

**Second Session – Forty-First Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Mr. Doyle Piwniuk*  
*Constituency of Arthur-Virden*

**Vol. LXX No. 2 - 6 p.m., Tuesday, May 16, 2017**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Tuesday, May 16, 2017**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Doyle Pivniuk  
(Arthur-Virden)**

**VICE-CHAIRPERSON – Mr. Kelly Bindle  
(Thompson)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mrs. Stefanson*

*Messrs. Allum, Bindle, Johnston,  
Ms. Lamoureux, Mr. Michaleski,  
Ms. Morley-Lecomte, Messrs. Pivniuk, Swan,  
Teitsma, Wiebe*

**APPEARING:**

*Hon. Ron Schuler, MLA for St. Paul*

**PUBLIC PRESENTERS:**

*Bill 16–The Fatality Inquiries Amendment Act*

*Mr. Corey Shefman, private citizen*

*Mr. Peter Markesteyn, private citizen*

*Mr. John Hutton, John Howard Society of  
Manitoba*

*Bill 18–The Legislative Security Act*

*Ms. Michelle Gawronsky, Manitoba Government  
and General Employees' Union*

*Mr. James Beddome, private citizen*

*Bill 25–The Canadian Harm Prevention Act  
(Various Acts Amended)*

*Ms. Michelle Gawronsky, Manitoba Government  
and General Employees' Union*

*Mr. Steven Stairs, Winnipeg 420 Organizing  
Committee*

*Ms. Sylvie Sabourin Grindle, private citizen*

*Mr. Nathan Buschau, private citizen*

*Bill 26–The Election Financing Amendment Act*

*Mr. James Beddome, private citizen*

*Mr. Darrell Rankin, Communist Party of  
Canada–Manitoba*

**WRITTEN SUBMISSIONS:**

*Bill 18–The Legislative Security Act*

*James Beddome, private citizen*

*Bill 25–The Cannabis Harm Prevention Act  
(Various Acts Amended)*

*Kevin Rebeck, Manitoba Federation of Labour*

*Miranda Ferraro, private citizen*

*Ashleigh Brown, private citizen*

*Bill 26–The Election Financing Amendment Act*

*Kevin Rebeck, Manitoba Federation of Labour*

*James Beddome, private citizen*

**MATTERS UNDER CONSIDERATION:**

*Bill 16–The Fatality Inquiries Amendment Act*

*Bill 18–The Legislative Security Act*

*Bill 25–The Cannabis Harm Prevention Act  
(Various Acts Amended)*

*Bill 26–The Election Financing Amendment Act*

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**Mr. Chairperson** Will the Standing Committee of Justice please come to order. This meeting has been called to consider the following bills: Bill 16, The Fatality Inquiries Amendment Act; Bill 18, The Legislative Security Act; Bill 25, The Cannabis Harm Prevention Act (Various Acts Amended); and Bill 26, The Election Financing Amendment Act.

I would like to inform all in attendance that—the provisions of this rules regarding the hours of adjournment. The standing committee meeting is considered a bill and must not be past midnight to hear public presentations or consider clause by clause of a bill except for the unanimous consent of the committee.

We'll have a number of presenters registered to speak tonight as noted on the list of presenters before you. On the public of determining the order of public presentations, I will note that we will do—have a couple of out-of-town presenters in attendance marked with an asterisk on the list.

With this consideration in mind, in what order does the committee wish to hear the presentations?

**Mr. Andrew Swan (Minto):** I would suggest we go through numerically, but that we allow the out-of-town presenters to present first, as is our custom.

**Mr. Chairperson:** Is that agreed with all the committee? *[Agreed]*

So we'll proceed with out-of-town first, and then we'll proceed with numerically after that. Is that what you want to—we agree with, Mr. Swan?

Okay, so we'll continue.

So, written submissions from the following persons have been received and distributed to committee members: Kevin Rebeck, Manitoba Federation of Labour and bills 25 and 26; Miranda Ferraro, of Bill 25; and Ashleigh Brown, of Bill 25.

Does the committee agree to have these documents appear in Hansard transcripts of this meeting? *[Agreed]*

Before we proceed with the presentation, we do have a number of other items and points of information to consider.

First of all, it is there—is anyone else in the attendance who would like to make a presentation this evening, please register with the staff at the entrance of the room.

Also, the information of all presenters, while written versions or presentations are not required, if you are going to be accompanying your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak to one of our staff.

As we, in accordance with our rules, the time limit of 10 minutes has been allocated for presenters, with another five minutes allowed for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Lastly, I would like to advise members of the public regarding the process for speaking in the committee. The proceedings of our meeting are recorded in order to provide a verbatim transcript, and each time anyone wishes to speak, whether it is

an MLA or a presenter, I wish to have to say the person's name. This is a signal for the Hansard to record and turn the mic on or off.

Thank you for your patience, and we will proceed with public presentations.

I will now call the out-of-town presenters.

### **Bill 16—The Fatality Inquiries Amendment Act**

**Mr. Chairperson:** I will call on Mr. Corey Shefman, private citizen, on Bill 16.

Do you have any written materials to distribute to the committee?

**Mr. Corey Shefman (Private Citizen):** I do.

**Mr. Chairperson:** Okay. So we'll get someone to—we'll have somebody pass them around. Please proceed with your presentation.

**Mr. Shefman:** Thank you, Mr. Chairman, and thank you, members of the Legislature, members of the committee, for allowing me to speak to you today.

I come to you currently from Toronto, where I practise law. I, until January, practised law here in Winnipeg. I am still licensed to practise law in Winnipeg and I do actively practise law here, both in Winnipeg and throughout the province of Manitoba.

\* (18:10)

It's my honour and privilege to present to the Legislature today on this question, I think, of vital public importance despite it, perhaps, seeming somewhat wonky. Inquests are anything but the remit of wonks; they are one of the most significant legal proceedings, judicial proceedings that we have in Manitoba and throughout Canada, and for that matter throughout the common law world.

Inquests allow us to explore why and how the worst possible situation in our society occurs, the death of somebody who, generally speaking, doesn't have control over their own life, who doesn't have the ability to control their circumstances: a person in prison, a person encountering a police officer, a person in a psychiatric institution, a child. These are, generally speaking, the people who become the subject on an inquest. And learning how and why they died and how to prevent future similar deaths is at the heart of the inquest process, but it goes beyond that.

The Supreme Court a number of years ago in a case referred to in my materials called *Faber v. The Queen* goes through a hundred years of

inquest jurisprudence and speaks about the three fundamental purposes of an inquest. And they all revolve around one thing, the public interest. They revolve around quelling public concern, public speculation. They revolve around addressing the circumstances which led to the death. And what we're talking about is a holistic view of how these deaths occur.

Bill 16 addresses a very serious problem in the legislation, in The Fatality Inquiries Act. For a number of years judges of the Provincial Court who conduct inquests and lawyers who act at inquests have generally agreed that The Fatality Inquiries Act is flawed and requires amendment. You will have no issue from me on that. I do have three major sources of concern about this bill, however, and the way that it was presented.

The first source of my concern is that the introduction of Bill 16 directly undercuts an independent law reform commission process which was quite literally about to begin an investigation into The Fatality Inquiries Act. The Manitoba Law Reform Commission, which, as I understand it, is a unit within the Department of Justice, was beginning a consultation process that would have brought together legal professionals who act in inquests from all sides of the spectrum to discuss ways to improve The Fatality Inquiries Act.

When Bill 16 was introduced, we were scheduled to have our first meeting within the month. Unfortunately, when it was introduced, the commissioners decided that it wouldn't be appropriate for them to continue their consideration. Quashing an independent review of legislation this vitally important is quite frankly horrifying.

Secondly, there's no question, as I said, that these amendments are important, but they certainly weren't urgent. There was no urgent need to amend the legislation like this. There was certainly no urgent need to make sweeping changes to the legislation without, as far as I've been able to determine, doing any consultation whatsoever, let alone broad consultation with members of the community who are most affected by inquests. And by that I mean, I'm not going to mince words, I mean racialized and inner-city communities, I mean, the indigenous community.

The people who encounter the inquest system are the people who are most vulnerable. They are the people who are in jail and encountering police officers. It's no secret, and, frankly, it is not

controversial to say that there is a systemic racism problem in our justice system. This is something that chiefs of police have said, the head of the RCMP has said, the Supreme Court chief justice has said; this is not a controversial statement. And so, when we think about who encounters these systems most often, it is the most vulnerable people. And so for this bill to be introduced, for the amendments to be introduced without taking into account their perspectives is a very serious concern.

I often tell people that if I'm doing something wrong I want them to tell me that; I want them to tell me that I'm doing something wrong so that I can fix it. That's the purpose of an inquest: to tell the government, to tell public institutions, hey, this thing you're doing could be done better, here's how to do it better.

The recommendations that come out of an inquest come from a judge who's heard from experts. The amendments to The Fatality Inquiries Act, in Bill 16, will take that process away. It will give the Chief Medical Examiner, a medical professional with no legal training, no training in security, in institutional security in prisons, in infrastructure and in safety measures, the ability to make recommendations which, frankly, would be no better than a layperson's recommendations, because outside of the medical field—because the Chief Medical Examiner, of course, is a doctor, outside of the medical field, the CME has no particular expertise.

What's equally concerning about these—this ability is that it is a significant enhancement of the Chief Medical Examiner's discretion, and there are a number of instances in Bill 16 where the Chief Medical Examiner's discretion is enhanced, most strikingly, in the sections which allow the Chief Medical Examiner to decide whether or not to call an inquest, where inquests used to be mandatory.

And why discretion is important—there are two reasons why discretion is important. The first reason is that the more and the greater the opportunity to exercise a—to exercise discretion, the greater chance that there is for implicit bias to seep into those exercises of discretion.

When I talk about implicit bias, I'm talking about systemic racism. I'm talking about a person who is not themselves overtly racist, who has no hatred towards one group of people or another, but allows their implicit biases, the ones that they can't control that are built into the rules and procedures that govern our systems, to impact their decision making.

And that's why we curtail discretion in laws. That's why our legislatures—here, provincially and federally—fetter the discretion of decision makers.

And the Supreme Court has addressed this in the case *Roncarelli v. Duplessis*, which is a seminal Supreme Court case dealing with exercises of discretion and abuses of discretion. And what the Supreme Court said, in so many words, is that you—it is not permitted to allow decision makers to simply make discretionary decisions without any guidance, without any principles to guide their decisions. And yet that's exactly what Bill 16 does: it gives the Chief Medical Examiner almost unfettered discretion to decide whether or not inquests will be held, even where there are presumptively—there will presumptively be an inquest in Bill 16.

The Chief Medical Examiner has the discretion to not call that inquest even where the criteria are met, and I address, in my written submissions, on a clause-by-clause basis, the most concerning sections. And so I'll point to you, on page 3 of my submissions, at section—regarding section 19(2), where we deal with—

**Mr. Chairperson:** Mr. Shefman, you have about a minute left.

**Mr. Shefman:** Okay—where we deal with exactly this issue. And so I won't read into it, and I'll let you review it yourselves. But I would implore the committee to review my submissions, which I directed to the minister and the leaders of the opposition parties a number of weeks ago, to review and also to hear, with an open mind, the submissions of the other presenters today, who—both of whom—or at least two of whom who I know of, are very experienced in this area.

I think what it comes down to is a matter of this fundamental importance requires consultation. It requires input from the community. It requires input from stakeholders. Frankly, it requires input from the people who do this work. With the greatest of respect, I don't know that anybody sitting at this table has participated in an inquest; if I'm wrong, I apologize. But, without participating in an inquest, you cannot possibly appreciate the way that these changes—

**Mr. Chairperson:** Mr. Shefman, your time is up.

Mr. Shefman, thanks for your presentation.

Is—does any member of the committee have any questions for the presenter?

\* (18:20)

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thanks very much, Mr. Shefman. I just—I don't have any questions for you. I think you have outlined quite well in your letter, and I received your letter as well. I really appreciate the time you've taken to be here tonight and the time that you've put into this. I know you're very passionate about this, and I do respect your opinion when it comes to this and the work that you've done for this. So I just wanted to thank you for being here and for the work that you've done on this file. *[interjection]*

**Mr. Chairperson:** Mr. Shefman, go ahead.

**Mr. Shefman:** Oh, thank you. Sorry.

In response to your comment, Minister, I just wanted to reiterate that I do not object and I agree with you entirely that The Fatality Inquiries Act requires amendment, but I urge you to consult with the Law Reform Commission and with members of the community who this bill will impact and consider their input.

**Mr. Andrew Swan (Minto):** Mr. Shefman, I want to thank you for coming down and presenting, and also for the work that you did on your submission.

You spoke about the proposed review by the Manitoba Law Reform Commission. It sounds like you were going to be participating in that process. Mr. Shefman, were you invited by the commission to be part of that?

**Mr. Shefman:** Thank you for your question, Mr. Swan.

The Law Reform Commission contacted me as a member of the bar who has represented families of the deceased at inquests to participate in their review.

Without naming names, I am aware that other lawyers in Winnipeg and Manitoba, who represent institutions, who are often what would be considered to be on the opposite side of the table from myself, were also going to be participating in this review. It was a broad spectrum of viewpoints, of interests.

And I think what's really important to note is that while I may have a particular view of the—of inquests and of the people who encounter them, and others may disagree with me, I have yet to speak, and I have consulted quite broadly—I have yet to speak with a member of the legal profession who engages

with inquests in Manitoba, who believes that this is the right course of action.

**Mr. Swan:** Mr. Shefman, were you consulted by the government or by the minister, and to the best of your knowledge, were any of those other lawyers or other experts, were they ever consulted by the government before this bill was introduced?

**Mr. Shefman:** The information that I have is that none of the lawyers who are invited to participate in that process were consulted. I can also advise that I did—prior to this bill being offered—being presented, I had the opportunity to meet with the minister on another matter and did raise the issue of amendments to The Fatality Inquiries Act, so, certainly, the government was aware that this was an issue which there was interest in the community to consult on. There was also an effort from another branch of the government to consult on this issue and that effort was also stymied when the bill was introduced.

**Mr. Swan:** One of the concerns I know you've raised in your materials is that this bill would take away the ability of the Attorney General to call an inquest, even if the Chief Medical Examiner decides that it's not warranted. Can you comment on that provision and your view?

**Mr. Shefman:** Absolutely, and I think this goes to what I was talking about before about the expertise of the Chief Medical Examiner.

The Chief Medical Examiner is an expert medical professional. That person is not a legal professional. They don't have any particular training in the—in what is the public interest or how to consider the public interest, and that's why judges are the ones who make—normally make those calls, and in the past have made those calls.

In other provinces where the Chief Medical Examiner or the coroner, which is the equivalent in other provinces, have the discretion to call or not call an inquest, the Attorney General almost always has a secondary discretion to either overrule the Chief Medical Examiner or to simply call an inquest if they believe that there's a matter of public concern.

I'd also note that, in Ontario, the legislation allows for what's called a family appeal where, if the chief coroner, which is their equivalent, decides not to call an inquest, the family is statutorily permitted—sorry, and the family of the deceased is what I'm referring to—statutorily permitted to appeal that decision, and that appeal can go up a number

of stages, but what it really comes down to is accountability.

When the Chief Medical Examiner has complete discretion and complete unfettered discretion with no opportunity to appeal, the result is not going to be a more efficient process; it's going to be a less efficient process. Because what's going to happen is that families who are denied their inquests are going to have no other option but to file an application in the Court of Queen's Bench for judicial review. That's significantly more expensive, more complicated and more time-consuming than the current process. And so if the goal of Bill 16 is to streamline the process to make it more cost-effective and efficient, this is quite literally doing the opposite of that.

**Mr. Swan:** Mr. Shefman, you talked about section—

**Mr. Chairperson:** Oh, sorry. Sorry, Mr. Swan. The time for questions is—Mr. Swan.

**Mr. Swan:** Could I ask the committee for leave to have the questioning of Mr. Shefman go on for, say, another five minutes? I think this gentleman is well-versed and has provided a pretty strong brief and I think this committee is really benefiting from his input tonight.

**Mr. Chairperson:** Does the committee agree to have Mr. Shefman to ask a quick question for another five more minutes? *[Agreed]*

**Mr. Swan:** I thank members of the committee for that allowance, and I realize that the Liberal member may have questions, as well.

**Mr. Chairperson:** Mr. Swan.

**Mr. Swan:** Yes, thank you.

You talk about section 19(3) of the proposed act which would provide that the Chief Medical Examiner would be given discretion not to call an inquest if a review into the death has been or will be conducted. You have recommended the word public be inserted before review and the words publicly available be inserted before the word recommendations.

Can you tell the committee why you believe that that amendment would be important to make this bill stronger?

**Mr. Chairperson:** Mr. Shefman, go ahead.

**Mr. Shefman:** I will. And that's an example of one of the areas where, as you've identified, I think we can improve on the suggestions. The

reason why public is important is because these recommendations are, of course, not—they aren't enforceable by the inquest judge and so they're only enforceable by the court of public opinion or perhaps by the ombudsperson. And so for them to be private means that the government institution, whichever institution that may be which is the subject of the recommendations, can't be held accountable. I've represented families who have encountered, in particular, the corrections system where the internal reports that they get are so heavily redacted that there's very little visible besides the family member's name.

If you're going to replace the inquest with something, it needs to be replaced with something equivalent.

**Mr. Swan:** I promise you, Mr. Shefman, this will be my last question. One of the proposed sections is that an inquest would sometimes only be called if it was the view of the Chief Medical Examiner that there be recommendations on changes to provincial laws or provincial policies or practices.

Can you comment on that provision and what you would suggest might be stronger?

**Mr. Shefman:** Frankly, there is no federal inquest process that's equivalent to what the Province has. And so if there is a death in, for example, a federal correctional institution, then one would assume that the Chief Medical Examiner could exercise their discretion to not call an inquest because it's federal jurisdiction. The fact is these people are in the province of Manitoba. They are generally arrested or arrested by a person who—a peace officer who is under the jurisdiction of the Province of Manitoba. They will, one would assume, go back to live in the province of Manitoba after they would have gotten out if they hadn't died.

The government of Manitoba has an obligation to its citizens, whether you like those citizens or not, to care for them, particularly when their ability to care for themselves because they are, for example, at the will of correctional officers, is compromised. We have to—we have an obligation to care for these people.

**Ms. Cindy Lamoureux (Burrows):** I'd like to thank Mr. Shefman for coming out tonight, as well.

I want to say that I really appreciated in your presentation how you talked about focusing on the public interest and there is a certain obligation on behalf of the government to take that into

consideration. I'm happy that you were able to voice your concerns to the minister, whether it was in a separate meeting or not. She was made aware of this coming into the committee before bringing the bill forward.

And just a simple question: If the bill were to be pushed forward, government, if you could make amendment, what would it be? *[interjection]*

**Mr. Chairperson:** Sorry, excuse me, Mr. Shefman.

**Mr. Shefman:** Sorry. I'm really bad at that.

The—I've outlined in my submissions a number of areas where—and this is my attempt at being constructive—rather than simply saying get rid of the bill completely, here are some very specific ways that you can improve the bill. Take what you're starting with, that's fine, but here are specific ways that you can make the bill better.

\* (18:30)

And so, often it's as simple as adding a word or two. In some cases, to be frank, the sections are not salvageable. They will, without being dramatic, destroy the purpose of an inquest. They'll make inquests not fit for purpose. But in many other cases, the bill is a good starting point. The problem, as I see it, with Bill 16 is that that's what it is; it's a starting point. That—it would have been a first draft at the Law Reform Commission, which would have been built on by talking to community stakeholders. And when I say community stakeholders, let's be clear, I'm talking about the police association; I'm talking about the correctional officers; I'm talking about the people who are affected by inquests. I'm not just talking about my clients.

This bill does a disservice to the Winnipeg police, to the RCMP, to hospital staff. It does a disservice to everybody who encounters inquests because what it does is it makes inquests less effective. It makes inquests less able to recommend changes that will protect the lives of Manitobans. That's what we're talking about here, protecting the lives of Manitobans. It's right in the act; there is no blame laid in inquests. It is, in fact, statutorily not allowed to lay blame in inquests, and that's one of the beautiful things about inquests—

**Mr. Chairperson:** Mr. Shefman, the other five minutes is up now. I know time goes by fast, so I want to thank you for your presentation, and we'll go on to the next—thank you very much—we'll go on to the next out-of-town presenter, and I'll ask



Ms. Michelle Gawronsky, and she's the president of MGEU, Manitoba.

Do you have any material—written material that you want to pass out?

**Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union):** I do, Sir.

**Mr. Chairperson:** Okay. We'll get one of the staff member—the pages to pass it out.

**Floor Comment:** Am I doing both?

**Mr. Chairperson:** Yes, go ahead, Ms. Gawronsky.

**Ms. Gawronsky:** Bill 18 is the first one I'll speak on now.

### **Bill 18—The Legislative Security Act**

**Mr. Chairperson:** Yes, Bill 18. Okay. Go ahead.

**Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union):** Good evening, Chairperson, honourable members and Minister Stefanson. As you said, my name is Michelle Gawronsky and I'm the president of the Manitoba Government and General Employees' Union.

The MGEU represents over 40,000 Manitobans who live and work throughout Manitoba in a wide variety of workplaces, including Protective Services officers right here at the Legislature. These members take great pride in the works that they do and take their role in providing safety and security, for all people in the Legislature and other government buildings, very, very seriously. Ensuring the public, politicians and the people who work in the public buildings are secure and safe is of utmost importance to them.

We are all aware of recent threats and attacks on government buildings. Making changes to the security at the Legislature is very important. However, I would like to raise several concerns on behalf of Protective Services officers working across the province.

Bill 25, which gives Protective Services officers at the Legislature peace officer status, broadening their scope of duty and asking them to do more. Firstly, there is a widespread concerns throughout the civil service that people are being asked to do more with less, as aggressive, vacancy-management policies are implemented. For Protective Services officers, this is no different. We have members in this classification who have been working full-time

hours for as long as 10 years but are still considered casual staff.

What does this mean? Someone who's been a loyal employee and dedicated their career for over a decade is treated differently than the person they work next to every day. Full time or casual, they are being asked to put themselves at greater risk as peace officers. It's only fair that they all be paid in line with other peace officers in the province.

Secondly, we believe that all government Protective Services officers should be granted the same designation and the same training that goes along with it. Consistency in this job classification would ensure the same protection is provided at all locations. The public and the workers at all government buildings deserve the same level of security, regardless of where they are. Their lives are as important as the people working in the Legislature. They have the right to safely return to their families at the end of their workday.

Thirdly, by granting Protective Services officers peace officer status, they will be asked to check for ID, scan people and their belongings, remove potentially dangerous items and weapons, evict them—evicting or detaining individuals and using reasonable force to carry out these duties. You must ensure that protective service officers are given the tools, resources and are trained to when to use their authority and how to do it in the safest way possible.

Finally, the Legislature is a publicly accessible space and anyone who wishes to visit and look around or take part in the democratic process should be allowed to enter. We want to ensure that people who are peaceful and want to exercise their democratic rights are not kept from doing so. After all, this is my House too.

The provisions in Bill 18 are a good start, but should be expanded to include other government buildings. Necessary investments in training, tools and wages are needed to be made in order to carry out the duties set out in this legislation. After all, we want the public and employees working at all government buildings to be protected, to return home safely to their loved ones.

Thank you for your time.

**Mr. Chairperson:** Thank you, Ms. Gawronsky.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thank you, Ms. Gawronsky, and I just want thank you so much for being here

tonight. I know we've met on a few occasions and—several occasions—and I just want to say, you know, thank you for being here, but also for what you do for your employees. We have a tremendous amount of respect for what they do to ensure the safety of our public that comes to this building, that goes—and to those that protect those and office spaces beyond this building as well. So I just want to reiterate that to you and thank you for being here tonight and on behalf of your employees.

**Mr. Andrew Swan (Minto):** Ms. Gawronsky, thank you very much for coming down and presenting on Bill 18 tonight. We're going to be getting into the Estimates process in Justice in the next while, so I don't think it's any surprise to the minister that I will be likely asking some questions from what's contained in your brief to see what the minister's plans are for the upcoming year.

One of the concerns we have about the bill is that this will provide that the security arrangements, including arrangements that your members will be carrying out: checking ID, determining when somebody should be asked to leave the building, denied entry or even removed from the Legislative grounds; that's going to be contained in an arrangement between the Speaker's Office and the Minister of Justice (Mrs. Stefanson) that will not be made public, that MLAs will not even be able to see. Does that seem reasonable to you?

