

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Wolseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 17, 2021

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

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

Please be seated.

Good afternoon, everybody.

### ROUTINE PROCEEDINGS

**Madam Speaker:** Introduction of bills? Committee reports? Tabling of reports? Ministerial statements?

### MEMBERS' STATEMENTS

#### Canadian Photonics Labs and Park Theatre

**Mr. Greg Nesbitt (Riding Mountain):** Two businesses in my constituency of Riding Mountain were showcased in Canadian and international print and electronic media earlier this winter.

Canadian Photonics Labs, operating out of Minnedosa, supplied the high-speed cameras and software to help NASA test the landing decelerator and parachute system that was used to get the Mars Perseverance rover safely onto the red planet. Asked why NASA chose to go with his Minnedosa company, President Mark Wahoski said it's because his company had the best solution and is so good at what it does.

The Main Street business was hit hard by the flooding that resulted from last year's deluge of rain in July, but has recovered and continues to supply cutting-edge technology all over the world. Mark said Canadian Photonics Labs is currently working with SpaceX, Elon Musk's spacecraft company, to test part of the Starlink satellite Internet system.

A little further north, Clear Lake's Park Theatre has been named one of the 50 most beautiful cinemas in the world by entertainment magazine Time Out.

Located inside Riding Mountain National Park, Park Theatre, which came in at No. 21, was the only

Canadian theatre to make the cut and the only one that resides inside a log cabin.

Bev and Jim Gowler have owned the theatre since 1967, but the building dates back to the late 1930s, when it was constructed through the federal government's Depression-era relief program using hand-peeled logs, cut and sawed at Kippen's Mill in the national park. The 500-seat theatre opened on August 9th, 1937, and nearly 84 years later the world's largest log cabin cinema has no structural issues. In 2012, an \$80,000 digital projection and surround-sound system was added.

The Gowlers chose not to open the Park Theatre in 2020, due to the pandemic, but are looking forward to entertaining audiences this summer.

Madam Speaker, I ask all members to join me in recognizing both of these Manitoba success stories.

#### Right-to-Repair Laws

**Mr. Jim Maloway (Elmwood):** It's time to give consumers a level playing field by requiring appliance manufacturers to make appliances that last 10 years and be repairable by local repair shops. Europe's right-to-repair laws are now in force, and Canadian legislators need to direct their attention to better protecting consumers from unnecessary repair costs and dumping repairable appliances into landfills.

Most Canadians have discarded or replaced a broken fridge, a washer, a electronic device when the appliances should have been repairable by a local repair shop. Consumers are forced to buy a new one because repairing is just too difficult.

Right-to-repair means small-business repair shops will have access to manufacturers' training, the right tools and timely access to parts, so consumers will benefit. Consumers want manufacturers to make products that are easy to repair at reasonable cost, that last 10 years minimum. The time has come to require manufacturers to listen to consumers and make better and durable products.

Some European industries already have right-to-repair laws applying to many projects. In fact, new rules in Europe also require manufacturers of appliances, computers, TVs and other plug-in electronics to build their products to last longer and provide spare parts for their machines up to 10 years.

It won't be easy here. Attempts to legislate in Canada will be met with strong, well-funded industry opposition by industry groups representing big tech companies like Apple, John Deere, Samsung, Microsoft and others. And yet, in spite of this opposition by many manufacturers, at least 20 US states have introduced or are debating right-to-repair legislation.

If given the tools and resources, the repair business sector and small businesses can once again flourish, and our economy and environment will be the better for it.

### **Elsie Janzen**

**Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs):** In 2003, as a much younger man seeking election to this Legislature, I was told I would have to drive from my home in Steinbach to Grunthal to first seek the approval of Elsie Janzen. Elsie was something of a godmother of Conservative politics in the southeast, having worked with former MLA Albert Driedger and many years supporting former MP Vic Toews.

And so I made the trip to ask for Elsie's endorsement. If she had her doubts about me as a candidate, she was kind enough to keep them to herself. But after having worked with so many excellent representatives, she surely must not have been impressed. Yet she came on board to help my campaign and served on my local PC association for another decade, until her health made it more challenging for her to attend meetings regularly.

Elsie was the type of supporter that we all love as politicians: loyal but honest, hard-working but never complaining, dedicated to the cause and seeking nothing in return. She is exactly the type of volunteer and supporter that in the heartbeat—that is the heartbeat of a democracy and that sustains our political system.

After 45 years of serving on federal and provincial Progressive Conservative boards, Elsie was as much a fixture in Conservative politics as any of us who were elected.

But to her family, to her husband Pete, to the communities she lived in, she was more than any of that. She was a loving mother, devoted wife, dotting grandmother and community volunteer. She loved to travel, and for many winters she traded the snow of Manitoba for the sands of Hawaii.

She was the recipient of the Queen's jubilee medal, an honour that Vic Toews and I were pleased to present to her at a local ceremony in 2012.

In fall of last year, Elsie passed away after a bout with COVID-19. My wife Kim and I were honoured to be invited to her funeral and to present our condolences and those of our Premier (Mr. Pallister).

Manitoba is better for the life of Elsie Janzen, and we thank her for her life of service.

### **Race-Based COVID-19 Data**

**Ms. Malaya Marcelino (Notre Dame):** The Province released race-based and workplace COVID data, and it confirmed what many of us have already experienced: racialized people in Manitoba have borne the burden of COVID-19 infection.

Data also revealed that the Filipino community currently makes up the largest share of COVID cases compared to our share of the population. Filipinos are contracting COVID at greater rates, largely due to the type of essential work we do and our housing conditions. There is a concentration of Filipino workers at food-processing plants, long-term-care homes and manufacturing plants, for example, where outbreaks have been connected to inadequate personal protective equipment and inadequate occupational health provisions.

\* (13:40)

Many Filipinos also work in the service industry and the transportation sector, which have higher rates of COVID infection according to the provincial report. My community also tends to live in multi-generational households or in tight living quarters, which makes it easier to spread the virus to the entire household.

The Province's response to this race-based data analysis so far has been to release COVID information in several different languages.

I also want to sincerely thank and highlight the efforts of NorWest health co-op, for their outreach work in Weston, Brooklands, Tyndall and Seven Oaks communities in addressing vaccine hesitancy and their new social media campaign called Coping with COVID.

But what has been needed all along to combat the spread of COVID is comprehensive paid sick leave. Madam Speaker, 58 per cent of Canadians do not have paid sick days. Many low-wage, precariously employed Manitobans do not have paid sick days.

And public health messaging has repeatedly been: if you are sick, even with the slightest symptoms, stay

home. But many essential workers decide to work anyway because when there's no work, there's no pay.

During a public health emergency like the one we're facing now, there should be immediate provisions in place for comprehensive paid sick days. We are not out of the woods yet in this province.

Thank you, Madam Speaker.

### **Manitoba Honour 150 Award Recipients**

**Mr. Shannon Martin (McPhillips):** Madam Speaker, it gives me great pleasure to recognize six exceptional volunteers from the McPhillips constituency who were Manitoba 150 medal recipients.

Pauline Shewchuk was supporting services for older adults after retiring from her job in 1984. For 35 years, she's used conversation to lift the spirit of those in need, and in fact, in 2020, Pauline celebrated her 100th birthday.

Bernice Feledchuk is responsible for the creation of the north centennial seniors centre. In the fall of 1979, she fundraised to get the club their own space and has been the president of the association for the past 14 years.

Sheila Lee Restall founded The Poppy Blanket Project, which stitched together over 8,000 poppies and 2,000 dedicated ribbons with love and care to honour Canada's fallen soldiers and veterans.

Suman Sharma for over 40 years brought families into her home, helped them budget expenses, cook meals and care for families and children. She has helped them attain success and ensured that they can live a fulfilling life in a new country.

Sushil Sharma has changed the lives of hundreds of newcomers in the Indo-Canadian community by helping newly immigrated families find employment and establish themselves in business. He is also the co-founder and editor-in-chief of the Indo-Canadian Telegram.

Doug Belcher spent his first 20 years at the FortWhyte Alive educating young people about local habitats through forest, wetland and prairie hikes. Now, Doug leads the young people from the wilderness in a 15-seat passenger van, ensuring youth across Winnipeg are afforded the opportunity to explore and appreciate Manitoba's wilderness.

Madam Speaker, these individuals demonstrate why Manitoba is a national leader in volunteering.

I would like to thank and honour all of the volunteers for their dedication, devotion and contributions to our community. Once again, please join me in congratulating these volunteers who have made Manitoba the place it is.

Thank you.

### **ORAL QUESTIONS**

#### **Education Reform Funding Concerns**

**Mr. Wab Kinew (Leader of the Official Opposition):** Madam Speaker, for the last five years under this Premier, schools in our province have had to do more with less. Funding has failed to keep up with enrolment or inflation.

There are 8,000 more kids in our education system today than when our Premier took office, and what has he done? Well, he's cut funding. That Cabinet has cut funding. That has forced school divisions to make impossible decisions and they're now cutting teaching positions. They're cutting nutritional programs. It's making class sizes larger.

And that's with the powers the Premier has already. Just imagine what'll be the case after he completes his power grab for education decision-making.

Why is the Premier deliberately cutting education funding in Manitoba?

**Hon. Brian Pallister (Premier):** Well, there he goes again, playing with that new toy he thinks he got, Madam Speaker. Privilege does extend to members of this Chamber, but the member is entitled to his own opinions, not his own facts. And the facts are these: this government invests more in education than the NDP ever did—half a billion dollars, close to half a billion this year, and that's before the additional COVID investments.

Our commitment to educational investment extends into the future. We've not only, Madam Speaker, budgeted more than ever before for education for our province, but we've embarked on a program of reforms that will see us move from dead last, where we were under the NDP, and move up, because our children are capable of more. And we're committing 1.6 billion additional dollars to the education budgets in the next few years, just to make sure that that investment is made in those beautiful young people of Manitoba.

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

**Mr. Kinew:** Well, Madam Speaker, let's talk about the facts, and I'll provide the source for these facts before I share the facts.

So, again, this is taken from the Education Minister's House book. You know what it says, Madam Speaker? For 2020-2021—the current education year, the current school year—funding from the Province has been cut by \$4.2 million—\$4.2 million lower than the year before. That is a decrease, fewer resources, for a greater amount of students in the classroom.

I'll table the document for the members opposite, who are currently in a tizzy, no doubt objecting to the Premier's cuts that he's made in the classroom.

But again—[*interjection*]

**Madam Speaker:** Order.

**Mr. Kinew:** —how do they explain cutting education funding by \$4.2 million at any time, much less during a pandemic? [*interjection*]

**Madam Speaker:** Order.

**Mr. Pallister:** Just making it up as he goes along, Madam Speaker. This year's budget: \$560 million more in education than the NDP ever invested.

But I note, Madam Speaker, as well, that when the member responds to the progressive ideas for education reform we're bringing forward to reduce administrative costs, that he seems to think that more trustees and more superintendents would make education better. But if that worked, we wouldn't be dead last, as we have been under the NDP.

If that worked, Gary Doer wouldn't have said: We're reducing administrative overlap so that people do not flush their money down the toilet on administrative costs, but rather, can have that money directed to students.

Madam Speaker, he doesn't like Ed Schreyer, he won't listen to him on hydro. Now he won't listen to Gary Doer on education reform either. Why does he hate Gary Doer? [*interjection*]

**Madam Speaker:** Order.

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

**Mr. Kinew:** There he goes again, Madam Speaker, attacking the hard-working civil servants in the

Department of Education who compiled this information for the Education Minister. Can you believe that?

Again, the hard-working civil servants in the Education Department analyzed this Premier's funding to education, and they concluded that it was \$4.2 million less than the year before. Now, this is very troubling, because that's \$4.2 million less for teachers. That's \$4.2 million less for additional educational assistants. That's \$4.2 million less in the classroom to help kids learn.

It seems like this whole education review process is off to a terrible start, given the fact that the Premier is cutting education by \$4.2 million in this year alone.

Simple question: How much more is he going to cut education once Bill 64 passes, Madam Speaker?

**Mr. Pallister:** Well, I would suggest the member knows how the session got off to a bad start when he and his colleagues decided that they were above the rules against harassment of civil servants, Madam Speaker. It's a little late to start hugging civil servants now—hugging civil servants today—[*interjection*]

**Madam Speaker:** Order.

**Mr. Pallister:** —after harassing them for months, Madam Speaker, with false accusations. And the false accusations—[*interjection*]

\* (13:50)

**Madam Speaker:** Order.

**Mr. Pallister:** —continue today from the member here in question period. [*interjection*]

**Madam Speaker:** Order.

**Mr. Pallister:** He doesn't have facts to make an argument, Madam Speaker. All he has is phony rhetoric and false numbers.

And so the—Madam Speaker, the member fails to acknowledge the reality that by proceeding with reforms, we can save over \$40 million which we can redirect from overlap in administration, from waste in administration, move to the front line. And that could mean an additional 250 educational assistants that could work with our children—our vulnerable children—take the load off our teachers, and improve our education system so we're no longer 10th out of 10, but improving every day going forward.

And that's our goal and that's what we'll achieve.

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

**Mr. Kinew:** Madam Speaker, \$4.2 million cut from the education system by this Premier.

**An Honourable Member:** That's wrong.

**An Honourable Member:** Wrong.

**Mr. Kinew:** The members opposite are right: that is absolutely wrong. It is the wrong approach because it will lead to fewer teachers in the classroom. Madam Speaker, \$4.2 million could have added 50 teachers to our provincial education system, sorely needed during this pandemic.

I realize that the Premier wants to reject the veracity of the facts that his Education Minister carries into the House each and every day. I knew he'd do that, so I brought another copy. We'll table it again, Madam Speaker; it's right there in black and white: \$4.2 million less in education funding this year.

The only question is: After they pass Bill 64, how much more are they going to cut from our schools?  
[interjection]

**Madam Speaker:** Order. Order.

**Mr. Pallister:** So, Madam Speaker, all the member has is rhetoric. [interjection]

**Madam Speaker:** Order.

**Mr. Pallister:** He believes that he can just come into the Chamber and make things up and gullible people will believe that what he's saying is true, Madam Speaker.

It's like when he goes out and says I really respect Dr. Roussin and those health orders and then organizes a protest to break the health orders. That's the kind of way that a person shows that they don't care, Madam Speaker, about the rules.

It's like when he encourages the member for St. Johns (Ms. Fontaine) to go and participate in a blockade because he doesn't care about the rules, Madam Speaker, and then to organize a blockade back here in the Legislature because he doesn't care about the rules, and then to harass people and say, but those rules, they don't apply to me.

The member doesn't think that any of the rules of this place or outside this place apply to him, Madam Speaker. And that's the problem the member faces, you see, because he doesn't respect the rules and so his own colleagues don't respect him either.

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

**Mr. Kinew:** Madam Speaker, with that terrible meandering answer, I can only conclude that the Premier has conceded the point and he accepts that he has cut \$4.2 million from the education system.

So let's dive deeper into the notes from the House book that the Education Minister brought in with him here today. You know what it says, in terms of the breakdown for this \$4.2 million? Not only does that translate to a cut in educational assistants but, if you turn to the page, which I will now refer to for the Premier, it actually translates to \$3 million less for teachers.

