

**Fifth Session - Thirty-Ninth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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authority of  
The Honourable George Hickes  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin, Hon.	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WIEBE, Matt	Concordia	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Inkster	
<i>Vacant</i>	Lac du Bonnet	

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Tuesday, May 31, 2011**

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

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 45—The Statutes Correction and Minor Amendments Act, 2011**

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I move, seconded by the Minister of Labour and Immigration (Ms. Howard), that Bill 45, The Statutes Correction and Minor Amendments Act, 2011; Loi corrective de 2011, be now read a first time.

***Motion presented.***

**Mr. Swan:** This is the traditional statute law amendment act that deals with a variety of bills in an omnibus fashion that require technical and other minor changes. Thank you.

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

**PETITIONS**

**PR 160 West and Highway 16**

**Mr. Leonard Derkach (Russell):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

The Department of Infrastructure and Transportation has developed a plan to close the intersection of PR 160 west and Highway 16 at Foxwarren. PR 160 would be redirected to the east to join Highway 16 at Market Street in Foxwarren, and a new frontage road would be constructed on the south side of Highway 16.

Area residents have a number of concerns about the proposed project, including safety issues due to increased traffic volumes in Foxwarren, encroachment on residential property, the loss of highly productive arable land, possible adverse impacts on the area waterways and insufficient public consultation.

Community members have developed an alternate proposal they believe would address these concerns while at the same time meeting the department's safety objectives as it relates to traffic flow in the area.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider the merits of the alternate plan developed by the community members, which includes a raised grade at PR 160, the removal of gravel mound at the intersection of Highway 16 and 160 and the construction of an acceleration lane on the north side of Highway 16 west of PR 160.

To request the Minister of Infrastructure and Transportation to consider additional public consultations before proceeding with this project to ensure all local concerns are heard and addressed before any work proceeds.

And this petition, Mr. Speaker, is signed by T. Grabauskas, D. Parkinson and A. Grabauskas and many, many other Manitobans.

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

**PTH 5—Reducing Speed Limit**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Concerns continue to be raised about the number of motor vehicle accidents at the intersection of PTH No. 5 and PR No. 276 and at the intersection of PTH No. 5 and PR No. 68.

The Rural Municipality of Ste. Rose and the Town of Ste. Rose have both raised concerns with the Highway Traffic Board about the current speed limits on the portion of PTH No. 5 in the vicinity of Ste. Rose du Lac.

Other stakeholders, including the Ste. Rose General Hospital, Ste. Rose and Laurier fire departments, East Parkland Medical Group in Ste. Rose and District Community Resource Council, have also suggested that lowering the current 100-kilometre-an-hour speed limit on a portion of PTH No. 5 may help reduce the potential for collisions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider the importance of reducing the speed limit on PTH 5 to 80 kilometres an hour in the vicinity of the town of Ste. Rose from the west side of the Turtle River Bridge to the south side of the access to the Ste. Rose Auction Mart to help protect motorist safety.

This petition is signed by C. Tardiff, D. Gamache, B. Therrien and many, many other fine Manitobans.

#### **Auto Theft—Court Order Breaches**

**Mr. Kelvin Goertzen (Steinbach):** Good afternoon, Mr. Speaker, and it is a good afternoon in Manitoba.

I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

On December 11th, 2009, in Winnipeg, Zdzislaw Andrzejczak was killed when the car that he was driving collided with a stolen vehicle.

The death of Mr. Andrzejczak, a husband and a father, along with too many other deaths and injuries involving stolen vehicles, was a preventable tragedy.

Many of those accused in fatalities involving stolen vehicles were previously known to police and were identified as chronic and high-risk car thieves who had court orders against them.

Chronic car thieves pose a risk to the safety of all Manitobans.

We petition the Legislative Assembly as follows:

To request the Minister of Justice to consider ensuring that all court orders for car thieves are vigorously monitored and forced.

And to request the Minister of Justice to consider ensuring that all breaches of court orders on car thieves are reported to police and vigorously prosecuted.

Mr. Speaker, this is signed by G. Makris, T. Nakoulas, I. Kolodziej and thousands of others—and, go Jets go, Mr. Speaker.

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

**Mr. Speaker:** Order. We have rules and procedures that pertain to all members of the House and

decorum is one of them, so I kindly ask members, don't try and stickhandle around our rules and our procedures.

#### **Bipole III—Cost to Manitoba Families**

**Mr. Blaine Pedersen (Carman):** Good afternoon, Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And the background to this petition is as follows:

Manitoba Hydro has been directed by the provincial government to construct its next high voltage direct transmission line, Bipole III, down the west side of Manitoba.

This will cost each family of four in Manitoba \$11,748 more than an east-side route, which is also shorter and more reliable.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to build the Bipole III transmission line on the shorter and more reliable east side of Lake Winnipeg in order to save each Manitoba family of four \$11,748.

And this petition is signed by J. Atchison, G.A. England, E.M. Saunders and many, many more fine Manitobans, Mr. Speaker.

\* (13:40)

**Mr. Speaker:** Before I recognize the other members for their petitions, I want to remind members that when you do your petition you do not add words to it. You read the petition as printed, okay?

**Mr. Ron Schuler (Springfield):** To the Legislative Assembly of Manitoba:

The background to this petition is as follows:

Manitoba Hydro has been directed by the provincial government to construct its next high voltage direct transmission line, Bipole III, down the west side of Manitoba.

This will cost each family of four in Manitoba \$11,748 more than an east-side route—

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

**Mr. Speaker:** Order. Let's have a little decorum, please.

**Mr. Schuler:** –which is also shorter and more reliable.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to build the Bipole III transmission line on the shorter and more reliable east side of Lake Winnipeg in order to save each Manitoba family of four \$11,748.

This is signed by D. Jackson, L. Dudyck, D. Mastaler and thousands and thousands of other Manitobans.

## MINISTERIAL STATEMENTS

### Flooding and Ice Jams Update

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** A storm currently over the province is causing extremely high winds and heavy rains, and we've just received word that the storm is prompting evacuations in numerous communities, including Deloraine, Sioux Valley, Ochre River, Alonsa and St. Laurent.

The gale-force winds hitting many of Manitoba's lakes are resulting in huge waves and wind set-up on these already high bodies of water. To give you a sense of the magnitude of these winds, Dauphin Lake is currently experiencing wind gusts of up to 110 kilometres per hour. On Lake Manitoba, winds are expected to reach upwards of 80 kilometres per hour today, potentially resulting in waves of up to six feet in height. These are very serious weather conditions, and we will continue to monitor them closely and work with municipalities to put additional protection in place where possible.

Several inches of rain have fallen in parts of the province this week, which is expected to prolong flooding and contribute to already very challenging circumstances for our farmers. For example, in southwestern Manitoba, only a small percentage of land has been seeded to date, and with this additional moisture it is very likely that there will be many unseeded acres this season. Livestock producers are also facing many challenges with pasture land and hayfields under water.

It is clear that for many, many Manitobans, including the 1,500 who remain evacuated from their home, that even as water–river water recedes and public interest shifts elsewhere, this flood will not be over. Provincial officials, including those in Agriculture, Food and Rural Initiatives; Emergency Measures; Infrastructure and Transportation; Water

Stewardship and many other departments, will continue working to help Manitobans in this very difficult time.

**Mr. Stuart Briese (Ste. Rose):** I thank the minister for the latest update on the flood situation. Today is indeed going to be a difficult day on the Manitoba flood front. High winds will prove taxing for those trying to protect properties located on large bodies of water, especially Lake Manitoba. The impact will likely be felt on other lakes, such as Shoal lakes and Dauphin lakes and many, many other lakes in the province.

As always, we extend our thanks to those who are working to protect vulnerable properties along the lake. The level of Lake Manitoba is projected to continue rising until at least mid-June, so ongoing vigilance is required.

Heavy rains throughout the watershed could also delay the drop in river levels in several areas of the province. Tomorrow in Langruth, many people affected by the rising level of Lake Manitoba will be meeting. A very large turnout is expected. The organizers are hoping for a strong discussion of the challenges that the rising lake is creating for stakeholders like ranchers, farmers, businesses and area residents, including First Nations communities. Possible solutions will also be brought forward. We expect there will be some very constructive dialogue arising from this meeting. We hope the provincial government will be listening very carefully to the concerns and the ideas that come forward from that meeting.

Once again, we appreciate these ongoing flood updates. Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I ask leave to speak to the minister's statement.

**Mr. Speaker:** Does the member have leave? *[Agreed]*

**Mr. Gerrard:** Just as today many in Manitoba are celebrating the return of an NHL franchise, so it is at the same time very important that we don't forget those who are today in extreme difficulty as a result of the weather conditions, the high water on lakes like Lake Manitoba and Lake Winnipeg and Dauphin Lake in particular.

And, certainly, we feel for individuals who are affected by these very, very difficult circumstances and hope that the preparation that has been made over the last several weeks in Lake Manitoba and

other places will help in reducing the impact of this. I mean, I'm sure that there will be not only evacuations, but instances where there are properties which are flooded and concerns about wildlife and concerns about cattle and animals. And, certainly, as the minister has indicated and as I have raised before, there is a big concern now about many acres which may not get seeded because of the weather and the cumulative impact of the wet weather and the flood situation.

So I thank the minister for his statement and just extend my concerns and best wishes to those who are struggling with this very difficult situation.

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us today from the Canadian Comprehensive Audit Foundation, we have Ron Thompson, chair, board of governors; and Michael Eastman, executive director; and Geoff Dubrow, principal associate; James Oulton, research assistant; and Carol Bellringer, Auditor General of Manitoba, who are the guests of the Chair, the honourable member for Russell (Mr. Derkach), and the Vice-Chair, the honourable member for Selkirk (Mr. Dewar), of the Public Accounts Committee.

And also in the public gallery we have with us from Manitoba Parents for Ukrainian Education, we have some grade 5 students under the direction of Barb Thiessen, Susan Zuk and Mary Jane Wasney, and this school is located in the constituency of the honourable Minister of Finance (Ms. Wowchuk).

On behalf of all honourable members, I welcome you all here today.

\* (13:50)

## ORAL QUESTIONS

### Lake Manitoba Flooding

#### Mitigation and Financial Compensation Plans

**Mr. Hugh McFadyen (Leader of the Official Opposition):** And, today, thank you to the terrific efforts of Mark Chipman, David Thomson and our great, loyal hockey fans here in Winnipeg, Manitoba. It's a great day for Winnipeg and Manitoba, Mr. Speaker.

At the same time as we celebrate the return of the NHL, as has been indicated by the member for River Heights (Mr. Gerrard), there are many Manitobans dealing with significant challenges,

major amounts of stress and very significant issues with respect to spring flooding.

Dikes have been raised in various places and efforts have been made to protect some Manitobans, but along the shores of Lake Manitoba, ranchers, farmers, property owners, as well as First Nations and many others are seeing the effects of rising waters inundating their properties. With the potential for high winds today, the impacts of these high waves could be devastating.

I want to ask the Premier why steps haven't been taken to protect these Manitobans to date and what they're going to do to address this very significant challenge.

**Hon. Greg Selinger (Premier):** And it is a great day in Manitoba when we're able to bring the NHL home to this province where it so richly deserves to belong. Mr. Speaker, the support we've offered for the facility will continue to allow that facility to provide tremendous benefits to the community as the private owners focus on making the NHL viable.

And our resources will go towards supporting Manitobans who are facing this imminent threat of flooding all throughout Manitoba, which is why last week we announced a program that will provide unprecedented support, well beyond the guidelines of the disaster financial assistance program, for protecting homes, for raising homes, for repairing homes and cottages for the first time ever in a way that's never been seen before.

Mr. Speaker, we have a million sandbags in the area, five sandbag machines, over 3,200 flood tubes, 820 flood barriers, 350 super sandbags, 50 truckloads of sand, four large pumps, dozens of civil servants, volunteers, taking their own time, over and above the 700 who are doing it as part of their job—

**Mr. Speaker:** Order.

**Mr. McFadyen:** Mr. Speaker, the incredible suffering and challenges that people are facing is remarkable along the lake. Livestock is being impacted. Property that's never been flooded by Lake Manitoba is today under water. People's livelihoods, their life's work, is at threat and, as one of those landowners said yesterday, this is not a flood plain, so it's extremely unnatural.

Mr. Speaker, in light of decisions that were made and those decisions were made with a view toward protecting other Manitobans which is absolutely appropriate—there are others, though, who

are suffering as a result of that, and I wonder if the Premier can just indicate why the government failed to anticipate the challenges that are now being dealt with, and will those people be compensated in the same way as any other Manitoban who's been deliberately flooded by this government?

**Mr. Selinger:** Mr. Speaker, we have rolled out an extensive program to support producers. This program will allow them to rent alternative pastures for their livestock. It will transport feed and livestock. It will provide mitigation. It will provide damages and it will provide restoration, a program not seen before in Manitoba, and it will be there as we speak today.

We have upfront mitigation supports of up to a hundred per cent of the cost of engineering. We will also provide up to \$20,000 to raise homes or cottages for the first time ever. And, Mr. Speaker, we will provide up to \$10,000 for the actual expenses of somebody who has to restore any damage to their home; 90 per cent up to \$200,000 for homes, fully eliminating the copayment if they take additional measures to protect themselves. These programs are designed to fully support the people that are being impacted by high waters.

Mr. Speaker, we will continue to work with them every single day to ensure that they are protected and we can do everything we can to protect them from the ravages of these waters which have come to Manitoba in an unprecedented way—

**Mr. Speaker:** Order.

**Mr. McFadyen:** Mr. Speaker, these Manitobans, many of whom who've—have put a lifetime of work and effort into acquiring these farms, in working the land and building property and acquiring livestock and trying to make a livelihood, are dealing with incredible hardship today.

And in the—just a few days before the Armed Forces were called in and the major state of emergency was confirmed by the government, this Premier was announcing that he had the situation under control, that they had had 10 news conferences in advance of that date saying, we've got all the work done; it's under control.

And after all those 10 photo ops, Mr. Speaker, how do we find ourselves in the situation today when so many Manitobans are suffering as a result of his ineptitude?

**Mr. Selinger:** Mr. Speaker, Manitobans have rallied like we've never seen before to rise to the occasion. They have shown great determination, great co-operation, great will to fight this unprecedented one-in-300-year flood event in the Assiniboine Valley, and in every stretch of the valley they've worked together to fight this.

And we have put programs and supports in place to work right along beside them to ensure that we minimize damage to families and homes, to people and property, which is why we announced an unprecedented compensation and support program just a week ago, never before seen in Manitoba. We do not wait for the federal government to support that necessarily. We are very confident that they will see the value of what we've done, just like we did on the dikes. We've reinforced those dikes. We have water flowing out through Fairford at a very high level. We have actually less water going in than is flowing out.

But the reality is, Mr. Speaker, we have wind events in this province, and we will work very closely with all the people affected, whether they live in homes, whether they live in cottages, whether they're the municipal leaders and their emergency operations committees. We will work closely—

**Mr. Speaker:** Order.

### **Lake Manitoba Flooding Water Level Forecasting**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, the provincial government drew down Lake of the Prairies in the anticipation of spring flooding. Dikes were raised in Brandon and at various points along the Assiniboine River. Along the shores of Lake Manitoba, the ranchers, farmers, First Nations and property owners are seeing the effects of still rising water inundating the properties. With the potential for 90-kilometre-an-hour wind gusts today, the impact of high waves could be devastating.

Mr. Speaker, why did this NDP government fail to anticipate the flooding around Lake Manitoba and plan accordingly?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Well, Mr. Speaker, as I think we've had regular updates in this House, regular dates—updates for the public over the last number of weeks—and I'm surprised that the member would read a statement to that effect—we have been indicating some very significant challenges: 150 per cent of the volume of the—of water of the

flood of record of 1976 in the Assiniboine Valley and also in western Manitoba. We've been indicating that there were elevated lake levels and were anticipated to go higher for the last several weeks.

But not only have we been indicating that, we have been moving in a very significant way. And I would say that by mobilizing more than a million sandbags and thousands of flood tubes and working with the municipalities, the homeowners, the cottage owners in that area, this is an unprecedented mobilization.

We are facing a very difficult situation on Lake Manitoba but, we, as Manitobans, are working hard to deal with that.

**Mr. Briese:** Mr. Speaker, the people around Lake Manitoba don't care about catch phrases like a one-in-300-year flood, or they don't care how long it takes to fill an Olympic-size swimming pool with water. They aren't interested in talk about the flow rate of Assiniboine being half the flow of Niagara Falls.

What they do care about are their properties, their livestock, their livelihoods and each other. They've had precious little time to prepare for this flooding, but the effects will be felt for a very long time.

Mr. Speaker, why did this NDP government fail to properly communicate the impacts of Lake Manitoba's water levels to farmers, ranchers and property owners on Lake Manitoba affected by it?

\* (14:00)

**Mr. Ashton:** Mr. Speaker, we've been working with the affected communities directly.

And it's not just Lake Manitoba, it's also Lake St. Martin, and I would like to put on the record that one of the clear statements we have made as a provincial government is that we will be there for the First Nations who are impacted in Lake St. Martin, some of the hardest hit communities anywhere in Canada by flooding, and I'm surprised the member opposite didn't raise that in his question.

