

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

*Published under the
authority of
The Honourable Myrna Driedger
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

| Member | Constituency | Political Affiliation |
|--------------------------|----------------------|------------------------------|
| ALLUM, James | Fort Garry-Riverview | NDP |
| ALTEMEYER, Rob | Wolseley | NDP |
| BINDLE, Kelly | Thompson | PC |
| CLARKE, Eileen, Hon. | Agassiz | PC |
| COX, Cathy, Hon. | River East | PC |
| CULLEN, Cliff, Hon. | Spruce Woods | PC |
| CURRY, Nic | Kildonan | PC |
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| GERRARD, Jon, Hon. | River Heights | Lib. |
| GOERTZEN, Kelvin, Hon. | Steinbach | PC |
| GRAYDON, Clifford | Emerson | PC |
| GUILLEMARD, Sarah | Fort Richmond | PC |
| HELWER, Reg | Brandon West | PC |
| ISLEIFSON, Len | Brandon East | PC |
| JOHNSON, Derek | Interlake | PC |
| JOHNSTON, Scott | St. James | PC |
| KINEW, Wab | Fort Rouge | NDP |
| KLASSEN, Judy | Kewatinook | Lib. |
| LAGASSÉ, Bob | Dawson Trail | PC |
| LAGIMODIERE, Alan | Selkirk | PC |
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| LATHLIN, Amanda | The Pas | NDP |
| LINDSEY, Tom | Flin Flon | NDP |
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| MORLEY-LECOMTE, Janice | Seine River | PC |
| NESBITT, Greg | Riding Mountain | PC |
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| WHARTON, Jeff, Hon. | Gimli | PC |
| WIEBE, Matt | Concordia | NDP |
| WISHART, Ian, Hon. | Portage la Prairie | PC |
| WOWCHUK, Rick | Swan River | PC |
| YAKIMOSKI, Blair | Transcona | PC |
| <i>Vacant</i> | St. Boniface | |

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 23, 2018

The House met at 1:30 p.m.

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

Please be seated, everybody. Good afternoon.

**ROUTINE PROCEEDINGS
INTRODUCTION OF BILLS**

**Bill 230—The Fetal Alcohol Spectrum Disorder
Awareness Day Act**

Mrs. Sarah Guillemard (Fort Richmond): Madam Speaker, I move, seconded by the member for Seine River (Ms. Morley-Lecomte), that Bill 230, The Fetal Alcohol Spectrum Disorder Awareness Day Act; Loi sur la Journée de sensibilisation à l'ensemble des troubles causés par l'alcoolisation foetale, be now read a first time.

Motion presented.

Mrs. Guillemard: Madam Speaker, this bill will recognize September 9th each year as Fetal Alcohol Spectrum Disorder Awareness Day. The day is already recognized nationally, but I feel that Manitoba would benefit from efforts to raise awareness locally, as our province has one of the highest rates of this condition in the country.

Fetal alcohol spectrum disorder, or FASD, is a preventable brain injury and is caused by the consumption of alcohol during pregnancy. Much of the damage is done during the first trimester when many women do not even know that they are pregnant. This is why it is important to educate Manitobans about how to prevent this condition, but also to highlight the many resources that are available to assist families as they support those living with this injury.

Thank you.

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

Committee reports? Tabling of reports?

MINISTERIAL STATEMENTS

Madam Speaker: The honourable Minister of Infrastructure, and I would indicate that the required 90 minutes notice prior to routine proceedings was provided in accordance with our rule 26(2).

Would the honourable minister please proceed with his statement.

Wildfire Update

Hon. Ron Schuler (Minister of Infrastructure): Safety and security of Manitobans is our first priority. I wish to provide the House with an update on the current wildfire fighting activities in the province of Manitoba.

Manitoba Emergency Measures Organization, or EMO, is currently monitoring the provincial wide-fire situation. There are a number of wildfires burning in various locations that are impacting multiple communities due to the proximity of fires and related smoke. Multiple provincial, federal and local authorities and non-government agencies are engaged in responding to the fires.