This is not about cutting the fat in a bureaucracy. What the Premier is actually doing is cutting the amount of teachers in the classroom teaching our children each and every day, Madam Speaker.

Now that we've proven, beyond a reasonable doubt, that his government is obsessed with cutting education in Manitoba, will they finally come clean and tell us how much more they plan to cut once Bill 64 receives royal assent?

**Mr. Pallister:** We cut \$40 million of waste from a top-heavy, fat NDP system and give it to the front-line teachers, Madam Speaker.

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

**Mr. Kinew:** Oh, Madam Speaker, I almost feel bad for him, how bad—badly he's on the run today.

But again, let's be clear: this is not cuts of bureaucracy, Madam Speaker. This is \$2.9 million less in teacher support for this year; two point million dollars in teacher salaries that we used to have in classrooms in Manitoba, but because of the cuts of this Premier, the cuts of this Education Minister and the cuts of the last Education Minister, who at least refused to introduce Bill 64—

**An Honourable Member:** He ran from it.

**Mr. Kinew:** —he ran from it, by the way—that's \$2.9 million less to help instruct kids each and every day.

So please—we've already established the fact that the government is cutting education. We know that there is no evidence to support the bill that they brought forward. So, please, let the Premier explain how 8,000 more students in Manitoba classrooms are

going to get a better education with \$3 million less in teacher time to support them.

**Mr. Pallister:** If only heat were light, Madam Speaker, the member would actually be on point, but he fails again. And the fact of the matter is that teachers are tired of spending thousands of hours bargaining with trustees all over the province, wasting their time, when they could be with students in their classroom.

And trustees know that they're not necessary because central bargaining will make them unnecessary, and they know that setting tax rates when there will no longer be taxes imposed the way the NDP imposed them is also not going to be a requirement of their work. *[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** So we thank the trustees for their work, Madam Speaker, and we also thank them for the \$40 million that we'll find in savings through this reform, and it will be redirected to assist our teachers on the front line, to assist our students, to reform a system which the member has now chosen to defend.

The member chooses to defend a system, Madam Speaker, which is last in getting quality education to children. We decide instead to take that mess and clean it up and fix it up for the students of this province.

### **Education Reform Funding Concerns**

**Mr. Nello Altomare (Transcona):** Again, I'll remind members, through freedom of information, we have the budget for K-to-12 education, and I'll table these documents.

Their yearly frame report is months overdue, but now we know why. It turns out the total provincial government support is negative—less than zero—for the first time in a generation, a \$4.2-million cut. That's after several years of below-inflation funding. This is a stranglehold that this government has and has placed on education.

Bill 64 does nothing in it to address this. It just makes it easier for the Premier (Mr. Pallister) and his buddies and the minister to cut without the check of local democracy.

Why is the minister squeezing schools past this breaking point?

**Hon. Cliff Cullen (Minister of Education):** Certainly, when we listen to NDP talk about numbers

and budgets, I mean, we take all that with a grain of salt, and I would certainly offer the members opposite a tutorial in math in terms of how to read budgets. *[interjection]*

**Madam Speaker:** Order.

**Mr. Cullen:** Record investment in K to 12—\$1.35 billion—by this government, a 1.56 per cent increase in funding, this year alone—record investment in K-to-12 education in Manitoba this year. *[interjection]*

**Madam Speaker:** I would ask members not to heckle down their own members when their own members are standing, and I need to be able to also hear what is being said.

The honourable member for Transcona, on a supplementary question.

**Mr. Altomare:** Thank you for your support, Madam Speaker.

We are greatly concerned about the loss of local voices in education and the incredible powers that the minister places in his own hands.

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

**Mr. Altomare:** Right on.

And our concerns, Madam Speaker, they're well-founded. As you know, that—the minister now has these powers to underfund provincial funding. And as documents we've tabled three times show, his plans for this province are less funding for kids and less funding for education.

\* (14:00)

The bill before this House, 64, includes nothing about smaller class sizes or supports for teachers. If there was, the minister could point to it in the bill.

Why is the minister doing less for the future of our education system here in Manitoba?

**Mr. Cullen:** Well, Madam Speaker, even Premier Doer, in 2002, realized that school boards were flushing money down the drain. Their—also, their minister of Education in 2014 said: We should do better; we can do better; we will do better. That was James Allum, minister at the time.

The unfortunate part is, Madam Speaker, the NDP didn't have the courage to do better. Manitoba deserves better. And, I'll tell you what, this government is delivering better results for Manitoba kids.



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

**Mr. Altomare:** Constituents of all of our—of the members here in this House, education leaders are raising concerns about Bill 64. They know Bill 64 doesn't address the priorities of parents, kids, teachers, everybody in the system.

But no amount of changes are going to do that if the minister won't properly fund education. As we've seen, education funding has been below the rate of inflation, and this year's budget is zero. Down in the tank. And over the last few years, the budget includes \$3 million less for teachers and clinicians. That's less support for front lines that they always talk about.

Why won't the minister focus on his priorities for Manitoba families and stop these unnecessary cuts?

**Mr. Cullen:** Well, Madam Speaker, the only thing that's really down in the dumps is the NDP.

And, Madam Speaker, what did parents tell us? Well, the Manitoba Association—[*interjection*]

**Madam Speaker:** Order.

**Mr. Cullen:** —of Parent Councils told media yesterday, these are big wins for parents who have long requested more say in such things as curriculum development and a heads-up about sensitive projects.

Madam Speaker, the parents said: We're surprised at how much they're actually giving parents. That's a quote from parents in Manitoba.

The—we're delivering, Madam Speaker.

### **Education Modernization Act School Division Amalgamation**

**Mr. Mark Wasyliv (Fort Garry):** Now, the dissolving of school boards is being done unevenly.

Across Winnipeg, there are over 200 schools with widely different needs. In Hanover school division, there are 19 schools. In Seine River, there are 15.

Despite the clear need for greater representation in Winnipeg, this government is proposing that Winnipeg be considered as one regional entity when dissolving school boards. Hanover will be considered one regional entity. So will Seine River.

This is clearly disproportionate and we know it will have a greater impact on already marginalized students.

Will the minister tell us today why he's forcing amalgamation in Winnipeg but leaving others intact?  
[*interjection*]

**Madam Speaker:** Order.

**Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs):** Madam Speaker, that's the member who had an opportunity to show us what representation was about on a school division. And what did he do? He was the subject of a scathing review that said that he was one of the reasons why a school division was so poorly managed.

He handed out contracts for \$250,000-plus like candy, Madam Speaker. And then, when he needed to get away from the Manitoba winter, he went on a junket to Texas and charged the taxpayers of the Winnipeg School Division.

If he wants to know why there needs to be reform in the system, he's a poster boy for why there needs to be reform in the system.

**Madam Speaker:** The honourable member for Fort Garry, on a supplementary question.

**Mr. Wasyliv:** I—obviously, the Pallister government is obsessed with me and would rather talk about me this afternoon, but I would rather talk about the students and the families here in Manitoba, and their assault on our education system.

Well, parents and teachers are concerned that if Winnipeg is consolidated into one regional entity—which is supposed to represent over 100,000 diverse students—that Indigenous, newcomer and low-income students will be even further marginalized by our education system.

Crystal Webster, a chairwoman on the École South Pointe School parent advisory council asked, who said it was okay for one person to be in control of 100,000 kids?

Why is this minister amalgamating the entire city of Winnipeg—and northern Manitoba—but leaving smaller divisions intact?

**Mr. Goertzen:** Well, Madam Speaker, I wonder who said it was okay for him to take off to Texas and charge the taxpayers of the Winnipeg School Division.

I wonder who said it was okay for him to organize, participate and promote a protest outside of a member of the Legislature's private residence, Madam Speaker? He has a unique opportunity as an MLA to bring us his concerns, as misguided as they are, into

this Legislature. But to organize a protest outside of another MLA's private residence? Madam Speaker, it is beyond the pale. It is symbolic of a caucus that is under-out of control, of bad behaviour, and I hope the leader has reprimanded that member for that terrible behaviour.

**Madam Speaker:** The honourable member for Fort Garry, on a final supplementary.

**Mr. Wasyliv:** I don't know what it is, Madam Speaker, but every minister I try to ask questions about enters the Pallister government witness protection program. We have another candidate who's disappeared.

Now, this government wants to politicize educational leadership all the way down to school principals, who will now be subject to the whims of this minister and his partisan appointees. The entire North is all also being pushed into one regional entity, despite the vastly different needs across the region.

Now, the minister isn't trying to hide his blatant disregard for local needs. So there's no question Manitoba students will suffer as a result of these changes.

So I will ask the minister—and whether he will have the courage to answer, who knows—why he's forcing amalgamation across the entire North—

**Madam Speaker:** The member's time has expired. *[interjection]*

I'm standing.

**Mr. Goertzen:** Madam Speaker, witnesses in courage—and I've never witnessed such a lack of courage by a member of this Legislature to organize, promote a protest outside of another MLA's home. I've been in this Assembly for a long time. I've been part of a lot of passionate debates, in opposition and in government. And never would anybody consider, as an MLA, going to another MLA's home.

I don't believe that—*[interjection]*—I don't believe that Gary Filmon—*[interjection]*—I don't believe that Gary Filmon would have accepted that behaviour. I don't believe that Gary Doer would have accepted that behaviour. I don't believe that Greg Selinger would have accepted that behaviour. I know this Premier (Mr. Pallister) wouldn't have accepted that behaviour.

I want to ask the Leader of the Official Opposition (Mr. Kinew): will he stand up, do the right thing and apologize for his member, Madam Speaker?

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

**Madam Speaker:** Order. Order. Order. Order.

I've been standing for quite some time. I'm going to ask members to please respect the fact that when the Speaker stands, there should be silence in the House.

### Education Modernization Act Parent Advisory Councils

**Ms. Lisa Naylor (Wolseley):** Madam Speaker, parents know that local decision-making is essential to the future of our schools and their children's learning. They want to ensure that their voices are heard and that they have the authority to ensure action is taken. They are very concerned about Bill 64.

\* (14:10)

*The—[interjection]*

**Madam Speaker:** Order.

**Ms. Naylor:** —minister proposes that local democracy be replaced by partisan appointees. New parent advisory councils won't have any real decision-making power over policies or spending, and for the first time in the—history, Manitoba will—the minister will hold all the power. And—*[interjection]*

**Madam Speaker:** Order.

**Ms. Naylor:** —as we have seen, he has used that power so far to cut education.

Why is the minister taking away power from parents and putting it all in his own hands? *[interjection]*

**Madam Speaker:** Order. Order.

This is getting out—a little bit out of hand. I should not have to be asking for people to be respectful. Members are having a hard time asking their questions and answering their questions because of the noise around them, and it's throwing them off a bit.

So I'm going to ask everybody, at least respect your own members and allow them to answer, please.

**Hon. Cliff Cullen (Minister of Education):** In fact, the parent councils association are saying this is a big win for parents. Parents are even surprised how much opportunity we're giving parents to participate in discussion.

Madam Speaker, listening to the previous two members ask their questions, those members were involved in the Winnipeg School Division, one of the biggest empire-building undertakings of all time,

a superintendent making over \$275,000, assistant superintendents making over \$200,000.

Madam Speaker, we're going to take that money, put it on the front lines and help our kids, educate them.

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

**Ms. Naylor:** Madam Speaker, similar changes in Nova Scotia have been a disaster. Their education system is struggling without appropriate local accountability. And here in Manitoba, I'm very concerned that Bill 64 will silence the voices of community in local decisions.

I am also concerned that these voluntary council roles will only privilege the voices of parents who have spare time and spare energy, and inevitably the bulk of this unpaid labour will fall to women. And regardless of any parent's voluntary efforts, Bill 64 still proposes that partisan appointees retain all the power.

Why is the minister ending local autonomy?

**Mr. Cullen:** Well, Madam Speaker, we consulted with thousands of Manitobans through the K-to-12 review, and we're going to continue to consult with Manitobans and Manitoba parents as we move forward.

Madam Speaker, let's talk about Nova Scotia. We know there's changes there in Nova Scotia, and I'll just quote a CBC news article. And this is the director of the Schoolhouse Institute, Paul Bennett: What's been proposed in Manitoba is a far superior version of school community governments.

That's what's happening in Manitoba, Madam Speaker: better governance.

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

**Ms. Naylor:** Madam Speaker, I had the privilege of being in attendance at those reviews. I actually heard things that this minister has never been in the room for. And Manitobans remain concerned about the new provincial education authority, especially knowing it will be comprised of government appointees.

This completely undermines the local democratic process and the outlet that parents have had in place for decades. It will reduce communication with and accountability to parents, and additionally, there are no mandates or plans to ensure representation of

Indigenous or newcomer communities, and no plan to address systemic inequity.

Why is the minister centralizing control with not a single thought for the diverse needs of our communities?

**Mr. Cullen:** Well, Madam Speaker, clearly the member opposite hasn't read the report or the recommendations.

There's a lot of recommendations there in terms of dealing with the Indigenous community, Madam Speaker, and we fully intend to address those issues. We know the NDP didn't for 17 years; they didn't have the courage to address those issues.

Madam Speaker, this government has the courage to address these issues, and we will provide better outcomes for Manitoba students.

### **Protecting Critical Infrastructure Act Request to Withdraw Bill 57**

**Ms. Nahanni Fontaine (St. Johns):** The right to protest and speak truth to power is a fundamental right. It's a right hard won. Labour reforms, the rights of women, even the founding of our very own province came from hard-fought public protest, Madam Speaker. Conservatives, of course, would use every opportunity to quell dissent.

Bill 52, the protection of critical infrastructure act, gives the minister and large corporations incredible powers to stop those protesting injustices.

Will the Premier reconsider and withdraw Bill 57?

**Hon. Cameron Friesen (Minister of Justice and Attorney General):** Well, Madam Speaker, we're pleased to introduce Bill 57. We're looking forward to the debate.

I regret that the member wasn't rising right now to rebuke her own members. She has missed the opportunity to take accountability for the actions of the member for Fort Garry (Mr. Wasyliw), who organized a protest outside of the house of another MLA, where a family lives, where a spouse lives, where children live. This has crossed a line. Will that member take accountability for that which the member for Fort Garry will not apologize for?

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

**Ms. Fontaine:** The right of dissent and protest is fundamental, Madam Speaker. Bill 57 is broadly

written and gives incredible powers to broadly designate sites and areas as protest-free zones. Bill 57 is so broadly written it compels the court to designate critical infrastructure any place that makes a significant contribution to the health or well-being of the province.

So Manitobans have a right to ask themselves, is a park or even the Legislative grounds then considered critical infrastructure? The minister truly has no answer for this, and nor why he's introduced this legislation.

Will he withdraw Bill 57 today?

**Mr. Friesen:** The right to protest continues to be well guarded and well safeguarded in Bill 57.

However, that member is failing to take the opportunity to apologize for the egregious actions of the member for Fort Garry (Mr. Wasyliw). She could rise in her place today and say that action crossed the line, that action put people at risk. For a party who purports to believe in things like anti-bullying—and then they go bullying people at their house. He filmed the house. He put it on display. The member for Wolseley (Ms. Naylor) retweeted it. Madam Speaker, will she rise in her place, take accountability, and say sorry today?

