred since then.

So not only were the Canadian Taxpayers Federation wrong again, the member's wrong again to make that accusation, Mr. Speaker. And whether it was redacted or not, that information went specifically to the Canadian Taxpayers Federation, who for the fourth, fifth or sixth time have tried to make an issue out of it.

**Brian Sinclair**  
**Critical Incident Report**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, new details have been released from the critical incident review committee's final report into the death of Brian Sinclair, who died after waiting 34 hours in a hospital emergency room without being attended to.

This new information shows that four members of the public approached emergency room staff on four separate occasions to report concerns about Sinclair's condition, and, according to the report, these individuals were largely ignored.

My question for the minister: How is it possible that four separate attempts to sound the alarm with respect to the condition of Brian Sinclair would not result in action?

**Hon. Dave Chomiak (Acting Minister of Health):** Mr. Speaker, there's been several reviews and there's currently an inquest that's going on, the purpose of which is to try to resolve the issues and improve the situation. And it—[interjection] I just heard—in addition, we put in place the critical incident reporting system.

Now, Mr. Speaker, I was in this Legislature when people were dealt with and died—12 baby deaths—and no one said anything. It was a cover-up, and as a result the Sinclair inquiry came about, and it said to put in place critical incident reporting, and that has been put in place and we followed up on that.

And the reason that's in place, Mr. Speaker, is so that people have the opportunity to deal with their errors and mistakes and make sure they don't happen again. They're not perfect, but that information comes forward and is dealt with so that the situation—

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

**Mr. Friesen:** Mr. Speaker, this committee report indicates major problems with the ER. Four separate people on four separate occasions were ignored, and yet we know that if the concerns about Sinclair's

condition were heard and acted on, that tragedy might have been avoided.

The report, which has never been made public, records that the public is not perceived as a useful source of information for the triage team. Rather, they're perceived as an interruption and as a threat.

Now, Mr. Speaker, my question for the minister: Is that what the minister believes about the public, that they're a threat, and is that why the information has been so slow to come forward on what really happened to Brian Sinclair?

**Mr. Chomiak:** First off, what happened is a tragedy, and the WRHA and others have already apologized and there's a study under way.

Mr. Speaker, the information the member's referring to is part of a critical incident reporting system that was agreed to in this Legislature unanimously—albeit before the member was elected—unanimously by members of this Chamber, that people could come forward and talk and provide information about a critical incident and that information would be kept private so people would not feel they'd have to cover up their mistakes, as happened in the past, and could feel confident bringing that information forward.

And, Mr. Speaker, in that instance, then a critical incident was not only provided but made public. The incidents were made public. The reporting process is private so that people don't cover up and hide, as they had to in the past, but will bring forward that information so they can deal with—

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

The honourable member for Morden-Winkler, with a final supplementary.

**Mr. Friesen:** Mr. Speaker, information continues to come forward. At first health officials suggested that Brian Sinclair failed to present himself to the triage desk, and yet after the incident, we know that Sinclair did, in fact, go to the desk.

Then health officials said that Sinclair had not been triaged, yet through the inquest we've learned about an initial triage document that was filled out but then mysteriously went missing.

There's a pattern of reluctance and foot dragging when it comes to making public critical information about this incident.



Can the minister answer: Is it because they are not aware, after all this time, of what really happened, or is it because there's an effort under way to once again hide the facts from Manitobans?

**Mr. Chomiak:** Mr. Speaker, I think a police report, a CME investigation, an inquest, a review of critical incidents that's put online is hardly hiding.

Yes, Mr. Speaker, there were problems. That's why an inquest is going on. That's why we know what's going on. There are witnesses appearing now, and witnesses will appear, and the inquest judge will have the opportunity to look at those incidents and try to improve the situation.

It will never be perfect, Mr. Speaker, but we are trying to find out what happened and trying to improve the situation, not like in the '90s when I was the critic and 12 babies had to die and it was covered up and swept under the rug. That's why this legislation is in effect. That's why it's a public process. That's why we want to improve. And that's why people have the opportunity to go before the judge and provide that information, and then we can improve the system. Not—

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

### Bill 33—Amendments Government Timeline

**Mr. Blaine Pedersen (Midland):** Mr. Speaker, the Minister of Local Government (Mr. Lemieux) has been musing to the media about possible changes to the forced amalgamation bill, Bill 33. Now, with this bill going to committee soon, presenters and municipalities across Manitoba are wondering what the minister has in mind, and for which municipalities.

So when does the minister plan to reveal his changes, or is this just another public relations exercise prior to the start of committee?

**Hon. Steve Ashton (Acting Minister of Local Government):** Mr. Speaker, it's quite remarkable that the—in the preamble for the question, the member is saying that the bill is going to go to committee soon. It is members opposite that have been holding the bill up from going to committee, and they also said they don't care about amendments. So the member's question has no credibility whatsoever.

**Mr. Pedersen:** Mr. Speaker, previously, the minister said there would be no exemptions—zero, nada, squat,

nothing—along with his description of calling municipalities insolent children. Now, this is the same government that went door to door in the last election promising not to raise the PST. There's no trust. There is no trust in this government from Manitobans.

So why should any municipality believe anything this minister says to the media or otherwise?

**Mr. Ashton:** Mr. Speaker, I'm glad the member in his second preamble talked about zero, because that's exactly the same number of amendments that they're proposing to bring forward on Bill 33.

Mr. Speaker, I think that municipalities across this province are glad that the Minister of Local Government has listened. We will be bringing in amendments.

Members opposite don't care about the committee process, because they've already said, zero amendments. They're not listening.

**Mr. Speaker:** The honourable member for Midland, with a final supplementary.

\*(14:00)

**Mr. Pedersen:** Mr. Speaker, we have 13 amendments ready, but the government—but you can't bring the amendments when the government won't call the bill.

Mr. Speaker, no consultations, bullying, threats, no exemptions, and suddenly this minister leaks to the media he's now open to changes. The minister realized he's made a total mess of this file and now is trying to deflect criticism through the media. We're dealing with an antibullying legislation while this minister continues to bully municipalities.

How are presenters supposed to prepare for committee when they cannot trust anything this media—minister says to the media or to anyone else?

**Mr. Ashton:** Indeed, the other bill that the members opposite have held up—and I want to hear them cheer for this—is a bill that's going to protect all kids, 'including glay'—gay and lesbian kids, Mr. Speaker, Bill 18. So we need no lectures about bullying from members opposite.

And I want to say to members opposite—I know I'm Lotteries Minister—I guess it's lucky 13. After weeks on end of the critic saying he wasn't going to bring any amendments—

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

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

I think we are wasting precious time here in question period. I know I've indicated to the House before that I thought we had turned the corner and we were doing pretty good, but I sense that we're getting out of control here again this afternoon. So I'm asking for the co-operation of honourable members, keep the level down a little bit so I can hear both the answer and the question that was originally posed.

The honourable Minister of Infrastructure and Transportation, to conclude his remarks.

**Mr. Ashton:** Thank you, Mr. Speaker, and as I said, as Lotteries Minister, I'm tempted to say it's lucky 13. For the first time members opposite are interested in amendments. Perhaps it's got to—something to do with the fact that our Minister of Local Government (Mr. Lemieux) has put forward the fact that we are going to be open to amendments.

And I want to say—perhaps using my lottery analogy again—let's see if we can call their bluff. Let's send it to committee, and we, indeed, will be listening and we will bring in amendments to deal with the specific issues the Minister of Local Government referenced, brought forward by communities like Victoria Beach.

#### **ER Services Health Sciences Centre**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, CBC reported today that Brian Sinclair's death was predictable. The government had had numerous reports of problems in Manitoba's emergency rooms, including of people like Dorothy Madden, who died in 2003 waiting for care. This year in February, emergency care Canada highlighted the 20-year history of Manitoba's meaningless chatter on the subject with no improvement.

I ask the Minister of Health (Ms. Oswald): When she was fully aware of problems in our emergency rooms when she became minister in 2006, why was it that two years later, in September 2008, that the emergency room at the Health Sciences Centre was so bad it was called a war zone?

**Hon. Dave Chomiak (Acting Minister of Health):** Mr. Speaker, the fact is that there have been significant improvements to the health-care system since we've been in office.

It just was not a case of hiring back the 1,500 nurses that had been fired, it was just not a case of hiring an additional 500 doctors, it was just not—it was a case of putting confidence back in the system, and part of that was things like the protection of persons in care act. Part of that was the total reconstruction of the Health Sciences Centre. Part of that was op—emergency rooms at Seven Oaks, which had been previously scheduled to close, at Grace hospital, at Victoria hospital and at other—and at Concordia Hospital to make it more efficient and more effective to handle more patients and in a more timely fashion. Part of that was putting equipment in place and part of that was the critical—

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

#### **Public Consultations**

**Mr. Gerrard:** Mr. Speaker, today, CBC's I-Team revealed the contents of the 2008 critical incident investigation on the death of Brian Sinclair. The emergency room where Brian Sinclair sat waiting for 34 hours in 2008 was described as a failure at all levels. We are told that the public is not perceived as a useful source of information. Information from at least four members of the public in the emergency room about Mr. Sinclair was dismissed.

Mr. Speaker, I ask the Premier: How could it be that the Minister of Health has run health care since she became minister in 2006 without listening to the public and still has not taken steps seven years later to listen to the public?

**Hon. Greg Selinger (Premier):** Mr. Speaker, in—as a matter of fact, the pediatric tests that the member of—Minister of Innovation has mentioned led to recommendations to have a critical incident process that allowed people to come forward and disclose and discuss errors they have made and to do it in such a way that they can improve the system, and that was unanimously endorsed by every member of this Legislature and became a model across the country, a model that Saskatchewan said: We are committed to growing a culture of safety across our health-care system; perhaps a good way to start walking the talk would be to follow Manitoba's lead and be absolutely transparent. And that's the Health Quality Council website in Saskatchewan.

So the measures that have been put in place are based on tragic experiences that have happened in Manitoba, and the learnings out of that continue to inform the system today, and the Brian Sinclair

death led to many immediate improvements, and the inquest allows anybody to be called as a witness and all matters to be reviewed again. So all of this is part of the ongoing openness to improve health care in Manitoba.

**Mr. Speaker:** The honourable member for River Heights, with a final supplementary.

**Minister of Health  
Resignation Request**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, once again we learn that the Minister of Health (Ms. Oswald) has actually not been transparent about what happened in 2008, about what was in this report, that she's still not listening to the public and she's still not fully corrected the problems.

Manitobans are asking why the Minister of Health did not make available at least some of the most critical facts from this report, this incident report, as soon as it was available but instead has consistently covered up information.

