

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

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	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
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MELNICK, Christine	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
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan, Hon.	Dauphin	NDP
SWAN, Andrew, Hon.	Minto	NDP
WHITEHEAD, Frank	The Pas	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	Arthur-Virten	
<i>Vacant</i>	Morris	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 25, 2013

The House met at 1:30 p.m.

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

Good afternoon, everyone. Please be seated.

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 10—The Fires Prevention and Emergency Response Amendment Act

Hon. Erna Braun (Minister of Labour and Immigration): Moved—I move, seconded by the Minister of Health (Ms. Selby), that Bill 10, The Fires Prevention and Emergency Response Amendment Act; Loi modifiant la Loi sur la prévention des incendies et les interventions d'urgence, be now read a first time.

Motion presented.

Ms. Braun: I'm pleased to introduce Bill 10, The Fires Prevention and Emergency Response Amendment Act. This bill will bring enhanced penalty provisions in order to provide a stronger deterrent to non-compliance with the act and key regulations including the Manitoba Fire Code.

Maximum penalties under the act are currently very low compared to those in other public safety statutes, such as The Workplace Safety and Health Act, and do not reflect the very serious life risks—serious life safety risks that are created when a fire—when fire safety requirements are not followed. In addition to increasing maximum fines for persons convicted of an offence under the act, the proposed amendments will also give the Fire Commissioner authority to issue administrative penalties directly to persons who fail to comply with an order issued by a Fire Commissioner or a designate.

Mr. Speaker, it is our hope that the new provisions will encourage increased compliance and

thereby improve public safety. However, these amendments will also ensure that those who choose to disregard their responsibilities with respect to fire safety can be held accountable. Thank you.

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

Further introduction of bills?

Bill 208—The Drivers and Vehicles Amendment Act (Support Our Troops Licence Plates)

Mr. Ralph Eichler (Lakeside): I move, seconded by the member from Charleswood, that Bill 208, The Drivers and Vehicles Amendment Act (Support Our Troops Licence Plates), be read now for a first time.

Motion presented.

Mr. Eichler: I encourage all members of the House to support this legislation. It's similar to the plates bill that we brought in before, going back to 2004, the veterans' licence plate bill, which all members of the House supported unanimously, and similar to that to the firefighters' plate and other plates that's been brought forward not only by this side of the House but by that side of the House as well. And we encourage all members to remember how important it is to support those that are out there making Manitoba and Canada a better place for us all to live. Thank you, Mr. Speaker.

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

Any further introduction of bills?

PETITIONS

Mr. Speaker: Seeing none, we'll move on to petitions.

Provincial Sales Tax Increase—Referendum

Mr. Ralph Eichler (Lakeside): Busy day, Mr. Speaker. Good afternoon. I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

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

(2) 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.

(3) An increase to the PST is excessive taxation that will harm Manitoba families.

(4) 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 submitted on behalf of D. Leduchowski, H. Strick, R. Cook and many other 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.

Provincial Sales Tax Increase— Cross-Border Shopping

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

And these are the reasons for this petition:

Manitoba has a thriving and competitive retail environment in communities near its borders, including Bowsman, Swan River, Minitonas, Benito, Russell, Binscarth, St-Lazare, Birtle, Elkhorn, Virden, Melita, Waskada, Boissevain, Deloraine, Cartwright, Pilot Mound, Crystal City, Manitou, Morden, Winkler, Plum Coulee, Altona, Gretna, Emerson, Morris, Killarney, Sprague, Vita, Reston, Pierson, Miniota, McAuley, St. Malo, Foxwarren, Roblin and many others.

Both the Saskatchewan PST rate and the North Dakota retail sales rate are 5 per cent, and the Minnesota retail sales rate is 6 per cent.

The retail sales rate is 40 per cent cheaper in North Dakota and Saskatchewan and 25 per cent cheaper in Minnesota as compared to Manitoba.

The differential in tax rates creates a disincentive for Manitoba consumers to shop locally to purchase their goods and services.

We petition the Legislative Assembly of Manitoba as follows:

To acknowledge that the increase in PST will significantly encourage cross-border shopping and put additional strain on the retail sector, especially for those businesses located close to the Manitoba provincial borders.

And, secondly, to urge the provincial government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses.

This petition's signed by D. Froom, J. Letkeman, J. Siemens and many, many more fine Manitobans.

Mr. Cliff Graydon (Emerson): Good afternoon, Mr. Speaker. I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

(1) Manitoba has a thriving and competitive retail environment in communities near its borders, including Bowsman, Swan River, Minitonas, Benito, Russell, Binscarth, St-Lazare, Birtle, Elkhorn, Virden, Melita, Waskada, Boissevain, Deloraine, Cartwright, Pilot Mound, Crystal City, Manitou, Morden, Winkler, Plum Coulee, Altona, Gretna, Emerson, Morris, Killarney, Sprague, Vita, Reston, Pierson, Miniota, McAuley, St. Malo, Foxwarren, Roblin and many others.

* (13:40)

(2) Both the Saskatchewan PST rate and the North Dakota retail sales tax rate are 5 per cent, and the Minnesota retail sales tax rate is 6 per cent.

(3) The retail sales tax rate is 40 per cent cheaper in North Dakota and Saskatchewan and 25 per cent cheaper in Minnesota as compared to Manitoba.

(4) The differential in tax rates creates a disincentive for Manitoba consumers to shop locally to purchase their goods and services.

We petition the Legislative Assembly of Manitoba as follows:

(1) To acknowledge that the increase in the PST will significantly encourage cross-border shopping and put additional strain on the retail sector, especially for those businesses located close to the Manitoba provincial borders.

And (2) to urge the provincial government to reverse its PST increase to ensure that Manitoba consumers can shop affordably in Manitoba and support their local businesses.

And this petition is signed by M. Maynard, F. Gagne, E. Racine and many, many more fine Manitobans.

**Government Services Offices Closures—
Public Consultations**

Mr. Stuart Briese (Agassiz): I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

Since April 1, 2012, the provincial government has closed at least 20 government services offices in communities throughout Manitoba.

The closure of these offices creates job losses and reduces economic activity within the community and decrease the accessibility and quality of services for local citizens.

The provincial government did not consult with the communities impacted by these office closures before deciding to close, merge or consolidate the offices.

These office closures unnecessarily increase the financial cost and time commitment required by citizens to access government services that were previously offered in their community.

Manitobans have a right to access provincial programs and services in a timely manner within a reasonable distance from their community regardless of their locations.

We petition the Legislative Assembly of Manitoba as follows:

To urge that the provincial government restore the services provided to the affected communities until the provincial government conducts public consultations and provides an alternative solution that maintains or increases the level of service provided in the local area.

This petition is signed by M. Whelpton, H. Swanson, J. Turner-Cox and many, many other fine Manitobans.

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 members of the Native Women's Transition Centre, who are the guests of the honourable member for Burrows (Ms. Wight).

On behalf of honourable members, we welcome you here today.

ORAL QUESTIONS

**PST Increase
Request to Reverse**

Mrs. Myrna Driedger (Charleswood): Manitoba's NDP Premier has a tax-and-spend problem. In fact, he's taken Manitoba back to the days of Howard Pawley where they ran deficits every year, they raised 16 taxes and they created five new ones. They never saw a tax they didn't like, and this Premier has brought back yesterday's NDP.

Before he does any more damage to Manitoba's finances, will he stop the PST hike, cancel Bill 20 or at least call a referendum?

Hon. Greg Selinger (Premier): Mr. Speaker, we'll keep Manitoba one of the most affordable places to live in the country.

Now, I noticed the members last week had an extraordinary interest in the federal by-elections, and I did also note as well that the candidate for Provencher said that a student who spoke out against bullying manufactured the public bullying that he experienced. And I want to know if the acting, presumably, leader of the PC caucus next door would like to get up and say that they will repudiate the statements made by that candidate and withdraw their support and actually say that they do not agree with the fact that this young person did not manufacture this public bullying.

**Taxpayer Protection Act
Government Intention**

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, we know the Premier is trying to detract from his own provincial issues, and I would ask him to focus on what's happening under his watch.

Mr. Speaker, if Bill 20 passes, Manitoba is no longer going to have any taxpayer protection from this NDP government. In fact, it's going to be the final nail in the coffin of taxpayer protection law in Manitoba.

So I would ask—like to ask this Premier to give Manitobans a hint at what new taxes he has in store for them after he gets rid of the taxpayer protection law.

Hon. Greg Selinger (Premier): Mr. Speaker, I've indicated to this House before that all governments across the country regardless of political stripe

worked together to keep the Canadian economy going in the midst of a global recession, and only the members opposite didn't co-operate with keeping Manitobans and Canadians working at a time when the private sector was completely failing in terms of their ability to access credit.

Now, Mr. Speaker, five members of the PC caucus, the member from Emerson, La Verendrye, Lac du Bonnet, St. Patel and the member from Steinbach, have endorsed this candidate and his comments that blame the victim and say that we manufactured a public bully. Will they withdraw the support for that candidate?

Mrs. Driedger: Mr. Speaker, I would ask—like to ask this Premier to focus on a very serious issue that is happening under his nose under provincial legislation.

Earlier this year, when he was asked if he was going to raise the PST again, this Premier did not say no; in fact, he left the door wide open. We now know that the NDP requested a briefing note on the PST hike where it appears that they were actually looking at a PST hike larger than 8 per cent.

I would like to ask this Premier to focus and tell hard-working Manitobans: Once he kills the taxpayer protection act, can they expect higher taxes in the next two years? And, Mr. Speaker, I think this is really important. Taxpayers want to know. What are his plans for the next two years?

Mr. Selinger: Mr. Speaker, Manitoba has been and will be one of the most affordable places to live in Canada.

Mr. Speaker, what we need to know is if the members of St. Paul, Lac du Bonnet, La Verendrye, Emerson and Steinbach will support the leadership of the member of St. Vital and now endorse the antibullying legislation we brought forward in Manitoba or will they again repudiate that and support the candidate in Provencher saying that people manufactured their own public bullying, blaming the victims. Shame on the members opposite.

Manitoba Hydro PAYS Program Reduction

Mr. Ron Schuler (St. Paul): Mr. Speaker, I have documents to table for the minister's photo album of shame.

During the April 26th, 2013, PUB hearings, Manitoba Hydro to close—disclosed that Power Smart

plan was to be slashed by 17 per cent. That's for the year of 2012 and 2013.

My question is: Is this just further proof that this NDP government cannot be trusted?

Hon. Dave Chomiak (Acting Minister responsible for Manitoba Hydro): Mr. Speaker, with respect to Manitoba Hydro, I'm very pleased that, despite the roars and the attempts by members opposite to privatize Hydro and all of the awful, destructive and horrible criticism they made of Manitoba Hydro—and they're making Saskatchewan like the nirvana of the world—that Saskatchewan has purchased \$100 million worth of clean Manitoba energy to deal with their energy problems. They're supplied by coal.

And, Mr. Speaker, not only are we going to sell our clean energy at above cost to the United States but to Saskatchewan, and Alberta's knocking on the door as well.

And those members opposite would privatize our oil, our liquid gold.

Mr. Schuler: Mr. Speaker, the criticisms being made are being made by pre-eminent Manitobans like former Premier Ed Schreyer. So I would be—I would caution the member from Kildonan to choose his words carefully.

In the same document, Manitoba Hydro reports that Power Smart in 2013-2014 is to be slashed again by 17 per cent. The actual numbers of Power Smart are in direct contrast to the spin of last week.

Is this not further proof that this NDP government cannot be trusted?

* (13:50)

Mr. Chomiak: Mr. Speaker, one of the reasons that, when we came to office, we went from No. 10 in national listings in terms of energy efficiency to No. 1 was because of our Power Smart and creative ventures.

Members might forget that it was only two years ago we introduced an act called pay as you go, which is the most advanced in North America, that provides to low-income individuals and, soon, businesses the opportunity to pay off their meter, Mr. Speaker, and to pay actually less cost and to pay less for energy while saving hydro to have that extra power that they sell on the grid, which they would get nothing for if they poured it over the dams like members opposite would do, and they get profits from the United States and now from Saskatchewan.

Mr. Schuler: Only this NDP government would take a program that worked from the '90s and then slash it two years running.

As Manitoba Hydro rates hit historical rate increases, Power Smart remains one of the few remaining ways for ratepayers to save money.

But by slashing the Power Smart program by 17 per cent and rate increases of 8 per cent, is this not further proof, when it comes to Manitoba Hydro, this NDP government cannot be trusted?

Mr. Chomiak: Mr. Speaker, the member only has to look on today's editorial page of the Free Press to see that 60 per cent higher costs in Ontario and 60 per cent higher cost in their favourite province, Saskatchewan, for electricity—they only have to look at that and look at their own plan to have hydro go to market rates, just like they did with MTS when they privatized it. Look at the rates in Manitoba for telephones now compared to what it was when it was a Crown corporation.

Look at the fact that we equalized the rates between urban centres and rural centres that allow rural centres to grow and prosper. They voted against it, and they will do everything they can—everything they can—to destroy Manitoba Hydro, to privatize it, to give money to their friends and to hurt all Manitobans by losing our greatest resource, our liquid gold.

Flooding (2011) Compensation Claim Numbers

Mr. Stuart Briese (Agassiz): Mr. Speaker, this NDP government has attempted to mislead this House and the people of Manitoba by stating that farmers and ranchers in the Lake Manitoba 2011 inundation zone received an average of \$300,000 in compensation.

Will the Minister of Agriculture correct that oversight and put the actual, accurate compensation numbers on the record?

Hon. Steve Ashton (Minister responsible for Emergency Measures): Mr. Speaker, I'm very pleased that we're actually getting some questions on what is a very important concern. In this case, in fact, I met, along with the MLA for the Interlake and our Minister of Agriculture, with people from around Lake Manitoba.

And I can tell you that what was particularly important to them is the fact that we've announced a review of the operation of the Portage Diversion, something that has not been done, really, since it was

constructed. They also were very much interested in the fact that we've announced mitigation, \$250 million of mitigation that's going to protect those communities against future flooding.

In fact, we had a very lengthy meeting, a very positive meeting, and, again, it's because we are committed to working with those flood victims to rebuild and also to protect them in the future against those kinds of floods.

Mr. Briese: That protection on future flooding he keeps blowing about is nine years down the road. I don't know how far in the future he wants to go.

Mr. Speaker, freedom of information numbers show that 502 farmers and ranchers shared \$34,731,934 for an average payout of \$69,187.

I ask again: Will the Minister of Agriculture stop trying to mislead the people of Manitoba and put accurate numbers on the record?

Mr. Ashton: Mr. Speaker, I'd remind the member opposite that the channel that we're talking about converting into a permanent channel has already been built. We built it during the flood, protecting those communities. And we will be looking to the federal government to work with us because that's one of the first targets is we are aiming at making that a permanent outlet.

But I also want to indicate, Mr. Speaker, we had very good discussion at that meeting with people from in around Lake Manitoba are also very interested in the fact that we're going to add an additional outlet. And I'd remind the member opposite, by the way, that we are attempting to do it as soon as possible. In fact, the time frame certainly is comparable to any other major project. In fact, I think Duff Roblin took nine years to build the floodway. We took about eight in terms of the floodway expansion. We aim to get it done even quicker than that because we're committed to those communities.

Mr. Briese: Mr. Speaker, broken promises, inaccurate, misleading information, farmers and ranchers are placed in desperate situations by this NDP government. The minister continues to show a lack of integrity and no indication of responsibility.

I ask again: Will the Minister of Agriculture at least post accurate compensation numbers on the record?

Mr. Ashton: Well, Mr. Speaker, I—let's put on the record that, when members opposite were in

government for 11 years—this is a bit of a trick question. I'd like to ask him: What did they build? Well, I could tell you. It is a trick question because the answer is absolutely nothing and certainly when it came to flood mitigation.

I know the Leader of the Opposition, Mr. Speaker, was so concerned about flooding and flood mitigation, he quit as EMO minister months before. He then quit provincial politics to run federally to pursue his own ambitions. So we need no lectures on—from members opposite.

We're committed. We put a billion dollars into flood mitigation, and thanks to the 1 cent on the dollar, we're going to be further committed, Mr. Speaker, to Lake Manitoba and Lake St. Martin. Unfortunately, members opposite do nothing more than either criticize or vote against that.

Violence against Women Sex Offender Release Concern

Mr. Reg Helwer (Brandon West): Mr. Speaker, on this, the International Day for the Elimination of Violence against Women, it is important to review the NDP government's dismal record regarding domestic violence and violence against women. We know that in Manitoba the rate of violence against women is nearly double the national average.