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

**Ms. Fontaine:** Aren't doctors still waiting for an apology from that very member?

The Premier is moving Manitoba towards a more authoritarian—[interjection]

**Madam Speaker:** Order.

**Ms. Fontaine:** —controlled province with bills like 57, 62 and 63.

Bill 57 is a targeted attack against Indigenous land defenders, environmental activists, labour and animal welfare activists. The Premier hasn't consulted with any of these stakeholders, and why? Because he cares more about property than he does people or Indigenous peoples or even the welfare of animals.

Madam Speaker, will the Premier get up today and withdraw Bill 57?

**Hon. Brian Pallister (Premier):** Well, actually, the member is totally wrong in her assertions, Madam Speaker. Indigenous people care about property, too. They really care deeply about property, and that's why

we've negotiated tens of thousands of acres of treaty land entitlement—

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

**Madam Speaker:** Order.

**Mr. Pallister:** —and land to First Nations all over this province that the NDP did nothing—they did nothing for years—[interjection]

**Madam Speaker:** Order.

**Mr. Pallister:** That member from St. Johns was supposed to be representing the views of Indigenous people, but there is no evidence she ever did any work. None. None whatsoever. Zero impact.

But this government has got tens of thousands of acres of land over to Indigenous people to show that we care about truth and we care about reconciliation, something the member couldn't give a darn about, Madam Speaker.

\* (14:20)

### COVID-19 Vaccine Rollout Manitoba's Standing

**Mr. Dougald Lamont (St. Boniface):** Now, I know the Premier was mocking the NDP for hosting a potential superspreader event in code red, but he is hardly one to talk. There are worrying signs we may be sleepwalking into a third wave. Variants are up, test positivity rates are up, and the Premier is once again blaming Manitobans.

As of today, CTV is reporting that Manitoba was 12th out of 13, for the provinces and territories, of getting vaccines out, and 10th out of 13 as a percentage of the population vaccinated. The excuse for this today is that Manitoba is distributing vaccines but there is a delay in reporting.

So is the PC government's vaccine rollout the worst and most confusing in Canada or just the reporting of the rollout that's the worst and most confusing in Canada?

**Hon. Brian Pallister (Premier):** Well, again, from loony land, Madam Speaker, we have a member who doesn't understand that a vaccine team in Manitoba has been credited by the federal government—that knows all about every vaccine team across the country—as being the leader.

But he is right to raise the concern about variants, and I appreciate him raising it because it is a concern. That's why we have public health orders that need to be followed, even by the NDP.

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

**Mr. Lamont:** The vaccine deliveries are ramping up. New vaccines are being improved. We should be getting hundreds of thousands of vaccines by the end of April and tens of thousands by the end of March. CTV News report today suggests about 70,000 doses, nearly 40 per cent of Manitoba's available doses, are sitting on shelves.

This is 20 per cent worse than the national average. This government is projecting we'll be vaccinating 7,000 people per day in Manitoba by the end of March, but we'll be getting 11,400 doses per day. That's still 40 per cent less.

The government explanations don't make sense. This is entirely a provincial responsibility and the Premier's responsibility.

Are we going to keep lagging the rest of Canada?

**Mr. Pallister:** Two points—well, three, I guess. First of all, this isn't the X-Files. The member needs to do some research.

Secondly, the reality is that our province is doing exceptionally well at getting vaccines out, and our people here in Manitoba have worked very very hard to bend the curve.

So, thirdly, we need people to follow the public health orders, including the NDP.

#### **Pharmacare Coverage for Diabetics Glucose Monitoring Devices and Medication**

**Ms. Cindy Lamoureux (Tyndall Park):** Yesterday the minister said when it comes to type 1 diabetes, she wants to wait for looping technology. And while looping technology may be ideal, there is already data and evidence supporting coverage for insulin pumps and CGMs to be used independently, as they are effective, they reduce hospitalization and they improve long-term health of diabetics.

The minister needs to know CGMs monitor blood sugar, pumps deliver insulin, and currently these are both covered in Alberta, BC, Ontario, Saskatchewan, Newfoundland, Labrador, PEI and all the territories.

When will the minister ensure that Manitobans living with type 1 diabetes will have access and coverage to the resources they are dependent on?

**Hon. Heather Stefanson (Minister of Health and Seniors Care):** Certainly, I sympathize with Manitobans who are living with type 1 and type 2

diabetes, and I know that they feel passionately about this issue of coverage for insulin pumps and continuous glucose monitors.

Madam Speaker, we are determining how to provide coverage for an expanding number of medications and devices while ensuring provincial drug plans remain sustainable.

We know that the situation is not unique to Manitoba, as many other provinces are grasping with the same issue.

#### **Health-Care Facilities Technological Upgrades**

**Mr. Josh Guenter (Borderland):** Health-care services continue to be a vital service to Manitobans across the province, and it's crucial that we continue to improve services to ensure better access and patient support.

Can the Minister of Health please tell the House how our government recognizes the importance of our health services and how we are investing to better health care in Manitoba?

**Hon. Heather Stefanson (Minister of Health and Seniors Care):** Our government recognizes how critical our health-care services are to Manitobans. That's why, Madam Speaker, we have just recently announced that we are investing over \$6.5 million to support technical-system upgrades for provincial health-care facilities.

Madam Speaker, this will modernize systems used in health-care facilities and upgrade the provincial health-care contact centre triage, call recording and telephone systems.

Our government is investing in technology to ensure digital health information can be safely stored and shared as needed and will allow Manitobans to get faster access to health-care resources and information in the province of Manitoba.

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

#### **PETITIONS**

##### **Public Child-Care Grants**

**Ms. Danielle Adams (Thompson):** I wish to present the following petition to the Legislative Assembly.

The background to this petition as follows:

The pandemic has further emphasized the need for quality, affordable, accessible child care and has

demonstrated that the government has failed to ensure child care is accessible to all Manitoba families.

Over 90 per cent of Manitoba children receive child care through non-profit, licensed centres, and yet the funding has been frozen since 2016. These cuts have resulted in many early-childhood educators leaving the sector.

(3) Child-care centres have faced increased associated costs with the loss of parent fees due to COVID-19 closures and spending thousands on PPE, when open, to keep kids safe, and the provincial government has provided no additional financial supports.

(4) The government spent less than 1 per cent of the \$18-million temporary child-care grant, and instead gave the money to KPMG, doubling their contract, nearly \$600,000, to conduct a review that will raise parent fees and lay the groundwork for privatization.

(5) The provincial government cuts to nursery school grants is doubling parent fees for hundreds of families, making child care less affordable and accessible.

(6) The provincial government passed bill 34, the 'budgetment' implementation and tax status amendment act, which removed the cap on child-care fees for private sector businesses.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to reverse changes to the nursery school grant and to end the freeze on child-care operating grants while committing to keeping public child care affordable, accessible for all Manitoba families.

This petition is signed by many Manitobans.

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

The honourable member for Transcona (Mr. Altomare)?

The honourable member for Union Station (MLA Asagwara)?

The honourable member for Tyndall Park (Ms. Lamoureux)?

The honourable member for Elmwood.

### Diagnostic Testing Accessibility

**Mr. Jim Maloway (Elmwood):** Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) Until recently, diagnostic medical tests, including for blood and fluid samples, were available and accessible in most medical clinics.

(2) Dynacare blood test labs have consolidated their blood and fluid testing services by closing 25 of its labs.

(3) The provincial government has cut diagnostic testing at many clinic sites, and residents now have to travel to different locations to get their testing done, even for a simple blood test or urine sample.

(4) Further, travel challenges for vulnerable and elderly residents of northeast Winnipeg may result in fewer tests being done or delays in testing, with the attendant effects of increased health-care costs and poorer individual patient outcomes.

(5) COVID-19 emergency rules have resulted in long outdoor lineups, putting vulnerable residents at further risk in extreme weather, be it hot or cold. Moreover, these long lineups have resulted in longer wait times for services and poorer service in general.

(6) Manitoba residents value the convenience and efficiency of the health-care system when they are able to give their samples at the time of the doctor visit.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to immediately demand Dynacare maintain all the phlebotomy, blood sample sites existing prior to the COVID-19 public health emergency, and allow all Manitobans to get their blood and urine tests done when visiting their doctor, thereby facilitating local access to blood testing services.

And this petition is signed by many Manitobans.

**Madam Speaker:** The honourable member for St. Vital? Does the—

**Mr. Jamie Moses (St. Vital):** No petition, Madam Speaker.

**Madam Speaker:** Okay.

\* (14:30)

### Public Child-Care Grants

**Mr. Adrien Sala (St. James):** I wish to present the following petition to the Legislative Assembly.

The background for this petition is as follows:

(1) The pandemic has further emphasized the need for quality, affordable and accessible child care and has demonstrated that the government has failed to ensure child care is accessible to all Manitoba families.

(2) Over 90 per cent of Manitoban children receive child care through non-profit, licensed centres, and yet funding has been frozen since 2016. These cuts have resulted in many early-childhood educators leaving the sector.

(3) While child-care centres have faced increased costs associated with lost parent fees due to COVID-19 closures and spent thousands on PPE, when open, to keep kids safe, the provincial government has provided no additional financial support.

(4) The government spent less than 1 per cent of the \$18-million temporary child-care grant, and instead gave KPMG double their contract, nearly \$600,000, to conduct a review that will raise parent fees and lay the groundwork for privatization.

(5) The provincial government's cuts to nursery school grants is doubling parent fees for hundreds of families, making child care less affordable and accessible.

(6) The provincial government passed bill 34, the budget implementation and tax statutes amendment act, which removed the cap on child-care fees for private sector businesses.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to reverse changes to the nursery school grants and to end the freeze on child care operating grants while committing to keeping public child care affordable and accessible for all Manitoban families.

This has been signed by many Manitobans.

**Mr. Mintu Sandhu (The Maples):** No petition, Madam Speaker.

**Madam Speaker:** Okay.

**Mr. Mark Wasyliv (Fort Garry):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background for this petition is as follows:

(1) The pandemic has further emphasized the need for quality, affordable and accessible child care and has demonstrated that the government has failed to ensure child care is accessible to all Manitoba families.

(2) That over 90 per cent of Manitoba children receive child care through non-profit, licensed centres, and yet funding has been frozen since 2016. These cuts have resulted in many early-childhood educators leaving the sector.

(3) While the child-care centres have faced increased costs associated with lost parent fees due to COVID-19 closures and spent thousands on PPE, when open, to keep kids safe, the provincial government has provided no additional financial support.

(4) The government has spent less than 1 per cent of the \$18-million temporary child-care grant, and instead gave KPMG double their contract of nearly \$600,000 to conduct a review that will raise parent fees and lay the groundwork for privatization.

(5) That the provincial government's cuts to nursery school grants is doubling parent fees for hundreds of families, making child care less affordable and accessible.

(6) The provincial government passed bill 34, the budget implementation and tax statutes amendment act, which removed the cap on child-care fees for the private sector businesses.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to reverse changes to the nursery school grants and to end the freeze on child care operating grants while committing to keeping public child care affordable and accessible for all Manitoba families.

And this has been signed by many Manitobans.

Thank you.

**Madam Speaker:** The honourable member for Concordia (Mr. Wiebe)? No?

Grievances?

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Kelvin Goertzen (Government House Leader):** Could you please call for debate this afternoon Bill 34, Bill 49 and Bill 45?

**Madam Speaker:** It has been announced that the House will consider the following bills this afternoon: Bill 34, Bill 49 and Bill 45.

### SECOND READINGS

#### Bill 34—The University College of the North Amendment Act

**Madam Speaker:** I will therefore now start by calling second reading of Bill 34, The University College of the North Amendment Act.

**Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration):** I move, seconded by the Minister of Central Services (Mr. Helwer), that Bill 34, The University College of the North Amendment Act; Loi modifiant la Loi sur le Collège universitaire du Nord, be now read a second time and be referred to a committee of this House.

Thank you.

#### *Motion presented.*

**Mr. Ewasko:** I am pleased to rise to provide some brief comments on Bill 34.

The bill amends The University College of the North Act to allow the institution's board to develop and enforce parking bylaws at the University College of the North campuses.

The University College of the North has two campuses, located in The Pas and Thompson, and 12 regional centres across northern Manitoba. The new authorities for parking will compare with those found at other institutions and reduce government red tape. Changing the existing legislation will reduce red tape and be consistent with authorities provided to other institutions.

Over the years, the authority to develop and enforce parking bylaws on institution-controlled property has been extended to all publicly funded universities and colleges in Manitoba under their respective acts. With the amendments, that board of the University College of the North will have parking authorities consistent with those given to all other publicly funded post-secondary institutions, including hours of parking, signage indicating parking rules,

fees and charges for contraventions, impoundment and removal of vehicles found in contravention.

Madam Speaker, the University College of the North's board is well equipped to manage this administrative function. I look forward to the bill proceeding through the Legislature and receiving unanimous consent.

Thank you, Madam Speaker.

### Questions

**Madam Speaker:** A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members. And no question or answer shall exceed 45 seconds.

Are there any questions?

**Mr. Jamie Moses (St. Vital):** I just want to ask the minister quickly who he consulted from the—from UCN on this bill, and what they said the impacts would be of the passage of Bill 34.

**Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration):** As with other post-secondary institutions in this province, under their own acts, they have the ability to be able to adjust their parking and set the different rates.

So, the University College of the North, with their two northern campuses and their multiple regional centres, are looking forward to the passing of this bill, Madam Speaker.

**Madam Speaker:** The honourable member for St. Vital, any further questions?

**Mr. Moses:** No further questions.

**Madam Speaker:** No? Are there any further questions from anybody?

Is the House ready for the question?

Oh, pardon me. I'm moving ahead a little too fast here.

### Debate

**Madam Speaker:** Therefore—there being no further questions, debate is open. The floor is open.

**Mr. Jamie Moses (St. Vital):** No debate, Madam Speaker.



**Madam Speaker:** And does the honourable member for Tyndall Park wish to speak on debate?

**Ms. Cindy Lamoureux (Tyndall Park):** Yes, Madam Speaker.

**Madam Speaker:** The honourable member for Tyndall Park.

**Ms. Lamoureux:** Just for a quick moment, we will be supporting Bill 34, as it amends The University College of the North Act to enable the University College of the North to make bylaws about parking on property that is under the control of the college.

Thank you, Madam Speaker.

**Madam Speaker:** Any further members wishing to speak in debate?

Is the House ready for the question?

**An Honourable Member:** Question.

**Madam Speaker:** The question before the House is second reading of Bill 34, The University College of the North Amendment Act.

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

#### **Bill 49—The Freedom of Information and Protection of Privacy Amendment Act**

**Madam Speaker:** I will now call Bill 49, The Freedom of Information and Protection of Privacy Amendment Act, the second reading.

**Hon. Derek Johnson (Minister of Municipal Relations):** Madam Speaker, I wonder if you can seek leave of the House for a five-minute recess. The minister is in a scrum.

\* (14:40)

**Madam Speaker:** Is there leave for a five-minute recess? *[Agreed]*

The bell will ring for one minute, then, prior to resuming sitting.

*The House recessed at 2:40 p.m.*

*The House resumed at 2:45 p.m.*

**Madam Speaker:** Order, please.

I will call the House back to order.

**Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs):** I thank the House for their indulgence on that matter.

I move, seconded by the Minister of Finance (Mr. Fielding), that Bill 49, The Freedom of Information and Protection of Privacy Amendment Act, be now read a second time and referred to a committee of this House. *[interjection]*

**Madam Speaker:** Order, please.

**Mr. Goertzen:** Her Honour the Lieutenant Governor has been advised of the bill, and I table the message.

**Madam Speaker:** It has been moved by the honourable Minister of Legislative and Public Affairs, seconded by the honourable Minister of Finance, that Bill 49, The Freedom of Information and Protection of Privacy Amendment Act, be now read a second time and be referred to a committee of this House.

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

**Mr. Goertzen:** The purpose of this bill is to increase the transparency of public service, as well ensuring the personal information is protected as part of our commitment to open government. The Freedom of Information and Protection of Privacy Act provides the public with a qualified right of access to information held by public bodies in Manitoba. It also provides a framework for the protection of the personal information that is held by those public bodies.

FIPPA, as it's commonly called, covers provincial government departments, Crown corporations and agencies as well as local governments, education bodies and health-care bodies. In all, more than 340 public bodies are subject to FIPPA legislation. This is important legislation that promotes accountable public service while ensuring that individuals are protected when they provide their personal information to public bodies in order to access those services.

The act includes a mandate for a periodic review, which requires public representations. In response to a call for public input, our government received 31 written submissions from FIPPA users and administrators. These included citizens, academics, public bodies, media, the Manitoba Ombudsman's office, and separate consultations were also held with stakeholders. Representations identified an expectation for greater access to public information, as one would expect, greater transparency in the delivery of public services. But public bodies also noted that a growing demand for access to information has made the administration of the act difficult to sustain.

To address both of these competing issues, the bill will mandate that additional government records must be made public on an ongoing basis—proactive disclosure, Madam Speaker. These include ministerial mandate letters. So, our government was the first government to release these publicly, and we believe that every government should be doing these going forward so it'll be part of the legislation; respectful workplace summary reports that will ensure that all governments must report on these investigations every year, an initiative that our government began in 2018, and Committee of Supply materials. We will ensure that the briefing materials provided to ministers to prepare for Estimates in the Assembly is made publicly available.

The bill will also enhance transparency at Manitoba's Crown corporations. In addition to current requirements, the board of directors of Crown corporations and their CEO will be required to publicly disclose out of province—their out-of-province travel expenses, paid for by ratepayers, in a similar manner as Cabinet ministers currently do, Madam Speaker.

Crown corporations will also be required to release a summary of respectful workplace complaints and investigations similar to the provincial government; again, that's a summary of complaints. Crown corporations will also be required to publicly disclose the information being requested through the FIPPA process, just like the provincial government does.

In addition to these amendments, public bodies will be required by law to notify affected individuals and the Manitoba Ombudsman of a breach of privacy if there is a real risk of significant harm to an individual.

These amendments are in addition to several measures that this government has already put in place as part of our commitment as—to a more open and transparent public service. OpenMB provides Manitobans a place to engage with the government to share ideas, stories and knowledge. It is also an easy way to find government reports and data.

The Balanced Scorecard Initiative, measuring progress, communicates government's commitment to transparent reporting on provincial priorities.

The Regulatory Accountability Act provides a new approach to developing statutes, regulations, policies and forums that encourages the monitoring and management of regulatory requirements at reducing red tape through public engagement.

The amendments to FIPPA will continue to build upon and strengthen Manitoba's open government initiatives and continue to improve the way that government serves Manitoba.

\* (14:50)

Thank you, Madam Speaker.

### Questions

**Madam Speaker:** A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members. And no question or answer shall exceed 45 seconds.

**Ms. Malaya Marcelino (Notre Dame):** Can the minister please speak to the benefit for the general public for changing both the responses and extensions and wait times from 30 days to 45 days?

**Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs):** I thank the member for the question. She notes correctly that there is an extension of the time to fulfill FIPPA requests from 30 to 45 days. That is about finding that right balance, Madam Speaker.

Right now, about half of the FIPPA requests that come into government are extended, and so the hope is that by adding these 15 days, that the requirement for extensions will be decreased significantly.

Applicants may actually get their requests fulfilled more quickly than they are now, Madam Speaker.

**Madam Speaker:** The honourable member for Tyndall Park? *[interjection]* Oh, the honourable member for River Heights.

**Hon. Jon Gerrard (River Heights):** My question, Madam Speaker, is this: it has to do with the fees. The revised bill says that the fees will be provided for in the regulation.

I'd like to get the minister's intent with regard to fees so it's on the table and we know what he's really proposing. And—we don't want him hiding this in regulations.

**Mr. Goertzen:** The member will know that I'm not one to hide on issues, Madam Speaker. We might

sometimes miss-me and him might have miscommunication on issues, but I certainly am—I'll try to be transparent with him and other members of this House.

There are already a—fees that are applied when there is a large volume of information that is requested or it takes a significant amount of time for staff to fulfill the individual FIPPA request. There are fees that are then often applied to that and then the public or who's ever making the application can make the decision whether or not they want to go ahead with the application based on the fees that are applied.

And those will be set out in regulations, similar to they are now, Madam Speaker.

**Madam Speaker:** Does the member for Notre Dame have any more questions?

**Ms. Marcelino:** Yes, Madam Speaker.

Can the minister please comment on how this legislation will make Manitoba one of the worst provinces in Canada for disclosure of information?

**Mr. Goertzen:** Well, I can comment that that's not true, Madam Speaker. There are many provinces that require fees up front, a basic fee just for applying for freedom of information. That is not included within this act.

I know when it comes to the timelines, referencing back to the earlier question that the member asked for, this is similar to British Columbia, governed by New Democratic Party in BC, Madam Speaker. If the member opposite feels that the NDP in British Columbia are among the worst governments in Canada, I challenge her to put that on the record.

**Madam Speaker:** The honourable member for River Heights, any further questions?

**Mr. Gerrard:** Yes, Madam Speaker.

To the minister: Section 32(1.1) says that if the information's not available to the public within 60 days after the applicant's request is received, it has to be reconsidered as a new request.

It seems to me that this is a situation where the failure of the government to provide public information drags this on. If it was 60 days plus 45 days, that's 105 days after the initial request is made. Surely, the request should be filled much more quickly if the government is already delayed by 60 days.

**Mr. Goertzen:** I think that the member is referring to the provision that indicates that if there's already

going to be a release of the information, then there doesn't have to be the fulfillment of the freedom of information request.

And so, there are many different things, the member will know, that are FIPPA'd by—whether it's a political party or the media or an individual in the public, that the government is fully intending to release anyway within a relatively short period of time. And I think it is reasonable to provide the government that opportunity to provide that information in that time frame, Madam Speaker.

**Ms. Marcelino:** From the bill briefing that you so graciously provided—that the minister provided to us yesterday—we learned that the BC government is actually—has a 30-business-day turnaround time for their FIPPA requests. So this would still make Manitoba's 45 days worse.

Can the minister please comment on how this—how being one of the worst jurisdictions to disclose information is a benefit for Manitobans?

**Mr. Goertzen:** The member correctly identifies that in British Columbia they measure their FIPPA response by business days, and so I believe, in British Columbia, they don't consider Saturdays and Sundays as business days, and so, in fact, it is very similar to Manitoba when you count the actual days, not just the business days.

So if the member opposite, now on her second question, still feels that the NDP government in British Columbia is one of the worst governments in Canada, I look forward to her restating that for a third time on the record, Madam Speaker.

**Madam Speaker:** The honourable member for River Heights, is there another question?

**Mr. Gerrard:** Yes, Madam Speaker. This—you know, it is odd that a government addresses the failure to deliver FIPPAs on time by extending the time instead of by getting things organized so that they can be delivered in 30 days.

But even if we consider that the 45 days is reasonable, surely the extension that would be needed after 45 days shouldn't be a complete 'nother' 45 days. Surely the extension could be much less than that, like 15 or 30 days.

**Mr. Goertzen:** I would remind my friend from River Heights that, of course, this comes from the variety of different consultations that were had and by those stakeholders who put in information regarding the sustainability of the system.

And part of the challenges that FIPPA requests don't come in like a straight line, Madam Speaker. There are often waves that they come in in, and so it is difficult to staff up at certain times when there's waves of requests that are coming in, and sometimes those waves of requests might correspond to the sitting of the Legislature. We all remember that from our own days in opposition.

So it is difficult to organize for different waves that come in. But if the member opposite has an amendment that he wants to bring to committee, I would obviously entertain amendments that he might have.

**Ms. Marcelino:** I'd just like to ask the honourable minister to explain why, instead of having this jurisdictional race to the bottom with British Columbia or with any other provinces, why he wouldn't have just instead chosen to hire more department staff so that they could deliver more FIPPA services, and that would be more in line with the democratic principles that this PC government, you know, purports to uphold.

**Mr. Goertzen:** Madam Speaker, I reject the member's assertion that BC is at the bottom, but I will certainly send those comments along to the British Columbia government.

**Madam Speaker:** The honourable member for River Heights.

**Mr. Gerrard:** No, that's all of my questions. Thank you.

**Ms. Marcelino:** With all these changes to the act that actually inhibit Manitobans from accessing this information, does the honourable minister still think that this act pertains and exemplifies freedom of information?

\* (15:00)

**Mr. Goertzen:** Well, Madam Speaker, of course it does. If the member opposite is suggesting that adding 15 days onto a request to get information is somehow a limitation or somehow an affront to freedom, I would ask her to look at the many different countries in the world where freedom is truly in jeopardy.

I recognize that the additional 15 days might be an inconvenience at some points to some individuals, but, again, it's intended to sustain the system, and it is certainly not an attack on freedom.

**Ms. Marcelino:** What time frame does the minister envision for an application to be considered as

disregarded by the applicant? Can the minister clearly state how long this time frame is?

**Mr. Goertzen:** Madam Speaker, there are provisions in the act to allow for the abandonment of requests. So, for example, if somebody files a request and asks for certain information, and the freedom of information officer within that respected department then responds back and asks for clarity because they maybe don't understand the request, if the individual doesn't come back and provide that clarity right now, that request kind of just sits in no-person's land; it just isn't responded to.

So, there needs to be a way for FIPPA officers to move on from a request where they're not getting a response from that person who is asking for the information.

**Ms. Marcelino:** Can the minister please explain what requests that amount to an abuse of the right to make a request means?

**Mr. Goertzen:** Madam Speaker, I think that there are times, although I think that they are rare, when freedom of information officers, who, of course, are housed in the various departments and entities that are getting requests, will find that an individual is requesting either information—similar information over and over and over again, or if their requests are so broad and so 'unwieldy' as to ask for every record within government, that that becomes an abuse of the process.

Clearly, this is about identifying specific information that an individual is asking for, and if it falls within the parameters of FIPPA legislation to release, then release it, and we have to ensure that the system is there for all Manitobans who want to use it and not just somehow clogged up or not be able to be accessible because individuals are abusing it.

**Madam Speaker:** The honourable member for Tyndall Park (Ms. Lamoureux)? The honourable member for Tyndall Park? Any further questions from the honourable member for Tyndall Park?

The time for oral questions, then, has ended.

### Debate

**Madam Speaker:** The floor is open for debate.

**Ms. Malaya Marcelino (Notre Dame):** The Freedom of Information and Protection of Privacy Act, or FIPPA, provides a right of access to information and records held by public bodies.

With certain exceptions, you may see and obtain copies of records from Manitoba government departments, government agencies, local governments, school divisions, universities and colleges, regional health authorities and other local public bodies.

FIPPA also protects your personal information. It establishes rules for the collection, use and disclosure of personal information by public bodies. It gives you the right to access your own personal information and to correct any information that public bodies hold about you.

If you are not satisfied with an access decision or the protection of your personal information by a public body, FIPPA provides you with the right to an independent review by an Ombudsman or, in our case, an ombudsperson.

As opposition members, members of the public and the media, as part of our job to keep a healthy, functioning democracy running, we need to be paying attention to what the government that is elected is doing. We need to continue to find gaps and holes when individuals and communities are not being served properly, and we need to air these concerns to make sure that community priorities are being heard and enacted upon by the elected government.

The Freedom of Information and Protection of Privacy Act, or FIPPA for short, with these FIPPA requests—these are ways that opposition members, members of the public and the media can do our job to hold an elected government to account and to safeguard our democratic institutions.

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

As part of the opposition, we might make a FIPPA request to ask the relevant department, for example, where the minister or the Premier (Mr. Pallister) really was on a trip when he or she claims public funds for a trip. If the minister or Premier, indeed, were doing their job as most are wont to do, then there's nothing to hide and there's no harm and no foul. But if they were not representing Manitobans when they said that they would be, then the public has the right to know that.

Another example of a real FIPPA request that we in opposition have filed before is a request for the Department of Health to determine what the staffing levels for nurses and other health workers in hospitals or in health facilities across the province are like. And we've seen that over the years of this PC government, staffing vacancy rates have been rising at an alarming

rate, even as high as 30 per cent in some health facilities here in Winnipeg.

And so that means 30 per cent of nursing positions being unfilled, for instance. And the vacancy rates for health-care worker staffing are even unacceptably higher in northern, rural and remote areas of our province.

So part of our job in holding an elected government to account as opposition MLAs, as members of the concerned public, as members of the media, is to make sure that our priorities—as communities across the province—are enacted upon by the elected government. And in order for us to do this, we need to have access to vital information such as this—provided by FIPPA.

And certain provisions of this Bill 49, the Freedom of Information and Protection of Privacy Amendment Act, brought forward by Minister Goertzen, is indeed harmful to that. Provisions of Bill 49 will make us dead last—10 out of 10—in all provincial jurisdictions and—even including with the federal government. And this—we will be even more behind in terms of timeliness standards.

So, most jurisdictions have requests for information returned within 30 days, including the federal government and the rest of the provinces. But with this bill, Manitoba will have the longest wait time, at 45 days. But this 45 days does not even include the extensions of time or for transfer times.

And this bill, Bill 49, expands the amount of time for transfers and extensions—for example, from seven days up to 10 days. And again, this additional time would be added to the 45 days now.

I'm also very concerned about the powers that this bill gives for the department to disregard requests, both for having requests being too broad and for not, also, sufficiently clarifying requests. This bill will grant the department the ability to stop the clock while seeking clarification, and we can see that, with certain departments and with certain coordinators, that they might be able to abuse that ability.

This bill would also withhold Estimates index notes for 60 days after concurrence and another 60 days after that if there is a transition of government or department files to be able to be requested. And this length of time for transition and for Estimates information is an unacceptable length of time. In general, where before there was a duty to assist by FIPPA department officers, now this bill is introducing this duty to the applicant.

Now, one of the stated values of the Manitoba Progressive Conservative Party is, quote: a government that is respectful of and responsive to the will of the people it serves, committed to both the responsibilities and the spirit of democracy. I really like that value. It's really important to have this value, no matter what political stripe your party is. It's important to have this as a guiding light and we, as members of this government, should all do our best to uphold this value and to move towards this value.

\* (15:10)

And a lot of times, we've seen that this government has fallen short of their very own stated ideal. I argue that this—significant parts of this FIPPA bill is moving this PC government away from their own stated commitment to a government that is respectful of and responsive to the will of the people, and to their commitment to their responsibilities and the spirit of democracy.