Manitobans have lost confidence in this minister. It's time for the Minister of Health to resign.

I ask the Premier: Will he replace the Minister of Health today with a minister in whom Manitobans can have confidence?

**Hon. Greg Selinger (Premier):** Our Minister of Health is highly regarded, both within the health-care profession and in the community of Manitoba and across the country, for the kinds of innovations we put in place in health care, including critical incident reviews, Mr. Speaker.

And, again, the critical incident review was done at the time. Lessons were learned on that, measures were put in place immediately by the Winnipeg Regional Health Authority, who have accepted that serious errors were made, and now the inquest adds additional openness to review what happened during that tragic event with Mr. Sinclair and to learn further what other measures might be taken or what other procedures might be needed to put in place.

It's being conducted by an independent judge. It's being done in such a way that everybody has access to the outcome of that. There's nobody that's excluded from being called before that inquest procedure, including anybody that was involved in this incident with Brian Sinclair, including anybody involved in preparing the critical incident report. All of those people can testify at the inquest so that final

closure and solutions can be achieved and there can be an opportunity for the family to heal of this.

**Post-Secondary Education  
Government Initiatives**

**Ms. Sharon Blady (Kirkfield Park):** This week marks, for so many families, the beginning of a new year, and I know last night around the dinner table I was able to talk to my youngest about meeting his new grade 5 teacher, but my eldest also shared with me his experiences at his first lectures in this week's classes at university, and like so many other post-secondary students, Zach is one of the students from Manitoba and other students from around the world who are heading to our province's top-notch universities and colleges this week, some of them for the very first time.

And I was wondering if the Minister of Advanced Education and Literacy could please inform the House about how we've helped our publicly funded post-secondary institutions continue to grow and serve students and their families in our province.

**Hon. Erin Selby (Minister of Advanced Education and Literacy):** I want to thank the member for the question.

I think the most important thing we're doing is providing the best funding to universities across the country, funding that has doubled under this government. We're also keeping tuition affordable. We have the third lowest tuition in the country. We've provided \$220 million in grants, scholarships and bursaries since coming into office and, of course, a 60 per cent tuition rebate for graduates from all over the world who want to put roots down in Manitoba.

But let's compare that to what opposition did when they were in office, Mr. Speaker. Well, they cut or froze funding to universities for five years straight, at the same time as they raised tuition 132 per cent. But that's not all. No, that's not all. They eliminated the bursary while they were raising tuition 132 per cent.

So, Mr. Speaker, as students are going back to school from K to 12 and all our post-secondary 'stu'-institutions—

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

\* (14:10)

### Early Childhood Therapies Access to Treatment

**Mr. Dennis Smook (La Verendrye):** This government's record to support youth is one of failure. Preschool-aged children now have less access to therapy services such as speech language pathology and physiotherapist services. Some children have no access to needed treatments, such as children with autism.

Will the Minister of Children and Youth Opportunities (Mr. Chief) admit that he is failing to provide youth with opportunities such as the opportunity for needed therapies?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I'm pleased to address the questions that the member has put.

I believe part of what he's talking about, of course, is treatment for children who have a autism diagnosis. I've spoke in this House before about our investment in those services, investment of over \$30 million in multiple places, schools and in the health-care system and therapy in communities. Part of that includes outreach to rural and northern families, and part of that does include the ABA program at St. Amant. And we continue to work with clinicians and with families to do our best to improve those services because they're so important for those families, Mr. Speaker.

So we'll continue to do that. We'll continue to make those investments despite the best advice from members opposite.

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

**Mr. Smook:** It wasn't I who broke the promise to families of children—with children with autism. It was the minister who broke those promises.

Mr. Speaker, experts note the importance of early intervention for a variety of therapies, including speech language pathology and ABA therapy. Children need these services early and they are not getting them. Instead, the minister of youth—child and youth opportunities is on a ribbon-cutting tour with the Premier (Mr. Selinger).

Will the Minister of Children and Youth Opportunities admit that he is blatantly failing children and youth?

**Ms. Howard:** Well, nothing could be further from the truth. The Minister for Children and Youth

Opportunities brings to his portfolio a deep understanding of the challenges that our young people face. He brings a deep understanding from his own life experience and from his strong connection to his constituents, many of his constituents who face challenges that neither you or I, Mr. Speaker, could probably imagine. And he brings that every day to the work that he does.

And part of that work is sitting down and talking to families about what they need and getting families to champion early childhood education. We know that's so important, particularly for kids who aren't born with the same advantages that many other kids are.

That's what this Minister of Children and Youth Opportunities is out there doing, and we're proud of the work that he's doing, Mr. Speaker. We know that he brings—

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

**Mr. Smook:** Manitoba is falling behind in providing therapy for youth. Manitoba falls well short of the guideline for intervention for speech language pathology and audiology services for youth.

Mr. Speaker, this government is able to fund its own political agenda with \$5,000 vote tax per year per member but yet cannot support children and youth with development disabilities.

I will ask the minister: Why is his priority to line his own pocket with tax dollars rather than supporting the needed services for youth in our province?

**Ms. Howard:** I'm going to tell you what the agenda of this government is. The agenda of this government is to invest in child-care spaces, Mr. Speaker, to invest in a child-care program that's—like no investment has been seen in this province.

And, yes, we do go and we open child-care centres, Mr. Speaker, and we're proud of that fact, because when children get to go to early child-care education they get a better start in life. And so we're proud of those kinds of investments.

We're proud of the fact that every year we've been in government we've seen an increase to funding for special-needs students in our schools, thousands of students who are returning this week to school with their classmates, who are in classrooms that are integrated with kids of multiple kinds of

abilities and disabilities who are learning from each other. We're proud of—

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

Time for oral questions has expired. It's time for—

## MEMBERS' STATEMENTS

### Vaughan Baird

**Mr. Cliff Graydon (Emerson):** I rise today to pay tribute to a devoted volunteer, lawyer and 'communitor' lead—community leader, Mr. Vaughan Baird. A proud Conservative in his entire life, Mr. Baird was dedicated to serving his province and his party in his entire life.

Mr. Baird received his law degree from Dalhousie in 1952 and served for 31 years as a partner at Newman Maclean as well as Pitblado Hoskin, Baker Zivot and Pullan Guld. He was appointed Queen's Counsel in 1966, where he 'succ'—he was successful in the challenge of the constitutionality of Manitoba's English-only legislation. He also served as a defence attorney in separate matters that was the first only trial—French trial to be heard in Manitoba in some 90 years.

Mr. Baird had a strong connection with the sport of diving and helped establish the Canadian Amateur Diving Association in 1968. He also helped bring diving, swimming, water polo and synchronized swimming together as an Aquatic Federation of Canada. Mr. Baird also served as Diving Canada's chef de mission, where he was able to travel throughout Europe and the Soviet Union following the sport he loved.

He also served as a member of the Canadian Olympic Committee, the Commonwealth Games Association of Canada, the Amateur Swimming Union of the Americas and FINA. His local contributions that included keeping in the formation of the Sport Manitoba and a sports lottery corporation which later became Western Canada Lottery Corporation.

Mr. Baird also served as an active member and executive member of the Progressive Conservative Party of Canada, where he was a leading proponent of one-member, one-vote system to elect party leaders. He also received a Queen's jubilee medal three times and was inducted into Manitoba's Sports Hall of Fame in 1984 and the Order of Canada in 1992.

Mr. Speaker, on behalf of all members of this House, I want to pay tribute to Mr. Baird and thank him for his lifetime of service both in politics and in sports. Thank you.

### Jim Kale

**Hon. Nancy Allan (Minister of Education):** I rise today to recognize an individual who has made extraordinary contributions to musical and cultural life in St. Vital and beyond. For over 40 years, Michael James Kale has been co-founding member, songwriter and bassist for one of Winnipeg's busy—biggest musical exports, The Guess Who.

Jim grew up in St. Vital and attended Glenwood School and Glenlawn Collegiate. Inspired by Bill Haley and the Comets and British Invasion acts in his youth, Jim officially joined the Winnipeg music scene as a member of local band Al and the Silverstones. Jim, along with bandmates Al Kowbel, John Glowa, Brian McDonald and Bob Ashley, performed at teen dances and community centres around the city.

As the band evolved, it became Chad Allan and the Reflections and then Chad Allan and the Expressions. Finally, the group became The Guess Who and put Winnipeg on the map with international hits like These Eyes and American women.

With The Guess Who, Jim performed for crowds around the world and, on one occasion, for visiting Prince Charles and Princess Anne at the White House during the Nixon years. Decades later, Jim tours with The Guess Who along with another founding member, drummer Garry Peterson.

Jim's story and that of The Guess Who is another important piece of our collective history in St. Vital. That history is chronicled by the St. Vital Historical Society under the direction of president Bob Holliday.

To ensure that his experiences are preserved as part of music history, Jim has generously donated the memorabilia from his career to the historical society's collection: his eight gold records, his statue from the Canadian Music Hall of Fame and his five Maple Leaf Awards—forerunners to the Junos—are now proudly displayed at the St. Vital Museum along with a multitude of other artifacts from the St. Vital area. Today budding young musicians in the south end who are forming their own first band can see these items on display and know that their dreams can come true.

I invite all members to join me in celebrating the distinguished career of this dedicated and talented musician.

\* (14:20)

### **National Trucking Week**

**Mr. Ralph Eichler (Lakeside):** Today I rise in this House to recognize National Trucking Week as an important occasion to celebrate the tireless efforts made by the 400,000 Canadian men and women who keep this country's freight moving. This year's National Trucking Week is taking place from September the 1st to the 7th. National Trucking Week is an opportunity for the trucking industry to take a break from their busy hectic schedules and reflect on what the industry contributes to our economy, our communities and our families.

Provincial trucking associations, carriers, industry suppliers and other stakeholders are encouraged to organize activities in their own province to mark the event. This year in Manitoba, the Manitoba Trucking Association celebrated National Trucking Week by handing out refreshments to drivers as a way to thank them for what they do for the industry in Canada. The MTA also partnered with Winnipeg Free Press to publish a special supplement highlighting the vital role the trucking industry plays in Manitoba's economy.

In Manitoba alone the trucking industry employs 30,000 people in communities across the province, from big cities to small towns. Nationally there are over 260,000 drivers and approximately 400,000 people who work in the trucking industry. It is estimated that for every 10 jobs created in the trucking industry, seven jobs are created in associated industries. Trucking is Canada's most important mode for freight transportation and is driving our local, provincial and national economy forward.

The people in the trucking industry are very charitable, involving themselves in a range of community development initiatives, from initiative programs to scholarships, to a wide variety of career-advanced opportunities. The trucking industry has made a huge and social economic impact on communities across Canada.