We know that yesterday yet another sexual offender was scheduled to be released, this time from Headingley.

What does the Minister of Justice plan to do to protect the women of Manitoba from this violent sexual offender?

Hon. Andrew Swan (Minister of Justice and Attorney General): Certainly, we take the issue of domestic violence and protecting women very, very seriously, and that's why every budget that's brought down contains more support for police, more support for victim services and more support for the victims of domestic violence and sexual crimes.

Now, of course, the member wants to talk about family violence. Manitoba's actually respected across Canada at being a jurisdiction that takes the issue extremely seriously. In a recent report, Family Violence in Canada, Manitoba is attributed as a pro-charging and pro-prosecution jurisdiction that causes increases in arrest rates. Women know that their issues are taken seriously in this province. That's why they're more likely to come forward,

because they know police and courts take this issue very, very seriously.

Mr. Helwer: Mr. Speaker, well, it would be good if the minister would take it seriously.

But in a release to the public, the Winnipeg police noted that women of all ages are at risk of sexual violence and should take precautions. The individual released recently has a criminal history of sexual assaults, harassment and is known to use fake names to contact women who could be potential victims.

I'll ask again: What is the minister doing to protect the women of Manitoba from a recently released sexual offender who is a high risk to reoffend?

Mr. Swan: Mr. Speaker, of course, the police have the ability to make notifications of this kind to make communities aware.

Where there are appropriate circumstances, the Crown attorney's office will make application in certain cases that can result in a—in equivalent of a peace bond. In certain cases where there is appropriate evidence and in the Crown's opinion it warrants it, there will be further applications made. That can't always happen. It's not always possible under the Criminal Code to get that kind of extraordinary measure.

That's why I support the police going forward and making appropriate notifications where they think it's the right thing for the citizens, and I'm just wondering if the member for Brandon West is criticizing the police on their choice in this case, because that wouldn't make any sense.

Mr. Helwer: Mr. Speaker, indeed, it would not make sense in this case to criticize the police. The question is for the Minister of Justice and he seems to be able—that he's not able to answer it.

Earlier in November we heard that the police issued a second warning to Manitobans about a convicted sex offender deemed a high risk to reoffend. So the police are doing their job, Mr. Speaker. The police cautioned Manitobans in this instance, saying females are at risk of sexual violence.

Once again, what is this Minister of Justice planning to do to keep Manitoba women safe?

* (14:00)

Mr. Swan: Well, Mr. Speaker, myself and other members of this caucus and this government are not going to do what the opposition Conservatives did when they were in power and cut services to women and cut protections for women, and let's think of some of the things the opposition did which were intended and which have hurt women.

For example, it was the opposition leader when he was sitting around the Cabinet table that cut \$150 a month from social assistance, which hurt women, single women raising families, without any consideration for the impact that would have.

It was the Progressive Conservatives that clawed back the national child-care benefit, taking millions of dollars from low-income families in this province, Mr. Speaker.

It was the opposition that cut funding for child-care centres, didn't just freeze it, didn't manage it, they cut it because they couldn't care less about women, especially single women raising children, because they've continued to hack and slash. And the Leader of the Opposition—

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

Violence against Women Sexual Assault Rates

Mrs. Heather Stefanson (Tuxedo): I'll remind the minister that they've been in government for 14 years and we're dead last in Canada still, Mr. Speaker.

According to annual data released by Statistics Canada on crime, Manitoba has the highest level of violent crime among the provinces and is leading in violent crime against women. And if that's not bad enough, Manitoba also has the highest sexual assault rate in the country.

Mr. Speaker, why does this NDP government continue to fail to protect women from violent crimes and sexual assault in our province?

Hon. Andrew Swan (Minister of Justice and Attorney General): Well, Mr. Speaker, perhaps the member opposite would like to look at some of the statistics which have shown 2012 had dramatic decreases in almost every area of violent crime, including crimes against women. And if the member would take a look at what police services, not just in Winnipeg but also in Brandon and the RCMP, are telling us, there continues to be a decrease in violent crime, including crimes against women.

Well, here's the member for Brandon West (Mr. Helwer) chattering away. Let's take a look at what the Brandon Sun reported on November 9th, 2013: crime down. And here's the chief of police in Brandon talking about how there's been a 42.5 per cent drop in reported crimes in Brandon over the past 16 years, including a 31.5 per cent drop in reported crimes over just the past six years, not including further decreases. So I don't mind the member for Brandon West heckling, but perhaps he should get his facts straight.

Mrs. Stefanson: Well, Mr. Speaker, that's cold comfort to the women who are suffering from violent crimes and sexual assault in our province. This government should be ashamed of itself.

Mr. Speaker, at a time when we recognize International Day for the Elimination of Violence against Women, here we are in Manitoba with a very sad story under this NDP government. Manitoba has among the highest level of violent crime against women, almost double that of the national average in our country. Clearly, the policies of this NDP government are not working.

Mr. Speaker, why is the NDP government failing to protect women against violent crimes in our province?

Mr. Swan: Well, frankly, Mr. Speaker, and I will again tell the member opposite that we know that violent crime continues to decline in Brandon, in Winnipeg and other communities across this province.

And it doesn't happen by accident. That happens by making choices, by supporting our police, not threatening to cut police positions, not threatening to cut positions in the police and not threatening to cut positions indiscriminately in important areas such as victim services and, of course, prosecutions. Year after year, this government continues to make those investments to keep people safe, to allow people to feel safe in their homes, in their communities, in their workplaces.

And every year, Mr. Speaker—I know the Conservatives talk a good game. When they have the chance to stand up for women in Manitoba, they vote against them every single time.

Mrs. Stefanson: Mr. Speaker, actions speak much louder than words. And, clearly, the actions of this government—*[interjection]* Only the NDP would sit in this Chamber and clap for themselves being dead last when it comes to violent crime rates in this

country—or No. 1 in Canada when it comes to that. Shame on them.

Mr. Speaker, Jane Ursel, a sociology professor at the University of Manitoba with more than 20 years of research in family and interpersonal violence, said, and I quote, the Manitoba government has reduced the number of programs aimed at curtailing domestic violence. And she went on to say, we've done something—we've done some backsliding when it comes to the correctional pieces. Perhaps that's why we are where we are when it comes to domestic violence and the crime rates in this province.

Mr. Speaker, this NDP government has failed to protect women in our province. Clearly—

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

Mr. Swan: Mr. Speaker, I am certainly aware of all of the good work that Jane Ursel has done, and that's why she was one of the people we relied upon as we rolled out our new five-year strategy to address domestic violence, and that launch included a number of different factors, including making sure that awareness is out in our community.

And, you know, in the past, messages were only directed at women and we knew it was time to change. We knew that it was time to make sure that men are involved, and not just a message of telling men not to abuse women but to make sure that men aren't bystanders, to make sure that men stand up, whether it's a co-worker or a family member or a teammate or someone else, to stand up and make sure we all work together to prevent domestic violence. We think that is the right way to go.

And I would also point out, of course, that this is the Leader of the Opposition who, when he was sitting around the caucus table in the federal government, cancelled the national child-care program, scrapped the agreement to provide child care in Manitoba, and he was also a government NDP when the federal Conservative government closed 12 Status of Women offices around the country, including the one in Winnipeg.

Who's really standing up for women? It's this government.

Ambulance Service Response Times

Mr. Cameron Friesen (Morden-Winkler): And the result of all his hard work is dead last in Canada.

Mr. Speaker, a recent media report shows that ambulances in Manitoba's rural communities fail to meet response time guidelines nearly half the time. According to provincial guidelines, ambulance response times are not to exceed 30 minutes 90 per cent of the time, but, in fact, between April 2012 and March of this year ambulances failed to meet that guideline 46 per cent of the time.

Can this minister explain: When it comes to ambulance response time, why does she fail half the time?

Hon. Erin Selby (Minister of Health): I thank the member for giving me a chance to correct the record. Mr. Speaker, there was actually some erroneous reporting on our ambulance response times, and if the member likes, I could meet with him after and explain those statistics to him.

In fact, despite the fact that we're actually seeing more rural calls, responding to more rural calls, our average time to respond to them has gone down, which means we're actually improving results across rural Manitoba.

Mr. Friesen: Mr. Speaker, we rendered a graph for the minister last week that shows that the response times for ambulances are up from 66 to 74 to 78 minutes. I don't know what to tell her; maybe she could invert the graph and look at it the right way.

Last week we tell this minister about one instance where a woman waits 90 minutes for ambulance to arrive from 7 miles away. Then another nurse dials 911, she waits 45 minutes for an ambulance to come from 12 kilometres away. And now we know that, rather than being the exception to the rule, this seems to be the rule.

Mr. Speaker, when it comes to ambulance response times, how can this minister say that she's doing anything but failing?

Ms. Selby: Well, Mr. Speaker, as I said, although we're seeing a higher volume of calls, we actually are seeing our average response time go down, and that's because of several investments that we made into the EMS system.

Mr. Speaker, in 2006, we opened the Medical Transportation Co-ordination Centre in Brandon to better co-ordinate dispatch around the province. It is seen as one of the best dispatch systems in North America, in fact. We've replaced all of 160 existing ambulances and added 15 more to make 175 ambulances on the road.

But, of course, this is a big province. It's a province with a population that is very spread out, which is why we don't just have ambulances, but we have land ambulances, we have air ambulances and we have the STARS helicopter for the more difficult-to-reach patients.

Mr. Friesen: Mr. Speaker, I ask this minister to focus. She's not making the grade.

According to her own EMS system review that just came out, the response time target for rural areas: 14.59 minutes. That's a far cry from 90 minutes last week. Last week we show that Manitoba is dead last when it comes to waiting for medically necessary treatment to start. This week we find out—this time—that half the time ambulances don't get to their patients on time.

Mr. Speaker, the question for the minister is this: How worried should Manitobans be about information that continues to paint a troubling picture of the health-care system performance, very worried or very, very worried?

*(14:10)

Ms. Selby: Mr. Speaker, the only thing that Manitobans need to worry about is if they were ever in government. That is the thing they have to worry about. Manitobans should worry about what half a million cuts across the system would do to health care and, more importantly, Manitobans should worry what a two-tier health system would look like in this province. It would mean those who have money would go to the front of the line, those who have money would see emergency response, and everybody else would wait behind them.

Hip and Knee Replacement Surgery Patient Wait Times

Hon. Jon Gerrard (River Heights): Mr. Speaker, as reported by the Manitoba Centre for Health Policy, when the present NDP government came to power the median wait time for hip replacement surgery was 12 weeks. Today the median wait time for hip replacement surgery is 19 weeks in Winnipeg. Similarly, the median wait time for knee replacement surgery has risen for—from 15 weeks in 1999 to 23 weeks now.

With wait times more than 50 per cent higher than when his government was elected 14 years ago, I ask the Premier: Is it his goal to continue increasing wait times for Manitobans in need of hip and knee replacement surgery?

Hon. Greg Selinger (Premier): First of all, the number of patients being treated for hip and knee surgeries at Concordia is continuing to go up, Mr. Speaker. Last year we added 64 surgeries. In Manitoba we performed the second most hip and knee surgeries per capita of any other jurisdiction in Canada, and since 2006 we have cut the number of patients waiting for knee surgery by 60 per cent—by 60 per cent—and that was a high of 56 weeks down to 21 weeks today.

And I do have to remind the ex-leader of the Liberal Party, every time we've made an investment in health care, he has not supported it.

Mr. Gerrard: Mr. Speaker, I'm not going to support longer and longer wait times in hip and knee replacements.

Mr. Speaker, as reported in the Free Press on Saturday, the government is actually cutting back on the number of hip and knee replacement surgeries at Concordia Hospital. You know, it's hardly good planning to restrict access of disabled seniors to needed health care.

One of the approaches that people would expect the government to take to reduce the demand for surgery is to work with Manitobans, particularly seniors, to prevent knee and hip problems in the first place.

I would ask the minister: Can she table today her present plan to prevent knee and hip problems to decrease the need for so many hip and knee surgeries?

Mr. Selinger: That's a good question because there's a number of things you can do on that.

First of all, all the initiatives we've taken in Manitoba on healthy living, working with citizens to find healthier lifestyle practices, active transportation investments that we've made across this province, Mr. Speaker, the money we invest in municipalities that allows them to deal with issues like snow clearing and proper infrastructure for sidewalks and roads, the disability investments we've made in all of our public buildings in Manitoba, including the front of this Legislature; where there never was a disability ramp in the place before, now it's here in this Legislature, and all of our public buildings have done that.

So investments in infrastructure, investments in public buildings, ground path-breaking legislation for disabilities in Manitoba, all of those things plus

an investment in the Concordia hip and knee program which has ramped up dramatically the thousands of procedures that have been performed that have allowed people to get back to their lives as quickly as possible.

Mr. Gerrard: Mr. Speaker, the provincial plan is either not very good or it's not working, because the number of needed surgeries keeps going up and up and up.

Mr. Speaker, senior citizens need hip and knee replacements to regain their mobility. Immobility, of course, it causes dependence, but Manitoba seniors want to retain their independence and their dignity.

Now, the NDP government has allowed waits for hip and knee surgeries to go up and has responded with no real plan to keep Manitobans healthier so that fewer surgical procedures are needed. It's not clear where this government stands on the needs of seniors in our province with their poor management of knee and hip surgery procedures.

When is the government going to present a rational plan for reducing wait times for knee and hip surgeries in Manitoba?

Mr. Selinger: Mr. Speaker, the member is coming at this question from two sides.

First, on the question of providing services to people, the number of surgeries has actually gone up. We're performing more procedures at a higher quality. People are spending less times in hospitals, getting back to their lives faster. That's the remedial procedures.

What about the preventive procedures that he's also addressed in his question? Just a few weeks ago our Minister of Healthy Living announced another 15 communities that are participating in the Aging in Place program. We're making record investments in personal-care homes, record investments in assisted living, record investments in supported living. We're providing infrastructure which the members vote against, safer sidewalks, safer streets, more active transportation for—Mr. Speaker.

And as part of our Healthy Living initiative and our Aging in Place initiatives, we do an enormous number of wellness programs in partnerships with senior citizens organizations at the community level. There's congregate meal programs, there's diet programs, there's nutrition programs. And, Mr. Speaker, seniors in Manitoba, we work in

partnership with them to be able to have a healthy lifestyle in their homes, in their communities.

New Apartment Complex Downtown Construction Project

Mr. Rob Altemeyer (Wolseley): Good afternoon, Mr. Speaker. I want to team up with my Cabinet member colleague here and try and help the opposition get past this malaise they have with good news.

It's also on a topic where they might learn something; they seem to be a little bit confused about their affordable housing policy. They came out with a commitment which said they were actually going to do something for low-income people. Then the Leader of the Opposition on three separate occasions got caught on tape saying, no, no, no, we're not actually going to do that, it'll just be for a small number of low-income people. Then when we exposed them, they said, oh, well, and maybe we're going to do the original thing. Yes, okay. This from a party that has a leader who lives in a house that is—got seven-car garage attached to it. You can understand the confusion, Mr. Speaker.

Meanwhile in the real world, this government is actively building more affordable housing all over the province.

Can the Minister for Housing and Community Development give us some latest news on that front?

Hon. Peter Bjornson (Minister of Housing and Community Development): I'm very pleased to have been part of an announcement today in downtown Winnipeg, where we've seen an incredible renaissance over the last 10 years with incredible investment in the downtown.

And one of the partners in the redevelopment of the downtown is the University of Winnipeg, and we partnered with them today to announce a 14-storey housing unit with 102 suites, Mr. Speaker, and that includes 46 apartments that will have rent ceilings so it can be affordable for students. It also includes 56 market-rate suites and it'll be a community unto itself where it will also have 16 premium suites in this 14-storey building.

Now, buildings are going up in the downtown at the university. Enrolments are going up at the downtown in the university. The only thing that went up as far as universities were concerned when they were in office was tuitions, Mr. Speaker.

**Heritage Services
Government Intention**

Mr. Wayne Ewasko (Lac du Bonnet): Mr. Speaker, the new minister in charge of department of tourism, culture, sport and consumer affairs attempted to destroy Manitoba's heritage by forcing unique municipalities to amalgamate, as I mentioned on Friday.

Mr. Speaker, why does this new minister want to continue his assault on Manitoba's facts—past and redact our heritage?