Together, when you look at the sum total of actions of this PC government, even just recently, including the Speaker's decisions ruling against this government regarding how the opposition MLAs are now unable to do our jobs because committee reports have not been tabled, meaning that the opposition and the public and the media, we've not been given access to these reports in a timely way.

And, of course, another unprecedented ruling by the honourable Speaker regarding the MLA for St. James being intimidated from doing his job as an opposition critic when he was just asking difficult questions of this government in this House.

And on my very first day here at the Legislature, we—all new MLAs, we were told by the legislative clerks. They gave us an overview of the rules and the dress code in this Legislature. We were given a binder with all this new information. We had a PowerPoint presentation. We were told about the differences in—between points of order and matters of privilege. It was described to us that matters of privilege are very rarely favourably ruled on because it is so rare that our privileges as MLAs, to do our jobs, would be taken away.

Yet here we are, you know, Speaker—after the honourable Speaker, after doing all her research and doing a close examination of the issues at hand, did rule—in two major rulings just recently—that our rights as opposition MLAs to do our job were taken away. And that's not right.

And, again, this government is moving away from their commitments to these democratic principles, and if you take a close look at, you know, the rest of the bills here, especially if you take a look at Bill 49, this bill that we're speaking about today, to Bill 35, Bill 64, 57 and 37.

A lot of these bills have a 'centripilization' component to them that is very disturbing for anybody, for any party, for any number of the public that is concerned about, you know, having a democracy thrive here in Manitoba. And I just hope that the members opposite will take my comments seriously because I am very concerned about where we're heading as a province, when this is what's being dictated to us by this government.

Just for the record, I just wanted to also include some thoughts that I had about Bill 49, part of the specific provisions. So, Bill 49, The Freedom of Information and Protection of Privacy Amendment Act, it gives more power to disregard requests based on whether 'requestes' are, quote, excessively "broad or incomprehensible," end quote; or, quote, "otherwise not made in good faith," end quote.

Again, that's problematic because it doesn't really give—it puts, again, most of the onus onto the applicant instead of onto FIPPA department officials in their duty to assist that request to be made.

Secondly, some more of the considerations of this power to disregard include the number of requests made by the same applicant. I don't see how that would be a problem if, you know—for example, in our office we have certain researchers—so that is their job, actually, to make these requests. I—I'm seriously hoping that that's not going to be a problem but according to this line in the legislation, it would be, if it would be made by the same applicant too many times.

Another provision stated here: whether the request is reasonably related to requests that have been made by two or more applicants, who are associated with the meaning of the regulations. You know, that is not very clear, and we hope to be able to clear that up in the committee stage.

Again, the biggest travesty now is that the response times from 45 days instead of the current, which was 30 days, and then the extensions are now 45 days, where before they were—or, the current is at 30 days.

You know, the honourable minister is mentioning that we don't have freedom being taken away from us

because of these extensions, but if you take a look at 45 days plus another 45 days plus—and here, there's another—there's other kinds of extensions and transfers from seven days to 10 days. All these days really do add up.

And when you're trying to get information, because you want to really be able to speak on a topic and get your information right, the timeliness component is very important to, you know, trying to come up with the correct details and the correct information and, you know, just trying to say that, you know, if you wanted to take a look at other jurisdictions in the world where, you know, freedom is really being taken away, well, it doesn't really take much for our institutions to crumble. We've seen that in, you know, our neighbours to the south.

You know, we were all slack-jawed watching the fires on Capitol Hill, you know, on January 13th. It doesn't take much to erode public confidence in our institutions. And instead of strengthening democratic institutions that we can have, including this type of bill, we're just doing like a race towards, you know—the—you know, what is the least acceptable amount of time, you know, instead of, for example, bolstering the number of folks in that department.

I was told in the briefing bill—in the bill briefing yesterday that there are only five people that work in that department. Well, why wouldn't we be able to hire a few more to help out if they're being deluged with different things or in a pandemic, where there might be being seconded to another department.

Information, even within the days of a pandemic, is still information—is still very important to have, because information is the backbone to how we respond to things. So, I don't really accept the honourable minister's comments regarding this, you know, let's compare ourselves to, you know, other countries around the world where freedoms are taken away.

Well, I don't want to compare ourselves to another country in the world where that is happening, because I think that I'm proud to live in this kind of province and to live in this country where, you know, where we can really strive towards the model of democracy that others can also appreciate.

So, no, I don't want to go down that road and try to keep *[inaudible]* where we are right now, because even if you want to take into account BC's weekends, well, they're still at 42 days, and we're at 45 days. So, yes, we are still 10 out of 10, as Premier Pallister is wont to say.

Another important note that I wanted to say about this legislation was that it gives an ability to take an extension based on the, quote, the number of requests made by the applicant—by two or more applicants who are associated within the meaning of the regulations. There is also a provision where we can take an extension to pursue legal advice. So, the department can ask to say, okay, we need to put a stop on this for now, we need an extension, we need to find out, you know, if we're legally able to do this. And again, that's going to be putting more days on to the ability for us to get that information back.

There's again, an extension for exceptional circumstances, you know, just like a pandemic. But even in a pandemic, you still need information in order to make sure that the government is—can be held account. Even in a pandemic, democracy is still an essential service. We should still be working and getting that information so that we have the—we have at our disposal what we need to respond to our communities. That's a very, very important.

\* (15:20)

Again, transfers are now 10 days rather than seven, and there's more changes, including a series of identity protections. This bill adds, quote, litigation privilege, not just solicitor-client privilege, and there's also no disclosure that would, quote, reveal labour relations information of the public body as an employer. And that provision seems a little too broad.

And, again, there is exceptions to disclosure of information for additional time, for specific records, and these specific records include transition binder indexes or tables of contents, that will be now 60 days on assuming office; and a table of contents and index for Estimates preparation and the contents of those materials, again, another 60 days after the concurrence of Estimates.

There seem to be some changes around third parties in section 31.1(1) and there also seems to be more limitations on taking an access complaint to court in section 67(2)(b).

I believe that there are also further notification requirements for serious access findings in section 75.1(1), and there's some parts here that I didn't understand about the minister being able to compel a body to provide information for publication, so we hope to have another opportunity to discuss this bill further with the minister.

And the statutory review now is required for every 10 years, instead of the current five.

So, in closing, again, I think that Bill 49 is—you know, we're going the wrong way if we want to fulfill the values of democratic responsibility and commitment and responsiveness to our constituents and to the province that we serve here. And again, our rights as MLAs and public—and the public and the media are not being completely taken away, but they are being harmed, and that's not right.

And again, with this bill, you know, I can now lump Bill 49 with Bill 35, Bill 64, Bill 57, Bill 37 and we're seeing steps and moves away from democracy towards more centralization of power and that's a—that's not ever going to be a good thing for democracy here in this province.

Thank you, Madam—thank you, Mr. Deputy Speaker.

**Mr. Adrien Sala (St. James):** I'm really grateful to have an opportunity to put some words on the record about Bill 49, which is an atrocious and highly anti-democratic bill, as was outlined by my colleague from Notre Dame. And frankly, this government is going in the exact opposite direction as to what Manitobans want to see their government do.

Manitobans want a government that is open, that works towards increasing transparency and that ensures that they have access to the information they need to have insight into what this government is up to. And they know that this type of legislation—and ultimately, having access to information about what the government is doing—is essential to the functioning of our democracy.

Instead of working to increase transparency and openness with their government, this government is instead working to reduce it with Bill 49. And, that is highly concerning, and I know a lot of Manitobans are deeply concerned about the direction that this government is headed.

Now, we heard some words from the member for Steinbach (Mr. Goertzen) today about his thoughts on the bill, as though these are just minor changes that are really no concern and trying to align us to other provinces. But as with everything this government does, we need to actually look at what they're doing versus what they're saying, and it's only there that we can find the truth—the honest truth—about what it is that they're actually seeking to do.

And so, what are they trying to do with this bill? Well, we see that it extends the time from 30 to 45 days for a response and, as my colleague pointed out, that makes us dead last in the entire country in terms

of timeliness of responding to these types of information requests. It also extends the time for extensions from 30 to 45 days.

Now, I know many people who use the FIPPA legislation to gain access to information will find that their information doesn't come until the very end of the deadline. So, right now a lot of people aren't receiving their information until the 60th day, and we can presume that that information will now, if this legislation passes, be arriving, more often than not, on the 90th day, if people are lucky.

And, I mean, that is an incredibly long period of time for ensuring people have access to the information they need to either hold the government to account or to simply be informed about something of importance to them in their lives.

It also allows requests to be denied much more easily and puts a huge amount of onus on the individual responding or submitting the request for information and, frankly, when we start talking about leaving these types of things to the discretion of the government, we don't have a lot of reason to trust this government in terms of how they're going to use that type of power.

Also, there's a number of other changes that will give government the ability to disregard requests—the number of requests that have been submitted by a particular applicant. Now, we know, obviously, while it's an irritant to the government, one of the really important functions of the opposition is to dig deep and find out what government is up to, and so how can we have any confidence that us, as the opposition, or other organizations, community organizations, or individuals who submit a significant number of requests because of the work that they do or because of their function, that they're simply now going to be denied if the government decides that we're asking too many questions or that a community organization or an individual is asking too many questions.

That is a huge threat to our ability to do our work, and it's a huge threat to the ability of community organizations and individuals across the province who rely on this to be able to do their work. And, frankly, it gives government the ability to use a number of loopholes to simply dismiss a request and to send someone packing when that request might have been really important, say, about the number of health vacancies in a given department, or other important pieces of information.



So that's really concerning to see the government going in that direction, and that amount of discretionary power is problematic when we're dealing with a government like the government we have right now. They've demonstrated over and over their willingness to skirt the rules, to use extraordinary processes or to be sneaky about how they go about doing their work to avoid accountability.

And, I mean, we've seen, just recently, again, as my colleague points out, with some of the rulings that were made by the honourable Speaker, about two instances where, in fact, the Speaker did find that government failed to issue really critical reports that were important to the ability of the opposition to do their jobs and to Manitobans to understand where this government is at in their work.

And also, of course, we've seen their willingness to use really extraordinary—extraordinarily abusive—approaches to shutting us down from asking questions, as we saw in their use of a respectful workplace policy that was actually intended to protect vulnerable people.

So, you know, offering that kind of discretionary power to this government is really concerning because we have a lot of reasons to lack confidence in them and their ability to use that in a way that Manitobans would find acceptable.

Now, the minister stated that, you know, the department is deluged with requests, and that's why we need to do this. This simple response to this overflow of requests is just to make the response time longer.

Well, I think most people would find that ludicrous and, in fact, most people would suggest that if the department is, in fact, deluged by requests—important requests, no doubt—that the way to respond to that is actually to increase resourcing to that area to make sure that those people have the supports and the resources that they need to do their work and to meet the deadlines that they've—that were committed to.

Of course, that is clearly not the direction we're going. Instead, we are just simply making the wait times longer. It's not the right direction to be headed, and it's not in any way in the best interests of Manitobans because it reduces transparency, it reduces openness and it has an impact of reducing democracy in this province.

\* (15:30)

So, you know, I think it's clear that this bill is fundamentally anti-democratic. Manitobans see that and they see the alignment between this bill and a lot of other legislation that they're putting forward. I mean, if we look at Bill 64, that's reducing democracy by reducing local input into education decisions. Bill 37 eliminates the ability of municipalities to make decisions about development in their own jurisdictions; takes that away, reduces that democratic right for municipalities. Bill 35 eliminates the voice of Manitobans in rate setting, through moving rate setting from an independent review process where Manitobans are represented, to moving that, again, to the Cabinet table: more centralization of power, more reduction of democracy in our province. And then, of course, Bill 57, which is an egregious attack on Manitobans' ability to protest, protect our water, to protect our environment. It can be used in a number of ways that are really concerning.

So this bill is very similar to a number of other bills that are fundamentally about reducing democracy in Manitoba, and that should make Manitobans really worried.

And, in fact, I think a lot of Manitobans are starting to see, now that the bills are actually starting to be revealed to them, that there is a hugely anti-democratic thread through the work of this government and through the bills that they're bringing forward.

They're subverting democracy, and while, you know, the minister might suggest that—he makes these claims that, ultimately, that these concerns are not fundamentally—or that their actions are not going to reduce democracy in this province, I'd remind the minister that democracy is fragile and this is exactly how we lose it. We lose it with governments that centralize power, that remove local decision-making and that do exactly what this government is doing with this bill, which is ultimately reducing the ability of Manitobans to be able to access critical information about what their government is up to.

That's scary stuff, and, you know, we know that this government—we know the way that they operate, and I think we have a pretty good sense of what they're likely to do with the huge number of exceptions that they've been given and the huge amount of ability to be able to dismiss requests that they simply don't like; that's really worrisome. That's really, really worrisome.

So let's call this bill out for what it is intended to do, what they're actually seeking to accomplish with

it. They're looking to reduce their accountability to Manitobans through this bill; they're looking to reduce political risk to their extremist agenda that they're putting forward; and they're looking to stop Manitobans from learning about what they're up to. It's really that simple. That's what this bill is seeking to achieve.

Manitobans are tuning in and they're starting to see what this government is capable of with these bills that, again, have finally been revealed four months after having been quote, unquote, introduced—and I think we're going to start to see a significant number of Manitobans, as this information becomes more and more available, start to really rise up and put this government on notice that this type of legislation, like a number of their other pieces of legislation, are unacceptable because it's taking us in the wrong direction, it's reducing democracy in Manitoba and, of course, we need to be going the other direction. We need to ensure that government increases transparency, that it increases openness, that we fight for more openness in government so that Manitobans can have a say in what's happening so that we can have clarity in what the government is up to; and that's critical.

So this bill should not be allowed to pass. It should be stopped along with all the other wildly anti-democratic pieces of legislation that they brought forward.

Thank you very much, Mr. Deputy Speaker.

**Mr. Dougald Lamont (St. Boniface):** Clearly, this is a very problematic bill because it is very clearly weakening freedom of information provisions, and any reduction in service, anything that makes it harder for people to get access to freedom of information—whether it's adding more time when time can be of the essence, or whether it's adding the possibility of fees, which creates a financial barrier—is a serious—is a very serious problem, because information is—and is the lifeblood of democracy. And having accurate information for all Manitobans, not just for government, for—but for any member of the Legislature and any member of the public to be able to access this information is incredibly important, because it shows what's actually happening in government. It is actually a way of reaching beyond public relations and reaching beyond arguments back and forth, the day-to-day cut and thrust of the Legislature, to actual decision-making, actual recordings.

And this is something we have struggled with, in terms of our access—to be able to access information. Sometimes there are times there—it takes a very long time. It takes far more than the allotted time for—from 30 days to receive a FIPPA request.

So, I'll just go over some of our objections with the explanatory note. And I think one of the questions which always has to be asked of any new measure, which is often not asked of any new measure, especially innovation, is how can this be weaponized? How can this be turned against—how can even this apparently positive-sounding thing be used in order to be turned against—to either turn against or used for purposes that go against the spirit of freedom of information?

The first—the fact that responding to requests for access to information is extended to 45 from 30 and the period for extensions also extended—increased to 45 days; that is a substantial increase. That is a full month increase when we were already—it is sometimes—already takes months for freedom of information requests to come through.

