

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

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

*Published under the  
authority of  
The Honourable Daryl Reid  
Speaker*

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

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, June 12, 2013**

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

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

Good afternoon, everyone. Please be seated.

**MATTER OF PRIVILEGE**

**Mr. Ron Schuler (St. Paul):** Yes, Mr. Speaker, I rise on a matter of privilege.

**Mr. Speaker:** The honourable member for St. Paul, on a matter of privilege.

**Mr. Schuler:** I rise on a matter of privilege, and, in accordance with our rules, this matter of privilege will be followed by a motion.

Mr. Speaker, I beg the patience of this House. It's the first time I have actually done a matter of privilege, so I will try and do it accordance with all the rules of this House. I understand Legislative Assembly rule book, section 34, says, matter of privilege arises, it shall be taken in consideration immediately. I understand that. Beauchesne, section 114(1), says, precedent of a question of privilege is over all business of the House. And I understand it as well.

I also understand that there are two conditions that must be satisfied in order for the matter raised to be ruled as a prima facie case of privilege: the first one being, again according to Beauchesne, section 115, a question of privilege must be brought to the attention of the House at the first possible opportunity, and I will make the case that that is in fact what I am doing; No. 2, whether there is sufficient evidence provided to establish a prima facie case of privilege, and, Mr. Speaker, I intend to provide that information as well.

So back to the first condition, Mr. Speaker, this rises out of question period from yesterday, and as question period, the official Hansard, the record,

doesn't come out until session recesses for the day, this is actually the first opportunity that I have had to raise this issue.

And I would like to reference the House to question period yesterday, and it had to do with a question I asked titled "Tax Increases: Impact on Mining Industry." It was the second set of questions from yesterday, and I quote from Hansard: "The University of Calgary, School of Public Policy paper states," and I go on and ask my question. The answer then back from the minister responsible for energy and mining indicates back, and I quote: "Because it sounds a lot like the Tea Party rhetoric," referencing the item that I was quoting from in this Legislature.

And, Mr. Speaker, one of the things that has to be done is that I have to prove in No. 2—so first of all, on the first case, this is obviously the first opportunity I've had to raise this issue as Hansard just came out—the official Hansard just came out afterwards. And No. 2, I want to make the case that the privilege, not just of myself but of all members of this House, has been breached.

And, Mr. Speaker, we bring information into this House, and we understand that question period at time can be partisan, that it can get sharp at times. We understand that we, as individuals, often refer to each other in different ways, and I certainly have been referred to in, perhaps, less flattering ways than I'd like to be, and I understand that's part of it. But part of our job is to bring forward information that makes the case, and what we try to do in question period is either encourage the government to change where they're going or to present information that perhaps they would reflect on, and we ask for answers back on the information.

The document that was referenced and referred to as, and I quote, "Tea Party rhetoric," is actually a document that came from—and I want to be very clear—it comes from the School of Public Policy under the University of Calgary, and it was written by Duanjie Chen and Jack Mintz.

And I want to make the case today, Mr. Speaker, that not just is this document worthy of this Legislature, in fact, we have some of the most pre-eminent individuals that were working on this. And Jack Mintz, for this House, is a fellow in

residence at the CD Howe Institute and also holds the Palmer Chair in Public Policy, University of Calgary. He was the president and CEO of the CD Howe Institute from 1999 to 2006. In fact, Jack Mintz is widely published in the field of public economics. He was touted in a 2004 United Kingdom magazine publication as one of the world's most influential tax experts. He serves as an associate editor of International Tax and Public Finance and the Canadian Tax Journal and as a research fellow at the CESifo, Munich, Germany, and the Centre for Business Taxation institute, Oxford University. He is a regular contributor to Canadian Business and the National Post and has frequently published articles in other media.

Mr. Speaker, I don't think we have to make any further case that this document is worthy of this Legislature, and that all members of this Legislative Assembly were inappropriately attacked by one minister, a member of the Crown, a member who represents Her Majesty in this Legislature as one of her ministers, to get up and to attack a pre-eminent individual like this and a pre-eminent school, an institution of higher learning. And, at this point in time, Mr. Speaker, though, I am going to make the case that the University of Calgary is actually a pre-eminent university, seeing as the Minister responsible for Energy actually trashed this university. I will make that case later.

But it's about every university. We should be able, as members of this Legislature, come into this Chamber and present documents. And I understand that we, as individuals, be attacked, but not that universities that— institutions of higher learning be attacked by ministers of the Crown. That is a new low for this Chamber. That is actually shameful that the Minister responsible for Energy would have done something like that. It's an attack on every university in this country. It's an attack on every academic. They have a right to produce papers, and we have a right to present them in this House, and they have a right to be treated in a honourable and respectful fashion, Mr. Speaker.

The minister went on not just to attack the paper, but he also went on to attack the University of Calgary. And, Mr. Speaker, you know, we certainly have rivalries with different cities, and we happen to think we have a far better football club than they do in Calgary. We understand those kinds of things.

But when it comes to academics, we appreciate that there are papers written, that there are

documents that are presented by various institutions, and not just by universities but by either institutions that we should, as legislators, at least hold in respect, even if we don't hold each other in the greatest respect. Perhaps, Mr. Speaker, we should leave third parties and the trashing of third parties out of this.

\* (13:40)

In fact, Mr. Speaker, I would like to point out to this House that the University of Calgary is a pre-eminent academic institution in this nation. And I'd like to point out for this House, with the indulgence of members, a few of those individuals who've had the opportunity to graduate from the University of Calgary. Now, obviously, we would rather they had—would have graduated from the University of Manitoba or University of Winnipeg, but we respect the fact that they came—*[interjection]*—university of—Brandon University and university of the north. Of course we would have liked them to have rather have graduated from them, but we respect the fact that they went to university and they have gotten skills that are important for the debate of this Legislative Chamber.

I'd like to point out to this House one Ray Martin attended the University of Calgary in order to earn his master's degree. Martin, a teacher by profession, was first selected to the Legislative Assembly of Alberta in the 1982 provincial election as one member of two-member Alberta New Democratic Party caucus. He became leader of the Alberta NDP in 1984. Martin led the party to a high watermark winning 16 seats in the 1986 provincial election, making him Leader of the Opposition in the Legislature. Mr. Speaker, I don't believe that attacking him and his institution where he graduated from, as a Tea Party surrogate, as a Tea Party rhetoric, is appropriate, and it isn't appropriate for the minister to have done so—the member for Kildonan (Mr. Chomiak).

In fact, another individual, Dr. Melanee Thomas, bachelor of arts, 2003, led the University of Lethbridge Students' Union as president, 2002. Originally from the Granum area, graduated from the University of Lethbridge in 2003 with a degree in political science, went on to achieve her master of arts in political science with a specialization in Canadian politics from the University of Calgary in 2006. She also has direct political election experience as a candidate for the NDP in the Lethbridge riding during the 2004 federal election campaign. And, Mr. Speaker, I think it is unworthy

for members of this Chamber, for individuals who represent the Crown, who are the Queen's representatives as a minister, to actually say, to individuals like that, because it sounds like a lot like the Tea Party rhetoric. That is unfortunate.

In fact, I'd like to quote from someone well known to this Chamber, Gary Mar, the son and grandson of entrepreneurs. Mar spent his early years working in his family's restaurants and other businesses. His parents supported his education, and Mar graduated with a bachelor of commerce, finance, at the University of Calgary. And at age of 31, Mar was elected to the Alberta Legislature in the 1993 general election. And, again, he deserved better than—

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

I have been listening to the honourable member for St. Paul for several minutes with respect to his matter of privilege, and I'm asking him out of the greatest respect if he could move to the prima facie case and not deal with other matters perhaps not relating to the prima facie case, because I'm having difficulty understanding whether or not he's about to arrive at that point. And I'm going to cut him some slack here in hoping that he'll get to that momentarily.

**Mr. Schuler:** Thank you very much, Mr. Speaker, and I know that I've already made the case for point No. 1, and on point No. 2 I am getting there.

I am making the case that an attack on an institution that has produced individuals of high standing, and that is the point that I'm going to make, that there is a prima facie case. And as I said, I ask the patience of this Legislature. I will get to the point, but I think it's important to point out to this Legislature that attacking the public institute at the University of Calgary by attacking documents that we present in this House and by disparaging them by calling them down the way the minister did is a direct attack on our privileges here in the Legislature.

I'd like to go back to the rules, Mr. Speaker, and indicate to this Legislature that I believe that it was a breach of privilege and that it makes it impossible or even more difficult to carry out parliamentary duties when members of the Crown attack pre-eminent studies, when they go after documents that are presented and basically disparage them. These are documents which are supposed to be of help to this Chamber. They're supposed to help with the debate in this Chamber. They're supposed to be there to

encourage the government to look at other individuals, to look at other ways of dealing with issues. *[interjection]* And I see the member for Kildonan (Mr. Chomiak) heckling. Perhaps he would like to wait his turn.

But that's the case I am trying to make, that the University of Calgary, first of all, is a pre-eminent university, that the paper produced was produced by one of the greatest public policy individuals on taxation and that, No. 3, the individuals being produced by the University of Calgary are such that to call the University of Calgary a pre-eminent university is worthy of that title and that the minister trash-talking that university is a breach of our privileges. And that's what I'm trying to get at.

In fact, with the indulgence of this House, I would like to just list a few more individuals. I'm trying to make the case that this is, in fact, the breach that has been done. The University of Calgary has produced Olympians, Rhodes Scholars, individuals who work for the Supreme Court. The list goes on and on, and, Mr. Speaker, I would like to say to this House that I think the minister was wrong in what he did; it was a breach of the privileges of every MLA.

We understand, again, that we, as individuals, sometimes are spoken to differently between us, but to go after professionals and those who produce documents and to disparage them by referring to them as Tea Party rhetoric is unworthy.

Thus, I move, seconded by the member for Steinbach (Mr. Goertzen),

THAT the Manitoba Legislature direct the member for Kildonan, the Minister of Innovation, Energy and Mines, to apologize for his role in this serious incident.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** The honourable Government House Leader, on the matter of privilege.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on the matter of privilege.

I believe, when you've had a chance to look at this and consult the procedural authorities, you will see that this is a dispute over the facts. When I look at the Hansard that the member opposite has cited, it is clear to me that the references to Tea Party rhetoric and Tea Party attitude are references to members opposite, not references to an institution.

And I appreciate, if somebody said that I had a Tea Party attitude, I wouldn't feel very good about that, but I don't think there's anything unparliamentary about that language. It is an ideological movement that some of us in this Chamber may feel more affinity for than others.

And so I think, with respect, Mr. Speaker, that—take your guidance on this, but when I look at this, I think that member opposite does not have a matter of privilege.

**Mr. Speaker:** On the matter of privilege raised by the honourable member for St. Paul (Mr. Schuler), I would like to inform the House that the—it appears, by the comments that are made by the honourable member for St. Paul and the advice to the Chair, that this appears to be a—very clearly a dispute or a difference of the facts.

Past Manitoba Speakers have ruled on several similar occasions that a dispute between two members as to allegations of facts does not constitute a breach of privilege. In fact, in O'Brien and Bosc, second edition, House of Commons Procedure and Practice, 2009, on page 145, it indicates: If the question of privilege involves a disagreement between two or more members as to facts, the Speaker typically rules that such a dispute does not prevent a member from fulfilling their parliamentary functions, nor does it—nor does such a disagreement breach the collective privileges of the House. End of quote.

In that case, members—Speakers usually rule as to the facts—or the Speaker usually rules typically that such disputes does not prevent members from fulfilling their obligations in this Legislature or in other legislatures or parliaments and nor does it—did the disagreement breach the collective privileges of the House, as I've indicated.

Beauchesne's, in addition, also, in citation 31(1), advises that a dispute arising between two members as to the allegations of facts does not constitute the conditions of parliamentary privilege.

Joseph Maingot, on page 230–223 of the second edition of Parliamentary Privilege in Canada, states, in quote: A dispute between two members about questions of facts said in a debate does not constitute a valid question of privilege because it is a matter of debate. End of quote.

I would, therefore, respectfully rule that the honourable member for St. Paul does not have a

matter of privilege in this case that he has raised here this afternoon.

\* (13:50)

**Mr. Kelvin Goertzen (Official Opposition House Leader):** With respect, Mr. Speaker, I challenge the ruling.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in favour of sustaining the ruling of the Chair, please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed, please signify by saying nay.

**Some Honourable Members:** Nay.

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

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division. Then the ruling is—*[interjection]* Yes.

\* \* \*

**Mr. Speaker:** Now proceed with—

#### ROUTINE PROCEEDINGS

**Mr. Speaker:** Introduction of bills. No introduction of bills?

#### PETITIONS

##### Municipal Amalgamations—Reversal

**Mr. Kelvin Goertzen (Steinbach):** Yes, good afternoon, Mr. Speaker. I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announcement on November 19th, 2012, and has further imposed unrealistic deadlines.

If the provincial government imposes amalgamations, local democratic representation will

be drastically limited while not providing any real improvements in cost savings.

Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.

Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and led by the municipalities themselves.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

And, Mr. Speaker, this petition is signed by B. Lee, V. Campbell, S. Wang and many other Manitobans.

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

#### **Provincial Sales Tax Increase—Referendum**

**Mrs. Myrna Driedger (Charleswood):** I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by R. Olsen, J. Waito, C. Farrer and many others, Mr. Speaker.

#### **Municipal Amalgamations—Reversal**

**Mr. Cliff Cullen (Spruce Woods):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

(2) The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announcement on November 19th, 2012, and has further imposed unrealistic deadlines.

(3) If the provincial government imposes amalgamations, local democratic representation will be drastically limited while not providing any real improvements in cost savings.

(4) Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.

(5) Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and led by the municipalities themselves.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

This petition is signed by M. Tweed, G. Fidler and R. Fidler and many other fine Manitobans, Mr. Speaker.

**Mrs. Heather Stefanson (Tuxedo):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

(1) The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

(2) The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announcement on November 19th, 2012, and has further imposed unrealistic deadlines.

(3) If the provincial government imposes amalgamations, local democratic representation will be drastically limited while not providing any real improvements in cost savings.

(4) Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.

(5) Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and led by the municipalities themselves.

We petition the legislature—the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

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

#### **Provincial Sales Tax Increase—Referendum**

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

And these are the reasons for this petition:

Provincial government promised not—to not—not to raise taxes in the last election.

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition's signed by D. Strong, M. Kenney and R. Lavalley and many, many more fine Manitobans.

**Mr. Wayne Ewasko (Lac du Bonnet):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by I. Kazakoff, B. Ostash, H. Ostash and many, many more fine Manitobans, Mr. Speaker.

#### **Municipal Amalgamations—Reversal**

**Mrs. Leanne Rowat (Riding Mountain):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announced on November 19th, 2012, and has further imposed unrealistic deadlines.

If the provincial government imposes amalgamations, local democratic representation will be drastically limited while not providing any real improvements in cost savings.

Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.



Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and lead—and led by the municipalities themselves.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

This petition is signed by D. Brown, C. Brown, E. Koss and many, many more Manitobans.

\* (14:00)

**Mr. Blaine Pedersen (Midland):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government recently announced plans to amalgamate any municipalities with fewer than 1,000 constituents.

The provincial government did not consult with or notify the affected municipalities of this decision prior to the Throne Speech announcement on November 19th, 2012, and has further imposed unrealistic deadlines.

If the provincial government imposes amalgamations, local democratic representation will be drastically limited while not providing any real improvements in cost savings.

Local governments are further concerned that amalgamation will fail to address the serious issues currently facing municipalities, including an absence of reliable infrastructure funding and timely flood compensation.

Municipalities deserve to be treated with respect. Any amalgamations should be voluntary in nature and led by the municipalities themselves.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Local Government afford local governments the respect they deserve and reserve his decision to force municipalities with fewer than 1,000 constituents to amalgamate.

And this petition is signed by C. Foster, J. McCurry, M. Picton and many, many more fine Manitobans.

### **Highway 217 Bridge Repair**

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

And these are the reasons for this petition:

The bridge over the Red River on Highway 217 outside of St. Jean Baptiste was built in 1947 and provides a vital link for economic opportunities and community development on both sides of the river.

The Department of Infrastructure and Transportation closed the bridge after spending significant sums of money and time on rehabilitation efforts in the summer of 2012.

Individuals require numerous trips across the river each day to access schools, businesses and health-care facilities. The bridge closure causes daily undue hardship and inconvenience for residents due to time requirements and higher transportation costs.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Infrastructure and Transportation to repair or replace the existing bridge as soon as possible to allow communities on both sides of the river to return to regular activities.

And this petition is signed by J. Ayotte, L. Sabourin, A. VanRyckeghem-Reeks and many, many more fine Manitobans.