Mr. Speaker, I would like this House—to ask this House to congratulate the organizers, volunteers and sponsors for planning yet another successful National Trucking Week.

I hope that members of this House would join me in applauding the men and women of this province who have made out trucking industry so successful.

Thank you, Mr. Speaker.

### **Indigenous Leadership Development Institute, Inc.**

**Ms. Deanne Crothers (St. James):** Mr. Speaker, our province's history has depended upon generations of strong community leaders.

I rise today to recognize the work of the Indigenous Leadership Development Institute, Inc., a non-profit organization located in St. James. The Indigenous Leadership Development Institute works with educational facilities, government and the private sector to build leadership capacity in indigenous people. By carefully examining what does and does not work in indigenous communities, the institute identifies training needs and provides opportunities for skill development through a variety of means, from courses and workshops, to mentorship and networking opportunities, to youth programs.

The Indigenous Leadership Development Institute identifies a variety of current and potential leaders including band chiefs and councillors, elected Metis leaders, executives, women and elders. One initiative works with First Nations to improve governance practices, another works specifically with women to help increase the representation of Aboriginal women in positions of leadership, and yet another offers practical training in the construction industry.

The institute also works with youth, the leaders of the future. Workshops with elders, volunteer opportunities, after-school music programming and even recently travelling to New Zealand to attend the World Indigenous Business Forum help young people broaden their horizons and provide them with important skills in the development of their leadership abilities.

Through the combination of their various programs and initiatives, the Indigenous Leadership Development Institute works to build partnerships and ties with the broader community, engaging many different sectors of the province in order to build a more prosperous future for all of our peoples.

Manitoba is a province blessed with the wealth of resources, but perhaps our strongest resource lies

in the people who live here. By developing the leadership capacity of our human resources, the Indigenous Leadership Development Institute helps contribute to stronger communities, a stronger province and a stronger country.

On behalf of the members of the Legislative Assembly, I would like to thank the institute's dedicated board of directors: Andrew Carrier, Milton Tootoosis, Debbie Burka and Irene Linklater, as well as the ILDI staff for helping create strong, able indigenous leaders.

Thank you, Mr. Speaker.

### **International Literacy Day**

**Ms. Erna Braun (Rossmere):** Mr. Speaker, this Sunday marks International Literacy Day. As a former teacher, I know that literacy is part of the foundation upon which our society is built and is essential to the future success of our young people.

Mr. Speaker, those who learn to read and write are able to access a broad range of opportunities, whether that is translated into jobs, further education or overall well-being. Throughout the world, education helps to curb poverty, promote gender equality, improve health, reduce child mortality, encourage sustainable development, peace and democracy. But despite our efforts, millions of people throughout the world still lack basic reading and writing skills.

Mr. Speaker, in Manitoba, we know that investing in education is one of the most important things we can do as leaders. That's why we are continuing to develop and support children's education by investing in new schools, smaller class sizes, new state-of-the-art science labs and new gymnasiums. As well, we are introducing a new math curriculum for K to 8, and for the first time in history, we have a province-wide report card.

We know that educating our children is essential to their ability to grow and flourish, but we also know the importance of adult education and providing learning opportunities for those who are wishing to overcome the barriers they face. Last year, the Department of Advanced Education and Literacy funded 36 agencies to provide adult literacy programs in addition to the 42 adult learning centres established throughout the province. These programs help thousands of adults in over 70 Manitoba communities access the resources they need to continue their education, find meaningful employment and provide for their families.

I encourage all members to join me in promoting literacy in education throughout our province, but also to acknowledge the struggles that millions of people go through around the world to get access to education in the hope of realizing the opportunities that literacy provides.

Thank you to all educators in Manitoba and across the world.

Thank you, Mr. Speaker.

**Mr. Speaker:** Grievances. Seeing no grievances, we'll move on to—

### **ORDERS OF THE DAY**

*(Continued)*

### **GOVERNMENT BUSINESS**

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, would you please resume debate on second reading of Bill 33.

### **DEBATE ON SECOND READINGS**

**Mr. Speaker:** We'll now resume debate on second reading of Bill 33, The Municipal Modernization Act, standing in the name of the honourable member for Morden-Winkler (Mr. Friesen), who has eight minutes remaining.

### **Bill 33—The Municipal Modernization Act (Municipal Amalgamations)**

**Mr. Speaker:** Is there leave for this matter to remain standing in the name of the honourable member for Morden-Winkler?

**Some Honourable Members:** No.

**Mr. Speaker:** Leave has been denied.

Is there further debate on this bill?

**Mr. Dennis Smook (La Verendrye):** Mr. Speaker, it's an honour to get up here today and put a few words on record in regards to Bill 33.

Bill 33 is not good legislation. There are many concerns that arise from the specifics of Bill 33, but also from the way it was announced and implemented. A bill that's introduced without consultation from the municipalities and without proper notice is not good legislation.

Mr. Speaker, the minister brought in this bill which would like to see municipalities that are under a thousand permanent residents population merge with larger ones to reduce the cost of local government. Well, from what I've seen, if you just

amalgamate and make things larger—like school divisions or hospital boards—I have yet to see a lot of savings to be made from that. There have not been savings in other areas, so I really would hate to see what would happen here.

Bill 33 legislation to make that happen would require small towns and rural municipalities to submit plans by—to the Province by December 1st, that would take effect on January 1st, 2015. That is not a lot of time. You know, such a short amount of time—people cannot sit down, make proper plans.

And the minister was not open to any changes in this. The minister stated, there are no exemptions; there are none, nada, zero, squat, nothing. This, I think, is not a very good way to start a relationship with somebody when you have given them no room to make any changes. The minister further said, I'm starting to see all over where people have their heels dug in and they weren't going to talk to anyone. Mr. Speaker, when you do something like this—when you amalgamate areas, municipalities, there must be some negotiations that take place, because without negotiations and planning, it will not work.

\*(14:30)

Earlier in the session, we brought in a hoist motion to put Bill 33 on the shelf for six months. This bill would have given the government a lot more time to negotiate properly with the municipalities and to get better ideas and hopefully make this more of an open resolution to what they want to do. But, unfortunately, our hoist motion was defeated. The NDP are not interested in listening to what people or what we have to say. But I can see that by an article in the paper the other night that the government has started to change its mind. It is now willing to look at making changes to Bill 33, doing some amendments to it.

Now, the people in the cottage country of Manitoba have been very vocal on this and they have put a lot of words on record in regards to this, having meetings, and we, on this side of the House, have also put a lot of words on record asking the government to please pull this bill. But they would not listen to us. They defeated our hoist motion. But now, all of a sudden, they're starting to listen. Are they starting to listen because the NDP MLAs are taking too much flak from the cottage owners? Is the minister finally realizing that Bill 33 has flaws in it? I mean, is it because that it's just not a good bill, which we have all along stated that? If the minister feels that part of this bill should be changed, maybe

more of it needs to be changed, more of it needs to be looked at. Maybe we should be bringing back the hoist motion and voting on it again. Maybe the members opposite will start to finally listen to what is happening in this province.

Tomorrow or later today, we'll probably be bringing in a number of amendments to this bill. Will the minister listen to us? Will the members opposite listen to us? I mean, they should start listening because they need to start taking advice from the municipalities. A bill of this nature will create huge changes in this province, and every part of this province is different, have different population bases, have different assessment and tax bases. Different parts of the province have different amounts of Crown land that are in those municipalities. Natural resources—a lot of the areas the government makes a lot of money from natural resources, mining, logging, of which these municipalities have no part of.

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

Every municipality needs a proper plan. You can't just take and throw two municipalities together who may all have the same problems and ask them to amalgamate. I mean, it may take, in some cases, some municipalities cut up in two or three spots to amalgamate with other municipalities that have been cut up. But it has to come from consultation and it has to come from people deciding. You cannot just take and ask people or tell people to go ahead and amalgamate. Right now, in this session, we're dealing with Bill 18, which deals with bullying. On one hand, we're saying how bullying is not good, but on the other hand, this government is bullying all the municipalities. They are telling them that they have to do this. The NDP government needs to start listening.

In the election of 2011, this NDP government brought in all kinds of additions to what PST was charged on. They have now brought in a number of other items to—in Bill 20. They're going to get rid of the taxpayer protection act. And they're going to add one more per cent, which they already have, to the PST.

This government lied to all the people in Manitoba back in the election of 2011 and in their budget of 2012. Manitobans can no longer believe what this NDP government has to say. And why should municipalities believe what they have to say? Like, there's no plan in place, so two municipalities amalgamate, what's going to happen in the future?



You don't know, because there's no plan. There's nothing out there that tells them, is the municipalities all of sudden a year down the road, the NDP government is going to come up with a plan where you need to have 2,000 or 3,000 people in a municipality before you amalgamate.

The people of Manitoba do not like dictatorship. Why should municipalities that are in better physical-fiscal shape than this NDP government be told how to manage their money? This is not the right way to do.

Municipalities have been working together in a lot of areas. They work together in sharing services. They work together in sharing people. It's all about working together, and that's where this bill should be going, is convincing municipalities to work together more and share services, share people so that you can cut cost. But just by amalgamation, that doesn't mean that you're going to save any costs.

Does the NDP government have any alternative motives to do this? I mean the—it is something that needs to really be looked at. I mean, municipalities all have different trade patterns. They all have different ethnic backgrounds, and they all have different land use areas. Some areas are heavy into agriculture, some areas are into—areas like the Falcon Lake, West Hawk are into recreation, and everybody has different ways of raising money. So you need to have a plan for each municipality. You can't just go out there and just with a magic wand and saying, everybody's going to amalgamate and solve all the problems, because that will not work.

At that, I'd like to thank the—everybody here for listening to me, and I wish some members from the opposite side would get up and do something about Bill 33.

Thank you.

**Mrs. Bonnie Mitchelson (River East):** I am pleased to stand in the Legislature this afternoon and put a few comments on the record regarding Bill 33, The Municipal Modernization Act (Municipal Amalgamations).

And I want to first and foremost give credit to my colleague, the member for Midland (Mr. Pedersen), who has done an awful lot of work as the critic for Local Government on this legislation and worked with and consulted with municipalities right across the province when this legislation came forward. And that's something that the government didn't do before they introduced this legislation.

They decided with the heavy hand and the arrogance that's become commonplace right across the board with this government and the lack of respect that they've shown to many, many Manitobans with much of the legislation that's come forward this year, and even last year they have shown their disdain for any type of meaningful consultation that would lead to good legislation.