It—that a person's request for access may be considered abandoned if they fail to provide information requested of them that is necessary to process the request. This is sort of a—this is a reverse onus that's really quite unfortunate. It's a bit like what used to be called negative billing. And this stands out to me, in part because I made a complaint through PayPal and PayPal told me I needed to escalate it and I missed the deadline by a day and I'm out \$200, so I'm not very happy, having tried to order some boxes online.

But the fact is is that the idea that it is on the—that part of what this does is that it pushes the onus for getting things right, over and over again, onto the applicant or the public or the person who's not in government, and ends up shielding government and protecting government as a consequence in ways, I think, that aren't necessarily useful.

The idea that a person's request is just considered abandoned if they fail to provide information—it doesn't have to be considered abandoned. The fact is these are things that should be kept alive. It—the question should be, you know, they should—there should be at least one or two attempts beyond that, especially considering the volume of email that we all get.

That the public—one of the most—one of the biggest concerns for us is the idea that a public body

may disregard requests for information already provided or requests that amount to an abuse of the right to make a request. This is—this amounts to a get out of jail free card, that it looks like the government can just say, well, you know, we don't like how—the way you've asked this; you've asked this too much.

In particular, because there are times when, if you ask for a particular question, it requires refinement, which is very common when it comes with freedom of information requests. And for the government to simply be able to slam to the door and say, well, we're not going to provide that information because we didn't like the way you asked the question, is not acceptable.

The fact is, the onus should be on making it easier to get information, not harder. And part of that relates directly to the—to who makes that decision. I understand that in—most of these requirements go to—can ultimately be signed off on by a deputy minister, which, if we were dealing with a situation of a completely non-politicized public service where deputy ministers were lifelong public servants who are completely apolitical—which does happen in some governments, somewhere—but, you know, it—there are politicization by all parties at all levels of government, I won't deny that. But my preference would be depoliticizing it and making sure that there aren't partisan or political considerations that go into making these decisions.

People seeking to correct their personal information, that is—seems to me to be legitimate. There are people being notified there's a real risk they will be significantly harmed as a result of the privacy breach concerning their personal information. There's no question that there are risks around privacy, but the question is what that risk or harm is. If the risk or harm is that somebody is defamed—that they would lose income because they were to be charged with a crime, that—or that they would be embarrassed because they were involved in some sort of scheme, which is certainly not unreasonable.

\* (15:40)

There have been many examples at the federal and provincial levels of bureaucrats, public servants, certainly federally, but as well as in the province of Manitoba, who've been involved in very serious malfeasance. My colleague, the member for River Heights (Mr. Gerrard) actually helped recover land that had been expropriated, I believe near Hecla, and that public servants had taken advantage of their insider information in order to buy the land at a low

cost for themselves. And my colleague, the member for River Heights, found this out and helped get people their land back, 20—more than 20 years after it'd initially happened.

So, part of this is, there needs to be a clear definition that—and perhaps it just needs to be that it needs to be, in this sense, the public interest, that when it comes to the law or people acting before the courts, there is a sense of being an officer of the court, that lawyers have an obligation to the rules of the court that go above and beyond their obligations, even to their client, that if they discover something—but there are things they cannot do—that there are real ethical and legal considerations that they cannot do, and have obligations because their obligations are to justice and to the court, and not just—not simply to their client.

In that same way, we as legislatures—legislators, have an obligation that goes above and beyond our obligation purely to our constituents or to our partisan affiliation, is that there are things that are more important for the public interest and for the functioning of democracy and for accountability and people's safety and all the other issues that are really quite profound, that we all have impacts on people living their daily lives.

I mean, one of the things that's happened in the last year with the pandemic is that it's absolutely clear that whether someone can make a living or not is a decision made by government. It's an extraordinary situation we're in, but that is—it is—we are at a position where governments get to choose, say, whether or not a business stays open or closes, whether an organization stays open or closes and whether somebody gets income or not.

This is—so at this time especially, we should all be incredibly conscious of the fact that we have this power. It is an extraordinary power, and we have the power to make—whether to make or break people. This is something I've always sort of thought about, but it has been really highlighted in this pandemic. And that does directly affect our ability to access information.

I will say that there are some ways in which this government has slightly opened up access to information, in ways that are useful. Access to contracts, for example; a number of other things are posted online. I will point out that there are—there is an unfortunate history—a—challenges around both democracy and access to information, that sometimes arose under the previous—the NDP government.

In fact, the minister—the member from Steinbach may actually recall that after, in 1999, the NDP was forced to repay \$76,000 in improperly claimed rebates. It was never charged with violating the election finance act. There was no public disclosure and the repayment was not made until months after the 2003 election. And, in fact, there were accusations that the secretary of the NDP—and letters—the secretary of the NDP was demanding that the auditor for Elections Manitoba be removed from the case, which he was. And, in fact, the report, I believe was announced on the first election I worked on in Manitoba in 2003. It was in the second or third day of that election, at which time people were not paying that much attention to the fact that this finding had been made.

And there are other instances where it's—where we talk about the difficulty of achieving justice for people. We had the report about Phoenix Sinclair, which was something. That was an inquiry that took five years to call. But ultimately there have to be higher concerns and higher considerations when it comes to ensuring that people have access, then just—then protecting a given party or—and especially preserving the power of the party that's in government at that time.

So, we do have very serious concerns about this. If it is to move forward, it should only ever move forward with some quite significant amendments. Even the fact that there's no pressure on the government to actually—sorry. All the onus, again, is on the applicant and not on the government.

So, if the government fails to meet its requests, it's—they exceed their deadline of 45 days—we can go to the Ombudsman, but the Ombudsman may still refuse it. It—the Ombudsman—that is a huge challenge, of people being with—the government being unwilling to even co-operate with the Ombudsman, but the other is, there's no sanction. There's no punishment in terms of the government breaking the rules.

So, even one simple example would be if a particular request was made and that a person was expected to pay a fee for it—though I understand the government has said they won't have a fee, or they won't implement a fee, despite the fact that it's in the bill—that if it were to exceed the deadline of 45 days, that the fee would be waived.

So that there would actually be a financial benefit to the applicant who'd been wronged, and a financial sanction for the government for failing to do so.

That would be—that'd be just one example of—we're not talking about large amounts of money, and I—and frankly, I don't think that any fees should be involved at all, because freedom of information should be considered the cost of doing business for government.

That—and we often have challenges with other systems and with people saying, well, we've got three different computer systems—and again, this is—that's a—if we're going to face these challenges, we shouldn't be reducing the standards.

And, fundamentally, that is the biggest problem with this bill, is that it reduces the standards of access to information in a number of very significant ways which are, frankly, really unfortunate and really do undermine the ability of Manitobans, generally, and especially of MLAs, to hold the government to account.

And, I will add one other thing—is that, clearly, is that one of the things that bills should work—I will say this: if we're going to talk about this bill, we should consider who—would this bill be acceptable if it were another party proposing it? Would the government or the—and the ministers and the PCs be opposed to this if the NDP were attempting to bring it in and weaken freedom of information?

I think the PCs would be very vocal about it. They would be—object to it very strenuously, and they would be right to do so. And so, if that's the case, what's good for the goose is good for the gander.

I'm not sure which one is NDP or which one is PC, but the fact is that we have to recognize and try to at least be non-partisan enough to create good legislation that will serve the public ahead of partisanship and ahead of the immediate short-term goals of a government in trying to achieve something.

Because, ultimately, the ability for—truly, the ability for governments to hide information is—it's not just a question of what we'd call transparency or disclosure. It is fundamentally an issue of justice as well, because whether it's possible for someone to hide, to conceal wrongdoing or the flipside of that—whether there's information that could show that someone was falsely accused.

Both of these things are incredibly important pieces of information because so much of what we actually talk about in this Chamber is right and wrong. We are always talking about whether we disagree about what is right, we disagree about what is wrong—in terms of politics, ideology and policies. But we also

talk about it in terms of people's abilities to, you know—people's actions, right?

So these are important issues that boil down—that contribute and inform the very heart of our democracy and how we work in this Chamber and this government, so.

We are opposed to this, unless it has some very significant revisions. We should not be paying more. There needs to be a depoliticization of this process. It—and, if anything, we need to enhance and help people to access information, because it is—because, what's the—the saying is, the truth will set us free.

Thank you very much, Mr. Deputy Speaker.

\* (15:50)

**Mr. Diljeet Brar (Burrows):** Mr. Deputy Speaker, thank you for the opportunity to speak to this bill, Bill 49, The Freedom of Information and Protection of Privacy Amendment Act.

I was thinking this: Why do we amend legislation? Why do we revise rules? As I think, we do this to improve our system, to serve our clients better, to serve our citizens better, to make it possible for the people to use an existing system in a better way.

So this bill, it's entitled as the freedom of information, but this amendment, to me, sounds like there would be less freedom than it is today.

I would be impressed if the government came forward, saying that, hey, the information that you used to get in 30 days would be available now in 25 days; we improved the legislation; we staffed our departments up; we are using technology to make things better.

Just putting in—it into context, for example, we are in the middle of a pandemic, and just a few months back we used to get the COVID-19 test results in a few days, and now we are getting it done in a few hours or the same day or the next day. This is an improvement of the system, all over the world, I'm talking about.

Then let's talk about vaccinations for COVID-19. We had expectations that this province, this country, this area would be vaccinated in the next 15 months, and then we revised those expectations, those deadlines, saying, hey, we have—we are better equipped now and we can achieve the same results in just five or six months.

But what this bill does, it delays. It delays. It does not serve Manitobans in a better way. It adds to their wait times for something that they're eagerly looking for. It's not a great strategy to say, as the minister said, that 50 per cent of the applications—in 50 per cent of the cases—they had to extend the deadlines.

Is that the reason that we are amending this act? Isn't that the incapability of the department or of the minister that they could not achieve the results in a defined way, in a defined manner, in a defined time?

Should they have looked into the efficiency of the system, why they are not able to achieve the results in 30 days? If that's the reason—that because we couldn't work within a defined time, that's the reason we are extending it to 45 days.

So let's look at the reverse picture. If we are saying that 50 per cent of the applications, the deadline has to be extended, I would say that the other 50 per cent of the applications were being completed and addressed in 30 days. Now, 100 per cent of the applications would take at least 45 days to complete or to address.

I'm looking at it this way: if the government used to take 60 days for an assignment that was initially committed to be completed in 30 days, it's highly likely that the same government, same system, could take 90 days for the assignment that is being committed to be completed in 45 days. That's not impressive.

Basically, I mean, a person's request for access may be considered abandoned if they fail to provide information requested of them that is necessary to process the request. So this bill—this amendment—is all about helping the government, not the public, because a public body may disregard requests for information already provided or the requests that amount to an abuse of the right to make a request.

Specific exceptions to disclosure of labour relations information and workplace investigations are provided under this amendment. A person may seek to correct their personal information without first having to request access to information and the process for correcting personal information is streamlined.

So, that's what this amendment says. And it further says that people are to be notified if there's a real risk they will be significantly harmed as a result of a privacy breach concerning their personal information. And employees of a public body may notify the Ombudsman if they reasonably believe

the body is treating personal information in an unauthorized manner and no adverse actions may be taken against them for doing so. The Ombudsman is authorized to disclose personal information, if necessary, to protect a person's mental or physical health or safety.

Records more than 100 years old are to be made available without a request, if practicable. The type of records that are to be made available without an application for access are expanded and the minister responsible for the act can direct education bodies, government agencies and health-care bodies to make additional categories of records available.

Bill 49 changes many of the rules regarding freedom of information requests, which will greatly impact public's access to critical public information. This bill gives the government more power to disregard requests based on whether the request is excessively broad or incomprehensible or otherwise not made in good faith.

The power of this bill allows requests to be disregarded due to, for example, the number of requests made by the same applicant. That doesn't make any sense. Why should there be a limit on somebody to ask for information? This is public information and the public has every right to ask for the information that they want.

And this bill allows bodies to take up to 45 days to respond and to extend again, as I said, a response time up to 45 days. It's 30 plus 30 as of now, and it could be 45 plus 45 going forward. Transfer of requests has been increased to 10 days from seven, meaning the total turnaround time could be upward of 100 days people are waiting for answers.

\* (16:00)

As we know, this government does not like to be transparent. All Manitobans know that they failed to provide information, details about the 19 bills that they tabled a few months back. So, to me, this bill, Bill 49, it's an amendment to favour the government, to empower the government, to make it possible for the government to delay the information. It's not about efficiency. It's not about serving Manitobans. It's not about democracy. It's about control. It's about refusing to act.

So I, along with my NDP colleagues, we stand against this bill.

Thank you, Mr. Deputy Speaker.

**Ms. Nahanni Fontaine (Official Opposition House Leader):** I move, seconded by the member for Concordia (Mr. Wiebe), that the debate be adjourned.

*Motion agreed to.*

**Bill 45—The Public Schools Amendment and Manitoba Teachers' Society Amendment Act**

**Mr. Deputy Speaker:** So now we'll go on to Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act.

**Hon. Cliff Cullen (Minister of Education):** I move, seconded by the Minister of Agriculture, that Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act, be now read a second time and be referred to a committee of this House.

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

**Mr. Deputy Speaker:** It has been moved by the honourable Minister for Education, seconded by the honourable member—minister for agriculture and resources, that Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act, be now read for the second time and be referred to the committee of this House.

**Mr. Cullen:** I just wanted to put a few comments on the record in regard to Bill 45.

Manitoba is the only province in Canada where public teacher bargaining is still done exclusively at the local level. The current bargaining process involves 38 separate bargaining units, with each unit negotiating at the local level with their school division or school district.

We have seen, time and time again, that once one school division has negotiated a deal, the rest have followed, usually with the same parameters and same outcomes. This has resulted in significant waste of time and is not getting value for money for anyone, but especially for our children. This new framework will streamline the process, allowing teachers and divisional administrators to focus more time in the classroom.

This bill will transition public sector bargaining from local bargaining to the first single-tier centralized teacher bargaining model in Canada. Some features of the current approach to public teacher bargaining will be maintained in the modernized bargaining framework, including settling disputes through binding arbitration instead of strikes

and lockouts, while at the same time preserving open-scope bargaining.

This bill makes the following important changes to the bargaining framework: establishing a single provincial table to bargain a single agreement, but maintaining local bargaining for the Division scolaire franco-manitobaine, or DSFM; naming the Manitoba Teachers' Society as the teacher bargaining representative to bargain on behalf of teachers.

And this bill will not impact any collective agreements in place when the bill does come into force. As existing collective agreements expire, school divisions and teachers' associations will become party to the provincial agreement.

The Province remains committed to modernizing Manitobans' education system to ensure our students are well-prepared for the future. Students, parents and education staff can be assured that we will continue to support children's educational needs and to ensure they have the best opportunities for success. This is one step—one further step to ensure that our students can be best served by our education system.

And, Mr. Acting Speaker, I just want to again congratulate teachers, principals, all support staff through our school divisions that have worked tirelessly through the—over the last year, dealing with COVID-19 and the pandemic. It certainly has created challenges but they certainly have stepped up to the plate and shown that we can still continue to operate our schools in a safe manner.