### **Provincial Sales Tax Increase—Referendum**

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is submitted on behalf of M. Bird, R. Olsen, C. Marzolf and many other fine Manitobans.

#### **Hydro Capital Development—NFAT Review**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

(1) Manitoba Hydro was mandated by the provincial government to commence a \$21-billion capital development plan to service uncertain electricity export markets.

(2) In the last five years, competition from alternative energy sources is decreasing the price and demand for Manitoba's hydroelectricity and causing the financial viability of this capital plan to be questioned.

(3) The \$21-billion capital plan requires Manitoba Hydro to increase domestic electricity rates by up to 4 per cent annually for the next 20 years and possibly more if export opportunities fail to materialize.

We petition the Legislative Assembly of Manitoba as follows:

To urge that the Minister responsible for Manitoba Hydro create a complete and transparent needs-for-and-alternatives-to review of Manitoba Hydro's total capital development plan to ensure the financial viability of Manitoba Hydro.

And this petition is signed by M. Roach, M. Medvedev, E. Kaasgaard and many, many other fine Manitobans, Mr. Speaker.

#### **Provincial Sales Tax Increase—Referendum**

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

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by C. Plysiazniuk, K. Philipchuk, K. Holyk and many, many other fine Manitobans.

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by R. Wolfe, B. Fehr and D. Wolfe and many, many others.

**Mrs. Bonnie Mitchelson (River East):** I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

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

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

An increase in the PST is excessive taxation that will harm Manitoba families.

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by C. Walby, S. Mikawos, V. Walby and many, many other fine Manitobans.

#### **The Jewish Foundation of Manitoba Act**

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And the background to this petition is as follows:

(1) The foundation was originally established by an act of the Legislature in 1964. It is a public foundation which manages a growing endowment fund that exceeds \$80 million. Since its inception, the foundation has distributed more than \$30 million in grants and scholarships in the local community and across Canada.

(2) The foundation provides opportunities to realize philanthropic objectives of Manitobans in strengthening and supporting the Jewish and general communities of Manitoba.

(3) Gifts to the foundation sustain and enhance a myriad of programs, services and charitable agencies across the province and ensure a strong and viable future for all Manitobans.

(4) Under the current act, subject to the donors' trusts and conditions and the disbursement requirements under the Income Tax Act, Canada, for registered charities, donations are to be held in perpetuity for the purpose of earning income to be used for the foundation's purposes.

(5) While traditional investment vehicles and their returns have served charitable institutions well in the past, the realities of a new economic and financial climate require alternative investment and disbursement strategies to be employed to meet the ongoing needs and obligations of the foundation. Specifically, where income generated by the foundation's capital assets is insufficient to meet its

distribution policy, investment strategies, including capital encroachment along with other sophisticated investment methods, must be available.

We petition the Legislative Assembly of Manitoba as follows:

That The Jewish Foundation of Manitoba Act be amended to (a) require the board of the foundation to establish a distribution policy and (b) give the foundation sufficient authority to carry out that policy, allowing the foundation to encroach on capital as needed and subject to the donors' trusts and conditions.

This petition is signed by M. Cowan and S. Croft.

\* (14:10)

#### **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 family members of the honourable Minister of Innovation, Energy and Mines (Mr. Chomiak), his spouse, Debbie Chomiak, along with his mother-in-law and sister-in-law from Prince Edward Island, Jackie and Dana O'Brien.

And also in the public gallery we have with us today, from the Winnipeg Art Gallery, Debra Fehr, Lila Goodspeed and Richard Yaffe, who are the guests of the honourable member for Tyndall Park (Mr. Marcelino).

And also in the public gallery we have with us today, from Artbeat Studio, Lucille, Nigel, Ernie and Ethan Bart, who are the guests of the honourable member for Wolseley (Mr. Altemeyer).

And we have—they have in the gallery as well, from École Guyot school, 46 grade 6 students under the direction of Michelle Paradis. This group is located in the constituency of the honourable Minister of Advanced Education and Literacy (Ms. Selby).

That includes all the guests, I believe, that are here this afternoon. On behalf of all honourable members, we welcome each of you here today.

And I have some news prior to—with the indulgence of the members of the House, one of our pages, Connor Boyd, won the two gold medals in the 800 and 1,500 metres at the Provincial Track and

Field Championships last week. On behalf of all honourable members, I'd like to congratulate Connor on his accomplishments.

### ORAL QUESTIONS

#### Bill 47 Vote Tax

**Mr. Brian Pallister (Leader of the Official Opposition):** Way to go, Connor, and thank you, Mr. Speaker.

You know, it's ironic, in a way, that a Premier who loves Back to the Future, the movie, is actually trying to play games with time with legislation in this session. Retroactive bills seem to be in plentiful status this session.

So we have a budget bill that applies retroactivity back to January 1st of last year for unearned benefits that will be paid to the NDP in the form of what we call a vote tax, Mr. Speaker, which means, of course, that retroactively New Democratic members will not have to fundraise.

Now, with all the good things that the Premier could be doing, with all the things that the Premier could be doing for the people of Manitoba, what is his first concern? Himself—himself and his political party, putting himself in front of Manitobans and Manitobans at the back.

Now, Mr. Speaker, would the Premier, who, last two budgets, has cut \$1,600 per year from the households of Manitobans, why would he give a \$7,000-per-NDP-MLA raise, for doing nothing, to his colleagues and himself? Why would he do it?

**Hon. Greg Selinger (Premier):** And we on this side of the House are very proud that we banned corporate and union donations in Manitoba and that we made sure that democracy in Manitoba is available to everybody and without fear or favour, Mr. Speaker.

The member opposite—the member opposite has frequently used the number \$1,600 per Manitoban, which, at 1 per cent of the PST, would require somebody to expend \$160,000 a year, Mr. Speaker. And that is a bit rich for most Manitobans.

Mr. Speaker, an independent commissioner blazed new ground in Manitoba by suggesting that when it comes to how we manage democracy in this province, it should be a level playing field without special favours being made available to corporations and unions.

### Ministerial Immunity

**Mr. Pallister:** Well, the Premier might have forgotten last year's budget already, but Manitobans haven't, Mr. Speaker; \$1,600 per household—\$1,600 less.

The Premier might like to go back in time because he prefers the past in many ways to the present. I understand that. But he went too far in Bill 47 when he decided to give retroactive immunity to himself and his colleagues for wrongdoing.

Now, he could have gone back in time and paid some flood claims. He could have gone back, even better, 13 years ago and made some investments in flood prevention works, but he chose to do neither of those things. Instead—oh, he could have negotiated in good faith, too, with flood victims, with the people at Assiniboia Downs, but he didn't choose to do any of those things. He chose to say, I'm above the law. He chose to say, I'm more important than Manitobans. He chose to say that on July 1st, he's going to impose an illegal tax.

Now, would the Premier admit that the purpose of this legislation is to shield himself from accountability?

**Mr. Selinger:** Mr. Speaker, the legislation is intended to protect Manitoba citizens who pay taxes from frivolous and unnecessary lawsuits.

And I say to you, Mr. Speaker, the member's eligible. The member for Fort Whyte received a \$16,107 and 53 per cent public-taxpayer-dollar rebate in the last election, one of the highest of all the members who ran for the Conservative Party. The next highest rebate on the list was 15 thousand—oh, no, \$17,449.34 for the member for River East (Mrs. Mitchelson), closely followed by the public rebate of \$15,996.67 for the member from St. Paul. Those are just some of the examples of public taxpayers' dollars received by the members opposite.

### Tax Increase NDP Election Promise

**Mr. Brian Pallister (Leader of the Official Opposition):** Well, if the Premier's proposing to eliminate rebates to political parties for running election campaigns, he should get at it and put the bill on the floor of the House. We're ready to work for our *[inaudible]* We're ready to raise money.

The Premier could have gone back in time and started to work on fighting his spending addiction before it created a \$1,600 loss for every household in

this province. He could have got his spending under control, but he didn't. He could have gone back and taken back the promise he made to Manitobans that he wouldn't jack up their taxes, but he didn't do that either. He could have gone back and tried to restore some of the integrity he's lost as a consequence of his willingness to break his promises, but he didn't do that either. Instead, he tore up the taxpayer protection act, he took away the right of Manitobans to vote and he said, full speed ahead, I can spend \$1,600 better than any Manitoban can spend it in their home, and that's disrespectful to Manitobans.

Will the Premier simply admit that he genuinely believes that he's more qualified to spend \$1,600 than the people in Manitoba's households who worked for it, saved it and earned it?

**Hon. Greg Selinger (Premier):** Mr. Speaker, I know why the member never likes to look at the record in Manitoba, because when he was in office every Manitoba family, every average Manitoba family of four at \$60,000 income paid \$2,400 more in taxes every single year—2,400 more dollars in taxes when the member was a key member of the Cabinet of the Filmon government area. That was their approach to taxation.

Every small business paid 9 per cent; now they pay zero. Every corporation paid 17 per cent; now they pay 11. Education support levy, worth about \$180 million, imposed by the members opposite, removed by this government off all homeowners in Manitoba. And, Mr. Speaker, on the Property Tax Credit, they started at \$325 and reduced it to \$250. We've increased it to \$700.

Manitobans are better off today than they were when he was in office, and they will be better off tomorrow—

**Mr. Speaker:** Order. The honourable member for Charleswood has the floor.

#### **PST Increase Request to Withdraw**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, back to the future. How can we believe anything this Premier has to say? He has absolutely no credibility.

Mr. Speaker, six organizations released an open letter to Manitoba's NDP Premier today calling on him to reverse his decision to raise the PST. They all say that it is going to hurt jobs, businesses and taxpayers.

We know that the member for Kirkfield Park (Ms. Blady) doesn't care about taxpayers, but will this Premier listen to the concerns of these organizations who represent thousands and thousands of Manitobans? Will he listen to them and their request in the letter?

**Hon. Greg Selinger (Premier):** Mr. Speaker, this from the member that refused to listen to the Canadian Cancer Society about making drugs available for cancer victims for free outside of—that's the attitude. This is the member that refused to listen to nurses when she fired a thousand of them when she was an adviser to the Minister of Health.

Mr. Speaker, organizations have the right—they have the right—to come down, uniquely in Manitoba, to present on second reading of a bill. The only people holding them back from being able to come and present at the Legislature are the members opposite, who keep refusing to listen to Bill 20 representations. They've held it up every day in this Legislature. We've put it on the docket every day. We're willing to move forward on it. They want to stall it. It's them that doesn't want to listen to Manitobans.

\* (14:20)

#### **Impact on Manitobans**

**Mrs. Driedger:** And that answer from a government that lied to Manitobans in the last election. That is despicable.

Mr. Speaker, the groups that sent the letter point out some very, very serious concerns that this government seems to be ignoring. Many families are already finding it hard to make ends meet; many are finding it hard to save for retirement, and that PST increase is going to hurt jobs.

So I'd like to ask this Premier: Why is his slush fund so much more important to him than regular Manitoba taxpayers? Can he answer that?

**Mr. Selinger:** Mr. Speaker, in the middle of a recession, all the members opposite wanted to slash spending in the government. The new leader comes in, first thing he wants to do, slash spending indiscriminately all across the government, lay off nurses, lay off teachers. The only ones that want to go back to the '90s are the former members of the Filmon government. They think it was one of the best governments in the history of Manitoba. They want to return us to an era when they laid off nurses, when they fired teachers, when they shut down the

child welfare system. They want to return to an era where it was slow growth; nothing was being built.

Tonight the new stadium opens up, Mr. Speaker. They opposed it—they opposed it. It created hundreds of jobs for Manitobans—hundreds of jobs. It will provide economic stimulus to the province. They will show up to the game and pretend they support the stadium when they voted against it.

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

The clock's ticking, folks, on question period. We're wasting precious time. I'm asking for your co-operation and keep the level down a little bit.

The honourable member for Charleswood has the floor.

### Meeting Request

**Mrs. Driedger:** Mr. Speaker, I would like to just tell this Premier that he has absolutely no credibility.

Mr. Speaker, the groups reminded this Premier that he is breaking his promise to not raise the PST and that he is breaking the law by not first having a referendum. These groups have offered to sit down with this government and to help them look for ways to save money and not raise the PST.

So I'd like to ask the Premier: Will he accept this gracious offer from these groups, or does he intend to remain stubborn, obstinate and disrespectful of Manitoba taxpayers?

**Mr. Selinger:** Mr. Speaker, this government would be happy to receive any constructive suggestions on how to improve the way we deliver services in government. We look for that all the time. The door is always open to any constructive suggestion. They can contact us any way they wish.

But, Mr. Speaker, coming from the legislative assistant that fired a thousand nurses, that is unbelievably rich. This is the same person that, along with the leader, wants to return to the '90s and indiscriminately cut budgets all across Manitoba. They don't want to build hydro. They didn't want to build the stadium. They didn't want to build the MTS Centre. They didn't want to build the hospital in Brandon. They don't want to build the Women's Hospital. They didn't want to build Red River Community College. They don't want to build schools. They don't want to build roads. They want to do nothing. They want to take us into the past.

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

The honourable member for Emerson has the floor.

### PST Increase Referendum Request

**Mr. Cliff Graydon (Emerson):** In 18 days the NDP are going to raise the PST without listening to the people of the province of Manitoba.

Yesterday six organizations representing thousands of law-abiding Manitobans sent a letter to the Premier urging him to reverse his decision on the PST.

Mr. Speaker, will the Premier today obey the law and call a referendum?

**Hon. Stan Struthers (Minister of Finance):** And this is also the group across the way, the member for Fort Whyte (Mr. Pallister) who got—tried to get in the middle of building the floodway around Winnipeg, Mr. Speaker. You know, they're not in flavour—favour of building anything.

And, what we have done, very clearly, is we've put in place a measure, a 1-cent-on-the-dollar increase to the PST, which is directly fund the infrastructure that this province needs. It will directly fund the infrastructure, the hospitals, the schools, the daycares that Manitoba families depend on.

And, Mr. Speaker, to say nothing about the kind of stimulus that that will provide for our economy, our Manitoba economy, providing jobs and long-term infrastructure that needs to—that really needs to be done in this—

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

**Mr. Graydon:** Well, Mr. Speaker, Michael Kowalson owns two Subway restaurants in the city of Winnipeg employing up to 60 people. His business will be affected. More PST means higher costs.

Will the NDP hire—while the NDP hire, Mr. Speaker, 192 communicators and fund their own political party with the vote tax, Mr. Speaker, will the Premier obey the law and call a referendum?

**Mr. Struthers:** Well, Mr. Speaker, there are many challenges facing the—our Manitoba economy; this government is seized of taking on those challenges.

We know that the federal government is proposing that we match money for an infrastructure program that's coming forward. We intend to do that.

We've told Manitobans exactly how we're going to raise the revenue for that, Mr. Speaker.

On the other hand, Mr. Speaker, what we reject completely is the—is what the member for Fort Whyte has put forward and that is a 1 per cent, indiscriminate, across-the-board cut to things like schools and hospitals and daycares. They get up in this House every day and they feign interest in our economy and then they put forward measures that would hurt our economy.

**Mr. Graydon:** Mr. Speaker, Jerry Lakusta owns Vain Hair and Body Studio on a—and in 18 days the NDP are going to raise his costs without listening to him or other Manitobans.

We know that the NDP government lied to Manitobans about raising the PST. However, I'm sure the Premier has more integrity than that and that he supports the democratic rights of Manitobans.

Mr. Speaker, will the Premier show respect for Manitobans today and obey the law and call a referendum?

**Mr. Struthers:** Well, Mr. Speaker, this government and our Cabinet ministers will stand behind the tax credits that we have put in place, not just in this most recent budget but right back to 1999 when we formed government, \$2.9 billion worth of tax credits, whether they be on the personal side or the property side.

The member opposite mentions a small business, Mr. Speaker. We are still the only province that has a tax-free small business zone. When we took government it was 8 per cent; we review—we reduced that to zero per cent. That's a real benefit for the same person that that member for Emerson now claims to represent. We'll stand behind small business any day.

### **Mining Industry Ranking Government Targets**

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, in a recent survey 96 mining jurisdictions were ranked worldwide. Manitoba dropped from first place in 2006-2007 to 21st place in 2012-2013, with a University of Calgary report citing Manitoba's tax policy as one of the factors of this drop.

Can the NDP Minister of Energy tell this House: How does he intend to reverse this declining trend?

**Hon. Dave Chomiak (Minister of Innovation, Energy and Mines):** I welcome the opportunity of

talking about some of the successes we have in Manitoba.

The largest mine in Manitoba history is under construction, three quarters of a billion dollars in Lalor mine, Mr. Speaker.