So I'm pleased that we on our side of the House, led by our critic, have been able to talk to municipalities and hear first-hand many of the concerns that they have that this government completely ignored and didn't even ask before they brought in legislation. Again, it's a sign of a tired government that's arrogant and feels that they know best. They know better than Manitobans what's good for them. They know better than Manitobans how to spend their tax dollars. We've seen it time and time again in legislation that's come forward, and Bill 33 is no different.

But they thought, I guess, initially, that all they were going to do was impact those municipalities out in rural Manitoba where they don't get very many votes. Well, what they found after Manitobans learned what was in this legislation was that there are many, many cottagers in the city of Winnipeg that have property, have cottages in those very municipalities that were being looked at to amalgamate. And they weren't even taking them into account, and they weren't included in the numbers when they said that any municipality under a thousand people had to amalgamate with another municipality. Well, many communities expand to many, many more than a thousand residents during the summer months when cottagers are out in those municipalities, and they contribute significantly to the tax base and they were concerned, and rightly so, about the heavy hand of this government.

\* (14:40)

And I do want to read into the record some of the comments, and I'm sure that many, many members of government who represent city of Winnipeg constituencies receive the same kind of comments from their constituents as I received. And I'll go on to talk about maybe some of the things that the government appears to be doing today as a result of people in Winnipeg that have raised concerns and issues.

And I want to read one letter into the record, and I don't believe I need to table it, but I can table it if it's necessary, because it went to the minister, so I

know that government would have a copy of this letter. And it says:

Dear Minister, I'm a cottage owner in the RM of Victoria Beach. I will not be able to attend committee hearings on this matter, but I want you to know that I oppose the proposed amalgamation between the RM of Victoria Beach and the RM of Alexander. I am very unhappy that the rules do not allow me to vote on this matter because I am a non-resident. I am not in favour of this merger, because we have a very unique community that may lose its—those features that make it so, through this process. That is because I understand we will only have one representative on the new council, and that person doesn't necessarily have to be a resident of the community.

Further, the things that we have proudly developed and paid for over time will be automatically handed over to the new RM, and this new body may not have the same interest in these things that we, as local taxpayers and consumers, do. I resent this because we chose Victoria Beach because it is a community and the fact that it is not a public resort like Grand Beach, which, in my view, is overrun in the summer and cottagers have no privacy. I don't want our community to go in that direction.

Then, if, for example, the new council decides to remove the summer driving restriction to enable the public to access our residential area and services, we will soon become another commercial development with public concessions and so on. We enjoy our own public works, policing, fire, golf course, tennis courts, store and so on. The new RM may want to exploit more of the local resources to increase revenues. We may lose our police force, and I suspect an RCMP contract will no longer be cheaper and they are 20 minutes away.

Overall, though, I don't think the government will realize the savings through economies of scale and administrative redundancies, et cetera, that are the premise of this legislation. I doubt we will pay less tax. We already pay a significant portion of our property tax to support education facilities that we are not entitled to use and that simply enrich the coffers of an already rich school division.

I hope this bill is defeated and/or that there is a way for municipalities to justify opting out of something that may not be in the best interests of residents and taxpayers of Victoria Beach.

Finally, this issue, coupled with the retail sales tax increase, will be a significant blow to me as a retired taxpayer and certainly will reflect on my decision in the next election. Thank you for the opportunity to communicate some of my concerns on this issue.

And this constituent of mine is not alone. There are many, many others within my community, many that I have heard of from other constituencies in the city of Winnipeg, that have very similar views. So I guess that might be why the Minister of intergovernmental—or of Local Government today is saying that he might be looking at changes. And he's made some comments through the media that he may be looking at some amendments that could address—Victoria Beach and Dunnottar, I believe, are the two that were talked about in the media.

But, you know, how can we believe anything that anyone on the government side of the House says? We know the reality is that they say one thing and do another. We haven't seen any amendments come forward from the government. We have no idea what their intent is. And we have a government that's lied to Manitobans in the past. We've had a government that lied before the last election and said, we're not going to raise the PST, that's absolute nonsense.

Well, we know what happened and we know that Manitobans can't trust this government; they can't trust anything that they say. And, you know, when they stand up in question period and talk about all the wonderful things that they're going to do, they're not believable.

So it's a sad day in Manitoba when members of the community, taxpayers, voters have lost faith and trust in their government. And that is exactly what is happening.

So I look forward to seeing what might happen as a result of amendments. I know that we have amendments that my colleague, the member for Midland (Mr. Pedersen) has worked on very hard and those amendments will be put forward. I'm hopeful that the government will take a look seriously at the amendments and the work that we have done.

And it's as a result of the hard work and the consultation and the effort that we have put in to this legislation and the delaying of this legislation coming forward in the House that the government may be 'lookening'—looking at softening its approach.

I can say all of this could have been avoided if only they'd done their homework upfront, if only they'd gone out with some meaningful consultation with municipalities and found a solution that could be amenable to absolutely everyone. And I hope they've learned a lesson from the way they've acted this year with the heavy-handed approach and I hope that we're going to see significant changes that will give some credibility to municipalities for being able to think on their own and do the right thing for the right reasons for the people within their communities that elected them to be there.

So, with those comments, I look forward to this bill going to committee and to hearing presentations from Manitobans.

**Mr. Wayne Ewasko (Lac du Bonnet):** It gives me great pleasure to stand up today and put a few words on the record. I know that—to Bill 33 that is—because I know that we've had a quite a few opportunities to put some words on the records in the opposition to Bill 33.

Bill 33 comes to us from the Minister of Local Government (Mr. Lemieux) and basically it was announced in the Throne Speech that the forced amalgamation bill, which is that Bill 33, was going to be imposed on various municipalities throughout the province with populations fewer than 1,000 residents.

Now I know one of the—and I—as I've put on the record many, many times in the past, I know that one of the—and as you know—a couple of the situations out in my constituency. I have the RM of Victoria Beach, which is on that list of municipalities to be amalgamated, and since that announcement there was quite the large public outcry in regards to being forced to amalgamate and yet, such a vibrant municipality at that.

The minister then continued to go to the AMM convention last—or AGM—last year in November and had continued to push the issue onto the municipalities. And at that point another couple RMs—the RM of Lac du Bonnet and the Town of Lac du Bonnet—stood up and they said that they were in favour amalgamating and that they were happy with the announcement in regards to the amalgamations put forth by the Minister for Local Government.

\* (14:50)

So I had a little bit of a dilemma and over the question periods over the last 10 months I have been asking—and in regards to speaking to Bill 33 and

other times when I've had an opportunity to speak, whether that was to the Throne Speech or to the budget, I had basically thrown out there for the Minister of Local Government for him to pull the bill, to pull Bill 33 and start again with some consultations because he did not go around the province and have those consultation—or go through the consultation process with those various municipalities, and, matter of fact, even to today he has still not gone out and had that conversation with Victoria Beach.

I had suggested to the Minister of Local Government to take those resources that he's so top-down been throwing onto Victoria Beach to force them to amalgamate, take those people, take that energy, take those resources and go ahead and help the Town of Lac du Bonnet in the RM of Lac du Bonnet to do the amalgamation process properly and to this point, that has not happened.

The fact of the forced amalgamation and a couple of the things that a lot of the residents, and that being permanent residents and seasonal residents, and just to put also on the record Victoria Beach has over 4,000 taxpaying residents in the RM of Victoria Beach and they have spoken quite loudly. They have sent emails and that's both seasonal and permanent residents. They've sent emails to the minister. They've sent emails to the Premier (Mr. Selinger), and I know that the member from River East had put on the record one of the emails that were sent to absolutely all of us. Those people had emailed again not only the minister, the Premier, but also their own MLAs here in the city and around the province, and lucky for me I've also been cc'd on all of those emails and there is quite a few. I'm pretty sure that we're up over 100 concerned citizens who have emailed and had asked for amendments to be put forth onto the bill, had also asked for Victoria Beach to be excluded from that list of municipalities that have to—that are being forced to amalgamate.

And also another topic that I know that we've raised here in the House but I think needs to be brought up yet again is the fact that these people—the population of Victoria Beach explodes in the summertime almost to tenfold and not only—and matter of fact, well over tenfold because I—as I said before, the population in the summertime is over 5,000 and I think the permanent residents are roughly about 370, 376 permanent residents. The point is, is these people, they all have a vote. They all are paying taxes in the RM. They're paying education taxes to the Selkirk School Division and they feel

that they should have a say, and I think that that's the biggest part here is if the Minister for Local Government had gone through the proper consultation process for this bill and had actually listened to what those people had to say, he would've realized right off the bat that Victoria Beach was not going to go into this process lightly and hopefully he would've made the announcements last year as opposed to just the other day that there are going to be—there is going to be room for tweaking and some amendments.

The other point that I wanted to chat about was the fact that these—there is well over 4,000 residents there any given time, and I think moving the election for those seasonal municipalities to the fall to bring it in line with the other municipalities is a mistake in these seasonal RMs. And, that being said, you've got four or five thousand potential voters or people who should have the right to say who gets elected as reeve and council, so their timely elections in the summer months should be left alone, and that should be one of the amendments to the bill where those seasonal RMs in regards to—when it comes time for elections should be left to the status quo as it is right now.

So, with that, I'd like to say that I know the article, again, the member—the Minister for Local Government had put in there that he has now changed his mind. He's done a little bit of a flip-flop, which I appreciate, opening the door for some amendments which I do appreciate. But I'm not going to be patting the minister on the back for all the great work he's done. I'm going to pat all those citizens, seasonal and permanent, of Victoria Beach, including the reeve, Tom Farrell, and his council for all the hard work that they've done and diligence and research that they have done and they've put forward in regards to speaking against Bill 33 and their disapproval of the way it was done.

I just hope, that some of the relationships between the residents of the RM of Victoria Beach and the residents of the RM Alexander can be patched up. And that's one thing that worries me is the—is some of that potential damage that this minister had gone ahead and done by the way he announced this last fall.

So, with that, I do look forward to this bill moving forward to committee so that those presenters can come and have their say. And I hope that the hundreds and hundreds of emails that the minister has received on this bill not only from

Victoria Beach, from—but from across the province—I'm hoping that this minister will decide to listen, but not only listen to them, hear them and make the proper amendments as we move forward.

So thank you for your time.

**Mr. Ralph Eichler (Lakeside):** I do want to put a few things on regard to the main motion here on Bill 33 before we move to committee, and I know that the minister has indicated through the media that he's prepared to look at amendments.

And I know the member from Midland's done an outstanding job communicating not only with the residents from Dunnottar, the residents from the various municipalities, the Victoria Beach and others, and we know very clearly that what we need to see from this government is an open mind as we go into committee. I know that the member from Midland has done an outstanding job in order to draft a number of amendments and we know very clearly that these amendments have been talked about with AMM. We've worked very closely with them, our whole caucus as well as the critic.