But I also want to indicate, Mr. Speaker, that I hope the member opposite will not 'underestimate'—underestimate the spirit of Manitobans. I have been talking to many of the leaders in that area. I've been working with our colleagues. We've been out there. We've been dealing with the situation on the ground.

And I would not underestimate the degree to which by mobilizing that significant a response in terms of flood protection we are doing our best to make a difference in a very difficult situation. But we didn't hesitate also to bring out a flood recovery program which is unprecedented in this province.

And unlike previous governments, we don't get into blaming people who live in a flood area. We deal with the problem. That's the spirit of Manitoba.

**Mr. Briese:** Mr. Speaker, the people around Lake Manitoba have many questions about the long-term impacts of the high water levels. They ask when will they see a reduction in lake levels. They ask if they will be able to return to their properties by fall. They ask if the lake will remain artificially high for six months, one year or even longer. They ask how long the flood mitigation measures will have to stay in place on their properties.

Mr. Speaker, when will this government answer these questions so that the farmers, ranchers, property owners, First Nations around Lake Manitoba can make their long-term plans?

**Mr. Ashton:** Mr. Speaker, we've been very upfront with a forecast for Lake Manitoba and Lake St. Martin and, quite frankly, other lakes across the province. We have been indicating that there will be increased water levels well into the summer. We've—will crest probably, in some cases, in June. We're also anticipating significant difficulties as we're seeing right now with wind and wave set-up. And anybody that lives along Lake Manitoba or Lake Winnipeg or Lake Winnipegosis, any of the lakes that are impacted, knows what that means.

And I'd like to stress, by the way, that we have been operating the flood control systems, including the Fairford, since November at its fullest capacity in terms of its operating rules, and we will continue to do so, Mr. Speaker.

But, you know, if the member's asking if we're going to be able to predict the weather in three or four or five months, obviously we can't do that. We're dealing with the real situation on the ground and we're working with Manitobans. That's the way we do it in this province.

### **Manitoba Hydro Bipole III West-Side Location Costs**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, there are so many questions and so few answers.



Mr. Speaker, the—this Premier's written directive to the board of Manitoba Hydro on Bipole III is not only going to compromise the reliability of our power system, it is not only going to leave a larger environmental footprint, damaging the environment, it's not only cutting through the lungs of the boreal forest as he builds a highway through the heart of the boreal forest, but it's going to cost every Manitoba family an additional \$11,748.

Mr. Speaker, I want to ask this Premier: Why is he unnecessarily taking \$11,748 out of the pockets of hard-working Manitobans?

**Mr. Speaker:** Order. Members that are—order. I remind members that exhibits are not allowed in the Chamber, and members that are holding up the signs, would you please keep them down. This is time for oral questions and answer period.

The honourable First Minister has the floor.

**Hon. Greg Selinger (Premier):** I was very much looking forward to the question on Lake Manitoba because I wanted to reaffirm our commitment to work with all the people affected on Lake Manitoba to protect their homes, to protect their cottages, to ensure that livestock producers get resources to move their animals to where they're needed or to provide feed to those animals. We are going to work diligently with the local emergency operations committees and the local leadership in that area.

And I want to assure those people that we will continue to do that as the member opposite tries to once again mislead Manitobans on the Hydro question. And we know very much, Mr. Speaker, that it was not a good night for him last night when the president and CEO of Manitoba Hydro indicated that the cost for the transmission line on the west side of Manitoba would be, maximum, \$13 a year per family after he has used these outrageous numbers to try and scare Manitobans.

We know he's reckless. We know he's inaccurate but know more than anything else he would do everything he can not to build Manitoba Hydro so we could keep the rates the lowest in North America.

**Mr. McFadyen:** Well, Mr. Speaker, I know the Premier wasn't able to make it to committee last night and he's 18 hours behind on his briefing, because the CEO of Hydro admitted last night that he left out the matter of line losses and he had a \$300-million omission in the calculation that was made last night. The one media outlet that they gave the wrong information to made a correction this

morning on the issue, and now the Premier is continuing to repeat the same mistake they made 18 hours ago.

He doesn't know about the correction. He doesn't know about the omission. In fact, they were so desperate to cover up their mistake last night that they wouldn't even allow the Boreal Forest Network to make a presentation to the committee.

So I want to ask the Premier—they're so desperate to cover it up; they won't let Mr. Bateman present; they won't let the Boreal Forest Network present—why doesn't he just acknowledge that his decision to take \$11,748 out of the pocket of every Manitoba family, it's just wrong. It's wrong for Manitobans.

**Mr. Selinger:** It's very obvious that the Leader of Opposition's very committed to his number no matter how inaccurate it is, and that, Mr. Speaker, just speaks volumes for his recklessness and irresponsibility on this issue.

He also forgets—he also forgets—that it was made very clear that the \$13 really wasn't the actual number. It could actually be much lower than that because the ratepayers, the families of Manitoba, only consume one-third of Manitoba Hydro's energy and, therefore, would only bear one-third of any additional cost of a bipole down the west side. So that means it would be no more than a third of the \$13.

So the member opposite may want to play with the numbers. The reality is there's only one route that will get Manitoba Hydro built so we could honour the \$7 billion—the \$7 billion—of contracts that we've sold to the United States. That route is the west side. The attempt by the member opposite to recklessly put it down the east side means it will never get built and those \$7 billion of contracts will never be fulfilled.

**Mr. McFadyen:** Mr. Speaker, the—he doesn't want to correct the factual error he made in his first question, and he doesn't want to acknowledge that once again he got out his Crocus calculator and ran the numbers.

But the fact is, Mr. Speaker, that his decision is going to cost every Manitoba family \$11,748 in added costs. That is a cost that they shouldn't have to bear, and it is because of a mistake made by this Premier who doesn't want to admit that he's made a mistake on behalf of Manitobans and Manitoba Hydro.

Mr. Speaker, the only person who gets hurt by the factual errors he makes in the House are himself, but it's Manitobans that get hurt by his decision. Will he reverse it today?

#### Point of Order

**Mr. Speaker:** Order. Before recognizing the honourable First Minister, the honourable Official Opposition House Leader, on a point of order?

**Mrs. Mavis Taillieu (Official Opposition House Leader):** Yes, on a point of order, Mr. Speaker.

Mr. Speaker, I know that sometimes passions get going in this Chamber, but you have cautioned many times to members of what they say about people in this Chamber, and, clearly I heard the member from Kildonan, on three occasions now, call the Leader of the Opposition a liar, clearly heard him say that, and we know that all people in this Chamber are all honourable members, and he needs to be called to order for that.

**Mr. Speaker:** The honourable Government House Leader, on the same point of order.

**Hon. Jennifer Howard (Government House Leader):** Yes, on the same point of order.

Passions do get high in the House. Passions were high last night at committee when there was a radical gaffe in the facts, and the facts put forward by the opposition were only about \$11,000 off from the facts put forward by Hydro.

So I understand their sensitivity today, but, clearly, Mr. Speaker, I think if you peruse *Hansard* you will not see that remark on the record.

\* (14:10)

**Mr. Speaker:** Order. First of all, when members rise up on a point of order, they should speak to the point of order and not deal with preambles and postambles.

Second one, this should remind all of us why it's very important to have decorum, because I need to hear the words that are said on record and also if there is words being said off record, that, if I hear, that are unparliamentary, I will deal with them.

The point of order that the honourable Official Opposition House Leader has raised, I will peruse *Hansard* because I never heard them from my chair. But I will check with *Hansard* and I will bring back a ruling for the honourable member.

So this should be a caution to all honourable members here because the honourable Official Opposition House Leader—

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

**Mr. Speaker:** Order. When dealing with a point of order, a matter of privilege, it's a very serious matter and I treat it as such. The honourable Official Opposition House Leader had a very good point, that all members in this Chamber are honourable members. You might have disagreements on different issues and different topics, but let's treat each other with some respect here because all members in this Chamber are honourable members.

So I thank the honourable member for raising that, but I will bring back a ruling for the House.

\* \* \*

**Mr. Selinger:** And here again we have an example of people using inaccurate numbers to cover up the fact that they would never build the converters which everybody has acknowledged are absolutely necessary now. Only the Leader of the Opposition refuses to build converter stations to protect our domestic supply for industrial customers, businesses and residential users and to ensure that we can provide that power to our customers to the south of us, to the west of us, to the east of us.

Mr. Speaker, that is a reckless decision that could cost up to \$30 billion of lost economic activity in Manitoba. If that Dorsey station where the converters presently look after 75 per cent of our power were wiped out, he wouldn't build the converters. He would never get the bipole built down the east side because of litigation. He didn't want to build the MTS Centre. He didn't want to build the Hydro building. He doesn't want to build anything in Manitoba.

He just wants to drag it back to his ideological fix on the '90s so he can privatize things, Mr. Speaker.

#### Shoal Lakes Flooding Compensation Information for Residents

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, agricultural producers and families affected by the flooded Shoal lakes, Interlake, are trying to make decisions. I have been contacted by people who have asked questions about the proposed buyout and how it's going to work. They want to know what base was going to be used for determining values. They want to know what the government came up with

with rates for reimbursement and land loss. They have many other questions as well.

Mr. Speaker, I would like to ask the First Minister: What is the government's time frame for getting information out to farm families and residents so they can make informed decisions?

**Hon. Christine Melnick (Minister of Water Stewardship):** Mr. Speaker, we have been working with the Shoal lakes community, both individuals, rural municipalities and groups of people that have been affected for quite a while in that area.

We brought in flood-related compensation assistance for producers who have lost income for hay and pastureland in 2010 and 2011. We've included transportation costs, Mr. Speaker. We have also brought in a voluntary buyout program with transitional assistance for one year.

We're very aware that there are concerns around the area, which is also why we brought in, through the 2011 Flood Building and Recovery program, the ability for individuals who have not applied through our previous announcement of individual home and business flood mitigation the opportunity to do so, Mr. Speaker.

**Mr. Eichler:** Mr. Speaker, because the Shoals lakes compensation package does not begin to cover even the base cost of relocating their livestock, producers can't afford to either buy or rent pasture. Also, because there is no east or west road connections, producers are very limited in terms of where they can move their cattle and at what price. They need to make decisions now that will affect them for years and years to come.

Mr. Speaker, will the minister explain whether he believes the compensation program was written in line with the current values, the real production costs? According to the producers, they say not.

**Hon. Greg Selinger (Premier):** Mr. Speaker, the program we've made available to producers in the Shoal lakes and all the programs that we've made available, if anybody has a particular concern, we are going to appoint an appeals commissioner to hear any legitimate concern that a member has if they do not feel that the compensation program is adequate as outlined in our announcement a week ago, and that appeals commissioner will rule, without fear or favour, to address the concerns that individuals have.

I know the member who raises the question is legitimately concerned about the producers in that

area, which is why we responded with this special program to address their needs, to move livestock in some cases, to provide transportation in other cases, to get feed to people who have livestock.

We're very concerned about that. We know these producers have had a tough time over the last three or four years with the rising Shoal lakes. We are committed to supporting them with these kinds of supports, so that they can continue to make a living for themselves.

We are committed to long-term solutions to managing water in the Interlakes, including on the Shoal lakes, Mr. Speaker.

**Mr. Eichler:** Mr. Speaker, it's not only these producers that are affected by the Shoal Lake flooding. The government's program totally left out families who do not make their living off the farm. Many were forced by the flood-related land losses to sell their herds and take off-farm jobs. This is not their fault. Unfortunately, this government is not committed to a long-term plan to drain the Shoal lakes. These families are facing tremendous uncertainty. They fear they have become the forgotten ones.

Mr. Speaker, could the Premier tell us: The Shoal lakes area residents who are not farmers, what they can expect from this government. What are the short-term plans, long-term plans and the plans for these people so they can make those decisions?

**Mr. Selinger:** I thank the member for the question.

As I indicated earlier, we've put a special program in place to support the producers. We've listened very carefully to the reeves in the municipalities around the Shoal lakes. We've taken some short-term measures which—such as the hatchery drain outlet.

We're looking at long-term measures. It's become very clear with the high waters on Lake Manitoba that just taking the Shoal lakes and moving them into Lake Manitoba would not really be a very efficacious solution at this time with the high waters on the Shoal lakes. So other alternatives are being looked at.

It's a difficult problem. I think all the people that are involved understand that, but we are in no way going to stop the pursuit of not only short-term solutions, but long-term solutions.

We've made tremendous progress in this province on preventing damage to people and homes.

In the 1997 flood, 28,000 people were displaced. In this flood of record in the Assiniboine Valley, we were over 3,300 people that have been displaced, and there are some people that are being evacuated as we speak today because of the high winds on the lakes.

We know these are challenges. We have long-term plans that we are going to pursue that will mitigate and prevent damage in the future. We have short-term supports and we will work every single day to support those people to have the least amount of disruption in their lives possible.

#### **RM of Westbourne Water Management Concerns**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, there are 200 road cuts in the rural municipality of Westbourne this spring. Nine out of the last 10 years, the RM of Westbourne has filed disaster financial assistance claims for spring and summer flooding problems. The Manitoba agriculture service corporation has paid out millions of dollars for crop insurance and unseeded acreage coverage.

Mr. Speaker, I ask the Minister of Water Stewardship (Ms. Melnick): Why is such costly devastation occurring under her watch?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Well, Mr. Speaker, we are clearly seeing impacts—the member has mentioned Westbourne. We've seen impacts in a number of areas across the country. One of things that we have put forward nationally is the need for a national mitigation program under DFA that would, in actual fact, recognize the wisdom of not just temporary flood measures and the damage that occurs of a— from a national mitigation program.

I can indicate that I raised this when I met with Vic Toews, the—who's, of course, my counterpart federally in Ottawa—last week. They have made some changes, particularly the reallocation of the 15 per cent top-up for DFA, which can be moved towards mitigation. But the member does make a very important point, but the important point here is getting a national mitigation program, Mr. Speaker. That's what we're really *[inaudible]*

\* (14:20)

**Mr. Briese:** Mr. Speaker, the Premier (Mr. Selinger) and this government love to brag about the fact they have a department devoted to water even though we can't seem to get the minister out of the chair. Yet the water management problems in the RM of

Westbourne and many other municipalities around Manitoba continue to escalate at an unprecedented level, nine out of 10 years—nine out of the last 10 years disaster financial assistance in that one municipality.

Mr. Speaker, why has the Minister of Water Stewardship failed to address Manitoba's water management issues?

**Hon. Christine Melnick (Minister of Water Stewardship):** Mr. Speaker, we have put an unprecedented focus on water in this province never before seen. We brought in first-in-Canada legislation around water protection. We have increased CDs by over a hundred per cent and increased funding for the conservation districts by over a hundred per cent. We are working with people on the front lines. We have integrated watershed management plans throughout the province, either completed or in the course of being completed.

This has never happened before, but, Mr. Speaker, we've just started to deal with the issues of surface water in Manitoba, and we will continue to work with the people on the front line throughout this province to ensure that communities will be made safer and safer in this high-water period for a long time to come.

**Mr. Briese:** Mr. Speaker, this is nine out of 10 years in one municipality and that's all under the NDP watch. There is a backlog of thousands of drainage permits and licences, countless provincial drains clogged with vegetation and sedimentation and millions of dollars spent every year on remediation.

Mr. Speaker, when is the Minister of Water Stewardship going to develop a long-term plan, devote the resources needed and actually do something to address water management issues in Manitoba? How long will local governments and producers have to pay for her mismanagement?

**Ms. Melnick:** Mr. Speaker, four years ago, we had about 250 requests for licensing. This year, we've already dealt with over 4,000 requests.

We are not holding back on dealing with drainage, Mr. Speaker. We've bought in water protection officers, not one of whom sit behind a desk in Winnipeg. They are all out in the field, very different from the Wild West in the 1990s where unlicensed drainage was often allowed to go into First Nations communities.

There is a great demand for water licensing. We are doing our best to meet the unprecedented demand. We are bringing people from areas where there are low levels of request to higher areas of request.

I suggest members opposite get on board and realize water management is very important and instead of attacking the water resource officers, start working with them at the local community level.

### **Oak Lake Flooding**

#### **Mitigation and Financial Compensation Plans**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, heavy rains do continue to inundate southwest Manitoba, but this spring's severe flood waters at Oak Lake has pounded its dike system and its beaches, threatening properties and causing breaches in this important infrastructure.

The minister has announced some programs for permanent repairs to flood-related infrastructure in various areas as follow-up to this year's flooding.

So, Mr. Speaker, can the minister responsible reassure these Oak Lake Beach citizens and the local municipal officials that the long-awaited repairs to their dike system are part of his recently announced flood recovery program?

**Hon. Christine Melnick (Minister of Water Stewardship):** Well, Mr. Speaker, we announced the flood recovery program for people across the province. We have been working on permanent flood mitigation works since we were elected in 1999. We've moved a lot of distance south of Winnipeg; north of Winnipeg, we are looking at affected areas this spring. We are working with those groups already, first of all, to protect against the imminent waters, to protect while the waters were there and to provide permanent protection for communities long after the waters are gone, because we know it's more prudent to plan for long-term flood mitigation when you're able to than have to respond to the emergencies.