In addition, the president of Vale Inco recently said that Manitoba is the best place to do business, and that's the reason why they want to keep the smelter open and expand the mine, Mr. Speaker, in Manitoba.

Thirdly, the member is so inaccurate with respect to taxes, Mr. Speaker, that Manitoba is one of the most competitive jurisdictions and he's frankly, like in many cases, he is wrong. He is wrong in his facts. He is wrong in his statements.

\* (14:30)

**Mr. Schuler:** Mr. Speaker, in another survey Manitoba is ranked 31st out of 96 jurisdictions, down from sixth last year, in the category of taxation regime. The University of Calgary study states, and I quote: "Manitoba mining is the most heavily taxed among all provinces. The provincial sales tax is again largely responsible for this".

Will the minister now set targets to where Manitoba should be in future surveys, and how does he plan on achieving that goal?

**Mr. Chomiak:** One of the problems with the member's research, Mr. Speaker, when you're preoccupied by Tea Party rhetoric, when you have a Tea Party mind that's only interested in only taxes, you know, social conservatism, cutting back government, getting rid of social programs, privatizing health care—when you have that framework, you don't look at the facts.

Today Calgary has introduced a new tax. Alberta has introduced a new tax, Bill 22, on mining companies. Maybe the member should take a look at the new tax that has been introduced today in Alberta and look at our budget papers that show we're the most competitive jurisdiction in the West, Mr. Speaker.

**Mr. Speaker:** The honourable member for St. Paul has the floor.

**Mr. Schuler:** And the wacky, wacky world of the member for Kildonan (Mr. Chomiak). Manitoba has fallen to 21st place worldwide, and the NDP taxation is identified as a leading cause for that decline. Mr. Speaker, this is a very serious question.

Will the NDP Minister of Energy set a target of where he would like Manitoba to be ranked, and how does he intend to achieve this target? Will he set a target, how is he going to get there, and when are we going to be there?

**Mr. Chomiak:** That very liberal institution, the Fraser Institute, which is—which the member opposite is using, also ranked Manitoba as the No. 1 jurisdiction in the world for oil mining and petroleum.

But I just—you know, I asked the member—I know the member is narrow-minded. I know he has trouble dealing with some of these factual issues. I don't know how much time he's spent at university, Mr. Speaker, but I do know that today Alberta's introduced a bill that's going to put a tax on mining companies for consultation. The member ought to review that and pay a little bit more attention to what's going on.

And I will take the word of Rolls-Royce any day when they said Manitoba's the best place in the world to do business. That's why they came here, Mr. Speaker.

#### **Legal Proceedings Government Position**

**Mr. Cliff Cullen (Spruce Woods):** Mr. Speaker, we have determined that there are at least three ministers on the NDP side involved on the Assiniboia Downs file, and we've determined that all three ministers are implicated in court action. And we know there's two ministers that are involved in conflict of interest allegations.

Yesterday the Minister responsible for Lotteries said the legal proceedings before the courts were frivolous, Mr. Speaker.

I would like clarification from the minister: Does the minister really believe the proceedings in front of the court right now are frivolous?

**Hon. Stan Struthers (Minister of Finance):** Mr. Speaker, the courts have been—the courts have actually been very clear in what we can do on this side of the House. They've given us the authority to move forward with exactly what we said we would do in the budget, and we've done that through BITSA. We've implemented that just as we said we would do it. We have the authority to do that.

Mr. Speaker, we believe that the money that is spent on horse racing and horse gambling should be

redirected from that enterprise into health care in this province. That's where we stand. We've been clear with that all along.

I'm just surprised that members opposite want the state to run horse racing in Manitoba.

**Mr. Cullen:** I would suggest to the minister that Manitobans would argue having two ministers of the Crown in conflict of interest allegations is not frivolous. I would also suggest that Manitobans would say a \$350-million lawsuit is not frivolous.

Mr. Speaker, if the minister really believes these cases are frivolous, why did the NDP have 12 lawyers in court on Monday?

**Mr. Struthers:** I also believe, Mr. Speaker, that Manitobans would support moving \$5 million from horse racing in Manitoba to health care in Manitoba. That's what I believe Manitobans expect us to do.

It is our hope and it's our plan that horse racing in Manitoba would continue and that it would continue on sustainable grounds rather than relying on nearly a 90 per cent subsidy, which was—is what it relies on now, Mr. Speaker. We want the—we want horse racing—we want the Manitoba Jockey Club to work with a private partner to make sure that that happens. We are very pleased that one has come forward—

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

The honourable member for Spruce Woods, with a final supplementary.

**Mr. Cullen:** Mr. Speaker, this is a pretty typical David-versus-Goliath story. We have 12 lawyers acting on behalf of the NDP, one lawyer representing Assiniboia Downs. I can understand how the minister might be upset, because in this case David won and the NDP took it on the chin.

Now, clearly, the NDP's 12 lawyers didn't get the job done. So will the minister be seeking additional help at the next hearing?

**Mr. Struthers:** Mr. Speaker, we'll be seeking to do exactly what the courts have said we can do, and that is move forward with moving \$5 million from the Manitoba Jockey Club into health care; that's exactly what we have the authority to do.

Mr. Speaker, we are very hopeful that the private sector partner, the partner that's stepped forward,



namely the Peguis First Nation, will be able to work with the Manitoba Jockey Club to ensure that there's a sustainable—long-term horse racing in Manitoba.

We're still at the table. We have reduced the money that we've given to the Jockey Club; it's not eliminated. We're willing to do our part. It's time the Jockey Club was willing to do its part to make sure that they're sustainable over the future, Mr. Speaker.

#### **Applied Behaviour Analysis Treatment Access to Treatment**

**Mr. Dennis Smook (La Verendrye):** Yesterday in the House, in response to a question I posed about access to autism treatments, specifically ABA therapy, the minister said, and I quote: This year, in this budget, we provided funding for two additional autism outreach workers.

The problem is these workers do not provide ABA therapy to children with autism, as the minister well knows.

Will the minister admit she attempted to mislead the House and all Manitobans yesterday?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I certainly would welcome the member opposite to join me in Estimates, whenever we get there, and we can talk more about these issues.

#### **Point of Order**

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** Yes, Mr. Speaker, on a point of order.

I think there needs to be some clarification. I think the minister is confused. She's in charge of the agenda. If she wants to call Estimates, call it—afternoon.

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

**Ms. Howard:** On the same point of order.

I—we have had Estimates. We'll continue to have Estimates on other days. There have been days—every day I communicate to the Opposition House Leader and the Leader of the Liberal Party what is on the agenda this afternoon out of courtesy. There is no obligation upon me to do that; I do that out of courtesy to them. And in the past, when I have let them know that Supply would be on the agenda in the afternoon, we have been treated to an afternoon

of bell ringing, Mr. Speaker. So I have very little confidence, frankly, unfortunately, that we would get there.

But I don't want to bore the whole Chamber with the machinations of the House. So we will have plenty of time, certainly, to get to Estimates, Mr. Speaker, and I look forward to that when we get there.

**Mr. Speaker:** On the point of order raised by the Official Opposition House Leader, I didn't hear that there was a breach of the rules in any of the advice that he was providing to the House with respect to the point of order.

So, therefore, I must respectfully rule that there is no point of order.

\* \* \*

**Mr. Speaker:** Now, where were we in questions? The honourable minister, I think, had to respond to the question.

**Ms. Howard:** Certainly, what I wanted to say to the member opposite is we will have more time together in Supply to more fulsomely discuss this issue.

\*(14:40)

But I do want to say clearly, I did not in any way yesterday suggest that there's only one kind of treatment available to children with autism. And I think there are many, many parents—there are about 725 families, my understanding, who are dealing with this issue in Manitoba. Many, many of those families choose other treatments for their children. Many, many of those families have asked us to provide increased resources for that other kind of treatment, and it is that kind of treatment that is being rolled out in rural Manitoba. And it's valuable to the families who are accessing it.

**Mr. Smook:** Yesterday, in response to a question posed by my colleague the member from Riding Mountain about access to ABA services, the Minister of Family Services said, and I quote: There's a challenge in recruiting technicians.

The facts tell a different story. The St. Amant Centre has four ABA consultants lined up and ready and willing to begin working with families today.

Again, I give the minister another opportunity. Will she admit that she misled the House and all Manitobans yesterday?

**Ms. Howard:** It has been my understanding that across Canada there has been a challenge in recruiting these technicians. There's often a challenge because they come from overseas, so sometimes there can be challenges, with the immigration system, getting here. That is what I was speaking to, Mr. Speaker.

Certainly, I was providing the best information that I was aware of in the House, and I look forward to having further discussion upon this when we get to Committee of Supply.

**Mr. Speaker:** The honourable member for La Verendrye, on a final supplementary.

**Mr. Smook:** Yesterday my colleague the member for River East (Mrs. Mitchelson) asked the minister if she would consider not taking the vote tax to allow one of her constituents to have the needed service she deserves. The minister did not answer that question.

Mr. Speaker, yesterday the minister outlined that children are supported in the ABA program to a tune of \$70,000 per child.

Will the minister do the right thing and commit to redirecting the NDP vote tax to ABA services for children with autism and not line their own pockets?

**Ms. Howard:** Certainly, our support for the ABA program is among the highest in the country, Mr. Speaker. It is a program that is important to the families that access it, and we continue to work with clinicians and educators and those families to make sure that we're getting those services to the kids who most need it and to the kids who most benefit it.

What I hoped I was clear in my answers yesterday, Mr. Speaker, was saying that we would not take the approach advocated by the Leader of the Opposition and reduce our funding to that program as a subsequent of his commitment to across-the-board cuts to all programs. I hope that's now clear for the member opposite.

#### **Legislative Session Emergency Session**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the government will fail to get its budget passed by the end of this normal end of the session, I think, for the first time in the history of this government. The government has had 31 days on—including Fridays, on which it could have called Estimates, but has failed to call Estimates on 26 of those days.

A major reason for the government's having to call an emergency session, expected next week, is the failure of this government to organize matters well before the House.

I ask the Premier to accept some of the culpability, to show respect for the Legislature and to start putting a priority on calling Estimates and getting the budget passed.

**Hon. Greg Selinger (Premier):** We are committed to being here to deal with the bills and the Estimates, issues of Supply, issues of legislation. We're very interested in remaining here to do that, and I look forward to working with the member to get all of this important legislation and resources in the budget moved forward, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, yesterday the Premier said in terms of the emergency session that he was putting a priority on all of his bills. Quite frankly, this quote is misleading Manitobans to understand that the impending emergency session, after this Thursday, will continue as if it were just a regular session.

The rules of the Legislature are clear that calling outside—the House outside of the sessional calendar is for emergency or extraordinary circumstances to deal with emergency measures.

When will the Premier tell Manitobans just exactly which bills he considers emergency bills to be completed in the emergency session?

**Mr. Selinger:** I thank the member for River Heights, the Leader of the Liberal Party, for the question.

As he knows, our House leader made an offer to do Estimates as well as bills at the same time to have a dual-track approach to allow more work to get done in the House. That offer was rejected by members opposite. That is unfortunate. More work could be done. There's many eager people on this side of the House that want to move forward on these things, both on the budget side and on the bill side.

All the bills we consider to be important, and the budget we consider to be important, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, you know, we have had quite a number of days—you know, it's on the order of 31 days that there could have been called Estimates, and it was not until yesterday that a plan was presented at the very last minute in the session with a hurry-up, trying to complete the budget by the end of June.

The Premier, you know, is mistaken, because at least for the Liberal Party, there was no plan presented before this. Clearly, this government has been rather disorganized, has not put a priority on Estimates.

I ask the Premier to be honest about this, acknowledge that we're going to be in an emergency session and tell us what emergency measures he's going to be dealing with.

**Mr. Selinger:** Many times there's been an offer to have both bills as well as Estimates move concurrently through the Legislature to offer everybody a chance to participate in the process. That offer's been rejected many times.

We continue to make our—that offer available as we speak. We could do that today, Mr. Speaker, if they wanted to do a dual-track approach where we have both Estimates and bills at the same time.

We're prepared to do extra time. The letter offers Saturday sittings. We've offered opportunities to meet in the evenings. We're very eager to carry on the work of the Legislature, both on the budget side and on the bill side.

### **Investors Group Field Opening**

**Mr. Dave Gaudreau (St. Norbert):** Mr. Speaker, last night I was out canvassing in my area, and it's quite clear that things are going really well in Manitoba. People are really happy about all the stuff that's going on, all the building. So many families last night actually told me about this exciting new event that's going to be going on tonight.

And I was wondering if the Minister of Sport could tell us about the grand opening of the best stadium in Canada. And, go, Bombers.

**Hon. Eric Robinson (Minister responsible for Sport):** While I'm on my feet, allow me to join with you and also the Leader of the Opposition in congratulating Connor. Connor, we're very proud of your—

Mr. Speaker, with respect to the question, I believe that this government has been a leader and has demonstrated its leadership in building the MTS Centre. Many people thought it wouldn't be done. And then, now, the Investors Group Field, where tonight the Winnipeg Blue Bombers will be hosting the Toronto Argonauts.

And, you know, many times in this Chamber, as I sit back in my place in this Chamber, I hear about all the great things and being compared to the province of Saskatchewan. I hope that the other side of the House hasn't turned their allegiance to the Saskatchewan Roughriders, but over here on this side, Mr. Speaker, I want to assure all Manitobans we are indeed very Blue Bomber proud.

### **Lake Manitoba Outlet Construction Timeline**

**Mr. Stuart Briese (Agassiz):** Mr. Speaker, the additional outlet for Lake Manitoba was announced with a timeline of 2016 for start-up and with a completion expected in 2021.

I ask the Premier: Why is it going to take seven years to construct the outlet?

**Hon. Eric Robinson (Acting Minister of Infrastructure and Transportation):** On behalf of the Minister of Infrastructure and Transportation (Mr. Ashton), I will just respond in this way, Mr. Speaker, that the people that specialize in the work that the member has mentioned is ongoing—there's a lot of work that has to be done with respect to section 35 considerations as called for by the Supreme Court of Canada, which includes a dialogue with the First Nation of Dauphin River. That has to be done, including the environmental work that has to be done up to and leading.

I believe that we have done some substantial work on the damages of the 2011 flood, and I'll gladly respond to the progress that this government has made with respect to establishing partnerships with the First Nations and the national government.

**Mr. Briese:** Mr. Speaker, the ranchers, farmers, First Nations and property owners cannot survive the emotional and financial strain of another Manitoba flood—Lake Manitoba flood on the same level as 2011. Yet this NDP government is telling them they have to face that risk for another seven years.

\* (14:50)

Mr. Speaker, is the promised outlet just another empty promise soon to be a broken promise by this NDP government?

**Mr. Robinson:** Well, you know, Mr. Speaker, we're in this together as Manitobans. There are things that we are trying to correct. Three—two thousand people out of their homes for a period of two years is really unacceptable, and I don't think any member in this Chamber would disagree with that.

We are making efforts in working with Lake St. Martin, Little Saskatchewan, Pinaymootang and Dauphin River in trying to rebuild their lives with the devastation of the 2011 flood, as we are doing with the farmers and the other folks that have been impacted by the flood of 2011. And the work will continue, and the Province is doing what it can in partnership with those people that I mention, including the federal government, in ensuring that the corrective measures are taken.

### Legislative Session Committee Presentations

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, the offer that the Government House Leader has made, not to us but to Manitobans, is to have Manitobans, still hundreds of them, be forced to come through the night for committee is not a respectful way to treat Manitobans. Of course, we rejected that offer because we would never want to have to force Manitobans to sit through the night after they weren't allowed to have a referendum.

Why won't the Government House Leader stand up and apologize to Manitobans for still trying to force them through the night at committee, Mr. Speaker?

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, I believe that the offer that we have made to extend the evenings that we won't sit past midnight, to hold committees on Saturday so people who work during the days and people who work in the evenings would be able to come to committee, I believe that that is an offer worthy of consideration.

I—if the member opposite is interested in revisiting the rules of the House, I'm open to that discussion. Not once, Mr. Speaker, since he's become House leader has he asked me to revisit the rules of the House, to sit down and have a discussion and look at the rules under which the committees operate.

We know that in Manitoba it's very unique where you have a committee where any Manitoban can come and present. That's a unique system in Manitoba. If we're going to change that system, I think we need a full discussion about the rules of the House before we do that.

**Mr. Goertzen:** I don't know if the minister is living in a cave or she doesn't read the newspapers, Mr. Speaker.

We asked them to come back early. We asked them to come back in February. We asked them to come back in March. We couldn't get the government out of bed, they were too busy sleeping. They didn't want to come to work here, Mr. Speaker.