Hon. Ron Lemieux (Minister of Tourism, Culture, Sport and Consumer Protection): And I know members opposite truly are proud of Manitoba even though, you know, day in day out we see them cheering for the Saskatchewan Roughriders. And yet, let me take the opportunity, Mr. Speaker, as Minister of Sport, I want to take this opportunity to congratulate the Saskatchewan Roughriders in winning the Grey Cup. I know we're very, very pleased that western Canada won the Grey Cup, and we support them.

And I know, you know, Mr. Speaker, members opposite are green with envy when it comes time to take a look at what has really happened in Manitoba with regard to the new museum of human rights, the MTS Centre. We're taking a look at the FIFA world games coming to Manitoba, and, you know, the Western Canada Summer Games have been here.

And, Mr. Speaker, as a Manitoban, as a proud Manitoban, I know New York Times and others have talked about this parka-clad bunch that live up here. What that means is we're proud to be Manitobans, we're proud to live here, we're proud of the heritage and sport that Manitoba offers—

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

Mr. Ewasko: Mr. Speaker, I thank every day that my boys are allowed to—are able to wear helmets in hockey.

* (14:20)

Mr. Speaker, there continues to be a backlash towards the NDP government by attempting to make municipalities forcefully amalgamate. These municipalities were established based on the unique heritage of the people who first settled there and deserve the government's respect.

Mr. Speaker, did the government eliminate the Heritage portfolio because it now knows that the new minister is clearly incapable of honouring Manitoba's heritage?

Mr. Lemieux: You know, Mr. Speaker, the—you know, sometimes I wonder whether—where the opposition's coming from, quite frankly, because in Manitoba we have world-class provincial parks. We have the Jets back in Winnipeg, which they voted against the MTS Centre. We have the Junos coming to Manitoba, the Canadian museum of human rights, the Journey to Churchill at Assiniboine Park looking at polar bears.

Mr. Speaker, Manitoba has so much to offer, so much in heritage, so much in culture, so much in sport, why doesn't the opposition get on board, get on the love train, enjoy the rest of the Manitobas?

Mr. Ewasko: Mr. Speaker, everyone knows that it's important to understand the past in order to successfully plan for the future. In fact, many believe this is essential.

As the former minister of Local Government, the minister and the Premier (Mr. Selinger) tried to destroy Manitoba's heritage by forcing municipalities to amalgamate against their will.

Mr. Speaker, in light of the Minister of Tourism, Culture, Sport and Consumer Protection's poor stickhandling of the municipal amalgamations file, is the government's new plan to destroy Manitoba's heritage by neglecting the Heritage portfolio altogether?

Mr. Lemieux: You know, in Manitoba we have Folklorama. We have the Winnipeg Folk Festival, the Dauphin Countryfest—25th anniversary, the Countryfest in Dauphin. We have Festival du Voyageur. In Manitoba we have such a proud heritage, such a proud—you know, the fact that we have many volunteers that work in all those attractions in Manitoba, we should be proud and stand up beside them shoulder to shoulder.

You know, Mr. Speaker, I had the opportunity at one time in my life to participate in professional sports, but where we're focused is not on professional sports in Manitoba. We're talking about amateur sports, giving young people, giving children a chance to play hockey, soccer, football. Any choice that they have, we want to be supportive of them with regard to activity and being able to participate as young people and citizens of this province.

We're proud of our record. We'll continue to support sports in Manitoba, heritage, culture—

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

Flooding (2011) Crop Insurance Coverage Review

Mr. Stuart Briese (Agassiz): Mr. Speaker, in 2011 in Langruth this government made some promises to some farmers and ranchers on ongoing flood recovery programs. Not only were those promises broken, now those same ranchers are being penalized by reduced crop insurance coverage because of no yield in 2011 and low yields in 2012 and 2013 as a result of that flood.

Will the minister commit to a review of crop insurance coverage to the flood victims that takes into account the yield losses in 2012 and 2013 that were a result of the 2011 flood?

Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development): It's a great honour to answer the question by the member opposite. I do want to reinforce the fact of importance of Manitoba crop insurance to the producers, whether it's crop or hay production or livestock production.

I do want to say that one of the greatest programs that were announced in the last little while is the forage insurance program that we're bringing forward for livestock producers. Never, ever in the country of Canada—we're the first province to bring forward forage insurance protection in the province of Manitoba. Mr. Speaker, also, we are bringing forward livestock price insurance that's going to be a great 'testatute' to the livestock industry in the province of Manitoba.

Yet I hear across members opposite always complaining about the beauty of agriculture in the province of Manitoba. Mr. Speaker, it's a \$10.1-billion industry in the province of Manitoba, and I'm very proud to stand here and be Agriculture Minister for the Province of Manitoba rather than paint the picture of doom and gloom the—

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

Time for oral questions has expired.

MEMBERS' STATEMENTS

Mr. Speaker: Time for members' statements.

Holodomor Awareness

Mr. Dennis Smook (La Verendrye): Mr. Speaker, on Saturday I was pleased to join local dignitaries as well as members of Winnipeg's and Manitoba's Ukrainian community at City Hall to remember the tragic times of the Holodomor, a dark time in the history of the Ukrainian people.

The Ukrainian people of this province have helped build Manitoba into what it is today, and it is important to recognize the accomplishments and the achievements that have helped move Manitoba forward. Manitoba is blessed to have such a diverse, multicultural population, and the Ukrainian people are a very big part of that. At the same time, it is important to recognize the significant impact of the Holodomor on the Ukrainian people.

There is no way to put into words the amount of suffering and loss that was the result of Holodomor. But events like this and taking time to remember our 'ancents'—our ancestors' struggles and our freedom from oppression in this country, this is important each and every day.

Researchers still do not have an accurate number, but anywhere between three and 10 million Ukrainians died as a result of this genocide. Holodomor killed millions of Ukrainians in 1932 and 1933, and this genocide has touched almost every Ukrainian family in some way.

Canada and Manitoba have taken leading roles in ensuring that genocides such as this do not happen again. And we must keep a watchful eye on the entire world, that events such as this never happen again.

I am proud to represent an area with such a large Ukrainian population, and I am proud that our country and our province has welcomed so many Ukrainians to make their home here. My own ancestors came to Canada in 1896 from Ukraine.

La Verendrye is a constituency that has a rich Ukrainian heritage, and many Ukrainian families and communities like Cooks Creek, Stuartburn, Gardenton and Vita have truly built some of the finest communities in this province.

Mr. Speaker, on behalf of all my constituents and the members of this House, I want to take this moment to remember the horrible events of Holodomor, and I hope that we never see this again, sacrifice and the pain was seen there before.

Thank you, Mr. Speaker.

International Day for the Elimination of Violence against Women

Ms. Melanie Wight (Burrows): Mr. Speaker, the United Nations General Assembly has designated today, November 25th, as the International Day for the Elimination of Violence against Women.

Violence against women has a devastating impact on individuals, families and whole societies, both worldwide and here at home. In many cases these terrible acts go unreported.

Today we join with people around the world to recognize the scale of this problem and to take steps to protect women and to address the structural discrimination that continues to make women the primary target of violence.

Here in Manitoba, local organizations are doing some amazing work to support women and their families who are escaping violent situations—two of which join us in the gallery today.

The North End Women's Centre has been serving women and their families for 27 years. The resources they provide include individual and crisis counselling, employment programs and transitional housing. They offer a welcoming atmosphere where women can receive understanding and support.

The Native Women's Transition Centre has worked to support Aboriginal women and mothers on their journey of healing and recovery from family violence, addictions, intergenerational issues and institutionalization. They have so far offered a safe space and support programs to over 20,000 Aboriginal women and their children.

These organizations can save lives, but we need to continue to counteract violence against women in various ways. Our government is investing over \$1 million to improve shelters and family violence facilities. We have also partnered with the Winnipeg Blue Bombers in the campaign to engage men in the discussion, encouraging them to lead by example and commit to being part of the solution.

Mr. Speaker, it takes an enormous amount of courage for women to break the silence and name the violence happening against them.

I want to thank the North End Women's Centre, the Native Women's Transition Centre and countless others for reaching out to women in need and helping them take steps towards independence, empowerment and a life free of violence.

Mrs. Heather Stefanson (Tuxedo): Today I'd like to rise and recognize International Day for the Elimination of Violence against Women.

Violence against women is a global pandemic, one of the most frequent human rights abuses and one of the least prosecuted crimes.

Women and girls have—should have the right to live free from violence, yet not a week goes by in Manitoba without all of us being reminded of the horrific impact that gender-based violence continues to have on the lives of women and girls. From intimate partner violence to human trafficking, violence affects women of all races and ethnicities, sexualities and social and economic classes, hindering women's rights and freedoms.

* (14:30)

Violence against women is especially prevalent in Manitoba. Among all the provinces in Canada, we have the highest sexual assault rates and almost double the rate of violence against women in Canada.

Mr. Speaker, poverty, systemic racism and social injustice make our Aboriginal population especially vulnerable to gender-based violence. Indeed, Manitoba's Aboriginal women are much more likely than non-Aboriginal women to be victims of violent crime and spousal violence. Statistics Canada reports that 24 per cent of Aboriginal women report being victims of spousal violence, more than three times higher than the rate for non-Aboriginal women. Aboriginal women are also significantly more likely than non-Aboriginal women to report—and most severe and potentially life-threatening forms of violence—and are seven times more likely to be murdered. Tragically, over the past 30 years, more than 500 Aboriginal women and girls have gone missing or have been found murdered in Canada, some 80 in Manitoba alone. And today we remember them, as well as their families, who live daily with that pain.

As we work towards ending violence against all women, we must ensure that we are taking a holistic approach, including enhancing access to education and health care, equal pay for equal work, affordable housing and child care and ending poverty. But today is not just about raising awareness; it is also about taking action. And, for this reason, organizations like those in the gallery today and others, such as Elizabeth Fry, Sisters in Spirit, Osborne House and so many others, give me hope for a better future

for Manitoba's women. Every day they work with survivors of sexual violence, listening to them, providing support and raising awareness of gender inequality.

Mr. Speaker, violence against women is not just a women's issue. Violence against women is everyone's issue. And we need to work together every day to make sure that we end this.

Thank you, Mr. Speaker.

Vaughn Karpan

Mr. Frank Whitehead (The Pas): Mr. Speaker, this October, the Manitoba Hockey Hall of Fame inducted its newest member, Mr. Vaughn Karpan, a fellow northerner and a role model for our young people.

Vaughn Karpan's career is an exceptional example of the opportunity sports can offer to young people. Vaughn grew up in The Pas and, like most kids, started playing hockey at a young age. Together with the other kids in our community, he learned teamwork, discipline and self-confidence. After years of guidance and encouragement from local coaches, Vaughn started his professional career in the—at the junior level in Brandon.

From there, he played with the Manitoba—University of Manitoba Bisons and was named Most Valuable Player three years in a row. Vaughn has had an extensive international career, playing over 200 games with Team Canada, including the 1984 and 1988 Olympic winter games, the opportunity of a lifetime. After ending his playing career, Vaughn now continues to be heavily involved in hockey as a scout for several NHL organizations.

Hockey is a game that connects us to our neighbours and to our province, whether it's through camaraderie of playing together, building new rinks or organizing local teams, hockey brings communities together.

Northern Manitoba has a strong tradition of supporting hockey, and The Pas is no exception. Coaches, volunteers, players and parents are all integral to the success of these young players. The people of The Pas and Opaskwayak Cree Nation, including a young Mr. Karpan, benefit from any major hockey leagues and associations. These teams create the opportunity for kids and young adults to travel, explore and play hockey across the province.

Mr. Speaker, I'd like to take this opportunity to extend my congratulations to Vaughn and to other

new inductees to the Manitoba Hockey Hall of Fame for their exceptional hockey careers and dedication to the sport.

BizPaL Manitoba

Mr. Ted Marcelino (Tyndall Park): Mr. Speaker, our government is focused on a steady, growing economy with more training opportunities and good jobs for families. To continue creating jobs and fostering growth here at home for Manitoba entrepreneurs, we brought in BizPaL Manitoba to help spur economic development.

BizPaL Manitoba is an excellent business tool that provides entrepreneurs with simplified access to information on the permits and licences they need to establish and run their businesses. Manitoba is already a great place to invest and start a business. Our real GDP has the second fastest rate of growth in Canada and, according to independent studies, Winnipeg has the lowest costs for doing business amongst 25 midwestern and western Canadian cities. We're pleased to see that the Province added 2,500 jobs in September 2013, as well as 5,700 jobs since the beginning of the year. This increase was driven entirely by the private sector. Manitoba remains the only province in the country to have completely eliminated its small business tax.

BizPaL Manitoba is another great example of our government's commitment to support Manitoban businesses so they can do what they do best: innovate, create jobs and generate opportunities in our community. We have one of the most affordable costs of living in the country and a high quality of life that makes our province a great place to live, work, invest and raise a family. Whether you want to support or start or grow your business, BizPaL Manitoba can help.

Thank you, Mr. Speaker.

Mr. Speaker: Grievances?

House Business

Mr. Speaker: Seeing no grievances, the honourable Government House Leader on House business.

Hon. Andrew Swan (Government House Leader): On House business, Mr. Speaker, I'd like to call Bill 2, that's The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones) for second reading. But I'd ask you to verify whether the Opposition House Leader is in agreement with proceeding in this fashion as required under sessional order 11, which was adopted this September; and, if

indeed he is in agreement, we'll then proceed with second reading of Bill 2.

Mr. Kelvin Goertzen (Official Opposition House Leader): Mr. Speaker, there's not been adequate notice provided and have not had the discussion with our critic and with stakeholders, so that would be denied.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Andrew Swan (Government House Leader): On further House business, Mr. Speaker, we'll then proceed with the report stage amendments, and I propose we call them in this order: Bill 17, Bill 35, Bill 19, Bill 24, Bill 30, Bill 44, Bill 27, Bill 41, Bill 42, Bill 8, Bill 16, Bill 25, Bill 36, Bill 38 and Bill 46.

Mr. Speaker: We'll be calling report stage amendments on the following bills in this order, starting with Bill 17, then Bill 35, 19, 24, 30, 44, 27, Bill 41, Bill 42, Bill 8, Bill 16, followed by Bill 25, Bill 36, Bill 38, finally Bill 46.

REPORT STAGE AMENDMENTS

Bill 17—The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments)

Mr. Speaker: And we'll start by calling a report stage amendments on Bill 17, The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments).

Mr. Cliff Cullen (Spruce Woods): I move, seconded by the member for Morden-Winkler (Mr. Friesen),

THAT Bill 17 be amended in Clause 2

(a) in the proposed clause 231(2)(b), by striking out "subsections (3) and (4)" and substituting "subsection (3)";

(b) in the proposed subsection 231(3), by striking out "Subject to subsection (4), if an advertisement" and substituting "If an advertisement";

(c) by striking out the proposed subsection 231(4); and

(d) in the proposed subsection 231(5), by striking out "subsection (2) to (4)" and substituting "subsection (2) and (3)".

* (14:40)

Mr. Speaker: It's been moved by the honourable member for Spruce Woods, seconded by the honourable member for Morden-Winkler,

THAT Bill 17 be amended in Clause 2

(a) in the proposed clause 231(2)(b), by striking out "subsections (3) and (4)" and—

An Honourable Member: Dispense.

Mr. Speaker: Dispense? Dispense.

The amendment is in order.

Mr. Cullen: Appreciate the opportunity to have a little more debate on Bill 17. In fact, this is the consumer protection amendment and business practices amendment, and it deals with motor vehicle advertisement and information disclosure and other amendments, and, clearly, this bill is another NDP bill dealing with some consumer affairs measures. Be interesting to see—we have a new minister responsible for consumer affairs and we're certainly looking forward to see what direction he takes the Province in terms of consumer affairs.

Mr. Speaker, this legislation—this bill deals with transparency, and what the NDP is trying to do is certainly make some headlines in terms of what they deem is consumer protection in terms of motor vehicles, in terms of motor vehicle sales, so what they're trying to do, I think, through this bill is provide some transparency in terms of what the actual price is on motor vehicles.

I—there's some irony in this particular legislation in my mind. You know, we have a government here who's trying to legislate some transparency in different areas of the Province and in consumer affairs regulations, and this government has been much less than transparent with Manitobans when it comes to issues. And the amendment that I am proposing, Mr. Speaker, actually speaks to provincial sales tax. Under the legislation, there's no provision really to indicate to consumers what provincial sales tax will be—have to be paid on motor vehicles.