People will be better equipped and better able to deal with these high waters in the future, Mr. Speaker, because we are working with them today.

**Mr. Maguire:** Well, I don't think that's any solace to the people of Oak Lake, Mr. Speaker. Homes and cottages at the Oak Lake Beach have been threatened by these unprecedented water levels and high winds.

Some assistance is being offered to property owners in other areas of Manitoba to help raise and

otherwise protect properties from the threat of flooding.

Mr. Speaker, can the minister confirm for these Oak Lake Beach residents whether or not they will qualify for financial supports in raising or relocating their homes?

**Ms. Melnick:** Mr. Speaker, we've been working with local EMOs. They've made us aware of what they need during this time. They made us aware of what sort of supports they will need in the future.

We're working with Manitobans. These are unprecedented high waters. We know that people are dealing with the situation on a 24-7 basis and we'll be working with them long after the waters have receded. I can't make it any more clear than to say: We are working with all Manitobans to protect Manitobans against high water events, not only today but into the future.

### **Souris River Flooding**

#### **Water Management Plans Co-ordination**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, the RM of Sifton's been seeking dike repairs for 10 years, and this minister hasn't given us any indication of the support for local homes.

Mr. Speaker, the Pipestone Creek is the key tributary flowing into Oak Lake. Broken dikes at Oak Lake have also caused devastating water levels on Plum Lake, threatening more homes and also flooding vast areas of the agricultural forage land and pastures. All this water eventually empties into the Souris River where it can potentially cause additional challenges. We need sound long-term water-management strategies for the region.

Mr. Speaker, can the minister indicate what co-ordination or discussions this government has had with their Saskatchewan counterparts, not only about Pipestone Creek but all of—but about all the water tributaries which empty into the Souris River basin?

**Hon. Christine Melnick (Minister of Water Stewardship):** Well, again, Mr. Speaker, we've been monitoring very closely the Plum Creek, Oak Creek and Souris River. We've been working in real time with EMO. We've been working with people around long-term strategies.

We are the party that has built long-term permanent flood mitigation throughout the province of Manitoba, and we'll continue to do so. I don't know how much more clear it can be than we are working with all Manitobans to protect individuals,

to protect communities, whether it's raising homes, whether it's building ring dikes, whether it's building linear dikes.

We're working with communities today, and we will into the future. Why aren't they?

### **Lake Winnipeg Phosphorus Levels**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, today the Premier's acknowledged that under his watch, after 12 years of NDP government, phosphorus levels in our wonderful Lake Winnipeg have deteriorated to the point where levels are worse than they were in Lake Erie when Lake Erie was declared dead.

Mr. Speaker, this NDP government has been asleep at the switch for 12 years and has done far too little, and only now, on the eve of an election, is this government starting to contemplate the action that's needed.

I ask the Premier: Why did it take 12 years for this government to wake up to the fact that Lake Winnipeg is in dire straits?

**Hon. Greg Selinger (Premier):** Mr. Speaker, this is the only government that's ever had a plan to deal with phosphorus levels on Lake Winnipeg, and what we do is we consult scientists who do actual—who actually do empirical work on Lake Winnipeg, and they've told us that phosphorus is a serious issue, nitrification is a serious issue and that it continues.

And this spring's flooding has accentuated that because the additional amount of water we have in Manitoba is moving rapidly into some of our lakes which accentuates the need to take action on water quality issues, and that's why we're moving on it.

We engaged Dr. Leavitt to do additional research for us. He has given us the results of his research. The Clean Environment Commission has weighed in on these matters, and when we get good advice from people that have that kind of expertise, we commit to act on it which is exactly what we've done in the past and which is what we'll do today and which is what we'll do in the future.

\* (14:30)

**Mr. Gerrard:** Mr. Speaker, for many, many years, this government has maintained that a 10 per cent reduction in phosphorus in Lake Winnipeg was sufficient to restore our great lake to health. Time and time again I stood up in this Chamber to

challenge this government to say that 10 per cent was not good enough and that 50 per cent was what was likely needed. Today the Premier has acknowledged his government's target of the last many years was hopelessly inadequate.

I ask the Premier: Why did his government make the mistake of believing that a 10 per cent reduction in phosphorus was adequate? So now, on the eve of an election, he finally acknowledges that Liberals were right. Will the Premier confirm it was a mistake to set a target of a 10 per cent reduction in phosphorus when a 40 per cent–50 per cent reduction was what was needed?

**Mr. Selinger:** First of all, I thank the member for the question. It was difficult to hear it with the rude interruptions by the official opposition, but it's a serious question. It's a serious question posed by a serious member of the Legislature. It deserves a thoughtful response.

We had the Clean Environment Commission weigh in. The member will remember that we had an uncontrolled major amount of sewage go into the Red River from the North End treatment plant in Winnipeg, which triggered a Clean Environment Commission review of what needs to be done to protect the lake. Recommendations came out of that. They were followed by this government, but when we take a recommendation and we implement it, we don't stop doing further research. We don't stop seeking out better solutions and better answers.

And when we—when I took over this job, I committed to take another look at this issue. We have done that with the—a scientist who has dedicated his career to looking at prairie lakes and the impacts on prairie lakes. He has come back with his recommendations. We have taken those recommendations seriously and we will act on them as we have in the past. We will act on them in a way that protects Lake Winnipeg for all future Manitobans.

**Mr. Gerrard:** Mr. Speaker, in the report of the Lake Winnipeg Stewardship Board of 2006, some five years ago, the numbers were presented clearly, and it was apparent that a 50 per cent reduction in phosphorus was what was needed for Lake Winnipeg, and, yet, this government persisted, for five years, with the mistaken impression that a 10 per cent reduction in phosphorus was good enough. For five years this government has badly misled the people of Manitoba.

I ask the Premier to apologize for misleading Manitobans for the last five years so that five years were lost in the fight to save Lake Winnipeg because this Premier blew the basic issue of what the target should be.

**Mr. Selinger:** Again, Mr. Speaker, I thank the member for the question.

The save Lake Winnipeg challenge is one that requires an ongoing vigilance and a review of the scientific findings, and when the scientific findings continue to evolve, measures were taken, as the member has acknowledged. We're the first government in the history of the province that has put specific measures in place to protect Lake Winnipeg, not only on phosphorus levels, but on lake-friendly products, on tax credits for riparian protection of the borders of lakes, including Lake Winnipeg, additional measures in terms of ensuring that the lake has good scientific research done on it, and we've funded that, along with Manitoba Hydro. They have funded extensive research on Lake Winnipeg.

It is an ongoing challenge and the latest findings have recommended increased dramatic action on phosphorus reduction on Lake Winnipeg, and I've also said if phosphorus reduction cannot be achieved, nitrogen reduction will have to be done as well.

And, as the member knows, we've invested money in sewage treatment plants in Winnipeg. We are continued-committed to do that. We have taken measures on the land with respect to banning practices of winter spreading and we will expand those practices. We will look at all practical measures necessary to protect Lake Winnipeg for now and for future generations.

**Mr. Speaker:** Time for oral questions has expired.

#### MEMBERS' STATEMENTS

##### Manitoba Access Awareness Week

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, I am pleased to rise today to recognize May 29th to June 4th as Manitoba Access Awareness Week.

The hard work of many individuals and organizations have brought the rights of persons with disabilities and issues of accessibility to the forefront in our society. Despite great strides forward, there is still a long way to go to make Manitoba a more accessible and inclusive society, which is why Access Awareness Week is so crucial; it provides an

opportunity to generate awareness of the barriers that individuals with disabilities face on a daily basis. By promoting awareness, we can encourage the removal of these barriers and allow for full participation in society.

Manitoba Access Awareness Week is a celebration of individuals with disabilities and their accomplishments, as well as all the organizations that work to promote a society free of barriers. The official kickoff of Manitoba Access Awareness Week was sponsored by the Manitoba League of Persons with Disabilities and took place at noon at Portage Place on Monday, May the 30th. Numerous events are scheduled throughout the week, highlighted by the Awards Celebration Luncheon hosted by the Disabilities Issues Office on Friday, June 3rd.

Three awards will be given to recognize excellence in the following three categories: individual voluntary contribution to his or her community, organizational contribution to the community and in improving the lives of people with disabilities, and business practices that enable a more inclusive and accessible environment for Manitobans with disabilities.

I would like to thank all of the organizations that worked to raise awareness of the barriers people living with disabilities face and promote the removal of these barriers, especially those hosting events this week, including the Independent Living Resource Centre, the Manitoba League of Persons with Disabilities, the Council of Canadians with Disabilities and the Canadian Council of the Blind, Manitoba Division.

According to Statistics Canada, in 2006, 170,000 Manitobans, or one out of every six Manitobans, live with a disability. With that number expected to increase significantly in the coming years, it is increasingly important to create an inclusive Manitoba that is free of barriers. Access Awareness Week offers Manitobans the opportunity to work together to develop a Manitoba in which people of all ages and abilities can reach their full potential.

Thank you, Mr. Speaker.

##### English-Ukrainian Bilingual Program

**Ms. Erna Braun (Rossmere):** Mr. Speaker, today five grade 5 classes from the English-Ukrainian Bilingual Program from across Manitoba came

together at the Legislative Building to learn more about each other and our legislative process.

This group includes students from Springfield Heights School, R.F. Morrison School, East Selkirk Middle School, Bernie Wolfe Community School and Smith-Jackson School in Dauphin. Their time here today includes a scavenger hunt, a tour of the Legislative Building and meeting with MLAs of Ukrainian descent.

Grade 5 students from this bilingual language program have been coming to the Legislative Assembly for many years now. It serves as an opportunity to bring together students from the English-Ukrainian program from across the city and province so they can meet their fellow students and practise speaking Ukrainian.

The English-Ukrainian program has been offered to students in Manitoba since 1979, and this year marks the 30th anniversary of this program at Springfield Heights School in my constituency. The program is supported by the Manitoba Parents for Ukrainian Education, who provide support for the parent organizations associated with the dozen schools that currently offer the English-Ukrainian Bilingual Program.

The aim of the parents' organization is to promote, enhance and expand the bilingual program throughout the province to ensure that the Ukrainian language flourishes and endures. The program meets these goals by offering a balance of both English and Ukrainian instruction. This way students learn the Ukrainian language, while also developing a deeper understanding and appreciation of Ukrainian traditions, culture and heritage.

In closing, I would like to congratulate Principal Mario Beauchamp, Debbie Tsuyuki, co-chair of the Springfield Heights Parent Committee, and all the staff, students and parents of Springfield Heights School on celebrating 30 years of the English-Ukrainian Bilingual Program.

I would like, also, to congratulate members of the Manitoba Parents for Ukrainian Education for their commitment to Ukrainian language programs across the program: Susan Zuk, president; Barb Thiessen, treasurer; and Mary Jane Wasney, vice-president. It is thanks to programs at schools like Springfield Heights that the traditions of the language and culture of our vibrant Ukrainian community are carried on throughout the province.

I wish this program and its participants every success in the future.

Thank you, Mr. Speaker.

**Joan Durrant**

**Mrs. Leanne Rowat (Minnedosa):** There are many individuals in our province whose specialized knowledge and expertise help to shape policy and programs for a better society. Today I would like to pay tribute to the life and work of Dr. Joan Durrant, whose quest to understand the subjects of parents and children in making our world a better place.

\*(14:40)

Mr. Speaker, Dr. Durrant is a psychologist and professor at the University of Manitoba, where she has taught and conducted research for the past 20 years. Dr. Durrant is an expert in child and youth disciplinary options, has been active on a local, national and international level in efforts to prevent the physical maltreatment of children. Her work is aimed at promoting non-violence in families and increasing adults' respect for children's dignity, physical integrity and inalienable rights. She has been described as a universal parent because of her work in promoting children's rights around the world.

Joan Durrant's research has had a profound effect on many world governments and international organizations as her research has taken her across the planet. She has worked for the Save the Children organization, particularly in southeast Asia including Cambodia, Fiji, Japan, Korea, Mongolia and Thailand. Her work has made a lasting contribution on global efforts to alleviate the suffering of children, promote their health and well-being and recognize their worth as full human beings. Her research was foundational to UNESCO's position statement on physical punishment.

Dr. Durrant's research and contributions to Canada and the world has earned her the Red Cross 2011 Humanitarian of the Year award as well as the 2011 Women of Distinction education award.

I'd like to congratulate Dr. Joan Durrant on her recent award successes and extend my most sincere thanks for her exceptional contributions to the children of Winnipeg, Manitoba, Canada and the world.

Thank you, Mr. Speaker.



### **Jilliette Linklater and Desiree Wescoup**

**Mr. Frank Whitehead (The Pas):** Mr. Speaker, just a couple of weeks ago, two students from Opaskwayak Cree Nation earned their way to Toronto to participate in the Canada-Wide Science Fair. It all began as Jilliette Linklater and Desiree Wescoup first-placed first overall in the 2011 science fair held at the Oscar Lathlin Collegiate school, which qualified them to go on to compete nationally in Toronto.

The girls' project set out to investigate the dream catcher. As many of you will know, the dream catcher is a craft made by elders and traditionally hung in the rooms of children. It is believed that they catch bad dreams, leaving the sleeper only good ones. Jilliette and Desiree set out to determine whether what many claimed to be just a story could, in fact, be proven. They took a scientific approach to finding out how it might work and ended up with a truly interesting and thoughtful project.

Apart from the science, the fair has its own unique experiences for students across the country. The girls were able to take part in sightseeing tours, special events and other leadership opportunities. The Canada-Wide Science Fair is organized by Youth Science Canada.

Jilliette is 13 years old and Desiree is 12. The girls attend Oscar Lathlin Collegiate. Both girls are strong students, active in sports and share a youthful enthusiasm for life and learning. I am also very proud to note that Desiree is my own granddaughter. I am so glad to see students from OCN have the opportunity to take part in such an experience, to travel to another part of the country, meet new friends, learn about themselves and others. This is an opportunity that many students in the north would not get.

I hope you will join me in congratulating these two students on this very special accomplishment. I know that this is just one of many stepping stones for the two of them to catch their dreams and much, much more.

Thank you, Mr. Speaker.

#### **Manitoba Museums**

**Mrs. Myrna Driedger (Charleswood):** I rise today to put a few words on the record about the importance of Manitoba's museums. Over 200 museums can be found in every region of Manitoba, including 40 museums in Winnipeg alone.

Manitoba's museums have something for everyone as they include art galleries, community museums, cultural centres, heritage centres, historic societies, historic buildings, sites and parks, natural history and science museums and nature centres. Their collections range from art and history to science and nature, from sports and leisure to transportation and industry.

Manitoba museums are a major part of our education system and provide on-site tours and in-house educational opportunities to thousands of students and members of the public. Studies have shown that parents view museums as one of the most important places for educating their children.

In Manitoba's many smaller communities, museums are an important gathering place. They are deeply rooted in the community, especially in rural areas, as they are a great source of local pride and build a sense of identity and belonging.

Manitoba museums play a vital role in the province's tourism industry. They attract tourist visits to our province and they encourage visitors to stay in Manitoba, helping to increase local spending.

Museums contribute to Manitoba's workforce, as they employ hundreds of people full time, part time and seasonally. They rely on the support of thousands of local volunteers who give of themselves to preserve, protect and share Manitoba's diverse heritage.

Museums are important to the economy, to tourism, to education, to communities and to the quality of life of Manitobans. I would encourage all Manitobans and visitors to our province to visit our many museums this summer. We also look forward to the opening of our newest museum in the near future, the Canadian Museum from human rights—for Human Rights. Museums are not just our past; they are our future.

Thank you, Mr. Speaker.

### **ORDERS OF THE DAY**

*(Continued)*

### **GOVERNMENT BUSINESS**

#### **House Business**

**Mr. Speaker:** The honourable Government House Leader, on House business.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on House business.

Pursuant to rule 31(8), I am announcing that the private member's resolution to be considered next Tuesday will be one put forward by the honourable member for St. James (Ms. Korzeniowski). The title of the resolution is Cadet Day (Army, Sea and Air).

**Mr. Speaker:** Pursuant to rule 31(8), it's been announced that the private member's resolution to be considered next Tuesday will be the one that will be put forward by the honourable member for St. James. The title of the resolution is Cadet Day and it will include army, sea and air.

The honourable Government House Leader, on further House business.

**Ms. Howard:** Yes, Mr. Speaker, on further House business, would you call second readings of Bill 39, 29, 22, 27 and 42?

**Mr. Speaker:** Okay, for this afternoon the order of business will be—we'll deal with the second reading of Bill 39, 29, 22, 27 and 42.

## SECOND READINGS

### Bill 39—The Grieving Families Protection Act (Various Acts Amended)

**Mr. Speaker:** So now we'll call Bill 39, The Grieving Families Protection Act (Various Acts Amended).

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Attorney General (Mr. Swan), that Bill 39, The Grieving Families Protection Act (Various Acts Amended), be now read a second time and referred to a committee of this House.