And then we said, well, let's change how committees are done. I've asked dozens of questions asking that committees be done in a respectful way, Mr. Speaker. They've refused to do it.

We're going to fight for Manitobans. We're going to fight on behalf of Manitobans. Why don't they join us and treat Manitobans respectfully?

**Ms. Howard:** Well, Mr. Speaker, I invite my honourable friend to table one letter that he wrote me in February, one letter that he wrote me in March, one letter that he wrote me in April asking for the House to come back, asking for a revision of the rules of the House. It will be hard for him to table those letters because they would've been written in invisible ink.

So we can take—talk about the rules of the House. I am open to doing that. In some jurisdictions there is a rule in their Legislature that they do not allow, for example, for parties to challenge over and over again the ruling of a Speaker because it's seen as holding the Speaker in contempt. That is the rule in some jurisdictions. I welcome a discussion about that kind of rule in Manitoba.

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

### MEMBERS' STATEMENTS

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a member's statement.

#### Family Homes on Reserves and Matrimonial Rights Act—Passage

**Mr. Brian Pallister (Leader of the Official Opposition):** Yes, please, sir.

I just wanted to say congratulations to the House of Commons on this occasion for the passage yesterday of S-2, the bill, the Family Homes on Reserves and Matrimonial Interests or Rights Act.

For too many years Aboriginal women in particular have suffered, as a consequence of being caught between no laws under the Indian Act and no laws at the provincial level in respect of property rights, and this is over. The United Nations called on our country over 30 years ago to act on this issue, and on June 11th, 2013, they did.

Manitoba leads the country in the percentage of its people who are Aboriginal, and Aboriginal women, in particular, will be very, very, very pleased to see the advancement of this piece of legislation. I was pleased some years ago to have the support of many First Nations women across the country to advance my private member's bill, C-289, back in 2006, and it, in some small way, may have contributed to the furtherance of this issue. I give the credit entirely to Aboriginal women across this country who have fought so hard for so long to see this come to be.

The consultative process that was undertaken over the last number of years and preceding it, in fact, was extensive. For some, it will never be enough. I accept that that is probably true, but the reality is it has gone on long enough. And I'm tremendously pleased to see the bill allow First Nations to draft their own property rights, their own matrimonial property rules. I think that that is respectful and the right way to do it. Many have already done so. Others will be able—other communities may choose to use the default rules that will come into play thereafter. And part of that, I think, is the reality for many First Nations communities that they don't have the resources, necessarily, to commit to these things or they have other priorities that are more urgent.

But the reality is these concerns have been raised by us in this House in the unanimous motion that we passed and spoke for. I was honoured to speak to the House of Commons committee, the Standing Committee on the Status of Women, on this bill during its process, and I can tell all members of this House that that motion was very important in advancing this important piece of legislation forward. All of us deserve to be very proud of our unanimous expressions of support for Aboriginal women.

I want to thank, in particular, the Deputy Premier (Mr. Robinson), and the minister in charge of Aboriginal affairs for Manitoba, for his assistance in terms of the bill itself, for his assistance going forward. I think that that is to be commended, and I thank him very much for that. And I thank all members, again, and believe that this is a genuine reason to celebrate the effectiveness of working together and the effectiveness of advancing in common cause the issues that are so important to Manitobans, in particular, Manitoba First Nations women. Thank you.

### **Winnipeg Art Gallery Centennial Anniversary**

**Mr. Ted Marcelino (Tyndall Park):** I rise to recognize an iconic cultural institution, the Winnipeg Art Gallery, and recognize its 100th anniversary year. Founded in 1912, the WAG, or Winnipeg Art Gallery, is Canada's oldest public gallery and one of the largest. After occupying various premises, the unique limestone structure opened in 1971, and it's located just down the street from the Legislature. This distinct building is a prominent and breathtaking Manitoba landmark.

The Winnipeg Art Gallery has long been a leader in nurturing and showcasing the visual arts. Through exhibits, programs and special events, the Winnipeg Art Gallery plays a vital role in our community, inspiring, educating, enlightening and entertaining visitors of all ages and from all over. The gallery regularly hosts international touring exhibits and rotates its vast collection of 22,500 pieces, benefiting all Manitobans and visitors.

Remarkably, the gallery is home to the largest collection of contemporary Inuit art in the world. It is renowned for preserving the precious Inuit culture for the entire world to enjoy and appreciate. The current 100 Masters: Only in Canada exhibition brings together 50 Canadian and 50 European and American works spanning the last centuries—six centuries. It features pieces from 30 galleries, representing more than 500 years of art. Included in the exhibition are major art works.

Congratulations and thank you to everyone at the Winnipeg Art Gallery on this 100th anniversary. The Manitoba government is proud to support your efforts. Your work has enriched audiences for an amazing 100 years, and we look forward to the next 100. Thank you.

\* (15:00)

### **HOPE Students Kenya**

**Mr. Stuart Briese (Agassiz):** Mr. Speaker, two grade 10 students from Neepawa are dedicating their summer to something important—helping other people. Brooke de Koning and Halle her—Hayhurst are travelling to Kenya from July 19th to August the 8th, to help with humanitarian efforts and cultural activities while learning leadership and life skills.

This work involves constructing a new school, including the physical labour and the construction of

the building itself. They will also spend time helping mothers in the area make jewellery to sell, as well as planting trees in the community.

The opportunity came through the HOPE program at the Neepawa Area Collegiate, a program that promotes both global and local understandings of issues and philanthropy. The program has also been raising money for a community water well in Kenya, and the girls made the decision that they wanted to see one of these wells in action in Kenya.

The girls have to raise about \$6,000 each to take part in the trip. So far, they have had a yard sale in the community, they are selling 50-50 tickets and have put themselves for hire for odd jobs around town. While \$6,000 seems like a big goal, the girls are well on their way.

While Kenya is a long way from Neepawa, it is inspiring to think that two grade 10 students can have such an impact on a country that is so far away. Youth in this province, and particularly Halle and Brooke, are able to see that things need to be changed in other countries and that things like education are important in all countries. Projects like this help to create education opportunities, not only here at home, but in countries far away.

Mr. Speaker, I would ask all members of this House to join me in congratulating Halle and Brooke in their work in the community, and I wish them well on their trip to Kenya in what is sure to be an adventure and the learning experience of a lifetime. Thank you.

### **Artbeat Studio**

**Mr. Rob Altemeyer (Wolseley):** Mr. Speaker, the Winnipeg core is a community full of creative and innovative residents that care about one another. Artbeat Studio perfectly exemplifies this point. This urban arts centre provides accessible arts programming for the citizens of the North Portage and Central Park areas who receive mental health services. This socially progressive organization strengthens the community by promoting dialogue and creative endeavours. It also provides healing services and supports a unique communal cultural fabric.

Mr. Speaker, I've had the pleasure of visiting Artbeat Studios and I'm always impressed by the compassionate and collaborative atmosphere. This is due in no small part to the vision and dedication of

its founder, Nigel Bart, and his mother, Lucille Bart, who serves as executive director. I'm very pleased that they are here with us today, as is Ernie Bart and Ethan Bart, a hard-working grade 1 student who also happens to be Nigel's son.

The—in 2005, they established Artbeat Studio with the goal of enabling consumers of mental health services to engage in artistic expression that promotes recovery, empowerment and community. Having referred numerous citizens to Artbeat's unique services since becoming an MLA, Mr. Speaker, I can personally attest that they have more than achieved this ambitious target.

Artbeat's core program is a six-month period that accommodates nine artistic applicants at a time for intense access to a wide range of artistic forms and supportive healing. Additionally, Artbeat Studio also runs Studio Central, which is developed by Ernie Bart, and it serves Manitoba Housing residents in a volunteer-run artistic setting. Suffice to say, Mr. Speaker, that the artists' lives are often greatly improved through their studio experiences.

Notably, the display at the recently opened Mental Health Crisis Response Centre boasts artwork by Artbeat Studio alumni and Studio Central. I'm so proud to be part of a government that supports this vital organization.

Mr. Speaker, urban residents are, indeed, fortunate to have Artbeat Studio serving the needs of the community. I am deeply moved by the work that they do and ask that all members present here today applaud their life-changing efforts.

Thank you so much.

### **Health Care—Northern Manitoba**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak of my concern for the state of health care in northern Manitoba. Today's Free Press has focused attention on the death of Laura Tssessaze in Lac Brochet. Her death is tragic, particularly when the evidence available to date provides credible information which suggests Laura's death was preventable.

I want to first extend my condolences to the friends and family of Laura Tssessaze. Clearly, the reasons for Laura's death need to be investigated, the reasons for her death determined and measures implemented as fast as possible to ensure similar circumstances never happen again in Manitoba.

But the problems with health in northern Manitoba are much broader. Children in northern Manitoba have a much higher mortality rate than children in southern Manitoba. Children in northern Manitoba have much higher rates of dental disease, much higher rates of diabetes, much higher rates of suicides, much higher rates of accidents needing hospitalization than children in southern Manitoba.

The present government has been in power for 13 years and nine months, yet sadly there's been little change in the health care outcomes in northern Manitoba as well as the inquest into the death of Laura Tssessaze, which is badly needed.

There also needs to be a full inquiry into the health and health-care delivery in northern Manitoba, to determine why so many health outcomes are so much worse in northern Manitoba than in the rest of our province and to make substantive recommendations to improve the current situation.

**Mr. Speaker:** Grievances. Seeing no grievances—

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, given the interest in Estimates expressed by members opposite today, would you please canvass the House to see if there's leave that the Committee of Supply meet this afternoon in room 255 to deal with the consideration of Estimates for the Department of Finance, and in room 254 to deal with consideration of Estimates for the Department of Health, while in the Chamber the House sits to deal with bills.

Further, would you ask if there's leave that while considering these matters there be no quorum calls?

**Mr. Speaker:** Is there leave of the House to consider Estimates in committee rooms 254 and 255, while concurrently the House sits to give consideration to bills?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear a no. Leave has been denied.

**Ms. Howard:** Well, given that there is no interest in moving to Estimates today, Mr. Speaker, we will call bills, with bill—starting with Bill 8, followed by Bill 10, followed by Bill 16, followed by Bill 15,

followed by Bill 17, followed by Bill 20, followed by Bill 33, followed by Bill 18.

**Mr. Speaker:** So we'll now call bills in the following order, starting with Bill 8, Bill 10, Bill 16, Bill 15, Bill 17, Bill 20, Bill 33 and Bill 18—starting with Bill 8, The Provincial Court Amendment Act, standing in the name of the honourable member for Brandon West.

## DEBATE ON SECOND READINGS

### Bill 8—The Provincial Court Amendment Act

**Mr. Reg Helwer (Brandon West):** I am pleased to rise today to speak to Bill 8, The Provincial Court Amendment Act, and it amends The Provincial Court Act to facilitate the use of electronic documents in the court, Mr. Speaker, is the main intent of this particular bill.

And I must say it's an interesting little piece of legislation but, as such, really I have to ask, what took so long? Electronic documents have been around for years and this has been a shortcoming in the court system for ages. And the requests have been coming forth from plaintiffs and the legal organizations to say let's move to electronic documents and just now we're starting to talk about this bill, about moving forward—it. And, basically, the bill enables the court to move to electronic documents, but it does not set out how this will, indeed, happen or the time or certainly any costs entailed.

And we know this government's record in terms of electronic documents is not good in terms of cost structure. We know they have severe cost overruns in other areas when they have looked into electronic documents and tried to do something like that, which is strange, Mr. Speaker, because the rest of the world seems to do it fairly effectively.

You know, the electronic world has existed for a number of years, Mr. Speaker. In fact, I can think back to when I attended Brandon University and that was quite a long time ago, I must say. We used punch cards; there were typewriters that you actually punched holes in the cards and this was long before the time of hanging chads, before that—those two words came into the lexicon. So punch cards in order to control the computers and manage the programming, so certainly that was a while ago, and even at that time we did have rudimentary messaging between terminals.

\* (15:10)

So, you know, the—this world has existed for a while, Mr. Speaker. Course, at that time, electronic media was mainly worked through—working through tapes and that was the backup type of system, long streaming tape that was used in order to back up all the records so that you could take them all off-site and make sure that they were protected. And I'm sure that that is something that this bill needs to look at, is the protection of those records and the protection of the individuals.

I can look back, Mr. Speaker, to a business that I was involved in, and, at that time, that was some 30 years ago when we first started looking at computers that would connect all of these particular outlying branches, and we had them all connected together through telecommunications, something that happens daily now. But at that time, I had a 16-kilobit hard drive in this box that was the size of a refrigerator. The hard drive was about 18 inches across—fabulous little device. Of course, it cost about \$50,000 for this refrigerator-sized box, which was a lot in those days. But that was the type of thing that we put in place in order to manage our electronic records. And that was something that was over 30 years ago, and they were secure, they were accessible, they were viable.

And now just today, we are starting to talk about electronic records in the justice system, in the provincial courts. So isn't that something? Well, we're just moving so fast here, it's really hard to comprehend the—how slow this government does move, Mr. Speaker.

In fact, there was a time—you know, I've worked with computers a good deal, Mr. Speaker, and in various aspects of my careers, but I do remember working for the Royal Bank at one time downtown here. And I worked a little bit with—we didn't call them IT—the IT department at that time, because we still had typewriters around—but there—*[interjection]* I am old, you're right. But this particular department had a personal computer running—I think it had about, you know, 650k of RAM. It was not very fast. And it ran Windows 3. But on Windows 3, there was a new piece of software, and I remember talking to the individual that installed this software. It was called Windows 1—Windows 1. And I said, well, what does it do? Well, I'm really not sure. It has a nice clock, though. We can put the clock on the screen. And that's about all he was able to figure out.

So, you know, the times have moved along, as we've seen, Mr. Speaker, and, indeed, you can still

find a clock on Windows. It's a little different now. Doesn't take up the whole screen anymore. But those things have all moved along. We have found a purpose for Windows now. We found electronic devices that we all have with us that have a variety of it or some other operating system that enable us to all connect. And, indeed, we all have electronic records that travel with us, and we can access some records in other places, and secure data is the critical part of all this.

And I want to go back to some of that data that I had in one of those businesses about 15 years ago. We had great security in our data, Mr. Speaker, and we tested it time and again to make sure that it could not be infiltrated and make sure it would not be attacked by any viruses, would not be attacked by any outside agencies. And that's something that will be critical for these court records, so people have reliability that we can ensure that any records we put in here are indeed verbatim, are indeed records that we can trust, are indeed the signature—the electronic signature can be trusted that it came from the right person.

But as little—or as long as 15 years ago, I should say, we were audited by Canada Revenue Agency. They came in to look at our records, and, usually, when CRA came in, they would ask to see your paper files, and they would go through file after file after file, looking for particular documents. But this time they were in the future, and they came in and said, we want a copy of your general ledger, because we know that you have an electronic database. We know that you have all your records in electronic form, and we are now able to take a copy of your general ledger in electronic form, and we can take it back to our offices, as opposed to spending time in your offices here and taking up your time. We can take it back to the CRA offices in Winnipeg, and we'll go through it there and we'll run it through a filter system.

Well, that's all very well and good, Mr. Speaker, but I'm sure you know that computer systems don't always talk together, and I think that will be one of the challenges in this particular act here, is how you get computer systems to talk together in a viable form.

So it took me quite a while and quite a bit of money, I must say, in order to extract that general ledger in a form that the CRA could read. And so we did that finally, after much time and much money and burnt it onto a CD and gave it to the CRA



representative, and he took it away. And we didn't hear for quite a while. In fact, a couple of months—took a couple of months before they called back and they said, we found a problem. At that time, our business, you know, had several million dollars in sales, but they said we found a cheque for \$100 million and then a reversal. Well, it just so happened that one of our keypunch operators was very fast on the forms—a little few—too many zeros in there. She was punching away entering the cheques and cancelling them, and she added a couple of zeros, so—because we'd certainly never written a cheque for a hundred million dollars.

But that did fall out in their data mining in there, and they said this is outside the parameters of what we might find 'acceptable'. It was outside of our parameters of 'acceptability' as well, Mr. Speaker, but—and, certainly, that was just an error. So, interesting things that show up when you're data mining, but this particular act is interesting in that regard, and I guess the security is one of the critical issues here that we do need to make sure happens.

And so it's very important that the public of Manitoba understands that their records will be secure. You know, and sometimes there is a considerable cost involved in making sure that those things are secure, but we can look to other organizations and see how they have done it.

And I think this is a challenge to all government agencies on how it can possibly be done, because we have medical records that I'm sure someone will speak about today, that, you know, we've been working on trying to get reliable medical records for years and we have not been able to get that in an affordable form; in a form that can be accessible; in a form that the public can rely on; in a form that the medical doctors and nurses can rely on.