And when we look at the next steps of how we want to go forward—and the minister has limited his media release to just the Village of Dunnottar and Victoria Beach—and we're very concerned about those steps. We're very concerned that there's a number of municipalities that are going to be left out because of sheer numbers. And we know that, when we look at the numbers between Dunnottar and Victoria Beach, we're looking roughly around four to six thousand people and we know that a number of those residents have cottages in those areas.

They also live in the city, and we also know that there's some that don't live in the city that live in other parts of the province that have voiced their concern. In fact, I know, if I got them, the government got them as well, a number of emails over the past three to four weeks, and before that I probably had close to between 80 and 90, somewhere in there, concerns about the way the bill was drafted.

And, of course, we feel the bill's been drafted very poorly. We still think the government needs to start over. They have indicated they're prepared to maybe take it—a little baby step and look after two municipalities, look after two municipalities that done a great job in making sure the government was aware of those concerns and they're indicating that they may want to listen. But we're concerned about the whole bill, about the whole package.

\* (15:00)

So I—whenever we look at these amendments that's going to be brought forward by the member from Midland, we're encouraging the government to make sure that they pay attention to what these amendments say.

So we want to move this bill on to committee. But as that, as we do, we have roughly just under 90 presenters. It's going to take us roughly about three nights before we get through all of those presenters. And then we'll get into debate again about amendments and that type of thing, that we're going—about to discuss.

And the thing that concerns me the most is that, you know, the government hasn't been open enough, straightforward enough, in regards to what they want to do, what they want to see those amendments look like from the government side.

So I can tell you, Mr. Deputy Speaker, that we'll be paying attention as well. All members in this House has a passion for making sure that we have the best legislation that's possibly brought forward, of course, through consultation.

And I know the minister reached out—reached out to AMM and reached out to us as opposition, and said, maybe we should be looking at some amendments, maybe we should have a second thought at regards of what really this is going to have.

And, whenever the government announces at the AMM last fall, it was without any consultation. They brought forward changes to this legislation without any consultation. They announced it at the municipal convention. And that's not far away; not far away at all. In fact, it will be in November of this coming year. And by then we'll probably have a large part of the debate done on this particular bill.

In fact, we know that, under our interim agreement, that this legislation will pass. And the government does have a majority. We know they have control to do what they want to do on this particular bill. But we're encouraging them to be open-minded enough to make sure that we get it right. We get it right through consultation with AMM, and, of course, whenever we're looking at the presentations on those just under 90 presenters, we're going to make sure that we listen to the detail, listen to the information that's going to be brought forward to us. So we're going to make sure that we do make

notes of that, and we encourage the government to do it as well.

So before we do sign off, I know I got probably about 15 to 25 emails in the last couple of days, asking for clarification—asking for clarification about what this amendment looks like that's going to allow Victoria Beach and Dunnottar, and quite frankly, we are concerned. We are concerned. The government has said in the media, and they've said it before—in fact, they said it in the election of 2011, they wouldn't raise taxes, but they did, they did. They also turned around, whenever we were talking about legislation in regards to the vote tax, they said they were not going to take it. So what they did, they turned around, just a few years later and changed the methodology of which the vote tax would then be able to be taken by the government.

So we're not real sure we can trust what the government's going to do, whether it's short term, long term. We want to see what's in the legislation they're going to bring forward, in regards to the amendments.

I know the member from Midland has done a great job at talking with those municipalities to ensure that the wording is right, in order to protect those municipalities that are under the thousand people that's going to be able to—be impacted by this particular change in legislation.

And I know I talked about the community, the town of Riverton, before, and how concerned they are. And I know there's others. We're going from roughly 150 municipalities. I believe that's somewhere around the numbers. It's going to be around a hundred now. A significant change. A significant change in government and those impacted will not have a voice anymore. At least the number of voices they feel they need.

So whenever we're looking at these amendments, we're going to encourage the government to pay attention to what's being said.

And, with that, we'll move it on to committee, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Any further speakers to the bill? Seeing none, is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Deputy Speaker:** The question before the House is second reading of Bill 33, The Municipal Modernization Act (Municipal Amalgamations).

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

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Deputy Speaker:** I hear a no.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

#### Recorded Vote

**Mr. Kelvin Goertzen (Official Opposition House Leader):** Mr. Deputy Speaker, would you summon the members for a recorded vote.

**Mr. Deputy Speaker:** A recorded vote has been requested. Call in the members.

*Mr. Speaker in the Chair*

**Mr. Speaker:** Order, please. The one-hour allocation allowed for the ringing of the division bells has expired, and I'm instructing that they be turned off and we'll now proceed with the vote.

The question before the House is second reading of Bill 33, The Municipal Modernization Act (Municipal Amalgamations).

#### Division

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

#### Yeas

*Allan, Allum, Altemeyer, Ashton, Bjornson, Blady, Braun, Chief, Chomiak, Crothers, Dewar, Gaudreau, Howard, Irvin-Ross, Jha, Kostyshyn, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Melnick, Nevakshonoff, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Whitehead, Wiebe, Wight.*

#### Nays

*Briese, Cullen, Driedger, Eichler, Ewasko, Friesen, Gerrard, Goertzen, Graydon, Helwer, Mitchelson,*

*Pallister, Pedersen, Rowat, Schuler, Smook, Stefanson, Wishart.*

**Deputy Clerk (Mr. Rick Yarish):** Yeas 30, Nays 18.

**Mr. Speaker:** Declare the motion carried.

\*\*\*

**Mr. Speaker:** Official Opposition House Leader, on House business.

#### House Business

**Mr. Goertzen:** On House business, Mr. Speaker. In accordance with rule 31(9), I'd like announce the private member's resolution that will be considered next Thursday. It's a resolution on Declining Emergency Health Care in Manitoba, brought forward by the honourable member for Morden-Winkler (Mr. Friesen.)

**Mr. Speaker:** It has been announced that in accordance with rule 31(9), that the private member's resolution that will be considered next Thursday is the resolution on Declining Emergency Health Care in Manitoba, brought forward by the honourable member for Morden-Winkler.

On further House business—

**Mr. Goertzen:** As it's past 4 o'clock, I'm seeking leave of the House to table the list of ministers for concurrence on Monday.

**Mr. Speaker:** Is there leave of the House to allow the honourable member to table the list of ministers required for concurrence? *[Agreed]*

**Mr. Goertzen:** In accordance with rule 78(4), I'm tabling the list of ministers to be questioned in concurrence on Monday. The ministers are to be questioned concurrently.

**Mr. Speaker:** The concurrence ministers—or ministers required for concurrence on Monday, September the 9th, are the honourable Minister of Culture, Heritage and Tourism (Ms. Marcelino), the honourable Minister of Labour and Family Services (Ms. Howard), the honourable Minister of Finance (Mr. Struthers), followed by the honourable Minister of Agriculture, Food and Rural Initiatives (Mr. Kostyshyn), followed by the honourable Minister of Local Government (Mr. Lemieux).

**Hon. Jennifer Howard (Government House Leader):** On House business, I'd like to announce the Standing Committee on Social and Economic

Development will meet to consider Bill 33, The Municipal Modernization Act (Municipal Amalgamations), on the following dates: Monday, September 9th, 2013, at 6 p.m.; Tuesday, September 10th, 2013, at 6 p.m.; and Wednesday, September 11th, 2013, at 6 p.m., if necessary.

\*(16:10)

**Mr. Speaker:** It has been announced that the Standing Committee on Social and Economic Development will meet to consider Bill 33, The Municipal Modernization Act (Municipal Amalgamations), on the following dates: Monday, September the 9th, 2013, at 6 p.m.; Tuesday, September the 10th, 2013, at 6 p.m.; and, if necessary, Wednesday, September the 11th, 2013, at 6 p.m.

**Ms. Howard:** Could you please proceed with report stage on Bill 10, Bill 21 and Bill 23.

#### REPORT STAGE AMENDMENTS

**Mr. Speaker:** We'll now proceed to call report stage of the following bills: Bill 10, followed by Bill 21, then followed by Bill 23.

#### Bill 10—The Correctional Services Amendment Act

**Mr. Speaker:** So we'll start first with Bill 10, The Correctional Services Amendment Act.

Is there amendments to the bill?

**Mr. Reg Helwer (Brandon West):** I move, seconded by the MLA for Spruce Woods,

*THAT Bill 10 be amended in Clause 3 by striking out "the custodial facility" in the proposed paragraph 42(1.1)(a)(i)(B) and substituting "any public or private property".*

**Mr. Speaker:** It's been moved by the honourable member for Brandon West—we need a seconder for the—[interjection] It's been moved by the honourable member for Brandon West, seconded by the honourable member for Spruce Woods (Mr. Cullen),

*THAT Bill 10 be amended in Clause 3 by striking out "the custodial facility" in the proposed paragraph 42(1.1)(a)(i)(B) and substituting "any public or private property".*

The amendment is in order. The honourable—any debate on the amendment?

**Mr. Helwer:** This is, indeed, an interesting piece of legislation, and I think the amendment will improve its intent. The intent is obviously to make sure the public is safe and to make legal what the government says it is doing now, which is recording inmate conversations on telephone or by Internet or other circumstances, other means of communication. And what it does here, this particular amendment, Mr. Speaker, is takes out the part that says an act that may jeopardize the safety or security of the custodial facility and, indeed, makes it a little bit broader so that it talks about any public or private property.

So I think if we look at including this amendment it will improve the intent of the bill and make sure that the public is protected, or the discussions of any potential damage to public or private property may be then used and may be reviewed by the proper authorities to make sure that the government and the Justice Minister can move to make sure that there is a prevention of potential crimes, which, I believe, is the intent of the bill, to look at preventing crimes and finding events before they come to the fore so that individuals may not come to harm, property may not come—be damaged or stolen, so that the public of Manitoba is kept safe. And, indeed, I think that this particular amendment will improve that, the intent of the act.

So I recommend to the minister that he review this and see fit to perhaps include it in his bill. I think it is an interesting piece of legislation. As I said, it's always interesting when the government presents legislation to legalize something that, as the minister said, they are already doing.

So, with that, Mr. Speaker, I will allow others to speak to this and see where we go on it. Thank you.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I appreciate the effort of the member for Brandon West. I am concerned the amendment not only would not make the bill stronger, but, in fact, could make the bill weaker.

And, of course, I think we all accept the ability to intercept, monitor and restrict inmate communications is vital to the security of our provincial correctional facilities and, indeed, is an important aspect of public safety as well, which is why the bill was brought forward in the first place.