**Ms. Gawronsky:** I would actually have to take a look at that and try and figure that out. If we don't have the availability to be able to see what's actually in it, how will we know how it's going to work? How will we know that our members are protected themselves when the time comes where they're going to be doing their job in protecting others?

I don't understand why a bill would be secret. I mean, to me, we'd all be able to see it, I would think.

**Mr. Chairperson:** Is there any other questions? Further questions?

Thank you, Ms. Gawronsky.

**Bill 25—The Cannabis Harm Prevention Act  
(Various Acts Amended)**

**Mr. Chairperson:** Since you're an out-of-town guests and you're—also want to speak on Bill 25, we'll get you—stay up at the podium and you can do your presentation.

Do you have written material that you want to present on Bill 25?

**Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union):** I do, Sir.

**Mr. Chairperson:** Okay, we'll get someone to pass them around. Please proceed with your presentation, Ms. Gawronsky.

**Ms. Gawronsky:** Okay. Thank you so much. And, again, good evening and thank you for allowing me this time to speak.

I'm going to forgo the first line of my presentation that tells you who I am. I think everybody kind of knows by now. And, again, we represent over 40,000 Manitobans who live and work throughout Manitoba in a wide variety of workplaces, including staff at the Manitoba Liquor & Lotteries and the Liquor Gaming Authority of Manitoba.

As we all know, it's only a matter of time before marijuana sales will be legalized in our country. And that means that this government has some important decisions to make and it would be great if Manitoba was leading the way.

We are pleased the government has introduced Bill 25 to ensure public safety is kept in the highest regard. The legislation is focused on ensuring Manitobans are not allowed to smoke marijuana in public places, indoors or in vehicles, and it addresses the issues of driving while being high or under the influence.

There are fundamental matters in—of public safety, however, that many issues—the bill does not address. If the government truly wants to ensure social responsibility, it has to implement a public model for the sale and distribution of this controlled substance.

Our members who work for Manitoba Liquor & Lotteries are experts in regulations and the sale of liquor, another controlled substance within the public system. Perhaps better than any of us, they understand that a publicly owned and operated system of marijuana sales and distribution, along with a robust regulatory environment, is the only way to keep the public health at the forefront.

\* (18:40)

Other organizations also share these same concerns. Mothers Against Drunk Drivers Canada and the Centre for Addiction and Mental Health are both advocating for a publicly owned and operated system. The chief medical officers of Canada report on the legalization of marijuana said that a

government owned and operated model under the arm's-length agency would, quote, allow for stability, clarity of focus, provide insulation from industry influence, and to support the ability to resist the pressures for revenue generation in imperatives that would undermine the protection of public health.

And it turns out Manitobans feel the same way. According to a Probe Research survey, two out of every three Manitobans, 65 per cent, think that marijuana products should be sold through a government owned and managed stores, similar to liquor stores. To encourage a publicly debate about public health and safety, MGEU has released a detailed policy paper, *The Public Advantage—Marijuana Legalization in Manitoba*. Drawing on the extensive research about this subject, MGEU recommends that Manitoba chooses a public model that ensures safe sales; an impaired driving strategy; improved treatment options; public education campaigns, such as informing the youth of the brain damage that can happen if marijuana is smoked when you're under the age of 25; good, family-supporting jobs; quality service through stand-alone, publicly operated stores.

Public, stand-alone stores will allow for marijuana to be sold separately from liquor but still in a social, responsible manner, already well trained—by already well-trained staff that have the expert in dealing—the expertise in dealing with a controlled substance. Sorry, it's been a long day.

Under a system of stores owned and operated by the government, there is no need to reinvent the wheel when it comes to establishing a model and standards for safe sales. Manitoba Liquor & Lotteries already has the existing capacity and expertise, with a proven track record of dealing with controlled substances in a social, responsible manner. Staff are already trained in how to deal with intoxicated people and ensuring products do not get in the hands of minors.

There is also a very solid economic argument in favour of the government controlling the sale of marijuana. Sales revenue, we estimate, will raise an estimated \$25 million annually to help the government reduce the deficit without breaking its commitment to protect and improve public services. In particular, the revenue from marijuana sales could provide real investment into underfunding addiction programs that help families and save lives, or to fund public awareness campaigns and education programs to prevent drunk—drugged driving, similar

to campaigns centred around drunk driving or texting and driving.

When it comes down to it, our province decides to sell marijuana will be determined by what kind of community we want to be. Publicly controlled sales allow us to keep safety and health a priority from the point of sale to potential challenges down the road. It's only common sense.

**Mr. Chairperson:** Thank you, Ms. Gawronsky.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thank you very much, Ms. Gawronsky, and—Ms. Gawronsky. I appreciate your comments on—with respect to both bills tonight; in particular, this one, though—the one in this case. And your comments about the importance of public health and safety is, certainly, the approach that we felt that we needed to take, and—in introducing this bill. And I know that—you know, so I appreciate your comments with respect to that. Of course, we've always said this is only the part 1 of where we're going with respect to this. So we look forward to your comments on the rest of that as well. So appreciate it.

**Mr. Andrew Swan (Minto):** Yes, Ms. Gawronsky, I appreciate your submission. I've had the chance to read over the position paper the MGEU put out back in December 2016, with *The Public Advantage*, and I hope all members of this committee have had a chance or will have the chance to look at it.

Just so I'm clear, what you're proposing is that there be public sale of cannabis products. But just so it's clear, you're not suggesting this take place in existing Liquor Marts. It's your position that there should be stand-alone shops where cannabis products are sold that would be run by the Liquor & Lotteries organization.

**Ms. Gawronsky:** Yes, absolutely. Stand-alone is going to be the safest way to be able to provide it. It is going to ensure that the public knows there's a difference between liquor intake and drug intake. And, I think, the safest way to be able to do that and not have any crossing—I don't think that the best in public safety, to have someone be able to buy a bottle of whiskey as well as their marijuana in the same place. It would be—it wouldn't be common sense to be able to do it that way. Stand alone.

**Mr. Swan:** We understand that there was a government caucus, group or task force that was set up. We weren't invited to be part of that nor do we actually know what was discussed.

Did you have any dealings with that committee and, if so, can you tell us how that went?

**Ms. Gawronsky:** If you're talking about the opportunity to meet with a few of the MLAs, yes, I did have an opportunity to meet with them and actually presented them with the paper. So I met with a number of the MLAs from government.

**Mr. Swan:** Thank you for that answer. So after you presented your position, did you hear anything back from any of those MLAs or from the minister about what MGEU had to say about this issue?

**Ms. Gawronsky:** No, not until tonight when I was invited to speak.

**Mr. Chairperson:** Is there any other further questions from the committee?

Well, thanks, Ms. Gawronsky, for your presentation.

We'll continue with out-of-town speakers and we'll go on the same bill, Bill 25, and we'll call on Ken Cameron. He's with the Manitoba School Boards Association. Is he here tonight?

So we'll put him down at the bottom of the list. We'll continue. I guess, now, we will go back to the list.

**Bill 16—The Fatality Inquiries  
Amendment Act  
(Continued)**

**Mr. Chairperson:** We'll go back to Bill 16, and Mr. Peter—Dr. Peter Markesteyn, private citizen.

**Mr. Peter Markesteyn (Private Citizen):** That's right. Thank you for giving me the opportunity to address some of my concerns regarding fatality inquiries act amendments, Bill 16. I'm Peter Markesteyn. I used to be the Chief Medical Examiner—*[interjection]*

**Mr. Chairperson:** Oh, sorry, Mr.—Dr. Markesteyn. If you go ahead, I'd have to identify you first. I thought I did so. Go ahead.

**Mr. Markesteyn:** I'm Dr. Peter Markesteyn. I used to be the Chief Medical Examiner of the Province, and I have some insights what it is like to be the Chief Medical Examiner and the impact what that has, what the legislation has on the functioning of that office.

I will be short and, hopefully, to the point and I'm sure you're pleased I have nothing to share with you. But allow me to address these managements to

the fatalities inquiries act by going back, how it all started, because it'll make sense, where you are now, if you know how you got there.

When I arrived in Alberta in 1982 as the first chief—or full-time chief medical examiner, I discussed my position and duties with the then-attorney general. We, amongst other things, discussed inquests, when to call them and who would call them.

I most certainly did not want the responsibility of calling inquests. I came from Alberta and I learned that there one doesn't make friends doing so, either by calling them or more often, actually, by not calling them. The minister wondered if he should call them then, like is presently the case in Newfoundland. He became quickly convinced that he would not be politically prudent to do so.

I suggested an inquest review board like I was used to in Alberta. I was reminded of the cost of boards. This government, and I quote, has enough boards. The idea was rejected.

It was then decided that if there's a Chief Medical Examiner would call the inquest supported by an unpaid inquest review committee, and that's the importance. And that in case the Chief Medical Examiner decided not to call an inquest, the Attorney General would have the legislative powers to do so.

\* (18:50)

That inquest review committee is important because I heard from my previous speaker on this bill—you get the impression that the Chief Medical Examiner is a legal ignoramus, which is actually true. But we try to address that. And the inquest review board—inquest review committee, has all these members that we met prior to calling any inquest. Representative from the Department of Justice, representative from the native community, representatives from Child and Family Services, from the medical community, from the Child Advocate's office. In other words, it was a very broad committee. There were members of the police were there, as well, and was a rule that, when any death occurred—for instance, in a police shooting—the person who has a conflict of interest were deemed to have not been present at all. They can stay there, but they can't speak on the matter. And they advised the Chief Medical Examiner whether to hold an inquest or not.

As I said, the Attorney General would have the legislative power to do so. I must say, when I read

this bill, that this will now go to the Chief Provincial Judge, I think, is an improvement because it makes it less political. Only once did the Attorney General use the opportunity to call an inquest. He phoned me, he said, do you mind if I call an inquest. I said, I don't care, go ahead. And he did. Later, I heard, much to his regret—the relatives did not like it. Hanging dirty laundry in public, et cetera, et cetera, et cetera.

Then the subject of mandatory inquests came up as well. It was decided that when a person legally was stripped of their civil rights and were not either in a position to deal with their health issues themselves and/or would not be in a position to be—to have basic protection against possible 'malfeants' in cases like, as you know, death while under arrest or in custody, death to the action or inaction of a police officer and committed in the Mental Health Act—are to be committed under The Mental Health Act, not just the psychiatric patient. In those three categories, the inquest would be mandatory.

It was well recognized at that time, as now, that on occasions those inquests would appear superfluous and unnecessary. Let the Chief Medical Examiner deal with it. That would be quite sufficient. The investigation, as you heard quite correctly, by the Chief Medical Examiner in these deaths, is not and cannot be at the level that an inquest is. After all, the information gathered by the Chief Medical Examiner is not sworn.

As an example, may I remind the legislators that, in the case of the children's death in the Health Sciences Centre, the information initially received by the office of the Chief Medical Examiner through his investigation differed both in quantity and quality greatly from what was gathered at the inquest that was called.

I will suggest that the small savings by making these inquests discretionary and thus, sometimes, not calling them, may come at a great emotional—come at a great emotional and political price. Not calling an inquest might well cause concern in the community at large and, more importantly, to the relatives of the deceased. Also, but I must admit of less importance, is that the calling of mandatory inquests takes them out of the political arena, both with a capital P and a lower-case P. It takes away the political pressure to either call or, more frequently, not to call an inquest away from the Chief Medical Examiner who, more often than not, is in conflict of loyalties. Close ties and co-operative working relationships with

law enforcement and medicine are essential in the performance of his duties. The CME has friends in both circles.

From personal experience, I can tell you that I have been threatened to a degree, that the general council of government suggested to lay charges. We decided not to do that. The Chief Medical Examiner is in enormous pressure not to call inquests. Society is judged by its treatment of its most vulnerable citizens and its protection of their civil rights. Maintaining mandatory inquests in these deaths would help to look after that.

I ask you to please do not repeal that particular section of The Fatality Inquiries Act. Thank you.

**Mr. Chairperson:** Thank you, Dr. Markesteyn. Thank you for your presentation.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thank you very much, Dr. Markesteyn, for being here tonight and bringing some context to the history of the role that you played as a Chief Medical Examiner as well as an—with respect to how that—your role played in inquests.

So I just wanted to thank you for being here tonight, and then bringing forward your information.

**Mr. Andrew Swan (Minto):** Mr. Markesteyn, thank you for coming down and giving a very interesting presentation based on your own experience in Alberta and in Manitoba.

I was very interested to hear your discussion of the inquest review committee that would serve as a community voice to assist the Chief Medical Examiner in deciding whether an inquest is warranted including representatives from Justice, from indigenous communities, from Child and Family Services and police. Would that be a model that you think that Manitoba should look at as a way to improve the way the system works? *[interjection]*

**Mr. Chairperson:** Oh, excuse me, Dr. Markesteyn. I have to identify you first.

Okay, so go ahead, Mr.—Dr. Markesteyn.

**Mr. Markesteyn:** That is already in place. It's a committee, which is free of charge, not a board, but it functions identically. So the decision to call an inquest is a difficult one. And my wife used to say, when I was walking up and down, are you thinking of calling an inquest? She could tell, right. And it is very, very important to get input from the

community, because everybody rides white horses including the—and, therefore, we had, I think, a balanced approach.

The ultimate decision was by the Chief Medical Examiner. There were no minutes of the meeting, which, I think was a mistake. But, however, I was told, as the—I have no legislative authority that's not proper. I think that could be improved, and I think that should be improved.

**Mr. Swan:** Thank you very much. And you put some comments on the record about mandatory versus discretionary inquests. Is it fair to say you have concerns with the portions of the bill that would make more inquests at the discretion of the Chief Medical Examiner, especially when it's a death in custody or a death within another institution? Is that fair?

**Mr. Markesteyn:** Especially those—there was only few categories that were mandatory. Most of the inquests we called are not mandatory, but, I think, to take them out of the mandatory and make them discretionary puts an enormous burden on the Chief Medical Examiner and is not helpful, in my opinion.

**Ms. Cindy Lamoureux (Burrows):** Thank you, Mr.—or Dr. Markesteyn—am I pronouncing that correctly—for coming out this evening as well. I appreciate the history lesson. It's always nice to understand where it's coming from a little bit further.

Were you, or anyone who you're aware of, consulted on Bill 16 prior to it coming to committee?

**Mr. Markesteyn:** No.

**Mr. Chairperson:** Is there any other further questions?

I want to thank you, Dr. Markesteyn, for your presentation.

We'll continue with Bill 16, and we'll call up Mr. John Hutton. Mr. John Hutton? And John Hutton is from John Howard Society of Manitoba.

Mr. Hutton, do you have any material that you want to pass around?

**Mr. John Hutton (John Howard Society of Manitoba):** Yes.

**Mr. Chairperson:** Mr. Hutton, you can go—continue. You can start with your presentation.

**Mr. Hutton:** Yes, thank you, Mr. Chairperson, Madam Minister, members of the committee. I do appreciate this opportunity. I won't have the

same dramatic flair as Mr. Shefman, but I'm also passionate on this issue.

\* (19:00)

I'm John Hutton, the executive director of the John Howard Society of Manitoba, and we partner with Manitoba Justice in providing the supports and services to incarcerated men or those facing incarceration. We've been working for more than three decades providing supports for men as they reintegrate into the community. And for the last five years, we've offered a bail support and supervision program with the Province, targeting high-risk offenders.

I also, on behalf of John Howard Society, currently have standing on two different inquests looking into the deaths of individuals in custody. The first of these inquests is considering the death of Errol Greene, one of five individuals who died while in custody of the Winnipeg Remand Centre last year. The other inquest, scheduled to start late this fall, is looking at the death of two inmates at Stony Mountain Institution.

I appear before you today to respectfully share three concerns regarding the bill.

My first concern applies to a perceived narrowing of the circumstances under which the Chief Medical Examiner could call an inquiry going forward, specifically section 19(2)(b) which states the Chief Medical Examiner may determine that an inquest should be held when she or he is of the opinion that, and I quote, an inquest may enable the presiding provincial judge to recommend changes to provincial laws or the programs, policies and practices of the provincial government or public agencies or institutions to prevent deaths in similar circumstances.

As worded, this clause appears to exclude inquests from being called where the death in custody occurs in federal corrections, as the judge in those inquests would not be recommending changes to provincial laws.

I propose that the subsection in question be amended to continue to allow for an inquest to be called when the death occurs in federal custody, because these inquests perform an extremely important service.

Earlier this month, a special report released by the office of the correctional investigator for Canada made a number of non-binding recommendations in

response to the 2015 death of Matthew Hines, who died in the Dorchester correctional centre, a federal facility in New Brunswick. Originally, the family of Mr. Hines was told by federal authorities that he was found unresponsive in his cell after dying from a seizure. In fact, none of this was true. The report of the correctional investigator showed that Mr. Hines died of asphyxiation in a medical unit as a result of being pepper-sprayed five times in succession by correctional officers.

From the report, I understand there's still been no decision by the Chief Medical Examiner in New Brunswick to call an inquest, despite knowing that CSC gave a false account of the reasons for the death initially. They are taking responsibility and are moving to put a number of lessons from that incident into practice, to their credit.

If it were not—however, the correctional investigator is one individual with a small staff and cannot independently look into every death in federal custody. As well, while the report is public, the process of gathering the information is not. I would say that that is not a substitute for a public inquiry and I think that we should continue to have, at least in Manitoba, the process of having a provincial inquest following a death in federal corrections.

Here in Manitoba, along with the Canadian Mental Health Association, the John Howard Society has standing in an inquest looking into the—two separate deaths of inmates being held at Stony Mountain Institution. Both men committed suicide within a few months of each other after being placed in solitary confinement, despite having a recognized history of mental illness. Even though recommendations from the inquest will not be binding on correctional services of Canada, this inquest will serve, in my opinion, a crucial purpose.

In keeping with the findings of the Supreme Court in *Faber v. The Queen*, an inquest enables the community, and I quote, an inquest enables the community to be aware of the factors which put their human life at risk in given circumstances, end quote, which may be replicated in provincial correctional centres. And I continue to quote, "it reassures the public and makes it aware that the government is acting to ensure that the guarantees relating to human life are duly respected." End of quote.

Without an inquest, there would be no additional awareness or public reassurance in this case. Manitoba Corrections officials would not benefit from the knowledge gained or any recommendations

made as a result, even though they, too, must manage a population with profound mental health issues on a regular basis. And finally, without an inquest the families of the two men who died will not learn what happened. It doesn't help that both of these deaths have been investigated internally by the correctional services of Canada, because the results of the investigations have not and will not be made public unless an inquest is held.

My second concern is the inquest would no longer be held if a review into the death has been conducted under another act. I think I'm in agreement with Mr. Shefman in calling for a small amendment to that clause and adding the word: if a public review into the death has or will be conducted under another act.

I notice—I note that when there is a death in provincial custody, a review is conducted by senior Manitoba Corrections officials under the authority of The Correctional Services Act. However, the results of the review are given to the minister and are not made public unless an inquest is called. So I would not want to see a private process replace a public process and that would be my recommendation to this committee.

Also, I note that Bill 16 would remove the right of the Minister of Justice and Attorney General to call an inquest or to have an active role in doing so. In my opinion, this should not happen. There are disadvantages in removing the minister's power to call an inquest. As noted above, if the death occurred in a provincial correctional centre, the minister is to receive a confidential report on an investigation carried out by Manitoba Justice, information that the Chief Medical Examiner would not be privy to and therefore would not be able to consider when deciding if an inquest is warranted. If an inquest is not called by the chief medical officer and if the results of the confidential investigation suggest an inquest is required, then the minister must remain empowered to act.

Also, the Minister of Justice is the person responsible for what transpires inside all provincial correctional centres. The right to call an inquest when warranted is a way of exercising that authority and sends a message to the public that they do have the right and ability to know what happened when an individual dies under the protection and supervision of Manitoba Corrections.

As a rationale for the change it was noted that the minister seldom, if ever, exercises that authority.

However, I'm concerned that the act as proposed would very likely curtail the circumstances in which the Chief Medical Examiner can call an inquest, which, in my mind, makes it more important that the minister be able to do so.

In conclusion—

**Mr. Chairperson:** Mr. Hutton, you have one more minute left.

**Mr. Hutton:** Thank you.

Some say inquests take too long and they produce recommendations that are no longer relevant. The appropriate response, in my mind, is not to reduce the number of inquests but to improve the process to ensure they proceed as quickly as possible.

When a death occurs in custody, whether it's provincial or a federal facility, the question always arises, was there something we could have done better to ensure the safety and well-being of the individual. This question must be answered each and every time in order for the public to retain its confidence in public institutions. This confidence was severely shaken last year when five individuals died over a period of seven months in the same facility. It is only through the process of an inquest that information comes to public light. It is only through this process the public learns about the impact—

**Mr. Chairperson:** Mr. Hutton, your time is up.

**Mr. Hutton:** Thank you. Thank you for the opportunity.

**Mr. Chairperson:** Thank you for your presentation, Mr. Hutton.

**Mrs. Stefanson:** Thank you, Mr. Hutton, for your presentation tonight. Really appreciate your comments. You've obviously put a lot of work into this and some thought into this, and so I welcome your comments and I thank you for being here tonight.

\* (19:10)

**Mr. Swan:** Thank you for coming down to present tonight. I want to recognize the work of the John Howard Society. It's been a good partner of Manitoba Justice, whichever government happens to be in power, and I certainly hope that that will continue.

I think your submission is quite powerful.

Can you talk a little bit more about the position that you put forward that if an inquest is called for a death in a federal institution, Stony Mountain, that that can still wind up being a benefit to Manitoba Corrections, and it can actually result in changes to practices and policies within Manitoba Corrections.

**Mr. Hutton:** My understanding is that the internal reports that the federal corrections generate when there's a death in custody would not be shared publicly nor would they be shared with Manitoba Corrections. I may be wrong, that's my understanding.

With the example of death of somebody that apparently commits suicide while in solitary confinement or administrative segregation, I think these are issues that are quite relevant in Manitoba Corrections as well. Unfortunately, numbers are very high, that does lead to overcrowding that perhaps leads to more people being held in administrative segregation and that might aggravate existing Manitoba Health issues. So the information that I'm hoping will come out of this inquest, and I'm hoping this inquest is—continues to be held, should in form be very useful for officials of Manitoba Corrections, and certainly would give us an opportunity to discuss any recommendations that come out of that with members of the government and members of your committee in future.

**Mr. Swan:** Thank you, Mr. Hutton. Given the work the John Howard Society does and the people you advocate for, is it fair to say that the information that comes out of inquest reports from deaths in custody, deaths of people that are in police custody, is it fair to say that you believe that those lead to improvements in the way that we treat people that are in those circumstances?

**Mr. Hutton:** I think they're very important. I should say that, in my opinion, there's already been a number of positive changes made at the Winnipeg Remand Centre, for example, and likely in response to some of the investigations that have already been carried out. But I think it's very important to be able to know publicly what has happened, and the family to have that opportunity as well.

There's information that families have. There's information that advocates have like the John Howard Society have. There's information that legal experts have, and that information wouldn't be added to the mix except in a public inquest setting. So I think there's opportunities for more learnings, and when somebody has died, I don't think there's any



such thing as too much information that we can take away from that and give to the professionals to put into practice.

**Mr. Swan:** We heard from Mr. Shefman tonight that this matter had—this entire issue had been about to be considered by the Law Reform Commission here in Manitoba.

If the minister, in listening to what the presenters tonight have said, agrees to put a pause on the bill and refer the matter to the Commission, is that a process that you think you'd like to be part of on behalf of the John Howard Society and the people that you speak for?

**Mr. Hutton:** I'm—I try to be careful and not answer questions that I don't really know the answer to, and I'm not fully aware of the process in the role of the Commission. But I think the minister does know, and I can certainly say that we're always willing to share information, be part of a conversation and to try and bring a perspective from the people that we work with most closely to those who are making decisions and passing laws.

**Mr. Chairperson:** Any other questions?

Thank you Mr. Hutton for your presentation. I appreciate it.

\* \* \*

**Mr. Chairperson:** Okay, now we'll go on to the next, Bill 18.

I have—unfortunately, the person No. 1 on the list, James Beddome, has been—we have been advised that James Beddome, No. 1 on the presenter list of bills for 18 and 26, is unable to make their presentation at this meeting, but would like to have a written brief considered by the committee as a written submission.