And certain the money that has been poured into that type of thing is rather large, Mr. Speaker, so I do have a concern about the type of money that's going to be put into this type of thing, but we can look to the commercial organizations. And if you have ever bought anything online—and I'm sure many members of this House have gone on their computers and found something online that they might want to purchase and they've gone through the process of doing so, and you choose your province and your shipping and put your address in, credit card or other methods of payment, and it all works. And, eventually, usually very quickly, whatever you ordered online shows up at your door.

So they figured out a way, Mr. Speaker—in a profitable way, to manage electronic forms and electronic records and electronic access, and it works in a viable way. And I do have a concern with the way that gov—this government has spent money and plans to spend money, that this will not be an affordable way to have these records secure.

So we can look—and if you—Mr. Speaker, if you do go back, maybe, to one of those online stores that you purchased something on, when you go back and you look at something else, they would say, welcome back, because they know you were there. They know who you are and they know that your records are secure and they know that—what you bought last time, and they might even recommend something for you.

So, in the commercial workplace, those types of things exist. They are viable, they are affordable and they're put in place, and they are profitable for these companies. I'm not saying that this type of a thing needs to be profitable for the government, but I'm saying that there are ways to manage and control electronic records so that we don't blow the entire budget of the government on this and reinvent the wheel, because these things do exist.

Now, this is a little bit different. Electronic records in the justice system and people have to be—have to have a great deal of comfort that their records are reliable, that they are accurate, that they are correct and they are—correctly represent what they plan in terms of an affidavit or a declaration or a statement, it is indeed what they did and what they said and that the signature, of course, has to be acceptable in an electronic form.

So we do have to have a level of trust in this. I'm sure we can do that. We do it in the rest of the world so surely we can do it here without reinventing the entire wheel, and I do hope that the government does not intend to program this in its entirety because I'm sure there are people that you can—well, not sure. I know there are many people out there, Mr. Speaker, that have a great deal experience in this type of a world, and they would be more than willing, I'm sure, to show the government—probably for a fee, but how it could be done.

And that type of thing would be much more accessible and much more reliable perhaps than something that we might program in the back room here, because we can't always attract the best programmers but they do exist worldwide. And, you know, I—that is one thing that we do have a bit of

concern about as well in terms of where are you going to store this type of information. There's lots of talk now about cloud computing.

\* (15:20)

We did see recently that MPI was going to have a data centre and they did—went out to tender with that particular data centre, and then they cancelled that tender and they awarded it to a particular organization that has their data centre not in Manitoba, but in other provinces and, in fact, in states in the United States. So we lost a data centre here.

We've lost some other data centres, as well, but this type of information that we're talking about saving here and storing and making sure is accessible does take up a great deal of space. If you think back to that 16 kilobit drive that I spoke about that was some 18 inches across, doesn't store a lot of data. You can now buy a 2-terabit drive for as little as \$150, and that you can take with you, Mr. Speaker. So that storage is fairly inexpensive. That has come down dramatically, but this is a serious amount of data that we're talking about here. There's a lot of data storage here, and it needs to be accessible in real time and it needs to be available probably 24-7 is what most people would expect.

And, you know, there was—in the early years of data mining and storage, there was a grocery store in the United States that decided that they were going to store data of what their customers were buying. So they issued client cards like many of you have in your wallets now. And I know we all have too many of these particular cards that identify us as a valuable client of that particular store, but this was one of the first ones of those.

So you got this client card, and you went through the till at the end with your groceries, they scanned your card, and they scanned all the bar codes on the bottom of the groceries. This was a fairly new thing, too, the bar codes and the scanners. And they started to store that data, and they thought, you know what, we'll store this data, and we'll see what people are buying. And maybe it will help us with our purchasing. Maybe it will help us with having specials. Well, the difficulty was, Mr. Speaker, this was a particularly successful grocery store, and after two weeks those servers were full; they were actual—absolutely stuffed with the data of two weeks of data from purchases from customers, and this was far more successful than this company had ever anticipated. So it—they pulled the plug on

that program—said, we can't do it right now; we've got to go buy more storage.

And at that time storage was quite expensive, and you had a series of computers all hooked up together because they were doing it themselves. And that tends—that's why these processes like this get expensive, because you start with the process, and you think, well, we'll do it ourselves and we put a few things in place and then you find out that you're overwhelmed. And customers are not necessarily patient; they want immediate responses. And you've told them that this is an important thing and they might get some benefit from it, so they want to use it. So two weeks in this company found that all their data storage was overwhelmed. They had to go buy more computers; they had to hire more people to run the operation; and this was not what they had budgeted for.

So I guess there is a fear there, Mr. Speaker, when we talk about the government doing these things that they make sure that we need to know how this is all planned out and that we can indeed afford to do these types of things. But in this regard there's a question of can we afford not to do it, because there is an expectation out there in the public that you will have access to your documents. And the court system here—we've told that we've been told time and again—is behind in some of these things, and this is an area that we would like to see them, I'm sure, move ahead in. But there may be the expectations of the public are far above what we're able to provide for them, because I think when you look at something like this the public starts to think, hmm, electronic documents are now going to be accessible in the court system. Okay. That's fine. So they should be able to accept all of our electronic documents, and I should be able to send them in.

But then that is—you know, that adds a level of complexity to this, because those documents need to be compatible with what the court system is using. They may be on other platforms. They may be in other formats. They may not look like the court system wants them to look. So I guess there is a problem there in the terms of what the court system wants them to look that—like, and there will be some specifications, I'm sure. But the public has an expectation that they will be able to do some of this through their lawyer themselves quickly, as they can do now in the online world. Not only that, but I think when we talk about electronic documents we will have an explanation not only that the documents for entry into the court system are accessible and

deliverable electronically, but we will also have an expectation that the documents coming out of the court system will be accessible electronically. And I think that is the biggest expectation here, Mr. Speaker, that the public expects that court documents will now be accessible electronically, and why shouldn't they be?

I mean, I went looking for some court documents as recently as last year, Mr. Speaker, and I have to say, I was shocked and appalled when they told me the cost per page that it would be to photocopy and produce those documents for me. And it was going to be in—not just in hundreds of dollars, but in the thousands of dollars for that to happen. And I said, well can't I just access it online? Can't I go look at—don't you have an electronic copy of this? Can I come into the library and read it online? No—no, we don't provide that. And I was shocked that that was not available, and I think most Manitobans are shocked that it is not available, and, indeed, may not be made available through this particular act, because that is an expectation.

When you go on now and you do a literature search—very few people actually go to the libraries anymore to pull out the hardcopy of the periodicals that have the particular literature that you're looking for. Most people now do an online literature search, and if your literature is not published there, then it probably doesn't get read unless you know that there may be a particular—a publication, a particular section of nature that you were looking for, for instance, in terms of that periodical, that you could go to and look that up. Most of those things are available online for a cost, Mr. Speaker. No doubt, for a cost. And that may be something that we need to look at here.

If I need to look at a particular document that—well, let's say, some of the hearings we've been having for Phoenix Sinclair. If I wanted to look at what was happening during the day, should I not be able to go online and read what happened that day? I think that is an expectation that Manitobans have going forward.

Should I be—should I have to pay for that? Well, probably, because if I want to look at a refereed article, I probably—I have to pay—well, in fact, there's usually a couple ways I can pay it. I can pay to rent it, and usually that's a much lower cost. It might be as little as \$3.50 or a dollar, or something of that nature. And it usually gives me a window a time where I can read that periodical, see if there's

something that I need in it. I can't copy it, I can't print it, but I can read it. So that's the rental part of the periodical side. And that may be something that we need to look at here, Mr. Speaker.

Of course, and then there is the side of, I want to actually purchase this periodical or this document and I want to be able to produce a hardcopy. And that, Mr. Speaker, is often more; sometimes \$35, sometimes you have to buy a subscription, and those are all detailed online.

So, again, those are things that the government needs to look at, and that puts them into the realm, Mr. Speaker, of online purchasing. And we talked about online shopping—that's the same type of idea, that you need to be able to go in and create a record for how you're paying for this, whether it be through credit card or through some online service. Obviously, you can't issue a cheque online. You can transfer money easily online, but that's probably not something that the government is going to look at. So those types of things are something that the government all has to look at, as how—if they have this type of an environment and they're going to allow this and they are going to charge people for it, how are they going to work through that charging process? How are they going to take payment for this type of thing, it—if that is an area that they're looking at?

And I do recommend that they look at something of that nature, because I can understand if I am in the court system—and I've been fortunate not to have to do that—but if I'm in the process of filing affidavits or looking for the court records, if I am intimately involved in that as a lawyer, as a defendant or a plaintiff, I might not have to pay for those documents. But, if I am an outside agent that is not directly involved in that, I may have to pay for that. And that is, again, something that the government is going to have to be able to discern. If you have a lawyer or if you are a lawyer, what is your access to these documents? Is it a different type of access than the general public has, or is it the same type of access, Mr. Speaker?

Because I think that something like this could go a long way to creating more open government and a more open perception of government, because, as we know, perception is often reality. And access to the courts in Canada and in Manitoba is something that we do need to change in how accessible it is.

\* (15:30)

We have to—I think the more that people understand those types of things, the more they're able to access them, the more they're able to read them, the more education they receive. And that is a type of training—a type that is just invaluable, Mr. Speaker. If you go through and you read court documents, eventually you will learn something. And I know they're—from my perspective, not being a lawyer, I've had to learn a lot of terminology, and I'm still learning the terminology and I use it erroneously sometimes but trying to find the right words for the right thing, and sometimes those words don't mean a lot to the general public, but they do to the legal profession. Just like any other professions, they have particular words that are used in their environment and it is something that the public may or may not understand. But, if you had access to these documents, it would help with that education.

We have, you know, classes coming here to watch us in what we do here and sometimes they're shocked by what they see here, but it is an education in the parliamentary system that they are seeing. And when I've spoken to them—I know I've spoken to you about this, Mr. Speaker—I often say, when they come to watch question period, that, you know, some of them may be in drama in their particular school and I've said, what they—what you've seen in question period is theatre. It is much like you do in drama class or in your theatre. Some of it is posing, some of it is acting, some of it is over the top at times, but it is theatre and we do act differently in question period than we do the rest of the day, as we see here today, you know. And at the end of that question period I say often we do speak very civilly in the back of the Chamber here to government members or vice versa, where we're trying to deal with an issue of a constituent.

So those are all part of the education process for our parliamentary system, Mr. Speaker, their exposure to it, and I think that—excuse me—the electronic documentation would go a long way to helping to educate the Manitoba public about our legal system, not to say that we're going to create people that are maybe lay-lawyers or whatever, that are going to defend themselves by themselves. We don't necessarily want to create that, but you always do hear and see of people wanting to do that, you know. But I think it would give them an education into the process of the legal system so that, when they are talking to their lawyer, that when they are engaged in the legal system, they will have an idea of what they're getting into, and electronic

documentation—I do believe in accessibility—is a critical part of that.

While this document here, the legislation does enable the courts to move ahead on the electronic side, I do wonder on the cost side and I do wonder on the availability of it, if it is indeed enough. It's a start, Mr. Speaker, and, as I said, one of the big questions was, well, really, what took so long? Because we've had this in other areas for years and years and years, and now we're just starting to move that way in this process. And then it becomes a question of which is the correct legal document. Is it the paper document? It is the electronic document. I believe the answer I did get from the Minister of Justice (Mr. Swan) was that, if there was ever a dispute, that it would be the paper document.

But then that begs the question of when do we make the next step, that the electronic document does become the true viable source, the only and one only source of a final, you know, arbitration of which document is correct and who can change that document, because if you go to some of the online encyclopedias, they are not necessarily accurate. And they are open texts, where you can go in and you can start an encyclopedia entry and anybody else can edit it, and I don't know if you've ever read some those, but sometimes they are quite erroneous because anyone can come and edit it. And that is the concern that some Manitobans will have, I'm sure, is in the security of this system. They want to make sure that these documents are secure, that not anyone—just anyone can go in and hack into the system and edit it. So there is a question of certainly the security on that side, Mr. Speaker.

Are you going to have limited access to these systems? Do you have to pay for access? Do you have to buy a dedicated line or, indeed, do you have to travel to a particular court office in order to access this? So the more limitations you put on it, Mr. Speaker, the less usable it is but, of course, then the more secure.

So opening it up to access is, I think, a 'critical'—critical aspect of this particular act, Mr. Speaker, that would be useful to Manitobans. But, again, the more open you are, the more security concerns you have. And, when you're talking about legal documents, when you're talking about health documents, the public does have a need to know that those documents are secure, that they are accurate. They must be accessible, yes, but there should be a limit on who and how can access that.

So all those things are very critical issues that we need to deal with in this particular act, and I'm sure the government is going to give them some thought as we move forward, Mr. Speaker. And we will probably hear more about this as we move along.

So I think with that—I know that I have other colleagues that have other views on this particular act and one just waiting to go here, Mr. Speaker. So I will sit down and allow other members to speak to this.

Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise—I gather the government has nobody else who's interested in speaking on this bill.

It is clearly important to be able to move increasingly to the use of electronic records, but it's critical that we do this in a way that is affordable, make sure that our system works, ensures things like privacy and security. And, as a result, when one looks at this bill, certainly the overall direction to move to accepting electronic records is a good one, but it would have been better in this bill to have a few more details, a larger framework, as it were, provided so that we would have some better guarantees or assurances in a number of areas.

In section—for example, many of the sections, starting with 26(3): The court may create, sign, collect, receive, store, transfer, reproduce, 'distribuse', publish or otherwise deal with electronic documents in according with the regulations.

Well, Mr. Speaker, one of the areas which is not clear that it will be in the regulations, and not established as part of the framework here, is the issue of privacy, where privacy is needed. And, certainly, one would have expected that there would, from the Minister of Justice (Mr. Swan), have been some framework which talks about the issue of privacy and ensures that there are standards related to privacy.

Obviously, some documents should be widely available when needed, but other doctor—documents, privileged communications or individual communications, that there needs to be a standard set for privacy and what sort of guarantees that there will be where documents are private, that they will remain private.

So I would recommend that the minister have a look at this area and make sure that there is an appropriate framework. And I would suggest it

would be smart to have that framework at least alluded to in this legislation.

There have been examples of people sending emails and getting the lettering of—or the numbers on the emails wrong and it going to the wrong person. You know, there can be a variety of reasons why documents which should be private are not kept private. And, clearly, this is something which there should be an overall statement for.

This is particularly true when documents electronically are much more easy to copy and to widely distribute than documents which are on paper. And that is both a good thing, because it means that whatever is put electronically has the potential to be more widely available, but it's also potentially a bad thing in terms of if you have documents which are designed to be private, it's much more easily that they can be spread.

\* (15:40)

Second, when we're talking about electronic documents, again, it's much easier to have those documents altered electronically. And there needs to be assurances when we are dealing with documents that what is the original how can we be assured that the document hasn't been altered electronically. And I think, again, this needs to be something which is dealt with in the framework of the documents. And it deals with one of the matters that was alluded to not very long ago, and that was the matter of right now the reference is back to a paper copy at the time when we're actually working with a reference back to electronic copy. How do we ensure that that electronic 'copy' is the accurate copy of the document and that it hasn't been some way been tampered with? How does one detect or have precautions with tampering of documents and so on?

The filing of documents—one of the issues here when we're dealing with filing of documents and sending of documents is that it happens, not far too often, really, that systems are down. We experience it from time to time in the Legislature when, for reasons which are not entirely always clear, documents which are sent are not received. In the Legislature, occasionally, documents which are perfectly good documents end up in junk mail or somewhere where they shouldn't go or just never arrive to start with, and the explanation when one tries to chase it down is sometimes obscure. So, clearly, one of the things which it would need to be if you're filing documents is that there be requirement for confirmation that the document has been received

and filed back to the original person who filed it and with the 'ascertainment' or the assurance that that message of confirmation would be a valid message. And so, that is something which, again, I would suggest needs—is important enough that it should be referred to as part of what the framework or the regulations need to deal with.

We are—the government is working at the moment with privatizing a whole series of electronic documents. These are electronic documents which deal with land titles, and the government is in the process of handing the management of these documents over to a company called Teranet, and this contract, as I understand it, is for about 30 years. Well, in terms of managing documents, the government nowhere in this legislation talks about, you know, to what use these documents can be put. Can they be privatized by the government? Can they be sold off by the government? Can the government charge a fortune?