The concern I have is that by removing the words correctional facility, which, of course, means not just the jail itself but all of the correctional officers, inmates, as well as civilians, volunteers and

paid people who may be there for various reasons, and substituting a property idea, we're actually going to reduce the security for those within the custodial facility.

Now, it's important to note that Bill 10 already contains very clearly that any communications relating to a criminal offence or plan to commit a criminal offence are covered under the Bill. We do take the safety of our correctional officers very seriously. We do take the safety of inmates in our correctional centres seriously as well as others who may happen to be in the jail at a given time.

So, again, I respect the member's intent in bringing this forward. Unfortunately, the amendment really doesn't strengthen the bill and, as I've said, likely weakens the protections that Bill 10 provides.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on the amendment?

House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** Question before the House is the amendment to Bill 10.

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment will please signify by saying aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

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

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Any further discussion to Bill 10, Correctional Services Amendment Act?

Is the House ready for the question? *[interjection]* Okay, pardon me. We're going to proceed now to Bill 21, report stage amendments. Bill 21 is The Highway Traffic Amendment Act (Impoundment of Vehicles–Ignition-Interlock Program), and there are amendments.

#### **Bill 21–The Highway Traffic Amendment Act (Impoundment of Vehicles– Ignition-Interlock Program)**

**Mr. Reg Helwer (Brandon West):** I move, seconded by the MLA for Morden-Winkler,

*THAT Bill 21 be amended by adding the following after Clause 4(2):*

*4(3) The following is added after subsection 242.1(16):*

#### **Report to include certain information**

**242.1(17)** The report under subsection (16) must include the number of motor vehicles seized and impounded under this section because the person who was operating the motor vehicle contravened subsection 279.1(5) or (5.1) (restricted licence conventions).

**Mr. Speaker:** It's been moved by the honourable member for Brandon West, seconded by the honourable member for Morden-Winkler (Mr. Friesen),

*THAT Bill 21 be amended by adding the following after Clause 4(2)–*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

I just want to clarify, when the honourable member for Brandon West was reading the amendment into the record, was it his intention to indicate in the last word of the–under the heading, report to include certain information, the word contraventions?

**Mr. Helwer:** I'm sorry, Mr. Speaker, I must have misspoke. I was trying to read it as distinctly as I could and I–contravened, I believe, is the word that was in the motion. As written.

**Mr. Speaker:** As read?

**Mr. Helwer:** As written.

**Mr. Speaker:** As written. Okay, good, then we'll accept it as written.

*THAT Bill 21 be amended by adding the following after Clause 4(2):*



4(3) *The following is added after subsection 242.1(16):*

**Report to include certain information**

**242.1(17)** *The report under subsection (16) must include the number of motor vehicles seized and impounded under this section because the person who was operating the motor vehicle contravened subsection 279.1(5) or (5.1) (restricted licence contraventions).*

Any further debate—the amendment is in order.

Is there debate on the amendment?

**Mr. Helwer:** I'm pleased to rise to speak to the amendment to Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program), and, indeed, it is a particular bill that will, I think, speak to this program in enhancing some of the protection for the public and enhancing the ability of employers and people that work for them.

\* (16:20)

The particular amendment that I have proposed would speak to reporting, and reporting in terms of the number of vehicles impounded. And, when you have bills of this nature, I think it's very important to look at the effectiveness of the bills, and one way to look at the effectiveness of the program is by measuring that program.

So this would enable a reporting mechanism so that we can see—the public can see what are the number of vehicles that are, indeed, impounded under this section. And report that—as we will discuss later, how that will be reported. But I think it's very important that we measure the effectiveness of things, and, as I said, the—this is one way to move that measurement forward so that we can see what the effect of the bill is and see the impact of it, so that—just in the number of vehicles that are impounded under this type of program.

I think the bill itself is, as I said, an interesting bill. It does give an opportunity for employers to work within the legislation so that they don't have to put interlock devices on their vehicles should they have a staff member, employee, that is necessary under the law to use an ignition-interlock system. So, obviously, it's not an onerous intent on the employer, and it does give the opportunity for the employee to continue their work. Even though they have some of these restrictions in their own private life, it does enable them to continue to operate vehicles for their

employer and make sure that they continue to be employed and proceed along making money, which is an important part to salaries, to continue to make sure that they can recover from anything that they might have done here.

So this would—one particular amendment just allows a reporting mechanism, and I encourage the minister to review the amendment and, indeed, to consider its acceptance.

Thank you, Mr. Speaker.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I assure the member from Brandon West, I have indeed reviewed the amendment which would require the Vehicle Impoundment Registry to include in its annual report the number of vehicles impounded for driving-while-suspended incidents arising for a contravention of the ignition-interlock requirements.

It's true the registry does not at present include information on the nature of the suspended driving incident underlying a vehicle impoundment, but that information would have to be manually collected, and, Mr. Speaker, adding this level of detail would add a new requirement to the work of the police. We've been working closely with the police to try and reduce the burden so they can be out on the street doing what we know they do best. An example of that is The Highway Traffic Act, which we amended to provide that not all MPI claims have to be reported to the police anymore because the same information is collected by MPI.

So we are concerned about putting more responsibilities on the police. It would also create additional work for the registry in terms of having to manually check with the police each time to confirm the information or gather it if they don't include the information when the registry's resources are already fully occupied with administering its other vehicle impoundment and forfeiture duties.

So our priority, certainly, Mr. Speaker, is putting those resources to work in more urgent areas such as actually dealing with impoundments and forfeitures. So, for that reason, I can't support the amendment. Thank you.

**Mr. Speaker:** Any further debate on the amendment to Bill 21?

House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question before the House is the amendment to Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment will please signify it by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment will please signify it by saying nay.

**Some Honourable Members:** Nay.

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

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

**Mr. Speaker:** On division.

\* \* \*

**Mr. Helwer:** I move, seconded by the MLA for Tuxedo,

*THAT Bill 21 be amended by adding the following after Clause 5(3):*

*5(4) The following is added after subsection 279.1(6):*

#### **Tabling of annual report in Assembly**

**279.1(6.1)** The minister shall, within 60 days of the end of each fiscal year, submit a report respecting operations of this section to the Minister of Justice who shall immediately lay a copy of the report before the Legislative Assembly if the Assembly is then in session or, if the Assembly is not then in session, within 15 days of the commencement of the next session.

#### **Report to include information on restricted licences**

**279.1(6.2)** The report under subsection (6.1) must set out the number of restricted licences issued during the fiscal year and the number of those licences that permit the holder to drive an employer's motor vehicle in accordance with subsection (1.4).

**Mr. Speaker:** It has been moved by the honourable member for Brandon West, seconded by the honourable member for Tuxedo (Mrs. Stefanson),

*THAT Bill 21 be amended by adding the following after Clause 5(3)–*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

Is it the pleasure of the House to consider the amendment as printed and circulated to members? *[Agreed]*

*THAT Bill 21 be amended by adding the following after Clause 5(3):*

*5(4) The following is added after subsection 279.1(6):*

#### **Tabling of annual report in Assembly**

**279.1(6.1)** The minister shall, within 60 days of the end of each fiscal year, submit a report respecting operations under this section to the Minister of Justice who shall immediately lay a copy of the report before the Legislative Assembly if the Assembly is then in session or, if the Assembly is not then in session, within 15 days of the commencement of the next session.

#### **Report to include information on restricted licences**

**279.1(6.2)** The report under subsection (6.1) must set out the number of restricted licences issued during the fiscal year and the number of those licences that permit the holder to drive an employer's motor vehicle in accordance with subsection (1.4).

**Mr. Helwer:** Mr. Speaker, I'm pleased to rise to this amendment to Bill 21—again—The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program), and it does speak to reporting to this Assembly, and I do believe that that is an important thing that must be done to see if the program is being effective. It's another way to measure and to make sure that we are having a good, effective program in this regard, so it is something I believe that it is very important that we see.

And this particular report does speak to when it must be tabled, but the report under that section talks about the number of restricted licences issued during that year, and the number of those licences that permit the holder to operate and employ his vehicle in accordance with this section. So what it essentially does is lets us know is this—if this portion of the legislation is being effective and is being used. And

that is, I think, a way you can look and analyze the legislation to see if it is following its intent, if it's having an effect, or, perhaps, if it's not being used, is it, then, a necessary piece of legislation or does it need to be changed and amended to reflect the actual practice?

So I believe the reporting requirement is something that could help the minister and his department analyze this particular portion of the amendment, the amendment to the act, and make sure that it is effective, and whether it is or not, and to make sure that we are doing things in a proper manner and that the intent of the act is being followed by the businesses and by the individuals that may be subject to this particular act and this particular legislation, because I think, Mr. Speaker, the intent of the legislation to allow individuals who may be subjected to the requirement for an ignition interlock device in their own particular program and allow them to work for a company so that the company does not have to put—go to the expense of putting that ignition interlock on their vehicles. I think the intent is good there for the business people that have employees that may be subject to this program, and we want to make sure that the legislation is followed through as it in—is intended and is having the effect.

So, in general, the legislation, I think, will enable people to work if they have this requirement for the ignition interlock section—session—ignition interlock device without having a detrimental effect on their employer, and, indeed, that is an important part for them retaining their employment and moving forward in the world, Mr. Speaker, to make sure that they are—continue to be a viable part of society. So it is something that I think the minister should look at as another measurement tool and analyze to improve this particular piece of legislation.

**Mr. Swan:** Mr. Speaker, the proposed amendment put forward by the member for Brandon West would require the preparation and tabling in the Legislature of a new annual report on the number of restricted driver's licences issued per year and the number of ignition interlock restricted licences for which exemptions are issued to permit the licence holder to drive an employer's vehicle without an ignition interlock. And I think we agree that that is an appropriate amendment to allow—to allow employers to, with their employees, seek out an exemption from the rules, which I believe that the member's agreeing with.

The reporting requirement is complicated because the section being amended doesn't just cover post-suspension ignition interlock restricted driver's licences. Exemption's dealt with by the registrar of motor vehicles, which is run by MPI, but it also includes temporary, conditional work licences and exemptions issued by the Licence Suspension Appeal Board under the Manitoba Infrastructure and Transportation Department during the course of the suspension.

\* (16:30)

Also—I did ask the question. The number of exemptions issued by the Licence Suspension Appeal Board has historically been very small. I'm told it's only been three to four since the Ignition Interlock Program was introduced in 2003, and requiring that amount of work for a special annual report really isn't warranted in those circumstances.

So I can tell the member for Brandon West I won't be supporting this amendment either.

**Mr. Speaker:** Any further debate on the amendment?

Seeing none, is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question before the House is the amendment to Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** No.