I certainly want to acknowledge students and parents for the challenges that they have been provided over the last year as well and I want to commend them for their actions and for all the activity they do, again, to keep our schools and our communities and our children safe.

Again, on behalf of our government, thank you so much for the good work that you've done over the last year; recognizing that the challenges that COVID and this pandemic has brought through to our education field. So just a hats off for a great job; I think we're optimistic we're getting close to the end of this pandemic and we can get our vaccinations complete and get back to somewhat closer to whatever the new normal's going to be.

So with those few words, I just thank you for the opportunity to put a few words on Bill 45.

## Questions

**Mr. Deputy Speaker:** A question period up to 15 minutes will be held. Questions may be addressed to the minister by any member of the following sequence: first question from the official opposition critic or 'desigate'—designate, subsequent questions asked by each independent member. The remaining questions be asked by any opposition members and no questions or answers shall exceed 45 seconds.

**Mr. Mark Wasyliw (Deputy Official Opposition House Leader):** Mr. Deputy Speaker, the official opposition Education critic will be taking the questions.

**Mr. Nello Altomare (Transcona):** It is great to be asking my first round of questions on a bill. It—I've said this earlier—it's, you know, an honour to be here, representing the people of Transcona, and I take this first opportunity to thank them for sending me here.

I would like to ask the minister, Mr. Deputy Speaker: This bill establishes an employers' organization consisting of school divisions and school districts.

How will this be achieved with the dissolution of school divisions under Bill 64?

**Hon. Cliff Cullen (Minister of Education):** I would thank the member for Transcona for the question. I certainly welcome him back to the Chamber as well; glad to have a briefing on Bill 64 just yesterday. I look forward to having more discussions with the member from Transcona on the field of education.

Clearly, this bill was brought forward some time ago with the existing structure in place. We recognize when and if Bill 64 is passed there will certainly be a change when it comes to school divisions. So certainly the provisions here, in terms of a province-wide bargaining, will come into play, whether it be through 45, and as well in conjunction—

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

**Ms. Cindy Lamoureux (Tyndall Park):** The bill says that the society must pay the expenses that are reasonable—reasonably incurred by negotiating committee and its members. So I'm wondering who would normally pay these costs and how much does the government expect for these costs to be?

**Mr. Cullen:** I do appreciate that particular question and I will endeavour to get specifics on that for the member.

Certainly, I think I can broadly say now we have 38 independent school divisions doing bargaining, but normally what's happened is once one division would come to an agreement with their teachers, then 37 other units would follow suit and end up with the same place. We just think it's unfortunate there is a lot of time and energy put into that process being replicated, being—

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

**Mr. Altomare:** I just want to reference a comment that the minister made. He mentioned in his preamble that as agreements expire they will become part of a new provincial agreement.

\* (16:10)

Has there—any thought gone into what this agreement may look like, what they're going to base it on, who they're going to consult and how they're going to come to this basic first provincial agreement?

**Mr. Cullen:** Again, I appreciate that question. Clearly, we're going through the arbitration process right now with the 37 school divisions across the province. Obviously, we will allow that process to unfold as it normally does.

This particular legislation, when passed, would come into effect at a later date. So again, we're allowing the collective bargaining and now the arbitration system to unfold naturally. Those agreements will be ratified. This particular legislation would be proclaimed at a later date. So this would come—

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

The honourable member for Tyndall Park (Ms. Lamoureux), do you have a question?

**Ms. Lamoureux:** Yes, I do. I'll go on with the question.

Why is the topic of dealing with sick leave being repealed from the legislation?

**Mr. Cullen:** I thank the member for the question, and I'm not sure of the specifics of her question, but we certainly endeavour to get back to her on that specific question.

**Mr. Altomare:** Just getting back to some—to this base provincial agreement that's going to be—somehow is going to just appear, I want to ask—because we do have a northern allowance currently in many of the

agreements, like with Mystery Lake, with Flin Flon, with Kelsey, et cetera—will there be almost two different agreements, or are we going to harmonize the entire province under one agreement?

**Mr. Cullen:** I do appreciate that question. Clearly, this will be a negotiated agreement at some point in time. We do recognize there is differences, whether they be in terms of the regions, and those are subsets that certainly could be added to the base agreement.

So there'll be certainly opportunities, and I think the northern rural allowances is a classic example where that subset could be added to the master agreement, if you like. So there is—obviously, we recognize the differences around the province.

**Mr. Altomare:** I would like to ask the minister how much—I mean, obviously, I'm assuming there was some consultation with MTS Council of School Leaders, et cetera.

Can he describe how that consultation went and how MTS came to supporting some of these pieces in this bill?

**Mr. Cullen:** Thanks for the question.

And, yes, there was certainly consultation with MTS, Manitoba school boards as well. I think MTS has been supportive of province-wide bargaining for some time now. I'm not sure what their policy is today, but they have in the past been supportive of province-wide collective bargaining.

And I think it takes some pressure off of the—all the school boards once we do move to a provincial-wide bargaining as well, and I know the NDP have been supportive of province-wide collective bargaining in the past as well.

**Mr. Altomare:** I'd like to ask the minister: Did the consultation process raise any concerns, and if some of these concerns were raised, were those addressed anywhere in Bill 45?

**Mr. Cullen:** I respect that question.

Again, I know there was, certainly, individuals and organizations consulted. I will certainly have to endeavour to get back to the member in terms of what the details of those consultations—what they arrived at and whether any of those issues were incorporated into Bill 45.

**Mr. Altomare:** We notice that the DSFM is considered separate. They're going to have their own board. They're going to have their own negotiations, their own agreement.



Can you—can I ask the minister, what mechanisms are in place to ensure that teachers in the DSFM will be treated the same as teachers outside the DSFM?

**Mr. Cullen:** Yes, we recognize the DSFM is certainly in a unique position, and we recognize that through the K-to-12 review as well. So it's certainly reflective of section 30—or, pardon me, 23 of the Canadian Charter of rights regarding minority language communities.

So DSFM will certainly be undertaking their own negotiations with their teachers, and that, certainly, will continue under this legislation as well.

**Mr. Altomare:** I'd like to ask this question: Will this government commit to negotiating in good faith with teachers? And here's what I mean. We have Bill 16 that allows the government to remove certain bargaining pieces from a unit. We had that example outlined in Bill 64, right? Dividing and conquering.

So, with that in mind, I'd like to know, will they negotiate in good faith so that teachers are protected?

**Mr. Cullen:** In terms of Bill 64, Bill 64 will—does prescribe a provincial education authority. That particular agency will be responsible for negotiating with Manitoba Teachers' Society into the future. I would every—have every intent going forward that that entity would be bargaining in good faith.

I am—you know, obviously, the members of the board—the majority of the board will be appointed by the government. Some members will be appointed, but they will be through an elected—

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

**Mr. Altomare:** Now that we've unfortunately had to remove principals and vice-principals from Manitoba Teachers' Society, I would like to ask the minister, are they considering, then, a province-wide agreement for school leaders, for those vice-principals and principals that have decided to go into school leadership? And how will this agreement come about?

How—what kind of processes will be put in place? Or will there just be, hey, this is your salary, and that's it. I'd like to know that.

**Mr. Cullen:** The member raises a valid question. Certainly, we will be appointing the provincial education authority once the legislation gets passed. Obviously, that board will organize and provide structure in terms of what that looks like.

I will say to the member that currently existing, we have—outside of MTS, we have another over 80 bargaining units representing, you know, various other employers of school boards across our province. So we're currently negotiating over—our school boards are currently negotiating over with over 80 different—

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

**Mr. Altomare:** I just want to get a little more clarification on my previous question.

Will principals and vice-principals be part of their own bargaining unit, right, where they can negotiate with this provincial education authority?

**Mr. Cullen:** As I indicated, we are currently—our school boards are currently bargaining with, not just with MTS, but over 80 other bargaining units across the province. So there's a myriad of bargaining units that have to be addressed. Obviously, they're at different points in times in terms of those contracts and in terms of those negotiations.

\* (16:20)

My view would be that principals and vice-principals, you know, could form their own bargaining unit and then the bargaining can be done at that level as well. So this would be an additional potential bargaining unit—

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

**Mr. Altomare:** We know that this government has been interfering in a number of negotiations—University of Manitoba, with some faculty associations.

Will this government commit to bargaining in good faith without interfering in who they decide will be representing them at the bargaining table?

**Mr. Cullen:** I suppose we can debate opinions here all day, whether or not there's a—there's clearly a perception on the other side that, you know, the government's interfering in collective bargaining processes.

I would say that our government would see it quite differently. We, you know, are rarely directly the employers, and I know the member referenced the University of Manitoba, and clearly the University of Manitoba is the employer there. In our case, going forward with Bill 64, the provincial education authority will be the employer of record. So they will be responsible for the collective bargaining process.

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

**Mr. Altomare:** This provincial education authority will have a tremendous amount of power in a sense of not only establishing the Education budget but also establishing parameters how the workplace will look like, moving forward.

How much consultation has there been with professional negotiators or union groups to come up with what this education authority will do once they get into negotiations?

**Mr. Cullen:** I can say through the K-to-12 report we consulted with thousands of Manitobans, had input from thousands of Manitobans and including teachers and school leaders. We certainly had—did that consultation. I've indicated we have more consultation to do with Manitobans.

There's a lot of fronts that we will be working forward on, in terms of, as the member pointed out, the funding model. And we think the funding model needs to be revised. It's complicated and archaic, and we look forward to consulting with Manitobans on that and, as well, a whole variety of issues going forward.

**Mr. Deputy Speaker:** Time for question period has expired.

#### Debate

**Mr. Deputy Speaker:** The debate is open. Any speakers?

**Mr. Nello Altomare (Transcona):** It's indeed an honour to be here and to put a few words on the record regarding Bill 45.

*Madam Speaker in the Chair*

Bill 45 is interesting in a sense that it does establish that provincial bargaining authority, and MTS, indeed, has long been wanting to see a provincial agreement in place for its membership. The unfortunate part is that now we have a significant part of that membership now being removed, not going to be able to, you know, bargain in good faith with the teachers from that pool on which they have originated, and that for us—and for me, is a problem.

When we look at previous bills, we see that Bill 16 allowed this to occur. And if there was some real consultation with the Council of School Leaders, he would've found that they would've wanted to remain with the Manitoba Teachers' Society. A lot of this and a lot of pieces around being a Manitoban is

that we're community people, people that look to support each other and to ensure that we do well so that the entire community does well.

A lot of our—certainly our—a lot of our rural areas in Manitoba come from that background, that belief. And the original Public Schools Act was created like that. That's why, with the Manitoba Teachers' Society, you included principals and vice-principals in that particular part, and I will tell you it's an antithesis. It goes against what we do as Manitobans.

We don't create these schisms, these parties, where we can, you know, have unnecessary stress, unnecessary pieces brought into our schools that never existed before, because we know that schools are collegial, collaborative, and with the removal of principals and vice-principals from that bargaining unit, it begins to create a sense of us and them; and we never want that in our schools.

And that's a big piece for us, one that for me, in my previous career, was really important: to be able to sit down not only with teachers but also with everybody in a school that makes it tick. And what occurs is, when you remove a certain portion from that, you lose a very important voice.

Now, we also know that the francophone school division and its teachers are not affected so much by these changes, but we're also concerned and we want to make sure that their rights, their privileges, of course, are maintained in the same way that they're maintained for the current membership of the Manitoba Teachers' Society.

Now, let's get into some of the arbitration pieces and what the arbitration board now has to take into account—the ability to pay. The ability to pay is something that was never intended to be in an arbitration process here in this province. Teachers gave up—and principals and vice-principals—gave up the right to strike for a fair arbitration process.

And what this does now—with this bill, Bill 45—by introducing ability to pay, it takes away the fairness and it takes away the good faith that existed between teachers and their employers.

And what we don't want to see is an ability to pay because now with this new provincial education authority they can cry poverty every year and ensure that fair arbitration awards will never occur because of this ability to pay piece; all they have to say is that we're unable to pay and therefore you have to go to work without a contract. And that is a large, large problem.

I just want to get to some of the pandemic pieces—and, I mean, obviously, our front-line workers, which includes people in our schools, have risen to the occasion in so many ways, under incredible duress and, as it turns out, a lack of leadership from this government.

Because what ended up happening in the late summer is that we had not only teachers but also parents, also people that work in schools saying, you know, where's the plan for how we're going to return to school? This government let teachers down by leaving them to scramble during this time to create these back-to-school plans with very little leadership.

And what happens is that they ended up feeling vulnerable, unsupported, and when you feel that way and then you're inundated not only with Bill 16, Bill 45, now Bill 64, it is indicative that the message that they're receiving is one of—I wouldn't even call it support, but rather one of, you know what, you're the target and we're going to come after you.

And that's not a good work environment. So can you imagine, then, translating that kind of environment to the negotiation process and how that's going to look and how that's going to work. Because these pieces also will need to be addressed.

With the establishment of a centralized collective bargaining process, teachers are now be employed by this new education authority. And MTS has indeed seen some potential benefits from collective bargaining that this could bring to everyone on a level footing.

It is our hope that—with contracts and with working conditions—is that everyone is moved up, that there isn't anybody moving down, and we would like to see some kind of process in place where harm is reduced when this provincial agreement comes into force.

Because what we can't have is we can't have people losing their—not only their purchasing power, but also losing their standing, right—losing the pieces that establish them as teachers in their communities.

\* (16:30)

We have seen that this government has a record of interfering with negotiations and harming the process that occurs afterwards, and then once taken to court, showing that it's unconstitutional, therefore delaying and punting it down the road, any type of fair and decent wage settlement, for people that work for—

be it the University of Manitoba or this new provincial education authority.

We believe in fair negotiations and the right to collective bargaining, and a collective bargaining process that is free of any impediment. Free of—if, you know, if we reach a certain point where you need to go to an arbitrator, that we know that that arbitrator will be fair, that the agreement reached will be balanced. But we don't know that coming out of Bill 45, especially with the ability to pay provision.

In 2016, I would like to remind this government, the University of Manitoba—they interfered in that collective bargaining process, leading to a faculty strike. The same thing occurred this past year where there was a threat of that, and all of the disruptions that that caused to not only students, families, but also the people that worked at the University of Manitoba.

And these are—you know, we try to understand why these things occur. It's because this government, this Premier (Mr. Pallister) has 'combanded' the university to mislead the faculty association and withdraw salary increases.

This resulted in the university negotiating in bad faith, originally offering a 7 per cent pay increase over four years, and then, almost immediately, offering two years of zero, then 0.75 and then 1 per cent over the last two. That's not bargaining in good faith.

As a matter of fact, that kind of points and leads a bit of a road map to what that's going to be like for when this new education authority bargains with teachers in this province. And that's a problem, Madam Speaker, and one that we need to have addressed in this bill so that it doesn't allow that type of sleight-of-hand bargaining to occur.

Now, when we look at the pandemic, when students, faculty—they're stressed to the capacity—they interfered again, just like I said earlier. And, unfortunately, this could lead to another strike, disrupting learning of some of the same students twice in their academic career, and for the second time under this government.

And I know that has a direct impact, because a lot of my—two of my own kids are in post-secondary, a lot of their friends. And the uncertainty that this breeds is, for them, difficult, because, as you know, a person that is that age is on a timeline. They want to get things done. They want to get into the workforce.