Does the committee agree to receive the documents and have them appear in the Hansard transcripts of this meeting? *[Agreed]*

So it's agreed by the committee, so we'll have it in Hansard.

**Bill 25—The Cannabis Harm Prevention Act  
(Various Acts Amended)  
(Continued)**

**Mr. Chairperson:** So we'll call the next person, and it's going to be going to Bill 25, and we'll call Mr. Steven Stairs. He's from Winnipeg 420 Organizing Committee. Is he here tonight?

Mr. Stairs, do you have any written materials to distribute to the committee? Okay, we'll get somebody to pass them around.

Mr. Stairs, you can please proceed to your presentation.

**Mr. Steven Stairs (Winnipeg 420 Organizing Committee):** Thank you. Can you guys hear me okay?

Well, thanks for having me—appreciate it. I'm kind of a little bit less formal than some of the other people who have spoken tonight. I just—I have some concerns and some questions. I don't know how we go about this. Maybe I'll speak and then you guys can ask questions, or vice versa, but then there's a little bit of background information towards my questions as I ask them, so bear with me.

But, once again, thank you for having me tonight. I really appreciate it, to making the time to discuss Bill 25 and the implications that it might have on not only everyday recreational users of cannabis but also medical cannabis users, as well.

A little bit of background; you guys don't know who I am. For those of you who do know who I am, I'm sorry for rambling on again, but it won't be that long. Like I said, my name is Steven Stairs. I am, first and foremost, I'm a 33-year-old parent who has two wonderful children and I have a great wife. So that's a good start already.

One of the concerns I have regarding this bill relates back to my children. Now, other than being a parent and a gainfully employed person in this province, I'm a university educated fellow. I've got two degrees; one in the computer analyst programming and one in entrepreneurialship. And I'm currently working on a third one in political studies—might be sitting at this table one day with you guys.

Part of the concerns that I have regarding this bill relate to children as well—sorry—children, as well as just the overall, I guess, guidelines and functions of this bill, specifically regarding how it seems to have kind of just glazed over some of the concerns and issues that are brought by medical cannabis users in this province, specifically, like, regarding the lack of consultations regarding this bill and the, just, disregard for the concerns of medical patients and sick individuals.

Just give me a second here. I'm sorry, bear with me. As a legally blind guy, I'm a little slow at reading my speech, so give me a second, please.

Part of why I'm here specifically is as the—not only the president of the Winnipeg 420 Organizing Committee, which is the non-profit responsible for the annual celebrations of cannabis events out front every year on April 20th, but I'm also a cannabis user, a grower and a concerned advocate for the disabled in this country who specifically use cannabis, as well as the blind. I have great concerns when I see something proposed by a government or authority or community group that poses undue hardships upon medical cannabis users, especially the disabled and marginalized groups of society already. And it really kind of, you know, gets me annoyed.

Part of what has really annoyed me with this, and I'll kind of touch on that in a couple segments, is—I've already alluded to it, was the lack of consultation. Now, I could go over all the different amendments from the highway transportation act to, you know, The Mental Health Act, and how it would individually affect certain demographics of cannabis users and medical patients in this province. I really don't want to drain on—just kind of not my schtick. I'm kind of a concise guy.

So what I'll do is I'll kind of touch on a couple concerns I have and then maybe we can kind of all understand where we all lie on our understandings of not only this bill's intentions but federally mandated court decisions and programs already that are in place that this might affect as well.

\* (19:20)

Just regarding the highway transportation act, now, sorry, just to touch on—I don't know if you guys can answer this now or if you want to leave it to the end, but I just have a question regarding the addition and the amendment to 213(2) where it says subsection (1) does not apply if, and it goes through a bunch of caveats, but the—really, the caveat is that cannabis must be stored in a locked compartment, et cetera, blah, blah, blah, about how it has to be out of the reach of individuals in the car, can't be readily accessible, you know, for safety purposes and such.

I have just a quick question on that. Does that include the glovebox if the glovebox is locked with the key being in the ignition that would have to open it, so, therefore, it would not be readily accessible, which kind of makes sense to me. So, if that would

be a possibility to add, in the glovebox, as a part of that wording in the amendment, awesome, if not, we can go on further afterwards in regarding fighting it.

Some of the legislation in here—kind of words—a different framework that doesn't really consult rights of patients with the intentions of the bill, and I mean that as that having a safe work environment or a safe, you know, transportation environment for, let's say, a cabbie or someone driving you to work or something like that, where they don't want to be exposed to cannabis or at the risk of consuming it somehow accidentally or something like that, I definitely understand.

However, saying that, like, a cannabis patient cannot consume cannabis, even an edible, in a vehicle while it's moving, kind of seems arbitrary. It doesn't really seem sensible when you're trying to protect people. I mean, this is a justice matter, right, we want to make sure that we're ensuring justice for all, right. I don't think it's very justified to limit someone's cannabis use medically based on some stigma or stereotype or misguided information that may be based on, well, what if they're second-hand exposed to it or somehow endangering the lives of the driver or something like that. I don't believe that's a truth and I have concerns regarding that, specifically regarding how they determine impairment for a medical patient.

Since there's currently no real way to determine a physical impairment of cannabis other than road-side sobriety tests, which really aren't accurate regarding the actual THC and cognition level of impairment in a cannabis patient. So, on that note, I'm not sure how the government can choose to try or implement a bill that would limit access to a cannabis patient. Quickly, for example, if I'm having a seizure in a vehicle that's being driven by someone else, clearly, and I need to consume cannabis, we don't necessarily have the time nor the want, I guess, to let me just suffer through a seizure while we are waiting to pull over or find an exit or something like that. That seems, again, kind of counterintuitive towards protecting people.

On that note, because there's no way to 'identifiably' prove if you're impaired, it seems kind of discriminatory to limit a patient's ability just based on the idea of impairment and keeping the road safe. On that discrimination note, the Human Rights Code states that there should be no one who discriminated for a bunch of different reasons. They have, you know, sex, orientation, you know, ethnicity, your

social status, other things like that which, you know, we all agree on, right, don't want anybody discriminating for no reason. But the one caveat here is it says, physical or mental disability as related characteristics or circumstances, including reliance on several—service animal, a wheelchair, mobility aid, et cetera. I guess the circumstances would be the key word there that would mean a medical cannabis user would be the circumstance that this would be discriminatory against, seems a little weird. I'll touch on that again. Some of the definitions of discrimination and reasons for it would be differential treatment. Differential treatment relies on the definition of when an individual is treated differently based on generalizations about a group which they belong to. Kind of finish the definition of basically you cannot be discriminated against or differential treatment based on certain discriminatory factors. Now, because we're being limited based on nothing, that differential treatment than, say, oh, an insulin needle or an EpiPen, which isn't forced to be kept in the trunk. On that note, limiting a patient's rights under the Charter, Charter seven—or, sorry, Charter section 7, regarding reasonable access, would then be kind of the compounding factor of what happened due to discriminatory and differential treatment.

So, going forward again, back to the Charter, why would—and this is kind of the end of my statement here is why after kind of mentoring these things and going off about—I've presented you, by the way, with two copies of federal court decisions. One was *R v. Smith* and one was *R v. Parker*, both Supreme Court decisions that basically forced the government to enable access to medical cannabis for patients across the country. One was for the original decision in 2001. The other one, the *R v. Smith*, was for the medical cookies decision; it would be referred to as very commonly, which was regarding edibles and access to those kinds of things.

I included another one, but, however, it was 107 pages. You guys don't need to read that one; I'll submit that digitally—bad for the environment—

**Mr. Chairperson:** Mr. Stairs, you have one more minute left.

**Mr. Stairs:** Excellent, perfect, I'll finish up. Good, then.

So, my statement really goes back to, after all those things that I've mentioned regarding Charter rights and discrimination and things like that, I just wonder where (a) the government would consider

amending some of these bills to include medical patients and making sure that their rights are protected going forward under the bill, or (b) even if they can consider the fact that I honestly don't think that the Province has the jurisdictional authority to limit a federally mandated program of medical cannabis on the consumption levels in the province.

So, on that note, I'll take questions.

**Mr. Chairperson:** Thank you, Mr. Stairs.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thank you very much, Mr. Stairs. In particular, I want to thank you for taking time away from your kids tonight and from your wife and so on, to be here. This is an important process in our bill passage through the legislative process. We're one of a few provinces that allow people to come forward and—though this public consultation, to be able to hear what people have to say, and I really want to thank you for taking time out of your schedule to be here and express your views very well tonight, so I want to thank you for that.

**Mr. Andrew Swan (Minto):** Mr. Stairs, thank you for presenting to us tonight. Don't assume, necessarily, that the MLAs around the table are experts on this issue. You talked a little bit about the nature of different products. There may be some MLAs who believe the only way that someone can use cannabis is by smoking a joint.

Do you want to put on the record for the Legislature some of the other cannabis products that people may use, not just recreationally, but more importantly, may use for therapeutic reasons for their own mental well-being and their physical well-being.

**Mr. Stairs:** Yes, thank you, Mr. Swan, for that question. I appreciate that, Minister, for your comments as well.

Cannabis can be consumed virtually any way you can imagine. I don't mean to be trite on that, but if you can consume it orally, you can put it into anything. I mean that food-wise; I mean that liquid-wise. I mean, consuming it orally, you can get it done. You can consume it through inhalation, other than smoking it, through things called a vaporizer, which is just forced air removing the moisture molecules and then creating a vapour that contains the THC and other cannabinoids' values in it, which give you the medical benefit. You can also do things like salves, creams, topical ointments, all those kinds of things, some with psychoactive effects, some with none.

And these are all kind of dependent on the—on a condition. I mean, so, for example, someone who might be, you know, a little new to cannabis, maybe an elderly person for something like that, maybe with, you know, a skin condition. They probably want something that's not psychoactive. I can tell you, my grandma does not want to get high. I really tell you. She doesn't use a microwave, so there's no way she would want that, but there are options for CBD creams which are non-psychoactive, which give you all the analgesic, anti-inflammatory medical benefits of cannabis without the possibility of someone else getting high off it or something like that.

So, there are a lot of ways that you can consume cannabis other than smoking it. In fact, the Bill 30, which is the non-smokers prevention act and vaping products act, does not outline an elimination of medical cannabis in it for consuming regarding vaping laws because, jurisdictionally, there was no authority to do so, so.

**Mr. Swan:** Mr. Stairs, is it fair to say that your biggest issue with the bill—I mean, and you have several, and you'll be part of the process, I hope, going forward as we move towards cannabis being legalized. Is it fair to say that your biggest concern is that there aren't really exceptions carved out for people who require cannabis for medical reasons.

**Mr. Stairs:** Yes, I think that would be a good summation of my concerns. I think the consultation process could have included more patients and therefore might have alleviated some of these concerns prior to this committee hearing. But hopefully, we can get through some ground-work here and maybe progress to the point where Manitoba is leading the country in a works-for-everybody kind of legislation model, than having to fight it back and forth through Charter challenges and things like that. I really think we could be a Canada leader here.

**Mr. Swan:** I'm asking this question; you don't have to answer, because it's your personal health information. I wonder if you can—if you're prepared to tell the committee how cannabis assists you with your medical issues, and can you give us some other examples of people that you've come across in the work that you do, different situations they have that's alleviated by medical cannabis.

\* (19:30)

**Mr. Stairs:** Yes, I—definitely, I can touch on that personally.

I suffer from three genetic eye diseases that are degenerative from birth. One is RP, which is more commonly known as 'retinosis pigmentosis'. It's a scarring on my retinal tissue. Virtually—picture a—an electrical cord that's still plugged in and still sends a signal, but it's frayed and it's shocking. It's not really safe. I also have cataracts, which are not the greatest, but manageable. And I also have glaucoma, which is the medical reason why I have cannabis.

Glaucoma, for all of you that don't know, is a buildup of your inner ocular pressure. It's basically what sustains your eyes' liquidity and viscosity and how it keeps moist, and all these other kinds of things. Glaucoma is a blockage of the 'trabecular' mesh, which is the drainage around your eye that causes the liquid to flow back and forth through the front to the back. It's a neat system.

Cannabis, when I consume it orally or through inhalation, reduces any inter-ocular pressure. It 'reduces' the stress on my optic nerve, and there's been studies to show that it actually has some regenerative properties regarding your retinal—your retinas. So that's pretty, pretty cool stuff for me, is—for a guy who, when I was 16, I was told that I'd be totally blind by the time I was 30. And then, when I was 20, they told me I would totally be blind by the time I was 25 or so. And then I started using medical cannabis—I've been using cannabis kind of for a while but medically I started using cannabis in 2009, just after I turned 26. And I'm 33 now, and they don't give me a time frame so—

**Mr. Chairperson:** I want to thank you, Mr. Stairs. Our question of five minutes is up, so I want to thank you for your presentation.

Okay, we'll go on to—the next person on the list is Sylvie Sabourin Gilden—Grilden—Grinden—Grindle. Yes, Grindle. And she's a private citizen. And do you have any presentation material to hand out?

**Ms. Sylvie Sabourin Grindle (Private Citizen):** I do.

**Mr. Chairperson:** Okay, we'll get one of our staff members to hand it out.

Please proceed with your presentation, Ms. Grindle.

**Ms. Grindle:** Good evening, my name is Sylvie Sabourin Grindle. Thank you for your time.

Is this okay like this, or?

**Mr. Chairperson:** Yes.

**Ms. Grindle:** I understand that the harm prevention act is implemented to keep people safe.

My background is early childhood education, and I recognize the importance of these acts in protecting citizens and vulnerable people, including children. I am here this evening because I fear that the harm prevention act will be harmful for my safety, and the safety of others.

I have post-traumatic stress disorder. You may have heard about PTSD in a middle—in a military context. Many soldiers suffer from PTSD after coming back from war or combat. However, many people like me—civilians—can also have PTSD. For 10 years, I was numb, isolated and I felt very different. I couldn't feel any joy. I eventually couldn't work, given these significant symptoms. Post-traumatic stress disorder is a serious mental illness. For the sake of time, I won't be describing this horrible, isolating and terrifying disorder in detail. Some resources are included on your sheet.

More recently, in the past three years, I have been fortunate to be able to receive treatment. I am one of the lucky ones whose life was not taken from this disorder. My treatment has involved two elements. The first one is intensive trauma-informed psychotherapy by a PTSD specialist, and the second is medical marijuana or cannabis. We are here to discuss cannabis.

Medical cannabis has allowed me to feel. It allows me to experience a range of normal emotions, including feeling very intense, terrifying emotions that I have kept inside for so many years. In challenging and opening up to these emotions, I have finally been able to begin to experience joy. In going through treatment, I have identified my inner rage relating to the trauma. Marijuana calms my rage. I feared leaving my house to the point where I had difficulty even facing my family.

Medical marijuana has given me the freedom and courage to spend time with family, begin the steps to be an active citizen and be here today to speak to you. I don't get stoned or high. I use it strictly for medical purposes. This is not a gateway drug for me. It is a gateway to recovery. I have no desire to do any other drugs or abuse alcohol. My concern about this act is that it would impede my ability to use this medicinally. I am concerned about the implications for access to my medication when I

need it. It would be unethical to take away an EpiPen from someone with anaphylaxis or insulin from a diabetic. How is this different? Would you put limitations on people with serious illnesses, both mental and physical, in addressing their medication?

I worry about my ability to use medicine at any time, but mostly at times when I need it the most. Unfortunately, police officers are a PTSD trigger for me. I am fearful that this act will cause me to fear police even more. I worry about my PTSD and symptoms associated with that and that police officers will not know how to interact with me when I'm feeling my most vulnerable.

I do not want to be treated like a criminal for taking my medication when I need it the most, whether it is in my car, in a hospital or on the street. If my medicine is in my backpack, I do not want to be interrogated by police. I do not want to feel further stigmatized for my mental illness and the medication I take for my mental illness.

I ask that you consider marginalized people in your legal decision making. I did not ask for PTSD, but you can play a role in my recovery and make me and other suffering people feel safe in our community. I do not want to feel like I'm being punished for taking my medicine. I need laws to protect me. I want to continue surviving, and I want to continue my recovery freely.

Thank you.

**Mr. Chairperson:** Thank you, Ms. Grindle, for your presentation.

**Mrs. Stefanson:** Thank you very much, Ms. Grindle, for your presentation tonight and for sharing what is a very personal story and really personalizing this and put a face to this, and that's why this committee process is very important.

I always say in this job, in this role, that we learn something new from pretty much every person that we meet, and we learned something new from you tonight, and I just thank you for being here for tonight, for taking the time out of your schedule to be here and for sharing your story with the committee. Thank you.

**Mr. Swan:** Yes, Ms. Grindle. I want to thank you as well. It takes a lot of courage to stand up in front of a committee of MLAs and tell us about your own personal situation, and you are to be commended for that. I'm guessing that you actually are speaking for a lot of other people who use medical cannabis.

Now, there's nothing in this bill that would prevent you from being able to use cannabis at home, but your point is that you need your medicine with you—[interjection]

**Mr. Chairperson:** Sorry, Ms. Grindle.

**Ms. Grindle:** Sorry.

**Mr. Chairperson:** Sorry, it has to be recorded, so I have to identify yourself. But go ahead, Ms. Grindle.

**Ms. Grindle:** An example is my husband when he drives me to appointments. I must arrive there well medicated, so I smoke in the car. That's what I do. I—even in—it's on my lap if I smoke in the car. I have also oil. Oil helps me be able to stay, like, inside. I've been here for a while now because I've been using oil as well. But it—I need to arrive at some place medicated, and it's how I function. And, if I go someplace—like, I have agoraphobia. I rarely leave the house. I'm here not because I'm crazy; it's because I'm desperate. I'm desperate for you guys' understanding of my situation and the situation of many others.

I—when—if I go somewhere and I cannot medicate there, I go back in our car. I'm lucky we have a car. I get to go back in our car and medicate. It's a safe place for me to be.

I need to be able to—I actually spent some half a day in the hospital where I was unmedicated, and it was traumatizing. I was retraumatized there. It was terrible.

\* (19:40)

So I do have this fear and I do have—like, I've—I went to a grocery store with—I was walking with—my husband had my backpack; I had my medication in my backpack. I get to a grocery store, we needed to hand it in, my backpack. I was a bit caught off-guard. I gave them my backpack, and then—and this didn't happen in the store, I needed to leave immediately. I asked for my backpack and they wouldn't return it right away.

It escalated, and that was not fair to put me through that, right. I did get my backpack, but, and then—and then, another time, in a grocery store, I decided to leave my medication in the car that time, not to bring it inside, you know. That time, we had our car as well, and our car was towed unlawfully. So there I was, in the parking lot of a grocery store, and my car had been towed, so—with my medications in there, so then, it put me in a confrontation with, you know, the tow truck guy.

Like, it's really not fair. It's like, I have agoraphobia. It's difficult for me to go anywhere, so when that happens, it makes it even harder for me to go anywhere, so—yes.

**Mr. Swan:** One of the purposes of this committee, this is the stuff that has to be taken to pass a bill, but rather than just be passed on, there are different things that can happen. The minister or the Justice critic or any other member of this committee can actually propose changes to the bill tonight or even in the Legislature tomorrow.

Is it fair to say that you'd be calling for changes to the bill, or improvements to the bill, that would recognize the rights of people who need medical cannabis for their own personal well-being?

**Ms. Grindle:** Yes.

**Mr. Chairperson:** Oh, sorry. Mrs. Grindle—sorry—go ahead, Mrs. Grindle.

**Ms. Grindle:** Thank you. Yes. Like, I want the right to be able to smoke in my car. Like, I do it discreetly as is, but to not fear that if a police goes by, that it means that he has the right—he or she would have the right to stop our vehicle and use that—his or her judgment for my husband who's driving and to take his licence away and to—because, for me, to even, like, come face to face with—it's so terrifying. I escalate, and it's not fair to— that for me to go into society, I need to face that many fears, and this bill is giving me that it's just that much more afraid for me to be out in the community again. It's what I really want.

So, I don't know. Maybe I don't have anything specific to present or ideas specific, but—also, I find it discriminatory that it's included in the same category as alcohol and hard drugs, because it's not that, and that stigmatizes my medication even more so.

**Mr. Chairperson:** Thank you, Mrs. Grindle. If there's no other questions, thank you for your presentation.

Okay, well, the next person we call on is—actually, she's not on the list, but that was registered today—Mr. Nathan Buschau, and he's a private citizen.

Mr. Buschau, do you have any materials to hand out?

**Mr. Nathan Buschau (Private Citizen):** No, I don't.

**Mr. Chairperson:** Okay, thank you. You can go and proceed with your presentation, Mr. Buschau.

**Mr. Buschau:** Hello. My name is Nathan Buschau and I use cannabis to medically treat a neuro-immune disorder that largely leaves me housebound.

Chronic fatigue syndrome, or myalgic encephalomyelitis causes a variety of neurological issues, including neuropathic pain, then worsens with stress and exertion.

Due to my condition, I am largely housebound and in the day-to-day task of living, my wife assists me by taking—driving me places and that sort of thing.

I have a few concerns about the proposed bill. Firstly, the leading cause of death for people with a diagnosis of chronic fatigue syndrome is suicide, so it's entirely possible that at some point in the future, I could live—I could end up in a psychiatric institution.

Now, I would be given that my—I wouldn't be able to take medical cannabis in such an institution. I could be less likely to avail myself of those services when I need them, or my treatment might be less effective. So I'm very concerned that the bill, as it's proposed, could either threaten my health or even my life.

I have other concerns as well regarding the restrictions of transporting my medication. Due to my condition, it's entirely possible for me to forget that I have medication in a breast pocket of my winter jacket or something like that, and if my wife were to get pulled over for an unrelated incidence, and I could smell like I've been smoking cannabis, because I have, that might cause a very difficult interaction for us, especially considering that's she's—I'm unable to work because of my condition, and she's the sole provider for our family. She's, as well, a commercial pilot, so that adds another wrinkle to it as it could have extended consequences for her career path. As well, considering that I—we have invested our personal—a lot of the personal funds that we had from my disability settlement from—due to my condition.

The professed point of this bill is to protect cannabis from doing harm to people, such as—and I—I apologize. I'm having issues here. Okay.

**Mr. Chairperson:** Mr. Buschau, you can take your time, you know. No rush.

**Mr. Buschau:** I'm unable to see how some of the restrictions in this bill especially make patients safer, especially when they can affect our loved ones in

very negative ways. A lot of us rely on the assistance of them to get through the day in an otherwise—in what would otherwise be a very difficult time for us.

I think that's about it. I'm sorry, I—

**Mr. Chairperson:** Okay. I want to thank you for your presentation, Mr. Buschau.

**Mrs. Stefanson:** Thank you, Mr. Buschau, for your presentation tonight—it was obviously very right from the heart—and for also just sharing with us some of the challenges that you're facing with chronic fatigue syndrome, and, you know, just some of the challenges that you're facing with respect to this illness. It was a very heartfelt presentation.

I want to thank you for being here tonight and for taking time to be here. It was an excellent presentation, so thank you.

**Mr. Swan:** Mr. Buschau, I want to thank you, as I did the person who spoke before you, for your courage for coming down and speaking in front of us, and I appreciate it's not easy for any private citizen to stand up in front of a group of MLAs.

Is it fair to summarize your presentation to us that your major concern with the bill is that it doesn't adequately address the needs of people who use cannabis as medicine to help them get through the day for their own mental and physical well-being?

**Mr. Buschau:** Yes, it would. Specifically I was—I'm very concerned with the fact that it wouldn't be allowed at a medical—or a psychiatric institution, because people with my condition oftentimes have a lot of trouble with many of the pharmaceutical drugs. They're simply just too toxic for us to handle well, and we get many side effects that can be worse than the symptoms they're treating.

**Ms. Cindy Lamoureux (Burrows):** Thank you, Nathan, and all of the presenters here today on Bill 25. It takes a lot of courage, which I'm just reiterating, as well as vulnerability and honesty, to come here and present on such a bill. And I think that it brings in a whole new element, that human element, that needs to be considered when passing this bill, so thanks.

**Mr. Buschau:** Thank you very much.

**Mr. Swan:** Just one more question for you: the medical cannabis that you use, what form or what forms do you use cannabis?