#### *Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, this bill amends The Cemeteries Act, The Funeral Directors and Embalmers Act and The Prearranged Funeral Services Act to introduce tougher penalties for cemetery vandalism and significant changes to the administration and management of prearranged or prepaid funeral services.

Protection for grieving families is part of our five-year consumer protection strategy called Let's Make a Better Deal. These changes follow a discussion, a survey issued by the Public Utilities Board in September, and meetings held in October in Winnipeg, Brandon, Thompson and Swan River.

There have been media reports of headstone damage and defacing of graveyards, and the current

Cemeteries Act maximum penalty of \$40 is clearly insufficient. To discourage vandals and to send a clear deterrent message that there are serious penalties for such disrespect, we are increasing the fines to a maximum of \$10,000 or a judge can order jail up to one year, or both. We are also introducing the ability for the family or cemetery affected to obtain an order for restitution.

Other amendments under this bill build on changes introduced last year under The Funeral Directors and Embalmers Act to increase the profession's transparency and openness with the public, and strengthen the oversight and administration by the Funeral Board of Manitoba. The act will increase the powers of the board and its investigator. It will allow the board to immediately suspend a funeral director or close premises pending a hearing when it is necessary, in the board's view, to protect the public.

Mr. Speaker, most of the proposed amendments affect The Prearranged Funeral Services Act, however. Administration of the act will be transferred to the Funeral Board of Manitoba to align both acts that oversee the profession and provide a one-stop shop for complainants. Changes are also put forward here to significantly enhance consumer protection under the legislation by giving customers of prepaid funeral plans 10 days to cancel a prepaid plan without penalty called a cooling-off period. The bill would make it an offence for funeral directors or salespersons to exert undue pressure on a customer or take advantage of someone who cannot afford or understand a plan, and requiring, of course, in the code of ethics, a general price list in plain language that must be provided to a customer. This is in addition to existing provisions that prohibit the marketing, of the selling—the act of direct selling of such plans in such places as hospitals or personal care homes.

\* (14:50)

Funeral directors will have to follow a code of ethics, as I mentioned earlier, when offering a prearranged funeral services plan. The fines on conviction for offences under The Prearranged Funeral Services Act would also be increased by this legislation.

Very importantly, however, within this bill, is a requirement that payments for prearranged funeral plans must be made directly to a trust or insurance company. This will ensure that funds are there when

they are needed and will not be misappropriated. This is a preventative measure.

The Manitoba Funeral Services Association has indicated support for these changes, recognizing that these enhancements increase the public's trust and confidence in the profession. Indeed, Mr. Speaker, in many of the initiatives under Let's Make a Better Deal, the support of the sector that is witnessing the enhanced protections often are the ones who are hand in hand with government promoting such additional protections, because what is good for buyers is indeed usually good for business in that it does enhance public confidence in the product being offered and ensures that there's a level playing field. And it also guards against, of course, one bad apple spoiling the whole bunch, because, by and large, businesses in Manitoba are beyond reproach.

The Funeral Board will consult with the profession, the Manitoba Funeral Services Association and the Public Utilities Board to develop the regulations, processes and code of ethics that will support these legislative amendments. And we have heard that this is very important to the sector. And this is building on the experience that we had when looking at the funeral home code of ethics. And the insight and advice that we received was invaluable and, as well, built that solid partnership that is so important in providing consumer protections that are supported both by the government, public and the sector being regulated.

Mr. Speaker, in future, it is anticipated that there will soon be other amendments to The Cemeteries Act. A working group has been established to consult further in the review of that act, a piece of legislation, I can add, that is in need of modernization, but it must be done carefully, particularly, when it comes to the relationship and the interest that faith communities have in cemeteries and church yards, as well as the interest that municipalities have in cemeteries across this province.

In conclusion, I urge members on all sides to support the bill that—this bill, that provides enhanced consumer protection for those buying prepaid funeral plans and ensures that vandals or would-be vandals know that damaging cemeteries will carry hefty consequences and will not be tolerated by the good people of this province. Thank you, Mr. Speaker.

**Mr. Ron Schuler (Springfield):** I move, seconded by the honourable member from Carman, that we now adjourn debate on Bill 39.

*Motion agreed to.*

### **Bill 29—The Child Sexual Exploitation and Human Trafficking Act**

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister for Family Services, that Bill 29, The Child Sexual Exploitation and Human Trafficking Act; Loi sur l'exploitation sexuelle d'enfants et la traite de personnes, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Swan:** I'm very pleased to have an opportunity to present this bill to the Legislature for second reading today. This bill fulfills the commitment made by our government in its Throne Speech to develop a comprehensive provincial strategy on human trafficking to complement federal laws wherever possible. This bill is the first legislation of its kind in Canada.

This legislation does two things: First, it creates a tort of human trafficking. This tort action will enable a victim of human trafficking to sue the trafficker and seek monetary compensation from the trafficker. The second feature of this legislation is it will create a protection order availability for those victims of human trafficking and child sexual exploitation.

A protection order is a court order that requires an abuser to stay away from the victim, prohibits contacting or communication with the victim and might even prohibit being at places where the victim might be present. It will be obtained and it will operate in a manner similar to protection orders, which can currently be obtained under The Domestic Violence and Stalking Act.

The tort of human trafficking and the protection order can be used in tandem. The tort action in court can provide the victim with financial compensation, while the protection order is intended as a means of enhancing the victim's safety. The protection order is also available in two additional circumstances. These may be situations that fall short of most definitions of human trafficking, but which are, nonetheless, of serious concern because they involve the sexual exploitation of children. Again, these protection

orders will require abusers to stay away from child victims.

That the first situation would be covered is a case where a child is compelled by force, by threats, or by some other form of intimidation to engage in sexual activity. Essentially, these are situations where a child has been a victim of a sexual assault. The second situation would be a case where a person provides someone under the age of 18 with drugs, alcohol or inhalants in exchange for sexual conduct. The bill includes a list of factors to assist in determining if the exchange is exploitive. Again, this legislation is groundbreaking, and it will be the first of its kind in Canada.

I want to take this opportunity to recognize our various partners out in the community, those groups who work on the front lines to educate, advise and advocate for the protection of some of Manitoba's most vulnerable people. Today, of course, there was a private members' resolution that was brought forward by the member for Burrows (Mr. Martindale) wanting to congratulate and recognize these community partners.

It's unfortunate the Conservative opposition wouldn't support this resolution and talked it out. I don't know why, but we'll make sure the community is quite aware of where the opposition stands on recognizing these important partners, which give us so much good advice and do so much good work out in the community.

Now, of course, in human trafficking, in Manitoba we know that there are young people—there are young adults who are victims of human trafficking and, certainly, if you talk to those who actually work with these victims—to the police, to our Crown attorneys—we know this is happening in our own backyard, but it's not always the way that the media and some politicians portray it. I know that international trafficking is something which has been discussed in great detail.

Unfortunately, in Manitoba, far too often individuals being trafficked are those who actually grow up in the province of Manitoba and, shamefully, it's a lack of educational opportunities and a lack of economic opportunities in too many First Nations communities that result in young people and young adults becoming involved and being exploited in this way. And I know that this is a bigger issue than can be resolved by any provincial piece of legislation, but it is something on which our government will continue to press the federal

government to make sure that the federal government meets its responsibilities to our First Nations communities to try and stop these tragedies from occurring.

And, of course, with those young individuals and young adults who are becoming involved in human trafficking and sexual exploitation, unfortunately, there is a link to missing and murdered women. And, of course, this has been an issue which we've given a lot of attention here in Manitoba.

Back on August 26 of 2009, the Manitoba government, the RCMP and the Winnipeg Police Service formally established an integrated task force to review cases involving missing and murdered women. The task force consists of four Winnipeg Police Service members, three RCMP members and two RCMP civilian criminal analysts.

On September 3, 2009, Minister Robinson announced an action group on exploited and vulnerable women to guide Manitoba in addressing this issue, and a special advisor, of course, is appointed to work with the action group. After that, many other steps occurred. A task force liaison committee was struck at the recommendation of the assistant deputy minister of criminal justice to interface between the task force and the action group.

Mr. Speaker, just last week, the Winnipeg Police Service and the RCMP announced they were ready to move forward on the next step of this strategy as they've now finished gathering a lot of the evidence and they will now be moving into an investigative state. I'm very pleased that the—that law enforcement in Manitoba takes this issue so seriously, and I certainly hope that there will be success in solving some of these long-outstanding cases of missing and murdered women and, where possible, to bring the abusers and murderers to justice.

There's also been other work supported by our government. In spring 2010, the director of Victim Services contacted Aurora Family Therapy Centre to discuss the possibility of expanding the bereavement project to include therapy to the families of missing persons. On September 2010, Aurora submitted a multi-year proposal to provide therapy to these families, and I'm very pleased that our government supports this initiative and has approved funding.

\* (15:00)

Back on June 2nd to the 4th of 2010, the Manitoba Action Group held an event for families of murdered and missing women called, Wiping Away

the Tears, and I'm very pleased to say that our government supported a further summit taking place just last week at which people had the opportunity to continue talking about this very difficult issue.

Manitoba has implemented many initiatives to address murdered and missing women, and I was very pleased to stand with the Minister of Family Services (Mr. Mackintosh) as we announced, the same day that this bill was introduced to the Legislature, further expansions to the Tracia's Trust strategy. This strategy, of course, works in partnership with numerous community law enforcement agencies, and it continues to implement numerous initiatives to support vulnerable girls and women in Manitoba. And I'm very pleased that our government invests more than \$8 million each year in this strategy.

The Winnipeg Police Missing Persons Unit partners with the Child Protection Unit and StreetReach Winnipeg workers in order to identify high-risk runaway youth in Winnipeg. As you've probably seen, Mr. Speaker, missing person notices are issued right away and have frequently appeared in local newspapers. StreetReach has served more than 500 youth since it became operational in 2009-2010, and that number continues to increase.

As of March of this year, 74 critical reach posters and 64 media releases have been distributed, and, most importantly, as a result, more than 100 vulnerable children and youth have been returned to safe environments. I'm very pleased to let the House know that StreetReach North has now been launched in Thompson in partnership with the RCMP and the boys and girls club.

On March 21, 2011, the Manitoba Action Group, in partnership with Crime Stoppers and families of victims launched a new public awareness campaign that aimed to humanize and respect the spirit of missing women, as well as foster understanding with Manitobans by asking what if she was your daughter?

Manitoba, of course, has financially supported the gatherings of Aboriginal women to provide input into a Manitoba response to the recommendations of national Aboriginal women summits, and the Manitoba Association of Chiefs of Police website, called Project Disappear, is a great example of a public website of missing persons, and RCMP are involved with ongoing enhancements to that website.

Further, the 2010 federal Speech from the Throne provided a mandate for the RCMP to develop a national centre to encompass all missing persons and unidentified remains. The RCMP received \$5 million over five years to develop a national database to provide training to members and to create a public website. We understand this website should be operational soon, and we certainly appreciate and support in this investment.

And, as I said, Mr. Speaker, coming up on June 2 of this year, the Manitoba Action Group will host a provincial summit to discuss the formation of a provincial strategy on murdered and missing women. I understand that law enforcement will be there to provide more details of the further steps they'll be taking and the way that they will communicate with families.

So, certainly, the protection of women and girls in Manitoba is something our government takes very seriously. It isn't glamorous. Sometimes it's very ugly, and I certainly respect the work that our front-line providers do, that our police officers do, that our Crown attorneys do, to try to protect those most vulnerable individuals and also to bring to justice those who exploit and who damage and hurt other people in our community.

So I'm certainly looking forward to this bill moving on to committee. I'm looking forward to its speedy passage through the House, so this Legislature can continue to protect those people who need the most protection in our society. Thank you, Mr. Speaker.

**Mr. Ron Schuler (Springfield):** I move, seconded by the honourable member from Carman, that we now adjourn debate on Bill 29.

*Motion agreed to.*

#### **Bill 22—The Securities Amendment Act**

**Hon. Rosann Wowchuk (Minister responsible for the Manitoba Securities Commission):** I move, seconded by the Minister of Justice (Mr. Swan), that Bill 22, The Securities Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. Wowchuk:** Canadian ministers responsible for securities and the Canadian Securities Administration are constantly working and looking at ways to update and improve the regulations that govern this body.

By harmonizing our rules, we allow investors—by harmonizing our rules allows investors and companies to seamlessly access the market of all provinces and territories while continuing to support the goal of protecting—protection for investors.

The passport system, which Manitoba played a great part in developing, allows one province to make a decision that is binding in other provinces and territories and has contributed to Manitoba's regulatory excellence.

Our current model is considered to be one of the best in the world. Consistent with maintaining these results, we are amending The Securities Act in four places, Mr. Speaker. The changes that will be covered under these amendments will strengthen our rules on trading offences, interjurisdictional enforcement, credit rating agencies and private auditors overseeing body.

On the trading offences, this clause strengthens provisions to prosecute reporting or other issuers who use non-public information to trade in security of the public company. In other words, it protects against inside trading, as well as passing non-public information on to other traders, better known as tipping. Whether or not the public company is a reporting issue or in Manitoba, these rules will apply.

It is also an offence to be making—offence to make a misleading or untrue statement that impacts the market price of a security.

And, again, Mr. Speaker, those are the steps that are being taken here.

The other area, Mr. Speaker, that has been talked about at the interprovincial level is the interjurisdictional enforcement reciprocal orders and it allows—this amendment allows the Manitoba Securities Commission to make orders based on orders issued by another regulator or another court. It is always very important to prevent the improper or illegal activity that a regulator or a court has stopped in one province from—and preventing them to come to—into our province.

For example, an issuer in one jurisdiction is investigated and arranges for—arranges a settlement that doesn't acknowledge guilt. Any terms of the order or court decision are not applicable in Manitoba until the security commission issues an order in Manitoba based on the order in other provinces.

Mr. Speaker, this bill also addresses the credit rating agency and enables Manitoba to regulate the activities of these agencies. Manitoba Securities Commission will work with other security agencies in Canada and elsewhere to ensure that credit rating agencies operate in a manner that is not harmful to the public.

This bill also provides jurisdiction for the Manitoba Securities Commission to recognize and oversee activity of a private auditor oversee—oversight body. It—and it includes sharing information, hearing powers and appealing—appeal rights and public reporting.

Mr. Speaker, we all know and we all will recall that when we had the financial crisis in the last few years, it was clear that there had to be additional powers put in place to improve regulations for both the credit rating agencies and the audit oversight bodies that have been identified as necessary, both in Canada and in the international field.

So these four amendments that I've outlined here, Mr. Speaker, are ones that have been looked at and discussed thoroughly across the country by jurisdictions in every province, and there is a recognition that we have to—that the securities commission in each province are doing their jobs. And certainly we've had the discussion about a national securities regulator that is not supported by most provinces. What the jurisdictions have said—the majority of them have said that they support the passport system and they want to maintain their security commissions in each of the jurisdictions, but they have also recognized that there is need to strengthen the regulations that are there.

\*(15:10)

And certainly we would want to ensure, through this regulation, that there—that people who are in those positions do not—cannot take advantage of their clients and of the public by doing insider trading or by tipping or by putting misleading information on the record that will impact their ability. And this will certainly strengthen what the Manitoba Securities Commission can address and we live in an economy where there is a lot of interprovincial movement of people.

There's international movement and it is important that we have the ability to have interjurisdictional enforcement and that we have the—that the credit rating agencies have—they're able to work—that the Securities Commission is able to

ensure that credit-rating agencies are working within the rules. And as I said, Mr. Speaker, these are recommendations that have come and have been—that are—some are implemented in other jurisdictions already and some have not been implemented. But this will move us closer to having the kind of security regulations that are similar in every province and have the ability for people to do trading and have people who are doing—having investors work for them have the protection that we need.

**Mr. Ron Schuler (Springfield):** I move, seconded by the honourable member for Minnedosa (Mrs. Rowat), that we adjourn debate on Bill 22.

*Motion agreed to.*

### **Bill 27—The Manitoba Ukrainian Canadian Heritage Day Act**

**Hon. Rosann Wowchuk (Minister of Finance):** I move, seconded by the Minister of Labour and Immigration (Ms. Howard), that The Manitoba Ukrainian Canadian Heritage Day Act be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. Wowchuk:** I'm very pleased to stand up and speak to this bill. And I have to say when we had the discussion—opportunity to talk to private members' bill on this—on a similar issue, Mr. Speaker, we had many people in this House identifying themselves as Ukrainians. We had other people who were wishing that they were Ukrainian after all of the discussion of our rich culture. And I know that many, many people in this House who are not of Ukrainian descent have friends who are and have had the opportunity to enjoy the culture whether it be the rich foods that we prepare or whether it's our dance—our music, this—what we have and what the Ukrainians have brought to this country and to this province has indeed influenced the culture and has very much been a part of the city of Winnipeg but of many communities in Manitoba.

Mr. Speaker, we know that the Ukrainians came to this province, just a few of them came for this—different reasons. I'll tell you the story about my grandfather. My grandfather came to Canada at—before the turn of the century and my grandfather was the oldest of five boys and the tradition in Ukraine was that you divided up the land as a son grew up and they all farmed the same land.

