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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

| Member | Constituency | Political Affiliation |
|---------------------------|----------------------|------------------------------|
| ALLUM, James | Fort Garry-Riverview | NDP |
| ALTEMEYER, Rob | Wolseley | NDP |
| BINDLE, Kelly | Thompson | PC |
| CHIEF, Kevin | Point Douglas | NDP |
| CLARKE, Eileen, Hon. | Agassiz | PC |
| COX, Cathy, Hon. | River East | PC |
| CULLEN, Cliff, Hon. | Spruce Woods | PC |
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| ISLEIFSON, Len | Brandon East | PC |
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| JOHNSTON, Scott | St. James | PC |
| KINEW, Wab | Fort Rouge | NDP |
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| LAGASSÉ, Bob | Dawson Trail | PC |
| LAGIMODIERE, Alan | Selkirk | PC |
| LAMOUREUX, Cindy | Burrows | Lib. |
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| LINDSEY, Tom | Flin Flon | NDP |
| MALOWAY, Jim | Elmwood | NDP |
| MARCELINO, Flor | Logan | NDP |
| MARCELINO, Ted | Tyndall Park | NDP |
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| SCHULER, Ron, Hon. | St. Paul | PC |
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| WISHART, Ian, Hon. | Portage la Prairie | PC |
| WOWCHUK, Rick | Swan River | PC |
| YAKIMOSKI, Blair | Transcona | PC |

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 10, 2016

The House met at 10 a.m.

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

Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Mr. Jim Maloway (Official Opposition House Leader): My—I move, seconded by the member for St. Boniface (Mr. Selinger), that bill—*[interjection]* Madam Speaker, on House business, could I ask the House for leave to move to Bill 210?

Madam Speaker: Is there leave of the House to move to Bill 210, The Court of Queen's Bench Small Claims Practices Amendment Act? *[Agreed]*

SECOND READINGS—PUBLIC BILLS

Bill 210—The Court of Queen's Bench Small Claims Practices Amendment Act

Mr. Jim Maloway (Elmwood): I move, seconded by the member for St. Boniface, that Bill 210, The Court of Queen's Bench Small Claims Practices Amendment Act, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Maloway: I'm very pleased to sponsor and speak to this Bill 210, The Court of Queen's Bench Small Claims Practices Amendment Act.

Just by way of history, the small claims process in Manitoba, otherwise known by a lot of people as the people's court, was established by the previous NDP government of Ed Schreyer, the first NDP government in Manitoba elected in June 25th, 1969, to be exact. But Premier Schreyer brought in this legislation in 1971 and it's been a well-known, well-used practice over since 1971.

And what has happened is that, over the years, pretty well all of the provinces of Canada have adopted a small claims court system. The problem is that the amounts should be increased to reflect inflation, and just the fact that the previously low amounts, like, \$10,000, what, \$10,000 maybe 30 years ago, was a fair amount of money, but today it's not.

So, with that in mind, we have even the Law Reform Commission, as late as October 2016, so just last month, have recommendations, and one of the recommendations, provisional recommendation No. 1 is exactly what this bill proposes: the monetary limit under the small claims practices act should be increased. And what the bill does is it allows the government to increase under regulation. So it doesn't prescribe an amount so that it doesn't—so we don't fall behind in the future by putting a set amount in.

Provisional recommendation No. 2: the small claims practices act should be amended to allow the monetary limit for small claims to be adjusted upward by regulation.

So this bill amends The Court of Queen's Bench Small Claims Practices Act. Under the current law a person may file a small claim in the Court of Queen's Bench if the amount claimed is \$10,000 or less. This bill allows that amount to be increased by regulation. Within the \$10,000 limit, a person may include a claim for general damages of no more than \$2,000. The bill also allows that amount to be increased by regulation.

Now, Bill 210 ensures that small claims court processes will be more consistent with the principles of access to justice and will give Manitobans an easier and more efficient way to address their small monetary disputes.

And, by the way, the number of small claims in Manitoba as of—in the year 2015 was a total of 3,793 people. So—claims—so 3,793 peoples sought redress through small claims court in 2015. It ensures fair, efficient, effective means of achieving a just outcome at a reasonable cost and time frame for individuals navigating small claims issues.

If the small claims process was not available, people would have to hire lawyers and lawyers are not inexpensive. They may have to pay \$300 an hour for a lawyer when they're trying to get a settlement of a—you know, there may only be \$10,000 in dispute, but the legal fees alone could make it prohibitive for them to want to pursue that way. So this way they could go as an individual in—or a company—small businesses use this process extensively, as well, to collect on unpaid debts.

Having an accessible justice system is key to maintaining public confidence in the judiciary, and effective, efficient and proportionate dispute resolution process is essential to ensuring our justice system remain as important and utilized part of our society.

This bill makes changes to small claims court that will improve its ability to efficiently and effectively resolve monetary disputes by increasing the claim limit to be greater than \$10,000 as prescribed by regulation. The small claims court helps Manitoba consumers and businesses resolve their differences effectively and fairly.

These changes will be—result in a more streamlined and accessible system while also supporting the important work of the Province's court officers. The bill means the majority of small claims issues will continue to be heard by small claims court officers. This ensures that access to justice can be achieved fairly within a reasonable time frame and a reasonable cost.

Changes proposed under The Court of Queen's Bench Small Claims Practices Amendment Act include adding the definition small claim limit to mean \$10,000 or any greater amount prescribed by regulation; allowing a person to file a claim under the act for an amount of money not exceeding the claim limit; and allowing monetary claims to include general damages not exceeding 20—\$2,000 or any greater amount prescribed by regulation.

Disputes involving the provincial government or a government agency would continue to be heard by the Court of Queen's Bench judge instead of a small claims court officer. In these matters, appeals will be heard by the Manitoba Court of Appeal.

And just by way of comparison, just so the members know—and I would expect that this—there should be no controversy involved in this bill. So I would expect that perhaps the government may want

to pass this bill today and get it on to committee and pass it through the system in our—on our final day.

* (10:10)

Alberta has the highest limit in the country at \$50,000, so perhaps the government would want to look at Alberta being the best case scenario here. Saskatchewan claims cannot exceed \$30,000. British Columbia, it's a \$25,000 limit. Ontario small claims are \$25,000 or less, not including interest and cost. Quebec small claims division hears amounts not exceeding \$15,000; Newfoundland and Labrador, \$25,000. New Brunswick is \$12,500, and Nova Scotia is \$25,000. Prince Edward Island, I believe, is \$8,000. Nunavut is \$20,000. Yukon is \$25,000. Northwest Territories is \$35,000.

So you can see that there is a wide range of limits under the small claims provisions when you compare to all of the other provinces, and it seems to me that—it would be—the government would decide, but I think that our recommendation probably would be that they should be looking at the higher limit rather than a lower limit.

So, with those few words, Madam Speaker, I would like to proceed to the Q and A, and then perhaps we could hear from the government members and perhaps have a vote on this before the hour is out.

Thank you very much.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence. First question to be asked by a member from another party. This is to be followed by a rotation between the parties. Each independent member may ask one question, and no question or answer shall exceed 45 seconds.

Mr. Andrew Smith (Southdale): I want to first—I want to thank the member from Elmwood for bringing forward this legislation.

I just—a question, is, of course, with any good legislation, consultation is very important. I just want to know if the member from Elmwood had consulted with the legal community before introducing this bill.

Mr. Jim Maloway (Elmwood): And I can tell you that the previous government did, in fact, do a thorough consultation process, which led to this bill

before the government fell—felt the government would change the election.

We have, as I'd indicated in my presentation, we have the Law Reform Commission. The member might want to check that out. Law Reform Commission, just only a month ago, October 2016, in fact, recommended exactly what we're doing here.

Mr. Andrew Swan (Minto): I'm very proud to represent a number of thriving, exciting small businesses in the West End of Winnipeg. And, of course, as I drive down Sargent, I see the sign of the business owned by the member for Elmwood (Mr. Maloway).

How will this bill assist small businesses in Manitoba?

Mr. Maloway: I think small business are major users of the small claims court option, because it gives them the ability, without using the expense of a lawyer, to collect on debts that are outstanding to businesses. I personally don't have too much experience with this because I haven't gone there for 40 years, because I find that it's very hard to collect once you get the judgment. There is problems in collecting, but that has nothing to do with the process that we're talking about here.

Mr. Derek Johnson (Interlake): The failed NDP government is known for not holding consultations, so what consultation did they hold specifically? You mentioned Law Reform. Who else specifically did you hold consultations with?

Mr. Maloway: Well, the members—

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Maloway: —can rage on all they want. The fact of the matter is that this is a very good idea, and they know it. Manitoba's fallen behind other provinces. Alberta's at \$50,000; Manitoba's only at 10.

Are they proposing—I mean, they do look for support from small businesses in this province, and are they prepared to leave the limit at \$10,000? Maybe we'll have to let the business community know that they oppose this bill and that they want to restrict small business from having a higher limit.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, my question is twofold. First of all, how many other provinces would set this amount by regulation instead of in a bill, in legislation? And, second, I presume that if this was passed and if

the ceiling was lifted from \$10,000 to \$20,000 or whatever, that there would be an increased demand for claims in small claims court; would there need to be an increased capacity within the small claims court to deal with this?