**Mr. Buschau:** For pain, inhalation works the best. It's the fastest acting, especially when dealing with

neuropathic pain, which a lot of other drugs just don't deal with at all. It's very good especially in, like, more of a acute situation.

\* (19:50)

As well, edibles can be really great for after a stressful event, as my illness gets a lot worse with stress and exertion. So, after I go out or I do something, the next few days or even a week can be very, very difficult for me and even more isolating afterwards.

**Mr. Chairperson:** Thank you, Mr. Buschau. The time has come up for the questions. So I want to thank you for your presentation.

\* \* \*

**Mr. Chairperson:** Okay, next person that we have on the list is on Bill 26, Darrell Rankin, and he's with the Communist Party of Canada, Manitoba division. Is he here tonight? Mr. Rankin? Okay.

We'll go back to—we put someone else on the bottom of the list. I wanted to ask again, for the second time around, Mr. Ken Cameron from the Manitoba School Boards Association. Has he showed up for his presentation? Okay. He'll be dropped off the list.

So then we'll go back to Darrell Rankin and I'll call him again. Darrell Rankin, can you come to the podium? I guess we'll drop him off the list, too.

Has there been any other presenter to register since we started the committee tonight?

If there's no other presenter, we'll be—that gets—concludes the list of presenters I have before me.

Are there any other guests—is any—I asked it already, and seeing none, that 'wincludes' the public presentations.

\* \* \*

**Mr. Chairperson:** In what order does the committee wish to proceed with the clause-by-clause consideration for these bills?

**Mr. Swan:** Yes. I wonder, usually we go numerically, but I'm wondering, given that there are a number of people who have come down to present on Bill 25, I wonder if we could move to Bill 25 first and then proceed with the other three bills in numerical order.

**An Honourable Member:** Agreed.

**Mr. Chairperson:** Okay. It's agreed that—by the committee that we would start with Bill 25.

**Hon. Ron Schuler (Minister of Crown Services):** And then after that, can we just do numerical?

**Mr. Chairperson:** Yes, we—that's what he said. Okay.

During the consideration of a bill, the 'primable' and the acting clause and the title are postponed until other clauses have been considered in their proper order.

Also, if there are any agreements from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where member may have comments, questions or amendments to purpose. Is that agreed—propose, amendments to propose. Is that agreed? *[Agreed]*

Okay. We will now proceed with clause by clause of Bill 25.

Does the minister responsible for Bill 25 have any opening statements?

**Mrs. Stefanson:** I, first of all, just want to introduce my staff that are here with us tonight from the department: Julie Frederickson, the Deputy Minister of Justice and David Greening, the executive director of Crown Law Analysis and Development branch. And I want to thank them and for all of those in the department that have helped draft this legislation for us that is before us here tonight, Bill 25.

Bill 25 is an interim measure that provides tools to authorities to enable them to address harms that may arise during the interim gap period between the time that federal legalization of cannabis legislation is being considered in Parliament and the time that it is implemented, which is expected to be on or before July 1st, 2018.

The bill is intended to respond to concerns that persons might illegally use cannabis during the gap period if there is uncertainty about whether the existing laws against the sale and use of cannabis are still in effect and will be enforced. There are also concerns about the potential for increased drug-impaired driving during that time. The provisions of Bill 25 respond to the drug-impaired driving concerns by giving peace officers the authority to suspend a driver's licence for 24 hours



if there are reasonable grounds to believe that a driver is unable to safely operate a vehicle due to being under the influence of a drug. Bill 25 will provide greater protections in the case of beginner drivers in the Graduated Driver Licensing Program by requiring those of them who receive the 24-hour suspension to be referred to the Registrar of Motor Vehicles for a determination about whether further consequences should be imposed. The bill will also prohibit consumption of cannabis in a vehicle that is on a highway and will limit the ways cannabis may be transported in a vehicle, both of which complement existing laws on open liquor in a vehicle and the consumption of alcohol in a vehicle.

Another area of concern is the health risk that can arise if cannabis is smoked in enclosed public places and workplaces. That is why Bill 25 amends The Non-Smokers Health Protection Act to extend its prohibitions against smoking tobacco in enclosed places and workplaces to apply to the smoking of cannabis.

Bill 25 will also amend The Child Sexual Exploitation and Human Trafficking Act, The Mental Health Act, The Public Schools Act to ensure that they continue to apply the—to cannabis for acts committed through the use of cannabis, even after the Government of Canada legalizes it for recreational use.

In particular, the amendments in Bill 25 to The Child Sexual Exploitation and Human Trafficking Act would preserve the ability of victims to apply for a court protection order if cannabis is used as means to lure the victim into sexual exploitation or human trafficking.

Bill 25 amends—amendments would also preserve the existing Mental Health Act prohibition against giving cannabis to patients that are not allowed to use it, and the existing Public Schools Act prohibition against possessing, distributing, using or being under the influence of controlled drugs and substances, including cannabis on school property.

I want to, at this time, acknowledge those who were here with us tonight, Mr. Steven Stairs, Michelle Gawronsky, Sylvie Sabourin Grindle and Nathan Buschau.

I want to thank you individually for your presentations tonight. You gave some heart—some of you gave some very 'heartfill'—heartfelt, very knowledgeable presentations tonight, and I want to thank you for being here.

This is an important part of this legislative process, and we very much welcome and value the input of citizens in our community.

We, of course, have spoken with many other community citizens who could not be here with us tonight as well, and I want to thank them for their input through letters, through emails, through so on, for us, for their input into this legislation.

And I'm proud of the provisions of Bill 25, which provides sound measures to protect the health and safety of Manitobans from harms that may arise during the interim gap period 'priors' to the implementation of federal legislation on legalization of cannabis for non-medical purposes.

So, with that, Mr. Chair, that concludes my opening statement, and I look forward to comments from the rest of the committee.

**Mr. Chairperson:** We thank the minister.

Does the critic of the opposition party have any opening statements?

**Mr. Swan:** Of course, the federal government has signalled its intention to legalize marijuana in accordance with a campaign promise that was made. Their intention is that the legalization would occur on or about July 1st of 2018, presuming that that moves through the House of Commons and the Senate. And we appreciate that that is a big change, and we appreciate that it is going to require the government to move to deal with a previously illegal substance now becoming legal.

What we appreciate is difficult for government as it has certain properties of other products, but it is separate and apart. It has some properties of alcohol in that it's an intoxicant, and we know that individuals can become impaired and unable to drive or operate machinery. We know it has some properties of tobacco; it can be smoked and the person doesn't necessarily want to the product used next to them.

It has some properties that are different from both of those. We know that the active ingredient in cannabis, THC, and I'm not even going to try and give the full medical name for it, remains in the bloodstream for some time. Unlike alcohol, which moves out of the system fairly quickly, THC can remain in a person's bloodstream but they may not be, in my view, impaired in any meaningful way, even though that may show up for days or even

weeks after use or proximity to someone else using cannabis.

\* (20:00)

Unlike alcohol and tobacco, and I think that's the most important thing we've heard tonight, cannabis can be medicine and it is medicine for a lot of Manitobans, and maybe not the stereotypical Manitobans that some members may think. There are people battling cancer that use cannabis to deal with the nausea and the illness that comes with chemotherapy. There are individuals, and I'm sorry I put Mr. Stairs on the spot, but he spoke about how medical cannabis eases the issues he has with his— with glaucoma. We've heard tonight from Ms.—from a presenter who spoke about the assistance she gets with various issues.

These are just a few examples of Manitobans who need medical cannabis, who—at this point—I think we can all agree maybe haven't been served that well by the way the medical cannabis system has worked in Canada, who are looking for the federal bill and provincial legislation to make their lives better. And I think there is more we can do with this bill to help that occur.

Governments, whether it's federal governments or provincial governments, maybe haven't studied this issue as much as they should have. The question is: If you're spending money on cannabis research, are you then promoting that cannabis becomes legal? And I know what the argument would have been if governments had taken that step. But we need to take it very seriously, and I know the minister has a lot of work to do before July the 1st, 2018. And, as the NDP opposition, we want to make sure that our voices are heard and that we assist people who can be—who can benefit from this lot.

This bill amends seven other bills. It's not a complete code, and I think the minister acknowledges that there's—there are still major pieces to the puzzle in how the Province deals with the legalization of a formerly illegal substance. There are some impacts on the government which will affect finances. There's other impacts of the federal law changing that will assist the government's finances and, we hope, will work out to be a positive.

In general, I can go on the record and say that our caucus agrees with the MGEU, that the distribution and the sale and the regulation of cannabis should be public. We can use some

expertise that already exists, although it would be actually sold through stand-alone stores.

We believe there's room for private industry. And that, already I believe, is being widely talked about in terms of cultivation, in terms of packaging, in terms of a number of other areas. We expect that Manitobans will look for ways to enjoy cannabis products outside of their own home, whether that's through cafes or lounges or whatever will happen, and we want to have a good, mature discussion about that as we go forward.

We agree—and I think we are completely in agreement with the minister—we want to take measures to protect young people—those under 18—from using cannabis for recreational use. We want to make sure that cannabis is reasonably accessible, that it's reasonably priced to allow the government to earn a profit but not so highly priced that we avoid bringing the sale of cannabis within the system. If it works well, that will allow the minister to succeed in a few other areas by defeating a black market and taking profits away from criminal organizations. And we certainly support that being the case.

We believe, as New Democrats, there has to be better recognition for medical cannabis. Again, a number of Manitobans and the range of Manitobans who use cannabis as medicine is large, and I expect when the federal law changes and that stigma disappears and more doctors may be prepared to prescribe it, I expect we're going to see more Manitobans getting relief from medical cannabis, and we do have some concerns about the way that this bill will operate.

We agree there are issues of safety. The challenges that—unlike alcohol, where we now have clearly defined blood alcohol counts that can give some direction—we don't have that right now. We don't have that from the federal government, and we don't have that from the provincial government.

I will put some—ask some questions, and I'm hoping the minister can put some comments on the record to give people some satisfaction as to how it's going to work.

And I think that's all I've got to say—I'm going to have a number of questions for the minister. I hope the minister takes it—takes that in the right spirit. It is important because the presentations tonight will be part of the permanent record of this Legislature. The questions and answers, I hope, will also be helpful as we go forward. And we look forward to having

improvements to the bill, and also the other pieces of the puzzle as we move towards July 1st, 2018.

So, with that in mind, we're prepared to go on to clause-by-clause consideration of this bill.

**Mr. Chairperson:** We thank the member.

Okay, we'll go into clause-by-clause consideration.

Clauses 1 and 2—pass; clauses 3 and 4—pass.

Shall clauses 5 and 6 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no. The—Mr. Swan.

**Mr. Swan:** I just want to ask a couple of questions and get the best possible answers from the minister.

We know that if someone is impaired at the present time, whether they're impaired by illegal drugs or impaired by prescription drugs, they can be pulled over by the police and there are certain tests the police use to determine whether or not they are too impaired to drive a vehicle.

At the present time, I don't know of any federal standard and I don't know of any provincial standard which would objectify that or quantify that to determine where somebody is or is not legally impaired, to use language from drinking and driving.

Can the minister speak about that a little bit tonight for us as opposition members, maybe also for some of the witnesses that are here tonight—to talk about how she sees this at present and where she thinks this will be by the time that we get to next July?

**Mrs. Stefanson:** I thank the member for the question.

And certainly, we hope that we're at a stage where there is a device that is able to be used by police officers to determine the toxicity. I know that it is being worked on across the country right now. The RCMP and others are involved in that. And we look forward to getting their recommendation and their input in that.

I do know that the RCMP is very supportive of our bill right now, and—as are many others as well—the way it stands, especially when it comes to this, because we all have a great deal of concern when it

comes to impaired driving and those who would choose that route.

Of course, we do know that there are other sobriety tests that could be performed by officers who are properly trained as such in roadside impairment. Unfortunately, not all officers are trained in that—the roadside testing at this stage—but it is our hope that the federal government—and we're calling on the federal government to ensure that they provide the resources to ensure that those police officers are appropriately trained as such.

We do know—and the reason why we're putting that 24-hour suspension in right now—and again, this is something that has worked in British Columbia for many years, but it gives us the opportunity and it gives the officers the opportunity to remove people from the roads who they think could potentially be impaired. And that has to be very, you know, significant; it's up to their discretion, of course, but it's—it has to be significantly impaired in order to do so. And it would be, you know, making sure that we're putting this health and safety of people in Manitoba first and foremost, ahead of those that they suspect may be impaired.

So, again, it's just—it's removing them from the roadways for 24 hours until sobriety comes—you know, until they get sober, and, you know, and so those—we felt that it's very important to put those measures in place right now before the federal legislation comes through to ensure the safety of Manitobans.

**Mr. Swan:** Well, is there any—but is there—what is the standard that's going to be applied then? Would—the minister says that a licence suspension can happen if they're suspected of being impaired. What is the standard that's going to be used to allow a temporary suspension of someone's licence?

**Mrs. Stefanson:** I thank the member for the question.

And just further to what I have been saying, right now, the Criminal Code allows for officers to do this by way of their observations or opinion evidence. If they feel that there's the evidence there to—that—where they feel that, in their opinion, that someone is driving under the—is impaired while driving, then they have that ability to do so, to remove them from the roadways for 24 hours.

\* (20:10)

**Mr. Swan:** I want to talk a little bit about the proposed clause 5, and that deals with particularly the driver's licence of a novice driver. We have graduated licensing in Manitoba, which provides that drivers in the first year or first five years of driving there is a zero tolerance policy with respect to alcohol. We know there can't be a zero tolerance policy with respect to cannabis, because there can be a trace, whether someone has used cannabis in the previous week or even if they're around people that might be using cannabis.

Am I correct that this section would allow a novice driver, who might otherwise, if they were an experienced driver, get a 24-hour suspension, they could actually look at either losing their licence or moving back a step from an intermediate driver to a beginner?

**Mrs. Stefanson:** That will be determined by the registrar and they will determine whether or not if someone is—if who—if someone under a graduated or novel–novice driver licence is removed from the roadways as a result of the 24-hour suspension, it then goes back to the registrar who will determine at that point in time whether or not further actions will be taken.

**Mr. Chairperson:** Is there any other questions?

Okay, we'll continue: Clauses 5 and 6—pass.

Shall clauses 7 through 9 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Well, you know, we've heard a number of people tonight who have spoken about their use of cannabis as medicine. And I've heard a number of them speak about the provisions dealing with a vehicle and that if somebody is using edible cannabis or if there is another form that they or their child or someone else requires, it would seem that it's quite possible that they could use that medicine without it posing any threat to the driver being safe or anybody else on the highway.

So I do have a motion that I've prepared that I would ask Legislative Counsel to distribute.

**Mr. Chairperson:** Which clause is it, Mr. Swan? What clause is it regarding?

**Mr. Swan:** It'll be on clause 9 of the bill.

**Mr. Chairperson:** Are you done with any questions on 7 and 8?

**Mr. Swan:** Yes.

**Mr. Chairperson:** Clauses 7 and 8—pass.

Now we'll deal with clause 9.

Shall clause 9 pass but with amendment?

Mr. Swan—okay, we'll just—I guess 9 hasn't passed, and we have an amendment that we're going to go through right now. We're going to deal with—and, Mr. Swan.

**Mr. Swan:** I move

*THAT Part 3 of the Bill (The Highway Traffic Act) be amended in Clause 9*

(a) *by adding the following after the proposed clause 213.1(2)(a):*

(a.1) the vehicle is a motor vehicle—other than a motor vehicle used for the transportation of persons for compensation—and the cannabis is in the possession of a passenger who is also in possession of

(i) a prescription for the cannabis that is signed and dated by a physician or nurse practitioner, or

(ii) a letter signed and dated by a physician or a nurse practitioner confirming that the cannabis is necessary for the passenger's physical or mental health;

(b) *by renumbering section 213.2 as subsection 213.2(1) and adding the following as subsection 213.2(2):*

**Exception**

**213.2(2)** Subsection (1) does not apply if

(a) the vehicle is a motor vehicle;

(b) the person consuming the cannabis is a passenger who is also in possession of a document described in subclause 213.1(2)(a.1)(i) or (ii); and

(c) the passenger is consuming the cannabis by a method other than inhalation.

**Mr. Chairperson:** It has been moved by Mr. Swan

*THAT amendment to—THAT Part 3 of the Bill (The Highway Traffic Act) be amended—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** The amendment is in order—does the committee agree to have accepted as printed on the amendment?

**An Honourable Member:** Agreed.

**An Honourable Member:** No.

**Mr. Chairperson:** Okay, what we're trying to do here is that we want to put it on the record that the amendment for part 3 be reported exactly how it's been printed on this amendment here, and that's what we want for Hansard, that Mr. Swan read it, to be reported on Hansard. Okay. *[Agreed]*

*THAT Part 3 of the Bill (The Highway Traffic Act) be amended in Clause 9*

*(a) by adding the following after the proposed clause 213.1(2)(a):*

*(a.1) the vehicle is a motor vehicle—other than a motor vehicle used for the transportation of persons for compensation—and the cannabis is in the possession of a passenger who is also in possession of*

*(i) a prescription for the cannabis that is signed and dated by a physician or nurse practitioner, or*

*(ii) a letter signed and dated by a physician or a nurse practitioner confirming that the cannabis is necessary for the passenger's physical or mental health;*

*(b) by renumbering section 213.2 as subsection 213.2(1) and adding the following as subsection 213.2(2):*

**Exception**

*213.2(2) Subsection (1) does not apply if*

*(a) the vehicle is a motor vehicle;*

*(b) the person consuming the cannabis is a passenger who is also in possession of a document described in subclause 213.1(2)(a.1)(i) or (ii); and*

*(c) the passenger is consuming the cannabis by a method other than inhalation.*

The amendment is in order.

The floor is open for questions.

**Mr. Swan:** By way of explanation, we've heard from witnesses tonight. I've heard from other Manitobans who tell us that there are a number of situations why a passenger in a motor vehicle might actually need

access to a cannabis product for their own mental or physical well-being. And this amendment is really as narrow as possible. It only allows the passenger to consume that cannabis by a method other than inhalation. We've heard about edible products and other choices. There are some very real examples. I've spoken with parents who have children with epilepsy or similar conditions that actually have seizures that can be prevented or in some cases if they are having a seizure can be assisted by the use of cannabis products.

I think it is a concern that that parent, with the bill as now drafted, would have to put their car—get the car on the side of the road, run around to the back and open up the trunk while their child is having a seizure. I don't think that's what anybody around this table would think is the intention. If it is not being inhaled, there is no concern about any greater impairment of the driver, from the driver ingesting cannabis, and it is for safety. The key, of course, is that anybody who's in this category would have to have with them either a prescription for the cannabis that's signed and dated by a medical professional or they would have to have a letter signed and dated by a medical professional confirming that the cannabis is actually necessary.

I think this would go a long way to giving those who need medical cannabis for their well-being some satisfaction, that the government is listening to them and is prepared to make a change to this act at the same time this act does not in any way impair driver safety in the province of Manitoba, and I think this would be a positive thing for the committee to agree to tonight.

**Mrs. Stefanson:** I don't have any questions per se right now for the member, but I want to thank him for bringing forward this amendment. We've heard from members here in the audience today who have—or tonight, who have presented to committee, and while I respect where they're coming from and that, you know, that they share their stories with us tonight, I don't believe that it does not take away from the fact that we need to 'predex'—protect those, maybe, who aren't with us tonight and voicing some of their concerns and the people that we have heard from. And the purpose of the bill is to ensure that those are—those who are driving are not impaired in any way.

\* (20:20)

So it's not just smoking marijuana in a vehicle; it can also be accessibility to marijuana, which is one of the reasons why liquor is not allowed in a car—in the cabin of a car. And it's that accessibility that is allowed by the driver if it's not locked away in a trunk. It's that very accessibility to the driver to have that. Whether it's in the form of, you know, being able to smoke it or it's an edible or whatever it may be, as a medical marijuana—as medical marijuana, there still is that chance that it could be a toxic substance for a driver in a vehicle.

And, for those reasons, I think that's why we're bringing this forward. Again, this has to do with the safety—public safety of all Manitobans and ensure that there isn't that risk of a driver having that accessibility to that potentially toxic and harmful item, whether it be medical marijuana or another—or, you know—other marijuana.

So, for those reasons, I respectfully will be voting against this. And I appreciate, again, the member bringing it forward. I respect all those that are here tonight, and—but this is where we stand, and we believe that this is—we need to look at all Manitobans and the safety of all Manitobans and respect where they're coming from as well, and we believe that this could potentially have that harm to those and give them the ability to have access within a vehicle, and we just—we don't believe that we can accept that kind of harm on behalf of Manitobans.

**Mr. Matt Wiebe (Concordia):** I just wanted to take this opportunity to just put a few comments on the record with regards to the statement—or the response by the minister with regards to this, what I think is a very reasonable amendment put forward by our critic for Justice.

You know, I—we've heard from a number of presenters this evening about the medical value that they receive from medical marijuana and the responsible way in which they consume it, and I think that came through over and over again in their presentations about how they take very seriously the medicinal value of it but also the way that they consume it, and it's not done in a way that's harmful or dangerous to others. And I think that's an important point to make.

You know, the minister talks about the availability of—or the accessibility of alcohol in a motor vehicle. I would just say that the difference is very clear here. This is a medicine for many people. This is not used recreationally or to impair them. And, again, when we see a motion that has very clear

restrictions and very clear guidelines by which a user of medical marijuana would have to follow, I think it does, you know, address some of those concerns with regards to safety that the minister outlined.

The other point that I'd like to make with regards to the safety aspect that the minister mentions, there are very strict laws with regards to impairment when operating a motor vehicle, and they would apply whether you were taking prescription drugs or any other medication that impaired your ability to operate that vehicle. And I think in this—in the bill as it stands with the amendment, it addresses that issue as well, saying that, absolutely, if the person that is operating the vehicle is suspected to be impaired in any way, that there's still obviously a standard by which law enforcement could measure that and could make sure that that activity is ceased immediately.

So, again—so, the safety is there, and really, this is just about a protection for those users. And I'm glad that the member for Minto (Mr. Swan) mentioned epilepsy, because this has been one of the stories, along with the ones that we've heard tonight, that has been the most hard-hitting for—to hear about families who have young children, in many cases, who are affected by epilepsy, who have found no relief in any other medication—or not the same positive effects, and have used medical marijuana very, very effectively. And so, in these kinds of cases, there's literally no chance that the driver and the passenger who would be using it would be confused or would be using it interchangeably. It's strictly used as a medicine. I've—we've heard from many others who said the same thing.

And so I'm—I just want to put that on the record that, as the Health critic, I think this is a powerful medication that is used responsibly by many, many people, and I feel that a small amendment—reasonable amendment could help make this bill stronger.

**Mr. James Allum (Fort Garry-Riverview):** I just want to, if I can, ask the Justice Minister if she's not prepared to consider any amendments regarding medicinal marijuana to this bill.

Is that our understanding? Is that our take away? Or is she intending to introduce amendments at a different time, either this evening or at report stage?

**Mrs. Stefanson:** Again, I want to thank the members opposite for the comments.

And I think it's important to put on the record that the restriction—certainly, it gives the ability for

people to pull off a highway, pull off a road and stop operating the vehicle. And it gives them the opportunity to then take their medication if they need to. This is only to do with, you know—so I think it's important, I think, you know, the way the act is currently written is—gives the opportunity for those who need to take their medication, the opportunity to do so. And so, for those reasons, I don't believe that this is appropriate.

Again, I think we need to go back to ensuring the safety and health of all Manitobans with respect to this, and we believe that the way that the bill is written is the more preferred choice by Manitobans. We've heard from many, many Manitobans who have expressed the concern about the health and safety with respect to cannabis, and we believe that the act the way—or, sorry, the bill the way it is written is the appropriate way to move forward.

**Mr. Allum:** I'm just not sure the minister heard my question. She may have answered it, so forgive me if she has.

Am I—are we to understand that she is not prepared to contemplate any amendments regarding medicinal marijuana, as proposed by the member for Minto (Mr. Swan), or will she be proposing amendments either later tonight or at report stage?

**Mrs. Stefanson:** I believe that we're discussing the amendment that is brought forward, and so that is the amendment I am referring to.

**Ms. Lamoureux:** I have a question for the minister.

She talks about safety being the main concern of the bill. I can appreciate that, get on board with that. So I'm curious: you're allowed to have unopened alcohol in the vehicle. What is the difference between unscrewing a bottle of wine in comparison to opening a Ziploc bag of edible marijuana, or unscrewing the top of oil?