My grandfather realized very early on that there really wasn't enough land for him to start taking some of—land from his father and he had heard about the promised land. He had heard the ads about the free land in Canada and he came, as did my other grandfather, very shortly after. One of them came to farm, Mr. Speaker, and settled in the Cowan area. He brought one—he settled, got some land, brought over another brother, then they both worked and brought over a third brother, and that's how our family came here. Unfortunately, war broke out and the rest of the family was not able to come. But I am sure that with the success that my grandfather and his brothers had here, had there not been war, we would have had more of our relatives in this country.

My other grandfather, also of Ukrainian descent, came in a different way. He came to work and worked on the railway all his life, Mr. Speaker, because he came with some different skills. And so—but both of them saw Canada and Manitoba as a place of hope and a place to raise a family, and both of them—just as many other families—left their mark on the community. They were proud Ukrainians. They thought their children well. They contributed to their communities, whether it was to build schools, to build churches, or have us retain our culture. That's what our grandparents did, and they were always very proud to be here in Canada.

It was sad for—when I look back at the history—that my grandparents were not able to make that connection back to their families in Ukraine because of the war. But I was very happy that, in later years, we were able to connect and my father was actually able to go back and meet his relatives, some of his cousins. And I was absolutely thrilled when I got a chance to go to Ukraine and actually drink water from the well from the farm where my grandfather was a child, and it would be on that land. That was probably one of the most moving experiences in my life, to be able to go and see where our family roots were.

But, Mr. Speaker, I talk about my family, but there were many, many other Ukrainians. Many Ukrainians have—who have contributed to the strength of Canadian multiculturalism, contributed to our country's growth and development and, certainly, our province is full, as is the country, of the Ukrainian-Canadian pride.

And I'm—in Manitoba this is a significant act or bill for Manitobans because Manitoba is home for over 167,000 people of Ukrainian descent, and it's

the greatest population of Ukrainian population of any other province or territory in Canada. Certainly, Winnipeg is a centre for Ukrainian culture, and there are many organizations that promote culture and education and religion. I was very pleased and I wished that some of the Ukrainian students, bilingual students, could be here today to hear this discussion because they are—through that school and other schools in the province, the language is being preserved and the culture is being preserved, and I wish that they could—although they were here listening to question period, if they would have heard a debate or discussions on the Ukrainian culture, I really do believe that it would have impressed them.

Mr. Speaker, our ancestors came, and I think that when they came to this country, sometimes they weren't understood, sometimes they weren't truly appreciated, but, as I say, in time people learned more about the culture, learned more about the work ethic of these people and have become a—have come to appreciate the contributions of Ukrainians.

And I just want to recognize, here in Manitoba, we've had Ukrainian members of the Legislature. As I said, on both sides of the people—of the House people have identified themselves as Ukrainians and are all proud of their culture. But, you know, we've had people—the Lieutenant-Governor of Manitoba, Mr. Peter Liba, was of Ukrainian descent. We've had a governor general of Ukrainian descent. We've had people hold many important positions and leadership positions who, throughout this—the history of this province, Mr. Speaker.

\*(15:20)

Mr. Speaker, I—one of the things that I think about our ancestors when they came to this country—and, as I said, they worked hard. It wasn't easy for them in many cases, but they were very religious people as well. And if you look across the landscape—you can look around the city, but I often look across the landscape of rural Manitoba where the Ukrainian settlements were, and one of the first things that they did was build a church. And, quite honestly, it's quite sad, whether it's a Ukrainian Catholic Church or a Ukrainian Orthodox Church, the church was very important to me. And the sad part I see today is that we have many of these churches—population has declined. There are some communities that aren't communities any more, but still the churches are there. And I want to recognize those Ukrainian people who often make that

pilgrimage once a year. Once a year, no matter what, they're going to go that church.

In my church, which doesn't have very church very often, is Zeleni Svyata, which means green holidays. And we have this tradition that's called praznik. Praznik means celebration. And the different churches would have their celebration in different days. Some had it in June; some had it in July; mostly they were during the summer. And when you look at where all of those churches were, one Sunday it would be at our church, the next Sunday it would be in the next community, and down the road further on. Some had it on St. John's Day, some had it on St. Peter and Paul Day. But it was a time to come together to worship, but it was also a time to share fellowship. And the tradition was once you had the service, you did the blessing of the graves, and then there was sharing of food, either in the community—in the church hall if there was one, sometimes out on the lawn or sometimes in other people's houses.

But those are the traditions that have continued on and will continue on for many, many years. And it's our job, those of us who are Ukrainians, to make sure that those traditions continue on, and there are many. There are some of the traditions that we have lost. But I think we have to work very hard to maintain them.

And I want to recognize that whether it's the Ukrainian Catholic church or the Ukrainian Orthodox church, they remain very important gathering places for the Ukrainian community. I want to also recognize St. Andrew's College, the Ukrainian Orthodox seminary of Canada that is located at the University of Manitoba and is of religious and cultural significance to Ukrainian Manitobans. This college adds an opportunity for young people to maintain their language and do various programs.

I also want to mention another facility, which was St. Vladimir's College, in Roblin, which was a minor seminary where boys went to school for many, many years. I had a nephew who went to school there and a place where Ukrainian dancing, Ukrainian singing, was something—we were very proud to be able to attend their concerts. I, in fact, have other relatives who attended as well, and it was sad when that was not maintained to the same level that it was.

So, Mr. Speaker, we have a very rich culture that we're very proud of, and I think it's very important



that we recognize that day. I also want to recognize the Dauphin–Canadian National Ukrainian Festival which is held in Dauphin—46 years now that Ukrainians have been gathering in Dauphin for this national festival to showcase the wide range of aspects of Ukrainian culture, to welcome visitors, to welcome performers. Performers that come from the province, from across the country, but performers that are international. It is always a time to see how the Ukrainian culture in music is portrayed in Ukraine. And sometimes we've made our music very Canadian compared to some of the music that comes from Ukraine—and those bands and those musicians and those dancers that come.

But I have to say that the highlight for me of the Ukrainian festival every year that I have attended has been the dancing, and particularly if we can get some—get the very young dancers in to start at the very basic level to promote their culture. And I want to say that my—I was very—I have six grandchildren and some of them dance, some of them do gymnastics. But this year I was absolutely thrilled when my youngest granddaughter went into Ukrainian dancing, and I'm hoping that in the next couple of weeks I can attend one of her concerts, because for me that is the start. If you start with dancing and a little bit of language, you are then passing on the knowledge to the next generation.

So, Mr. Speaker, we have followed—there have been other jurisdictions that are looking at having a Ukrainian Canadian Heritage Day. We looked at what other jurisdictions are doing; we talked to the Ukrainian community here in Winnipeg, and we told the Ukrainian community that it would be very important for us if we're having—recognizing Ukrainian Heritage Day that we tie it to the Canadian National Ukrainian Festival, and the Ukrainian community has endorsed that idea. They feel that by—if we have this major celebration in Dauphin, a national Ukrainian Festival, that this would be the day when we could join the two together in celebration.

Mr. Speaker, if you look at the bill, I—the bill proclaims the last Saturday of July to be known as Manitoba Ukrainian Canadian Heritage Day to coincide with the Ukrainian Festival. But I have to say to you that I am going to have to make a slight amendment to the bill, because, in consultation with the Ukrainians after we shared the bill with them, they said that it is not always the last Saturday of July. It is the Saturday before the long weekend. It could be the last Saturday of July but, on a rare

occasion, it could be the first Saturday of August. But we've consulted with them. They have made a recommendation to us and, in complying with what they want—and the basic thing that they want is to have a Ukrainian Canadian Heritage Day.

I want to also say to the members opposite, Mr. Speaker, I recognize that the member from Russell has brought a bill forward as well, and he and I have had a discussion on this, and—because his bill has a different date in it. But, after some discussion, and, as I said, having discussed this matter with the Ukrainian community, we have—will—want to have this day recognized at—coinciding with the Ukrainian Festival.

Mr. Speaker, there are several—there are things that have happened at the Ukrainian Festival site that make it the unique and right place. There is the Tomb of the Unknown Soldier that is there; there are other markers that are on that particular site, and I think it is the appropriate gathering place since we gather there—many Ukrainians gather there every year. It is a national festival and I think it's very fitting, since so many people come together, that we can have the day, the Saturday that is the first day of the Ukrainian Festival to be the day that is Manitoba Ukrainian Canadian Heritage Day, and I am very pleased to have the opportunity to move this bill.

Thank you very much, Mr. Speaker.

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I move, seconded by the honourable member for Minnedosa (Mrs. Rowat), that we now adjourn debate on Bill 27.

*Motion agreed to.*

#### **Bill 42—The Caregiver Recognition Act**

**Hon. Jim Rondeau (Minister of Healthy Living, Youth and Seniors):** Mr. Speaker, I move, seconded by the Minister of Finance (Ms. Wowchuk), that The Caregiver Recognition Act be now read a second time and referred to a committee of this House.

*Motion presented.*

**Mr. Rondeau:** I'm very pleased to present The Caregiver Recognition Act for consideration of the House.

\* (15:30)

Manitoba has a growing number of men and women who provide voluntary unpaid care for their loved ones. They remain in their community—to allow their loved ones to remain in their community

and be supported and have a decent standard of life and be with the people that they love and that care for them.

And, you know, it's not only good for our medical system, but it's good for all society to make sure that we have people who support each other, who—family units or groups that assist each other and do provide the caregiving that is necessary. This clearly benefits the individuals who receive the care but also benefits the communities, the health system, the economy by reducing demands on the health-care system, but also it really does create a community.

We all need to recognize the value of the services provided by caregivers as well as the additional pressures their role places on them. These pressures might be financial pressures, emotional pressures, physical difficulties and other considerations that will cause difficulties with them or their families, cause time efforts, cause efforts where people have to go above and beyond to make sure that their loved ones has a standard of living that they deserve.

With our aging population and increased longevity and preference for aging in place, the role of the caregiver will become increasingly more important and more widely experienced. Mr. Speaker, indeed, I suspect that many in this room today have assumed their caregiving responsibilities for a loved one. We often are referred to as the sandwich generation where we're looking after our parents as well as our children, and, you know, it is very, very tough as far as the amounts of demands on our time.

Given the value of services to individuals in our communities, Manitoba recognizes there is an increasing need to 'revert'—provide support for informal caregivers for not just older adults but for all. The introduction of The Caregiver Recognition Act is an important component of the caregivers' support system. Over the past several months, the Seniors and Healthy Aging Secretariat and Legislative Counsel have been working diligently on this important act. They want to make it something real. We want to make it a tool that creates the support necessary. We are very pleased with how this has taken shape and what it proposes to heighten the awareness and recognition of formal and informal caregivers, family caregivers and to help guide the development and framework for caregiver recognition and caregiver supports.

We're trying to set up a framework by which we know what the supports are and we can start to deliver them. In my department, the Healthy Living, Youth and Seniors has a goal to promote an environment that supports health and wellness for all Manitobans. This act is an important new tool to support adults who are caregivers to be full participants in their communities.

*Mr. Mohinder Saran, Acting Chairperson, in the Chair*

This is a positive step for Manitoba to acknowledge and promote the recognition of caregivers and a commitment towards helping guide the development of a framework for caregiver recognition and the caregiver supports and the navigations necessary to maneuver within the systems. Manitoba has built on the work of Australia, who implemented the Australia recognition act in 2010. We particularly appreciate the innovation that Australia often demonstrates in the realm of health care and social policy. It's where they try to meld what is best for the health-care system, what's best for the community, what's best for the individual, and we've taken that approach here, and I think that is a very positive step.

Mr. Speaker—Mr. Acting Speaker, with this act, Manitoba will be a leader across Canada and globally for the creation of legislation that formally recognizes informal and formal family caregivers. Manitoba recognizes that caregivers and care recipients are diverse. More work needs to be done for different care group categories, including caregivers of an adult child with a disability, caregivers who are themselves children, caregivers who are grandparents, caregivers that—in immigrant or refugee families and in others.

So what we want to do with this act and the counsel, is to find out what the different needs are and then how we can approach those needs to fill that requirement. Having said this, I would like to take this opportunity to highlight some very key caregiver statistics. Almost three-quarters, 73 per cent of Manitobans, providing care to seniors are between the ages of 45 and 64 years of age. The majority of caregivers, 71 per cent actually, were married, and over half, 56 per cent, were working in the paid labour force while providing care. About one-fifth of Manitobans age 45 years and older reporting—report providing assistance to a senior who required support due to long-term health condition or physical limitations. That means 20 per cent of us are

right now providing the caregiving support to a loved one. In that—those stats show you what we believe the root of the problem and issue is.

So what we want to now do is set up solutions and provide solutions for those people who are going above and beyond the call of duty. In the act, caregivers are defined as a person who provides informal and unpaid personal care, support or assistance to another person because that other person lives with designated challenges. Those challenges may be due to a disability, illness, injury, aging or other infirmity.

Again, it is important to note that caregiver may be providing care for an aging parent or an adult child. Caregivers can also include children providing assistance to their parents, or grandparents providing assistance to their grandchildren. It might be just care to a loved one. In this act we have not made the specific confining definitions. We've actually broadened the definitions to include all types of caregivers.

The Caregiver Recognition Act outlines principles to increase the awareness, recognition and acknowledgement of informal caregivers. The Caregiver Recognition Act outlines general principles relating to caregivers, reflecting how caregivers should be treated and considered when interfacing with the public, health and in the workplace.

Key provisions of The Caregivers Recognition Act include the following: first, proclaiming the first Tuesday of April each year as the Caregiver Recognition Day to coincide with the national invisible work family day caregiver day; a report—No. 2—a report on the progress will be provided every two years that evaluates caregivers' needs, the resources and supports available in the province.

*Mr. Speaker in the Chair*

Number 3, the act authorizes the establishment of a caregiver advisory committee that may be established to provide Manitoba and the Minister of Healthy Living, Youth and Seniors with information, advice and recommendations; No. 4, the government is to promote the general principles relating to caregivers and consider them when developing, implementing, providing or evaluating caregiver supports and programs that are rolled out within the province.

So those are the four main components of the legislation, Mr. Speaker, and, just to let you know

that some of the things that we need to work on, according to the Chief Public Health Officer's third annual report in 2010, caregiver issues 'consinue' to exist and they're related to the following: the need for mental and emotional support for caregivers; the need for broader societal recognition on the important role that caregivers play; the—better access to support services and services like respite, financial information, et cetera; and the need to get information through FIPPA and PHIA and make sure that people have the access they need to give their job, although still protecting privacy in personal health information.

So these are some of the things that we need to do, and we also have to work with the private sector and within government ourselves to allow for flexibility and having flexible workplace environments so that that is a better or harmonious society.

So our goal through the development of this act and related initiatives is to better support and promote the awareness of family caregivers across Manitoba. The act will create the framework. We expect to develop policies and programs that will continue to enhance this act and enhance the support for caregivers, and we plan to do that in co-operation with all departments in government and all other areas. I think this is one where the outside of government and inside of government can co-operate and make some huge strides for the betterment of all.

As mentioned earlier, this act will also establish the basis for development of a framework to support family caregivers, ie: friends or family members who typically provide unpaid care. Manitoba will begin to consult with caregivers, caregiver servicing organizations, appropriate government departments, and others across the province. It's interesting to note, Mr. Speaker, that it's not just within government that we provide support. Lots of non-profits, lots of other groups do provide support for caregivers and their loved ones. We want this to continue, and we believe there's some wonderful jewels out there that are doing absolutely amazing work. This is a positive step in the right direction. We will continue to work progressively on this issue.

\* (15:40)

I think that another very, very important part was to actually finally recognize caregivers financially by creating a tax credit. I'm pleased that again this year we found it as part of the budget to again increase the caregivers' tax credit, because I think that not only

does it come out of personal cost and time and effort and love, but it also comes out of financial cost to provide this care. And we have started to recognize that, and I think that was a very, very positive first step.

In closing, Mr. Speaker, the following statements helped frame the development of the caregiver recognition legislation act. I would like to share these with you. These are statements that helped form the legislation: Informal caregivers, whether family, friends, peers or neighbours, play a vital role in providing voluntary care to older adults and adults and children with a disability. Informal care provided by the family, friends and peers enhances the opportunity for older adults and adults with disabilities to age in place, in their choice of location and to participate in their communities and to give what they're able to. Broader societal recognition of the important role that caregivers play is needed. We need to know how important this is, recognize it not just as a government, but as a society. The capacity of caregivers to provide care and to be participants in their communities should be promoted and should be acknowledged. Informal caregivers need to be involved in the design of a broader framework to address caregivers' needs. We need a system to which to assist caregivers in navigating some of these issues, whether it's the information-freedom of information act, health privacy act, et cetera. We need to give them the tools so that they're able to support their loved ones. And, finally, and most importantly, that in our work with caregivers, we respect the five principles of the National Framework on Aging, which are: dignity, independence, participation, fairness and security.