Mr. Maloway: The fact of the matter is we may be the only jurisdiction that would be wanting to move or that would be moving to this system where the government could, by regulation, increase the amounts. And that's probably why the Law Reform Commission has, in fact, recommended that—just last month—that we pass the legislation and allow the government by regulation to increase the limits because, as the member knows, the current limit of \$10,000 was a substantial amount way back when but, you know, it's not sufficient at this time.

So we would give the government the ability to set the limits that are necessary for the people of Manitoba.

Mr. Swan: Well, we know this failing PC government seems to think it's the only one that ever does consultations, which is far from the case.

And I just look at the press release from November 2015 in which then-Minister Mackintosh said the minister invited Manitobans to share their views on the new maximum limit by participating in a brief online survey, which is interesting.

But I wonder if the member for Elmwood could talk a little bit more about exactly how the recommendations, the interim recommendations of the Manitoba Law Reform Commission, fit exactly with what the member is proposing today.

Mr. Maloway: I have to say that I was not aware that they were going to recommend exactly what we are attempting to do here, and that is that they are recommending that we have—that the government be given the authority by regulation to set these limits, and I did indicate to the members the wide range in other provinces.

Alberta, if you live in Alberta, you have a \$50,000 limit. So, if you're a small business or an individual in Alberta, you got \$50,000, but you only have \$10,000 here in Manitoba. We think that should be going up to Alberta's level.

Mr. Greg Nesbitt (Riding Mountain): Can the member from Elmwood explain what impact, if any,

this legislation might have on civil proceedings already before the court system?

Mr. Maloway: This'll make the court system actually more efficient. The reality is that the government—his government he's a member of—will decide what date this will start and they'll decide the limit.

So it's \$10,000 right now, Alberta's at 50 but Saskatchewan's at 30. They may want to follow their Saskatchewan cousins' lead and go with 30.

But we know that we're suggesting that they, the government of the day, will have the option to make these adjustments, and right now Alberta's 50; maybe they even want to exceed that, maybe they want to be higher than that.

But they would check with the business community. They would want—

Madam Speaker: The member's time has expired.

Mr. Johnson: Can you explain why after 17 years of failing Manitobans, why do you bring this bill forward now?

Mr. Maloway: Well, this bill was brought forward by the previous government and the members opposite in opposition—one who is clapping right now—decided when they were in opposition to hold the bill back—hold the bill back—and not pass it so that businesses in Manitoba are restricted to \$10,000, because that member—because that member—wouldn't vote to pass the legislation so that we could increase the limits.

* (10:20)

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Smith: A question here, is the member's bill an acknowledgement that the NDP's expansion of the PST to legal fees, from zero under us to 8 per cent under the NDP, has limited people's ability to afford legal services?

Mr. Maloway: The answer is no.

Madam Speaker: Are there any further questions?

Mr. Johnson: Can the member explain how this will affect issues in front of the court as of today?

Mr. Maloway: I think the member didn't even listen to his—

Some Honourable Members: Oh, oh.

Madam Speaker: Order. Order.

Mr. Maloway: —question—the previous question from one of his own members. The reality is that once we pass this bill, hopefully today, then the government, by regulation, will decide what the limit should be. That's what we're going to do, and then what will happen is that they will have to pick a date when it will start, so anybody who files past that date will be operating under the new limit. I mean, that is pretty straightforward.

Mr. Smith: I guess, though, that this bill's being introduced now. My question is why, after 17 years of being in government, has this not been a priority for the previous administration?

Mr. Maloway: I don't know why the members keep asking the same question over and over again. This bill was before this House. The members opposite were in opposition. They deliberately held up the bill and refused to pass it.

Madam Speaker: The time for questions has expired.

Debate

Madam Speaker: Debate is open. Is there any debate on this?

Mr. Andrew Smith (Southdale): I do wish to rise in the House today to put some facts on the record, but before that, I do want to start by saying that, of course, we are here on the eve of Remembrance Day. So I think it's prudent of all members here to recognize the service and the sacrifices that the men and women in our Canadian Forces have made to make our province and our country a safer place to live and, of course, defend the very freedom that we have today here to introduce legislation and to represent the people in our constituency.

So I think, on behalf of all the members, I say thank you to the men and women who serve in the Forces and, of course, those who serve in their police forces, paramedics and firefighters who make our communities a safer place as well. So I send a hats off to our good men and women who make us safer in our communities and make a better place for our family.

Having said that, I do thank the member from Elmwood for bringing this forward, and it's good to have a debate on this issue. It's our belief here, on this side of the House, that good governments make

the difficult decisions necessary to ensure protection of sustainable, quality services for their citizens. We are focused on fixing the finances, repairing our services and rebuilding the economy, Madam Speaker. Now, our government has begun the hard work required to repair the damage and correct the course to move towards a balanced and sustainable way.

The previous administration made politically motivated, quick fixes that resulted in unsustainable spending and growth and massive debt, which has inevitably led to a decade of debt, decline and decay. That's why, Madam Speaker, on April 19th, Manitobans hired a new government, a new Progressive Conservative government, which is committed to fixing the finances, repairing our services and rebuilding our economy—[interjection] Members opposite seem to interject here, but, of course, they just—perhaps waking up to the fact that our Manitobans have indeed chosen a new government, because of—their record past of 17 years of not delivering. Where they failed, we will certainly succeed, Madam Speaker.

Manitobans are still telling us that they cannot afford another decade of debts, decay and decline. The good news is that on this side of the House we are committed to making Manitoba Canada's most improved province and making Manitoban families safer and stronger.

Our new government believes in consultation and working with all Manitobans to ensure their voices are heard on legislation. The previous government did not believe in consultation while in government and, clearly, still believes they do not need to consult with Manitobans before bringing forward legislation.

Working to improve public safety in the justice system is an important part of the steps we are taking to repair the services that Manitoba families count on. Our government is committed to making Manitoba, of course, the most improved province, but under the NDP's decade of debt, decay and decline, that certainly makes this a challenging undertaking. But our government will work to ensure that our services are repaired so this is no longer a concern.

Manitoba's public safety was not a focus under the previous government and our government is working hard to change the course.

Madam Speaker, you know, I—the member from Elmwood said that his government, while in government, actually did consult with Manitobans, but—with respect to this legislation. Unfortunately, though, they didn't take it to the step of actually introducing this, or certainly did not make this a priority. They had a majority government, so if this was something that was so important, I ask them why did they not actually go ahead and successfully get this through. It must have not been an important issue—

An Honourable Member: Rebellion.

Mr. Smith: Of course, yes, that's certainly the case.

Madam Speaker, I think that I speak on behalf of all Manitobans and, certainly, on this side of the House that a change in direction is needed in this province, and certainly engagement and consultation with Manitobans is what should have been done prior to this being introduced, and if it was such a burning issue over the last number of years, then under a majority government that should have been passed already. So I do wonder what the motivation is behind this piece of legislation.

An Honourable Member: Could have got it done.

Mr. Smith: Could have got it done, exactly.

And, Madam Speaker, it's important to put some facts on the record here, that property crime actually increased by 24 per cent under the NDP administration and Manitoba has ranked second and third in the nation for property crime since 1999, which is ironic because 1999 is when this previous administration formed government.

So under the NDP government, Manitoba has led the nation in youth offences, and since 2004 Manitoba has led the nation with the highest number of youth in remand custody.

So, again, I think that members opposite should perhaps focus on some of those types of things. If it was such a priority to fix these problems, then, why didn't they do it in the past 17 years of government?

It's interesting that when we stand up in the House on this side and talk about the decade of debt, decay and decline, members blame the then-opposition. You know, it's interesting to mention that I was in high school when this—the government opposite—or formed government—and they're still blaming our side of the House. I know there are a few of our members who were barely old enough to vote when the previous administration

took power, so to sit around and blame us and look back in the 1990s and keep pointing back to that era and that decade, it seems kind of silly to blame something that happened 25 years ago when, in fact, they had 17 years to get it right and did not get it right.

So I know the—in the question I did ask is why they expanded the PST to include legal fees. A party for the people should not be increasing PST, first of all. Secondly, expanding the PST to legal fees—that's a double hit, and it's unfortunate that hard-working Manitoban families have to endure that extra cost.

So, if that was such an issue, the member opposite probably should have stood up in his Cabinet or stood up to his Cabinet at the time and said that, look, this is not fair, that Manitoban working families deserve better, but I don't think that happened unless, of course, the members—

An Honourable Member: We introduced the legislation; you didn't pass it, and that's the truth.

Mr. Smith: Well, the member from Elmwood, then, decides to—if only the member from Elmwood was this vocal in his caucus when the PST was increased, perhaps that wouldn't have happened. Perhaps they wouldn't have expanded the PST to include legal fees.

* (10:30)

However, that did not happen under the 17 years of this previous administration, so it's funny that they now turn around and ask this new government that's been in power for some seven months why we haven't accomplished all these great achievements yet.

Well, you know what, we've had seven months. They had 17 years. So I would do the math. That doesn't add up, of course. Then again, members opposite weren't very good at math. We wouldn't have the deficit that we do if they were better at it.

So, Madam Speaker, I say that our new government is in the process of fixing the finances, rebuilding the economy and repairing our services, and that is the absolute and ultimate goal of any government—should be to serve the people and make sure that—the reason the governments exist are there to serve the people, and that did not happen in the previous 17 years. Where they did not succeed, we will get it right.