\* (20:30)

**Mrs. Stefanson:** Yes. I want to thank the member for the question. And, certainly, we know with the open liquor in a vehicle is not allowed, and it's the same way that, you know, medical marijuana or marijuana would not be allowed in a similar fashion. Regardless if it's in a bottle that needs to be screwed off, it still is accessible to the driver in that way, and so we believe that it should be handled as such.

**Mr. Chairperson:** Any further questions? Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Shall the amendment pass?

**An Honourable Member:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** Mr. Schuler, you're not a member of the committee. You're not permitted to vote, so we'll ask that question one more time.

Shall the amendment pass?

**An Honourable Member:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** The amendment is accordingly—oh, sorry.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it.

#### Recorded Vote

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been declared.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.*

**Mr. Chairperson:** The amendment is accordingly defeated: four yeas, six nays.

\*\*\*

**Mr. Chairperson:** Clause 9—pass; clauses 10 through 12—pass; clause 13—pass; clauses 14 and 15—pass.

Shall clauses 16 and 17 pass?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** I'm hoping that the minister can give some clarification for the record tonight. We've heard a few presenters speak about this tonight, and

I've heard from people with some concerns about this.

I understand that the section of The Mental Health Act, which would be amended by this part, will deal with the ability for another Manitoban to provide cannabis to somebody who is in an institution.

There are a couple of questions that have been raised, and I really hope the minister can just clarify it for the record.

First of all, can the minister just confirm that nothing will prevent a medical professional from being able to prescribe medical cannabis for someone in that situation? And, second, as I read the section of The Liquor and Gaming Control Act, the only prohibition would be against giving cannabis to someone in that facility if the director of the facility has already asked the person not to do so.

And, if the minister can answer those two questions and put that on the record, I think we can move ahead with this part.

**Mrs. Stefanson:** I want to thank the member for the question. It's a good one. I know we did hear from some presenters on this tonight.

It doesn't change the existing provision. A medical director in a facility would have the ability to say—to decline someone from having cannabis within that facility.

**Mr. Swan:** Okay, that's part of the answer.

But just, again, to make that clearer, that's not a blanket prohibition? It would be required for the medical director in the facility to actually decline and to let that be known?

**Mrs. Stefanson:** Yes, that's correct.

**Mr. Swan:** And the second part of the question was to confirm that there is nothing—that there will be nothing, when this bill passes, that will prevent a medical professional from prescribing medical cannabis to somebody who is in an institution.

**Mrs. Stefanson:** That's correct.

**Mr. Swan:** I thank the minister and her very able staff, who I know well.

**Mr. Chairperson:** Okay. Any other questions?

Clauses 16 and 17—pass; clauses 18 through 21—pass.

Shall clauses 22 to—through 24 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Just a general question—and I appreciate that the conditional amendments are dealing with a number of different moving parts, dealing with amendments to The Non-Smokers Health Protection Act, and I'm wondering if the minister can just let us know is it her intention that these amendments—the amendments that are referred to in the bill—the intention of the government is to bring these into effect by July 1st, 2018.

**Mrs. Stefanson:** It's our intention to have these all pass as quickly as we possibly can.

**Mr. Swan:** I understand that there are those who use medical cannabis and, I presume, who don't—who use recreational cannabis, and plan to use that legally after July 1st, that believe that e-cigarettes and other similar products are actually very useful for them.

So I'm hoping the minister will simply commit to continue to consult with Manitobans and to make sure that, as we move towards the legalization date, she will be prepared to consider additional improvements and other additional amendments that might make the legalization of cannabis even a bit smoother within the province of Manitoba.

**Mrs. Stefanson:** We are very, yes, open to that. And, certainly, we are open to consulting. We will consult with all Manitobans.

I want to just take this opportunity to thank our cannabis committee of caucus, chaired by the member for St. James (Mr. Johnston), as well, who—and a number of other members of caucus. They had consulted with a number of members of people within our community, as well as a number of organizations. And I think now would be an appropriate time to say that I know that they will continue their work, as we will, towards the legalization of marijuana by the federal government.

**Mr. Swan:** I thank the minister for that. And, again, we learned of the existence of the committee—is there a report that the minister can share with us?

\* (20:40)

**Mrs. Stefanson:** Their consultation to date has resulted in this legislation that is right before you, and these are the results of that consultation. And so I believe the member has read the legislation, and so I say that these are the results of that.



**Mr. Allum:** Can the minister at least identify who among the MLAs were on the committee?

**Mrs. Stefanson:** The chair is Scott Johnston, Nic Curry, Cliff Graydon, Reg Helwer, Janice Morley-Lecomte, James Teitsma, Blair Yakimoski and I believe that's it.

**Mr. Allum:** I appreciate that, thank you. I was going to say that it would be okay to table it later, but thank you for doing that.

Would the minister be able to describe, since there is no written report, just the nature of these consultations? Or did the committee receive submissions, written, verbal? How many submissions might have been received? In all parts of the province? So just—might provide us with a general overview of its activities.

**Mrs. Stefanson:** Well, I want to thank the member for the question.

Of course, our government believes in consultation with Manitobans and that's what the committee is—has been doing. They have—they've embarked on a very extensive process and they have met with many Manitobans, and I think it's resulted in the bill that's before us today, as well as the hard work and dedication of the staff of the Department of Justice, as well as a number of the—we have a working group within the civil service as well, the Department of Justice, as well as Health, Education, oh, and growth, enterprise, trade. And so we have an extensive working group and we will continue to work as the government comes forward with their legislation and as we work towards that July 1st, 2018 date.

**Mr. Chairperson:** Any other questions?

Clauses 22 through 24—pass; clause 25—pass; clause 26—pass; clauses 27 through 29—pass.

Shall clauses 30 to 31 pass?

**An Honourable Member:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Mr. Chairperson, I do have an amendment.

**Mr. Chairperson:** Mr. Swan, can you specify what clause that you're speaking on the amendment?

**Mr. Swan:** Yes, it will be an amendment to clause 31 of the bill.

**Mr. Chairperson:** Clause 30—pass.

Shall clause 31 pass?

**An Honourable Member:** No.

**Mr. Swan:** I move

*THAT Part 7 of the Bill (The Public Schools Act) be amended by replacing Clause 31 with the following:*

*31 Clause 47.1(2)(b) is amended by adding the following after subclause (iii):*

(iv) using, possessing or being under the influence of cannabis (marijuana) at school, except as permitted by the school for persons in possession of any of the following:

(A) a prescription for the cannabis that is signed and dated by a physician or nurse practitioner,

(B) a letter signed and dated by a physician or nurse practitioner confirming that the cannabis is necessary for the person's physical or mental health;

**Mr. Chairperson:** It has been moved by Mr. Swan

*THAT Part 7 of the Bill—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** It's been dispensed?

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

**Mr. Swan:** The section of The Public Schools Act that the bill as presented attempts to amend would provide that every school must have a policy which would have an absolute ban, if you will, on alcohol, cannabis or illicit drugs.

Right now, The Public Schools Act provides that every school must have a code of conduct that bans alcohol or illicit drugs, which is entirely reasonable. But now, we would be changing that to have a blanket ban on cannabis. And recreational cannabis—absolutely. But, as we've heard from many Manitobans, as we've heard tonight, cannabis for many people is medicine, and for some children in Manitoba cannabis is medicine.

And just as we would not want a school to be required to have a code of conduct that would prevent a child from bringing an EpiPen to school to prevent them from anaphylaxis, and just as we would not want to prevent a child from being able to have insulin at school to assist them if they had

complications because of diabetes, I would think that it is reasonable to allow the possession of cannabis and, if necessary, the use of cannabis if it is medically required not just for the child, but also for a person, whether it's a teacher or administrator or anybody else who might be in the system.

As with the earlier clause, this is not, obviously, going to open the door to improper use. This would only be as permitted by the school, and, secondly, anyone who would be in this category would have to show a prescription signed and dated by a health-care professional, or they'd have to have a letter signed and dated by a health-care professional confirming that it's necessary for the person's physical or mental health.

Of course, we want schools to be healthy places, and in no way does this open up the door to anything other than Manitoba children, but also teachers and others, to be able to use a product that they require for their own physical and mental health.

And, again, I put on top of that that, although it means that there would not be a blanket prohibition, the school would still have control over this. And I would expect that, if there was a parent with a child who required this, there would be a discussion between the administrators and the parent to explain exactly what the use was. When this date comes and the law is changed—again, we should not be considering legal required use of medical cannabis to be any different from legal use of an EpiPen or insulin or anything else that children require for their well-being.

**Mrs. Stefanson:** I just have a few comments, and maybe concerns with respect to this.

You know, first of all, we've done extensive consultation. This never came up in the public schools with the public schools consultation, and so on. My concern would be that—is the potential—I mean, again, this is a—you know, this is a substance that, if it gets into the wrong hands for whatever reason, could potentially be—have significant harm to those that don't understand how to take medical marijuana. My concern is that someone's locker gets broken into that, somehow, that substance is taken. And so, really, we believe that, as it stands right now, that we should continue with the provisions where we have put in the legislation today that ensures—that continues—that this continues to apply to cannabis once it's legalized.

So my concern, again, would be what happens to this? And, again, this wasn't an issue that came up with respect to our consultation, and should be discussed with the Department of Education. But, as are broader working groups, this is not something that came forward, and I think needs further consultation.

**Mr. Swan:** I would suggest that if it didn't come up, it's because the minister and her committee weren't speaking to the right people. And I've heard from parents who do have a real concern. They have children who suffer seizures, they've told me. And I believe they've told the member for Concordia (Mr. Wiebe) and, perhaps, also the member for Burrows (Ms. Lamoureux), that they have children who can have their seizures either prevented or minimized by the appropriate use of a cannabis product.

I mean, the minister can raise different scenarios. I mean, I believe she knows as we do that, if we actually want to protect young people, that the best way is the illegal use of prescription drugs that they're taking out of their parents' drug cabinet.

\* (20:50)

This is not intended in any way to affect anybody's security. It's intended to allow the use of cannabis as medicine in a very limited way when a health-care professional has provided the reason for doing so, with ultimate control being with the school, and the school could have reasonable rules on how and why this would be possible.

So I would encourage the minister to pass this tonight. If she won't pass it tonight, then I encourage her to speak to the Minister of Education tomorrow morning and be prepared to suggest an amendment of her own to take this into account, because this is an issue of public health, and I believe it is important and it's a part of the conversation we're going to have going forward as legalization gets closer.

**Mr. Allum:** I just want to add, Mr. Chair, that it's difficult for those—the member for Minto (Mr. Swan) putting amendments forward on our behalf for the minister to reject them on the basis of consultation, for which we only understand—we know the members of the committee, but we know nothing else about that particular consultation.

Maybe she would agree tonight to table, at a minimum, a summary of those consultations so that we can know who participated and what was suggested during that consultation.

**Mrs. Stefanson:** No, I would say that the reason why I would reject this the way this is tonight is that this is about public safety.

I've heard from a number of parents that—their concern about access to cannabis on school property, and this could potentially, it has the potential to get into—and I respect those who are medical marijuana users—but it has the potential to get in the hands of someone who isn't a medical marijuana user, that doesn't know how much to consume or how much to take in order to—and it could potentially have a significantly harmful effect to someone on our schools.

And so I hope that members opposite aren't—you know, don't take that lightly. I mean, this is a very important concern for Manitobans, that I've heard from Manitobans. And I hope that they take that into consideration when voting on this amendment. Because I don't believe that, the way this is right now, that it is in the best public safety for all Manitobans.

**Mr. Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear no. We're going to do a voice vote.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it.

#### Recorded Vote

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.*

**Mr. Chairperson:** The amendment is accordingly defeated with six—four yeas and six nays.

\* \* \*

**Mr. Chairperson:** Clause 31—pass; clause 32—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Yes, while I agree the bill should be reported at some point, but I really hope that the minister will take to heart what she's heard from some Manitobans tonight. I hope she'll read the rest of the submissions that have been provided by other Manitobans who were unable to come here today.

I'm hoping that, perhaps, we could delay reporting this bill and we could then, for a day or two, start—stop the clock from ticking on the minister being able to reconsider and offer some report stage amendments that might reflect the needs of Manitobans.

I appreciate she may feel that she's on the spot tonight and has decided to vote down amendments that we think are useful but, I appreciate, the minister's only seeing for the first time tonight. So I would implore the members of this committee that we should vote not to report the bill at tomorrow's sitting, we give the minister another day or two to do a bit more consultation so that she can come back with some amendments that, I think, maybe we could all agree on that would make the bill stronger.

**Mr. Chairperson:** The question—oh, Minister—the Honourable Minister.

**Mrs. Stefanson:** Yes, just to that, I would encourage all members of the committee to support this. This is about public health and safety for Manitobans. I believe we've gone through a number of amendments. We have voted on those amendments, and so that should conclude where we're at today.

And I know that a significant amount of work by many, many people, including the departments and so on, have put some work into this, and I respect the work that has been done and just all of those in Manitoba who I've heard from about the concern of legalization of marijuana and what it's going to mean to the health and safety of Manitobans.

So I just want to reiterate that that is what Bill 25 is about, and I encourage all of you to support this bill.

**Mr. Chairperson:** The question before the committee: Shall the bill be reported?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

#### Voice Vote

**Mr. Chairperson:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

#### Recorded Vote

**Mr. Swan:** A recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

**Mr. Chairperson:** Accordingly, the bill should be reported.

And it's been passed—agreed that the bill should be reported with six yeas and four nays.

\* \* \*

**Mr. Chairperson:** Well, this concludes the—Bill 25.

### Bill 16—The Fatality Inquiries Amendment Act (Continued)

**Mr. Chairperson:** Now, we'll go to Bill 16.

Does the honourable minister in response to Bill 16 have any opening statements?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Before I say a few words with respect to The Fatality Inquiries Amendment Act, I'd like to introduce our staff. Julie Frederickson is still here with us this evening, our deputy minister; Mike Mahon, who's the assistant deputy Attorney General who is with us tonight—thank you, sir for being here; as well as Mark O'Rourke, the director of the Office of the Chief Medical Examiner—thank you for being here with us tonight.

The Fatality Inquiries Act currently requires 'porting'—reporting of sudden and unexpected deaths and deaths occurring in specific circumstances. An inquiry into those deaths, an investigation of if there are questions raised about the manner or cause of the death and an inquest to be called were currently mandatory under The Fatality Inquiries Act or if the Chief Medical Examiner believes it necessary to examine the circumstances of death in order to make recommendations to prevent deaths in similar circumstances in the future.

The bill updates the current act by using plain language to clarify sections and to reflect current practice, adding headings to improve readability and reordering provisions so that they flow more logically.

The reporting, inquiry and investigation of deaths is largely unchanged from current practices. Deaths requiring an inquiry are set out in section 7.1.

The requirement to conduct an inquiry into hospital deaths has been expanded to include those whose death occurred within 24 hours of seeking hospital admission.

Deaths in personal-care homes will be dealt with by regulation to allow for more specificity.

The bill makes some changes to the inquest procedure to address criticisms in past inquest reports.

The CME continues to have total discretion to call an inquest into any death that occurs in the province. There are no restrictions on the CME calling an inquest.

The main change is to the mandatory inquest provision. Inquests will now be required if the person dies as a result of use of force by a peace officer, presumed to be required if the person died while in custody of a peace officer or an involuntary resident in a provincial facility, but not required if death was due to natural causes, was not preventable, or there was no connection between the death and the supervision or care provided to the person.

\* (21:00)

The bill provides the CME with discretion to not call an inquest if there will be another review that will result in recommendations to prevent similar deaths. The review need not be a public review, as certain reports, such as reports by the Child Advocate, can be shared with family but may not be made public. The bill specifies that an inquest cannot

proceed until any criminal process related to the death is concluded. The presiding inquest judge may cancel the inquest if satisfied that the circumstances of death have been adequately examined by the criminal proceedings and the public interests would not be served by the inquest proceeding.

The purpose of the inquest is clarified as encompassing an investigation into the circumstances of the death and giving the inquest judge the authority to provide a report that may contain recommendations to prevent similar deaths in the future. The bill removes the ability of the minister to call an inquest. The effect of this is to allow for the application for judicial review to be brought by an interested party to review the decision of the CME on jurisdictional grounds. The bill also provides clarity as to the purpose of the inquest, the powers of the judge and the role of counsel. The inquest is a non-adversarial proceeding and the judge is given a wide discretion to conduct the inquest in any manner that is fair and expeditious. This will permit the judge to employ some of the processes used by inquiry commissioners, such as convening expert panels or reviewing relevant reports.

The bill contains a transition provision that allows the CME to cancel an inquest that has been called where the inquest has not started prior to the passage of the—this legislation. The purpose of this transitional provision is to have the CME review all inquests that are mandatory under the current act but are no longer mandatory, that is, deaths in federal custody, to determine whether the inquest should go ahead in the public interest.

I also want to take the opportunity to thank Dr. Peter Markesteyn, Mr. Corey Shefman and John Hutton for providing their remarks to us this evening and I look forward to comments and—of the rest of the committee.

Thank you very much, Mr. Chairperson.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have any opening statements?

**Mr. Andrew Swan (Minto):** Well, look, this—we know this is not a bill that may attract a lot of attention in the public or from the media, but it is a bill that is very, very important and fatality inquiries, or inquests, as we generally call them, are very important when an unexplained death occurs. They're important because they give the family and the community of the deceased the opportunity to have a

public airing of what happened. They're important to all of us because the results of that inquest—the inquest report that's written by a judge—can provide recommendations that can improve the way things are done, frankly, at all levels of government, whether it's laws, whether it's policies or practices, with the goal of making sure that future similar deaths are reduced or hopefully eliminated.

I will agree that the time has come to review the fatality inquiries amendment—or, Fatality Inquiries Act. I think there are improvements that can be made to make the system move more smoothly, hopefully to reduce the amount of time that provincial court judges are required to be involved and taken away from their other projects.

It was only after reading Mr. Shefman's materials that I learned that this question had actually been put to the Manitoba Law Reform Commission. There's been a strong tradition in Manitoba that the Manitoba Law Reform Commission has provided non-partisan, intelligent, thoughtful advice after full consultation with Manitobans and I am surprised that the introduction of Bill 16 effectively stopped what would have been a very solid process from continuing. I think Mr. Shefman is right: changing this bill is important, but it's not urgent; and I strongly believe that the minister should pull the bill, send it off to the Manitoba Law Reform Commission and then return to the Legislature when that commission has had the chance to do its work and to come back with a report that hopefully can be turned into a stronger bill that will make the legal system more effective but still also make sure that, really, the rights of Manitobans who have the least are protected.

So I will have some other comments and concerns as we go through this bill. I think from the discussions of Bill 25, it might be better if I have amendments provide as report stage amendments to give the minister a little bit more time to consider them. I do believe if that had happened with Bill 25, perhaps we could have made some improvements to the bill. There are a couple of sections, though, that I will be speaking on that I will urge members to vote against because they do damage to the system.

I do want to thank each of the three witnesses that came forward. Mr. Shefman has a tremendous amount of knowledge as a lawyer who's represented a number of families in inquests. I can tell you, Mr. Shefman and I have not always been on the same side of an issue, and I've had some disagreements,

but I cannot deny the fact that Mr. Shefman is extremely knowledgeable. And I think the brief that he's put forward would serve as a much stronger base to change this law.

Dr. Markesteyn is a former chief medical examiner, brings a very unique perspective. And he was very concerned about the idea of expanding the number of discretionary inquests, and also taking the Attorney General directly out of the system, which does not seem to make sense.

Mr. Hutton, on behalf of the John Howard Society of Manitoba, hit many of the same notes as Mr. Shefman and Dr. Markesteyn, and I do believe that the minister should take some time to review what's been said tonight, the submissions that have been provided. And I'm certain that we could call this bill for a reasonable discussion in the House. I will have some report stage amendments, and I think we can work together to improve this bill.

Again, if it was up to Mr. Shefman, was up to myself, the minister could come out tomorrow and say she's reviewed the situation and will simply pull the bill. That would be the best thing to do. But, if we can't, we'll do our best to put forward amendments that will improve this bill going forward.

**Mr. Chairperson:** We thank the member.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; clauses 11 and 12—pass; clauses 13 through 17—pass.

Shall clause 18 pass?

**An Honourable Member:** No.

**Some Honourable Members:** Pass.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Section—clause 18 will replace section 19 of The Fatality Inquiries Act with a very different system. And as we've heard from each of the three witnesses that came forward tonight, they do have grave concerns about a bill which would change the presumptions of whether an inquest would even be held. In particular, we've heard concerns that an inquest may not happen because a death has occurred in a federal institution. And I think Mr. Hutton expressed concerns about that in a very clear way and I think he made the very good point, even if it's a—an inquest which provides guidance to the federal government, the provincial corrections system can and does take those reports into consideration. The

federal government may not consider itself bound by those conclusions but it can then become, frankly, a political tool, if the federal government decides not to follow what happens in a Manitoba inquest.

It also provides for a public airing of issues which otherwise are simply not going to happen. It's very clear there is no federal inquest process; there is an internal review which takes place, which doesn't call for public participation and which does not report out publicly. And there are other sections of clause 18, which simply restrict the number of inquests that will be called that will give the Chief Medical Examiner discretion where discretion did not exist before. And, in summary, it will prevent important cases where someone has died, where we have a grieving family, where we have a community that wants answers, we have a province that wants answers, it will make it less likely that will happen.

So I am suggesting that we vote down this clause and perhaps the minister can work on something different in the next session that we'll be more likely to accept.

\* (21:10)

**Mrs. Stefanson:** I think it's important on all this to understand that the Chief Medical Examiner still has the ability to decide what death—and when a death occurs and, in this case, in a federal facility. He still has the ability to call for an inquest if he believes he wants to move forward on that, if he believes it's in the best interest of the process, if we could get something out of it, and so he still has the ability to do that. All it does is it takes away the mandatory component of it.

As we know, the federal Corrections investigator does do investigations into deaths in federal facilities, and so, based on those, the federal, you know, decisions are made at a federal level. Even if we do an inquest provincially, if the Chief Medical Examiner decides to move forward with an inquest from a death in a federal facility, that there is no obligation on the federal government to accept the recommendations. So it's redundant; it is something that's already reviewed by the federal correctional investigator, and so we believe that we should support this clause. It's supported by the Chief Medical Examiner, as well, and so we believe that that's how we should move forward.

**Mr. Chairperson:** Shall clause 18 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** Okay, so all those in favour of the clause, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

**Recorded Vote**

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 3.*

**Mr. Chairperson:** The clause 18 is accordingly passed with six yeas and three nays.

\* \* \*

**Mr. Chairperson:** Shall clauses 19 through 23 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Mr. Chair, I'll restrict my comments to clause 22, so if you want to ask the committee about the previous three sections, that would be fine.

**Mr. Chairperson:** Okay, sure.

Clause 19—pass.

Shall clause 20—[interjection] Clauses 19 through 21—pass.

Shall clause 22 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I see a no.

**Mr. Swan:** Mr. Chairperson, this is the section of The Fatality Inquiries Amendment Act which would take away the ability of the Minister of Justice (Mrs. Stefanson) to call an inquest separate and apart from the Chief Medical Examiner. And as we've heard from the various witnesses tonight, this is an important power that we believe should be retained

by the Minister of Justice of the Province of Manitoba.

For a number of reasons, we have a great deal of respect for the Chief Medical Examiner, but they are now being given much more discretion, and I think everybody has agreed upon that. A number of inquests, which previously were mandatory, will now be discretionary in the view of the Chief Medical Examiner.

The Chief Medical Examiner is not an independent officer of the Legislature. The Chief Medical Examiner is an employee of the Department of Justice, and the Minister of Justice is her—is that person's ultimate boss,

It is true that in Manitoba it has not been necessary in some time for the Attorney General or the Minister of Justice to call an inquest, but that might be proof that the system actually works, and having that safeguard of an Attorney General being able to call the inquest we think is a good thing, even more so in a situation where there's more discretion.

We have in Manitoba an unprecedented number of deaths in custody, which have occurred in the last calendar year. We know of seven; there might be more. I suppose we'll find out in Estimates, and we do take this very seriously. When a death occurs in custody, it is upsetting, not just for inmates, but for all the correctional staff, who I know do care deeply about inmates and the various provincial institutions.