I am very pleased to recommend the passage of this bill to the House. I believe that with this bill, we will recognize caregivers. We will have a committee and an advisory committee that will provide ongoing information to the minister and advice to the minister, and we will also have a report every two years, which will look at all the services, both within and outside of government, look at areas which needs to be enhanced and then move towards enhancing those systems.

So I look forward to bringing this bill to committee and listen and its passage for the betterment of all in Manitoba.

Thank you very much, Mr. Speaker.

**Mrs. Leanne Rowat (Minnedosa):** I move, by the member for Charleswood (Mrs. Driedger), that

debate on Bill 42, The Caregiver Recognition Act, be adjourned. Thank you, Mr. Speaker.

**Mr. Speaker:** It's been moved by the honourable member for Minnedosa, seconded by the honourable member for Charleswood, that debate be adjourned.

Agreed? [*Agreed*]

### House Business

**Mr. Speaker:** The honourable Government House Leader, on further House business.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on House business. Would you please call Bill 23.

### Bill 23—The Employment Standards Code Amendment Act

**Hon. Jennifer Howard (Minister of Labour and Immigration):** I move, seconded by the Minister for Innovation, Energy and Mines, that Bill 23, The Employment Standards Code Amendment Act; Loi modifiant le Code des normes d'emploi, be now read a second time and referred to a committee of this House.

#### *Motion presented.*

**Ms. Howard:** It's my pleasure to stand up in the House today to speak to this bill, Bill 23, The Employment Standards Code Amendment Act, to provide some background on the bill and the process that we use to get to these changes.

Bill 23 aims to provide workers and employers with greater flexibility in working hours in order to help them better deal with life's demands and achieve a greater work-life balance.

This piece of legislation, along with many of the pieces of legislation that we've brought forward, either to the Employment Standards Code or through the pension act, is aimed really at helping employers and employees adjust to the realities of today's workplace.

Currently, under the Employment Standards Code, the standard hours of work for the majority of workers in Manitoba are eight hours per day and 40 hours per week. I should note for members here the code doesn't apply in the Legislature. So, certainly, that does not reflect the standard hours of work, I'm sure, for most of the people in this Chamber. But for most Manitobans those are the standard hours of work. Any hours over and above this are overtime and, as such, can be refused by

workers or must be paid at time and a half. The eight-and-40 workweek was a great achievement for our province when viewed from a historical perspective. A hard-fought right that should continue for Manitoba workers.

I think it's important, you know, for us to reflect on a time—and I know we're joined by many young people in the gallery, and I think it's important for them to know some of the history of how we come to have laws like this in Manitoba. There was a time when to have a 40-hour workweek was considered a radical suggestion. To be guaranteed that you would get overtime after eight hours was considered a radical suggestion. There was certainly a time in this province, and many people fought very hard and, in fact, some lost their lives to fight for a place where children would not be forced out of school and into the factories and to work alongside adults in unsafe conditions.

As we go on and as we adapt to today's workplace, we know that for some workers the eight-and-40 workweek is not the best fit for their particular needs and wants, especially for those with family responsibilities. Some people would prefer to work, for example, four 10-hour days and have three days off each week to attend to family issues that they may have. Others would like to be able maybe to leave early one day and make up the hours the next in order to go to an appointment or tend to family emergencies. In these cases, Mr. Speaker, the code's hours of work provisions would require that the employer pay overtime for each day that the worker worked longer than eight hours, even though it was the worker who wanted to stay later. Due to this overtime liability, many employers who would otherwise be willing to allow their workers such flexibility in working hours may decline to do so, and we know that all over Manitoba there are informal agreements where this is happening. But the reality is that if those agreements go sour the employer would be on the hook for overtime.

Bill 23 will give employees the ability to request an individual flex-time agreement with their employers to alter their standard daily hours to a maximum of 10 hours per day with 40 hours per week in order to achieve a work schedule that better suits their individual needs. Similarly, the code's averaging permit provisions which allow for employers to apply for a permit to alter standard hours for their workplace or for particular classes of workers would be amended by this bill in order to

make them more readily accessible where there is majority support from the employees.

Currently, Mr. Speaker, the only real provision for this that is able for employers and employees to take advantage of is usually in those industries where there is collective bargaining, where there are unionized workers. So, for example, you know, it's not uncommon in the health-care field for many health-care workers to work more than eight hours per day as 10, 12 hours per day and then have time off. But, in those workplaces where there isn't that kind of industry norm, it's been very difficult to allow for this kind of situation to take place, and we know from some of the early responses to this legislation those industries that are particularly in favour of this kind of legislation are those like the retail sector and the restaurant sector where they have for many, many years wanted to be able to provide their employees with greater flexibility but because of the code's rigidity have not been allowed to do that.

These amendments, Mr. Speaker, have both been developed so as to ensure that the rights of workers who prefer the code's regular standard hours of work are protected. It is, I think, important for people to know, and those young people joining us today, that the minimum standards in the code are there for everyone—protect everybody's rights and you can't agree to something that is below those minimum standards. You can't agree to be paid less than the minimum wage in this province—for example, the minimum wage, which will go up on October 1st to \$10 an hour, which is historic for Manitoba but which is in line with most of the other Canadian provinces now. So those minimum standards are there to protect all workers, and, as I've said before, they come about because of long—a long history of struggle in this provinces—in this province and others to ensure that, as people go to work, that their rights are protected in that workplace.

\* (15:50)

The bill also makes a change respecting exceptions to termination notice requirements under the code. Currently, employers must be able to show that employees have engaged in wilful misconduct in order to terminate them without providing notice or wages in lieu of notice.

The proposed changes to the code will replace the wilful misconduct standard with a just cause standard, which is more common among Canadian jurisdictions. The burden of proof will continue to be

on the employer to show that there was just cause for a termination in order to be exempted from the code's termination notice requirements.

So, Mr. Speaker, what this means, essentially, is that if you were terminated from your employment with just cause for the employer, the employer does not have to give you notice or pay in lieu of notice. But it is up to the employer to prove that it was a just cause.

This was a change that was requested certainly by employers. All of this legislation, all of these amendments, I think, it's important to know go through the Labour Management Review Committee process which is made up of equal representatives of employers and employees. And this, I know for a long time, has been an issue for employers, that they were held to a standard of wilful misconduct which is a different standard than just cause. And just cause, of course, is a much more well understood standard and a standard that's much more present throughout Canada.

This bill also adds climate-controlled agricultural businesses to the list of business types that are exempted from the code's general holiday pay provisions. The exemption allows businesses to provide their workers with an alternate day off with pay in place of the general holiday. Extending the exemption to climate-controlled agricultural businesses recognizes the need in such workplaces to have employees caring for animals and perishable food products.

For example, in today's operations—livestock operations, climate-controlled feeding and water systems must be monitored to ensure the health and safety of the animals. These—so this change just brings greater clarity to something that, I think, we believe to be the case and I think agricultural businesses believe to be the case, that if you're a continually operating business and somebody works on a holiday because you're continually operating, you don't need to pay holiday pay. You do need to give time off in lieu of that day, but you don't need to pay at the rate of time and a half.

So this makes sure that it's clear for those businesses that are agricultural and are continually operating in the same way that many other retail businesses would find themselves in that position.

So, Mr. Speaker, we believe that these changes strike a balance between the needs of both workers and employers while protecting long-standing rights

under the code. As I said, these amendments are consensus recommendations from the Labour Management Review Committee consisting of employer and employee representatives.

And I think it would be important at this time for me to put on the record my thanks to those committee members who toil and who review proposals and legislation, who are often called together with not that much notice by me because there's a good idea that I think that they should have a look at. And they're always professional in their deliberations. They don't always agree, Mr. Speaker, but they always work together and they come to a conclusion. They make compromises and they come to a conclusion and they come to consensus.

And, you know, I think it's important for us in this Chamber to note and to thank the hundreds and hundreds of Manitobans that work for us on these advisory boards and committees, that help us review legislation, that help us bring about the best legislation that we can. They do an awful lot of work.

They don't get, I suppose, any of the credit or the glory that we do when we bring in good legislation. But certainly without them and for me without the members of that Labour Management Review Committee, it would be much more difficult to bring in labour legislation that not only is supported by everybody who's involved, but, I think, also recognizes the changing nature of work and makes reasonable changes to the rules to allow for not only the flexibility of employers, but also for employees to achieve that kind of work-life balance that I know we're all striving towards.

So, Mr. Speaker, Bill 23 is just one more step, I think, in modernizing the workplace for today's workers and today's businesses. I know that we've received, as I've said, positive comments from many businesses. I count, among them, Credit Union Central. We were at a meeting—I was at a meeting recently with a number of employers, and they were there, and this is the very issue that they raised, that they wanted to be able to give their employees more work-life balance. They wanted to be able to allow their employees to leave early one day because they wanted to attend either a children's concert or to some medical appointments, with the understanding that that employee would make up the time the next day. But, certainly, as the rules were written, they were not able to do that without incurring an

overtime liability. So this bill will help to deal with that.

I think, Mr. Speaker, that's all I want to put on the record at this point on this bill. So, with that, I certainly recommend these changes to the Legislature.

I've had a very good briefing with my critic, the honourable member for Pembina (Mr. Dyck). I—we always enjoy our time together when we have briefings. I learn new things about the legislation and he learns new things. He asks good questions. And I want to thank him. I want to thank him; I enjoy him so much that I'm tempted to bring in 10 more pieces of legislation so that we can spend more time together before he leaves this Chamber for the sunset and the rewards to which he is so richly deserved and entitled.

So that—with that, Mr. Speaker, I will sit down and hope that we will hear other words of debate on this bill. Thank you.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable member for the Lakeside (Mr. Eichler), that we adjourn debate.

*Motion agreed to.*

#### House Business

**Mr. Speaker:** Honourable Government House Leader, on further House business.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on further House business, would you call bills 35, 36, 40 and 41.

**Mr. Speaker:** Okay, for the House business, we'll deal in this order, Bill 35, 36, 40, 41.

#### Bill 35—The Consumer Protection Amendment Act (Cell Phone Contracts)

**Mr. Speaker:** So I'm calling Bill 35, The Consumer Protection Amendment Act (Cell Phone Contracts).

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Minister of Labour and Immigration (Ms. Howard), that Bill 35, the Consumer Protection Amendment Act (Cell Phone Contracts), be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** The bill, of course, amends The Consumer Protection Act to include provisions that

provide a better protection for consumers who are entering into contracts for cellphone services. This is a key priority in Manitoba's five-year plan for stronger consumer protection that we call Let's Make a Better Deal.

In the Better Deal plan, the provinces—the Province has committed to helping consumers and businesses through fair and clear cellphone contracts. We wanted to hear from Manitobans about their experiences with cellphone contracts. We wanted to make sure that we meet the needs of Manitobans and address their concerns. So the Province released a public consultation paper in December, requesting feedback on consumer protection in these contracts from consumers, advocacy groups, industry. Individuals and organizations were invited to respond to the paper which included specific questions to share their personal experiences.

This consultation paper was also based, of course, on concerns and complaints that have been received by members individually, by the Consumer Protection Office, and concerns that are generally known in the community and amongst family, friends and neighbours. The Consumer Protection Office received an overwhelming 242 written responses from consumers across the province. The office also received three responses from consumer advocacy groups and five from industry. In addition, we have consulted in person with consumer and industry groups.

Consumer response has highlighted a number of concerns, including high cancellation fees, long terms for contracts, unilateral changes to contract terms by cellphone companies, and confusing contract language and documents.

\* (16:00)

Consumers told us about contracts with unreasonably high cancellation fees, and, indeed, I think the hot button item or issue that we evidenced was the issue of cancellation fees. Sometimes the cancellation fees were \$400 or even more, regardless of how much time was left in the contract. Customers are often unaware of these fees when they sign a contract and are not provided with clear information on how a contract can be cancelled if their circumstances or needs change.

We saw cellphone contracts that require consumers to access multiple documents to understand all of the terms. We saw contracts with complex and confusing language and fine print that's

difficult to read and understand. Comparison shopping is difficult for Manitoba consumers as the total price is not always publicly available and contract terms are presented differently by different companies. Some cellphone companies' representatives have refused to give customers a copy of their contract to take home or to read or to give sufficient time to review before signing we were told.

The cellphone industry is concerned about legislation that would require a change in business practices. We have met with representatives from the cellphone industry, as have staff on several occasions to discuss the issues. We have listened to industry's concerns around regulation and have drafted legislation that, in our view, is fair and reasonable. Interestingly, we also heard from some cellphone companies themselves, that they actually welcome the legislation that protects consumers, especially around contract cancellation.

The industry association, the Canadian Wireless Telecommunications Association, does have a code of conduct for its members. The intent of the industry's code of conduct, while good and I commend for promoting a best practice, nonetheless has some serious shortcomings. But it's important for the Legislature to know that the code was considered in drafting the legislation. But this is a voluntary code, Mr. Speaker, there are no real consequences for not following the code. Consumers only recourse is to switch to another company, and this may not be financially feasible under the contracts with high cancellation fees. Given what we've learned we need more than a voluntary code to protect Manitoba consumers.

Although most people are unaware of it there is a federal organization called the CCTS, the Commissioner for Complaints for Telecommunication Services, who tries to resolve consumer complaints about telecommunication services. However, CCTS is clear that their role is to see if the supplier has followed the agreed-upon contract, not to determine if the contract itself is fair. The problem for consumers is that the contracts themselves are not balanced, and we need provisions to ensure they are, indeed, reasonable and fair.

We have consulted extensively with consumer protection staff from the government of Québec. Québec was the first jurisdiction and remains the only jurisdiction in Canada to have legislation in place related to cellphone contracts. The Province's

amendments to The Consumer Protection Act that came into force on June 30, 2010, now have allowed us to look at the experience there. From Québec we have learned that cellphone companies have largely changed the terms of their contracts to comply with Québec's new law. And the new measures have been received positively by the public, we understand.

One of the concerns expressed by the cellphone industry is that provincial regulation will lead to increased costs for consumers. We certainly would be concerned if that was the case. But we have not found any evidence that cellular service plans or equipment are more expensive today than they were one year ago before the legislation was introduced in Québec. In fact, it appears that consumer costs may actually have gone down, and we have looked at public information, advertisements. We have talked to the Québec government as well as consumer organizations that supports that conclusion.

Through the consultation, meetings and the business activities of the Province, we have learned that Manitobans are not always well served by the existing practices of cellphone companies. In response, we've developed a framework for contracts that provides fairness for both consumers and businesses, an approach that makes sense for Manitobans, so that under this bill cellphone companies will be required to provide consumers with copies of the contracts before the contract is made. The contracts will have to include specific information to help consumers make informed choices when purchasing cellphone services.

Cellphone contracts must include the minimum monthly cost that customers will have to pay each month even if no services are used. We've heard from consumers that they often are shocked upon receiving their first bill because of mandatory fees or charges that aren't mentioned in the advertisements or by sales representatives. Under this bill, if companies are charging these fees, then they have to clearly and prominently provide this information in the contract.

Consumers have the right to know what they're signing up for and how much it will cost them each month. The legislation ensures that cellphone contracts must include descriptions of all of the services provided in the contract in language that is easy for consumers to understand. Contracts must also include information on any restrictions to services including geographical limits. If the cellphone rates in the contract are only valid in



Manitoba, then the company will have to make this clear. The contract must also include information on how the contract can be cancelled, including a clear explanation of how any early cancellation fees will be calculated. Information on warranties, including whether there is a manufacturer's warranty for equipment, will also be required in the contract.

Mr. Speaker, under this bill, the base price as described in the contract must also be the price advertised by companies. This will protect consumers against misleading advertisements that do not include set fees. All-inclusive prices will promote competition by allowing consumers to more accurately compare the prices and packages offered by different cellphone companies.

Under the bill, companies will not be able to unilaterally change an essential part of the contract. We've heard from consumers about changes made by companies to the price and cellphone services offered even when those—the price and the services go to the very heart of the agreement or the contract. This bill provides consumers with protection against these changes.

Consumers will be able to cancel a contract at any time for a reasonable fee based on the cost of any cellphone that was provided to the consumer for free or at a reduced price. This will fairly allow companies to continue to recuperate the value of free or subsidized equipment provided to consumers. The maximum early-cancellation fee will be directly related to the value of equipment that consumers receive and will decrease as less time remains in the contract. This allows companies to recover the fair cost of equipment provided while allowing consumers to cancel their contracts for a reasonable cost if their circumstances change. Fair to both parties.

With this bill, Mr. Speaker, consumers will be notified when their contract is expiring. Contracts can then be automatically extended but only on a month-to-month basis. Contracts will not be extended for longer terms without consumers' consent. Consumers will be protected against charges for services that they cannot access because of damaged or defective equipment unless, of course, the damage is the fault of the consumer. With this protection, consumers will not have to pay for services that they can't use because they've been provided with defective or damaged equipment.

This legislation, Mr. Speaker, is focused on consumer protection in cellphone contracts. We have had to carefully review the issues to ensure that we do not stray into regulation of telecommunications, which, under our Constitution, is federal jurisdiction. I am confident that the provisions are clearly areas of provincial responsibility and will address the consumer protection needs relating to cellphone contracts.