One of the concerns with Teranet, for example, in Ontario, has been that the charges have gone up and are now very high charges with an equivalent—I believe, actually, by Teranet in this case. And so, all of a sudden, people in Ontario dealing with electronic documents are finding that in order to access these documents in some circumstances the access can be quite costly. We've already heard some discussion of this, but my understanding that with Teranet in certain circumstances you can be dealing, you know, not with a few dollars, but with thousands and thousands of dollars.

And so there is nowhere in here an adequate framework for ensuring that documents will be available without people being charged excessively in a way that would limit access to justice, for example. When you have very high costs, then it limits access to justice to very few who can afford very, very high costs, and that would not be acceptable. And so, clearly, it would have been highly desirable to put the framework here in this in terms of moving to electronic documents, which provides to the public and to Manitobans some level of guarantee that they're not going to have to pay a fortune for documents which they used to be able to access much more readily and to which now it is much more difficult.

And so, I mean, we know this government is short of money because it spends and spends and spends and doesn't know how to spend very wisely a lot of the time. But what is critical is that we don't

get into situations where this government is going to start charging Manitobans to excessive levels for documents just because it's now moved to an electronic format.

So, with those comments, Mr. Speaker, and, hopefully, we will have more comments at the committee level, and, hopefully, with some amendments to this legislation to improve it, this can move forward. And, of course, I look forward to hearing the discussion and the comments at the committee stage. Thank you.

**Mr. Cameron Friesen (Morden-Winkler):** It's my pleasure this afternoon to have the opportunity to put some comments on the record with respect to Bill 8, The Provincial Court Amendment Act, and I appreciate the comments that have already been made by my colleagues, including my colleague the member for Brandon West (Mr. Helwer), who has given us a lot to think about this afternoon with respect to this proposed legislation.

Mr. Speaker, as has already been noted this afternoon, our legal system in Manitoba, while absolutely imperative, can operate with barriers. There can be many, many barriers to prohibit the system from functioning correctly, from actually delivering justice for Manitoban citizens and businesses and corporations and individuals. And those—and electronic issues can number among those barriers to the system.

Mr. Speaker, first, of course, we know that time can be a barrier. As Manitobans seek to access the court system and to bring forward an action, or perhaps an action has been initiated against them, and they're going through that process, the first realization for anyone working through our court system is that justice takes time.

And, Mr. Speaker, I have to think about my son, who visited the Legislature just yesterday. And my son's class from one of the Morden schools, the Morden Collegiate, they had the opportunity yesterday to visit the Legislature, and I appreciated having him here in the gallery this afternoon. I don't know how much he appreciated me waving up at him from my seat. He's at that age where it's just not cool for Dad to be doing anything; anything he does or says might be an embarrassment to this 14-year-old. But the class also had the opportunity, previous to visiting the Legislature, to visiting the courts just across the way on Broadway here. And this class of grade 9 students had the opportunity to sit in on actual court proceedings.

Now, first of all, I have to indicate that my son said he did not see 12 lawyers representing the provincial government. He was a little disappointed that he didn't get to see that proceeding, in particular, taking place, where there was an affidavit, and, I think, an action being served against a number of ministers. But, in any case, he was hoping for something very memorable. And, actually, he told me later he was a bit disappointed because he was hoping to see something really good. And I shudder to think—I says, well, I mean, what's good? He says, well, some of my classmates, they divided us up, and they got to see a really interesting thing. And he said, all I got to see was an aggravated assault. I said, well, that's a very serious issue.

And I really appreciate that fact that his teacher would put students in that really authentic situation. They study this. They know it in theory. But to have the students have that opportunity to go into that court proceeding and sit there and understand that this is real and it has implications for Manitobans, I think it's a great way to learn, and I know that my colleagues would agree.

But, with respect to yesterday's proceeding, he says, well, here I was. He says, and I was watching a proceeding on an aggravated assault. And the first thing my son shared with me, that, he says, he couldn't believe it that the action in question, that the charges had been brought up on actions that had been performed in 2008. And he could not believe that we are in a situation where, in 2008, there had been criminal activity, and now, in 2013, this individual is being tried for that crime. He could not understand how this could take so long for justice to be served. And I noted that yesterday. I thought to myself, you know, it's true; it takes an awful long time.

\* (15:50)

And, as a matter of fact, Mr. Speaker, as a former employee, as someone who worked on the federal side of things, working for a Member of Parliament at one time in my career, I was working for a Member of Parliament exactly at the point in time where the federal government was bringing in legislation and, indeed, passed legislation that would limit credit for time served for someone who was perhaps awaiting sentencing.

So it's very common in our system because that interval between charges being laid and the court date and then the penalty being assessed, that time can be so protracted that courts got into this habit of giving judges the ability to assess a kind of a credit.

Even if you were found guilty, they'd say, well, listen, you've been in the system a long time, so we will give you—now that you've been sentenced, we will give you credit for time already served in the system, and now we'll allocate a sys—a sentence that will essentially reduce the amount of time you still have to serve in the system before you're released.

The problem with that, of course, is it was a troubling message to send to perpetrators of crime. They'd say, oh, I'm already out. And so at that time, there was a recognition that this was causing problems. There was some very effective legislation brought forward, and they managed to pass that legislation that reduced time—credit for time served, doing away with a 3-to-1 ratio of credit being given and doing away, in many cases, with a 2-to-1 ratio of time served to try to limit, to say, listen, you won't get additional time factored in, measured in and then subtracted against the sentence that you must serve as the penalty for the crime that you have committed.

So, Mr. Speaker, we understand that there are already in the system considerable challenges to our legal system just because of time issues. And, of course, we know there is also considerable issues having to do with access.

And I know in this Legislative Chamber, I have stood on many occasions and I know I have put comments onto the record talking about the considerable challenges we have in our health-care system when it comes to access. As a matter of fact, Mr. Speaker, only a week ago, I had the opportunity to rise and to make my colleagues aware of the fact that the Conference Board of Canada just issued a new report scoring jurisdictions according to how they were faring in delivering health care for Canadians. And in Manitoba—Manitoba received the lowest score in all of Canada when it came to accessibility to the system. There were a number of measurements used to establish that score, and I had the opportunity to bring up that issue and to say to my colleagues here in the Legislature surely more had to be done to reverse this trend.

But here, in Justice, Mr. Speaker, it is clear that the same trend is evident, that we have backlogs into the system. We have huge problems with accessibility, with people being actually able to drive an action forward or to get it performed in a reasonable amount of time.

And, Mr. Speaker, as Justice McLachlin has stated, when trials are delayed, justice may be denied. Witnesses forget, witnesses disappear, the

quality of evidence deteriorates, and accused persons may find their liberty and security limited much longer than necessary or justifiably. And that's what Justice McLachlin said about what happens when individuals don't have accessibility to the system.

And so, Mr. Speaker, we understand that even our Charter, under section 11, requires that an individual be tried within a reasonable time. And we know that, with the backlogs in our system, the ability for individuals to have an action taken forward has diminished over time, and it's troubling to think about how long those backlog times have become within the system.

And, Mr. Speaker, not only do we have challenges in our system pertaining to time and access, we have, of course, costs that—costs being a factor in our system as well.

As a matter of fact, I happen to know a lawyer who has a very interesting career path. Earlier on, she was actually—she served in a bar, and in the beverage room she would offer—and not at the bar, but in the bar—and so it's interesting to see how her career path was one that led from being in the bar to one that was at the bar. In any case, she used to—being a very clever person and a person with a lot of wisdom, she used to dispense her wisdom to people who were in trouble. And, of course, in that situation, you find yourself in very interesting circumstances, able to talk to people who perhaps have left their—let their guard down. And she would find herself in these situations and talking to people and saying, well, here's what I would do if I were you. Eventually, people started to say, you know, you have such a good grasp of this, you should actually, you know, become a lawyer. And, eventually, she decided to do it and she wrote her LSAT, she went to school, she passed the bar exam and she became a lawyer.

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

The reason I tell you that story is because she—coming from a very different kind of career background, she always was very sympathetic to the idea that everyone should have access to a lawyer. That not just the rich should have access to a lawyer but that every Manitoban should have access. And it's really interesting to see how in her practice that has come to be known. And her clients testify to the fact that she sets up fee structures and in such a way that they are able to access legal representation. I think that's just such a noteworthy thing.

But, Mr. Deputy Speaker, because I see you've taken the Chair just now, we have all of these kind of inhibitions that work against justice taking place. And, as my colleague the member for Brandon West (Mr. Helwer) has said today, certainly what this bill does is it talks about another kind of way in which Manitobans can fail to get timely access to the system. And that is simply right here, through the way that documents are rendered to the courts, the way that documents are handed in. And I think what this bill is doing, albeit too—well, later than many other jurisdictions, is it's setting out to say, well, let's speed up the process by which that could take place.

And, Mr. Deputy Speaker, that is only reasonable, it is long overdue and I think the best question can be asked of this minister is, what took you so long? So we're pleased to see the government finally moving forward on a bill that would allow the filing of documents to be done via electronic means.

We see all over our system—we see in the private sector, we see in the school system and in higher education, that so many groups have moved more quickly to avail themselves of technologies to help speed things along. And there are many things, in fact, that we can do to assist the efficiencies in the system. We've already established that we have huge backlogs in our system and, certainly, any actions that could be performed to speed up these processes should be entertained.

This minister should be talking to his colleagues in other jurisdictions and saying, hey, what is it that you did there and how could we accomplish that here? He should be talking with his deputy minister and with his ADMs and having them go out and investigate what has successfully been able to be done in other jurisdictions, and then looking to incorporate those things here in Manitoba.

Indeed, this minister probably should be setting that standard and going out and saying, I won't wait for everyone else. I'm just going to proceed, even ahead of the curve, to get that done.

So, in any case, we are pleased to see him bringing forward this legislation now. But as a number of people have already stated this afternoon, there are important questions to be asked about this piece of legislation. There are important provisions of safety to be put in place. Important safeguards, checks and balances that must be in place to ensure that Manitobans are safe, that the integrity of the documents that—are not compromised and that in—at the final analysis, it will in fact do what it—this



measure is intended to do; to speed up processes, to ensure safety, to get things done faster and more efficiently.

I just mentioned that we've seen many other areas lead in this way. I mean, I think about the school system, and as a former teacher, I see how even in public education we've had so many initiatives to adopt technologies and bring them into the classroom.

You know, Mr. Deputy Speaker, I was still one of those teachers who, in my last year of university training, I think I remember taking a course that had to do with using technologies in the classroom. And I know that the member for Gimli (Mr. Bjornson) will appreciate this: I remember training on how to use an overhead projector and training on how to use one of those slide show things—I don't even know what you call them anymore. I was one of—probably one of the very last cohorts, one of the last classes that actually had to train on technologies that we would now smile at and we would find them quaint and we'd find them outdated.

\* (16:00)

And, of course, now we go into our children's classrooms and we see SMART Boards and in—all over the place. It doesn't matter where you go all across this nation, all across North America, all across G12 nations, we see the use of laptops and tablets and we see SMART Boards. And these things are meant to drive learning to become, you know, vehicles that can assist learning and to make things efficient. It doesn't replace any kind of actual learning, but they are things that can assist, just as in this case this is a technology that might assist us.

We know that, in other areas as well, I mean my colleague has already mentioned right across the private sector, we have every example of private industry driving technology into the workplace, into commerce, making sure that these technologies serve customers. And, of course, in the private sector, they understand inherently that there need to be protections drawn around the enterprise to make sure that it will not compromise data. I think back to the time in which electronic banking was introduced, and I actually believe that was a—it was a federal government technology; it was actually a US military technology that was simply applied across the spectrum to—and found an application in banking.

And, of course, there were all kinds of complaints and concerns, from the outset, that this

would—it would be uncontainable, that we would not be able to assure clients that the electronic data could be safely stored. But there was—I can't image behind the scenes the heroic efforts that were made to ensure those kinds of safeties and provisions, and, indeed, they were made and we all enjoy electronic banking at ATMs, and now, of course, that whole principle has been extended. We bank online, we bank from our electronic devices, and every day that technology is changing and growing and evolving. And we have confidence as drawn around how the industry has been able to protect us and protect those things.

I even think back to my recent conversation with the head librarian at my local library, the South Central Regional Library in the Morden and Winkler and Altona area. I believe they're running a satellite library now out of Miami. I was speaking with the librarian a while back and she was telling me about using my e-reader to actually be able to access books. And I'm more of a tactile guy, so I still like to walk into my local library, and if I can't get the right book, I'll actually go and request it from another library and they'll send it over. And they do a great job of making that available. It's a real success story, about how a regional library has been able to maximize efficiencies and make books available to Manitobans.

But I have to tell you, Ms. Toma was kind of teasing me because she was suggesting that I wasn't with the times, and she says: Well, don't you have a tablet? And I said: Yes, I've got a BlackBerry PlayBook. And she says: Well, why aren't you using your e-reader and get an electronic ID set up and start to access books online? And I said: Well, but then couldn't I just take out books indiscriminately and keep them forever? And she laughed at me and said: Well, no, because the book ages off—just like you would check out a real book, if you check out an electronic book, you'll have a licence for three weeks, it will expire, and the book will disappear. And I thought, wow, isn't that a great way to incorporate technologies?

And, of course, Mr. Deputy Speaker, when it comes to rural areas, and I know you understand this, representing a rural area yourself, that becomes a huge issue of access. That's a very important thing and a very valuable thing.

So, Mr. Deputy Speaker, I guess, then, the question we ask, of course, is: Well, what's taking this Minister of Justice (Mr. Swan) so long to incorporate even the most simple electronic steps in

helping to move along the processes in the justice system?

Mr. Deputy Speaker, what I would want to put some comments on the record, though, about, in particular, would be the need to assure Manitobans of the safety of the system, to safeguard it against electronic e-snooping, against unauthorized file access by groups or individuals, and the reason I mention this is because this government does not have a good track record when it comes to verifying and maintaining that kind of data in a safe and secure manner.

We have only to look back so far as the last year to know that the Manitoba Ombudsman investigated a situation that was brought forward, a complaint brought forward by an individual in our system who said that while their daughter was receiving care from CancerCare Manitoba, and going through all of the trouble and the trauma that a diagnosis of cancer brings to a family, and for those of us who have ever—those people who have ever had to deal with an instance of cancer in the family, they understand how devastating it is. But this family also had to deal with the fact that they became aware of the fact that an individual within CancerCare Manitoba was improperly accessing that individual's health records. They were snooping. They didn't have any kind of responsibility that was assigned to them. They had no association with this person's file, and yet they were snooping. Why? Because they knew the individual. And this individual, of whom I spoke, became aware of this. She reported it. It was only at that point—she accessed the files, she went through the data—she was able to ascertain the identity of this person, and she brought that information to the Ombudsman.

And the Ombudsman investigated the situation; he came back and reported that Manitoba did not have enough protections for individuals when it came to assuring protections around electronic data. As a matter of fact, what happened was that the kind of penalties that could be assessed against individuals they didn't extend far enough. Oh, sure, they extended to the point where if an individual had illegally accessed or improperly accessed the data and then they had disclosed it or they had published it or they had printed it and shared it in the community, but the very fact that they had accessed it was completely unacceptable. It was tremendously troubling for the family and it was heart-wrenching to see information disclosed about their daughter's medical condition in the community.

Mr. Deputy Speaker, what's clear with respect to this bill is that every protection and every effort must be made to bring protections around these things to make sure that the same mistakes aren't repeated. And I do have to indicate that I'm concerned about the silence that I see in the wording of this bill when it comes to the kinds of protections that would be offered to Manitobans to guard against exactly that kind of improper access or that kind of illegal accessing of information. And I would strongly challenge this minister to build in those protections. And, perhaps, there would be even a way here for us to entertain a friendly amendment and work with the minister to ensure that the same mistake that was made previously isn't made again, surely, that we would learn from our mistakes. And I would welcome an opportunity to speak with the minister about building protections into this bill that would assure and give the level of assurance to Manitobans that, yes, moving forward with a system to render documents to the courts electronically would not raise concerns about electronic and improper snooping.

I know I've got other colleagues who want to put comments on the record this afternoon, so I will conclude my comments soon. I did want to just also mention that another way that this bill could, of course, help us is that it could guard against human error. And I know that my colleague put on the record comments about the fact that, you know, human error can result in some big problems in our systems. And, certainly, when it comes to court proceedings the electronic rendering of documents could help to guard against that kind of thing. There's a number of reasons why this bill might have merit, but, Mr. Deputy Speaker, as I mentioned, we also must proceed cautiously.

We must proceed reasonably, and I'm hoping that this minister has his ears open to hear some of the good comments being made by my colleagues this afternoon so that we can work together to strengthen this bill to make sure it's something that could be useful, helpful and valuable for all Manitobans.

Thank you, Mr. Deputy Speaker.