We wanted to make the point in this amendment of the irony in the situation. The NDP campaigned on the premise that they would not raise taxes, Mr. Speaker, and they were very adamant and the Premier (Mr. Selinger) was very adamant they would not raise provincial sales tax to Manitobans. And, in fact, what they have done, once they came into office after the last election, the first order of business

under their new budget was to expand provincial sales tax on a number of goods and services across the province. And in their second budget—and again they never campaigned on it—they actually increased the provincial sales tax by 14 per cent, taking an extra almost \$300 million out of the pockets of Manitobans. They were not transparent in doing that. This came after they were elected. They were not upfront with Manitobans when they proposed this, and, in fact, we believe they actually circumvented the law by ignoring the existing balanced budget protection law that's there.

We really should be dealing with laws that protect us as consumers from the NDP, instead of the NDP going out trying to get some headlines, saying that they're protecting Manitoba consumers, and that's the irony in this legislation and that's why I want to bring this particular issue in this section of the legislation in Bill 17 that's being proposed. That's why I wanted to highlight it through this amendment, and I hope the new minister will see the irony in this story.

You know, we're allowing vehicles to be sold, and, certainly, I think, we all want to be making sure that the marketplace is transparent and consumers are protected. And there's certainly a lot of areas that are in existing legislation that protect consumers at the end of the day, but they're taking it one step further. And the other thing that is a trend in this particular legislation and I see in other legislation they've introduced is the increase in terms of their fines and assessments to various businesses, Mr. Speaker, and that's certainly a trend. And we know the NDP have got their hands in Manitoba's pockets more and more all the time through not just taxes but other fines and other various assessments.

And we talk about automobiles, too, Mr. Speaker, and I bring this up from any—as many occasions as I can, is the vehicle registration fees. That is something that this government has not been transparent on. It's something that the government has not campaigned on, but it's something that hits each and every owner of a motor vehicle.

Back in 1999, vehicle registrations were \$48 per passenger vehicle; now Manitobans are paying \$154 for each and every passenger vehicle, each and every year when it's registered, Mr. Speaker. That is a threefold increase in vehicle registration fees. In my view, that is a straight tax. That is money that is collected by Manitoba Public Insurance and then turned directly over to the NDP government and

goes into general revenue. The NDP did not campaign on raising those fees. The NDP did not campaign on raising provincial sales tax either.

I had an opportunity just yesterday, in fact, to speak to a service manager who operates a business just in Saskatchewan—Langenburg, Saskatchewan, and I said, how's business? He said, business is booming. I said, well, I'm not surprised, because I know that people in Manitoba recognize that the provincial sales tax is only 5 per cent in Saskatchewan, clearly, 60 per cent higher in Manitoba than Saskatchewan. Manitobans, being astute business people, they are going to go where their best deal is, and they're finding they can go and do their service work over in Saskatchewan at a much cheaper rate than they can in Manitoba. And those are the things that impact our economy and they impact each and every Manitoban.

So, Mr. Speaker, with that, the issue about provincial sales tax, it's an ongoing debate for Manitobans and it's going to be an ongoing debate for many years to come, I'm sure, and I'm sure, as we go forward, more and more Manitobans, as they reach in their pocket and pay the taxman, will be more and more aware of this as time moves on.

Now, Mr. Speaker, it's ironic in this legislation that the government is saying you don't have to tell consumers what they're paying for provincial sales tax. And that's the issue that I'm raising in this particular amendment, and I certainly look forward to the comments that will be made by the new minister responsible for consumer affairs.

Thank you very much, Mr. Speaker.

Hon. Ron Lemieux (Minister of Tourism, Culture, Sport and Consumer Protection): Well, Mr. Speaker, I know the member opposite stated he'd like to hear from me. He may not like to hear what I have to say, though, with regard to some of the things that we've done in Manitoba, with regard to making life more affordable for Manitobans, protecting consumers.

Mr. Speaker, we do not support the amendment raised by the opposition. Primarily, our legislation is based on regulations from Ontario's Motor Vehicle Dealers Act, as well as legislation from the great province of Alberta and British Columbia, with regard to consumer protection. And, you know, the amendment is really, you know, is inconsistent with the general advertising practices for goods and services in the marketplace, and our government has

talked and consulted with the Manitoba Motor Dealers Association about the proposed amendment, and they advised us that they don't support the amendment and the industry already supports Bill 17 and the introduction of advertising standards in the marketplace.

Current vehicle advertising practices, Mr. Speaker, in Manitoba can be very misleading for consumers as advertisers–advertised practices may not reflect the actual cost associated with the vehicle. Advertised prices may exclude mandatory fees like administrative fees, delivery fees or include deductions, minimum trade value–trade-in value, sorry. Our bill requires that all in pricing in motor vehicle advertisements and includes new protection against false and misleading motor vehicle advertisements.

So, Mr. Speaker, I'd like to be absolutely clear with regard to the industry. The majority of the industry want to play it by the rules. They do indeed play by the rules and we have many, many great automobile dealerships in this province, throughout the province of Manitoba, not just in Winnipeg, and many of them want to be good corporate citizens and they want good, clear legislation that applies to all dealerships and applies to all businesses that deal in the sale of automobiles.

You know, Mr. Speaker, we know families work hard and expect good value for their money and our government has a plan to keep life affordable for Manitoba families moving forward, and we have a high quality of life that makes our province a great place to live, work and start a business and raise your family. And our plan is to keep Manitobans–to keep Manitoba, sorry, building and keep our unemployment rates low, and we've made changes that will keep Manitoba affordable.

* (14:50)

Mr. Speaker, already we've–you know, and we continue to introduce different legislation to protect consumers. We've introduced new consumer protection for new homes, car purchases and repairs, and cellphone contracts. And also we've introduced New Home Warranty Act which will require Manitoba warranty protection for Manitoba families purchasing newly constructed homes.

Our government, Mr. Speaker, is proud of our record of protecting consumers. Consumers want government to be involved to ensure that what they are paying for is what they get. And so as a

government we are very proud of our record. And ministers on this side previous to me have worked diligently, and worked in co-operation in consultation in a collaborative way with the industry to ensure that a level playing field and a good and honest straightforward business practices are adhered to, and it's something that Manitobans expect.

Manitobans love a sale; they love a deal. In fact, Manitobans probably prefer things to be free, but that's not the way it is in the real world. So to ensure that when people say there are sales and to ensure that a price is put on a product, whatever that may be, it's important to note, you know, Mr. Speaker, that they are getting value for what they pay for and they are getting what has been proposed for their investment.

So, Mr. Speaker, with that we are not going to support the amendment raised by the opposition. We believe what the op–what the business has told us, the businesses have told us, what the industry has told us, the Motor Dealers Association and Manitoba motor dealers have said that they support the legislation as is. So we'll take their lead with regard to this legislation. We won't support the amendment.

So, with that, Mr. Speaker, I thank you for the opportunity to make a few comments.

Mr. Speaker: Any further debate on the amendment?

Some Honourable Members: No.

Mr. Speaker: Seeing none, is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Some Honourable Members: Yes.

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. Cullen: Yes, Mr. Speaker, on division.

Mr. Speaker: On division.

Bill 35—The Consumer Protection Amendment Act (Compliance and Enforcement Measures)

Mr. Speaker: We'll now proceed to calling report stage amendments for Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures).

Mr. Cliff Cullen (Spruce Woods): I move, seconded by the member for Tuxedo (Mrs. Stefanson),

THAT Bill 35 be amended in Clause 15 by adding the following after the proposed subsection 135.2(2):

When inspections may be conducted

135.2(2.1) An inspection may be conducted

- (a) at any reasonable time, in the case of a payday lender, direct seller, credit grantor or any other prescribed person; and
- (b) only after a specific complaint has been received, in the case of any other person.

Mr. Speaker: It's been moved the honourable member for Spruce Woods, seconded by the honourable member for Tuxedo,

THAT Bill 35 be amended in Clause 15 by adding the following after the proposed subsection 135.2(2):

When inspections may be conducted

135.2—

An Honourable Member: Dispense.

Mr. Speaker: Dispense? Dispense.

The honourable member for Spruce Woods—the amendment is in order.

Mr. Cullen: Bill 35 provides the NDP very broad powers in terms of dealing with consumer protection, Mr. Speaker, and, you know, we feel that they're probably going a little further than maybe what many Manitobans would think they should. We're trying to be the voice of opportunity to reason this out. We're certainly standing up for Manitobans who will be impacted by the legislation that this government is proposing to pass.

Mr. Tom Nevakshonoff, Deputy Speaker, in the Chair

Again, I'm hoping the new minister responsible for consumer affairs has taken the opportunity to read the details of the legislation that has been proposed and he will recognize the powers that will be granted to his inspectors within his department.

And I think clearly there will be, and the potential arises, for many businesses and many Manitobans to be impacted directly by this.

And I know the minister alluded to other provinces and other jurisdictions and what they're doing when we talk about Bill 17. I'm hoping he's taken the time to look at Bill 35 and see what other jurisdictions are doing as well. And I think if he did that he will find out that Manitoba's out of line and out of step with what other jurisdictions are doing. This particular legislation will give his department and his people within his department and inspectors extreme powers of inspections to go into businesses to check records, and, clearly, other jurisdictions are not allowing that. Now, clearly, we talk about Saskatchewan and Ontario, they both still require a complaint to carry out an inspection and, in fact, in Ontario they require both a complaint and a warrant to carry out an inspection. So there certainly is some protection to the business community there in those other jurisdictions.

So what we're trying to indicate in this amendment is the government has to be careful in terms of how far they want to go and provide their own people inspection powers to go into these premises, without—possibly without having due diligence being paid to the issues around the investigations and without complaints being made to a specific business. So it certainly is important that the government have a look, again, a sober second thought at what they're proposing.

And, as I alluded to before in my previous comments on Bill 17, Bill 35 also follows the trend of increased fines. In fact, what we're seeing here is the maximum penalty has increased from \$5,000 to \$20,000 for a corporation. So, clearly, the NDP are trying to get their hands on as much money as they can, and we know the financial situation that the NDP have got ourselves into, got all of us into as Manitobans. We know they're reaching into our pockets more and more for taxes. We know they're reaching into our pockets more and more for fees and assessments across a wide range of goods and services, and now we've seen them on the regulatory side where they're coming after us in terms of heightened fines in various areas all across all jurisdictions in Manitoba. So what the Province is doing—and seemingly unchecked power going back into the hands of these inspectors.

Again, it comes to the point where you almost have to have legislation there to protect Manitobans

from the NDP. Now, they haven't been transparent with us in terms of their provincial sales tax increase and they haven't been telling Manitobans what this new legislation is about, and I think Manitobans will be finding out the hard way some of the new powers that are provided under this legislation and this, I'm sure, will be very troubling to Manitobans as they move forward.

I look forward to the minister's comments on this particular piece of legislation to see if he under—with an—as being a new minister in this portfolio, if he is looking at making any changes to this legislation as it is proposed.

Thank you very much.

Hon. Ron Lemieux (Minister of Tourism, Culture, Sport and Consumer Protection): I'm pleased to put a couple comments on the record and I'll say that we are not going to support the amendment.

And, with regard to some of the comments made by the opposition, it's really a shame to see that the opposition members are proposing short-sighted changes to this legislation that would essentially weaken the bill itself. And we're protecting consumers and all Manitobans while the opposition leader and some of his supporters across the way are proposing short-sighted changes that would only benefit a few and let companies that are taking advantage of Manitobans off the hook.

Now, I know the member opposite, my critic, is a very honourable person, and misguided as he may be sometimes, I think, you know, he doesn't realize that you're letting some of these companies off the hook with regard to what they're doing, and you're not allowing, you know, the Consumer Protection Office to do its job, quite frankly. And, you know—and in this case what they're suggesting and the amendments are suggesting, inspections would not be allowed for other types of businesses other than payday lenders, direct sellers, credit granters and—unless a complaint has been made. Well, we know through history and through our experiences that that often does not happen.

* (15:00)

I just want to—I don't want to take too much time. I know there's other bills that we have to deal with today and other amendments, you know, but in other provinces like Ontario, BC, Quebec, and Saskatchewan, they have the authority to inspect with or without a complaint, and this has proved to be of great benefit to the consumer, and that's what

this is all about. The opposition does not want the Consumer Protection Office to be empowered to look at the concerns raised in the media or otherwise about a business that is not a payday lender, for example, or direct seller or credit granter unless a complaint has been received. As I mentioned, other provinces allow the authority to inspect without a complaint. As well as Manitoba—as well, Manitoba municipalities, towns, villages, RMs and cities all have the authority to inspect businesses without a complaint to monitor compliance with municipal by-laws, for example.

What we're trying to do is, again, not only make Manitoba affordable, but also ensure that what people are paying for is what they are going to get, they're not being misled in any way, shape, or form, and, you know, members and ministers before me have talked about this, about the lowest combined public utility rates, for example, that we have. Anyone sitting at the kitchen table setting out the family budget knows that home heating, electricity, auto insurance rates make a big difference in making ends meet at the end of the month. That's why our government is guaranteeing Manitoba families pay the lowest cost for these combined services.

This is just another example that we're working with Manitobans, working with consumers, to ensure we keep Manitoba one of the most affordable places in Canada to live. Experiences in other provinces across Canada show how difficult this can be. In Ontario the government is trying to deal with an out-of-control private auto insurance cost, for example. BC has seen reports of a potential 26 per cent hike in electricity rates, and Saskatchewan is proposing a 16 per cent increase in these rates over the next three years.

You know, we've just seen a recent announcement with SaskPower, I believe it's called, with Manitoba Hydro, and that's a tremendous, tremendous initiative. It's a great—it's one step forward, just another piece in the puzzle how Saskatchewan wants to be not only in name green; they want to be clean green like other provinces, like Manitoba. They want to get away from using coal, for example, as their main source of energy. So, thank you, the government of Saskatchewan, for working with Manitoba Hydro and ensuring that hydro sales are going to benefit the public of Saskatchewan.

So I just want to say keeping life affordable in Manitoba's important, but also on the regulatory side,

you have to ensure that Manitobans are getting what they pay for, so they're not being misled and so they're not being tricked into buying something. They're not being forced; they're not being coerced, where some people are kept in a room for hours at a time until they finally sign—just through frustration, they sign on the dotted line and they leave. And then sometimes, you know, it can be a language issue. We have new citizens coming to Manitoba; we want to encourage that. We don't want businesses to be taking advantage of people who have a difficulty with the language, understanding what certain deals are all about.

And one thing I can say is that, thank goodness, in Manitoba, we have a lot of great companies that adhere to the law, they're absolutely legitimate, they want to provide a service for the consumer in a very legal and upright and forthright way. What we're talking about is to ensure that we have legislation so the complaints that we've received through our consumers branch, that we want to ensure that those companies that want to gouge and take advantage or trick the consumer, it's not going to happen, and we want to allow the authority for people to look into these concerns without having complaints written out, and we want to be able to proceed in a way that protects our consumers overall.

So, with that, regrettably, we're not going to support amendments made with regard to this bill, and we want to see this proceed quickly so we can protect more of the consumers in Manitoba the way they expect their government to protect them. Thank you.

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: The question is: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of passing the amendment, signify so by saying aye.

Some Honourable Members: Aye.

Mr. Deputy Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Cullen: On division.

Mr. Deputy Speaker: On division.

Bill 19—The Waste Reduction and Prevention Amendment and Environment Amendment Act

Mr. Deputy Speaker: The next issue before the House is report stage amendment of Bill 19, The Waste Reduction and Prevention Amendment and Environment Amendment Act.

Mr. Stuart Briese (Agassiz): I move, seconded by the member for River East (Mrs. Mitchelson),

THAT Bill 19 be amended by striking out Clause 2.

Mr. Deputy Speaker: It has been moved by the honourable member for Agassiz, seconded by the honourable member for River East,

THAT Bill 19 be amended by striking out Clause 2.

The amendment is in order. Floor is open for questions.

Mr. Briese: Mr. Deputy Speaker, I rise to speak on the amendment, deleting clause 2 from The Waste Reduction and Prevention Amendment and Environment Amendment Act. The—clause 2, essentially in this bill, does away with the advisory council that was set up under The Waste Reduction and Prevention Act, and we feel there's still a use for that advisory committee. Even though they did not meet very often, I think there is definitely a role for them to play. I've seen some of the messes that have been made by some of the commissions and bodies that this government has under them, and I think an advisory committee is useful anywhere with them. We know they did not meet often, but that's simply because the government never asked them to. The NDP—this amendment would give them a chance to call the advisory group together and task them with helping to reduce waste in Manitoba.