Thank you, Madam Speaker.

Mr. Andrew Swan (Minto): And it's—I think it's a pleasure to follow the member for Southdale (Mr. Smith), and it's disappointing because the member for Southdale seems like a nice guy. *[interjection]* Yes. I know he's recently been engaged to be married, and we offer our congratulations on that fact. In fact, I saw him out in my neck of the woods one day right after the engagement happened, and I can't recall whether he was buying a stack of wedding magazines to prepare, but we provide him with those congratulations.

But the member for Southdale, if he really wants to make his mark, needs to put down the speaking notes that come out of the Premier's office. And the member, if he wants to make a mark in this House, could really make his mark if he would put down those notes, listen to the speech that was given by the member for Elmwood (Mr. Maloway), and, in fact, listen to the questions and answers, because the member would actually find that to be very instructive so that he doesn't get up and simply parrot an out-of-date, out-of-touch set of speaking points that have nothing to do with this bill.

And I know that the members asked some questions and they said, well, why is this bill coming forward now? Well, a bill did come forward, in November of 2015, which would've accomplished this, and the then-opposition of the day, I suppose being politically motivated, finding that more important than making things better for Manitobans, better for Manitoba business, decided they would tie things up and not allow the bill to go ahead and be passed.

And then we also found out, of course, they stood up and asked the question, well, why wasn't there consultation? You know, this new government, this failing, new PC government, seems to believe they're the only ones who've ever done consultation. And they've—they ask backbench questions. They run around talking about consultation. Well, the budget consultations are a fraction—a fraction—of the consultation that was done by the NDP government year after year after year.

And, if the members in the backbench think that having a meeting and allowing five minutes of questions at the end is anything more than a sham in obtaining public opinion, well, I'm very disappointed. And I think they should be thinking a lot more about this. And they talk about consultation.

Well, what did we learn in the course of the questions and answers? Well, when the bill was

introduced back in November of 2015, the minister at that time, Gord Mackintosh, invited Manitobans to share their views on the new maximum limit by participating in a brief online survey. The Minister of Justice, of course, the new Minister of Justice (Mrs. Stefanson) could always—she could've stood up and said, well, you know, we had this survey and Manitobans said, don't raise it; they've said they want the small claims limit to stay where it is. She hasn't said that. There was no question. There wasn't a single question from any member opposite that would refer to anything in that consultation that would suggest that the member for Elmwood's bill is anything but that—the right thing to do.

And then what else did they hear in the questions and answers? They heard about the Law Reform Commission. The Manitoba Law Reform Commission, whose job is to go and consider issues before us and to come up with recommendations, has actually taken a preliminary look at small claims court, and they've made two preliminary recommendations. Number 1 is that the amount should be raised, and No. 2, that the amount should be raised by regulation, so that if the amount is to increase again, it doesn't have to come back in the way of a bill. It could actually be done by an order-in-council by the Cabinet.

And there's not a lot of things that I trust this new Cabinet to do, but, frankly, I do trust that when the Manitoba Law Reform Commission comes back with their final report on the small claims act and small claims court, that they will take those recommendations—and we're actually handing them the ability to do that very quickly and very efficiently.

The member for Elmwood (Mr. Maloway) has stood up to the new government and has said, hey, I'm going to actually let you deal with something more effectively, more efficiently, and to clear cases out of our courts. You should be thankful, member for Southdale (Mr. Smith), for the opportunity the member for Elmwood is giving you today.

And, you know, I know you only get to speak once. I would even give leave for the member of Southdale to stand up and say, thank you, member for Minto, for pointing these things out, and I will go back to my caucus and I will actually stand up and I will make a difference for small businesses in my area and for people in my area, and I think I'm going to be in favour of a more effective court system, of a more inclusive court system, of a court system which doesn't require people to hire a lawyer to go and

collect a debt or to deal with their Manitoba Public Insurance claim.

And what else, of course, have we learned? Well, we've learned from the speech that the member for Elmwood gave that almost 4,000 Manitobans last year filed claims in small claims court. And, Madam Speaker, that's actually more claims than were filed in Manitoba's superior court, the Court of Queen's Bench, and what will this bill do if passed? Well, it will actually increase the number of cases being heard in small claims court being dealt with effectively in a cost-efficient manner not only to the state, but also to the parties to the litigation.

And what else will it do? It will encourage people who have claims, whether it's \$11,000, whether it's \$16,000, wherever the government would choose to set the threshold, to avoid having to file a claim in small—in Queen's Bench, to avoid having to have a case conference in front of a Queen's Bench judge—who the member for Southdale should know is now earning in the neighbourhood of \$300,000 a year—and it will allow them to then take their case before a hearing officer to have the matter considered.

So, in a time when we are looking at every reasonable step to move things through our court system more effectively, to free up Queen's Bench judges so they can deal with more serious criminal matters, to move those cases through the courts, to move people out of remand in our correctional system and onward, I'm disappointed the member for Southdale used his time, instead, to deliver us the standard kind of political speech that we hear time and time and time again.

I encourage the members to come into this Chamber every day and to listen and to learn and, frankly, to share, because I know there's going to be some things the member for Southdale's going to say. If he puts down his speaking notes from the Premier (Mr. Pallister) and speaks from his heart, there's going to be things he's going to say and we're going to go, wow, that's great. What a good idea.

I notice his Cabinet members are scowling at him, but that sounds like a good idea. And I know he's got a high standard to meet in Southdale. Every time he drives down the Southdale community club that my good friend and a former MLA Erin Selby fought for, he's got a high standard to meet. And I wish him the best in going ahead and doing that, but I do believe, and I offer this in the most sincere form,

the member for Southdale needs to open up his mind, open up his heart, put down the notes and listen to what goes on in this Chamber, because sometimes we can all be surprised by the things we learn in this business.

And, again—and just to—*[interjection]* finish off—

Madam Speaker: Order, please.

Mr. Swan: Madam Speaker, again, the member for Southdale (Mr. Smith) pulled out the notes he was given about crime—and this is not an area that he wants to shine a light on. Because when they talk about a decade of decline, there was a decade of decline, and I appreciate the members who now know the decade of decline was a declining crime rate each and every year in the city of Winnipeg and in the province of Manitoba.

And the member, of course, talks about the short time they've been in government. What have they done? Madam Speaker, they've messed it all up. And I've put on the record in question period the last number of days, in just the last six months that crimes in the city of Winnipeg, as reported by the Winnipeg Police Service on CrimeStat, have actually gone up by 8 per cent year over year.

And, in fact, some of those economic crimes like robberies, commercial robberies, non-commercial robberies, break and enters into homes, break and enters into businesses are up 10, 20, 30 per cent. And I asked the Premier (Mr. Pallister) why that would be the case, and he said, well, you got to reduce poverty. Good, then raise the minimum wage, get rid of Bill 7—which is going to prevent people from being able to unionize—and stop taking it out on the backs of Manitoba workers.

* (10:40)

Now, we'll see. This is the last day of this session. Maybe if the member for Southdale takes these lessons and goes back and speaks in caucus, maybe we'll have a Throne Speech which will actually have some shred of an idea on how we can deal with these things in Manitoba.

The member for Elmwood (Mr. Maloway) isn't waiting. He stood up today. He's introduced a bill, and he's speaking to a bill which is going to make our court system more effective.

So, you know, I would put away the Premier's notes. I would stand up and do what's right for people who live in my area. I would support this bill, and let's make our system better.

Thank you very much, Madam Speaker.

Mr. Brad Michaleski (Dauphin): Thank you very much, Madam Speaker, for giving me the opportunity to say a few words on this bill.

But first I will echo the words of my colleague from Southdale and thank all our veterans on this Remembrance Day week. And we live in a great country, we live in a great province because of them, and we owe them our thanks.

So—but what we're talking about here today is The Court of Queen's Bench Small Claims Practices Amendment Act, which essentially removes the \$10,000 cap and moves to regulation—subjective regulation. Now, the members opposite, especially the member from Minto, said to speak from the heart, and so I will. As I watched members opposite who did not get the legislation done while they were in power were attacking us and that's—it ended up being just pointing fingers and blaming.

But the fact of the matter is—the fact of the matter—is that previous government had an opportunity to get this done, and they did not. So Manitoba deserves a better, stronger justice system that is fair. There's no room for this blame game. We need to get it right, and our government is working hard to restore the trust in getting it done right.

And, in doing that, proper consultation of a bill is important, proper consultation of the stakeholders. Simply reading a commission or a magazine and coming forth to this House and making changes to legislation is not the proper way to do it. The proper way to do it is to consult with stakeholders, is to consult with people within the justice system and look at the consequences of what is being proposed.

So our government does have a strong mandate to do that. We have a strong mandate to fix our finances, repair our services and improve our economy. And we do it in a comprehensive way, and a comprehensive way does mean consultations throughout stakeholders, throughout the province.

We get to—through the consultation process, of course, we get the chance to meet with the people that are actually working within the departments, and, if we can do that in a big scope, we get a pretty good understanding of what the changes we're bringing forward, how they're going to be perceived. We should be doing those debates at—throughout the

province and then bringing a comprehensive argument or component to the debate in this House.

Now, all I've heard from the members opposite is one recommendation from the association. I can't remember what the name of—it's called, but this is the basis of bringing this legislative change forward. And there's a whole lot of people—other people that need to be consulted.