**Mr. Ralph Eichler (Lakeside):** I was hoping that, perhaps, the government side would want to get up and debate the bill. Obviously, they are not energized enough. Maybe they need to be woken up. Maybe they need to be just shaken a little bit. Let's get to work. I know they slept through January, February

and March. Maybe this will be their opportunity to say, hey, I'm ready to get to work, I realize that the Bill 8 was brought in by the government, and maybe we should debate that bill. But, obviously, they don't seem to want to do that, unfortunately, but this is a vitally important bill.

In fact, when we look at the bill, this is a bill whereby we're going to modernize the court system. We're going to be able to move through some more cases in a timely manner. We're going to be able to look at those things that's going to help those cases move forward in a very timely manner.

\* (16:10)

And whenever we look at any legislation, and we've said this time and time again in the House, at least we've been calling for consultation in regards to what makes the bill better, what makes the bill stronger, what is going to be the impact. And we know that whenever we do those types of things, we're going to be able to, in fact, have the best legislation that is in the province of Manitoba.

But it seems as though that we're followers and not leaders. And that's evident. In fact, I want to just look through here real quickly. I believe that we are—yes, Alberta Court of Appeal began permitting theirs in Alberta in 2008. British Columbia began using it in 2005. The federal court began using it in 2005. And the tax court began their e-filing project in 1999. And Saskatchewan began using it in 2010.

So we question, where's the leadership? Where's the government going to step out of their comfort zone and lead by example rather than following? And it seems to me, very clearly, this government, by not wanting to call the House back in a timely manner, is a true indication they don't want to be leaders. They don't want to be able to stand up to Manitobans and say, we really want to make this province better. We want to be able to say to Manitobans that this is what is truly best for our province.

In fact, I know the member from Steinbach brought forward several pieces of legislation, some of which the government saw some credit to, and took the member Steinbach's legislation and brought in their own, just copying that very same legislation. One of them very clearly was the ankle bracelets, which we debated in this House a number of times. And we know that it's done a lot to prohibit thieves in order keep better track of them. And when we look at Bill 8 in regards to what we're looking at here

with the overburden and the courts that are backed up time and time again, it's certainly significant.

And whenever we look at whatever this government says, it's tough on crime. In fact, we don't think it goes far enough. We've talked about several changes to come forward in regards to the criminal activity in the province of Manitoba. We're the murder capital of Canada. What a record. What an opportunity, to say, we're from Winnipeg, the murder capital of Canada. How deplorable is that?

Whenever we look at the opportunity to be able to make sure that we have the safest streets, the safest communities and the toughest justice system in Canada, what are we going to do? In fact, federally, my colleague brought forward legislation—James Bezan, the member for Selkirk-Interlake, brought forward legislation in regards to appeals and what impact that has on families. In fact, we had one that was in Selkirk, here, not very long ago.

And I haven't seen what the government's stand on that is, whether or not they're going to be supporting that. I know, federally, the NDP have said, no, they're not going to be supporting that legislation in regards to making the appeals much harder, in order for them to have to go through the horrifying events that took place in regards to murders. And for the family to have to go through that is totally unacceptable.

So, whenever we get ready to do documentation and e-files on several different fronts, whenever we're looking at legislation, this will certainly be a step in that direction. In fact, we know, even here in the House today, when we look at our papers, just from yesterday, we kill several trees. We certainly see that there's an opportunity to modernize, to make legislation better, whereby we can do more through e-files.

In fact—but we have to be careful. We have to be ensured that those documents that are filed through e-file will be secure. In fact, we know, very clearly, that banking information has been cracked. We have to make sure that we do our due diligence in order to make sure that those files are, in fact, protected.

But it will speed things up. It will speed things up in a way that, hopefully, we can get to some of the backlog that's being held up in this province. In fact, the Manitoba Bar Association has told us that further resources are not provided in the courts and that these delays remain. Cases in our province may start being dismissed for this very reason.

So that would raise a red flag to me that's saying, maybe we should've acted a little quicker. Maybe we should have got to the legislation a little bit sooner. We—as I talked earlier, we had other provinces that certainly led the way. I challenge the government to be more proactive, to do more research in regards to what really is important for Manitobans in order to cut costs, in order to ensure that those found guilty of crimes, that they be having a fair trial, first of all. We're all presumed innocent until proven guilty. We certainly have examples of that here in the province of Manitoba. But why would we want to be able to hold those back because we don't have enough information in order to make sure that we can get these trials done in a very timely manner? In fact, there is probably not enough judges to deal with these caseloads. And are they staffed properly? Are they resourced in a way that's going have all the information that they need? Rather than carrying boxes and boxes and boxes of information into the courts each and every day, perhaps we may be able to look at that modernization in regards to moving forward.

In fact, for an example, the Manitoba Bar Association informed us that other provinces are putting greater resources at their disposal for judiciary court cases, in fact, they realize that the amount of money that it takes in order to research these is astronomical. We look at what we're doing in regards to making sure that our legal aid system has those same resources as well. In fact, just the other day we saw a case where a individual could not even get a lawyer for legal aid. So what are we doing? What are we doing with those folks that whenever they're trying to get their court case heard, and why are we stalling? Why are we prohibiting these folks to be able to move forward in a timely manner? So whenever we want to be able to do that—and I know the members opposite, they'll have their chance to get up and talk and I hope that they do—I hope that they do. And I know the member from Assiniboia, he wants to get his case under way here very soon and we hope that he'll be able to move forward in that in a very timely manner. I know the member from Dauphin wants to be able to move forward with his case in a very timely manner, but the courts are backed up. What we see here is exactly the fact that the court case is backed up.

So maybe, just maybe, if we can debate these, if they had called us back in January, we might not have been in this position, where they could've had their court case heard already, but they're missing the

boat. They might not have had to wait 'til September in order for their case to be heard, if, in fact, we had the modernization that we had. In fact, this is quite 'arcuric' actually, whenever we're looking at technology, and I know the member from Brandon talked about whenever he was working for the Royal Bank. In fact, I worked for the Royal Bank at one time, too, and I can tell you that I know they were leaders. In fact, the Air Canada Building that the government made a civic contribution to—to move Canadian Tire to that building. Their floor was a state-of-the-art to keep the computers cool in order to address the heat issue in regards to documentation. We know that things have come a long way in regards to ensuring that technology is in fact there. And I know that whenever the member from Brandon was talking about the technology that was in place back then in regards to the Royal Bank, in fact, I know a number of files that were saved when we moved from building to building and warehouse to warehouse, and certainly we know that e-file would be a way of being able to deal with some of these issues without having to have warehouse after warehouse in order to store that documentation.

The thing that we need to make sure of is that the stakeholders are in fact consulted. In fact, whenever we get ready to file these documents, that they're going to be able to be filed in a timely manner. In fact, a lot of this data—in fact, the member from Brandon talked about how we can rent the data rather than having to download it or print it. That's a very significant way of dealing with a lot of this information. There's checks and balances we can put into place in regards to ensuring that data cannot be tampered with.

\* (16:20)

In fact, the pilot project that's ongoing right now, the 'winnifreg' 'pree' press, in their article dated February the 7th, that filing documents in regards to credit protection proceedings involving Puratone Corporation was done electronically. More than 82 separate documents totalling more than 3,200 pages were filed just in that case alone, and I know that whenever we're looking at those pages and the storage of those papers, certainly is time consuming. It takes time to pull all those files, go through them, whereby if it was electronic, it would certainly be a lot faster.

In fact, we understand that the intention of this bill is to apply to only incoming documentations and not the outgoing ones. However, we'd like to see

Manitoba take the lead in regards to 'digical' court documents and develop system to make this technology available on outgoing documentation as well.

And whenever we're looking at our justice system, in fact, we know that our catch-and-release justice system isn't doing our province any favour, you know. And it's just one of those things, unfortunately, if we had maybe a better documentation system, we might be able to get to some of these crimes just a little bit faster, be able to proceed in a way that would be timely in order to get these cases heard. In fact, I believe it's something like 60 per cent of the prisons are full of people that are waiting for their trials in order to come forward.

In fact, in Manitobans, they know by reading the headlines that our province is a violent 'crapital' of the country and also they have the highest robbery rate in Canada. It has the highest youth violent crime rate in despite a 16 per cent drop in 2009, exact. Manitoba also had the second highest break-and-enter rate in the country. Manitoba had the second highest firearms offence rate, behind Saskatchewan, and, of course, StatsCan crime severity index for 2010, which was recently available, states very clearly that Manitoba had the highest increase of sexual violations against children, which is up 28 per cent from 2010 'til 2011.

And, unfortunately, the government's failed to protect our children. We need to ensure that they, in fact, are first priority. We know very clearly that Manitoba has lacked in that regard. In fact, there's another thing that's really also important is that we will have only one 'foristic' psychiatrist that's available, which slows down the process in presenting reports and further backlog in the court system.

So, whenever we get ready to discuss these things, we know that we need to spend our money wisely. We need to ensure that any information that we have is dollars that's spent well, that's dollars that's going to be spent on the technology that we need in order to best serve the province of Manitoba.

In fact, you know, a prime example of that is we have seen the government hire 18 new prosecutors in the past year and backlogs still remain. Legal aid budget was increased by \$1.125 million, being an increase in salaries. So you don't necessarily throw good money at something and expect it to fix the problem.

So we need to do a little more consultation. We need to do a better job of the fact that making sure that whenever we do spend money, it'll be done in a way that's going to be able to cut that time back in order to ensure that whenever we have a court case, it's heard in a timely manner in order to ensure that whenever we get ready to move forward on any of these cases, that in fact it is done in a very timely manner, which would then, of course—you know, we've brought this into the House as well.

Just another prime example to that is personal care homes. We've been using our hospitals as personal care homes. We've been using them to off-load the responsibility that should be, in fact, into a personal care home. We've seen thousands and thousands and thousands of dollars spent each and every day through the mismanagement of this government because they don't want to build any more personal care homes. So they put people in hospitals, which 'backlog'—I know our hospital in Teulon's been closed twice in the last month for lack of doctors. Those people that are waiting to be placed in personal care homes now been—they don't get to see a doctor as much as they should simply for the fact that this government's decided to backlog people that are wanting to get into personal care homes. So, therefore, we have a overload. And, again, it's money that's not being spent wisely.

We're encouraging the government, through Bill 8, that first and foremost that we ensure that they consult with the public in order to ensure that this legislation is in fact what it should be in order to move forward. We also want to hear from the public.

And, as I said earlier, if the government would have called us back in February or March we'd have probably had this legislation through already. We'd have had that opportunity to have the debate. And maybe members opposite—maybe members opposite—would have been able to get up; maybe they'd be able to get up and talk about what they believe in this legislation. The only one that's talked about it on that side of the House is the Justice Minister. Nobody—nobody—wants to get up on that side of the House and say this is great legislation and this is why. They don't want to do that. They don't want to do that, because they're going to have to roll out of their chair. Somebody may have to help them up and say, geez, you better get up and talk about this. But, no, no, they don't want to do that. They want to sit in their chair and chat from their seat, because, my goodness—my goodness—it means the

work. What are we going to have to do? What are we going to have to do? I don't think so.

And I know that, whenever we're getting ready to go to committee, and we don't know how many presenters are on this particular bill, we know that we have hundreds of Manitobans—hundreds of Manitobans signed up—signed up, ready to come and have their voice heard. And yet again we have not heard from this government on what they're going to do. These hundreds and hundreds of people that are signed up to come to committee whether it's going to be 1, 2, 3, 5 in the morning we really don't know. Whether we're going to hear 20, 30, a hundred people a night. In fact, I talked yesterday in regards to Bill 17, and I said very clearly we had 450-some presenters. Number 222 got called the first night—very first night. Is this the type of message—is this the type of message—that we want to show the respect that they deserve? They know very well they work hard each and every day. They go to their jobs, just like we should in January and February. And come out and say to them—and I challenge every member on that side of the House to stand up for their ratepayers, stand up for their taxpaying hard-working people and say to them that we clearly want to hear from you. We will adjourn at midnight. We will hear the first 20 each and every day. We will ensure that the first 20 will be notified by two days' notice, three days' notice in order to ensure that their voice is in fact heard.

What we want from this government is transparency. We want to make sure that our—all Manitobans have a opportunity for their voice to be heard, so we challenge the government to do that. We challenge the government to ensure that, in fact, all members of Manitoba—all members of this House are indeed credible. We want to ensure that whenever we go to the committee on this particular bill and other bills that we'll have that opportunity for that fine discussion that should take place and, of course, the consultation that we talk about so often on this side of the House.

So, with that, Mr. Deputy Speaker, I'll let it move on to the next speaker. Hopefully, members from that side of the House will, in fact, get up. They'll get up and talk about this legislation. So we look forward to it moving on to committee whenever we have the opportunity for members on that side of the House, members on this side of the House to talk about that legislation. So, hopefully, we'll have that discussion in the very near future. Thank you.

**Mr. Blaine Pedersen (Midland):** I didn't want to rush out of my seat in case one of the government members wanted to jump up and put some comments on the record for Bill 8 and The Provincial Court Amendment Act.

And it's rather vague in its description in that all it says is to facilitate the use of electronic documents in the court. Now, what that will actually mean—I guess, I would hope that in committee we would be able to find out just what their plans are. We hope that they actually do have a plan for this and that they're not just putting out another press release with no substance behind it. That's been known to happen on a rather regular basis. But, you know, and if they're in—actually intending on modernizing the court system with electronic records maybe they could do the same in Child and Family Services. Maybe they could do the same in this building here and modernize some of the antiquated systems that we have in this building. And so we would certainly look forward to more modernization, and, certainly, we definitely look forward to some semblance of a plan and a—putting out that plan to the public.

\* (16:30)

But, now, in dealing with this particular bill, we know that there are barriers when it comes to dealing in the courts and one of the barriers is access and cost of it and we know that going to court is—can be very costly and with the legal system, the lawyers involved, we know that there's a lot of people involved. *[interjection]* Well, we know that it took 12 lawyers for the Minister of Finance (Mr. Struthers) just to have a hearing, so we certainly look forward to see how many—I'm sure that number will grow and I—never mind the number of communicators that they had in the room there also to make sure that the message was massaged correctly.

But for the average person that has no working knowledge of the law and it is expensive to hire a lawyer, it's expensive to go through the court system. In fact, a few weeks ago I brought in—introduced a private member's bill and we did have discussion and a rather fruitful, wholesome discussion, in that private members' hour on this private member's bill that was pertaining to court case—court costs in dealing with an appeal in a divorce case. And my constituent who brought her concern to me was—when she described the story of what had happened to her, how her ex-husband had taken her back to court on appeal, and had—her ex-husband had lost the

appeal, in fact, there was no changes in the decision, other than the judge awarded court costs or—yes, court costs—legal costs to her to be paid by her ex-husband, and which he subsequently refused.

And, well, I talked to my constituent last week and I was telling her about what happened in the private members' debate on that bill and, in fact, I talked to her a couple of weeks ago after we had had the private member's bill on the—in the Legislature here, up for debate, and then I actually saw her again last weekend and she has a new twist to this one now. Her ex-husband now has filed for bankruptcy and under Manitoba law, court cases, and in which in her case she has put a lien against her ex-husband's house in order to try and recover this \$15,000 in court costs, in legal costs that she has from this appeal. She filed a lien on her ex-husband's house but now her ex-husband is going to declare bankruptcy. And under the bankruptcy laws in Manitoba, legal costs are dischargeable. She will not have a claim in the bankruptcy proceedings.

So it becomes an unsecured lien, and she was very distressed at this. Obviously, we knew that there was not good relations in this particular case anyway but this has just been further—frustrated her in that even though she has tried to do work under the existing law to try and claim back this \$15,000 in legal costs, she is now—she will be unable to continue with this lien if he, in fact, does claim bankruptcy under existing Manitoba law.

So there is—this is where the court system, the legal system, is—can be overwhelming to Manitobans who are not familiar with the court system in Manitoba. And, you know, that's one of the barriers, is—another barrier, significant barrier, is time. These cases are quite often backlogged and it takes a long time to—first to get to a court, as we seen in the Finance Minister's case. Some of these cases get set back by—to a later date, and it's frustrating for Manitobans when they're trying to navigate the legal system and to try and understand how this system actually works. And so—and in a backlogged system, sometimes the court cannot render sentences that—at the rate that it's required to effectively administer justice.

So we have a backlog building up in there. And, certainly, the statistics reflect this. The latest report from the Department of Justice found that those on remand, and that's awaiting trial, make up 64 per cent of the prison population. And in—just in 2001, the proportion was 47. So we—our prison population

continues to grow, just on people who are waiting to go through the legal system.