We've had some improvements over the years, and we've had some kind of losses on waste reduction. We've seen instances where we've gone from pretty strong recycling programs in some areas to transportation costs and collection costs eating up any of the advantages to the recycling programs, and that results in a lot more material going into the landfills. So, I think there's some very good models out there that could be looked at. I think the advisory committee would have a role to play in looking at the places that are working well and they could make

recommendations to the Province on how to improve the recycling and collection in this province.

We know that the NDP have failed to meet their emission reduction targets, and I think that would be another role for the advisory committee to play. The—I remember—much touted—remember the member for Assiniboia (Mr. Rondeau) standing and talking about how they were going to meet the Kyoto numbers and they were going to do all sorts of wonderful things, like plant five million trees. I don't know where that five million trees went that was proposed to be planted, but I expect it was the normal reforestation plantings that go on in the province every year that he was counting on and, in the big scheme of things, five million trees isn't very many trees. That might be about—I'm not sure—I'll pull a number of the air—but it might be two sections of trees. It's a very small area of the province.

* (15:10)

It's—you know, all the years I farmed, I had about one third of my farm was in grassland and trees and mostly pasture land and about one third of the total acreage, so essentially I was certainly doing my part to greenhouse gas reductions and carbon sequestering. I've been told many times by many people that are much better educated than me that the grazing of cattle on property or the cutting of hay on property increases the carbon sequestration because the carbon sequestration takes place as the grass and vegetation is re-growing, and the more times it's in a growth state, the more carbon is drawn in and stored in the soil.

But the fundamental position of this amendment is that we think there is a role for the advisory council. We believe that clause should be removed and we think the advisory council should be kept in place.

Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question, the question before the House is: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of passing the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Deputy Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Cliff Cullen (Spruce Woods): On division.

Mr. Deputy Speaker: On division.

* * *

Mr. Deputy Speaker: The next item before us is report stage amendment of Bill 24—oh, one moment—one more amendment on this bill.

Mr. Briese: I move, seconded by the member for River East (Mrs. Mitchelson),

THAT Bill 19 be amended by striking out Clause 4.

Mr. Deputy Speaker: It has been moved by the honourable member for Agassiz, seconded by the member for River East,

THAT Bill 19 be amended by striking out Clause 4.

The amendment is in order. The floor is open for questions.

Mr. Briese: I'm disappointed to see that the NDP didn't even have any concerns or any comments about the last proposed amendment. You know, at least respectful if they told us why they didn't like it. They just ignore us and say they're not going to—probably because he can't find the minister, he needs the notes. But, whatever, it's a little disappointing that they have no comments on the amendment.

This amendment, striking clause 4 or deleting clause 4 is the clause that deals with the fines, and the fines in The Waste Reduction and Prevention Act are at the present time \$25,000 for individuals and \$250,000 for corporations. We feel those existing fines are quite hefty and the—to the—especially to the average person and there's no rationale in raising them. What this legislation essentially does is double those fines. The \$25,000 per individuals goes to \$50,000 for individuals and the \$250,000 for corporations goes to \$500,000 for corporations. We think that fines of that magnitude could literally bankrupt the average person or put a small business

out of business, bankrupt a small business, and I don't think that's what we're in there for.

I think what we prefer to do is work with the business, with individuals, use the carrot a little bit more than the stick. I know the Province is desperate for money and higher fines looks like a good way to get some of it, but it's at somebody else's expense and I think there's a—there should be a reasonable approach. I see no reason for these fines to be doubled.

I know the NDP like to take money away from Manitobans. They've raised taxes on everything from new cars to home insurance, and the PST alone a 14 per cent increase pretty near across the board. Our hydro rates are going up: 8 per cent last year, 4 per cent this next year. It just gets more and more difficult. It's taking the money off the kitchen table and it gets more and more difficult for people on even middle-of-the-road incomes to make ends meet.

We have the highest income tax west of Quebec and we have the highest sales tax in western Canada and we're getting to the point of being unsustainable. And so now we come along and say, if you do certain things, either intentionally or non-intentionally, these are what your fines could be and the fines are massive. And systematically found another way to deprive Manitobans of the use of their own money—\$25,000 is a lot of money to the average Manitoban and remains an adequate penalty—probably more than adequate, it's overbearing.

You know, I go back to what I said on the other amendment, the environmental actions of this government have failed miserably. They've talked a big noise. They've said they were going—they passed a Save Lake Winnipeg Act, which we supported, as a matter of fact, and Lake Winnipeg continues to get into worse shape every year. They've targeted small segments of the population, hog industry being the main one, but the—now they're moving to target other agricultural practices. And they pick out small segments of the population, target them, tell the larger segment of the population we've solved it; we've solved the problem out there because we made these people stop doing something that wasn't actually causing any harm, but we made them stop doing it and it looks good, we'll do the spin and we'll make it sound like we've really solved the problem, we've saved Lake Winnipeg. We've—I wouldn't target anybody. I would be putting out a few carrots, a

few incentives—incentives rather than heavy-handed forcing things down people's throats.

You know, I experienced it just last year—I built a new house. There's only my wife and I on a half section of land. Because of the regulations this NDP government put in place, I had to put in a septic field rather than the ejector, a waste water ejector, which worked fine in our area, by the way. I asked the installer, the contractor, the difference in cost, and it was \$9,000. I had to pay \$9,000 more because I couldn't put in an ejector there when all the properties around me have ejectors on them that are grandfathered, you know, all the properties within three miles, and so I had to pay \$9,000 more. Now, you think that's great, you think you've solved the environmental problem, but you're doing it on somebody else's back; you're doing it on my back. It cost me \$9,000 and it cost everyone else that built a new house in a rural area \$9,000 or more, and that's just unacceptable.

I think now you're pumping up the fines to where if I had done what I really wanted to do and put in a waste water ejector instead of a field, I would get nailed—I would've got nailed with this massive fine. My old yard site, where I lived, I had an ejector in that yard for 45 years—45 years no problem. No problem, and it wasn't polluting anything. In fact, I think the fields are worse than the ejector. The field puts the waste underground closer to the water table. Like, it goes through to the water table. Does that make sense?

Anyhow, I've said enough here and I'd like to see what the minister may have to comment on this amendment. Thank you.

*(15:20)

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): Well, I notice that my new critic just concluded by saying he said enough, and I think that he probably was told or there's a little buzzer that went off telling him to sit down, because he was continuing, of course, to give away what the Conservatives would do if they ever came to office, which would be to gut the environmental regulations in this province. I know that he was sent into committee the other night with a whole raft of amendments by his leader to go and gut our green plan. But, again, today, as soon as you let a Conservative at the microphone they start to babble on about how they're going to cut the environmental regulations. They're going to do—the first day in office, I know they would be loosening all of

the regulations when it comes to the science-based approach to how to better protect Lake Winnipeg—*[interjection]*—and I think I just heard the applause.

And I think that this should be loud and clear for all Manitobans of a warning that it's not just the critic standing up here talking about how they're going to loosen up all the regulations. There was a resounding chorus of thunderous applause to that plan of theirs. And I think when they talk about Lake Winnipeg on one side of their mouth, the other side of their mouth is talking about loosening all the regulations and the science-based approach to reduce phosphorus and nitrogen loading to our great lake. So just another day in the life of understanding, of course, the Conservative approach to protecting Mother Earth.

So, when it comes to the amendments before the House—I regret I was unable to get here for the first proposed amendment. But, first of all, let me just say that while they want to gut the fines and the regulations in place, they want an advisory committee to still be allowed under the act that's never met since the act was passed by them in 1990. They never met. They never had an advisory committee for nine years when they were in government, but today they're saying, oh, don't get rid of that. Well, that advisory committee model never worked for the former government; it never worked for this government. This legislation has become very important to a lot of Manitobans and so the committees that are at work to make sure that the regulations work are many and varied.

There's a very important engagement process that has evolved under this legislation and an advisory committee approach, a single approach would undo and would certainly—you could never hold a candle to the kind of engagement efforts that have been put in place, whether it's the committees for the used oil, to hazardous—household hazardous waste, whether it's the municipal working group on extended producer responsibility—and we know that meets once or twice a year; that's with the deputy and AMM co-chairing it—whether it's the organic waste working group that's now looking at where we go, whether it's the other forms of public input—by the way, that are required under section 22 of the act. That is where we're putting our stock and that is where experience under this legislation shows is the best form of advice and engagement.

With regard to the proposed amendment currently before the House, the Conservatives, again,

as they did in committee, want to come in and cut the proposed fines in half, because protecting the environment, they'd only put half the effort into it. You can just see that was more than symbolic, that amendment. That fine level—by the way, it's a maximum fine level—it's a maximum fine level. It was put in place in 1990. They don't live in the '90s. They really want to go back to 1990, that was a good year for them. That was where they want the fines to remain forever.

Producer responsibility has moved a long way since they were in office and there are now some very serious implications when people will try and get around the requirements in the act. There has to be a level playing field for producer responsibilities. For example, when it comes to tires, we have to know that people that are producing or selling tires are playing by the rules for a level playing field, that they can't get around the rules, that the funds are going into the proper fund to support recycling efforts.

There has to be a strong deterrent message with this legislation to keep up with the times. There is so much at stake, and whether it's tires or whether it's oil or whether it's batteries or paper or beverage containers, household hazardous waste, this regime has to be one that has integrity.

So we want to send a strong message about the importance of complying with the regulatory scheme that's evolved, and keeping in mind that these are maximum penalties, we have to know that people are going to pay attention and will comply with the steward rules. So we have to stand strongly in opposition to the proposed amendment as we did to the earlier proposed amendment.

Mr. Deputy Speaker: No further speakers, is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is: Shall the amendment to Bill 19 pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of passing the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Mr. Cullen: On division.

Mr. Deputy Speaker: The amendment is defeated on division.

**Bill 24—The Endangered Species Amendment Act
(Ecosystem Protection and
Miscellaneous Amendments)**

Mr. Deputy Speaker: Now move on to report stage amendment of Bill 24, The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments).

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): I move, seconded by the Minister of Jobs and the Economy (Ms. Oswald),

THAT Bill 24 be amended in Clause 18 by adding the following after the proposed subsection 12.4 and before the proposed Part III.2:

Public notice of proposed regulations

12.4.1(1) At least 90 days before a regulation is made under section 12.3 or 12.4, the minister must give public notice that a copy of the proposed regulation is available for review on the department's website

(a) by publishing a notice in a newspaper having general circulation in the vicinity of the ecosystem preservation zone or the proposed ecosystem preservation zone; and

(b) in any other manner he or she considers appropriate.

Submissions

12.4.1(2) Within 60 days after public notice is given under subsection (1), any person may make a written submission to the minister.

Mr. Deputy Speaker: It has been moved by the honourable Minister of Conservation and Water Stewardship—

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense? Dispense.

The amendment is in order. The floor is open for questions.

Mr. Mackintosh: So, when the opposition came into committee with these raft of amendments to undo our green initiatives, they did have a couple of ideas that I undertook to give further consideration to, and one of them was to look at the notice that would go to stakeholders or persons that may be affected by a regulation under the bill. And that would essentially be moving the notice provisions from procedural—a procedural level into a legislative level, and we're fine with that. We think that is—that's fine. I think it may send a clearer message about the importance of stakeholder notification and feedback.

Mr. Stuart Briese (Agassiz): Thank you, Mr. Deputy Speaker, and I am pleased to speak to the amendment put forward by the minister to Bill 24.

Yes, indeed, it was our thoughts that there should be a reporting section to this bill and a method for presenting regulations to the public and public feedback—or the option of public feedback to amendments—or to regulations being put in place under this bill. So I'm pleased to see this amendment added. Thank you.

Mr. Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question is: Shall the amendment pass? *[Agreed]*

**Bill 30—The Forest Health Protection
Amendment Act (Heritage Trees)**

Mr. Deputy Speaker: Now move on to report stage amendment of Bill 30, The Forest Health Protection Amendment Act (Heritage Trees).

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): I move, seconded by the Minister of Jobs and the Economy,

THAT Bill 30 be amended in Clause 2 by adding the following after the proposed subsection 26.3(4):

Nomination process for trees on private land

26.3(4.1) If a nominated tree is located on private land

(a) the owner of the land must be given a copy of the nomination;

(b) the owner of the land must be given an opportunity to make a written submission to the heritage tree review committee before the committee makes its recommendation on the nomination;

(c) any submission made by the owner of the land must accompany the heritage tree review committee's recommendation to the minister; and

(d) the minister have regard to the owner's submission when deciding whether to designate the tree as a heritage tree.

* (15:30)

Mr. Deputy Speaker: Who's the seconder? *[interjection]*

It's been moved by the honourable Minister of Conservation and Water Stewardship, seconded by the honourable member—the honourable Minister of Jobs and the Economy—dispense?

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense. The amendment is in order.

Mr. Mackintosh: There was a good discussion on this issue in committee and it was signalled to the committee that we would take under further consideration, and moving from the procedures of the committee to the bill, the notification and the ability of the landowner to make a submission and to move that into legislation. We think that's fine. The outcome is much the same, but this also provides not only for the owner to make a written submission to the committee but also it ensures that the minister must have regard to the owner's view, and we think the owner's view will be important.

And so, with that, I commend this amendment to the House.

Mr. Stuart Briese (Agassiz): And I agree with the minister, there was a—quite a spirited discussion at committee on this, sometime in the wee hours of the morning, I think, that particular night. And this indeed was something that I had some significant concerns about, and it was the private landowner's rights around this type of legislation and the rights of the private landowner to control their property. And we too many times see those private property owner's rights encroached on. It seems like in rural Manitoba especially, they—everybody thinks every piece of land belongs to everybody; well, it doesn't. And trespassing on one of my fields is no different than somebody driving their vehicle over your lawn, and you can imagine what your reaction would be.

So I'm really actually very supportive of this amendment. It's an amendment that at least addresses

some of the concerns we had at committee, and it obviously requires consultation with the landowner before anything, any action is taken on the landowner's property.

So, with that, I thank you.

Mr. Deputy Speaker: House ready for the question?

Question before the House is: Shall the amendment pass? *[Agreed]*

Bill 44—The International Education Act

Mr. Deputy Speaker: Now move on to report stage amendment of Bill 7—or Bill 44, The International Education Act.

Hon. James Allum (Minister of Education and Advanced Learning): Proposing amendments to The International Education Act, moved by the Honourable Mr. Allum and seconded by member for St. James (Ms. Crothers),

THAT Bill 44 be amended by renumbering Clause 20 as Clause 20(1) and adding the following as Clause 20—[interjection]—oh, seconded by the Minister of Jobs and the Economy (Ms. Oswald). Sorry, forgive me. She's just—sorry.

I move, seconded by the Minister of Jobs and the Economy,

THAT Bill 44 be amended by renumbering Clause 20 as Clause 20(1) and adding the following as Clause 20(2):

Exception

20(2) Despite subsection (1), a designated education provider is not required to publish the name of a particular recruiter if the director is satisfied, on application by the provider, that publishing the recruiter's name could be—could reasonably threaten the safety of an international student.

Mr. Deputy Speaker: It has been moved by the honourable Minister of Education and Advanced Learning, seconded by the honourable Minister of Jobs and the Economy—dispense?

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense.

The amendment is in order.

Mr. Allum: Mr. Deputy Speaker, Bill 44, The International Education Act, will make Manitoba the first province to codify best practices for ensuring the integrity of Manitoba's international education

providers and the welfare and safety of the students they host. At committee hearings on the bill and in the course of consultations with stakeholders, we have received praise for our efforts to promote Manitoba as a safe and high quality destination for the over 6,000 international students who journey to pursue educational opportunities here and in our province every year. I would like to affirm that our government is privileged to work with Manitoba institutions, which above all else govern their work with student well-being and educational quality in mind, and we applaud their efforts to safeguard Manitoba's quality education brand.

In consultation with our educational institution stakeholders and in response to stakeholders' additional concerns for the safety of their students, we've proposed this amendment to section 20. Under section 20 government proposes an amendment to exempt the public disclosure of recruiter names where the public release would endanger the safety of a student.

Bill 44 will protect Manitoba's reputation for providing high-quality education and provide greater assurance for students and parents as well as administrators and policy makers that Manitoba is a safe and welcoming destination for international study. This amendment helps make sure that student safety is taken as a priority.

Mr. Stuart Briese (Agassiz): I'm pleased to rise and speak to this amendment to Bill 44.