So I have a number of concerns, then, with the proposed changes that the member from Elmwood is proposing. Again, who was consulted? When you take a limit and exceed it to a subjective number, there's bound to be consequences through other departments, not just in—it could be affecting the police force. It could be affecting a number of people. So I don't hear any substance to the argument that the consultation was made, and I think there's a lot of people that need to be involved in this consultation. So I did not hear that from the member opposite.

And why couldn't the limit be increased? Of course, you—the member from Elmwood cited a number of provinces that simply raised their limit and did not go to a regulatory subjective-type model. And I think the member from Elmwood also suggested that this small claim legislation has been in place for 40 years and limits have been—limits were set. And all the other provinces are—have changed those limits, and maybe that's the discussion that should be had. Maybe it should be that; maybe it should be the regulatory system.

So—but moving to a regulatory system, nobody else is doing this. So I would ask the member from Elmwood, what does that look like. Is it simply just a subjective clause in legislation that—and is it something that is a provincial thing? Is it a local jurisdiction thing? What is it—what is—what—*[interjection]*—and then it becomes—and when we have that sort of ambiguity in legislation, then it sort of waters down the intent of small claims. So and then that—*[interjection]*—yes, what impact this change will have on regulation limits, what impacts will that have or consequences further in the justice system?

And, of course, the member from Elmwood is not suggesting what that limit should be. Should that limit be \$10,000, \$20,000, \$50,000—or should we just have a debate? And should it end up—and—what's clean is a set number. When you take away a clean number you open up discretionary decision making. So—and this is something that I think the member from Elmwood needs to consider on this legislation.

So our government will correct this course, and we will do proper consultations on this legislation with Manitobans. We have a strong mandate to restore their trust and fix the mess left. We've moved to reduce the size of government, and we reduce—reducing red tape. And I would suggest to the member from Elmwood that there—what you're suggesting here is more of the same NDP-style of government where you just—everything becomes ambiguous and everything gets bigger and less clear. So what I would suggest is a comprehensive focused approach on improving our services.

Now, it is interesting that the member from Elmwood cited, I think it was six or seven different provinces with six or seven different limits. None of them have gone to a regulatory system and that's—and, again, very, very important that this legislation has worked for 40 years and the limit nobody is talking about changing. So I'm not sure exactly what the member from Elmwood is suggesting here, that we should upset the apple cart and change things that are working.

Suggestion by the Law Reform Commission, the member cites there's others that should be consulted, and the basis of this change—or this amendment, there is other people that are included in this process or that should be included in this process and consulted, like I said, the police forces, judges and, actually, throughout Manitoba. Because that number, no matter what that number might be, has an effect on the city of Winnipeg and it maybe have a different effect in Thompson and may have a different effect in Brandon, Dauphin. So that number needs to be thought out so—rather than subjective regulations.

* (10:50)

So our government, Department of Justice and minister are working hard doing things the right way, and working with all Manitobans to ensure that that voice is being heard from all Manitobans. And they all have the opportunity. The Justice commission—I'm not sure who they consulted. Did they consult the business owners in Dauphin? Did they consult the business owners in Swan River? What did they do?

No, they have an opinion based on the information that was gathered. Now, was that complete? These are the things that the member from Elmwood, I would think, should give some consideration to.

Madam Speaker, the stats tell us NDP's time—or NDP government has been hard on the justice system, and through proper consultation—

Madam Speaker: The member's time has expired.

Ms. Judy Klassen (Kewatinook): I've been really trying to ascertain the facts from the debate, and it's really trying when it becomes a game of he said, she said.

I appreciate when, during the debate period, facts are laid out. So what I've heard was this will make the courts more efficient. These will relieve pressures on the court system. The previous government had actually introduced the bill in November of 2015 but was then defeated by their then-opposition.

The new government, with this amendment, will also have the authority on setting the new limit. As opposition, we cannot introduce money bills. And so it's entirely a big plus for them to be able to set their own limits.

When I was listening to the member from Dauphin, he said: Look at the consequences of what's being proposed. And so I was hopeful that he was going to perhaps table some ideas of what the consequences were, but I heard nothing.

When his party first voted against this, that tells me that most likely they researched this idea as to why their government was opposed and had voted against it previously. They should have had prior speaking notes on data, and I would have liked to hear that—the why, based on their consultations, why they opposed it. So I'm left to believe that they did not consult with their stakeholders at the time; otherwise, they would have had these speaking notes.

And so, with that, those are my words for the record, and I can't wait to hear more debate.

Thank you.

Madam Speaker: Are there any further—oh, the honourable member for St. James.

Mr. Scott Johnston (St. James): Madam Chairman—or Madam Speaker. School board experience keeps on coming back, Madam Speaker—*[interjection]* Yes, yes, that's right.

Madam Speaker, it's certainly a pleasure and an honour to always stand up in the House and put record—or thoughts on the record.

First let me indicate, Madam Speaker, that I would like to echo the comments of my colleague from Southdale in regards to Remembrance Day considerations. It's certainly been very proud as—I've been very proud as a new MLA in this House and seeing all the recognition that members from all sides of this House give to our veterans and certainly our very worthy military.

I am going to have the honour tomorrow of presenting a wreath at the Bruce Park cenotaph on behalf of the provincial government, and I'm really looking forward to that proud moment in my life. Many of my family members had participated in military service, and my father, actually before me, had the honour of presenting a wreath at the same cenotaph to honour our many deserving Manitobans. So I look forward to that opportunity.

Madam Speaker, it is a pleasure to speak to the member of Elmwood's proposed legislation. This legislation amends The Court of Queen's Bench Small Claims Practices Act. This bill allows the amount claimed when a small claim in the queen—Court of Queen's Bench is capped at \$10,000 and not to—and general damages may not exceed \$2,000.

And the member of Elmwood is certainly a veteran of the Legislature and certainly experienced in the Parliament of Canada, so he is certainly well accustomed to processes and consultation, and, certainly, what really needs to go into very responsible legislation and legislation that can be utilized by all Manitobans long term.

What—much of what is set out in this legislation would occur via regulation rather than in the Legislature—legislation itself. And I'm proud to be part of a government that is committed to working together to fix the finances, to repair the services and to rebuild the economy after a decade of debt, decay and decline. I was looking at my honourable friends in the opposition and, certainly, they're well aware of our government's position in regards to those statements.

Madam Speaker, it's interesting to me that the opposition continues to introduce legislation that they have really not consulted Manitobans on. The member from Elmwood indicates that the previous government had consulted Manitobans. So the question, of course, has been indicated in the—by

previous speakers as, well, why didn't the previous government proceed? They had 17 years to proceed and, certainly, there may be opposition and certainly a great deal of discussion. But, if the legislation warranted procedure, the previous government had many opportunities to proceed, and I'm afraid I'm at a loss to understand why they bring forward the legislation at this time and expect that this government not do its full due diligence on implementing legislation. We're not interested in rushing through legislation.

And further commentary was made in regards to the opposition-defeated bills. As far as I'm understanding, the opposition can't defeat a bill because they're in the minority, and, therefore, I'm not fully understanding of that commentary. But I'm sure that as we work our through—work our way through this process and understand—fully understand the workings of this House more and more, that'll be quite clear.

Madam Speaker: Order, please. On a point of order?

An Honourable Member: On a point of order, Madam Speaker.

Point of Order

Mr. Jim Maloway (Official Opposition House Leader): On a point of order, I'd like to know whether there'd be the agreement of the House that we could keep speaking on this bill and have a vote on it and resolve it.

Madam Speaker: I do not believe that was a point of order.

* * *

Mr. Johnston: Our government is looking to make Manitoba a better place and, certainly, one of our intentions and initiatives are to consult with Manitobans. It is our intention to improve the justice system and to take the time to consult with people that are most affected. Certainly, all contributors to the justice system should be consulted.

The previous government's solution has always been to—for quick fixes that cost money and don't necessarily solve the problems. Manitobans elected a government that would work for them to save money and not throw money away, as well as being able to resolve major problems—

Madam Speaker: Order, please. When this matter is again before the House, the honourable member will have four minutes remaining.

* (11:00)

RESOLUTIONS

Res. 14—Transitioning to a Green Economy

Madam Speaker: The hour is now 11 a.m. and time for private members' resolutions. The resolution before us this morning is the resolution on Transitioning to a Green Economy, brought forward by the honourable member for Wolseley.

Mr. Rob Altemeyer (Wolseley): I move, seconded by the honourable member for Fort Garry-Riverview (Mr. Allum),

WHEREAS human activities such as the burning of fossil fuels are causing global temperatures to rise and creating severe and ongoing impacts on Manitoba's climate; and

WHEREAS further increases in global temperatures pose imminent and substantial threats to human health, the environment, the economy and national security; and

WHEREAS climate change poses an unacceptable risk of catastrophic impacts to human civilization and the health of the planet; and

WHEREAS the effects of climate change are felt most acutely by vulnerable groups, especially Indigenous Peoples, endangering the health, culture and traditions of First Nations, Inuit and Metis communities; and

WHEREAS a commitment to fighting climate change is a concrete expression of reconciliation with Mother Earth; and

WHEREAS the federal carbon pricing plan if implemented in Manitoba could generate over \$200 million in new provincial carbon revenues in 2018, rising to over \$1.2 billion in new carbon revenues by 2022 at present emission levels; and

WHEREAS protecting vulnerable workers and low income people as the economy transitions from being fossil-fuel dependent to one based on renewable resources must be a priority; and

WHEREAS it must be a priority to ensure that life is kept affordable for everyday Manitobans by ensuring food, transportation, home heating and fuel costs are kept at reasonable levels; and

WHEREAS there is an enormous and transformative opportunity to foster the proper conditions for the creation of new clean, green jobs for Manitobans; and

WHEREAS the Provincial Government's rejection of a made in Manitoba cap and trade system will lead to the imposition of a federal carbon tax.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to use all carbon revenues to reduce climate emissions, create and provide training for new green jobs, enable workers to transition to the renewable economy, assist Manitobans with home heating costs until affordable green alternatives become available and foster other effective climate-specific programs that keep costs affordable for Manitobans.