**Some Honourable Members:** Agreed.

**Mr. Speaker:** I hear a no.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, will please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, will please signify by saying nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In the opinion of the Chair, the Nays have it.

**Mr. Goertzen:** On division, Mr. Speaker.

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** We'll now proceed to call report stage amendments and call Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing).

**Bill 23—The Highway Traffic Amendment Act  
(Increased Sanctions for Street Racing)**

**Mr. Reg Helwer (Brandon West):** I move, seconded by the MLA for Portage la Prairie,

*THAT Bill 23 be amended in Clause 3(1) by striking out "seven days" and substituting "14 days".*

**Mr. Speaker:** It's been moved by the honourable member for Brandon West, seconded by the honourable member for Portage la Prairie (Mr. Wishart),

*THAT Bill 23 be amended in Clause 3(1) by striking out "seven days" and substituting "14 days".*

The amendment is in order.

**Mr. Helwer:** I am pleased to rise to speak to this amendment to toughen the bill just a little bit, the Highway Traffic Amendment Act (Increased Sanctions for Street Racing). Mr. Speaker, I think we can all stand in this Legislature and make sure that we want to talk about increasing the safety of our streets. And, indeed, street racing is something that we do need to deal with, and it obviously has called—caused some deaths in the past and we want to prevent those deaths in the future of anyone involved, but particularly, I must say, innocent bystanders that may be involved in an accident caused by a street racer.

So we want to make sure, Mr. Speaker, that the individuals that might be involved in street racing can have an appropriate time to reflect on the impacts of their actions, and my concern is that seven days may not give them enough reflection time; 14 days would be, in my mind, a little bit more appropriate in the time that they are given time to reflect on the enormity of their actions should they cause an accident or if they have indeed caused a death. And, obviously, this would just be a small step in making sure that they would change their behaviour so that we can make sure that our streets in Manitoba are safe for the general public.

It—indeed, we have seen some interesting things in this particular act that would toughen the legislation and make sure that the police may seize

the motor vehicle that is used in street racing and impound it. So I just want to make sure, Mr. Speaker, that we have an appropriate level of time and a length of time that we can allow that impoundment to happen and to make sure that the individual can have an appropriate time to reflect upon their actions: what they may have been, what they may have caused or, indeed, what they may cause should they continue the negative actions of street racing in Manitoba. We want to make sure that Manitoba is a safe place for people to drive and that our streets are kept safe from this problem.

There are, obviously, places in Manitoba that individuals can go to measure their vehicles against one another and those are legally sanctioned events. I know that Neepawa holds one such event. I do have friends that take part in that and they always seem to have newer and better cars with more horsepower. I thought when the friend that had the first car that I was aware of out there had something like 550 horsepower, that that was an astounding amount, and then he went out and bought another one that had 700 horsepower. And, certainly, I—now we're apparently talking about horsepower, Mr. Speaker, and, indeed, it was a very nice vehicle, but was used on the drag strip in Neepawa, not on the streets. And that is an appropriate place for that type of action. They are certainly, maybe, at risk to themselves when they're doing this. I think it is a fairly safe event. They make sure that they have all the precautions in place, but, nonetheless, accidents do happen there. But in that regard they are a risk perhaps to themselves and perhaps to the individual they're—that they are racing against, not to the general public on the street.

So we want to make sure that our streets are kept safe, Mr. Speaker, that street racing does not exist, that racing may exist in sanctioned areas and that should somebody be caught street racing, obviously this bill does give the—this amendment gives the police the opportunity to impound the vehicle for a length of time and improves that impoundment. We just—impoundment—we just want to make sure that it's an appropriate level of time and that 14 days may give them a little bit better reflection on this—on the impact of their actions.

It'll certainly have an impact on the cost because if you take someone's vehicle away for 14 days, they're going to have to travel somehow. It is perhaps somewhat embarrassing—one would hope—to try to explain to people why you no longer have a vehicle

to drive, and I think that 14 days would give them an opportunity to try to explain that to other people. And perhaps the longer that they have to explain that, the more impact it will have on changing their behaviour and modifying it for the future to give them a proper reflection of their actions. So, explaining it to friends, explaining it to parents, explaining it to spouses, I would think—for myself, anyway, were I caught—to be caught doing something like this, and I don't think I would ever do that, but should I be caught, it would be very embarrassing to explain, probably mostly to my wife and certainly to the children, to try to set an example for.

But that is the type of thing that we want to look at and we want to make sure that these individuals have to explain their actions and reflect on them and try to modify their behaviour so that it does not happen again. So I recommend the amendment to the minister and that he reflects on it and sees fit perhaps to include it in his bill.

Thank you, Mr. Speaker.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I do have some appreciation and, I think, some sympathy for the position put forward by the member for Brandon West. And, frankly, if I could agree with the amendment, I would.

The proposed amendment would change the time period for vehicle impoundment for street racing from the 7-day period, proposed in Bill 23, to a 14-day period. It's important to recognize that roadside vehicle impoundment for street racing, in and of itself, is only intended to be a short cooling-off period to halt the street-racing activity and provide the driver with time to think about the consequence of his or her conduct. The 7-day impoundment period is intended to be a simple process that doesn't require extensive resources to administer and also doesn't impose unnecessary time and resource requirements upon the police.

The advice I've received is that moving to a 14-day period would require a more elaborate process that would be more time- and resource-intensive, unnecessarily tie up police resources for little gain and perhaps require an appeal to be provided or, of course, run the risk of having the provision struck down in the event of a challenge. And, of course, legislation we'd bring forward, we bring forward with the intention that it will not be struck down for any reason, and there we go.

It's important to recognize the roadside sanctions are only one sanction that can be imposed for street racing. Drivers who engage in that behaviour can be charged with a summary conviction offense under section 189 of The Highway Traffic Act, which can result in a fine of up to \$5,000 and a driver's licence suspension of up to one year upon conviction. Very serious street-racing incidents can also result in charges under the Criminal Code of Canada, punishable by jail time as well as driving prohibitions. Under The Highway Traffic Act, drivers convicted of Criminal Code street-racing offences also face driver's licence suspensions which can range from one year up to life, and if the street racing caused bodily harm or death or was a third driving-related conviction, possible vehicle forfeiture.

So, indeed, Mr. Speaker, again, I've got some sympathy with the wanting to increase the period to 14 days. In my role as Attorney General, on the advice that I've received, we can't agree to do that.

Thank you.

**Mr. Speaker:** Any further debate on the amendment?

House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** Question before the House is the amendment to Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no.

\* (16:40)

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment will please signify by saying aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

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

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Are there further amendments? There are.

**Mr. Helwer:** Mr. Speaker, I'm pleased to rise today.

I move, seconded by the MLA for Charleswood, *THAT Bill 23 be amended in Clause 3(3), in the proposed subclause 242.4(18)(a)(ii) and clauses 242.4(18)(b) and (c) by striking out "seven days" and substituting "14 days"*.

**Mr. Speaker:** It's been moved by the honourable member for Brandon West, seconded by the honourable member for Charleswood (Mrs. Driedger),

*THAT Bill 23 be amended in Clause 3(3), in the proposed subclause—*

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

The amendment is in order.

**Mr. Helwer:** I am pleased to rise to speak to this amended Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing). And this particular amendment, even though the minister thought the last one would be too onerous for safety for Manitobans to require the police, perhaps, to enact a further suspension or impounding of a vehicle, this one I think perhaps may be a little bit easier, because it speaks to the driver's licences.

And I'm sure that MPI has an ability and the minister has an ability to suspend driver's licences, even though he perhaps thought that it would be a little bit too much onerous—too onerous to impound a vehicle for an extended period of time of 14 days to give the individual time to reflect on their actions and the impact on the public. I believe that in this case, 14 days may be more appropriate than seven days in speaking to the driver's licence suspensions, Mr. Speaker. And, indeed, we do have lengths of time in Manitoba that we suspend driver's licences. And not having gone through that myself, although I did have a driver's licence—it was an interesting—I did not have a driver's licence and I had it suspended. So that was an anomaly a long, long time ago. I did

indeed learn from that, and it had an impact on my behaviour for years and years and years to come.

So nonetheless, Mr. Speaker, we do have ability to do that in Manitoba, and I'm encouraging the minister to look at this and consider suspending the licence, even though I do believe that impounding the vehicle for 14 days and removing the individual's ability to operate that vehicle would have been a significant impact on their life and given them a considerable impact on how they would evaluate their actions and their actions on the public and the, perhaps, future actions on the public. Indeed, suspending a driver's licence will indeed have something similar because they are now—have no licence to operate their motor vehicle. It would have been a little bit more obvious if one did not have a motor vehicle to operate, but nonetheless having a suspended driver's licence, it is something perhaps the minister will be more comfortable in accommodating in his piece of legislation here. It is something, as I said, that does happen.

It's fairly simple in the system, as I understand, to process and renew and to go through the process of recovering one's driver's licence. So, if he feels that it's too much of an administrative headache to impound a vehicle and then restore it to the individual, perhaps he'll operate within the existing system and extend the driver's licence suspension for 14 days from seven, again, to give that individual time to reflect upon their actions, to have an impact on their life and to make sure that they can look around and see what indeed they have done and the impact on people around them, the impact on their own life.

So time to give some second thought to this action that—of street racing and make sure that, perhaps, it will not happen again, or if, indeed, it does happen again, perhaps it will be in somewhere that is legal and is sanctioned so they can take their vehicle up to the drag strips and pay their fee, get it safetied, make sure they have all the proper safety devices and the helmets and fire extinguishers and everything else, and away they go. They can race up there with other people and see how they fare, as opposed to racing on the streets and putting Manitobans at risk, Mr. Speaker, because there are some devastating consequences we have seen from street racing when accidents occur and individuals that are not expecting a vehicle to be travelling at that rate of speed, and they are going about their normal course of business, turning onto a street

perhaps and not realizing that that vehicle coming along is travelling at a high rate of speed and so not able to avoid a collision and perhaps devastating occurrences.

So I do encourage the minister to consider this amendment and see if he can toughen this bill a little bit more, make Manitobans a little bit more 'safety'-safe and move things along so that we can talk about reducing the amount of street racing in Manitoba. I'm sure it's—it may be something we may never be able to do way-away with entirely, unless we have GPS modifications to all of our vehicles. And even then, Mr. Speaker, with the modifications people make to vehicles, I'm sure they'll find a way around that particular control.

So I would encourage the minister to consider this amendment. It is something that is fairly simple to do and make sure that people reflect on their actions in an appropriate level of time. Thank you, Mr. Speaker.

**Mr. Swan:** I don't know if we moved into the confessional session of the session, but I'll try and avoid that. But I do appreciate the member for Brandon West's (Mr. Helwer) comments. And the proposed amendment would change the driver's licence suspension period for street racing from the current seven-day period proposed in Bill 23 to a 14-day period.