The amendment, as it sits, is probably a fairly good amendment. Overall, the bill, I don't think, is a very good bill, and the bill creates a registry for recruiters. There's some 52, I think, private vocational institutes in this province along with our other post-secondary institutes, the bigger ones like the universities and the—and Red River and university of the North and Assiniboine and those types of facilities.

Now, those larger facilities all have recruitment protocols that are very workable. This legislation essentially won't even mean much to them. They already have the protocols in place. The smaller ones, it's my understanding that there are very, very few foreign students in the smaller ones, and some of them aren't that terribly small, Robertson College being the largest of the PVI's, and this piece of legislation will probably curtail them from taking—bringing in foreign students.

And the government of the day, and probably ourselves if we were in government, would feel the same way on foreign students. They usually bring a fair amount of capital with them, and it's helpful to our universities to have a fair number of foreign students in their—in the facilities because it does help to offset some of the costs of those institutes. But the—this Bill 44, in my view, will curtail the private vocational institutes from even entertaining bringing in foreign students, and I think that's wrong. I think we need to—we need to try and attract more foreign students into our main post-secondary, the large facilities, but also into the small ones.

* (15:40)

And, occasionally, there may be a bit of a problem somewhere with a recruiter, but the protocols are already in place that would address those—when something goes off the tracks a little bit, and there's been very, very few cases of that. In fact, the former minister, in briefing, said that there had been none, and then we found out that there were one or two, but she said there were none at the briefing, and then, lo and behold, it did turn out that there had been a couple of incidents, but there is—you can't legislate common sense. There is a responsibility to look after yourself a little bit in this world, and I think it's up to the individual to do the research, do proper research and make sure they're getting what they're paying for.

That being said, this amendment does improve the bill, albeit it's a poor bill. Thank you.

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: The question before the House is: Shall the amendment pass? *[Agreed]*

Mr. Deputy Speaker: Next item before the House is report stage amendment to Bill 44, The International Education Act.

Mr. Allum: Mr. Deputy Speaker, I move, seconded by the Minister of Jobs and the Economy (Ms. Oswald),

THAT Bill 44 be amended by adding the following after Clause 43(4):

Duty to adopt security safeguards

43(5) The minister and the director must protect all information, including individual international student information, collected under this Act by adopting reasonable administrative, technical and physical safeguards that ensure the confidentiality, security, accuracy and integrity of the information.

Safeguards for sensitive information

43(6) In determining the reasonableness of the security safeguards adopted under subsection (5), the degree of sensitivity of the information to be protected must be taken into account.

Mr. Deputy Speaker: It has been moved by the honourable Minister of Education and Advanced Learning (Mr. Allum), seconded by the honourable Minister of Jobs and the Economy (Ms. Oswald),

THAT—dispense?

Some Honourable Members: Dispense.

Mr. Deputy Speaker: Dispense.

Mr. Allum: In consultation with our education system's stakeholders and their concerns about student safety, we propose this amendment under section 43 which will add additional guarantees to the safety of international students.

Mr. Deputy Speaker, under section 43, government proposes an amendment to further safeguard information collected under the act. We believe that these amendments will enhance the overall effectiveness of Bill 44 in supporting and protecting the safety of international students and in strengthening Manitoba's position as a destination of choice for international study.

You know, Mr. Deputy Speaker, students from around the world come to Manitoba to study. The number of international students on our campuses has more than doubled in the last 10 years. We want to maintain our reputation as a destination of choice for international students by ensuring that we protect students who come to our province to study. Better training and education opportunities are the key to keeping Manitoba on the right track. More people with access to a better education will translate into a better-trained workforce that's ready for the jobs of tomorrow.

This bill governs the education providers that enrol international students, as well as the persons who recruit international students. To enrol international students, an education provider must be

designated. Universities, colleges and other specified education providers are designated automatically. Others are required to apply to become designated, and their designation may be made subject to conditions.

Education providers and recruiters must comply with the code of practice and conduct to be set out in the regulation. The code will provide consistent standards for education providers and their recruiters in dealing with international students. Education providers and recruiters are also prohibited from engaging in misleading or deceptive contact with international students. Additional protection is provided by requiring education providers to make a list of their recruiters available to the public or on the Internet.

Thank you, Mr. Deputy Speaker.

Mr. Briese: Mr. Deputy Speaker, once again I'm pleased to rise and speak to this amendment.

You know, there's a number of things in this. Adopting reasonable administrative, technical, physical safeguards and sure of the confidentiality, security, accuracy and integrity of the information, and goes on further than that. But, when we were briefed on this bill, the minister said would—this bill would require no new staff. One of her—already, one of the existing staff members would be able to handle this all by themselves. It sounds, more and more when you read the in-depth of this, that they are building another bureaucracy, that we're going to need several staff to look after these things. So it gets—it makes you kind of wonder. You know, anytime a government comes along with amendments to a bill at report stage, I would think that would kind of indicate that they didn't do a very good job of consulting before they wrote the bill.

And I recall at the committee on this bill—I think there were six presenters, six or seven presenters. I asked them all the same question. I asked them if they had been consulted prior to this bill being put forward. One said they had. They others said, no, they hadn't. And I mention again, Robertson Career College, a private vocational institute—and it's fairly large, a lot of students—and they were very emphatic that they'd had no consultation at all before. It's the largest one in the province, and it's my understanding there are 52. Some are as small as English-as-a-second-language type schools, but it's my understanding there's 52 of these facilities in the province.

And, you know, once again, it's a piece of legislation that I don't think even needs to be there. People have to be to a certain degree responsible for their own actions.

This legislation also allows the Province to charge each of the PVIs a fee—and the universities and the colleges—charge them a fee for this service which they said would be minimal, but I'm not just too sure what they mean by minimal. It's going to be set by regulation. So after the fact, not in the bill, they come along, put in a regulation that says your fee is going to be such-and-such.

And, as I said before, I think Robertson College—I think they said they had four foreign students out of some 12 or 1,500 students. They had four foreign students and those were the only ones we—they were aware of in any of the PVIs in Winnipeg. So instead of promoting these private vocational institutes from going after foreign students, bringing more foreign students to Winnipeg, this is curtailing it.

*(15:50)

And I think it's probably the right thing to do to encourage the recruitment of foreign students into many of these career colleges. I think you have to be selective to a degree on your recruitment. I think you want to recruit into areas where you have a shortage of workers; there's no use turning out a hundred professionals of whatever and only having 10 jobs for them. You might as well make sure you've got a hundred jobs where you're turning out new people with training for whatever that job might be.

Now, you know, and this just seems to me like everywhere you turn, most of our legislation in this province is restrictive, rather than enabling, and that may be true of legislation anywhere. But everywhere we turn, we seem to be getting more and more and more regulation, more restriction on what we may or may not do as a person. People—it's almost like people can't exercise common sense. You know, I've often said, you can't legislate stupid, but there are governments that try to legislate stupid, and it just—it—turning us into a nanny state, trying to take control of every aspect of our lives, and I don't think it does a heck of a lot of good. I think we—as I said, you can't legislate stupid. I think you'll still—you can't legislate somebody that goes out and does something stupid, and you can put all the rules and all the laws in place you want and you can't avoid somebody doing something stupid.

So this amendment—once again, the amendment makes a fair bit of sense on what the amendment actually says, it makes some sense, but it's a poor bill. It's a good amendment for a poor bill. The best amendment for this bill would've been to say we'll amend it right out of existence. But that hasn't happened, so we have to look at an amendment like this then put it to the bill and it does improve a poor bill. It helps it a little bit. But, beyond that, I just don't see the rationale, the need, the sense of even putting this bill in place. I think we had a minister that somebody came along and said, oh, it's your turn to put in a piece of legislation and she scratched her head and said, well, gee, what can I do? And came up with this idea, this bill, and said, oh, boy, this looks good, we'll see if we can run that through. And, of course, you can run it through, you've got the majority, but it's still a dumb bill.

So, with those few words, I'll turn it over to one of my colleagues and let somebody else have a talk on it. Thank you.

Mr. Cliff Cullen (Spruce Woods): I welcome the opportunity to put a few words on the record regarding this amendment and, in fact, this legislation.

You know, clearly—well, we've got a new minister in the portfolio of Education and advanced education and maybe he's bringing some new ideas to the table. But, as my colleague from Ste. Rose said, sometimes it's—Agassiz, I'm sorry, Agassiz—sometimes it's hard to put lipstick on a horse. You know, if you've got a bad piece of legislation you're bringing forward, it's hard to affix bad legislation simply with an amendment.

So I think that's the issue that we're faced with here this afternoon, is we've got what we view is a bad piece of legislation and now the minister—the new minister is trying to make some changes to that particular legislation.

Clearly, we know the important role that foreign students play, certainly in Manitoba, and, obviously, Manitoba is very important in terms of immigration. And I think we provide some pretty good educational venues to train not only Manitoba students, but also foreign students as well. And I think it is incumbent upon us as legislators and as government to make sure that we are doing what has to be done to protect the credibility of the facilities that are delivering education for those students. And I don't think we've had the issue raised in too many cases where we've found these facilities, these venues are bringing

forward issues. Maybe we have. Maybe the minister could update us on that, if there has been issues raised in the past in regard to these particular facilities, and we're not sure. We'd certainly like to hear that if that is, indeed, the case.

Again, we see a pattern with this government where they are digging into Manitobans' pockets through increased taxation. We've seen certainly a lot of legislation that also increases fines and assessments to Manitobans when either they—in the course of doing business, or, in fact, when they step out of line, in terms of fines. So we certainly have seen that trend continue in legislation being brought forward by the NDP. Clearly, this legislation will do the same thing in that regard.

I have a—certainly, a concern in terms of a legislation when we pass a legislative framework that allows for a regulation to come forward, and it's the old story about the devil being in the detail, and clearly this legislation will also leave a lot of detail to be worked out by the government into the future and it's that detail in regulation that has the impact on Manitobans. That's why we in—as opposition, hesitant—be hesitant and sometimes reluctant to pass legislation that allows for that development of framework through regulation, and we've seen that time and time again in legislation that is being brought forward. In fact, I would submit to you that we're seeing more and more legislation that actually allows for the development of regulation, and I can look at a couple of bills that I'm dealing with that have a lot of ability—of not legislation—if it is passed in a—as it exists for the regulations to be developed.

And I look at—if we go back to Bill 43 which talks about the amalgamation of Liquor and Lotteries, there's huge sections in there that allow the government to develop regulatory framework under the regulations and, clearly, those are the areas that will have the most impact on Manitobans and the business community of Manitoba. So that is something that we as opposition do not have control of and that's why we are reluctant to pass legislation that provides the government the opportunity to develop regulation. And the regulation can be passed by Cabinet under the dark of the night, and that we would have no idea what that regulation would look like, and, quite frankly, the government has been very reluctant to share regulation with us up front so we could have a look at the regulations before we pass legislation, and I think that's important. And hopefully the government will become more forthcoming over the years—in the next couple years—

in terms of bringing forward regulation so that we know really what the intent of the legislation is. And I think Manitobans would expect us, as opposition, to be prudent in terms of passing legislation when we fully know that there is going to be regulation attached to that framework.

So we don't have all the questions that Manitobans will ask us about legislation when we pass it because we haven't had the opportunity to see the legislation, and that's very important.

* (16:00)

Clearly, we know the important roles that our universities play and all of our colleges play in Manitoba in educating Manitobans. I've been fairly fortunate to attend the University of Manitoba and had, certainly, a tremendous experience there and a great opportunity not only to learn, but to also learn quite a bit about people. And you learn a lot about dealing with people and I think that interaction with people is a very positive part of learning.

You know, the university—or, pardon me, the high school—high school sports are quite interesting, too, and a great opportunity for kids to interact with students with across the province. And, in fact, the motto for Manitoba high school athletics is The Other Half of Education.

And I think it's important when Manitoba students have an opportunity to go to college and universities, they also have the opportunity not just to learn knowledge from the books, but they also have an opportunity to learn interactions with other people and learn from other people as they're there. And certainly for us in from rural Manitoba who travel in and attend, quite often stay in residence, we certainly have a more of an opportunity to get to know people. And certainly those are our lifelong friends that we get to know, and those friends can carry on for quite some time—those friendships.

My second son is now currently attending university; he's in his third year of agribusiness at the University of Manitoba, things appear to be going on quite favorably. He did attend university there for the last two years and stayed in University College, in the residence, and it was certainly a positive experience for him there. And certainly he got interested in the politics at university as well, and certainly at the university in the residence he was involved in the—kind of the political side in helping organize and some of the events, a lot of the social events there, as a matter of fact, at the residence.

And now that he's moved out on his own, he's—and now has a house close to the university that he's renting, but his passion for politics and staying involved continues, and he's able to meet a lot of good friends within his faculty of agriculture.

And as a result of his interest in both—I think in both people and trying to make a difference for people, he now serves on the university student's organization as the agricultural representative for the faculty of agriculture. So it certainly provided him some positive insight in terms of how the university operates, the interaction between the university itself and the students, and it's certainly been a very valuable learning experience.

So we hope, you know, this particular legislation will certainly—hopefully it will be positive. We always look forward to see what regulations come out of legislation once we pass, and we'll see what the impacts will be to Manitobans going forward and certainly to the impacts it will have on education facilities around our province. And we look forward to seeing how that turns out and we certainly look forward to improving the facilities, the training facilities we have around our great province, hopefully to the benefit of not only Manitoba students, but to the benefit of students coming from abroad. Thank you.

Mrs. Heather Stefanson (Tuxedo): I want to thank the member, my colleagues, the members for Agassiz and Spruce Woods, for getting up and speaking on this amendment that's before us in this—in the Manitoba Legislature today.

Of course, I believe very passionately about post-secondary education in our province, and I've gone through post-secondary education myself and I'm hoping that my children will also have the opportunity to go through post-secondary education. And so I tend to follow things very closely, what this NDP government is doing when it comes to post-secondary education and secondary education, which, of course, they're part of the system right now in our province.

And I think when it comes to post-secondary education, I'm particularly concerned, as Aboriginal and Northern Affairs critic, of some of the very disturbing results out there when it comes to Aboriginal people in our province and Aboriginal students in province. We have one of the worst graduation rates in the country; it's not at all something to be proud of. And it's unfortunate that that's happening under this NDP government and

they don't see fit to make that a priority in the Manitoba Legislature.

But, certainly, we do know a few other—there—this is done by regulation, this bill. And, of course, the bill is—we're very concerned about things like that. Just the very fact that this amendment has come forward at all, Mr. Deputy Speaker, is because it just shows that the government is not doing its homework in the first place—lack of consultation and vision and just not doing their homework. So it's very unfortunate.

And with those few words, I will leave it that. Thank you.

Mr. Deputy Speaker: House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is: Shall the amendment pass? [*Agreed*]

**Bill 27—The Highway Traffic Amendment Act
(Charter Bus Service)**

Mr. Deputy Speaker: We'll now move on to report stage amendments for Bill 27, The Highway Traffic Amendment Act (Charter Bus Service).

Hon. Steve Ashton (Minister of Infrastructure and Transportation): I move, seconded by the Minister of Justice (Mr. Swan),

THAT Bill 27 be amended by replacing Clause 12 with the following:

Coming into force

12 This Act comes into force on a day to be fixed by proclamation.

Mr. Deputy Speaker: It has been moved by the honourable Minister of Infrastructure of Transportation, seconded by the honourable Minister of Justice,

THAT—dispense?

Some Honourable Members: Dispense.

Mr. Deputy Speaker: Dispense.

The amendment is in order. The House is open for questions.

Mr. Ashton: I think is—this amendment is self-explanatory, and I wouldn't want to hold up production here, Mr. Deputy Speaker.

Mr. Deputy Speaker: No further speakers. Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is: Shall the amendment pass? [*Agreed*]

* * *

Mr. Deputy Speaker: Question before the House now is report stage amendment to Bill 27, The Highway Traffic Amendment Act (Charter Bus Service).

Mr. Ralph Eichler (Lakeside): I move, seconded by the member from Steinbach,

THAT Bill 27 be amended by adding the following after Clause 4:

4.1 The following is added after section 290:

Restrictions on non-resident charter bus operators

290.0.1(1) Despite anything in this Part, if the transport board issues a certificate for the operation of a public service vehicle bus to an applicant who is not a residence in Manitoba, the transport board must prescribe as a condition of the certificate the applicant is not entitled to operate a charter trip that begins and ends in Manitoba.