Motion presented.

Mr. Altemeyer: It's my pleasure to bring this resolution forward to the House for consideration on what many consider to be the defining issue of our era. Climate change impacts are already being felt in our province, in every province in our country and around the world. The implications of not appropriately addressing climate change as quickly as possible are far too stark for anything less than a 100 per cent effort from all of us.

Climate change, I hope, is one of those issues that will transcend party lines. We are certainly seeing governments from around the world of many different political stripes taking action on climate change. I was honoured to be able to attend not one but two United Nations' Conference of the Parties gatherings, about 10 years apart, actually; the first one in Montreal and then more recently in Paris. And, while on the one hand the stark reality of climate change, the challenge that it presents, can at times appear overwhelming, it is absolutely not impossible, by any stretch, to take the action that we need to as a global community to set things right for future generations. And it is inspiring to be able to go to those types of international gatherings to share our success stories from Manitoba, to learn about the struggles that others are facing and to find ways to work together so that everyone is able to move forward on climate change and create the society and the economy that all of our citizens aspire to.

Here in Manitoba, the climate change history, very brief history, has played out as follows. We have had an NDP government, which accepted the

science of climate change, which took many initiatives to proactively reduce our emissions. And those were successful in many, many instances. We now have a provincial government where the message on climate change has been mixed, shall we say. I think I am not being overly unfair on that front. This government's Premier (Mr. Pallister) and their minister started off by indicating that they would not acknowledge that human activity is, in fact, the primary cause of climate change. That is, of course, contrary to the findings of the Intergovernmental Panel on Climate Change under the United Nations. The vast, vast, vast majority of scientists share the view that it has been, is and will be human activity that is driving climate change.

The government, however, finds itself now in an interesting, new situation because the federal government has indicated that if this government in Manitoba does not take action to price carbon emissions, the federal government will be imposing a carbon price on them, and those revenues are significant. And we in the NDP see this as a enormous opportunity to create the green jobs of the future, to help workers transition into those new, green jobs, all the while placing a very firm emphasis on reducing our emissions wherever we can and protecting vulnerable people at every step along the way.

I want to thank all of my colleagues in our caucus for their timely input into this resolution. This is not, by any stretch, something that I would've been able to do all by myself. I initiated it, but everyone in our caucus created this document and I thank them all very much for it, and I know they see their own wisdom and ideas and dreams reflected in it.

The resolution is quite clear, we believe that the priority for these new revenues absolutely needs to be placed on reducing emissions, protecting vulnerable people and creating the new green jobs of the future. And just so everyone's clear of the scope of the revenues we're talking about, even at Manitoba's relatively low emission levels of around 21 and a half megatons—that's 21 and a half million tons of carbon per year—at \$10 a ton that works out to \$215 million as of 2018, when the federal government brings in that initial price. That price will double the next year in 2019 and the revenues, if the emission rates here are unchanged, will also double to well over \$400 million that year, and this will continue for five years in total under the federal plan to total over a billion additional dollars that this government will have to work with.

And right in the climate change plan that our government introduced prior to the election, we noted in it that the initiatives we had identified would, in fact, enable us to achieve our targets of reducing emissions by a third by the year 2030, using 2005 emission levels as the baseline, but that we would need assistance from the federal government to do that. That assistance is now going to be available and it is incumbent upon this government to use those revenues in a responsible way as we have identified in our resolution here today.

So I will close my opening remarks there. I look forward to the debate that follows, and I hope it results in the successful passage of this very important resolution today. Thank you.

Questions

Madam Speaker: A question period of up to 10 minutes will be held, and questions may be addressed in the following sequence: the first question may be asked by a member from another party, any subsequent questions must follow a rotation between parties, each independent member may ask one question and no question or answer shall exceed 45 seconds.

Mr. Rick Wowchuk (Swan River): You know, the member from Wolseley seems very concerned about the environment, which is great to see. However, I'd like to ask him how did his government think it was a good idea to cut \$20 million from sustainable development in working towards some of these goals.

Mr. Rob Altemeyer (Wolseley): This plan that we had brought forward, as I mentioned, was looking for additional supports from the federal government to deal with climate change specifically. The dollar number that the member opposite mentions is a tiny fraction of the resources that they will be forced to collect and this resolution is directing the government to spend those massive new resources in a responsible way.

Mr. James Allum (Fort Garry-Riverview): I want to thank my friend from Wolseley for bringing this very important resolution to the House.

Could he tell us why should the Manitoba government support investments for good green jobs?

Mr. Altemeyer: I thank my friend and colleague for the question.

So often climate change is portrayed as a problem or as a challenge or, you know, as being so large that, you know, people should just throw up their hands and not even bother trying to address it.

* (11:10)

What this resolution points out is there are opportunities here in Manitoba which our government had identified previously, many of which we had implemented already, that are just poised so beautifully to employ young people, middle-aged people, old people in the new green jobs of the economy. It's an exciting opportunity that we need to acknowledge and capture rather than just ignore and pretend that it's an insurmountable problem.

Hon. Jon Gerrard (River Heights): Yes, in the mid-2000s, the law was passed which required the government to meet a target of 6 per cent below the 1990 levels by the year 2012. In terms of trying to move forward in a positive way, it's always important to analyze what went wrong, because instead of meeting the target our greenhouse gasses are now considerably above what the levels were in 1990.

So I wonder if the MLA could tell us, you know, what went wrong and why the targets weren't missed so we can do better in any future climate change planning.

Mr. Altemeyer: I thank the member for the question, and I want to provide my answer with a measure of hope, because so often people are led to believe that none of the initiatives that are launched by a government or a business or an NGO actually end up reducing emissions, when, in fact, from 2010-2012 actions taken by our government reduced emissions by nearly three megatons, 2.87 million tons that would have been emitted into the atmosphere but weren't because of initiatives that were taken.

So I take the member's question to heart. There's always more work to do, but we did make progress and we need more to happen now.

Mr. Derek Johnson (Interlake): Historically, the NDP government has missed every single target it set on climate change.

Does the member opposite believe that going through the work of developing and setting targets with no intention of meeting them is a good use of taxpayers' dollars?

Mr. Altemeyer: I'm not sure that the member communicated, perhaps, what he was meaning to communicate. What I heard him just say is that he's not interested in setting targets. For a government which tries to portray itself as fiscally responsible, that's a pretty clear indication that they don't take the issue seriously and that there will be no targets coming from this government and, well, people are going to judge that accordingly.

Mr. Allum: In fact, there are targets and an international consensus on targets.

So I ask the member, why are there two global targets for limiting greenhouse gas emissions, one at 2° of warming and the other at 1.5° of global average warming?

Mr. Altemeyer: It's a very good question. I'm glad to be able to offer a clarification on that, because you do see the two different numbers appear often in the media.

The 2°C target is the official target established by the United Nations. At Paris and in the lead-up to Paris, a number of nations and scientists and NGOs were indicating the more recent scientific information says we need to aim to limit average global warming to one and a half degrees. We are getting dangerously close to that already, and the reason for that for a lot of nations is that their country is going to simply disappear when the ocean levels rise and nations like Tuvalu and others sink beneath the water.

So that's—that is the aspirational goal of the United Nations is one and a half. The official goal is 2°.

Mr. Greg Nesbitt (Riding Mountain): Under the NDP's decade of debt, decay and decline the results on grain—green energy are clear: power sold at a loss to US buyers, calls for federal subsidies, unprecedented debt for Manitoba Hydro, and a less diversified power supply.

Will the member for Wolseley (Mr. Altemeyer) explain why he thinks it's a good idea to start spending good money before the government even has it?

Mr. Altemeyer: Well, it is an indication of where this government might be headed that we face that kind of a question. On the one hand, we could just throw up our hands and say we'll pocket the money and do whatever we want with it, or we could say maybe there's an opportunity in a place called

Saskatchewan where there's over 1,500 megawatts of coal power right now and 1,700 megawatts capacity of natural gas. Maybe we develop more green energy in Manitoba, employ more Manitobans and export our clean energy advantage to help Saskatchewan transition to the green economy that they need—and very similar numbers in Alberta and Minnesota.

Mr. Allum: I think it's important to understand the nature of carbon taxes. Do we already have a carbon tax in Manitoba right now?

Mr. Altemeyer: Yes, indeed, we do already have a carbon tax. Our government brought in a carbon tax on coal. It has been applied to operations such as Manitoba Hydro's backup coal generating facility in Brandon. Emissions from that plant have been dramatically reduced because we mandated it only be used on an emergency power basis. And all of the revenue raised from that coal tax is directed into biomass projects. So we have had multiple instances where, for instance, a Hutterite colony has been using coal for heat and we use money from the coal tax to transition them to a biomass or geothermal operation. That's the type of work this government should be using their new revenues to replicate.