And these kind of interference pieces that are ongoing and occurring only delay, only cause

disruption and only result in students not knowing what direction their education will go in. And that is a major problem.

I'd also like to get into how this government interfered in negotiations at the Winnipeg School Division, leading to that bus driver strike—at the start of the school year, during a pandemic, right? What needed to happen at that time is that the government needed to step in and say, you know what, we know the important role that you play. We are going to bargain in good faith because we are in a pandemic. We are all in this together.

But no. That's not what happened. Instead, we had a strike. Why? Because bus drivers were not feeling valued by the very people that said they were feeling—that they were valued.

And what that created was a situation where you have this bad faith negotiation going on and people not feeling valued for the contributions they're making to education in Manitoba. And we're worried that this pattern will continue and be extended to teachers under this new education authority.

Throughout this government we've seen consistent attack on workers' rights, one of these being outlined in bill 28, The Public Services Sustainability Act, which received royal assent in 2017. It was unfair, one-sided, violated the rights to fair bargaining.

What bill 28 tried to do was freeze the wages of government workers for two years with small increases—and we know the number, always the same number—0.75 and 1 per cent.

The government did not engage in any meaningful consultation with front-line workers before using this legislation to put on the backs of workers these settlements that were clearly unfair and not bargained in good faith.

I will say that public servants right now are working harder than ever. We know that. We see the increasing stress that our public servants are under. We see the strain that not only comes from work, but then is taken home because they don't know if they have a government that is really supportive of them, right?

And the way you indicate support is by showing that you understand, and the other way is that you bargain in good faith. And that is something that needs to—that is a Manitoba hallmark, I would say, one that is borne of this prairie tradition that we have in this

province, one of co-operation and understanding, not one of heavy-handed tactics. We need to remember where we come from and where we are in this province.

This province is certainly where it is today because of workers, because of workers organizing and lifting up the collective experiences of all Manitobans. And that—that is not being reflected in this bill, that's not reflected in Bill 16, certainly not reflected in bill 28 from 2016 and certainly not reflected in Bill 64.

So we have a number of concerns, right? And what the pandemic has done has allowed us to really see how important our collegiality, our collaboration is to each other so that we can collectively do this better. We don't want to create schisms. We want to create teams of people that are working to a common good and a common goal. What this does—what this bill does—is completely blow that up when you bring in this ability to pay.

I'll tell you, as a teacher—a former teacher—I'm offended by that. I've given up my right to strike because I was under the impression that we would have a government that would bargain in good faith. And we need that to certainly be evident when the provincial education authority. The very first thing it'll say, I would love to hear it say it, is that we will bargain faithfully; we will not need the ability to pay in there because we know that our workers here in Manitoba deserve a fair, collectively bargained agreement, free of any interference. And that's not what we have here.

This continuation of the labour rights attacks will eventually come to the floor, and they did—they did through—when bill 28 was taken to court and found unconstitutional. So now what do we have to do? We have to backfill all of those pieces that were negotiated and now, of course, reward workers for their—for all of the efforts that they've put in.

Bill 16, along with Bill 45, they call it—this government calls it an attempt to level the playing field. But, in reality, they're stacking the deck further in favour of themselves and employers to the detriment of a fair collective bargaining process. That's all we want, right? Every person will say, you know what, let's sit down at the table together and let's come up with an agreement, and we won't leave until we do.

We're not going to hide behind some legislation that says we have to take in this, that and the other

kind of provision. We're not going to do that. We're going to sit down with our people. We value our people, because our people also understand that we're the employer and that we're going to have some things that we're going to bring to the table. That's what negotiation is all about—getting to know each other, knowing what drives you and what drives your employees. That way, you could come together with an agreement and then move forward together, not apart.

\* (16:40)

That's what agreements are all about. That's why both parties sit, and when they sign it means something, not something that's just thrown on the table. Here's zero per cent for two years; take your 0.75 and 1 per cent and then go away. That's not good faith. That's telling people what to do. And that is not what we do here in Manitoba.

The current legislation has a clause that says employers can refuse to reinstate workers due to strike-related misconduct. Well, who's going to decide that? The fact that you are on strike, you have every right to be on that street, you have every right to be there picketing for your demands. Again, what is this province known for? It's known for fairness. And when you remove that, that is no longer fair. That allows, then, a draconian arm to come down and say, no, you need to go away, you don't have the right to walk on that property.

Nothing could be further than what we believe here in the Manitoba NDP.

Bill 16 will also remove the requirement for a criminal conviction, and this makes it too easy for employers to go after an employee for almost any reason, and that's a problem in this provision. Strike leaders and outspoken workers who stand up for the rights of their colleagues will certainly be targeted by their employers if Bill 16 passes.

We're also concerned about a—section 140, which reads that when a party's request and application or complaint is dismissed under subsection 140 for being without merit, the board may order the party to pay one or both of the following in respect of this matter: (a) all or part of the board's costs; all or part of the costs incurred by any other party. This is, then, considered a debt that must be paid within 30 days of being served of the order by the board. This is allowing a labour board to award costs for any application they deem is without merit.

Again, some arbitrary board deeming something that may be without merit, without any basis, without any knowledge of what's happening or why that disagreement has occurred in the first place.

This bill also piles additional reporting requirements on unions that are unusual for groups that are not funded by the government. And that is an issue because, yet again, we see a government that's trying to tip the scales in favour of employers and attacking the basic rights that Manitoba workers rely on and that have always existed in this province and are distinctly made this a Manitoba—a great place to live and work—something that we call, Madam Speaker, the Manitoba advantage.

The Manitoba advantage used to 'include'—include low hydro rates. The Manitoba advantage used to include a low cost of living. The Manitoba advantage includes being in a part of the continent that enjoys easy access to all kinds of markets. If anybody should know this that would be this government, and yet they put impediments in place so that that advantage continues to disappear for the very workers that are providing the advantage. We can't have that happen.

The pandemic is also showing how important it is in our schools to have the appropriate teacher-student ratios. We know that recommendations from Manitoba Health, our own chief medical officer have stated that two metres is the appropriate distance and that we need to do everything to ensure that that occurs. And what we had is we had this government silent on that. They didn't make it easy for school divisions to get that done.

And what would have been a solution that I saw as kind of something that would have shown some good faith, say, you know what, we're going to provide you the resources to ensure that occurs in every location in every school in this province. It would have been as simple as that, and we don't have to have this fighting. Did you spend the \$85 million from the feds, did you spend the \$40 million you said you saved in the original pandemic?

We don't have to go through that because all they needed to say at that time was, you know what, here's— if you need this, it'll be there, and that's it; and here are all the money and this is where it all went, and we can account for it—for that, instead of playing a sleight of hand stuff all the time, where we can't get a straight answer out of any minister regarding how those funds were spent.

We know that during COVID, and even outside of COVID, that optimal class size, especially for kindergarten to grade 3, is 20 students. It's a very simple piece that's put in place that is backed up by research, and our very own Manitoba research. And what we have right now is a situation where that's completely been blown up in this province.

We saw that today in question period, where we see now a negative amount lying on that frame in 2021, outlining \$4 million less for teachers in the classroom, and that is there. We tabled it, and it's there for them to see on that side. And what will happen under this new provincial education authority is that this will be in jeopardy yet again because we are a slave, on that side of the House, to the bottom line, instead of knowing and putting in place what's good for students.

I will say, too, that 84 per cent of teachers have said that removal of that cap has had a negative impact. Well, of course it has, right, because there's more people in a classroom, more needs to tend to. And so we need to ensure that when these bills, like Bill 45, show up, that they, again, are created in good faith, and we do not have that out here in Bill 45.

When you have a focus on just a bottom line, what happens is that you have these cuts that are put in place because, as you know, the inflation in education is more than the regular inflation rate. We never take that into account. That has to be taken into account because it is a complex system, one that requires complex solutions, ones that are well-thought-out, ones that are based on research, ones that include exhaustive consultation with stakeholders to ensure that when a document does come forward—right—when a document does come forward, that it is one that has been well-researched instead of heavily ideologically-based. And that's what we have with a number of bills that have been put forth by this government.

And so, as I wrap up my comments on this piece, Madam Speaker, I would just like to say that, with Bill 45, we will not stand in the way of the provincial bargaining part, because when you look at that piece alone, the fact that we say provincial bargaining, that's important. So let's have provincial bargaining, but let's have provincial bargaining in good faith. Let's have provincial bargaining without impediments, and let's have provincial bargaining where employers and employees can sit down together, learn from each other and create an agreement that is not only great for students, great for families, but also good for teachers and good for the employer—one without impediment.

And with that, Madam Speaker, I will now end my words.

Thank you.

**Madam Speaker:** The honourable member for Union Station is next on my list.

**MLA Uzoma Asagwara (Union Station):** I appreciate the opportunity to put a few words on the record in regards to this piece of legislation.

I want to thank my colleague, the MLA for Transcona, for his expertise on this, for his insights and for bringing the issue back to where it needs to be, which is talking about the folks who are integral, invaluable in our education system and making sure that we're pushing for those folks to want to stay in our system and to be supported.

\* (16:50)

You know, it's—I said this last week in regards to a different piece of legislation, Madam Speaker, that it's not enough for us as legislators to thank our front-line heroes and to thank those who have risen above and beyond during this pandemic, we must match that sentiment with action.

And, unfortunately, Madam Speaker, what we've seen from this government is that while on one hand they will thank these folks—educators, principals, vice-principals—for the work that they do, on the other hand they will make decisions that completely undermine their ability to do their jobs—feeling secure, with dignity and respect and good resources—and essentially erode the thank-yous that they offer with the right hand and then, simply, essentially take away with the left.

So, Madam Speaker, I'd like to just, I'd like to actually use this opportunity to thank some educators that really made a positive impact on me in my life, and I think about folks like them when we're looking at pieces of legislation like this. When we're talking about how teachers will be able to navigate collective bargaining—you know, principals, vice-principals—I think about folks who made tremendously positive impacts on my life as a student.

I think about folks like Mr. Shinnan; I think about folks like Mrs. McNiven, or Mr. Fiorentino at St. Norbert Collegiate. I think about folks who consistently taught me not just what I was learning in the classroom but taught me the impact that good leadership can have on highly shapeable minds.

And so, Madam Speaker, I think it's important for us to be able to recognize the contributions that those educational leaders make and to recognize that their rights in their roles should be respected and upheld and that we should, as my colleague so eloquently put, we should be working collaboratively. We should be working as cohesively as possible to ensure that not only we're keeping these strong leaders within our school systems and structures, but that we're able to effectively recruit folks into our educational systems.

When we see pieces of legislation like this, Madam Speaker, we have to recognize that this is going to be a deterrent for folks who maybe want to pursue those kinds of positions and roles. This is going to be something that folks look at, much like what we've seen happen in health care. This will serve as something that mitigates positive opportunity to draw those folks in and encourage them to perform these invaluable roles in our education system.

And so I just want to say that, you know, what we're seeing in front of us during this time is an opportunity, an opportunity to really and truly meaningfully not only navigate this pandemic but think about how we improve our education system and our relationships within it beyond this pandemic.

And, Madam Speaker, Bill 45 does not do that. This piece of legislation right here, along with Bill 64, do not move us in a direction—Bill 16—they don't move us in a direction that strengthens our education system, they don't move us in a direction that will ensure that students of all ages are able to access education—and their families and communities—are able to access an education system that is progressive, that is forward-thinking, that is inclusive and reflective of all the communities of Manitoba.

And, Madam Speaker, one thing I will say is that I know that on this side of the House we have a strong understanding of what it means to have to advocate and have to fight and push for equity. You know, I know that we each have our own individual stories, but I certainly appreciate about our caucus that we're on the same page in terms of how important it is to move our communities and our systems and structures in a direction that benefits all Manitobans, not just a few.

And, you know, it's pieces of legislation like this that really, really emphasize to me and really emphasize to communities that I'm personally connected to, constituents that I represent—that we all represent—that this government lacks a foundational understanding and appreciation for how important it

is for us to move and actively work in a direction that does achieve equity.

And it's disappointing, Madam Speaker, because, you know, that side of the House has ample opportunity and resource to do better than Bill 45, to do better than Bill 64, to do better than Bill 16, to do better than so many of the atrocious pieces of legislation they continue to bring forward in this House that they will, and we all will, see the consequences of sooner than later, but certainly the impacts will be felt much later.

And so, we will not be supporting this. I certainly will not be supporting this bill, Madam Speaker. And I hope that the government, you know, decides to do the right thing and reverse course on this really terrible piece of legislation.

Thank you.

**Mr. Dougald Lamont (St. Boniface):** There are certainly some truly objectionable parts to this bill. I do know that the Manitoba Teachers' Society has been looking for provincial bargaining for a number of years. I don't—however, I also don't recognize the world that the member from Transcona describes in—because many of the very things that the opposition is complaining about that government is doing are things that they did themselves.

I will point out they did in 2010 and 2011, there was a so-called wage pause for two years. There was a zero per cent increase for two years, including for non-unionized and unionized employees. My children were all part of the Winnipeg School Division. We had to deal with the dysfunction in that division: massive overcrowding, lack of funding, the fact that there have been no investments in basic infrastructure, like air supplies, since 1976.

And the fact is, is that over the years one of the main equalizers in education has dropped and dropped and dropped under the PCs and the NDP alike. And that is the provincial contribution to education, is that we've become more and more reliant on property taxes, because the provincial government let it drop. It was supposed to be at 80 per cent; now it has sort of slipped down to around 50. So there were—as the result, there were cuts to spaces, in 2015, for children with disabilities under the NDP.

And so, I mean, partly my frustration with this debate is that we tend to send whatever happened before 2016 down the memory hole. I will say this is a completely unacceptable bill because of the claim it makes that there has to be a fiscal—that it has to fit in

with the economic situation of whatever Manitoba is. Who makes that decision?

The fact is that this is something this government has already done. They told school divisions that if you give anyone a raise, we'll claw it all back. It's completely unacceptable and completely harmful and it is trying to entrench a particular economic and political ideological viewpoint into legislation. That shouldn't happen.

If we're going to have a democracy, we need to be able to make decisions about our economy. And we cannot be entrenching economic views in legislation. It's one of the reasons why our balanced budget law, which has stayed on the books for 30 years, is so absurd. No one pays any attention to it. It gets amended every three years or less, because it is a phony attempt to a brand—a certain—to entrench a particular kind of conservative economic view that's not legitimate and that, in fact, no one believes in because they keep having to change it.

So, this is—we—yes, we need provincial-wide bargaining, because that's what MTS wants, but we

also need to have some greater commitment to equality and funding, which does not exist and has not existed in Manitoba for 20 years. Because when I was involved with the parent council of my children's school, on one side we'd have people from a well off part of Winnipeg School Division where they were talking about flights to Europe, and people from the other school were talking about how they were going to afford a washer and a dryer for the children who couldn't have laundry services at home. And because we haven't seen any increase in EIA rates for—since 1992, and in that year, they were rolled back to 1986 levels.

So I am—frankly, the fundamental issues facing the education of poverty have been ignored by both parties—

**Madam Speaker:** Order, please. When this matter's again before the House, the honourable member will have 26 minutes remaining.

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



LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 17, 2021

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