Meaning of a residence for Manitoba

290.0.1(2) For the purpose of this section, an applicant for a certificate is resident in Manitoba if

- (a) the applicant is an individual who ordinarily resides in Manitoba;
- (b) public service vehicle buses to operated under the certificate are registered in Manitoba and have Manitoba licence plates;
- (c) the applicant is incorporated under *The Corporations Act*;
- (d) the applicant's head office is located in Manitoba; or
- (e) the applicant of—is a corporation liable 'patay'—pay tax in Manitoba accordance with section 3(2) of *The Income Tax Act*.

Mr. Deputy Speaker: It has been moved by the honourable member for Lakeside, seconded by—dispense?

Some Honourable Members: Dispense.

Mr. Deputy Speaker: Dispense. The amendment is in order. Floor is open for questions.

Mr. Eichler: As we know that the—when we were in committee on Bill 27, we had some unanticipated consequences in regards to the number of operators

and stakeholders that presented their concerns to us in committee.

* (16:10)

One of the potential problems this bill poses is that it would allow the companies from markets such as Ontario, Saskatchewan and United States to operate in Manitoba, while Manitoba-based companies would be prevented from doing so in those jurisdictions.

Charter bus services are heavily regulated in many areas of North America. Outside companies may be allowed to pick up or drop off passengers in those jurisdictions but would not be allowed to run point to point there. Bill 27 in its current form would place Manitoba charter bus companies at a disadvantage that would allow charter bus companies from outside the province to operate point to point in Manitoba. Manitoba operators would have no reciprocal rights in other jurisdictions like Saskatchewan, Ontario or the United States.

This was a major theme we heard from presenters when this bill was before committee. Presenters, many of whom operated charter bus services, felt that the bill would put them at a competitive disadvantage. They could potentially see their operation undercut by bus companies that have no other investment in Manitoba. These operators employ Manitobans. They are located in Manitoba. They do repair work in Manitoba. They are concerned that operators from outside the province will be able to operate here without investing anything in the province. They're also concerned about the safety standards of buses from outside Manitoba. If buses from outside Manitoba are allowed to operate in Manitoba, they want them held up to the same safety standards that Manitoba operators abide to.

After hearing their concerns, we have proposed an amendment that creates a more level playing field for charter bus operators in Manitoba. This amendment sets a residency requirement for any charter bus company that wants to operate in Manitoba. The purposes of this amendment, residency means one of the following: the applicant or licence to operate a charter bus would have to be a resident of Manitoba, or the buses they operate would have to be registered in Manitoba and have Manitoba licence plates, or they would have to be incorporated in Manitoba out of The Corporations Act. Their head office is to be located in Manitoba or

the applicant or corporation liable to pay tax in accordance with 3(2) of The Income Tax Act.

This amendment further bars any charter bus company from running a point-to-point service within the province unless they meet the residency requirement. This amendment would ensure that no charter bus operator would operate in Manitoba without contributing to the province as current bus operators do. This also provides a barrier to new entrants into the market, that while not nearly as erroneous as barriers currently in place, will ensure that all bus operators operate on a level playing field. Both bus companies from outside Manitoba would not be allowed to run a service in the province without investing here, much as the current Manitoba charter bus operators do. This amendment is reasonable to—as an addition to this bill, which addresses the concerns of the industry while ensuring that any new charter bus operator in Manitoba doesn't face costly barriers to starting their businesses.

Thank you, Mr. Deputy Speaker.

Hon. Andrew Swan (Government House Leader): Mr. Deputy Speaker, I move that debate on this adjournment be adjourned—on this amendment be adjourned.

Motion agreed to.

**Bill 41—The Highway Traffic Amendment Act
(Enhanced Safety Regulation of
Heavy Motor Vehicles)**

Mr. Deputy Speaker: We now move on to report stage amendment to Bill 41, The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles).

Hon. Steve Ashton (Minister of Infrastructure and Transportation): Mr. Deputy Speaker, I move, seconded by the Minister of Jobs and the Economy (Ms. Oswald),

THAT Bill 41 be amended in Clause 2, as amended at Committee,

(a) by striking out clause (b) of the proposed definition "commercial truck";

(b) by replacing clause (a) of the proposed definition "limited-use commercial truck" with the following:

(a) that

(i) is operated within 30 km of the place of business of the truck's registered owner if the place of business is outside an urban municipality,

(ii) is operated in or within 30 km of the urban municipality in which the place of business of the truck's registered owner is located if the place of business is in an urban municipality other than Winnipeg,

(iii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,

(iv) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(v) is designated as a limited-use commercial truck by regulation, and

(c) by replacing clause (a) of the proposed definition "limited-use public service vehicle" with the following:

(a) that

(i) is operated within 30 kilometres of the place of business of the truck's registered owner if the place of business is outside an urban municipality,

(ii) is operated in or within 30 kilometres of the urban municipality in which the place of business of the truck's registered owner is located if the place of business is in an urban municipality other than Winnipeg,

(iii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,

(iv) is using—is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(v) is designated as a limited-use public service vehicle by regulation, and

Mr. Deputy Speaker: It has been moved by the honourable Minister of Infrastructure and Transportation—dispense.

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense. The amendment is in order. The floor is open for debate.

Mr. Ashton: I know this is a fairly lengthy amendment. I just want to state that this is because at committee we did have an agreement on the intent of what's in this amendment. We then had two different drafts, one brought in by my critic, member for Lakeside (Mr. Eichler), both of which had the same intent. We made sure that we took same intent, sat down, came up with wording that is satisfactory both to the—my opposition critic and to our side of the House.

I want to stress that what this does is make it very clear that we will have an additional class of vehicle that with—that will be required to undertake the kind of safety examinations we deal with, Mr. Deputy Speaker, the kind of inspections that are required in the National Safety Code. It clearly establishes that they are a separate class of vehicle, so it does not involve moving them into the full category of both licensing and inspection. This is very much in keeping with the kind of feedback we've received from stakeholders, particularly the MTA—and I want to put on the record that the MTA, Bob Dolyniuk, have been pushing for this kind of legislation for a significant period of time. What this does, then, is it meets the intent of the agreement we reached between both the opposition critic, on behalf of his caucus, and our caucus as well.

So it's a bit lengthier than I would like to see in a report stage amendment but that's because it took us a little bit longer to get one consistent draft but this is a draft that we have had consultation on and I look forward to it passing because this is important legislation.

Mr. Ralph Eichler (Lakeside): Mr. Deputy Speaker, I thank the minister for the amendment. Believe it or not, we're in full support of this amendment. I know it's unusual in this House that we agree on an amendment that changes the bill. We put a lot of work into this bill; actually, it was part of our sessional agreement and I want to thank the House leaders for ensuring that this actually came through in the way that we wanted it to. I know that we put a lot of time, a lot of effort into consultation, regards to the various organizations, those impacted, not only businesses but those leaders, organizations that put so much work into this as well. And I know the minister did talk about the impact that Manitoba Trucking Association, in particular, had a role in playing in this particular piece of legislation.

I know that it all started over the definition of a T plate and I remember very clearly when we first did the briefing on this particular bill. And we all agreed that a truck is a truck, and it all needs to be safe. And what really had happened when the association had recommended this legislation come forward, they didn't want it to be a money bill and we have the agreement and I've actually seen the table laid out by the minister, so I know all members of the House could be very clear that this is not a money bill. This is a bill only about safety, and I want to thank the minister for that.

I want to thank the association, the Manitoba Trucking Association, for their work; of course, staff did their part as well and I can tell you that between the minister and myself, they certainly earned their money. And we thank everybody for their hard work, so we look forward to moving forward on this amendment as we get closer to the days on end here. And it's about safety.

So, with that, we look forward to moving on, Mr. Deputy Speaker.

* (16:20)

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: Question before the House is: Shall the amendment pass? *[Agreed]*

Bill 42—The Highway Traffic Amendment Act (Enhancing Passenger Safety)

Mr. Deputy Speaker: Now move on to report stage amendment of Bill 42, The Highway Traffic Amendment Act (Enhancing Passenger Safety).

Mr. Ralph Eichler (Lakeside): I move, seconded by the member from Steinbach,

THAT Bill 42 be amended in Clause 2 by adding the following after proposed subsection 146(3):

Exceptions

146(3.1) Subsections (1) and (2) do not apply

(a) a trailer that is being towed, or a vehicle that is being driven, in a parade;

(b) a farm truck that is being used to transport farm workers from a farmyard to a field, from a field to another field, or from a field to a farmyard; or

(c) a vehicle that is being used to transport firefighters or emergency medical responders who are responding to a fire or other emergency.

Mr. Deputy Speaker: Honourable member for Lakeside.

Mr. Eichler: Excuse me, Mr. Deputy Speaker. I ask leave to correct a section that I did not refer to in the amendment.

Mr. Deputy Speaker: Does the member have leave to make that correction? *[Agreed]*

Mr. Eichler: Mr. Deputy Speaker, the

Exceptions

146(3.1) Subsections (1), (2) and (3) do not apply to

Mr. Deputy Speaker: It has been moved by the honourable member for Lakeside, seconded by the honourable member for Steinbach (Mr. Goertzen),

THAT—

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense. Thank you.

The amendment is in order. The floor is open for debate.

Mr. Eichler: Bill 42 is a long time in coming. I know the MLA for Riding Mountain brought this similar bill forward in 2008. However, we're glad to see that, you know, the government has many times given the credit to the member from Riding Mountain, and we know that this is an important piece of legislation.

In fact, the amendment that I'm talking about, one is for parades people that stand on trailers or towed down streets or at low speeds. They're as low risk of 'injury'—they're—injury in these events. And I know I had spoken to the minister on this and he wanted to be very cautious on this, and so we come up with a definition of which I have provided to the minister in regards to what constitutes a parade. And I know there was some area of concern there, and we certainly had that concern as well. I'm certainly pleased with the fact that would be able to be included in the regulation portion of the bill in order to ensure that there is in fact safety, in that somebody don't just jump at a vehicle and cause a parade to start where it has no jurisdiction, and we certainly put those checks and balances into place. So we're hoping that the minister on that side of the House would support us in that part of our amendment.

The second exemption is for farmers and farm workers, transporting field workers from their farms to their fields and in between fields. Farmers often need to transport large numbers of workers in the course of their business. Many times fields are close or right beside each other and sometimes the workers just need a break in order to be able to move from one field to the other, so that would give them that opportunity. This amendment allows the farmers to carry on business without the need to procure more vehicles, which is an additional cost, to transport workers without—within very limited distances. This is not to run up and down the highway at all; this is only from field to field.

The third exception applies to firefighters and emergency personnel during crisis situations like forest fires, grass fires. Rapid response can be different between keeping a fire under control or letting it flare up and become uncontrollable, which we know—every member in this House has had some sense of urgency in regards to fire prevention and fire control. So we feel that it's also something that needed to be addressed, and we hope again that the government would be supportive of this amendment as it is very specific in circumstances whereby people not needing to wear seatbelts.

So I recommend that all members of the House accept the amendment. We feel it's in order and certainly feel it's necessary in order to just make the bill that much better.

So, with that, we hope it'll go on from here, Mr. Deputy Speaker.

Hon. Andrew Swan (Government House Leader): I move that debate on this amendment be adjourned.

Mr. Deputy Speaker: It has been moved by the Attorney General that debate be adjourned. Is that agreed? *[Agreed]*

Bill 8—The Provincial Court Amendment Act

Mr. Deputy Speaker: Now move on to report stage amendment of Bill 8, The Provincial Court Amendment Act.

Didn't have my glasses on. The honourable member for Brandon West.

Mr. Reg Helwer (Brandon West): I moved—I move, seconded by the member for Lac du Bonnet (Mr. Ewasko),

THAT Bill 8 be amended in Clause 2 by renumbering the proposed section 26.5 as subsection 26.5(1), and adding the following after it:

Notice to person who submitted document

26.5(2) Upon accepting a transfer of data by electronic means under subsection (1), the court must send notice that the electronic document has been filed to the person who submitted the document—or his or her representative—by means of a notice to that effect sent to the person or representative at his or her most recent e-mail or mailing address as contained in the court's records.

Mr. Deputy Speaker: It has been moved by the honourable member for Brandon West, seconded by the honourable member for Lac du Bonnet,

THAT—dispense?

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense.

The amendment is in order.

Mr. Helwer: This amendment seeks to strengthen this particular area to make sure that, once an electronic court document has been submitted, that the submitter does indeed obtain notice that that has been received by the court. And I'm by no means suggesting that we revert back to paper documents; we would prefer that this is an email response, of course, but should the individual not have an email, of course, we have to have the means to provide them with the notice of reception, receiving this through paper mail, that type of thing.

So that would be the intent of this, and just to make sure that everybody's full and aware of everything that has been done, that is, the document is received. If you don't receive this notice, how do you know that it actually did indeed go in? So some response is required and that is the intent of this amendment.

Hon. Andrew Swan (Minister of Justice and Attorney General): Bill 8, of course, was the result of good work by the Courts Division as well as by the Provincial Court of Manitoba, certainly interested in enhancing procedures and making the court more efficient. And I believe the intention of the amendment is to come up with some sort of electronic reply or electronic acknowledgement, and I think that's a reasonable thing to work towards.

I can't support the amendment simply because it now creates a notice requirement which could

actually be onerous based on the nature of the case. We expect that the number of documents that'll be received electronically will continue to increase, that'll be tremendous, and we'll certainly work on electronic reply.

The problem with the proposed amendment is as follows: If somebody is going to electronically submit data, which is good, but then there has to be a notice sent to the person or representative at his or her most recent email or mailing address as contained in the court's records, meaning that the amendment suggests that the response goes to a place other than where it was sent from, which means you are going to have to have a person then going through confirming this, either sending out an email or mailing out confirmation. If somebody has filed something electronically, it stands to reason that we should be able to respond electronically, and simply sending it out to a mailing address doesn't seem like an effective use of the court's time.

* (16:30)

So I understand what the member for Brandon West is trying to do. I can assure him that coming up with a reasonable and efficient response system is something we'll be working towards, but we simply can't accept the amendment as written.

Thank you.

Mr. Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question is: Shall the amendment pass?

Some Honourable Members: Yes.

An Honourable Member: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All in favour of passing the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Deputy Speaker: All opposed, please say nay.

Some Honourable Members: Nay.

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

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

Mr. Deputy Speaker: The amendment is defeated on division.

**Bill 16—The Department of Justice
Amendment Act**

Mr. Deputy Speaker: We now move on to report stage amendment of Bill 16, The Department of Justice Amendment Act.

Mr. Reg Helwer (Brandon West): I move, seconded by the member for Emerson (Mr. Graydon),

THAT Bill 16 be amended in Clause 3 by striking out "may make regulations" in the part of the proposed subsection 15.1(4) before clause (a), and substituting "must, within 30 days after the coming into force of this section, make regulations".

Mr. Deputy Speaker: It has been moved by the honourable member for Brandon West, seconded by the honourable member for Emerson,

THAT Bill 16—

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense. Thank you.

The amendment is in order. The floor is open for debate.

Mr. Helwer: This amendment 'profides' that the government must make regulations concerning the process for retaining a lawyer under the terms of this act, as well as the rate that those lawyers will be paid within the 30 days of the legislation coming into force. And it simply serves to strengthen the capacity of this legislation.

Obviously, on this side of the House, we think that there are significant issues with our legal-aid system, and these issues contribute to the necessity for Rowbotham applications to be approved. So anything in this regard that strengthens access to justice is certainly something that this caucus supports, because access to justice is, indeed, an important facet of a functioning society.

Mr. Speaker in the Chair

I hope that the minister and all members on that side of the House do agree and support this amendment.

Hon. Andrew Swan (Minister of Justice and Attorney General): Really, the amendment that is being suggested, that doesn't add anything to the bill. Certainly, Bill 16 is a bill that's been put forward by

the government for the purpose of controlling costs and ensuring appropriate procedures in certain cases.

The purposed 30-day deadline for the regulations, of course, they wouldn't start running until proclamation of the bill. Since the bill's only purpose is to add section 15.1, it doesn't need to be proclaimed until the regulations are ready, and I can assure the member that those regulations will be ready upon proclamation. So, for that reason, a purposed 30-day deadline doesn't add anything.

We certainly look forward to this bill passing and having everything, including the regulations, set to go when the bill is passed into effect.

Thank you.

Mr. Speaker: Any further comments on the amendment?

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 by saying aye.

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

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

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

Mr. Speaker: On division.

**Bill 25—The Statutory Publications
Modernization Act**

Mr. Speaker: Now proceed to call report stage amendments on Bill 25, The Statutory Publications Modernization Act.