Mr. Jeff Wharton (Gimli): I thank the member from Wolseley for bringing forward this resolution.

I have a question. The member mentions about the emissions out of Saskatchewan, and, quite frankly, you know, the member himself had several years to help deal with this very serious issue. As a matter of fact, roughly 13 years in—as an elected official. I ask the member opposite recognize the damage done by a decade of mismanagement of our environment. Simple things like joining the New West Partnership might have been able to open up that communication in order to ensure that we could sell our green energy to provinces like Saskatchewan. So, again, I ask the member—the damage that they've done by the decade of mismanagement of our environment.

Mr. Altemeyer: Well, I'm afraid the MLA may have to ask the Premier (Mr. Pallister) if he can borrow the wooden buffalo and give it to the researcher who wrote that question for him. We're already selling power to Saskatchewan, Madam Speaker, and signing the New West Partnership obviously wasn't a barrier to that. I may also point out that, under the Filmon Conservative government, emissions in Manitoba rose, on average, 200,000 tons per year. Over their decade in office, our emissions went up by two megatons. The average increase under the

NDP? We dropped that number by 160,000 tons per year. It's down to 40,000 per year increase. It's still increasing. It needs to flatline and then start going down. That's what this government should be trying to do.

Mr. Allum: The resolution points out the things we need to invest in to transition to a green economy. Could the member tell us what future carbon revenues should not be used for?

Mr. Altemeyer: An excellent question, and, as identified in our resolution, we believe that vulnerable people should absolutely be protected. Emissions need to be reduced. Some of the things that will absolutely accomplish nothing in those regards are blanket tax cuts across the board, as has been done in British Columbia. That type of approach is actually going to remove the financial incentive to change behaviour, and those revenues could instead and should instead be used to reduce emissions in Manitoba, create new green jobs and protect vulnerable people every step of the way. That's what we as New Democrats stand on as a principle. Thank you.

Mr. Johnson: This question wasn't answered, Madam Speaker. The member 'oppsodit'—opposite preaches green, but history shows very different. Can he tell us if he thought it was a good idea to cut the Conservation budget while he was in government by \$20 million?

Mr. Altemeyer: The member is now on recycling day, because it has been asked previously. I will give him the same answer. The amount of money that this government is going to be earning is in the neighbourhood of, in the first year alone, 10 times the amount that he's talking about. In year two, it will be 20 times the amount that he's talking about. And this is all revenue that should be targeted at addressing climate change and the implications of it. Vulnerable people need to be protected in his constituency, in all of our constituencies. When the price for fuels that people have to use go up, there need to be programs in place so they can reduce their consumption and not be unduly hurt by the tax.

Madam Speaker: The time for questions has expired.

Debate

Madam Speaker: The debate is open.

Mr. Rick Wowchuk (Swan River): I'd like to thank the member from Wolseley for bringing this

important issue forward. We do realize we got great challenges ahead of us, and I'd like to put a few words on the record.

* (11:20)

When it comes to affordability, Madam Speaker, we'll take no lessons from the NDP except from learning from their mistake after mistake. As we committed to in our Throne Speech earlier this year, we will develop carbon pricing that fosters emission reduction, retains investment capital and stimulates new innovation in clean energy, businesses and jobs.

The resolution brought forward by the member from Wolseley talks about the rejection of a made-in-Manitoba cap-and-trade system. First of all, Madam Speaker, that system was never implemented. The NDP were, indeed, world leaders in talking about climate change. They never ceased to trumpet their so-called plan, but in 17 years they never actually got around to pricing carbon.

Secondly, Madam Speaker, the carbon pricing plan, which they talked about but didn't implement, was not actually made in Manitoba. They copied it from Quebec, who copied it from California.

We're going to do work to come up with a system that works for Manitoba and then we will actually implement it. The NDP never met a single one of their climate action targets, which they set themselves. It is, in fact, that carbon emissions rose under the NDP. The NDP simply moved the goalpost if they were—if they couldn't meet emission targets. When asked about missing the targets, their Conservation minister at the time, Dave Chomiak, said we tried.

Members on this side of the House understand that we have to do more than try. We got to have resolves. We will develop and implement a carbon pricing system that is right for Manitoba, one that fosters innovation and protects our competitiveness.

Now, we know that one of Manitoba's biggest advantages when it comes to the environment is its clean hydro power. Part of a sustainable development plan has to be managing that in a very careful way, and we have seen mismanagement over the last 17 years.

Under the NDP's decade of debt, decay and decline the results in green energy are clear: power sold at a loss to US buyers calls for federal subsidies in, or unprecedented debt for Manitoba Hydro and a less diversified power supply. A decade of

debt, decay and decline, tax hikes, red tape and mismanagement left Manitobans to give the NDP a strong message, and this happened last April.

The formal—the former leader of the NDP, Gary Doer, said that if the NDP government didn't meet its emission targets, it should pay the ultimate penalty in the election. Well, I'm happy to say Manitobans took his word of advice and they brought in a new PC government that will work for the people.

The member who presented this resolution himself flew first class to the COP 21 talks in Paris. He wasn't the minister or the premier, thankfully, but he went anyway, despite promising to buy carbon offsets—

An Honourable Member: First-class ticket.

Mr. Wowchuk: Yes, and 'feba' proved there was no record of the purchase.

Under the NDP decade of decline, they even cut the budget of the Department of Sustainable Development by almost \$20 million. Maybe they thought spending the money on first-class plane tickets instead would be a good way to help the environment.

Well, we on this side of the House knew better. The NDP started with a failure to kick-start wind power, and after that ended up far too costly, they looked into the North and ignored expert advice regarding Manitoba—or costing Manitobans billions in the process.

After Wuskwatim was approved in 20—or 2004 at an estimated cost of \$900 million under the NDP mismanagement, costs soared to \$2 billion.

Through the decade of debt, decay and decline, the NDP decimated our credit rating, costing Manitobans millions of dollars per year in interest. I think if each of us go to our bank accounts and we have to pay the interest that they cost us just in a normal spurt, we would not last too long. And, of course, on April 19th Manitobans made a choice decision. The NDP don't understand that a rebated hydro bill doesn't make life more affordable if it continues to grow a massive debt for Manitoba Hydro, and we've seen that in doubling from \$13 billion to \$25 billion.

Manitoba's new government is going to do what it takes to take meaningful action against climate change. We were elected on a commitment to work towards a price on carbon that doesn't sacrifice competitive and nurtures innovation. We'll review

the plan, but forward—or the plan put forward by the federal government and develop a made-in-Manitoba solution that is good for Canada and that's going to be right for Manitoba. The nature of the plan will be revealed in the not-too-distant future. The Premier (Mr. Pallister) will be part of meetings in December that will involve important further discussion.

This resolution also talks a good game on keeping life affordable for Manitobans. It says that home heating and fuel costs should be kept at reasonable levels. Well, I laughed when I read that, Madam Speaker, because this is coming from the same NDP that jacked up Manitobans' taxes, jacked up their hydro rates, making home heating and fuel more expensive. When it comes to affordability, we'll take no lessons from the previous NDP government, except learning from their mistakes.

Before the election, the NDP made pre-election promises exceeding \$6 billion without any regards to the effect it would have on Manitobans. The NDP doubted the debt of Manitoba Hydro—or doubled the debt of Manitoba Hydro to almost \$25 billion. Their record of mismanagement continues to be covered—or uncovered every day. When it comes to the NDP, they broke the right of Manitobans to have a free—or referendum when they increased the PST, after their formal leader stated that was total nonsense.

Our Progressive Conservative government is setting a new course for Manitoba, a new course that'll lead to lower taxes, better services and a strong economy. To ensure the protection of front-line services now and in the future, we must correct the course and move our province back toward balance.

It cannot be overstated that the challenges we face as Manitoba's new government and as a province are significant. Far too long the previous NDP government spent beyond its means, resulting in accumulated debt and ever-increasing taxes. Manitobans are paying the price now, and our government will get us back on track. Those decisions eroded the trust and the confidence of citizens in their government and negatively impact the incomes of hard-working Manitobans, and it jeopardized our ability to provide the services Manitoba families need. We're doing hard work necessary to rebuild our province.

Madam Speaker, our PC government has a huge task in fixing our finances, repairing our services and rebuilding our economy. Our team is committed to making Manitoba Canada's most improved province,

making Manitoba families safer and stronger. Unlike the previous NDP government, we're going to get it right this time. Thank you.

Mr. James Allum (Fort Garry-Riverview): I'm extremely pleased to get up and speak in support of this very important resolution put forward by my friend and colleague from Wolseley.

I want to say just quickly about him, Madam Speaker, that he has been an incredibly strong advocate for green initiatives and sustainable-sustainability in our communities, in our neighbourhoods, in our caucus, in our government, in our neighbourhoods, in our cities and in our province. And I want to thank him so much for his continued advocacy when all else around us seems to lack the kind of sensibility that he has on these issues and their importance not only for ourselves but for our children and our grandchildren and great-grandchildren for generations to come.