And rather than repeat my comments, they'll be very similar to the concerns about the last amendment that the member raised. In short, Mr. Speaker, moving from a seven-day driver's licence suspension period to a 14-day time period, in the advice that I've received, would require a much more elaborate administrative process, including an appeal process that would then require notification and a hearing within 14 days that would result in more time and resource-intensive processes and, again, unnecessarily tie up police resources for little gain.

So I can let the member for Brandon West know that I have seriously considered the proposal he's making because I'd thought if we could go for a longer time, that it would be appropriate, but the advice that I've received is that we would be likely opening the province up to a challenge and, again, we pride ourselves on bringing forward tough, strong legislation but legislation that can certainly withstand any challenges that may be out there. So I've got some sympathy but, again, we're unable to support the amendment.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I just want to put a few words in record. Just absolutely surprised—you know, the member for Brandon West has brought forward some amendments to the bill. You know, I think a lot of the public would've looked at the amendments and said they would've hoped that they actually would've gone even further, but he brought forward amendments that'd make it tougher on street racing, recognizing that street racing is a serious offence and it's something that needs to be taken seriously.

So the member for Brandon West brought forward those amendments with exactly that in mind. Let's send a stronger message, and the Attorney General (Mr. Swan) says no. You know, he—on the one hand, he puts out press releases saying how, you know, we got to get tougher on this, we got to get tougher on that. Given the opportunity, his actions don't actually back up his words, Mr. Speaker. I know the current President of United States, I think his motto was, yes, we can. This Attorney General's motto is, no, we can't. Everything that comes forward to him, he goes, no, we can't. No, we can't do that. No, we can't do this.

This is an administrative process, the licensing, fully within the jurisdiction of the Attorney General. He knows full well that there's other things for which licences are suspended for longer periods of time. It's fully within his administrative ability to do this and to have a longer suspension on driver's licences.

It reminds me a little bit about the debate over GPS, when we had the debate on GPS monitoring and we had the Attorney General say, oh, no, no, we can't have monitoring of offenders because—and I said, well, why can't we have monitoring of offenders? And, he said, because the batteries don't work; the batteries in the GPS systems don't work. I said, well they work everywhere else in North America. Why can't they work in Manitoba? Oh, it's our climate.

And, you know, so I checked with Edmonton and they had a pretty robust monitoring system, a GPS. And they said, oh, our batteries are fine here. There's no problem with our batteries, and went back to the Attorney General of the day, and he said, oh no, it can't work. You know, we can't figure out how to get the batteries to work. And it was just no, no, no. And then, you know, miraculously, about a year later, when there was some public pressure, all of a sudden they figured out how to get the batteries to work, Mr. Speaker.

\* (16:50)

So it seems like the default position of this government on everything is, no, no, we can't do it. No, that might be too tough. No, no, that might actually extend some consequences to people. So, I'm surprised, and I was disappointed because the government brought forward this bill because they said that street racing was a serious issue in their mind. I know it's a serious issue in Manitobans' mind; it's a serious issue in our mind, serious issue in the member for Brandon West's (Mr. Helwer) mind. And yet these amendments that would make it just a little bit more difficult, little bit tougher on street racing, give them a little bit more time to think about what they've done and the consequences of that, the Attorney General (Mr. Swan) says, no, can't do it, not interested. Talked to somebody; they said no.

Well, that's not what we need from an Attorney General. We need an Attorney General who's going to say, this is important, you know, and we're going to look at this one and we'll push a little further. I mean, that's what we've seen in other things, whether it was drinking and driving. You know, I'll give credit to the former attorney general in the Filmon government who brought forward very unique legislation and wasn't scared, wasn't scared about actually having to defend his legislation because he thought it was the right thing to do, wasn't scared to actually defend something because he believed that it would make the community safer.

And so I hope that the Attorney General—it's not too late; he can change his mind; he can prove us wrong, that they're not soft on this issue, that they're actually going to stand up for the safety of Manitobans and he can vote for this amendment and do the right thing.

**Mr. Speaker:** Is there any further debate on the amendment?

The House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** Question before the House is the amendment to Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment will please signify by saying aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

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

**Mr. Speaker:** On division.

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**Mr. Speaker:** I believe that includes report stage amendments.

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**Hon. Andrew Swan (Acting Government House Leader):** Mr. Speaker, you can call for second reading Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013.

#### SECOND READINGS

**Mr. Speaker:** We'll now call for second readings, Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013.

The honourable Minister of Justice—pardon me—Finance.

#### Bill 47—The Budget Implementation and Tax Statutes Amendment Act, 2013

**Hon. Stan Struthers (Minister of Finance):** I move, seconded by the Minister for Advanced Education, that Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013, be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It's been moved by the honourable Minister of Finance, seconded by the honourable Minister of Advanced Education, that Bill 47, The Budget Implementation and Tax Statutes Amendment Act, 2013, be now read for a second time and be referred to a committee of this House.



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

**Mr. Struthers:** It's my pleasure to introduce Bill 47. Mr. Speaker, this implements the measures announced in the 2013 Manitoba budget and other tax and financial amendments. These measures are about building a better Manitoba for today and for the long term while protecting what matters most to families.

The tax measures announced in the budget and implemented in The Income Tax Act include: increasing the income limit eligible for the small-business rate from \$400,000 to \$425,000 in 2014; increasing the 10 per cent Manufacturing Investment Tax Credit from seven-tenths to eight-tenths refundable; adjusting the 20 per cent Research and Development Tax Credit to protect Manitoba families—sorry, Manitoba companies from federal changes. Manitoba will continue to allow capital expenditures and 100 per cent of contract payments made to eligible institutes in the base of eligible Manitoba R & D expenditures; expanding the Data Processing Investment Tax Credit to provide a new 8 per cent tax credit to companies not primarily engaged in data processing in Manitoba who make a \$10-million incremental data processing investment in Manitoba in the year; and to increase the tax credit for data processing centres to 8 per cent; making the Odour Control Tax Credit fully refundable to agricultural producers; enhancing the Interactive Digital Media Tax Credit to allow eligible companies to claim up to \$100,000 of marketing and distribution expenses to eliminate the Canada Media Fund grind and ensure provincial assistance does not exceed 100 per cent of project costs; introducing a new 8 per cent Rental Housing Construction Tax Credit to increase the rental housing supply and address the affordable housing in Manitoba; adjusting the dividend tax credit rate in 2014 to maintain integration in light of federal changes to the gross-up; and extending tax credits which would otherwise expire, including the Film and Video Production, Interactive Digital Media and the Small Business Venture Capital tax credits.

The Corporation Capital Tax Act is amended to change the capital tax rate applicable to financial institutions from 4 per cent to 5 per cent.

To compensate victims faster and promote safer communities, The Criminal Property Forfeiture Act is amended to allow the program to allocate a percentage of the value of property obtained from or

used in unlawful activity, to cover the cost of administering the program.

The Fuel Tax Act is amended to phase in a rate on natural gas used for operating motor vehicles. To reduce red tape and administrative costs, fuel dealers that strictly sell fuel at retail will no longer need to hold a fuel tax licence.

The Property Tax and Insulation Assistance Act is amended so that the Farmland School Tax Rebate is limited to Manitoba residents, capped at \$5,000, and to limit the deadline for applications to March 31st of the following year.

The Retail Sales Tax Act is amended to exempt bicycle helmets, exempt baby supplies, including car seats and booster seats, diapers, strollers, cribs, gates, monitors and items for nursing, feeding or bathing. And expand the sales tax exemption for sand and salt mixtures purchased by municipalities.

The Tax Administration and Miscellaneous Taxes Act is amended to change the land transfer tax to provide authority to refund land transfer tax on property subject to retail sales tax, to provide refunds on transfers of title that are reversed by a court or that cannot be completed, and to exempt the original registration of a statutory easement from tax.

The Tobacco Tax Act is amended to adjust tax on cigarettes to 29 cents each, wild leaf tobacco to 26 and a half cents per gram and other tobacco to 28 cents per gram.

Part 9 of Bill 47 also includes the following measures: The Election Financing Act is amended to cap the allowance payable to Manitoba's largest registered political parties while protecting the allowance for smaller registered parties and to require repayment of any excess over this amount in 2012 allowances.

And The Housing and Renewal Corporation Act is broadened to allow the Housing Development and Rehabilitation Fund to pay for repair and maintenance, and not just rehabilitation of public housing and limited-dividend housing projects.

Section 1 of the ministers' salaries regulation under The Legislative Assembly Act is amended to maintain ministerial salaries previously reduced during the economic recovery period which now lasts until the end of 2015-16.

Mr. Speaker, Bill 47 implements a balanced approach that focuses on what matters most to Manitobans. We have worked hard to introduce

administrative improvements that will allow the government and its programs to operate more smoothly and efficiently. Therefore, Mr. Speaker, I commend Bill 47 to members of this House, representing, as it does, a balanced and responsible approach to government.

Thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Members of the House will know that this is one of the bills under the agreement in principle that was signed last week that will not pass during this current sitting, and not pass for good reason.

It will not pass for the fact that changes to protect the minister for the actions that he's taken on the horse-racing industry. I know that the only negative, of course, is it's probably resulted in the 12 lawyers becoming 24 lawyers as they scramble to figure out what they're going to do now over the next three to four months on the issue of the harness—or the horse racing in Manitoba. And that's a small firm for where I come from, Mr. Speaker, but I guess for the minister it's not a hardship to hire that many lawyers because he's presumably *[inaudible]* taxpayer's dollar. But he doesn't mind taking money to pay for his firm of lawyers. The—it should be the firm—I won't say what the firm might be called. I have some suggested names.

But I would say the other good reason not to pass this bill is, of course, because of the vote tax now. In his explanation, the minister kind of glossed over the whole issue of the vote tax and said it was to cap the amount of money that the NDP were going to get. Well, it should be capped at zero, Mr. Speaker, because there shouldn't be a vote tax.

But that's not what the BITSA bill does. In fact, the government had to move heaven and earth to try to get the vote tax back in place, had to appoint an independent commissioner. And then when that commissioner resigned, they had to appoint another commissioner. They should have just appointed the Minister of Finance (Mr. Struthers) because I'm sure he essentially had a number in his mind and made sure that they got to that point, Mr. Speaker.

So we're glad that this bill isn't going to pass this session. This gives the members time to think about it. We offered the amendments a little earlier on, 14 days, to think a little bit more about street racing—

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

When this matter is again before the House, the honourable member for Steinbach (Mr. Goertzen) will have 28 minutes remaining.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 5, 2013

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