I can tell the minister that when families are waiting and upset, the minister can easily step in and say, well, if the Chief Medical Examiner doesn't call an inquest, I want you to know, in these circumstances, there will be an inquest. And that can often give the family some comfort. We know there can be a wait for the medical examination to be complete. That wait can be weeks or even months, and families, frankly, are left without any certainty that anybody is ever going to hear the circumstances of their loved one's death. And having the Attorney General with the ultimate right to call the inquest is a very, very important thing in a way to give people some comfort that there will be a true airing of what's occurred.

So I think the minister needs to reconsider. I think we should not pass this section of the bill. I'm hopeful that if this gets taken out of the bill, the Attorney General will not have to call an inquest

in the near future but the fact that there is that availability, I think, leads to a better system here in Manitoba.

**Mrs. Stefanson:** And I thank the member for his comments. But I respectfully disagree.

I think we need to move forward with this as is, as it stands right now. There's only a limited, in very, very limited cases where a Chief Medical Examiner would not call for an inquest, and that is in three areas: where the death was due to natural causes and—and—was not preventable and the public interest would not be served by holding an inquest into the death. So I think it's very important for members to understand that.

As it stands right now, if someone is not happy with the Chief Medical Examiner not calling for an inquest, they can, right now, if because there is that option to go to the minister, it prevents those people from going to a judicial review. And that's a very important—for apply—for an application for a judicial review. And I think that that's a very important part there.

So, if you take away the minister's ability to call for an inquiry, it actually opens up for that ability for someone to apply for a judicial review and it also offers that option as well, so it gives an option to—for as well for the minister to call for an inquiry.

So I think it's very important that members understand that, that, in fact, the way it is right now—oh, and another thing is that also is—certainly, as far back as we can look, that we've looked, an inquest has not been called; by an inquest, I know the chief medical—the former chief medical examiner mentioned earlier that there may have been one case. I don't know if he was referring to something maybe in Alberta, but, certainly in Manitoba, it's—in very, very limited cases where a minister would be doing so and, in fact, by having that ability, it prevents people from going and applying for a judicial review.

So, for those reasons, we believe that this is an important clause and that we should be supporting it.

**Mr. Swan:** Well, the minister talks about a judicial review somehow being a—an appropriate alternative. And we have to remember that many of the people who die, in which cases inquests should be called, are those who have the very least. These are people who may be living in a provincial institution; they may be incarcerated. It's not surprising that many of their families do not have tremendous means. They don't have the ability necessary to advocate for

themselves. It's one thing for family to be able to try and write a letter to the minister, speak to the minister. It's a wholly different thing to expect a grieving family who've lost a loved one to have to go and retain a lawyer and get in front of a judge and ask for a judicial review of the Chief Medical Examiner's refusal to call an inquest.

And, again, I would point out that the ability or the discretion of the Chief Medical Examiner has been widely expanded and, quite frankly, judicial review is not going to require the Chief Medical Examiner to exercise that discretion in a different way. That judicial review is pretty much doomed to fail, and that is not a suitable option.

I think this is one other reason why the minister would have been well advised to let the Law Reform Commission do its work and come back with maybe some much-needed improvements and changes but not just changes to make the system more efficient but changes to truly make the system more effective and better. And I'm disappointed the minister is not prepared to listen tonight.

**Mrs. Stefanson:** Well, I hope the member opposite will listen to what I talked about earlier. And that is that, you know, a judicial review is an open and transparent process in court. I don't know why the member opposite is in favour of preventing Manitobans from potentially going that route. As the way the act reads right now, Manitobans would be—would not be able to choose to take that route by way of a judicial—an application for a judicial review.

\* (21:20)

So—and that again is an open and transparent process in court, and I'm surprised that the member opposite would not be in favour of allowing Manitobans that option.

But I guess we'll leave it at that, and we look forward to members opposite supporting—and all members of this committee, supporting this clause. We think it's a very important one. Too often that open and transparent process for Manitobans.

**Mr. Swan:** Well, I'm not going to leave it at that. I mean, the minister ought to be aware that again, the judicial review process is going to be something that the great majority of families who may be affected can't afford. And secondly, it is highly unlikely that any judicial review is going to require—is going to result in a judge forcing the Chief Medical Examiner to use their discretion in a certain way.



I think it's almost doomed to fail that the judge's decision will be, well, there's discretion, so I'm not going to order—the Chief Medical Examiner needs to exercise it in this particular way. I'm not going to substitute my judgment for that of the Chief Medical Examiner. And that is the end of it. It really isn't a solution at all. I think that the minister needs to accept that leaving the Minister of Justice with that residual ability is actually the best way to make sure that Manitobans' rights are protected. But I'm sorry she doesn't seem to agree.

**Mr. Chairperson:** Shall clause 22 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of this clause 22, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

**Recorded Vote**

**Mr. Swan:** Recorded vote, Mr. Chairperson.

**Mr. Chairperson:** Recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 3.*

**Mr. Chairperson:** So I declare that clause 22 has accordingly passed with six yeas and three nays.

\* \* \*

**Mr. Chairperson:** Clauses 23 through 25—pass; clauses 26 through 28—pass; clauses 29 through 31—pass; clauses 32 to 38—pass; clauses 39 through 40—pass; clause 41—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the report of the bill, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** On my opinion, the Yeas have it.

\* \* \*

**Mr. James Allum (Fort Garry-Riverview):** I just had a question, is that still permitted at this point?

**Mr. Chairperson:** We can revert back for a question.

Is it agreed to the committee to ask a question by Mr. Allum? *[Agreed]*

**Mr. Allum:** Thank you to the members. I also didn't quite properly appreciate until Mr. Shefman came in tonight. Can the minister just help us to understand why she tabled this bill prior to the Law Reform Commission doing their work? Why she in fact circumvented their investigation?

**Mrs. Stefanson:** Well, the insertion by the member opposite is completely wrong and we did not circumvent any process. In fact, the law—the Manitoba Law Reform Commission had—this is—or sorry, this is something that the department has been working on for quite some time now, and the Manitoba Law Reform Commission had started a process when they realized the department had moved in a—moved forward with this. They stopped their process. We've had meetings with the Manitoba Law Reform Commission and they are going to be moving forward with working on other files.

**Mr. Chairperson:** Shall we report the bill?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairperson:** Okay, I hear no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

### Recorded Vote

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 3.*

\* \* \*

**Mr. Chairperson:** Bill be reported.

This concludes this bill.

### Bill 18—The Legislative Security Act (Continued)

**Mr. Chairperson:** We'll go on to Bill 18.

Does the minister responsible for the Bill 18 have an opening statement?

**An Honourable Member:** I sure do, Mr. Chair.

**Mr. Chairperson:** The honourable Minister.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I'm pleased once again to introduce Julie Frederickson, who is doing a great job being here tonight, and Mr. Greg Graceffo, who is our associate deputy minister. I'm very happy to have both of you here with me tonight.

So I'm pleased to be here today, Mr. Chairperson, to discuss Bill 18, The Legislative Security Act. Bill 18 is a bill that provides a legislative framework for the provision of security programs for the Legislative Precinct.

The reality of today's world reflects a need to ensure that we are being diligent in protecting our seat of government and all those who visit and work within its confines. The Manitoba Legislature and its surrounding grounds or precincts are a treasured place for Manitobans and certainly worthy of this effort.

Providing an effective security program while maintaining the tradition of openness and welcoming nature of our Legislative Building for all of those who wish to visit is a challenge. It requires a balance between the programs meant to keep people safe and ensuring that they are not prevented

from enjoying the Legislative Precinct by overly restrictive measures.

Bill 18 provides that balance. It provides the first legislative framework for security protocols on the Legislative Precinct and formally defines those areas comprising the Legislative Precinct. The Manitoba Legislature is unique in its dual role as both the home of the Legislative Assembly and the executive functions of the government. As such there are two security roles present in the precinct. Bill 18 recognizes the full authority of the Speaker for security of the Legislative Assembly.

In keeping with the dual nature of the security requirement on the Legislative Precinct, Bill 18 creates a legislated requirement for the Speaker of the House and the Minister of Justice to enter into an arrangement for the provision of security in the Legislative Precinct.

Our government is committed to ensuring that all Manitobans and visitors are kept safe during their time spent on the Legislative Precinct. I'm proud of this bill, Bill 18, which will contribute meaningfully to that goal.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Andrew Swan (Minto):** I do, but I have a somewhat unusual request. I see that two gentlemen that had been on the list of presenters tonight, both of whom happen to be leaders of registered political parties in Manitoba, I'm wondering if there'd be leave of the committee to revert to public presentations to allow each of these two gentlemen to present on Bill 18.

**Mr. Chairperson:** Is there leave of the committee to have the two presenters that came in after the presentations to present tonight? *[Agreed]*

\* \* \*

**Mr. Chairperson:** And so we will have the first-first person on the list will be James Beddome—yes, Mr. James Beddome. We'll also have your submissions of the stuff that was—written submission, and then we also, with your presentation, we'll also—we'll have you represent it now.

**Mr. James Beddome (Private Citizen):** I very much appreciate that. Thank you very much, Mr. Chair. I'd also like to extend my gratitude to the member for Minto (Mr. Swan), who did notify me

about this bill and also spoke to get the exceptional leave, which I very much appreciate.

\* (21:30)

Just to put on the record, I was representing a client in Clean Environment Commission hearings that went late this evening from 7 to 9, so I have to, as a volunteer leader, juggle my professional commitments with my volunteer commitments.

Fundamentally, the Green Party of Manitoba doesn't have a problem with having a safe Legislature. Yes, that's—that is fair; that is laudable. But what I think the issue with the bill really is, is ensuring that there's an appropriate appeal mechanism.

So basically I think the member for Minto (Mr. Swan) certainly raised this in question period on April the 20th. Part of the issue becomes, right now, the minister makes the decision and people would have to plead to the minister. However the challenge becomes, if we make it the Speaker, there's going to be no ability for any member in the Legislature to basically criticize the Speaker because that would go against parliamentary tradition, so there wouldn't be an—a public forum or an ability to appeal this.

So, you know, I want everyone on this committee to recognize that this is, you know, a public building, and the rights of citizens, regardless of their political belief, to stand up on the steps of the Legislature is a fundamental right that connects with the freedom of speech, that connects with our fundamental Charter rights.

And I put a couple quotes in there that I think are worth addressing—a famous quote from The Friends of Voltaire: I disapprove of what you say, but I will defend to the death your right to say it. Or perhaps more prescient would be George Orwell from 1984: Freedom is the right to tell people what they do not want to hear.

So I recognize the government's stated intent is to depoliticize granting access to the Legislative grounds. That is logical; that makes sense. The challenge is putting it under the Speaker and under an agreement that doesn't seem—isn't going to seem to have public scrutiny in the light of day.

We would argue that it should be legislated and I came up with what I hope would be a proactive suggestion. And basically, really what it would be is that you need to find someone non-partisan. I think it makes sense for the director of legislative

security, which has created this act to be appointed to be responsible for accepting applications and granting permission. It would be somewhat of an administrative-type role. I recognize sometimes there may be two groups wanting the same access for the same location. Obviously that can't be done.

Now, if a citizen was to disagree with that decision—of the decision to not grant a permit or perhaps some of the terms of that permit, then why not draft in provisions that they'd have automatic rights of appeals to go to the Queen's Bench of Manitoba? Let's get it out of the hands of the politicians on Broadway and put it into the hands of the courts where we can have an objective and a fair and transparent process.

You know, it really connects to making this an open and accessible place. And you do have my written submission; I think it clearly outlines it. I just also want to highlight, I don't really think we need to be asking for ID at the door. I'd like to see a more open Legislature. I fail to see that it's going to drastically enhance security. I recognize the issue of weapons and screening makes sense, but I think we need to think about the most vulnerable citizens in our society.

And once again, I wanted you to think about George Orwell. Threats of freedom of speech, writing, and action, though often trivial in isolation, are cumulative in their effect and, unless checked, lead to a general disrespect for the rights of the citizen.

The most vulnerable person, whether they have ID or not, should be able to walk in here because this building belongs to the people of Manitoba. And that's really all I wanted to put forward, and I respectfully hope that the committee would consider that and would consider making some amendments before third reading, which would create a fair and objective process. This would maybe even enhance what we have now, where the minister makes these decisions, and instead, we have a more objective, less political process. I think that's a fairly reasonable request.

Except any questions you have, that's all I have to say.

**Mr. Chairperson:** Thank you very much.

But before we get going on the questions, I just want to—for Hansard, I would like to—for the record, to—in addition to the written submission for the committee, the committee has agreed that the—we

would also include these—presentation of—on Bill 18 too, so—*[interjection]*

Yes, so—*[interjection]* Yes, we'll go to questions right now, and we'll have the honourable minister to do that on the—Bill 18.

**Mrs. Stefanson:** Thanks very much, and I respect the—you know, your juggling, your—you know, your duties out there and your, you know—in your volunteer life and appreciate that and certainly respect that, so thanks for taking the time to be here tonight.

As was mentioned, your written submission will be written in Hansard as well, and so, just want to take the opportunity to thank you, Mr. Beddome, for being here tonight and for expressing some of your concerns.

I just do want to say though, in terms of those who are protesting and so on out front, nothing will change there. That will all be dealt with through Accommodation Services. And that is not going to be affected at all with respect to this bill unless there are public safety concerns with respect to something that may transpire with respect to that. But, certainly, we've no intention of curtailing the protest activity on the front steps of the Leg.

So I just wanted to let you know that, and thank you for your comments.

**Mr. Beddome:** Thank you for your comment, but I think the concern is: if there was an issue with the request, granted or not granted by Accommodation Services, it no longer could be put on the Hansard record by someone elected to the Legislature.

And I might be lucky enough that I can, standing outside the Legislature, say something. And I certainly will. But one day I'd certainly like to be in there and, I—you know—certainly wouldn't be looking to criticize the decision of the Speaker.

So I don't think this is an unreasonable request, and one that I would ask this government consider.

**Mrs. Stefanson:** Yes, just to clarify, it's actually not going to be affected by the agreement between the Speaker and the Minister of Justice. It's actually done by way of Accommodation Services, which is under the Department of Finance.

It's completely separate and apart from this. *[interjection]*

**Mr. Chairperson:** Excuse me, Mr. Beddome.

**Mr. Beddome:** Mr. Beddome.

For clarification: it's not necessarily that it's being granted by Accommodation Services—and, in fact, I think I offered something that would even go somewhat further of that and create a more objective and transparent process. It's the question of right now, as it stands, if the decision was made by the Minister of Infrastructure and trade and that decision was disagreed with and there was some sort of controversy over it, any member of the Legislature could therefore stand up and say: Minister, you made a wrong decision.

They can't stand up and say, Speaker—Mr. Speaker—or, Ms. Speaker, sorry, I should say, as is the case right now—you made a wrong decision. And I want to highlight that, generally speaking, in a majority government—which, unfortunately, we tend to have all the time in a first-past-the-post system, the Speaker is almost always from the governing party.

**Mr. Swan:** Mr. Beddome, I want to thank you for coming down on what's been a long day for you—and, I think, a long day for many folks in the Legislature. I will be proposing some amendments to this bill that I think will accord with a lot of the things that you've told us.

There's two ways that can happen. That can happen at committee tonight or by way of report stage amendments that have to be filed very shortly. Given the hour and given how things have gone tonight, I expect that I'll be doing that. But your submission, certainly, is very helpful, and I'll be referring to your submission in debate in the Legislature.

So thank you.

**Mr. Beddome:** I'd just like to thank the member for Minto (Mr. Swan) for the invite. Once again, I've disagreed with almost all of you on many things, but one thing we can agree about is that we all want to make a better Manitoban—a better Manitoba. And having those discussions are really important, so I want to thank the member for Minto for keeping me informed. And any other members in any other party, I'm always interested.

**Hon. Ron Schuler (Minister of Crown Services):** James, thank you very much for joining us this evening, and we wanted to make sure we gave you the accommodation to present to committee, and congratulations on how well you did in the last election. Came that close in Wolseley, and

congratulations on how things went in British Columbia. So far it looks like your party will be holding the balance of power. So clearly the Greens are doing well across the country, and there seems to be electoral success.

We appreciate very much your coming forward, and I've seen quite a few protests over the last 17 years against members opposite, and it is part of democracy and we want to just make sure that, when people are protesting, that it's done keeping in mind the safety of also all the individuals who work in this building. And we appreciate the fact that you made it. *[interjection]*

**Mr. Chairperson:** Mr. Beddome.

**Mr. Beddome:** Oh, sorry, anyways, I always forget that.

Once again, thank you very much for the accommodation. I do very much appreciate it. I think to be fully respectful, I'd also like to note one of the other provincial party leaders that doesn't have the benefit to sit in the Legislature here today who will come, and I know you're giving him that same accommodation, but I think it's always important to be somewhat non-partisan that way.

In response to your comments of security, I agree. I recognize that what we want, you know, is a secure Legislature, but we need to also always keep in mind the balance and the trade-off between security and freedom. And that's what I want to make sure is respected. And I hope you would see my suggested amendments of actually being an improvement even on the process that we have now. So it goes towards the aim of what the government's stated intent is, but it's a different way of approaching it.

**Ms. Cindy Lamoureux (Burrows):** I just wanted to also thank you for coming out tonight. I've seen you present at a few different town halls, and always very impressive in your ability to articulate.

And I wanted to thank you for bringing forward a potential solution. Not only did you come and present your side, but you came with something to offer. So thank you.

**Mr. Beddome:** Thank you very much.

Congratulations on your electoral victory in 2016, and good luck going forward with your leadership bid.

\* (21:40)

**Mr. Chairperson:** Is that all the questions? Thanks, Mr. Beddome, for your presentation and—

**Floor Comment:** Now, should I speak directly to Bill 26 or do I allow my colleague for the Communist Party of Manitoba to speak first? I just want to make sure I understand your process.

#### **Bill 26—The Election Financing Amendment Act**

**Mr. Chairperson:** Yes. You can continue with—because we're—yes, he also—of 26 too, so. Go ahead, you're—since you're at the podium.

**Mr. James Beddome (Private Citizen):** I put a really quick submission on Bill 26.

Let me be real blunt: this is a waste of taxpayer dollars, a complete waste of taxpayer dollars, and you're going to say—because I know what the PC response is going to be—political parties are afraid of going out to fundraise. No. Go ahead, pass this; I dare you. I can't wait to go to each one of your donors that gave \$3,000 and say, you know what, give me Brian's extra \$2,000 because the Green Party needs it and we're standing up for taxpayers. So go ahead and pass this, but I will say you are shirking your responsibility to taxpayers in Manitoba.

This bill, according to your 27 budget 'estiments' is going to cost you \$200,000, that's to give it from three to \$5,000. So I quickly did the numbers, juggling in hearings today, so, hey, maybe my adding is up. I was manually adding the columns, but I went and put a chart in here for you. So the PC Party of Manitoba had 2,626 donors that gave over \$250. How many of them gave \$3,000? Nineteen—point zero seven per cent. They're not even the 1 per cent; they're the 0.7 per cent.

And then we've got the NDP party who gave—had 1,239 donors, nine of them who gave \$3,000, 0.7 per cent again. Then we get to the smaller parties and statistics work in our favour and we get slightly higher. The Liberal Party of Manitoba: 216 donors, five of them gave the maximum \$3,000; that's 2.3 per cent and—*[interjection]*—Yes, there we go. The Green Party came in with 18 and one, being 5.5 per cent, and my communist friend unfortunately came in at zero per cent but they did have seven donors and there were some high up donors there, too, I want to acknowledge, and we're going to do this year over year. We're going to index it to inflation.

We're in a deficit position. That \$200,000 is \$200,000 that we can be spending to pay down our

deficit, that we can be putting into fixing our broken Child and Family Services program, that we can be putting into ending child poverty, that we can be putting into protecting Lake Winnipeg. There's no list of issues, but instead you want to give out \$200,000 of tax breaks that, let's be honest, are just going to go to the wealthy.

For the sake of full disclosure, I've given just shy of \$3,000 the last two, three years, so, you know, you want to give me more tax breaks as a lawyer, fine. I mean, we don't quite make as much as you sitting in the Legislature on average but still—*[interjection]* No, we don't. Average lawyer in Canada makes \$70,000 a year and you all know what your back—your base salary is. That said, I don't want to get off base.

Now, there's a few other points to acknowledge here. *[interjection]*

**Mr. Chairperson:** Order.

**Mr. Beddome:** I think there's an issue here with the requirement for identification. Once again, the effect here is going to be to disenfranchise the most vulnerable. I don't hear vast, massive complaints of electoral fraud and conspiracy, so once again, what is the need, and similarly, what is the need for limiting cash donations to \$25? The current rule is \$100 for receipts for—as long as you get a signed receipt from the donor, you can take over \$100 cash; less than that, you don't require it. Once again, I don't see the need for this and can see it just making more unnecessary rules.

Also, just want to highlight—I understand this government has made some other changes. It's cut the annual allowance, I know your government will benefit—the PC Party will benefit more from the 50 per cent reimbursement than probably any other party in this province. I want you guys to actually take a look at how the financing is structured and have you realize that this bill is a really bad idea. If the PC Party wants to be consistent with its principles, it shouldn't be doling out more—basically, doling out more subsidies to political parties.

So, for all of these reasons, I really would hope this government would just absolutely withdraw this bill.

**Mr. Chairperson:** Thanks, Mr. Beddome.

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Thank you, Mr. Beddome, for your lively and passionate discussion tonight in your

presentation. Appreciate it again for you taking the time out of your schedule and being down here and—thank you.

**Mr. Andrew Swan (Minto):** I've got one piece of good news for you. You speak about changing requirements to show identification before voting. That's actually not contained in Bill 26; that's Bill 27. And that is one of the five bills that we've designated to hold over into the fall because we share your concern about requirements for photo ID and 'stricker'—stricter requirements being unnecessary and being intended to disenfranchise a lot of people. So I want you to know that you will have the opportunity to come back to this room, likely in the month of September, and let your views be known, as well, any other Manitoban who thinks that that is an undemocratic bill.

We do have your comments, though, on this undemocratic bill, and I thank you for that.

**Mr. Beddome:** Thank you very much, the member for Minto—Mr. Swan. I appreciate your comments and thank you for the clarification. So that would be my mistake, there.

And just in response to the member for Tuxedo (Mrs. Stefanson), I thank her for her comments.

The reason for my passion is because I'm passionate about politics, and you're changing the rules, and, I think, that the way that you changed the rules should be done in consultation with other parties, just as a matter of fairness and principle.

**Mr. Kelly Bindle (Thompson):** Thank you for your presentation.

I'm just curious what your thoughts are on the vote tax subsidy. *[interjection]*

**Mr. Chairperson:** Mr. Beddome.

**Mr. Beddome:** I apologize. I keep forgetting that, Mr. Chair.

I previously put this on the record. I think calling it a vote tax subsidy is a misnomer. It was admittedly a subsidy for political parties, but it was a subsidy that awarded us \$1.25 for each vote earned. When I went to the doors, that was easy to take to voters to say it's important to vote for my party, because it means \$1.25 of sustainable funding per year.

It also was democratic, because it left the decision with the voter. The voter had the option of choosing who they wanted their \$1.25 to go to, and, if there really was a huge issue with voters not

wanting their subsidy to go there, we could give them an opt in—yes, or no, I don't want to give the party \$1.25 a year. It was a much more fair and democratic way.

Now, to go through the history, then the former NDP government changed it. They changed it to an allowance commissioner, and I would argue I don't think that was a good change. Nonetheless, it still ended up with a formula that was much based on the number of votes that parties received. And what I want to highlight, and what I have highlighted before, is political parties should be rewarded for earning votes. That's what we're out there to do; we're out there to win the trust of the people. And whether I win the trust of 10 per cent of the people or I win the trust of just over 50 per cent of the people, as your party did in this last election, I'm still out there influencing change. I'm still out there impacting people, putting ideas out. So you need to reward parties for doing what they're supposed to do.

I would argue that makes parties more efficient, more economical. We're going to figure out how to maximize, how to get as many votes as we can for our \$1.25. In contrast, let me give you an example. I'm sorry, and I don't mean to pick on my challenger in the last election, the honourable member for Fort Garry-Riverview—it burns a little bit to say that; I'm sorry, James. But, you know, I noticed he himself gave \$3,000, and good on him for giving \$3,000. It's a matter of public record.