The purpose of this legislation is to promote improved cellphone contracts and a fairer playing field for consumers and businesses. Cellphones and texting are increasingly popular among Manitobans from all walks of life. Our citizens deserve to be treated fairly. Providing consumers with the tools to make well-informed decisions about their cellphone purchases is better for the cellphone industry and better for Manitoba. Thank you, Mr. Speaker.

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, I move, seconded by the member for Turtle Mountain (Mr. Cullen), that debate now be adjourned on Bill 35.

*Motion agreed to.*

\* (16:10)

**Bill 36—The Adult Abuse Registry Act and  
Amendments to The Vulnerable Persons Living  
with a Mental Disability Act**

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Minister of Labour and Immigration (Ms. Howard), that Bill 36, The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act, be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It has been moved by the honourable Minister of Family Services and Consumer Affairs, seconded by the honourable Minister of Labour and Immigration, that Bill 36, The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act, be now read a second time and be referred to a committee of this House.

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

**Mr. Mackintosh:** This bill puts action to the commitment of June 2010 to create an adult abuse registry, a registry for vulnerable adults. The registry is intended to serve as a tool for support agencies and for volunteer organizations to more thoroughly screen potential employees and volunteers. The bill demonstrates our commitment to the protection of vulnerable adults and allows the Province to place the names of individuals who abuse or neglect vulnerable adults on an adult abuse registry. The registry has been modelled on the Child Abuse Registry that is in place in this province and will be implemented in a phased-in manner, beginning with The Vulnerable Persons Living with a Mental Disability Act.

There are two ways that an individual can be placed on the registry. If someone is convicted of abusing or neglecting a vulnerable adult, their name will be placed on the registry automatically. An individual can also be placed on the registry by a committee, where it has been determined, on a balance of probabilities, that abuse or neglect occurred and the committee has decided that the name should be added to the adult abuse registry. This bill allows an adult abuse registry committee to be formed for this purpose. Committee members will be appointed by the Lieutenant-Governor-in-Council, and the committee will sit in panels to make decisions about whether abuse and neglect occurred as reported and whether the perpetrator should be placed on the adult abuse registry. Once it has been decided by the committee that an individual's name will be placed on the registry, that person is notified and, of course, has the right to appeal within 60 days. If no appeal is made, the registrar will enter the name on the registry.

The bill also allows employers to apply to have the registry checked to see whether or not a potential employee or volunteer's name appears. The registry can also be a tool used during protection and law enforcement investigations.

In addition to establishing a registry, this act also makes amendments to The Vulnerable Persons Living with a Mental Disability Act to allow charges to be laid for abusing or neglecting a vulnerable adult. Similar to The Child and Family Services Act, amendments require everyone to report the abuse or neglect of a vulnerable adult. New provisions also protect those who report from legal action or employment reprisal. Service providers are obligated to take reasonable steps to protect vulnerable people from abuse and neglect, and professional

organizations can be informed and investigate any abuse or neglect allegations by one of their members. The amendments allow cases of abuse or neglect investigated under the VPA to be forwarded to the adult abuse registry committee and, in the meantime, allows an employer to be told about an incident of abuse or neglect if one of their employees provides service or support to a vulnerable person, or if their employee will have direct access to a vulnerable person.

As well, Mr. Speaker, penalties, both fines and imprisonment, have been increased under this act to better reflect the seriousness of offences, and a provision has been added which raises the time limit in which cases can be prosecuted. Together, the new adult abuse registry and the amendments to The Vulnerable Persons Living with a Mental Disability Act make Manitoba a safer place to live for adults living with a mental disability.

Mr. Speaker, it is very important that there be a strong message that it is unacceptable for anyone in this province to abuse someone who is vulnerable, a Manitoban living with a mental disability. It's important to take to a new level the protections that are currently in place in this province, and we recommend this bill to the House. Thank you.

**Mrs. Bonnie Mitchelson (River East):** And I move, seconded by the member for Morris (Mrs. Taillieu), that debate be adjourned.

*Motion agreed to.*

#### **Bill 40—The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended)**

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** I move, seconded by the Minister for Local Government (Mr. Lemieux), that Bill 40, The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended), be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It's been moved by the honourable Minister for Family Services and Consumer Affairs, seconded by the honourable Minister for Local Government, that Bill 40, The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended), be now read a

second time and be referred to a committee of this House.

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

**Mr. Mackintosh:** Mr. Speaker, this legislation, the new condominium act and related amendments to other acts, will modernize condominium law in Manitoba. It will lead to more effective management by condominium boards and will expand and clarify the roles, rights and responsibilities of developers of condominium boards and unit owners.

As part of Let's Make a Better Deal, the Manitoba's five-year consumer protection strategy, the new legislation will increase protection for condominium owner, unit owners and buyers. It also contains measures to enhance tenant protection and a method for regulating the conversion of existing rental units to condos.

Last year, Mr. Speaker, in amendments to the existing condominium act, we addressed issues regarding condominium developments being built in two or more separate phases. Those amendments responded to developers' requests for a streamlined registration process, while meeting concerns regarding disclosure to buyers about future phases. Now, after extensive community consultation, we are completing the process of updating Manitoba's laws regarding condominiums.

For the past several years, a working group of unit owners, property manager, developers, lawyers, a real estate broker, engineers and architects has provided valuable help in identifying issues and considering possible solutions. A public discussion paper released last September brought responses from the major sectors of the condominium community. With that background, we have developed comprehensive legislation that strikes the appropriate balance among the various interests involved.

Because of the amount of information that must be disclosed on the sale of a condominium unit and the complexity of some it, respective buyers need time to review it before the deal is finalized. The cooling-off period, during which a buyer can cancel the agreement of purchase and sale, will be increased under the new condominium act to seven days from the current 48 hours. For flexibility to respond to market experience and conditions, it will be possible to alter the length of the cooling-off period in the regulations.

Sellers will be required to notify buyers about material changes to the disclosed information. Such changes will give rise to another cooling-off period and cancellation right. Buyers will be able to apply to court for damages if a material change is not disclosed.

The new act recognizes the importance of reserve fund studies to the prudent management and financial well-being of condominium corporations. A reserve fund study assesses the state of repair of the common elements and recommends the amount needed in the reserve fund to pay for the major repairs or replacements. Most corporations will be required to have a reserve fund study done and updated periodically. Details of what the studies will include and who may conduct them will be covered in the regulations.

In some cases, developers will be required to have a reserve fund study done before selling any units. This will apply, for example, to the conversion to condominium of an apartment block or warehouse, or to an apartment block previously registered as a condominium, but used entirely for rental before any units are sold.

Information on the condition of the building and the cost of needed repairs will be required to be disclosed to prospective purchasers of units.

All condominium corporations will continue to be required to have a reserve fund to pay for major repairs or replacements. The new act will not include a minimum funding requirement for the reserve fund; however, it is expected that reserve fund studies and other new provisions will help to ensure more adequate reserve funds and less dependence on special assessments for major work.

For new condominium corporations, the first general meeting of unit owners will be held within one year after the first transfer of ownership of the unit. At that meeting, the unit owners will have the right to elect two directors to the developer's board. Although the developer will continue to control the board until 50 per cent of the units are sold, the other unit owners will have a voice on the board.

Developers who sell units in a proposed new complex will be required to give buyers a statement of financial projections for the first year of operation as a condominium corporation. At the end of that first year, if there was a budget deficit, the developer will have to pay the deficit amount to the corporation. This is to encourage reasonable

estimates of common expenses to be given to buyers of proposed units.

\* (16:20)

Directors of condominium boards, including developers' boards, will have a duty to act in the best interest of the condominium corporation. To enable better management, boards will be able to fine unit owners for contravening the corporation's bylaws and rules. Fines will be subject to maximums prescribed by the regulations and there will be a right of appeal to the director of Residential Tenancies.

The new act will give boards a method for dealing with problems obtaining a quorum at a meeting of unit owners. If a quorum, unit owners holding at least 33 per cent of the voting rights, does not attend the meeting, the board will be able to reschedule the meeting, which can proceed without a quorum.

Also new to this act are a method for condominium corporations to amalgamate and provisions that apply to condominiums on leased land, including important aspects such as renewal of the property lease and what happens at the end of the lease. Termination provisions are updated.

Because it will take some time to develop the regulations needed to implement a bill of this size and complexity, we have included amendments to the existing condominium act, Residential Tenancies Act and municipal legislation so that certain important changes can be brought into force more quickly. These are the provisions designed to protect the rights of tenants and to enable municipalities to control conversion of rental housing to condominiums.

Under the new condominium act and amendments to existing legislation, developers will not be able to register a condominium declaration if the land includes rental units for which the director of Residential Tenancies has approved a rehabilitation scheme in the previous four years or if a tenancy was terminated in the previous 12 months for a reason other than a breach of the tenant's obligations.

Tenants will get six months instead of the current three months notice of a landlord's intention to convert a rental property to condominium.

Amendments to the City of Winnipeg Charter Act and The Municipal Act will give municipalities the authority to pass bylaws regulating the

conversion of rental properties to condominium. If such a municipal bylaw affects a property being registered as a condominium, the property owner will have to provide a certificate of approval from the municipality.

I'm pleased to recommend this bill to the House for consideration, Mr. Speaker.

**Mrs. Mavis Taillieu (Morris):** I move, seconded by the member for Turtle Mountain (Mr. Cullen), that debate be adjourned.

*Motion agreed to.*

#### **Bill 41—The Liquor Control Amendment Act**

**Hon. Gord Mackintosh (Minister charged with the administration of The Liquor Control Act):** I move, seconded by the Attorney General (Mr. Swan), that Bill 41, The Liquor Control Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, amendments to this act have taken place over the last number of years. For example, there's been the introduction of Sunday sale of alcohol, recorking of wine to take home from a restaurant and allowing patrons to carry their drinks to washrooms within or adjacent to a licensed premises to protect against date rape drugs. The amendments now proposed to the House build on these past efforts to modernize The Liquor Control Act.

This bill contains amendments as part of a new hospitality strategy for Manitoba. It is built on four pillars: No. 1, new hospitality opportunities; No. 2, greater public safety and well-being; 3, underage drinking counter measures; and 4, red tape reduction.

To create new hospitality opportunities the bill includes amendments that would formally recognize brew pubs and create further opportunities for the successful growth of these types of businesses. I—just meeting with the opposition critic, I notice that in Portland, Oregon, in that area, there are well over 50 brew pubs, not unlike some communities in Germany, I understand, it is an international attraction. It is a great entrepreneurial effort, and it allows people to come to a community and savour unique tastes. Manitoba is known for many unique tastes.

We think that this is an entrepreneurial opportunity that has gone untapped in the past, and

the current regime does not facilitate in a way that, according to entrepreneurs in this province, incent the investment in brew pubs, and so the legislation provides a basis for that and including, of course, administrative arrangements that are so important, such as addressing the need for reduced mark-ups, will, in our view, provide for the growth of this type of hospitality option. Since the introduction of this legislation, we have heard from parties, both municipal governments and from entrepreneurs, of their interest in now looking at brew pubs in a way that they did not before.

The amendments would also allow the Liquor Control Commission to operate limited-selection boutique liquor stores within grocery stores; in other words, stores within stores in urban areas. The intention, administratively, is to pilot this, having boutique liquor stores at 10 locations and up to five in grocery stores in urban areas. And that would follow an issuance of requests for proposals and then assessing the proposals so that we can move to providing added convenience for Manitoba grocery shoppers.

Other amendments under this first pillar include allowing patrons to bring their own wine to licensed dining rooms for consumption with a meal. We've discovered that, in several other Canadian jurisdictions, those who patronize restaurants can bring their own wine, and sometimes that is very appealing for people that have an interest in having a special meal with their own special vintage. But it also provides for entrepreneurial opportunities, as we've seen in Ontario, where restaurants can offer no corkage fee nights or half-price corkage fee nights for certain days of the week when they're trying to encourage more patrons into their restaurant.

The wines—well, I've just had some questions that the wines—this is not to encourage homemade brew being brought into restaurants, but is really limited to wines that are purchased, of course, from liquor control commissions. I see the Speaker is becoming quite interested, and I, alone, can attest to the fact that the necessary research can lead to a headache.

The closing times of licensed establishments in Manitoba really is a patchwork, and we have heard for a long period of time from, particularly, the hotel sector, of the inherent unfairness in the closing times. And, in fact, I think many consumers are bewildered by the closing hours where one establishment will close down at midnight on a Sunday, and then, of

course, you see a wholesale movement of the customers to another place which will then be a cocktail lounge. That, I think, has safety implications, when you see the large movement of people and, often, the movement of people into an unstable environment. So the closing times of licensed premises on Sundays will be standardized at 2 a.m. unless there, of course, is a municipal decision not to do so.

The legislation will also allow Liquor Marts to sell liquor-related products for responsible consumption. For example, low- or no-alcohol-based drinks—or, I guess they're not alcohol-based then, but they would be malt-based or other spirit-based drinks; promotional materials that support significant provincial and tourism events, for example. And there may be other liquor-related products that would provide some simple convenience for customers of our Liquor Marts.

\* (16:30)

We believe these changes will meet the growing service demands of Manitobans and for visitors. Many more visitors will be coming to this province to see our international offerings, like the Canadian Museum for Human Rights and our polar bear exhibit and many other unique experiences that we offer and are developing further, and including, I might add at this day, coming to see our NHL team and the other teams that will be playing in this province. It will also help, I think, enhance this province's attractiveness as a progressive, hospitable and fun destination and a great place to live.

The legislation also recognizes, though, that the foundation of hospitality and, indeed, included in the word "hospitality" is the need to provide a foundation of a safe environment. So the strategy includes the pillar recognizing public safety and well-being. Amendments under this pillar include clarifying expectations for licensees to control patron conduct, not only within their premises or on the property of the licensed establishment, but in the immediate vicinity as well, for example, on the sidewalk or maybe a neighbouring parking lot.

Other amendments would allow police and liquor inspectors the authority to temporarily close a licensed premise for up to 12 hours where there is an immediate and imminent danger to the public. The amendments would also enshrine in law the requirement for mandatory responsible service training for all owners, managers, servers, bartenders and security staff working in licensed premises. That

has developed as a practice, but it is the view of the government that that be enshrined in legislation as a core responsibility and duty of a modern liquor control commission as the Manitoba commission is.

It's also very important the Liquor Control Commission have as a core function and duty supporting socially responsible programs, initiatives and activities. And, indeed, I understand that the MLCC's initiatives, whether they be FASD or underage drinking, are leading edge and are looked to by other jurisdictions. So we believe that these changes will help ensure licensed premises provide a safer environment for patrons and the general public and help to build a culture of moderation, which we must relentlessly work towards, Mr. Speaker.

The hospitality strategy in these amendments also include, of course, initiatives to deter our youth from accessing alcohol. We know from surveys and studies about the incidence of underage drinking amongst our youth, and it's incumbent on us to look for better ways to counter that. We know that the early consumption and binge drinking by youth increases the likelihood of very serious drinking habits that are a threat to safety and, of course, the well-being of Manitobans as they become older. And, indeed, we understand that youth who begin drinking before the legal age are, in some cases, four times more likely to develop problems with alcohol later in life.

This bill includes amendments to address underage drinking countermeasures, such as making it an offence for an adult to provide their ID to a minor for the purpose of purchasing alcohol or accessing an age-restricted licensed premise and making it an offence for a minor to be in possession of alcohol in a licensed premise or permit event.

The bill also includes amendments that will increase business efficiencies for licensed premises through red tape reduction. This has been a constant concern of licensees and entrepreneurs, businesses in Manitoba. These amendments allow, for example, for multi-year licensing renewals and shorten the licensing process by eliminating the requirement to—for example, publish notices for new liquor licence applications in the *Manitoba Gazette* or requiring that licence applications for premises in unorganized territory have to go to the Cabinet of government for approval when clearly that is the kind of oversight that is best left with the MLCC.

The bill also includes an amendment to the requirement for licensees to retain 90 per cent of

profits from the sale of liquor to 80 per cent. And that is really in direct relation to the shift from what has historically been owner-run premises to more franchises and chain outlets.

We believe the amendments outlined in this bill encourage economic development, provides Manitobans and our visitors with the ability to enjoy social opportunities in a safer environment and also address the countermeasures to prevent underage drinking and speak to the need for improved efficiencies for those seeking to hold or currently holding liquor licences.

This is a further step to modernize our liquor laws and allow our province to be both socially progressive and socially responsible.

I enjoyed the meeting with the opposition critic. He has a good handle on the issues that are contained in the legislation. Of course, in addition to the legislation before the House will be the development of regulations, some of which has already begun. Some of it will also require ongoing discussions and consultation with the stakeholders to ensure that the regulations are fair to all, but we think this is a great step forward. And on a day like this when we celebrate the NHL coming back to Manitoba, on a day like this when we can celebrate Manitoba being a destination like never before in the months and years ahead, it's important to send a very strong signal that indeed Manitoba is the great social place. And it is a place that seeks to enhance the options, the choices for visitors and Manitobans alike when it comes to hospitality which is so much an important part of the lives of all of us.