Now I want to say I'm often disappointed by what I hear from the government's side when it comes to debating issues of important public policy. My friend from Swan River gave us just an example of the kind of shallow approach to public policy that the government takes. Instead of trying to deal and understand and come to terms with, as my friend from Wolseley said, the central issue of our time, instead what we get in terms both the questions and speechifying coming from the other side is hyperpartisan political attacks that don't serve our constituents, that don't serve our neighbourhoods, that don't serve our communities, that don't serve our cities and don't serve our province or our country.

*(11:30)

And I ask them, I plead with them, I beg with them, stop this kind of way of engaging in political debate in this House and actually let's get down to the important details that need to be addressed in order to ensure that there is an economy in the future, that there is a place-safe, sustainable communities for our kids; that we ensure that in going forward that we have an economy to protect. But there will be no economy, Madam Speaker, there will be no communities, no neighbourhoods, no homes, unless-unless-governments provincially, municipally, federally and across the globe take this issue seriously. So I'm asking my friends on the other side of the House, let's get off the hyperpartisan political train and let's get on board with an important public debate that needs to happen in this Legislature in

order to ensure a better, more sustainable future for all of us.

Now, I want to say that the reason that we put this—that the member from Wolseley put this resolution forward is because, frankly, we're afraid of what's called in other circles the bait and switch. And that is you take \$200 million in 2018 or \$1 billion in 2022, I think, and—over \$1 billion, if it comes to that—and you use it for purposes for which it was not intended. And that would be a mistake. And, in our view, there's a very real risk that these revenues will be used to promote the government's austerity agenda by using them to backfill a relentless agenda of tax cuts that only go to serve the wealthiest and most privileged in our society.

And so what we're saying as a very reasonable objective for all of us in this House is to say \$200 million at a minimum in 2018, over \$1 billion five years later, let's make sure that we're using those revenues for the purposes for which they're intended. And my friend in the resolution has itemized what those things ought to be: to use all carbon revenues to reduce climate emissions both in terms of mitigation but also in terms of adaptation. Both of those are central to fighting, addressing climate change in our time. And it's going to cost some money to do it, and the carbon pricing provides that very opportunity to do that.

And then, in addition to that, there are people who are likely working in high-emissions jobs that need to be trained, educated and positioned for the new green jobs of the future. And so it—that's also going to cost some dollars, Madam Speaker. We do need to invest in those kinds of things if we're going to transition. And that's the key word, transitioning into a more sustainable future by making sure that no one gets hurt, no one's left behind, no one—all those who are vulnerable are not sacrificed on the way to a greener, more sustainable economy.

Of course, we know—of course, we know—that low-income folks, historically—and I want to tell my friends, I spent my whole academic career trying to understand the politics of environmentalism—we know that low-income individuals and families have paid the largest price every single time we try to address these issues because of the very points raised by the member from Swan River. He wants his tax cake and he wants to eat it too. He doesn't want to share the wealth equitably across our society so that no one unduly suffers from the nature of the transition we're about to confront, Madam Speaker.

And, if we don't do that—if we don't do that—then more people than less will suffer and be in a very—even more vulnerable position than they already are.

And then also there's going to be innovation along the way, Madam Speaker, that's going to require investments and resources in order to foster other effective climate change programs. And that kind of investment in innovation can't just be done haphazardly; it needs to be understood and recognized. And that's why we're saying, in this very sensible, non-partisan resolution, is that we ensure that the revenues that come from carbon pricing are used for the purposes for which they're intended.

And I want to say to my friend for Wolseley, in answering a question from my friend from River Heights, this is a positive opportunity for the future. This is the kind of thing we actually can do in order to make a more equitable, more just, more fair, more sustainable society for everyone. That's what we were elected to do, not to engage in hyper-partisan, political rhetoric, day in, day out, relentlessly, from that side over to this side, but to build a more equitable, more fair, more inclusive, more just, more sustainable society for everyone.

This is the hope. This is the opportunity that we have. This is one small step along the way, but an important step that we need to take.

And so I invite my friends across the way, vote for this resolution. Vote yea for this resolution. And let's show the people of Canada that we're going to stand together to fight climate change, but we're going to fight it and address it in a fair and equal way for everyone.

Thank you, Madam Speaker.

Mr. Derek Johnson (Interlake): I just want to echo one comment from the member from Swan River, and he said: when it comes to affordability, we will take no lessons from the NDP except in learning from their mistakes.

They have given us many lessons in the form of mistakes. The NDP never met a single one of their climate action targets, which, Madam Speaker, they set themselves. They would just move the goalpost and pat themselves on the back.

The previous government's former energy minister continually slammed Manitoba Hydro over the lack of investment in wind power. The former NDP energy minister had appeared before the Public Utilities Board to make this case for wind power. He

suggested that Manitoba Hydro is making a huge mistake by writing off wind power as a viable alternate energy source: I think it's sad because I—here's a comment from him—I think it's sad, because I think hydro—Manitoba Hydro is dead wrong in that regard. He said: they simply don't like wind; they don't want it; and they don't have it—virtually impossible to build wind here, unlike most other North American jurisdictions. He continues to say: we have capacity factors here that Ontario would die for, but Hydro, for some reason, has what I consider an irrational dislike for wind power.

Madam Speaker, Hydro officials say wind power isn't a viable option for energy production in the province. Manitoba Hydro officials reported Bipole III was located in the wrong place. It was necessary—it wasn't even necessary for the next 20 years. It was dictated by the NDP to accelerate Bipole III, resulting in a massive cost overrun and debt.

The NDP misleads the public in these decisions that—when the NDP misled the public in these decisions, it nearly bankrupt Manitoba Hydro, doubling their debt from \$12 billion to \$25 billion in the coming future.

Manitoba Hydro experts were right on Bipole III, and they're right on wind power, Madam Speaker. Hydro engineers have evaluated additional wind development opportunities in the province, but further investment in wind power was just not economical.

Not economical, Madam Speaker—this sounds very similar to the words used for Bipole III west-side routing. As we find out after an independent audit of billions of dollars wasted by the NDP government, Hydro was right all along. The NDP government was wrong once again.

Ontario pays more for wind power than any other province or state in North America. They subsidize the wind industry. Only 4 per cent of their electricity comes from wind energy, yet costs 20 per cent of their electrical bill. In 2007, Ontario paid 7 cents per kilowatt hour, similar to what we pay now. Now they pay up to near 30 cents per kilowatt hour, depending on the usage and location.

* (11:40)

Madam Speaker, we need to trust the experts of Hydro to guide us in the right direction for an economical, green source of energy. For my research, it shows that wind power costs, over the

life span of the wind tower, not far from a dollar per kilowatt hour. That's 14 times what we pay now—14 times. As we commit to in our Throne Speech earlier this year, we will develop carbon pricing that fosters emission reduction, retains investment capital and stimulates new innovation in clean energy, businesses and jobs.

Under the NDP's decade of debt, decay and decline, the results on green energy are clear: power sold at a loss to US buyers, call for federal subsidies, unprecedented debt for Manitoba Hydro and all for a less diversified power supply.

A decade of debt, decay and decline, tax hikes, mismanagement and red tape, or orange tape, as a honourable member alerted to—alluded to earlier this week, has left Manitobans to give the NDP a strong message this last election. We will act on that message, Madam Speaker.

We all know that wind energy is just not economical in comparison to Manitoba's hydro sustainable, renewable, green energy. Here's a little snippet from the newspaper's webpage: Manitoba Hydro is 'merving'—moving toward a brighter and greener future by having Manitobans harness the power of the sun. This was all pretty much the day after the election.

On Earth Day, Hydro announced its new Power Smart Solar Energy Program, which introduces 'photovoltaic,' or PV, systems into residential and commercial locations. PV systems use solar cells to convert solar energy into electricity. To get customers on board, Hydro is offering loan and incentive programs.

It's another way of offering additional choice of sustainable energy sources to our customers, said Kelvin Shepherd of the CEO of Manitoba Hydro. We want to be involved in these emerging technologies which are improving and becoming more cost-effective.

Shepherd said the typical five-kilowatt system would cost 16 to 20 thousand to install and would save customers roughly 65 per cent of their annual bill. He said in Winnipeg, the average rooftop solar cell would produce 250 watts of power. Each cell is enough to power, say, your kitchen lights, and each system would compose of 20 of those cells. We've seen the industry that solar PV cost is going to continue to come down, said Shepherd. Manitoba's energy prices are already pretty low, so can make it—

so it can make it hard for some of these new technologies to compete.

The solar PV systems allow consumers to use electricity when needed or give them the option to sell it back to Manitoba Hydro if they—when they don't. Hydro is offering an incentive of \$1 per watt, which covers roughly 25 per cent of the upfront cost, Shepherd said. Although the upfront cost is a little high, it's a long-term investment for consumers who are really committed to going green. He says loans are available on a 15-year finance plan.

Shepherd said technology is still in the early days, and those who employ it are pioneers. He said it doesn't expect solar PV systems to become a major energy alternative in Manitoba until the cost of the technology comes down. As a result of this new plan, Shepherd said Manitoba Hydro customers are expected to save \$25 billion 'cumulative' over the next 15 years. Shepherd said the solar PV systems are not actually offered through Manitoba Hydro, rather, through a private company.

So, Madam Speaker, this is another program. Will it be successful? Not with the previous NDP government's orange tape. Every other province in the country requires a single line drawing to show the basic configuration of the system to apply for a permit. Then, once you're approved, you need a full system design.