Mr. Allum got elected; he's going to get a tax credit. He's going to get paid with a public salary. He's probably going to encourage some close to his campaign team to also give \$3,000. They're then going to pool up that wad of money, let's say, between two of them, a legislative assistant and himself. And I'm not saying MLAs don't deserve the salaries that they get; they do deserve the salaries that they get. But, nonetheless, that's a public salary, then they're getting benefit from that public salary. They build up \$24,000 right now; over four years, they put it all into their campaign, and they spend it. They break 10 per cent; they get \$12,000 in public money back. That's how the system presently works.

So you can see how this becomes—I hate to say it—this big political scheme that is considerably unfair and that gives a considerable benefit to the established political parties, because—and right now, you're not saying I can't wad up \$24,000; you're going to give \$5,000 here, so you can wad up \$40,000 and get \$20,000. So that's what I'm trying to

point out to this committee, and I have put on the record before.

So I thank you very much for your question about the so-called vote tax, which, I would say, is the democratic and fair way that we should be funding political parties.

**Mr. James Allum (Fort Garry-Riverview):** I just wanted to thank, Mr. Beddome, for that drive-by compliment. I—

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

**Mr. Chairperson:** Is there any other questions?

Okay, now we'll call on Mr. Darrell Rankin from the Communist Party of Canada.

**Mr. Darrell Rankin (Communist Party of Canada-Manitoba):** I have 20 copies.

**Mr. Chairperson:** Yes, you got some materials. We'll pass them around and get the pager. Page? Pager—page?

Mr. Rankin, you can start your presentation. Thank you.

**Mr. Rankin:** My written remarks concern Bill 26. I didn't prepare anything for Bill 18, and I'm not even sure if my name is on for Bill 18. Is it?

**Mr. Chairperson:** It's on Bill 26.

\* (21:50)

**Mr. Rankin:** Okay, well, I just hope that these rules and regulations don't punish a lot of the students that make it in when they're—they have their student protests in here. They get by the security quite often, and if this bill sets up a system where the students are pounced upon, if you will, with huge fines and so on, I would not want to see that. There's a lot of enthusiasm among young people, and I'd really—would really hope that there is no intent in this legislation to punish the young people for protesting.

I know in Sterling Lyon's case there was a protest here that students got in, and as well, under the NDP.

So, on Bill 26, if it's okay, may I proceed?

**Mr. Chairperson:** Go ahead, Mr. Rankin.

**Mr. Rankin:** All right, on behalf of the Communist Party of Canada-Manitoba, I would like to thank this committee for hearing our views on the changes to Manitoba's election financing laws in Bill 26.

The Communist Party was established in Canada in 1921 in the wake of the Winnipeg General Strike. We are a working-class party with the aim of forming a socialist society, but we are known best so far for organizing industrial and public sector unions, for medicare and unemployment insurance, for activism in the anti-war and disarmament movements.

We wish the other parties will continue to borrow ideas from us.

Elections laws are fundamentally important for democracy. They're a basic law in this province. And they always have a profound effect on society. Our view is that society is divided into social classes that will never permit pure democracy to exist, and furthermore democracy, or the need for politics, will cease to exist when society is no longer divided into hostile socio-economic classes. Of course, that class of society is far away in the future at this point in time, after a long period of ending all—and it would only occur after a long period of ending all the democratic deficits inherited by socialism from the old capitalist system.

Our party has direct experience with capitalism's democratic deficits. We were banned in 1931, two years ahead of Hitler's ban on the Communist Party of Germany, because we were effective organizers for jobs and relief in the Great Depression. That is only one example.

The reality is that the working class, especially the most oppressed sections, has for centuries been downtrodden and forcibly held in the vice of poverty and ignorance. The war on knowledge and science is building up towards that as well. Workers are alienated from the present electoral system, which is a prime reason why voter turnout is so low. What may seem like a small obstacle or hindrance to voting for wealthy people is a giant barrier to working people.

So on Bill 26: it is a law that helps the rich push their views in politics but does nothing to help the poor get their views across. There is no reason why the personal contribution limit is being raised from \$3,000 to \$5,000, other than to help the rich and silence the poor politically.

Limiting cash contributions to \$25 also hinders people with weak or no access to bank accounts or participating simply because much of their donation will be consumed in paying for money orders. The cost of paying for money orders for small

contributions spread out over a year is punitive for the poor.

If Premier Pallister's government was fair-minded about the political participation of the poor and the working poor, it would establish a higher annual cash allowance for donations and also a fully refundable political tax credit at the same rates enjoyed by people with a taxable income. Ontario has had—has or had such a tax system.

Bill 26 also fails to address the unfair way public funds flow to larger political parties who received a large portion of their election expenses back from the taxpayer. Smaller parties receive nothing, while over decades, the larger parties have received unfairly—have unfairly received millions of dollars.

It is for this reason that the Communist Party has accepted, under protest, the annual allowance established by the previous government, a sum that does not amount to a large part of our income. The allowance, however, nowhere near matches the huge sums received by the larger parties for their election expenses.

Our party is concerned about the changed definition of election communications by a third party. The new definition is, quote, a message that promotes or opposes a registered party, including one that takes a position on an issue with which a party is associated—I'm using ellipses. Key change are the words that are added, quote, including a message that takes a position on an issue with which a party is associated.

Many mass organizations in Manitoba have election demands that are close to the Communist Party. The students want to reduce tuition fees; the child care groups want affordable, quality, publicly funded care; the anti-poverty groups want a guaranteed basic income. For many decades, the labour movement advocated a 30-hour work week—that's since 1935—and, later, a 32-hour work week since about 1978, very much like us. This law will make it hard for a wide range of groups to avoid being associated with the Communist Party. In a way, we would be thankful for that, and the added attention our platform will receive. But we feel it will create a huge headache for the people in Elections Manitoba and risk punitive fines for non-compliance on groups representing students, parents, workers and so on.

Generally, about finances in elections, it is clear to us that voter turnout would increase if election day



was a paid holiday. If the aim is to keep the poor and working poor away from politics, then I don't suppose this idea will get much support from this government. A paid holiday would reduce profit-from-loss production, but force corporations to hire some workers to make up that production. Simply: more holidays means job creation.

Elections will be fair in Manitoba when the ban on trade unions donating to political parties is lifted while keeping the ban on corporations from donating. Trade unions are people, corporations are not people.

Elections will be fair in Manitoba when indigenous peoples have the full national—have full national rights and actual equality with the non-indigenous nations, economically and socially.

Elections will be fair when there's no poverty and everyone receives what they need, when the media is not owned by the wealthy and when there is full employment and free and paid access to education.

Governments will be fair if legislators are paid no more than the average workers' wage. That's governments, not elections.

Bill 26 falls short in these standards, which have never been met in Manitoba, but they will be met and exceeded when the poor and working people run this province. Our party is here to help.

In the end, no law will prevent working people, poor or better off alike, from participating in politics—with money or without. We are confident a day will arrive when working people will be the political class in Manitoba.

To sum up, Bill 26 discriminates against the poor and working people. It steals democracy from the poor and gives democracy to the rich.

Thank you very much.

**Mrs. Stefanson:** Thank you very much, Mr. Rankin, for your presentation tonight. I know that you're no stranger to this committee process. I may have been on the other side of the House when you came and spoke to various bills over the years, but you always speak with passion and you're consistent with your message and I appreciate your comments tonight.

So thanks for taking the time out of your schedule to be here.

**Mr. Swan:** Mr. Rankin, thank you for coming and presenting tonight on Bill 26. It's no surprise

we also disagree with the decision to raise the personal contribution limit to \$3,000 per year to \$5,000 per year. We've heard from the two of you gentlemen—we haven't heard at committee tonight from any Manitobans who feel that their democratic rights are being suppressed because they're not able to give more than \$3,000 a year. And, as I told Mr. Beddome, I hope that you will be prepared to come back and speak about Bill 27, which deals with election ID, which we think is another very undemocratic step that's being taken by the new government.

**Mr. Rankin:** Bill 27, yes.

That—your concern with Bill 27. I feel that it's very much along the lines of what was in the Fair Elections Act under Stephen Harper.

**Mr. Chairperson:** Any other questions?

Thank you, Mr. Rankin.

### **Bill 18—The Legislative Security Act** (Continued)

**Mr. Chairperson:** Okay, so we'll continue on the Bill 18 clause-by-clause script.

Does the critic for the official opposition have an opening statement?

**Mr. Andrew Swan (Minto):** Yes. And, again, I want to thank the committee for their indulgence in giving leave for the additional presenters to speak tonight. I think that is very healthy.

\* (22:00)

Look, the NDP caucus agrees that we want people in the building, whether it's MLAs, whether it's staff, whether it's visitors who come to the Legislature, to be safe when they are visiting this building or working in this building. There's no question as to that.

I am concerned that certain provisions of Bill 18, whether the minister intended them to do so or not, do have the impact, or at least the potential impact, of chilling a right that Manitobans have enjoyed for pretty close to 100 years, to be able to use the Legislative Building and the Legislative grounds as a place to let their voices be heard, as a place to rally, a place to meet and sometimes a place to protest.

And, as I said in my comments in the House, this appears to stem from a mandate letter which was given by the Premier (Mr. Pallister) to the Minister of Justice (Mrs. Stefanson) which directed that

control over the Legislative Building and the grounds be transferred from the Minister of Infrastructure (Mr. Pedersen) to the Speaker's Office. Nothing that I say is a—meant to be a criticism of the Speaker. The Speaker's Office is non-partisan and is tasked with a number of different jobs to keep the Legislature—at least, the Legislative Chamber moving appropriately. I'm not sure why it's necessary, though, to take—and not just the control, but also the ability to question decisions which are made out of the political arena once and for all, and I've heard the minister speak a couple of times about how nothing is changing. I disagree. The Legislative Security Act has some items which are of great concern.

I think back to the question-and-answer session that we had in the Legislature, which maybe—I was going to say was maybe the worst series of question and answers we've had, but then I got to committee this afternoon and something entirely different happened, but there are some real concerns and I want to state those briefly, but, then, we'll talk about them in more detail as we go through the bill.

Bill 18 will provide that arrangements respecting security will be made through an arrangement, presumably a written arrangement, between the Speaker's Office and the Minister of Justice (Mrs. Stefanson). I asked the Minister of Justice if that agreement would be then made public and, to be blunt, the Minister of Justice reacted badly and was shocked that I would even suggest that that would be the case. I then asked if it would be made available to House leaders or to the members of the Legislature; I was told that was not the case.

I then asked the minister, well, what are going to be the criteria for allowing people admission to the Legislative Building. What will be the criteria for asking them to leave or forcibly ejecting them from the Legislative Building and what would be the grounds to have them actually required to leave the Legislative Precinct, which is the area we would commonly know as the Legislative grounds, and the minister turned around and told me that that would be contained in the agreement which she had already said would not be shared with the public or with members of the Legislature, and that's not good enough. That's not good enough for a building to which people have had wide access over the years. That's not good enough for Legislative grounds that have become, over the past 100 years, truly a gathering place, not always for people protesting the current provincial government, people wanting to meet to raise issues, perhaps if they're new

Canadians about issues going on back home. It's a place where people meet to express dissatisfaction with the federal government. It's a place where people meet to raise municipal issues because it is a gathering place, and I don't think the questions and answers went well. I'm hoping, perhaps, when we get into some questions tonight the minister can actually confirm that she misspoke and we have some different facts we could put on the record because I think that will be helpful.

One of the other issues, which I think is very serious, I asked the minister very clearly in the question-and-answer period to put on the record that the lack of government-issued photo identification would not in and of itself be seen as a refusal to identify oneself for the purpose of getting access to the building. The minister did not answer the question and again referred me back to the arrangement which will be kept secret, and that's not good enough. Whether it's someone who's homeless, who doesn't have photo ID or whether it's a class of grade 4 students that want to come in. I think we want to make it very, very clear that government-issued photo identification is not of itself required to get into this building. That's not the way that we do things in Manitoba and that is not, truly, something which impacts security.

The other issue was actually raised by Mr. Beddome tonight. What is the remedy for someone who's told they have to leave the building or maybe even be told they have to leave the Legislative grounds or they're not permitted to camp on the Legislative grounds. There is nothing in the act that provides for any kind of appeal mechanism. I do believe that there needs to be an appeal mechanism in place.

I will have some report stage amendments, again, given the fact I'm not sure we're going to accomplish too much tonight. I don't want the minister to feel that she's being blindsided by anything I may seek to amend, although she should guess exactly what those amendments should be. I'll do that [*inaudible*] report stage amendments.

And I hope that, unlike previously, when Bill 18, despite being filed early on and introduced early on, Bill 18 was actually never called by the government until the deadline for bills to pass, and then it was possible to have a 10-minute speech from the minister, a 10-minute speech from myself as critic, 10 minutes from the independent members in questions and answers. I hope that if this bill is

reported back to committee, the government will call the bill early on so we can debate report stage amendments, we can have a, hopefully, more positive debate than we had in a very short time in the Legislature that day. The minister can perhaps enlighten us a little bit more on why some of these provisions of the bill are necessary and we can move ahead.

We want protection. There are certain portions of this bill that are—we're not going to contest in any way because I think they make sense. There are other sections of this bill which do not make sense, which I have a very serious concern are going to prevent Manitobans from expressing rights and freedoms that they've been able to for a long time around this Legislature.

So we're prepared to move to clause-by-clause consideration of Bill 18.

**Mr. Chairperson:** We thank the 'memmer'—member.

Clause 1—pass.

Shall clauses 2 through 5 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear no.

**Mr. Swan:** I'd like to return the minister to the questions that I asked in the question-and-answer period. And I understand from the proposed bill that there will be a written agreement or arrangement reached between the Speaker and the Minister of Justice.

Is—has the minister now considered her position, and is she prepared to agree that that agreement will be made public? I don't mean specifics of particular concerns, and we know that those concerns rise from time to time. The police, Protective Services and others do their job, and there's no suggestion that that be provided. But the basic building blocks of how security's going to be conducted in the building, what the terms will be for entry to the building, what the rules and regulations are for people who visit the Legislature and the consequence if they don't follow those rules, will the minister agree to an amendment to provide that that will be made public?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** Well, I want to thank the member for the question. Of course, he has a whole litany of issues that he brought up with respect to his opening statement, but I believe we have already

dealt with many of those already in our debate in the Legislature.

But for the purposes of this evening, the member should know that I've already stated that it's not our intention to unreasonably restrict access to people in the building, but to ensure the safety of all users of the building. And so some of those things are going to be discussed within the agreement and will be agreed upon between the Speaker and myself. They'll also be many provisions within that agreement that will—would not be in the best interest of public safety for both those who are working in the building, those who are visiting the building, to have those be made public. Those are not issues that should be made public. But it's certainly our intention to inform people in terms of identification, other things that make sense, that it's made clear in terms of what is, you know—how things will be, moving forward, from a procedural perspective. But I'm not going to prejudice what the agreement is going to say between the Speaker and myself or the Minister of Justice. I think it's important that that process take place.

**Mr. Swan:** Well, again, the minister is making the case why this needs to be changed. If she's admitting that important decisions about who gets access to the building, who can remain in the building, who can remain on the—in the Legislative Precinct is going to be part of a secret agreement, I think she's made the case why section 3(1) needs to be defeated and my New Democrat caucus and I will be voting against it, and I hope the Liberals will as well.

**Mr. Chairperson:** Shall clauses 2 through 5 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

#### Voice Vote

**Mr. Chairperson:** So we'll—we will—those all in favour of the clauses, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the—Mr. Swan.

\* (22:10)

**Mr. Swan:** Are we dealing with 2 through 5—or—

**Mr. Chairperson:** Yes, 2 to 5. Like, which one—was there one—'pacifically' one that you wanted to—which—[interjection]—3(1)?

**An Honourable Member:** Yes.

**Mr. Chairperson:** Okay. We'll go first flew—through clause 2.

Clause 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Mr. Swan.

**Mr. Swan:** Yes, I have no difficulty with section 3(2), but, for the reasons I've put on the record, and, even more strongly, the reasons the minister has put on the record when I have asked her questions, I'll be voting against clause 3(1). And I encourage all members who care about this building being reasonably open and accessible to the public to do the same.

**Mr. Chairperson:** Okay. So shall clauses 3 to 5 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** No. All those in favour of the clauses 3 to 5, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those—so shall clause 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** I hear a no. All those in favour of the clause 3, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed to clause 3, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

#### Recorded Vote

**Mr. Swan:** A recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 7, Nays 3.*

**Mr. Chairperson:** In my opinion, clause 3 is accordingly passed, with seven yeas and three nays.

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**Mr. Chairperson:** Shall clauses 4 and 5 pass—[interjection] Sorry.

Clause 4—pass; clause 5—pass.

Shall clause 6 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Yes, Mr. Chairperson, my concern with section 6 is limited to section 6(3)(a), and that is the provision which provides: A security officer may refuse a person entry to the Legislative Building or evict a person from the Legislative Building if the person refuses to verify his or her identity.

And I asked this question very clearly of the minister in the opportunity I had, the short opportunity I had, when—as we discussed Bill 18, at second reading, and I asked the minister to confirm that the lack of government-issued photo identification would not, in and of itself, be a refusal of a Manitoban to verify his or her identity, and the minister refused to provide that answer.

So, if that is the case and if, indeed, the minister is leaving open the possibility of a lack of photo ID, government-issued photo ID, being a reason to deny someone access to their building, we will be voting against this.

**Mr. Chairperson:** Shall clause 6 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** I hear a no. Mister—so—all those in favour of the clause 6, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** According—in my opinion, the Yeas have it.

**An Honourable Member:** Recorded vote.

**Mr. Chairperson:** A recorded vote? Okay. The recorded vote has been requested.

The honourable—Ms. Lamoureux.

**Ms. Cindy Lamoureux (Burrows):** So, under subsection 6(1), does a kirpan count as a weapon? It's the knife that is often situated on Indo-Canadians.

**Mrs. Stefanson:** No.

**Mr. Chairperson:** Shall clause 6 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Yes, recorded—

**Mr. Chairperson:** Oh, okay. Sorry.

#### Voice Vote

**Mr. Chairperson:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

#### Recorded Vote

**An Honourable Member:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 7, Nays 3.*

**Mr. Chairperson:** Clause 6 has passed with seven yeas and three nays.

\* \* \*

**Mr. Chairperson:** Shall clauses 7 through 10 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Well, again, I mean—

**Mr. Chairperson:** Which clause would you?

**Mr. Swan:** Actually each clause of seven: 7.1, 7.2, and 7.3.

**Mr. Chairperson:** Okay.

**Mr. Swan:** And the intention of this section, I think, is worthy. It provides that a security officer may evict a person from the Legislative Precinct if there's a threatening of safety. It allows a security officer to refuse a person entry if they have reasonable grounds to believe they may threaten safety or interfere with the operation. And they may evict people after—if they fail to comply with a request.

I believe that legislative security are going to do their very best to do the right thing as they usually do in most situations. I am concerned that there is no appeal. If somebody is evicted from the building or evicted from the grounds, there is no one they can take this to. And as I think Mr. Beddome set out very well, as I had raised in the House, I can't get up in the House, my colleagues can't get up in the House, members on the other side can't get up in the House and ask the Speaker why a particular person was evicted or denied entry. That's part of the Premier's (Mr. Pallister) mandate, the Premier said take this out of political hands and give it to the Speaker.

While on the one hand that sounds like a reasonable thing, on the other hand, when there's a building which is so innately tied up with politics, where people come to express their political will, whether at the provincial level, the federal level, municipal level, I'm very concerned that there is no escape clause, there is no ability of anyone to challenge that.

It's not a reason to vote against this provision, but it'd be very helpful if the minister would consider an amendment to provide for some kind of measure where someone can go and appeal a decision that's made by a security officer.

**Mrs. Stefanson:** Well, I thank the member for his comments. And certainly when it comes to our Protective Services officers who work in this building, I have the utmost respect for what they do. They, again, put their lives on the line as our other correctional officers, sheriff officers, our police officers do on a daily basis, and I want to take this opportunity to thank them all for the incredible work that they do to protect us.

And I know that the Protective Services officers have all of us in mind, but more importantly they have the public at large in mind, those who want to come and visit our building, all the schools, the

teachers, the students, our families who come visit us in our place of work, relatives, those on the weekend. When I've had the opportunity to be here on the weekend you see many of those who have just gotten married and they're getting photos taken on the front steps of the Legislature or inside, and, you know, it's great to see all those people who want to come to our building, and they have the ability to do so, and that's not going to change.

But I have the tremendous—like utmost respect for those Protective Services officers for the incredible work that they do to ensure the safety of all Manitobans when they visit, not just inside the Manitoba Legislative Building, but the Legislative Precinct. And that's very important moving forward. I know that we've seen the horrific incidents that have taken place in other legislatures around the world and, you know, it's very concerning to us, that's why we brought forward this piece of legislation to ensure the safety and security, not just of those that work in the building, but, again, those who visit it.

So, again, I want to thank the Protective Services officers for the incredible work that they do. And I know that if an individual does have a complaint with a decision that has been made to evict them from the building, they have the ability to go to the security manager and take that up with the security manager.

**Mr. Chairperson:** Shall clause 7 pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Mr. Swan, did you say pass?

**Mr. Swan:** I was just sitting in stunned silence from the minister's answer.

**Mr. Chairperson:** Do you have any further questions or, okay?

Okay, so we said clause 7 pass. Clause 7 pass accordingly.

Clauses 8 through 10—pass; clauses 11 through 13—pass; clauses 14 and 15—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

\* (22:20)

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** Well I—as I say, I will be bringing forward some report stage amendments, and I hope the minister will again take some time—I could introduce them tonight, but I don't think there's much prospect of a reasoned discussion of that tonight. I hope the minister will take some time, think it over and consider what she's heard from the witnesses that have presented. I hope she would reread what I had to say in the House. I know it upset her greatly, and I hope she can move past that and we can improve a bill.

There is a lot of reason to improve the legislative framework for legislative security. Nobody's debating that. It should not be used, though, as a reason to put in place a system which actually could prevent people from exercising rights that they've enjoyed in this province for a very, very long time.

**Mr. Chairperson:** Bill be reported.

**Bill 26—The Election Financing Amendment Act**  
(Continued)

**Mr. Chairperson:** Okay, now we'll go on to Bill 26.

Okay, Bill 26—does the minister responsible for Bill 26 have an opening statement?

**Hon. Heather Stefanson (Minister of Justice and Attorney General):** I'm here this evening to present Bill 26, The Election Financing Amendment Act, to this committee, and I'm pleased to be joined here by Jonathan Scarth, our principal secretary.

This bill will modernize election financing laws in Manitoba and establish clear and appropriate rules for election-related spending. This bill will increase the annual contribution limit for individuals from \$3,000 to \$5,000 and require the Chief Electoral Officer to adjust it for inflation while also establishing a cash contribution limit of \$25. Under the current act, there is no limit on the amount of cash that could be contributed apart from the annual contribution limit.

In addition to this, the changes in Bill 26 will increase the spending limit on election communications for third parties from \$5,000 to \$25,000 during the election period for a general election. The bill will also establish \$100,000 spending limit for election communications by third parties during the 90-day period before the start of an election period for a fixed-date election. Election communication spending limits for third party in a by-election will

be set at \$5,000. These limits will also be adjusted for inflation.

With the passage of this bill, fees paid to attend political party conferences or conventions will be considered to be contributions. Under the current act, only the fees which exceeded the reasonable expenses of the conference or convention are considered contributions.

People who are self-employed will no longer be considered to have made a contribution when they volunteer services for which they normally charge.

Furthermore, the definition of election communication for third parties is expanded to include communications that takes a position on an issue associated with a political party or a candidate. When it comes to promotional materials, they will no longer be treated as election communication expenses for third parties or as advertising expenses for registered political parties.

Advertising expense limits that are current—that currently apply to candidates in political parties during the year of a fixed-date election outside the election period will now apply to the 90-day period before the election period of a fixed-date election.

I'm proud to present these amendments today, which are a made-in-Manitoba approach to election financing based on transparency and consistency.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Andrew Swan (Minto):** Yes, I do. I mean, some portions of The Election Financing Amendment Act, of course, we find are reasonable and fair. There are a couple sections we don't.