When we work hard all week, when we work hard on our seasonal work, in our shift work, it's important that we have the opportunities to enjoy ourselves at the end of the week or at the end of the day and do so in ways that we did not make available before. So, with those thoughts, I look forward to the continued discussions with members in the House, and I look forward to the matter proceeding to committee in due course where we can hear as well from other interested parties and make sure that we have the right balance here.

I'm very pleased that this hospitality strategy has been supported by both representatives of the industry in Manitoba, and as well, I was very pleased that the president of MADD Canada came to Manitoba to support the initiative. MADD Canada recognizes that this is a balanced approach that guards against the excesses of alcohol consumption

while allowing greater hospitality options for Manitobans and visitors.

As well, though, there have been so many others that have been part of putting this strategy together. And indeed, I want to commend the Liquor Control Commission, in particular our new CEO, Ken Hildahl, for the tremendous effort in reaching out to all of the stakeholders across this province and hearing their views before the strategy was concluded. And several changes resulted from those consultations and I'm sure stakeholders all have views and indeed, I think liquor control, liquor regimes, are always a subject of debate and everyone has a view. But in our view we have a strategy that is worthy of this province, that does attempt to strike that balance between both safety and more fun. Again, more fun is always good, but it has to be safe fun and that has got to be our objective. Thank you.

**Mr. Rick Borotsik (Brandon West):** I move, seconded by the member from Turtle Mountain, that debate be adjourned.

*Motion agreed to.*

#### House Business

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

**Mrs. Mavis Taillieu (Official Opposition House Leader):** Yes, Mr. Speaker, I wonder if I can seek leave of a House to do a substitution for the concurrence committee tomorrow and call the Minister of Justice (Mr. Swan) instead of the Minister of Advanced Education (Ms. Selby).

**Mr. Speaker:** Does the honourable member have leave to call for concurrence tomorrow if it does come up, the Minister of Justice for the Minister of Advanced Education. Is there agreement? *[Agreed]*

The honourable Government House Leader, on further House business.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on further House business, let's proceed to Bill 32 and Bill 34.

#### Bill 32—The Essential Services (Health Care) and Related Amendments Act

**Mr. Speaker:** Okay, we'll proceed to Bill 32, The Essential Services (Health Care) and Related Amendments Act.

**Hon. Jennifer Howard (Minister of Labour and Immigration):** I move, seconded by the Minister of

Family Services and Consumer Affairs (Mr. Mackintosh), that Bill 32, The Essential Services (Health Care) and Related Amendments Act; Loi sur les services essentiels (soins de santé) et modifications connexes, be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (16:40)

**Ms. Howard:** Mr. Speaker, it's my pleasure to speak a bit about Bill 32 today, and I should start off, I think, by thanking many, many people who've worked on this legislation, both employers in the health-care sector and employees in the health-care sector and those who advocate for patients and those who have skills in the labour relations area, have really been working on this system of putting in place essential services agreements for almost the last decade. And the culmination of that work and consensus building and agreement is this legislation.

I'm pleased to introduce Bill 32, The Essential Services (Health Care) Act, and I want to start off by saying that the guiding principle, as we've been developing this legislation, is to make patient safety a priority. I should say that it has been our experience in government that strikes and lockouts in the health-care sector, labour disruptions are, thankfully, very few and of short duration.

But they do from time to time happen, and when they do happen, we want to make sure that there is an essential services agreement in place that is going to put patient safety as the priority and is going to be an agreement that's well understood by both sides. We want to make sure that that agreement is worked out well in advance of getting to the point of being in a strike or lockout position. Anybody who's ever been involved in any collective bargaining knows that the last point in time where you want to be coming to an agreement is when you've been through bargaining for so long that you're at an impasse.

So we think that this new framework legislation puts that kind of system in place, that is going to result in essential services agreements that put patient safety as a priority. And really I think one of the most important parts of this bill, I think it's contained in section 11 of the bill, is the part that says very clearly that there will be no strike or lockout, there will be no labour disruption in a health-care facility unless there is an essential services agreement worked out.

So, until and unless there is an agreement that makes sure that the people that need to be in place to care for those patients are in place, there is no allowance of having any kind of labour disruption. And that, I think, Mr. Speaker, is the guarantee of patient safety that's contained within this legislation.

So, as I've said, the purpose for this new legislation is to create a new essential services framework that recognizes the unique nature of collective bargaining in the health-care sector and the need to ensure patient health and safety by maintaining critical essential care services during a work stoppage arising out of a collective bargaining dispute.

Both employers and unions alike recognize that the existing act provisions have not been sufficient to ensure that essential services agreements are in place prior to potential and difficult work disruptions. You know, there's been some concerns with the ability for employers and representatives of employees to come together and work out essential services agreements under the existing legislation, because it just doesn't have enough requirements in it, enough ability in it, to make sure that people come together to do that.

The new legislation sets out a negotiation process for entering into essential services agreements where the parties can come together and negotiate an agreement and provide input, which services employees will be deemed essential. And a lot of this work, I think it's important to note for the House, Mr. Speaker, has been happening, as I've said, over the last decade, where health-care employers and employees have come together, worked together to define what are essential work functions, have worked together to build that kind of trust and to build those kinds of definitions, so that they're now ready and they're now able to move forward with this kind of framework that will ensure that those agreements are put in place.

This bill improves the negotiation process in several ways. First, it requires that employers and unions begin negotiations on essential services agreements well before collective agreements expire, allowing the parties more time to negotiate and come to an agreement. As I've said, Mr. Speaker, it is not usually that productive to try to come to these agreements at the eleventh hour. It's more productive if those negotiations are started well in advance of the expiry of the collective agreement. So I believe

this legislation requires that work to begin at 12 months, in most cases, in advance of the expiry of the collective agreement.

It also, Mr. Speaker, provides for dispute resolution mechanisms in case the parties aren't able to come to an agreement. It provides for an arbitrator or arbitration board to settle the terms of an agreement if an employer and a union cannot conclude an essential services agreement on their own. It also provides for any disputes over interpretation or implementation of the act, if that happens, to be settled by arbitration. And I think it's important to note, for the House, that the arbitration mechanism is something that will also be agreed to by the parties. So they will develop lists of arbitrators. They will have to develop some comfort with an arbitrator, knowing what their experience and expertise would be in the health-care sector. It also provides more detail on what information must be contained in an essential services agreement which will, in turn, ensure that both parties have the same expectations regarding that agreement.

When parties have voluntarily entered into essential services agreements in the past, they recognize there may be times when disagreements respecting these services may arise, and the clear process contained in this legislation will provide an effective and timely method for dealing with any of these disputes. I think the current legislation, I believe, as I read it, the resolution of disputes could take as many as 14 days, Mr. Speaker, which, certainly, when you're in the midst of a labour disruption, is a very, very long time. This new legislation will set a requirement for 48 hours for those disputes to be heard and resolved.

It also provides a clear process which sets out how an agreement is to be achieved and what information must be contained in the agreement. For example, we want to make sure that in that agreement, if a health-care facility is in the midst of a strike or lockout and the employer finds that actually they need more people to do the work than they thought, we want them to be able to add those people quickly and as they need it. So we have provisions for bringing in additional personnel when there's an unanticipated increase in the need for those workers during a work stoppage. For example, that could be the case if we have a work stoppage in a health-care facility and there are more patients than were expected.



We also want to make sure that these agreements allow for response to emergencies, to public health emergencies, for example, like a flu epidemic or other emergencies that might happen, by allowing for the designation of additional essential services that under normal circumstances may not be necessary but, under an emergency circumstance, would be necessary.

We also are making available to health-care employers and employees, should they need the services of my department, that we want to make available to them Conciliation and Mediation Services to help facilitate an agreement. Often, the folks within Conciliation and Mediation Services are able to bring parties together. They have a wealth of experience in doing that, and we want to make them available to these employers and to these workers as well, should they need them.

I think a key element of the proposed legislation is that a health-care facility must have an essential services agreement in place during the term of the facility's collective agreement so that it will be effectively implemented before any work stoppage can commence. This measure will help ensure certainty for patients who are in need of care and who depend on these vital services. The proposed legislation—I think one of the unique things in the proposed legislation is that it would require health-sector bargaining units, both on the employer side and the employee side, to provide seven days' notice if they intend to have a work stoppage, either a strike or a lockout. And with that notice we believe that will give time to make sure those essential services are in place. That notice does not currently—that notice provision doesn't currently exist in the existing legislation, and we think that's a gap that's been missed.

\* (16:50)

These provisions will ensure that essential services are designated in—well in advance of any work stoppage, any service or function that is necessary to prevent or limit loss of life or serious harm or deterioration in the mental or physical health of a patient will be covered by the agreement.

This new act covers, of course, employers and unions in hospitals, personal care homes, regional health authorities and other health sector workplaces. I should—I do just want to highlight for the

Legislature, we will be seeking an amendment at committee to make sure that Diagnostic Services Manitoba is covered by the legislation. They were inadvertently left out of the legislation. It's before the House and they were intended to be covered, so we'll be seeking that amendment at committee from the committee members and from this Legislature.

As I said in my opening remarks, this legislation has gone through an absolutely exhaustive consultation process for many years. It has been discussed by employers and employees. There's been much talk about it, much consideration and much work done on it, and it's supported by both employers and unions in the health sector, the regional health authorities, the Long Term and Continuing Care Association of Manitoba, the Manitoba Council of Health Care Unions have all expressed their support for this legislation.

We also, as an extra measure of consultation, had the Labour Management Review Committee take a look at it. I've spoken about that body here today. They provide us very good advice on labour legislation, and that body has equal numbers of employer and employee representatives. So they've also taken a look at that and have also recommended those changes.

You know, Mr. Speaker, those who work in our health-care system and those who work to run and manage our health-care system, many of whom come from the front lines of health care themselves, they have extensive knowledge of patient care, what it takes to ensure patients are not put at risk. Front line health-care workers are very aware of what must be done to keep patients safe, and that's why we've wanted them to be involved in this legislation. I believe that this legislation is going to ensure that essential service agreements are in place, which has not been the case with the existing legislation. And I believe that doing that is going to make sure that patient safety continues to be a priority in our health-care facilities.

I want to thank again all those who have been very involved in the discussion and in the drafting of this bill, and I want to thank my critic who was available for a briefing on it.

And I look forward to having this bill go to committee and hearing what people have to say about it there. Thank you, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the honourable member for Turtle Mountain (Mr. Cullen), that we adjourn debate.

*Motion agreed to.*

**Bill 34—The Workers Compensation Amendment Act (Presumption re OFC Personnel)**

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Swan), that Bill 34, The Workers Compensation Amendment Act (Presumption re OFC Personnel); Loi modifiant la Loi sur les accidents du travail (présomption s'appliquant au personnel du bureau du commissaire aux incendies), be now read a second time and be referred to a committee of this House.

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

**Mr. Speaker:** It has been moved by the honourable Minister of Labour and Immigration, seconded by the honourable Attorney General (Mr. Swan), that Bill 34, The Workers Compensation Amendment Act (Presumption re OFC Personnel), be now read a second time and be referred to a committee of this House.

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

**Ms. Howard:** Mr. Speaker, I know my critic over there is being chatted to by the forces of temptation, and he is doing a tremendous job of resisting. I think his soul is spotless, Mr. Speaker, in this regard. To resist those voices behind him takes quite—it takes quite some intestinal fortitude, for which I know he is known.

Mr. Speaker, this bill, Bill 34, The Workers Compensation Amendment Act, further builds on the work that we've done in this House to make sure that those who fight fires, those who work in firefighting fields, are protected, and so I'm pleased to be able to bring this legislation that further strengthens the presumptive legislation that we've brought before.

And I think it's important, Mr. Speaker, just to note that Manitoba was the first province in Canada to recognize cancer as an occupational risk of firefighting. That this legislation which was brought

in in Manitoba has been the template for seven provinces and two territories in Canada to follow. Almost every province in fact has used the Manitoba legislation word for word and it spread across the States in various jurisdictions, such as Ohio and Alaska, and it spread even across the world. So I think we're proud of having been able to do that, and of course, I'm only the latest in a long line of Labour and Immigration ministers who've brought in this legislation. It was pioneered by Becky Barrett and built upon by the current minister of Education and now I'm pleased to be able to take it one step further.

So this act adds a new definition of Office of the Fire Commissioner personnel to the Workers Compensation firefighter presumptions. That means that firefighter presumptions that are currently in place are going to be extended to personnel employed by the Office of the Fire Commissioner whose duties include investigating the cause, origin, and circumstances of fires, firefighting, or delivering training on fire investigations or firefighting.

It's an important step, as I've said, in our ongoing leadership on this issue. The first presumption that we brought in in 2002 covered full-time firefighters. In 2005, we extended that presumption to part-time and volunteer firefighters, and this legislation extends the firefighter cancer and heart injury presumptions to employees of the Office of the Fire Commissioner, who are also involved in that work.

I do think also, Mr. Speaker, it's important at this time just to clarify something about the presumption. Certainly, the presumption does not disclude or uninclude or prohibit people who don't fall within the presumption either because their injury happened before the date that the presumption came into effect or because their disease, their injury, happened outside of the definition. It doesn't preclude them from still applying to the Workers Compensation Board. They are of course still eligible for compensation.

The folks who work in the Office of the Fire Commissioner are brave, brave men and women, and they regularly work alongside their municipal counterparts. They investigate fires. They help to put out fires and they help to train firefighters. They are regularly and repeatedly exposed to many of the very dangerous fire scene hazards that full-time and part-time or volunteer firefighters encounter. So we recognize that exposure, we recognize these brave

men and women, and we believe that they should therefore have the same protections that other firefighters do have.

So, when we looked at the current definitions of full-time firefighter and part-time firefighter in the act, that we realized that a further definition was required. I would have thought that a firefighter was a firefighter but sometimes in this job we talk to lawyers and they have other ideas of what the definition is so we have strengthened this in this bill.

I also just want to take a moment to personally thank the Fire Commissioner, Chris Jones, who brought this idea forward and thank him for his work on behalf of all Manitobans. Thank you, Mr. Speaker.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable member for Brandon West (Mr. Borotsik), that we adjourn debate.

*Motion agreed to.*

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, I certainly want to allow all my colleagues to go out and enjoy the tremendous day we've had in Manitoba and celebrate wherever they may go, be it Portage and Main or The Forks, or take advantage of some of the product that the minister responsible for the Liquor Commission—

**Mr. Speaker:** Order. The hour now being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 31, 2011

CONTENTS

<b>ROUTINE PROCEEDINGS</b>			
<b>Introduction of Bills</b>		Souris River Flooding Maguire; Melnick	2443
Bill 45—The Statutes Correction and Minor Amendments Act, 2011 Swan	2433	Lake Winnipeg Gerrard; Selinger	2444
<b>Petitions</b>		<b>Members' Statements</b>	
PR 160 West and Highway 16 Derkach	2433	Manitoba Access Awareness Week Mitchelson	2445
PTH 5—Reducing Speed Limit Briese	2433	English-Ukrainian Bilingual Program Braun	2445
Auto Theft—Court Order Breaches Goertzen	2434	Joan Durrant Rowat	2446
Bipole III—Cost to Manitoba Families Pedersen	2434	Jiliette Linklater and Desiree Wescoup Whitehead	2447
Schuler	2434	Manitoba Museums Driedger	2447
<b>Ministerial Statements</b>			
Flooding and Ice Jams Update			
Ashton	2435		
Briese	2435		
Gerrard	2435		
<b>Oral Questions</b>			
Lake Manitoba Flooding McFadyen; Selinger	2436		
Briese; Ashton	2437		
Manitoba Hydro McFadyen; Selinger	2438		
Shoal Lakes Flooding Eichler; Melnick	2440		
Eichler; Selinger	2441		
RM of Westbourne Briese; Ashton	2442		
Briese; Melnick	2442		
Oak Lake Flooding Maguire; Melnick	2443		
		<b>ORDERS OF THE DAY</b> <i>(Continued)</i>	
		<b>GOVERNMENT BUSINESS</b>	
		<b>Second Readings</b>	
		Bill 39—The Grieving Families Protection Act (Various Acts Amended) Mackintosh	2448
		Bill 29—The Child Sexual Exploitation and Human Trafficking Act Swan	2449
		Bill 22—The Securities Amendment Act Wowchuk	2451
		Bill 27—The Manitoba Ukrainian Canadian Heritage Day Act Wowchuk	2453

Bill 42–The Caregiver Recognition Act Rondeau	2455	Bill 40–The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended) Mackintosh	2464
Bill 23–The Employment Standards Code Amendment Act Howard	2458	Bill 41–The Liquor Control Amendment Act Mackintosh	2466
Bill 35–The Consumer Protection Amendment Act (Cell Phone Contracts) Mackintosh	2461	Bill 32–The Essential Services (Health Care) and Related Amendments Act Howard	2469
Bill 36–The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act Mackintosh	2463	Bill 34–The Workers Compensation Amendment Act (Presumption re OFC Personnel) Howard	2472

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