How does it work in Manitoba with the NDP designed program? Let me tell you, Madam Speaker. To apply for this program, you must have a full design for a system right down to the wire clips prior to applying for the program. So, let's be clear. This is equivalent to hiring an architect and an engineer prior to getting permission through a building permit to build on the lot that you intend. This is actually why only a handful of people have taken advantage of this program—orange tape.

There's been no shortage of roadblocks set up by this previous government. We have set up a red tape reduction committee that is in the process of reducing—let's call it orange tape, if we can use that analogy, because I kind of like it. Unlike the NDP decade of debt, decay and decline—they cut every budget of the Department of Sustainable Development by almost \$20 million—\$20 million. Now they stand before us with failed project after failed project continuing their dictatorship for us to follow in the NDP direction.

We will review the plan put forward by the federal government and develop a made-in-Manitoba solution that is good for Canada and right for Manitobans. The nature of that plan will be revealed in the not-too-distant future. The Premier (Mr. Pallister) will be a part of meetings in December that involve important further discussions.

We are hired by Manitobans to fix the finances, Madam Speaker, and that's just what we'll do. We're building a better Manitoba not a bigger bureaucracy.

Thank you.

Hon. Jon Gerrard (River Heights): Madam Speaker, a few comments on the resolution.

First of all, I support the comments from the MLA for Wolseley that climate change is a really urgent and important area, right. It is something that we need action on—not just talk. This government has been in power for more than six months; we should've had, by now, a climate change plan. Where is it? You know, we should have had a full climate change plan. We should've been debating it in this legislation, in this Chamber.

That being said, there are some concerns about the resolution being put forward, you know. The fact is that when British Columbia brought in their carbon tax, one of the things that BC did was that they had to protect low-income individuals and families—a refundable low-income climate action tax credit to offset the carbon tax paid by low-income individuals and families. But it was not in the resolution. The MLA for Wolseley should've done his homework a little bit better and made sure that protection of low-income individuals was in the resolution.

Now, the MLA for Wolseley also mentioned the greenhouse gases in Manitoba, which fell after 2008 when there was an economic setback to some extent. But the fact is that, in 2014, compared to 2008, instead of greenhouse gas production in Manitoba being lower, it was higher by 300 kilotons, so that the greenhouse gas production in 2008 in Manitoba was 21.2 megatons. It's now gone up to 21.5 megatons instead of going down.

And, in fact, if you compare British Columbia with Manitoba, and we'll take a larger window just to be fair, okay—we'll go back to 2001. If you compare Manitoba now to 2001, our greenhouse gas have

gone up 8.5 per cent. If you look at British Columbia—

An Honourable Member: In the last six months. In the last six months.

Mr. Gerrard: No, they haven't even recorded the last six months—too bad. If you look at British Columbia from 2001 to now, where they put in an action plan and implemented it and implemented a carbon tax, what happened was that the greenhouse gases in British Columbia, instead of going up 8.5 per cent, went down 9 per cent.

* (11:50)

So British Columbia was effective in 2000—in the 2000s, during the time that the previous government was in power, in reducing greenhouse gases, whereas in Manitoba, the previous government was not effective. They failed. In fact, they were legislated to bring in a reduction. In fact, the previous government, by not bringing in that reduction, not meeting their targets, they broke the law. Did you know that? Not too many people realize that the previous government was breaking the law.

And one of the reasons why the previous government didn't make their target and ended up breaking the law was that they forgot all about one of the really, really important areas of our economy, and that's agriculture, right, because what's happened is that agricultural emissions, under the previous government's watch, went up. And one of the major reasons they went up was actually that they didn't pay attention to a really important greenhouse gas called nitrous oxide. And nitrous oxide forms when you're—put nitrogen on the land and the land gets wet if it's flooded, and the nitrous—nitrogen gets converted to nitrous oxide and goes up into the atmosphere, so that by failing to pay attention to this, this is a big loss for farmers, right, who put nitrogen on the land, and because there wasn't an adequate water management policy under the previous government, too many fields got flooded, too much nitrous oxide went into the air and we had problems with much more flooding than we needed to not just on farmers' fields but elsewhere.

So there was an opportunity to create a win-win-win situation to help farmers by better water management, to help decrease flooding by better water management and to decrease greenhouse gases. And, clearly, that needed to be part of what

was a climate change plan, but it never was under the former government, and we have to hope that the current government will pay a little bit of attention to agriculture—

An Honourable Member: Hold out hope.

Mr. Gerrard: I would hope so—and include a plan to address nitrous oxide. It is there in smaller amounts than carbon in the atmosphere, but it's much more potent; I think it's about 350 times more potent than carbon. And it's actually much longer lived; it's over 100 years; not sure whether that's half-life or full life; I think it's half-life. So it's around for a long, long time.

So, if we don't act to reduce nitrous oxide, if we don't pay attention to the needs of farmers as well as people who are concerned about climate change, we're going to go in the wrong direction for farmers and we're going to go in the wrong direction for climate change.

So we hope—we hope—that this Province will bring in the climate change plan which will address the needs of agriculture and the needs of climate change. *[interjection]* Absolutely, it is really of vital importance that this gets attention, and it is something that the Manitoba government is really the one that has to act here and make sure that things are looked after for farmers because that's where the primary responsibility is.

And so we urge this government to get going and to produce a climate change plan, which they should've done in the first six months but haven't. And we should have a full climate change plan, and we should have a pathway that's very different, because if you look at this whole graph, going back to 1990, and the legislation was to reduce carbon, greenhouse gases, by 6 per cent below 1990, and the last government never got close, so we're going to be following this government very closely and getting up here time and time again to demand action and demand effective—effective—action from this government.

We've been a leader in talking about climate change and addressing climate change in the Liberal Party for many years. I presented the ideas about reducing nitrous oxide in the early 2000s, but the last government paid no attention, and we hope, with experts like the MLA for Swan River, who should know a lot better about how to act, that we'll actually get some action. But we'll be there to keep the

MLA for Swan River accountable and the whole government to account, and you need to make sure all of you on the government side that your government is actually moving on this.

So, with those few words, Madam Speaker, I will sit down, urge all members to work together and get an action plan for climate change in place as fast as possible and get Manitoba on board in terms of going in the right direction instead of where we've been going, which is largely in the wrong direction.

Mr. Blair Yakimoski (Transcona): Wonderful, wonderful comments by the member from River Heights, and I find myself at this point in agreement with some of the things that the member from Wolseley has put forth—*[interjection]* I know, I'm struggling with it, but we want to make Manitoba better. We want to have a better Manitoba, so I'm glad I get an opportunity to speak a little bit about this very aware of that, but all Manitobans should be and we are. We do know there's a global crisis. We do know that the global targets of keeping Earth's warming to less than 1.5 degrees is a target that if we, as Canadians, are able to make it, we can do everything possible to ensure we lead in our country here in Manitoba, in our province, lead the country in terms of achieving those targets.

Canada produces a very small amount of greenhouse gases compared to other countries. We are very environmentally friendly, but there's still more work to do—*[interjection]* He's right. On a per capita basis we still produce a lot, but we are a huge country. We are a cold country. There's a long way to go. There's improvements to be made, but from a global point of view we can hope that the colleague from River Heights's federal counterparts will continue to push countries such as China, India, our partner to the south—I chuckle as I think about what changes that's happened there—to move forward and reduce their emissions. But here in Manitoba we can make improvements; we know that.

The potential issues that the member from Wolseley has raised are real and they're scary. Climate change will affect every aspect of our lives, from food production to weather. We joke about—you hear about it on the radio or in the media all the time about the wonderful weather we're having today. It's gorgeous outside. It's not normal. It's unfortunate, but it's not normal, and as much as we enjoy it, warmer winters are not good for our ecosystem. They're not

good for our economy. They're not good for our environment.

At a presentation recently by the Red River Basin Commission, it was noted that although rainfalls may not be increasing substantially, they are coming in multi-day events, creating a whole lot more run-off and creating issues that with more

flooding and issues environmentally that the ground can't soak in the water as it runs off.

Madam Speaker: Order, please. Order, please. When this matter is again before the House, the honourable member will have seven minutes remaining.

The hour being 12 p.m., this House is recessed and stands recessed until 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 10, 2016

CONTENTS

| ORDERS OF THE DAY | | Resolutions | |
|---|------|--|------|
| PRIVATE MEMBERS' BUSINESS | | Res. 14–Transitioning to a Green Economy | |
| Second Readings–Public Bills | | Altemeyer | 2807 |
| Bill 210–The Court of Queen's Bench Small | | Questions | |
| Claims Practices Amendment Act | | Wowchuk | 2809 |
| Maloway | 2797 | Altemeyer | 2809 |
| Questions | | Allum | 2809 |
| Smith | 2798 | Gerrard | 2809 |
| Maloway | 2798 | Johnson | 2809 |
| Swan | 2799 | Nesbitt | 2810 |
| Johnson | 2799 | Wharton | 2810 |
| Gerrard | 2799 | Debate | |
| Nesbitt | 2799 | Wowchuk | 2811 |
| Debate | | Allum | 2813 |
| Smith | 2800 | Johnson | 2814 |
| Swan | 2802 | Gerrard | 2816 |
| Michaleski | 2804 | Yakimoski | 2817 |
| Klassen | 2806 | | |
| Johnston | 2806 | | |

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