When you talk about—minister talks about a made-in-Manitoba solution, this is a made-in-Manitoba club solution that somehow the minister, without any word from Elections Manitoba, without any word from anybody who came to committee tonight, believes that somehow the democratic process in Manitoba is being suppressed because people can only give \$3,000 each and every year to a political party of their choice.

And, again, I thought maybe we'd have some people powering at the microphone, telling us how by only giving \$3,000, they're unable to have their voice heard by a political party or by the government of the day.

And it strikes me as incredibly symbolic that we're debating this just after the government has introduced a minimum wage bill which, of course, froze the minimum wage last year and now purports to increase it by the rate of inflation which works out to 15 cents per hour, we've calculated. Yet, at the same time, this government believes that it's appropriate to increase the maximum amount someone can give to a political party in a year by 66 per cent.

At the same time, of course, their budget provides that those who give the most money will now get larger tax rebates, which I calculate to be in the range of \$333. So, of course, a family of two people, who both are able to give that much money are now going to get an extra \$666 back from the provincial Treasury while they give the rate of inflation to those earning minimum wage, if, of course, the government doesn't decide there's a recession on the horizon and decides simply to freeze minimum wages, entirely within their own determination. So that isn't right, and we'll be voting against that, and it's a reason, actually, to oppose the entire bill.

I think that this is also contrasted—and I think Mr. Rankin pointed out—this out pretty well—they now have wanted to reduce the maximum of cash that someone can give. And, as Mr. Rankin, I would point out, if he had more than his 10 minutes, there still remain a large number of people who are unbanked, who don't have access to a financial institution, who may not have ID to be able to have an account with a financial institution.

I know the Minister of Justice (Mrs. Stefanson) called that an urban myth in the House, which disappointed me. I didn't expect anything less from the Premier (Mr. Pallister), but I was disappointed in the Minister of Justice. It's a misunderstanding of this government of the way things actually are for people in this province who don't have very much.

So there is no reason to move ahead and increase the maximum limit by 66 per cent in a year, when, of course, the government tells us day in and day out that everybody has to do—make do with less, that civil servants should have their income frozen, that students should have to pay more tuition and have the tuition tax rebate taken away. This strikes the wrong note with just about everybody except the Progressive Conservative Party of Manitoba.

So we'll go through, we'll have a vote on one section that we think is most offensive, we'll consider

one of the other positions that Mr. Rankin has put forward tonight, and we may well have a report stage amendment that will be—or rather an amendment tonight that might be useful.

So with that, we'll go to clause-by-clause.

**Mr. Chairperson:** We thank the member.

Shall clauses 1 through 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Which clause—one, two or three?

**Mr. Swan:** Yes, it's—not surprisingly, it's section 3, so—

**Mr. Chairperson:** Okay, we'll go through first clauses 1 and 2.

Clauses 1 and 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** No—I hear a no.

**Mr. Swan:** Well, for the reasons I've put on the record, the idea this government thinks that it's a priority to increase the maximum donation limit from a Manitoban in a year when all these other things are happening is absurd; it's unnecessary.

And as you say, we haven't heard a word from Elections Manitoba, this is necessary or supports democracy. And we haven't had a single person come to the microphone to tell us how somehow their rights are being trampled because they're only able to give \$3,000, and, for goodness sake, that's twice as much as Stephen Harper thought was the appropriate maximum donation limit per year.

**Mrs. Stefanson:** Well, I want to thank the member for his comments. And, of course, it's not surprising coming from a member who supported the vote tax in Manitoba, which we all know took away the right for Manitobans to choose which political party that they wanted to support. And the—we know that the NDP took that and other parties took that, but we refused to take that on principle, because we believe that Manitobans should have the choice in which political party that they choose to support—not by way of a vote tax, but by way of their own political contribution. And so that's why we support that.

With respect to the increase, we're still the 'foth'—forced—fourth lowest of other provinces, and, of course, many—a few provinces don't even have limits to their donations as well.

\* (22:30)

We know that when Gary Doer, the previous premier of the province, brought this in back in 2000, 2001—you know, he brought in that limit at \$3,000. If you were to index that to inflation, which is what we're looking to do for the minimum wage now—I know the members opposite don't support that either; it's unfortunate, because we do have support from both employers and employees out there with respect to the indexation. We're also indexing the basic personal exemption, what—which offers us to put more money in the pockets of Manitobans.

So we believe that indexation is an important tool. And, if that had been done, back when Gary Doer first brought this in, we would have been around this amount and, certainly, I think, that that's a respectable way to do things moving forward. And that's why we're bringing forward this clause, and that's why we're bringing forward this bill.

So I encourage all members of this bill who believe in the right for Manitobans to choose what political party that they support, that they should support this amendment.

**Mr. Chairperson:** Shall clause 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear another no.

#### Voice Vote

**Mr. Chairperson:** Will all those in favour of the clause 3 please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed to the—please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

#### Recorded Vote

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.



*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 7, Nays 3.*

**Mr. Chairperson:** Clause is-3 is accordingly passed, with seven yeas and three nays.

\* \* \*

**Mr. Chairperson:** Clause 4-pass; clauses 5 through 7-pass; clauses 8 through 12-pass; clauses 13 through 16-pass; clauses 17 through 20-pass; clause 21-pass; clauses 22 to 23-pass; clauses 24 through 26-pass; clauses 27 through 29-pass; clause 30-pass; enacting clause-pass; title-pass.

Shall the bill be reported?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Swan:** No, it's called a question.

**Mr. Chairperson:** Question?

#### Voice Vote

**Mr. Chairperson:** All those in favour of recording the bill, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

#### Recorded Vote

**Mr. Swan:** Recorded vote, Mr. Chair.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 7, Nays 3.*

**Mr. Chairperson:** The bill as being reported is accordingly passed, with seven yeas and three nays.

\* \* \*

**Mr. Chairperson:** That concludes the four bills. Thanks, everyone, for coming out.

The hour being 10:34, the committee rise.

**COMMITTEE ROSE AT: 10:34 p.m.**

## WRITTEN SUBMISSIONS

Re: Bill 18

The Green Party of Manitoba does not have a problem with ensuring security for members of this Legislature, for staff, and for visitors to the Legislature, but security protocols need to also ensure that they do not unduly hamper public access to Legislature.

The Legislative grounds are an important gathering grounds for citizens of the province to raise numerous issues of public concerns, regardless of what the government of the day may feel about those issues of public concern. The right of citizens to peacefully assemble on the steps of the Legislature, or anywhere else on the Legislative Grounds for that matter, to register public discontent with the Government of the day, is one of the fundamental freedoms guaranteed to all Canadians by section 2(c) of the Charter of Rights and Freedoms.

The famous quote of Beatrice Hall who wrote under the pseudonym S. G. Tallentyre from Friends of Voltaire seems apt here:

"I disapprove of what you say, but I will defend to the death your right to say it"

Or to quote the ever-prescient George Orwell from his seminal work 1984:

"Freedom is the right to tell people what they do not want to hear."

These statements underscore how freedoms of speech, thought, association, and peaceful assembly are vital to protecting our democracy. This is something that all parties can agree upon.

We recognize that the Government's stated intent is to depoliticize the process with respect to the granting of permits for the use of the Legislative grounds. This is laudable, however, the Green Party of Manitoba's primary concern with Bill 18 is transferring the authority for use of the provincial Legislature grounds from the Minister of Infrastructure and Trade to the Speaker of the Legislature will not depoliticize the process of granting access to use the Legislative grounds. Although the role of Speaker of the Legislature is technically a non-partisan position, the reality is the Speaker of the Legislature is almost always selected from the governing party whenever there is a majority government (as is usually the case in a first-past-the-post electoral system). Therefore, this change will not depoliticize the process at all.

As was noted by the Member for Minto (Andrew Swan) during the April 20, 2017 session of the Legislature, it will in fact it will serve to shield the government of the day from questions inside the Legislature because:

Members can't challenge nor even question the Speaker for valid and meaningful historical reasons. In fact, criticizing the Speaker or Speaker's decision is a breach of parliamentary tradition and can and will result in sanctions against the member, including being removed from the Legislative Chamber.

As an alternative suggestion, we offer the following potential solution:

1. A non-partisan government employee, such as the director of legislative security, be appointed to be responsible for accepting application and granting permits to use the Legislative grounds, and that they be further provided with a legislative mandate to make the Legislative grounds as open and accessible as possible;
2. That if any citizen disagrees with a decision of the director of legislative security not to issue a permit to use the Legislative grounds, or with respect to the terms of permitted use of the Legislative grounds, that they have automatic rights to appeal this decision to the Queen's Bench of Manitoba.

This would completely depoliticize the process of granting permits to use the Legislative grounds, and it would create for an objective and transparent appeal process that rests with the Courts rather than with elected politicians.

We also want to put on the record, that access to the Legislative Grounds should not require the presentation of identification, as this may have the effect of denying the most vulnerable members of our society access to the Legislature which is a public space that belongs to all Manitobans.

To once again quote George Orwell in 1984:

“Threats to freedom of speech, writing and action, though often trivial in isolation, are cumulative in their effect and, unless checked, lead to a general disrespect for the rights of the citizen.”

In closing, the Green Party of Manitoba respectfully requests that the Standing Committee consider making amendments to Bill as suggested above.

Should you have any questions or concerns I can be reached via e-mail at XXXXXX or XXXXXX.

Yours truly,

James Beddome  
Leader  
Green Party of Manitoba

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Re: Bill 25

On behalf of the Manitoba Federation of Labour (MFL), Manitoba's central labour body, representing the interests of more than 100,000 unionized workers, we wish to offer some recommendations related to Bill 25: The Cannabis Harm Prevention Act. We are pleased to see the government undertaking some of the very significant planning work needed to prepare for the imminent legalization of marijuana in Canada. However, when it comes to harm prevention, one of the most important and essential pieces of the puzzle is the establishment of a public system for sales and distribution. We recommend that government formally recognize the imperative of public sales and distribution to harm prevention - among other benefits - and begin the work of preparing to open rationalize a public system in co-operation with the MGEU and public sector workers.

We all know that marijuana is not a normal commodity, so it shouldn't be treated like one. It shouldn't be bought and sold like just any other consumer good. The legalization of marijuana presents a number of risks that need to be mitigated and addressed: impaired driving, addictions and mental health, physical health risks, and special risks associated with youth users, just to name a few. A public model for marijuana sales and distribution is the best and most responsible way to ensure safe sales, as well as quality service, strong public education, and good family-supporting jobs. And Manitobans favour a public system - a recent Probe Research study commissioned by the MGEU found that two thirds of Manitobans agree that marijuana should be sold in stores owned and managed by government, similar to Liquor Marts.

In contrast to a private system, focused on profit maximization, a public model can keep the focus on public health. Many of the risks associated with marijuana can best be mitigated at the point of sale, similar to alcohol. A Liquor Mart-type option will best enable:

Experienced and well-trained staff who will prioritize checking ID and refusing sales to intoxicated customers;

Regulation and labelling of potency for safety of use;

Appropriate product density and hours of operation to reduce potential product misuse and abuse;

Regulation of advertising and marketing, consistent with a culture of safety, and avoidance of excessive commercialization; and

Social responsibility education and awareness.

Manitoba Liquor and Lotteries has the expertise, capacity and human resources to operate a public model for marijuana sales. We urge government to expand its harm prevention focus to product sales and distribution, and commit to a public model, which has a proven record for selling controlled substances in a healthy and socially-responsible way.

Finally, we would be remiss if we didn't also flag the importance of ensuring that appropriate treatment options are available to support Manitobans who are adversely impacted by marijuana abuse, with greater focus on education and awareness in our schools and communities, and better services through the Addictions Foundation of Manitoba (AFM). Marijuana sales will generate significant new revenues for the provincial treasury that can be invested to protect and improve these and other critical public services that families count on.

Kevin Rebeck  
Manitoba Federation of Labour

Re: Bill 25

Dear Members of the Manitoba Justice Committee,

As a medical cannabis patient, I'm concerned about the proposed Bill 25 "The Cannabis Harm Prevention Act" seeking passage into Manitoba Provincial Law.

I believe this is a biased bill, written by those who do not understand cannabis & its many forms & uses, both medically & recreationally. The lack of consultation with Medical Marijuana patients & cannabis users has left many grey areas that will negatively affect Medical Cannabis Users.

I am all for harm prevention but the assumption that all cannabis, including medical cannabis causes impairment is false & a dangerous stigma for

those such as myself who rely on it to both treat & manage symptoms of an illness. I also agree wholeheartedly with preventing impaired drivers from being on the road – but I question why medical cannabis is singled out as being harmful to the public when drivers can legally drive after taking prescription medications like benzodiazepines (Ativan, Zopiclone) or narcotics such as Tylenol 3, etc. Even antidepressants & allergy medication can cause impairment.

Another of my concerns is the idea of empowering police with the discretion of determining whether a medical cannabis user is impaired. Even a saliva test would paint an inaccurate picture because as a regular medical cannabis user, I have a high tolerance & would likely test over the legal limit, even when completely un-impaired. I struggle with an illness that impacts my day to day, minute to minute life – an illness whose physical symptoms change constantly & that often make me appear as though I'm impaired when I am not. There are strains of medical cannabis that help to alleviate many of my illness' symptoms, some of which are completely non-psychoactive & which the medication information states is suitable for children, due to its non-psychoactive composition. Even when adequately medicated, some visible symptoms remain - what is to prevent an overzealous police officer from misinterpreting my illness' symptoms as signs of impairment? For example, my sympathetic nervous system is affected so my fight or flight response is disproportionate to stimuli. In other words, I appear to be very nervous, shaky, tremoring, fidgety, shifty, confused & may immediately begin to cry or "lose it." For a police officer, seeing me during one of those episodes, particularly if being pulled over & accused of impairment is the stimuli, it would appear to be an admission of guilt. Other symptoms include brain fog (a term to describe confusion experienced by patients with my illness, caused by inflammation in the brain from the illness), twitching or tremoring, difficulty maintaining eye contact & a myriad of other symptoms that someone ill informed about my illness would interpret as impairment. This is a concern to me because as a responsible cannabis user, the bill would prevent me from medicating when I need to & would cause me to suffer needlessly as a result. There are far more impairing medications than cannabis & as a driver, I am far more concerned about sharing the road with drivers prescribed & taking benzodiazepines, opioid/ narcotics such as

onxycontin, antidepressants/anti-anxiety medications & other such psychoactive drugs/ medications.

I'm also concerned with the proposition that medical cannabis would have to be stored in a locked compartment such as the trunk of the car where it couldn't be accessed if needed or where its medicinal properties could be compromised due to temperature & environmental fluctuations. This includes forms that can be topically applied or ingested as opposed to inhaled. It's a dangerous proposition & doesn't make sense in terms of harm prevention. Is it assumed that medical cannabis users cannot responsibly ensure the safekeeping of their medication? That same assumption isn't made with other prescription drugs, including those that are sold illegally for recreational use.

I urge you to please consider Medical Cannabis patients when reviewing this bill. The laws passed with the bill will either perpetuate or address the stigma that many Canadians struggling with illness already face when prescribed medical cannabis.

Thank you for your time & consideration.

Sincerely,  
Miranda Ferraro

Re: Bill 25

Ashleigh Brown

My entire life changed about 9 months ago. My best friend tossed me an oral syringe, full of CBD oil. She suffers from Lyme disease, but she has still been by my side through the past 8 years. 8 years of illness, and loss, and guilt over the Mother, partner, daughter, and friend that I 'should have' been, and the one that I became.

When the syringe landed in my lap, she advised me to 'forget everything you thought you knew about marijuana'. I am asking you to do the same today.

In April 2009, a few months after the birth of my youngest daughter, I had a massive seizure. I had never had a seizure, nor was there any history of Epilepsy in my family. I woke up in the Emergency Room, and the doctor informed me that they had found a mass in my brain. It turned out to be a cyst, about the size of a mandarin orange. I have had seizures everyday, multiple times a day, for the past 8 years.

Medication has helped, but I was still having around 150 seizures a month. At my worst point, I had the neurocognitive function of a 70-year-old with dementia. I lost my job, my partner, my home, my license, and my independence.

In November of 2013 I had a seizure in my sleep and aspirated. I ended up in critical condition in hospital with pneumonia, and had a second seizure that kept me in the hospital for 8 days.

The odds of me dying from SUDEP (Sudden unexplained death due to epilepsy), were, at that point, 1 in 150. I went to sleep every night fearful that I wouldn't wake up.

I am not critical of our health care system. I have had excellent care from an all-star team of specialists who have never given up on me or questioned my disability. However, last year, after a PET scan, my epileptologist determined that, although there appeared to be damage in the brain that could be causing my seizures, the risk of brain surgery was too great. We had reached the end of the road.

So, that syringe full of CBD oil became an expected gift. My partner and I were taking my daughters to the lake for the very first time that same week, and I was worried: about the heat, the change in environment, and the unpredictable and inevitable nature of my seizures.

I took the CBD oil every day, very cautiously. I had no psychoactive effects, nor side effects. I went 3 days without a seizure. It was the first time, since 2009, that I had been seizure free. My partner and I both wept. It seemed as if we had found an answer. I visited my GP and shared my experience with him. He helped me obtain a prescription for medical Cannabis, and I am so grateful to be able to share that I have gone from 150 seizures a month to 12.

The one job that I didn't lose in the past 8 years was that of being a mother. My daughters are 8 and 12, and they have been through this with me; when I missed their Ballet photos because I had a massive seizure that left me paralyzed for 24 hours; when I couldn't be the 'chauffeur' and 'soccer Mom' that so many Moms have the privilege of being. Their daily reality has always included a deep fear that they could lose me altogether.

They are happy to have so much of their Mom back. But they worry. They worry because Medical Cannabis is still a work in progress in terms of dosing and strains. They worry because the stigma

surrounding my medical cannabis use means that I cannot always share my story or success with people, as it is still such a misunderstood medication.

My eldest told me I needed to share my story with you, because she has a new worry. Her fear is that Bill 25 does not protect my safety, nor my health.

As a mother, there is very little that frightens me more than impaired driving. I applaud the provincial government for taking a proactive stance on impaired driving. I don't want impaired drivers on our roads at all: whether it be impairment because of alcohol, prescription medications, or sleep deprivation.

I do not have a license. I depend on my partner and my parents and friends for transportation. I still have seizures, so it would be unsafe and irresponsible of me to lobby for my license to be reinstated.

Bill 25 has overlooked the fact that, as an Epileptic, I need emergency access to my medical Cannabis at all times. I ingest CBD oil daily, but I also have a vaporizer that I use if I feel a seizure coming on. Dried Cannabis has successfully helped me abort a seizure on more than one occasion. In many cases, getting up or moving around once I start having an aura or a seizure can cause me to lose consciousness or trigger convulsions. Under Bill 25, storing my medication in the trunk or cargo area of the vehicle means I could not access it in time.

This poses a serious risk to my health, and would very likely cause a distressing situation for the driver and other occupants of the vehicle. It could even result in an accident should I go into full blown convulsions and need immediate attention while the car is in motion.

My use of a vaporizer is equivalent to that of an asthmatic using an emergency inhaler or a diabetic using sugar pills to combat a sudden drop in blood sugar (my father has experienced the latter as a driver and Type 2 diabetic).

In my case, it does not pose a health risk to the driver or other passengers.

Stopping on the side of the road and exiting the vehicle to administer my medication is unreasonable and likely impossible.

Bill 25 adds to the stigma surrounding medical Cannabis use. I do not disclose my prescription to people openly, but in this case, I would be forced to tell others and rely on them to attempt to retrieve my medication from the rear of their vehicle. I still have 12 seizures a month, so it is imperative that

I practice good seizure control. Seizures beget seizures. Epilepsy is, on its own, a shameful and embarrassing illness.

Bill 25 also puts my driver at risk. My partner is a welding engineer who travels extensively for work. A license is a requirement for his job. If he loses it or is charged with a crime because I am carrying my vaporizer in the front seat, he may lose his job and we would both lose our only reliable means of transportation. My children would have no way to get to school. We would have no income. All because I did not have safe and timely access to the one medication that has saved my life.

I am disappointed that the medical Cannabis community was not consulted in the drafting of Bill 25.

I am worried for myself, and my fellow patients. I know of patients with terminal cancer who would not be able to travel to see their loved ones because Bill 25 would require that they be without their medical Cannabis. I know of patients who are impaired without their medication, but function fully while on it.

I am not asking for the committee to consider quashing this bill. It is an important and necessary first step in combating the threat of impaired driving.

I am pleading with you to understand that the current version of the Bill discriminates against patients and puts our lives at risk.

I believe that exceptions must be made for Medical Cannabis users.

I trust that you will read this submission in good faith, and, as my friend told me 9 months ago; 'forget everything you thought you knew about cannabis'.

As an aside, I am open and more than willing to devote my time to working with the government on this and all other Cannabis related regulations as legalization approaches. My interests lie in protecting the safety of medical patients, and I believe that we, as a community, have much to offer to the government as you work to implement a variety of legislation surrounding distribution, health and safety, and all other aspects that the Provinces will be responsible for.

Please feel free to contact me at any time.

Regards,  
Ashleigh Brown

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Re: Bill 26

The Manitoba Federation of Labour (MFL), Manitoba's central labour body, representing the interests of more than 100,000 unionized workers, opposes the government's proposal to increase the power, sway and influence of wealthy donors over our elections process. We believe this represents a major step backwards in terms of the openness and fairness of our democratic process. A more fair and progressive approach would be to re-establish a public financing model, like that recently eliminated by this government, wherein an Independent Allowance Commissioner was responsible for determining the public financing process for political parties.

Bill 26 would amend The Elections Financing Act to substantially increase the limit on individual donations to political parties, from \$3,000 to \$5,000—an increase of 66%—and then rise each year by inflation. This change will do nothing to engage more everyday Manitobans in the political process. Instead, it opens the door for the very wealthy to make even bigger financial donations to their preferred political party, increasing their power and influence over elections.

What's more, Budget 2017 announced government's plan to extend generous tax credits for very large political donations. As a result, not only will wealthy donors be allowed to donate up to \$5,000 every year, they'll now receive even greater subsidies from tax payers to do so, reducing their personal net cost.

Rather than using public dollars to raise political tax credits for wealthy donors, Manitoba should level the playing field for all political parties by re-establishing an open and fair system of public financing. Elections should be about choosing the best candidates and best plans for Manitobans, and every vote should have the same weight. Elections shouldn't be decided by which party has the backing of the wealthiest donors. Jacking-up the political donation limit opens the door for wealthy donors to exercise more influence on politicians and political parties, and that's just wrong.

Measures like raising the political donations limit, and increasing the tax credit available for very large political donations are not in keeping with the values of Manitobans. Rather than rewarding political donors, we urge the government to focus on fulfilling the promise it made to Manitobans during the election: protecting and improving front line

services, and respecting the hard working men and women who provide them.

Kevin Rebeck  
Manitoba Federation of Labour

Re: Bill 26

Increasing contribution limits from \$3,000 to \$5,000 will cost Manitoba an estimated \$200,000 in lost tax revenue.

Donations over \$250 are publicly disclosed in the annual returns of all political parties. A review of these records show that very few Manitobans contribute the current maximum of \$3,000.

Party	Total No. of Donors over \$250	No. of Donors who gave max. of \$3,000	Percentage of Donors who gave maximum
PC Party of Manitoba	2626	19	0.7%
NDP Party of Manitoba	1239	9	0.7%
Liberal Party of Manitoba	216	5	2.3%
Green Party of Manitoba*	18	1	5.5%
Communist Party of Canada - Manitoba	7	0	0%

\* 2015 Annual return

As the above table demonstrates only a very small donation of donors who give more than \$250 are giving the maximum. So why are increasing the limit again, and then indexing it to inflation so it increases yearly thereafter?

There seems to be no reason except to waste taxpayer money for the benefit of the wealthy.

There also seems to be no reason to change requirements to show identification before voting, except to disenfranchise to the most vulnerable.

It is also unclear why the previous legislated rule that cash contributions over \$100 required a signed receipt for the donor, needs to be replaced with a new rule which prohibits all cash donations over \$25.

For all of the aforementioned reasons stated above, The Green Party of Manitob respectfully request that you withdraw this ill-conceived and undemocratic Bill.

Should you have any questions or concerns I can be reached via e-mail at XXXXX or XXXXX.

Yours truly,

James Beddome  
Leader  
Green Party of Manitoba

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/hansard.html>**