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

THAT Bill 25 be amended in Clauses 5(3) and 16(3) by striking out "may prepare and sell or distribute"

and substituting "must prepare for sale and distribution".

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

THAT Bill 25 be amended in Clauses 5(3)—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Is it the pleasure of the House to consider the amendment as was distributed to all members? That agreed? *[Agreed]*

The amendment is in order.

Mr. Helwer: We do—the intent of this amendment, I think, is quite clear, and we want to make sure that the electronic website is working well and available to people, so some of the things that are on there are necessary, of course. And one of the things we believe in is consultation and that the content of this amendment does derive from consultation with people.

Many legal software packages and research suites allow attorneys, legislators, students and others to access previous versions of statutes, such as a law at a certain period of time that could be easily misunderstood or understood and interpreted.

So, Mr. Speaker, essentially what this amendment does provide is a point-in-time function to the electronic statute registry, and I know this government is often—doesn't like to see good ideas unless they come from perhaps from themselves, but we will, hopefully, consider adopting this one and support this amendment as it did come from a community stakeholder as a suggestion to how this could be more easily used by the public.

Thank you, Mr. Speaker.

Hon. Andrew Swan (Minister of Justice and Attorney General): I've read carefully the proposed amendment, and I believe that the intention of this amendment is to make publication of bound copies of the annual acts and regulations mandatory. And I can advise that's of a concern to Legislative Counsel and the Queen's Printer, and therefore I won't be voting in support of this amendment.

They said this amendment would appear to make it necessary for the Queen's Printer to prepare for sale an annual volume of the acts and regulations passed in that year. Currently, an annual volume of

acts is produced, as well as an annual volume of the regulations that are printed in the Gazette, and I'm told by the Queen's Printer and Legislative Counsel the demand for the bound volumes of the annual acts and regulations is now very low. There's only 60 subscribers for the acts and only 30 for the regulations. And, given the lack of demand, the mandatory requirement to compile annual volumes would likely give rise to an unnecessary expense.

And so both the Queen's Printer and Leg. Counsel are of the view discretion should be left to the government to determine if bound copies of the annual acts and regulations will continue to be available as the online versions of the acts and regulations become official versions.

The entire purpose of this act is to modernize statutory publications and reduce costs and expense, so I won't be supporting this amendment, Mr. Speaker.

Mr. Speaker: Any further debate on the amendment?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is: 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, please signify by saying aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, 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: We'll now proceed to call report stage amendment on Bill 36—oh pardon me, that's right, I forgot, there's more than one amendment on Bill 25,

The Statutory Publications Modernization Act. So we'll move on to the second amendment.

Mr. Helwer: I move, seconded by the member for Charleswood (Mrs. Driedger),

THAT Bill 25 be amended in Clause 6(1) in the part before clause (a), by adding ", without altering the legal effect of the original Act," after "the legislative counsel may".

Mr. Speaker: It's been moved by the honourable member for Brandon West, seconded by the honourable member for Charleswood,

THAT Bill 25 be amended in Clause 6(1) in the part before clause—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Helwer: This amendment protects the intent and nature of this bill by ensuring the intent of bills is not altered when changes are made under the new statutory publications and modernization act. And I do believe, I think that there is value in giving the very credible and competent legislative drafters that work for this Assembly a reasonable amount of latitude, making changes that do not alter the intent of legislation, but I think it's also important that the intent of legislators in respecting and allowing for changes to be made when regulations are being prepared for publication. And that's why I propose that the phase without altering the legal effect of the regulation be changed here, Mr. Speaker.

So I do urge all members to support this amendment.

* (16:40)

Mr. Swan: Mr. Speaker, although I'm advised that the amendment probably isn't necessary, since section (6) of 3 of the act already indicates that a prepublication correction to an act that's allowed to be made by Legislative Counsel under the section does not change the legal effect of the act being corrected, I'm prepared to agree that, for clarity, there's no harm in amending clause 6(1) as proposed. As a lawyer, sometimes we call that belt-and-suspenders, but in this case there doesn't seem to be any harm, so we'll be supporting this amendment.

Mr. Speaker: Any further debate on the amendment?

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

Mr. Speaker: Now, further amendments?

Mr. Helwer: I move, seconded by the member for Tuxedo (Mrs. Stefanson)

THAT Bill 25 be amended in Clause 17(1) in the part before clause (a), by adding ", without altering the legal effect of the regulation," after "the registrar may".

Mr. Speaker: It has been moved by the honourable member for Brandon West, seconded by the honourable member for Tuxedo,

THAT Bill 25 be amended in Clause 17(1) in the part before—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense. The amendment is in order.

Mr. Helwer: Mr. Speaker, again, a fairly simple amendment that perhaps the minister will seek to agree to. It just—fairly easy direction that I think he can probably follow. So thank you.

Mr. Swan: Well, again, Mr. Speaker, clause 17(3) already indicates that a prepublication correction made by the Legislative Counsel does not change the legal effects of the regulation being corrected, but using the belt-and-suspenders rule that I put on the record a few minutes ago, we have no objection to this amendment.

Mr. Speaker: Any further debate on the amendment?

An Honourable Member: Question.

Mr. Speaker: Question before the House, shall—is it the pleasure of the House to adopt the amendment? *[Agreed]*

Mr. Helwer: Mr. Speaker, I move, seconded by the member for Portage la Prairie (Mr. Wishart),

THAT Bill 25 be amended by adding the following after Clause 23(5):

Prior consolidated versions of Acts

23(6) When a consolidated Act is updated or repealed, the legislative counsel must ensure that the

previous or repealed version of the Act continues to be published on the Manitoba laws website.

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

THAT Bill 25 be amended by adding the following after Clause 23(5)—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Helwer: Mr. Speaker, I know that this government does talk about clarity in making sure that people are aware and know what is happening, so, when we look at changes to things, we want to make sure that people are aware of where we have come from as opposed to where we are going, so that it is clear what new legislation intends and how you can compare it to what there was before. So I think this is a necessary part, and I encourage the House to agree to it.

Mr. Swan: Well, thank you, and we've again considered this amendment carefully, and I can advise the House for the last several years both previous versions of acts and repealed acts have been available in the law's website, and I'm told then there'd be no problem of Legislative Counsel being required to maintain previous versions of acts and repealed acts on the law's website. So, again, we're prepared to support this amendment. Thank you.

Mr. Speaker: Any further debate on the amendment?

An Honourable Member: Question.

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

I think that concludes the amendments on Bill 25.

Bill 36—The Public Guardian and Trustee Act

Mr. Speaker: We'll now proceed to amendments on Bill 36, The Public Guardian and Trustee Act.

Mr. Reg Helwer (Brandon West): Mr. Speaker, I move, seconded by the member for Morden-Winkler (Mr. Friesen)

THAT Bill 36 be amended in Clause 7(2)

(a) in clause (a), by striking out "120 days" and substituting "180 days"; and

(b) in clause (b), by striking out "30 days" and substituting "60 days".

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

THAT Bill 36 be amended in Clause 7(2)—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Helwer: This amendment proposes to expand the number of days after the date of one's death where a will was provided—whether a will was provided or not, that an application can be made to have the Public Trustee act as the administrator of one's estate. We propose to make the time period roughly six months, or 180 days, after the date of a death if a will was provided, or roughly two months, or 60 days, if a will was not provided for.

While the work of the Public Trustee is very important, we believe those family members, friends and other potential executors of one's estate need to be given ample time and opportunity to do this, and that is why we've proposed expanded time periods. I recommend that the government should look at this, and while the government is the executor of last reports—resort for one's estate, we want to give the families all opportunities to make sure that they can do it themselves is—if that is, indeed, the case, Mr. Speaker. Thank you.

Hon. Andrew Swan (Minister of Justice and Attorney General): With respect to circumstances involving a will, as set out in the proposed clause 7(2)(a), after 120 days have elapsed without an executor or relative applying to act as personal representative of the estate, it's actually very unlikely that extending the time frame will result in more executors or relatives coming forward to act on behalf of estates.

It should be pointed out that the expiry of the time period does not make an application by the Public Trustee to become the personal representative of the estate mandatory. If the Public Trustee is advised that an executor or relative is taking steps to become appointed the personal representative, it is, indeed, the Public Trustee's policy not to file a request for administration with will annexed in order to pre-empt an executor or relative.

There may be circumstances where the involvement of the Public Trustee on behalf of an estate is, indeed, time sensitive, and in such circumstances, extending the time period under this amendment to six months may actually require the Public Trustee to make a court application which could result in additional expense for the estate.

With respect to the amendment proposed for clause 7(2)(b), in circumstances involving a person who dies without a will, again, after 30 days have elapsed without a relative taking any steps to act as personal representative of the estate, it is again highly unlikely that extending this time frame will result in more relatives acting on behalf of estates.

As with the previous proposed amendment, if a relative expresses an interest in administering the estate and retains a lawyer to begin the process of making application, it is, again, the Public Trustee's policy not to file an application for administration. The Public Trustee's role truly is as a personal representative of last resort.

So, for these reasons, we won't be supporting these amendments, Mr. Speaker.

Mr. Speaker: Any further debate on the amendment?

Seeing none, 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 it by saying aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed, 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. Speaker: We'll now proceed to the next amendment.

Mr. Helwer: I move, seconded by the member for Lakeside (Mr. Eichler), that Bill 38 be amended in Clause 1—

Mr. Speaker: No. Oh, oh. We're still on Bill 36. Yes.

Okay, in keeping with Bill 36, The Public Guardian and Trustee Act, we're on amendments, and the honourable member for River Heights.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Brandon West,

THAT Bill 36 be amended by adding the following after Clause 4 as part of Part 2:

Best interests

4.1(1) The paramount consideration of the Public Guardian and Trustee, when acting on behalf of an individual, is to act in the best interests of that individual. The best interests are to include, but not be limited to, financial, social and health interests.

* (16:50)

Additional matters that must be considered

4.1(2) In addition to the paramount consideration set out in subsection (1), additional matters of the Public Guardian and Trustee must always consider include:

1. When determining whether to act on behalf of an individual, the Public Guardian and Trustee is to ensure that there is no family member or close friend, who is concerned with the best interests of the individual, who is willing and able to act.
2. When acting on behalf of an individual, the Public Guardian and Trustee is to consider the best interests of the individual's family and work in partnership with family members who are willing, but not able, to act on the individual's behalf.

Mr. Speaker: It's been moved by the honourable member for River Heights, seconded by the honourable member for Brandon West (Mr. Helwer),

THAT Bill 36 be amended by adding the following after Clause 4—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Gerrard: Yes, Mr. Speaker, this amendment in section 4.1(1) talks about the paramount consideration of the Public Guardian Trustee, when acting on behalf of an individual, is to act on the best interests of that individual. This is pretty straightforward and common sense. The—that is why the Public Guardian and Trustee is there. The best interests are to include, but not be limited to, financial, social and health interests. This, again, is common sense, that the best interests of an individual include financial, social and health interests. The reason for putting this clause in is to ensure that not only financial but health interests are included in best interests, in part, because in the past at least some of the time the Public Trustee has indicated that the Public Trustee's responsibility is solely for financial, but there really are, as we point out in this amendment, social and health interests as well.

The second part of this amendment, clause 4.1(2), deals, first of all, when determining whether to act on behalf of an individual, the Public Guardian and Trustee is to ensure there's no family member or close friend who is concerned with the best interests of the individual who's willing and able to act. Mr. Speaker, this is here in part because during the committee stage of this bill there was an instance where the Public Trustee had acted without even knowing who were the close family members.

The second part of this, when acting on behalf of an individual, the Public Guardian and Trustee is to consider the best interests of the individual's family and work in partnerships with family members who are willing but not able to act on an individual's behalf. It happens from time to time that an individual is no longer able to act completely for themselves, for—by themselves on behalf of an individual, and the Public Guardian and Trustee takes the ability to act on behalf of that individual. But this is an important clause because it says that the Public Trustee needs to take into account such—the interests and work in partnership with such family members who are still able to work in partnership but are not able to act on their own.

So I think this is a fairly straightforward and useful amendment, and I hope the government will support it. Thank you.

Mr. Swan: Mr. Speaker, there are certainly concerns with the proposed amendments from the member for River Heights. I think it's important to remember, first of all, with respect to clause 4.1(1), that the Public Trustee in Manitoba acts in many roles. And

two significant roles of the Public Trustee are acting as committee under the provisions of The Mental Health Act and also acting as substitute decision maker for property and/or personal care under The Vulnerable Persons Living with a Mental Disability Act. And it is useful to look at those two pieces of legislation to understand the duties that already exist.

With respect to The Mental Health Act, the duties of a committee making personal care decisions and the criteria to be considered are already set out at sections 94 to 96 of that act. The criteria to be considered by a committee making health-care treatment decisions are set out in section 28 of the act. And the criteria to be applied already include a consideration of the best interests of the individual.

With respect to The Vulnerable Persons Living with a Mental Disability Act, the duties of a substitute decision maker for personal care and for property are set out in that legislation. The legislative criteria to be considered for decision making are already set out at sections 71 to 76, 99 and 104 of that act, and the criteria, again, to be imply—applied includes a consideration of the best interests of the individual.

Both existing acts already contain detailed criteria to be considered in making decisions on behalf of people under disability, which include a consideration of the best interests of that individual—a significant concern that including separate criteria which apply to the Public Trustee in all of its roles may lead to potential legislative inconsistencies as to what criteria should be considered by the Public Trustee in a particular circumstance.

With respect to clause 4.1(2), there are again concerns. The procedure of the Public Trustee's appointment as statutory committee under The Mental Health Act is set out at section 61 of the act. It is the Director of Psychiatric Services for the Province who has the authority to decide whether the Public Trustee should be appointed committee. The Public Trustee does not have a role in determining whether the Public Trustee should be appointed in the first place. Changing the procedure by which the Public Trustee is appointed committee would require substantive additional changes to The Mental Health Act which are beyond the scope of the proposed changes to The Public Trustee Act.

In addition, Mr. Speaker, proposed amendments, section 4.1(2.1) does not define who's considered a family member, nor does it define who is considered a close friend. The term that a family member or

close friend who is concerned with the best interests of the individual is also undefined.

With respect to proposed amendment 4.1(2.2), the proposed amendment would require the Public Trustee to consider the best interests of the individual's family. It's important to remember that the—considering the best interests of another party is inconsistent with the primary responsibility of the Public Trustee to act on behalf of the individual for whom the Public Trustee has been appointed.

For these reasons, then, Mr. Speaker, we won't be supporting the proposed amendments to Bill 36.

Mr. Speaker: Any further debate on the amendment?

Seeing none: 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. Goertzen: On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Speaker: We'll now move to the next amendment.

Mr. Gerrard: Mr. Speaker, I move seconded by the MLA for Brandon West,

THAT Bill 36 be amended by adding the following after Clause 21 as part of Part 3:

Mediator to be appointed

21.1 Where a dispute arises between the Public Guardian and Trustee and

(a) one or more family members of an individual for whom the Public Guardian and Trustee is acting; or

(b) one or more close friends of an individual for whom the Public Guardian and Trustee is acting, where that close friend is looking out for the interests of the individual in the absence of a family member willing and able to do so;

the minister must, upon the request of one or more of those family members or close friends, appoint a mediator—through the provincial Family Conciliation Services office—to assist in resolving the dispute. Within 30 days after being appointed, or such longer period as the minister may allow, the mediator must provide the minister with a written report containing his or her recommendations for resolving the dispute.

Mr. Speaker: It has been moved by the honourable member for River Heights, seconded by the honourable member for Brandon West,

THAT Bill 36 be amended—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The amendment is in order.

Mr. Gerrard: Yes, Mr. Speaker, this amendment arises out of the committee presentations and the call during those presentations for—under particular circumstances, for there to be a mediator rather than to have to take these matters to the court. In the instance that was considered, there was a very long delay of many months—in fact, I think, two years at the time that the—this came before the committee—of a decision being made. And it was of the opinion of the presenter—and I agree—that there are circumstances when it would facilitate matters to have the ability to put in place a mediator to resolve such disputes between the Public Trustee and close family members or close friends under these circumstances. Thank you.

Mr. Swan: Well, Mr. Speaker, and I have the feeling I may be finishing my comments another day, but let me just say that there's significant concerns with respect to the proposed amendment. The public—

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

When this matter is again before the House, the honourable Minister of Justice will have nine minutes remaining in his comments to report stage amendments of Bill 36.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 25, 2013

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