So, you know, we're here now, we're into talking about modernizing record keeping. Will this, you know, the question comes in, what exactly do they have in mind, where, how will this actually speed up the system? There are many questions that—and, you know, perhaps if the government members would be versed in this bill, they could stand up and explain some of this stuff. But rather they're going to sit back and hope that the legislation passes without having to ask any questions. And, you know, we understand that this bill is merely enabling legislation, that it's not actually setting out any timetable, it's not setting out any procedures that will happen.

The courts have been undertaking e-filing as a pilot program for a while now. At—this is an attempt to make it official. But will it actually work and how much is it going to cost? And, more precisely, how much time is this going to save the system and will it help the legal system as a whole become more efficient?

So—and, you know, the bill allows electronic signing of documents, and that's great. We use that all the time in our legislative work here, in our constituency work, electronic signatures. But here we have this system; will it actually work? Will it—what is required? And these are—I hope are some of the questions that will come out in committee and I'm sure there'll be lots of questions in committee. I hope some of the answers come out in committee.

And another point of concern, obviously, is that this only applies to incoming documents, not outgoing. And we know that in a court case there's lots of documentations coming into a court case and not all of it is accepted, or not all that is used and in the court case. But sort of the question is why wouldn't you start with the outgoing ones instead, and when you know that the judge has rendered a decision, or the magistrate, whichever the case may be, has registered a decision, why not put those—start with that?

So I hope that these type of questions can be answered, that, in fact, I hope that the minister and his department have actually thought this through, that they actually really do have a plan, although that would certainly be a stretch from what we've seen from much of this legislation that's come through here. And we hope that it's not just another feel-good announcement aimed at trying to placate the public

to give the image that they are actually doing something, when really they're not.

And so they—that—which, as we all know, has, this government, it's their 192 communicators at over a million dollars a month. They know that they're quite willing to spend money on those things but yet they're—seem to be unwilling to create efficiencies and to help the legal system become more efficient and—so that we can, in fact, have a more efficient process to—in our courts.

\* (16:40)

So, Mr. Deputy Speaker, this, as with many of their—many pieces of their legislation, it's vague, to say the least. And, with no timetable, we know that it is not going to the—we question when this will actually happen, and instead of just having announcements, we'd like to see some firm timetables. And will this, in fact, speed up the court system? Will this, in fact, stand up to the justice system in terms of information provide—'provisal', and also for security.

We know—all of us are familiar with electronic banking and the challenges that are out there with—

**An Honourable Member:** With withdrawals. I—

**Mr. Pedersen:** Certainly, there's always challenges with withdrawals. Anybody familiar with cash flow knows that it flows out a lot faster than it flows in, so—including this government. And maybe we should—maybe the government should start with their own cash flow first and do a trial on that one to see if they could actually even pretend to balance a budget. That would be a—that would certainly be a stretch for them to try and do that, so. But then they'd have to be able to document where they're spending money, and that would—I'm sure they'd have to hire more communicators just to be able to do that. So it's—you know, we can always hope for that, but let's be realistic about what this government is actually capable of doing.

And so, you know—and not only for the courts in—located in Winnipeg here, will—how will this affect our courts across rural Manitoba? We do have the capable—capability of electronics in the rural area, despite what government may think. And so, will this bill address some of that? And I would think that it would help to speed up some of the court cases across rural Manitoba, just because of the times that it requires for distances to—for courts, and the documentation that's got to travel with him. Perhaps

this will make the court system more efficient across rural Manitoba.

And so we certainly look forward to having a much more wholesome discussion in committee, I guess, because government is unwilling to provide information in—up and front, so that—and I'm sure if they would supply more information up in front as to how this system will work, that there may even be more people willing to come to committee to discuss what is actually being put out there, rather than coming with questions and to committee and not knowing whether their concerns are even going to be addressed, they could actually—the presentations would be able to be much more precise and they would be able to target in on what either their concerns or, perhaps, their approval of what's being presented in there.

But vagueness is certainly the order of the day for this bill. And we would like to, certainly, encourage the Justice Minister and his staff to put some information out in front here, rather than just being so vague and secretive. And it really just does, perhaps, give the impression—and I hope that I'm wrong—but it gives the impression that they really have no idea of what they're actually proposing or—and no specific timelines. So we would certainly encourage the department to put out some information ahead of time.

*Mr. Speaker in the Chair*

The committees is a useful process. It has—it gives Manitobas the ability to have some input on the legislation being proposed, but that information can only be as good as what the government is willing to offer up in front for scrutiny on a bill—on a particular bill.

And so Bill 8 is just another one of these bills that—completely vague. And we would certainly like to see the department put out—and minister in charge—put out some information ahead of that committee, whenever the committee really does happen.

So, Mr. Speaker, with that, I—it will be interesting to watch this bill, whenever it does go to committee, to see if, in fact, they really do have a plan or if it is just another press release and a feel-good announcement that has absolutely no substance to it.

So, with that, Mr. Speaker, I thank you.



**Mr. Kelvin Goertzen (Steinbach):** Pleasure to be able to speak to this bill on this Wednesday afternoon, the day before the House is scheduled to adjourn.

I'm glad I had the opportunity to speak before the House rises, because it is instructive, I think, when we talk about modernization within the justice system, to ensure that the things that are being proposed are actually going to make a difference. And we know when it comes to this government and the justice system that, in fact, many of the proposals that they brought forward have not made things better. Often they make things worse.

Mr. Speaker, in the 12 years that they've been in government, we've seen reams of news releases, press conferences, announcements, ribbon cuttings related to justice. And yet we still see that Manitoba and the city of Winnipeg often holds the title of the 'murdoc'—murder capital. And that is, of course, something that none of us have pride in. And I know that the vast majority of Manitobans who are law-abiding citizens take great pride in their province and they don't like to see that label being placed on our province. And yet that seems to happen year after year, despite all of the announcements, despite all of the promises by the government, after 12 years, that Manitoba is going to be safer.

So it's natural that we would look with some suspicion on the government when they bring forward a justice bill, any justice bill, because we've seen so many in the past that have come through this Legislature and haven't really made any difference, haven't made Manitoba safer. We've seen recent statistics regarding arson in the city of Winnipeg and how, I believe, it nearly doubled in the last number of years under the watch, or the lack of watch, of this government.

Mr. Speaker, people are less safe. Property is destroyed as a result of the government's inaction. And yet when you ask questions, the government will stand up and talk about programs and talk about how various initiatives they've brought forward are successful, but they're not successful in the actual outcomes. And that's where the problem is. This is a government that seems to be very good at making announcements and having press conferences, but when you actually see the results of that years later, it's not so good. And so then you get into a pattern, because when there's a problem, when the results aren't very good, then they come up with another announcement and another press release. And then, a

few years later, we see nothing's improved. So they come up with another announcement. And on and on it goes. But they don't actually see anything positive.

Now, it is always interesting when the government talks about modernization, and we've seen different bills that seem to use that word. And whether it's a bill like this, which talks about having increased technology for record keeping, which might have some value, Mr. Speaker, or whether it's a bill on amalgamation that talks about modernization, in some ways, they're interested in at least putting up a front in terms of modernization. But in other ways, they're absolutely refuse to talk about it.

We had a bit of a debate earlier today in the House, and we've been having that debate over the last number of weeks, Mr. Speaker, about how we're going to operate committees in this House. And that'll be germane to this bill as well. This bill likely won't attract as many presenters as other bills are in this particular session of the House. But it might attract some attention. But regardless of how many people are signed up for committee, we are interested in a modern process, a process that is respectful of Manitobans.

And I've brought forward privately, to the Government House Leader (Ms. Howard), and now more publicly, as a result of tactics of the government, how it is important to have a committee system where Manitobans can come in a modern fashion, with an actual day, so that they know which day they're going to present. And I feel bad for Manitobans at various committees where they've had to come in the hundreds at times and not really know when it is that they're going to present.

Now, I know that our staff in the Legislature, they do their best to work with the public and to try to explain to them the process and to do the best that they can in telling them how our system works and what may or may not happen at committee. But at the end of the day, they can give no assurance to these Manitobans whether or not their presentation is going to be heard or not heard. And that may or may not be frustrating for the staff. I don't want to speculate on their feelings on it, but I certainly know it's frustrating for Manitobans on the receiving end of that news.

And often I hear Manitobans, in these larger committees that we've had here in the Legislature, where they've said to me, you know, how can you actually operate this way? How can you have a

committee system that works in this fashion, because nothing else in the modern world seems to work in this fashion?

\* (16:50)

Mr. Speaker, I know that if government ministers were invited to an event and the organizers of the event said, well, we'd, you know, we'd like you to bring greetings at an event—and often, we're—we, all of us as MLAs, are asked to bring greetings at events—if the organizers would say, well, we're going to have this event between 6 o'clock and midnight, and we'd like you to bring greetings, but we have—really have no idea when you're going to be giving your greetings. And, actually, we have no idea if you're going to be able to bring your greetings. Yes, we might have you come back the next day and bring your greetings then, or who knows, it could even be the third day.

I mean, we'd say, that's ridiculous. We'd say, you know, how can you run something like that? That's our responsibility, as MLAs, to organizers of an event that suggested that, and yet that's exactly what we, as MLAs, do to the public—is exactly what we do to the general public. We say to them, well, yes, we want you to come and make a presentation. We want to hear what your view is but, frankly, we have no idea when it's going to happen. Now, maybe if you're No. 3 on the list, we can give you some pretty good assurance that it's going to be on the first day, but if you're No. 43 on the list, well, you know, maybe it's the second day, maybe it's the third day: kind of depends how things go at committee. That simply isn't respectful, Mr. Speaker.

Now, I understand and I've heard from government members who've said, well, it's always been done that way. And it's interesting because the same government members who will stand up in question period in one particular context and say how, you know, everything needs to change compared to how it used to be in the past, are the same ones who will stand up and say, we need to keep everything like it's been in the past. And I don't understand which side they're speaking out of sometimes, Mr. Speaker. I've had government ministers who, one day, are saying, well, we've got to change everything from the way it was in the 1990s, but they'll then stand up and say, we've got to—you know, this is how it was done in the 1990s, so we can't change it.

It doesn't make any sense, Mr. Speaker.

So, ultimately, we need to know and do what is right for Manitobans. And I think, if we would talk to Manitobans, they'd say come up with a respectful system so that it would work for Manitobans, Mr. Speaker. And a respectful system would have the qualities of one where people would know which day they were going to present.

I understand and I've sometimes thought about the idea of having actual set times about when people would present, whether it's on this bill or other bills, Mr. Speaker. I know that's maybe more problematic, because people might not show up and then, you know, you have a—gaps in between presentations. And so, maybe an accommodation is simply to have a certain number of speakers and you say, this is going to be your night. And so, sometime between 6 o'clock and whenever the committee's done, you're going to present. But at least it gives them assurance that they're going to be presenting that night. And ultimately, that's all we're looking for, or just looking for that assurance.

I don't think it's an unreasonable proposal, Mr. Speaker. In fact, I think most Manitobans would say it's perfectly reasonable, and that's all we're looking for—a reasonable way to proceed.

So, when you look at a bill like this, where the government says this is all about modernization and bringing things into the current times, I can probably say that makes a lot of sense. There might be some issues that we have about how things are implemented and that, but you agree with the principle.

But then we would look at how this place works, how our democracy works. We can't seem to have any discussion about bringing things into the modern times. Everything's met with resistance when we talk about doing something in a proper way and a respectful way for Manitobans.

And I understand, you know, that everybody has past memories of how this place has worked. I—I'm sure that if we spoke to people who made some presentations in the 1990s, they would say, well, you know, it wasn't a perfect system when we talked to the people—the pork producers who made presentations. Under this government, they would certainly say it wasn't a perfect system. I think maybe we can all agree that the system hasn't been perfect for a while, but that doesn't mean that we can't actually look at ways to improve it. That doesn't mean that we are somehow hamstrung and have our hands tied, in terms of making changes to make

things actually better, Mr. Speaker. I don't want to be captive to the past all the time, and yet this government seems to—in this particular issue, refuses to actually look at something that's a more modern system, so that is a concern. That is something that we have concerns about.

Certainly, when it comes to the legal system, Mr. Speaker, we know that the legal system itself has had, at times, had difficulty changing and becoming more modern, that there's been people who believe that the system is sometimes rooted in archaic traditions or laws. And they have responded in some ways, and I've seen different things within the legal system that have improved and become more modern. And that serves people better on all sides of the legal system, and we think that that's a good idea.

I know that members of the government are quite engaged with the legal system these days. Many of them are before the courts themselves, Mr. Speaker, and so they probably have an interest in this. And I would encourage many members of the Legislature on the NDP side who are going to be in court over the next several weeks—and I know there's quite a few of them—that they look at the legal system and look how things work and how they don't work.

Now, not everybody in the legal system has the ability to have 12 lawyers. That's a fairly unique thing. I know, from my own experience in law, that very, very few people are able to hire 12 lawyers, as the Minister of Finance (Mr. Struthers) has been able to do. That's actually a small firm; it's actually a pretty good-sized firm in many cases, Mr. Speaker. He's actually hired a firm, essentially, of lawyers, and so that's quite the feat. And I suppose, if he has the personal wherewithal to do that, then hats off to him, but I also suspect that that's not really the case. I think, actually, the taxpayers are paying for that army of lawyers to go in and defend the Minister of Finance against a Manitoba organization.

And I'm sure at some point we'll be able to find out how much was spent on lawyers to defend the Minister of Finance. I'm sure we'll find out how much was spent on lawyers to defend the Minister of Healthy Living, the member for Assiniboia (Mr. Rondeau). I'm sure that we'll find out how much it would cost to defend ministers on the other side in different areas, Mr. Speaker, and I'm sure that that number will be a bit of an eye popper. I think it'll be a bit of a surprise for many Manitobans how much money we had to put out to defend members of the

government who could have simply avoided a situation, who, had they acted reasonably and responsibly, could have avoided the situation.

So modernization of the justice system, as this bill proposes to do, is all fine and good, but there are things within the justice system itself which are concerning. And we would certainly have concerns with a government that feels that they can have 12 lawyers to defend one minister and who knows how many other staff people have to be involved. And, you know, when you have 12 lawyers in a room in a court case you have many other people who are assisting those lawyers, often in the firms, doing research or doing other sorts of things. So I'm sure that that bill will be quite handsome and, you know, good for the lawyers, I suppose, who are getting the work, but bad for Manitobans who are paying the bill ultimately, and that's part of the concern that we would have in this particular situation. So I would certainly hope that the government would consider all the options that they have on the legal side and to talk about dealing with people more respectfully, because that also helps the legal system.

If the government is really interested in moving the legal system more quickly, as they propose to do with this bill, they might want to look at their own actions about how they've gotten tied up in court and how they've gotten themselves into this situation, because often when people end up in court it's a result of the actions of individuals. And I would say to the Minister of Finance and the member for Assiniboia to consider the actions that they've taken and how it is that they've gotten themselves into this particular situation and why Manitobans should have to pay for the bill for what they're doing. In fact, they may want to consider making a contribution to that to not have Manitobans pick up the tab for that if they feel, in fact, that they've gotten themselves into this situation. But that'll come out, I suppose, in due course when we find out how much taxpayers are getting soaked to defend the Minister of Finance. And I've already heard it said that this is really about putting lawyers ahead of horses, Mr. Speaker, that this money is going to be going not into any services that the members have talked about, but it's going to be going to paying the 12 lawyers that are showing up in court or they're doing the research. And that's ultimately who's going to be the winner in this situation.

So it is a bit rich and a bit ironic on this second last day of session, Mr. Speaker, that the government

would bring forward a bill that talks about how we're going to modernize the system—how we're going to modernize the justice system. But I would ask them to look at other things, because it's not just about files and records and how that's kept.

It's also about what happens on the front lines, and we certainly have been concerned in terms of the level of crime that is happening within the community, not just the violent crime but a lot of street-level crime that is happening within the justice—or within communities. And people express those concerns; they don't feel as safe as they have at different times in the—in our legislative system.

And so that certainly is one of the concerns that people are going to have and want to express. And they may want to express that at this committee when this bill goes to committee, and I hope that by the time this bill reaches committee we'll have an agreement to have committees run in a proper fashion—one that's respectful not just of Manitobans,

but of us as legislators—and we can all say that we did something good for Manitobans and for the whole system of democracy. So we are willing to allow this bill to go to committee, Mr. Speaker, and to hear what Manitobans might have to say at committee, and I look forward to seeing what ideas we get from Manitobans.

**Mr. Speaker:** Is there any further debate on Bill 2?

**An Honourable Member:** Question.

**Mr. Speaker:** Question's been called.

The question before the House is Bill 8, The Provincial Court Amendment Act.

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

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 12, 2013

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