Extreme fire behaviour is being observed with dry and windy conditions. Joint response efforts continue in many areas. Currently 80 firefighters from Ontario and a tanker group from Quebec are assisting response operations. An additional 40 Ontario firefighters are anticipated to arrive today. Hot and dry weather forecast to continue for the next few days for most areas of the province. As of May 22nd, total fires to date are 163, whereas the average for this time is 100.

Indigenous and Northern Affairs Canada, or INAC, has engaged the Canadian Red Cross and the Canadian Armed Forces to assist with evacuations in the following communities:

Little Grand Rapids First Nation: Canadian Red Cross is working with stakeholders in the city of Winnipeg to ensure continuity of health care, provision of social services and evacuation supports for evacuees when they arrive.

In Pauingassi First Nation, the community of up to 300 residents located adjacent to Little Grand Rapids First Nation is also being affected by fire and smoke.

Sapotaweyak Cree Nation: Madam Speaker, starting May 21st, 660 people were evacuated due to multiple fires in close proximity to the community. Evacuees were sent to hotels in The Pas and Swan River. Evacuations are being co-ordinated by the Canadian Red Cross.

In Kinonjeoshtegon, or Jackhead, First Nation, due to increased smoke in the community, evacuations of 100 priority health individuals and other at-risk community members took place on May 22nd to Fisher River and Winnipeg, and conditions have improved, so these evacuees will hopefully return home today. Evacuations are being co-ordinated by the Canadian Red Cross.

In pelican 'rabbits,' starting May 21st, 38 people were evacuated due to fires, with evacuees being sent to hotels in Dauphin. Evacuations are being co-ordinated by Manitoba Indigenous and Northern Relations.

Fires near Ashern continue to move with swift winds and are currently, thankfully, moving away from Ashern. This has reduced the threat to Ashern since Monday, and fire protection work continues. Fire crews are also continuing to work to protect properties near Mulvihill, south of Ashern. However, the expected hot temperatures and winds are expected to be factors with these fires today.

In the RMs of Grahamdale and West Interlake, each have a state of local emergency in place and issued an evacuation alert advising residents they may have two hours notice to evacuate. The RCMP have closed Highway 6 south of Ashern. They did so on Tuesday, May 22nd. And Lakeshore School Division cancelled all classes.

'Manita' EMO—Manitoba EMO will continue to monitor the ongoing situations across the province and co-ordinate teleconferences with the agencies involved.

We wish to thank all agencies, governments and individuals who are involved in this very important undertaking to ensure the safety and security of all affected by the current wildfire situation. Our government wishes to remind everyone to obey all fire bans and to keep their properties clear of any combustible materials to reduce risk.

Thank you, Madam Speaker.

Mr. Jim Maloway (Elmwood): Mother Nature has left us with one of the driest springs in history, bringing with it the devastation of already 163 forest fires in Manitoba.

Fires have begun to tragically spread across northern Manitoba this season with many northern families beginning to be forced to evacuate or live in fear and uncertainty as flames encroach on their communities.

The amount of land burned in Manitoba has dramatically increased in the last 24 hours to over 31,000 hectares, tragically forcing the evacuation of even more communities.

The Canadian Red Cross, Canadian Armed Forces and Indigenous Services Canada are working together to ensure the safety of northern Manitoba communities and provide the assistance they need while away from their homes.

*(13:40)

More than 600 people have already been evacuated, with hundreds more waiting to leave Little Grand Rapids and Pauingassi First Nations. Many municipalities, including Ashern, and First Nations communities face potential evacuation.

The warm, dry, windy conditions continue to make the jobs of firefighters difficult. I want to recognize the bravery of the many professionals and volunteers who have begun assisting with combatting the fires, including the different workers who fight fires from the air in water bombers and on the ground fighting the different blazes.

Thank you to fire crews and water bombers from Ontario and Quebec to provide support for our—to our province. Our hearts and thoughts are with all of the evacuees, families, communities and first responders who continue to face the wildfire devastation.

Thank you, Madam Speaker.

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

Madam Speaker: Does the member have leave to speak to the ministerial statement? *[Agreed]*

Mr. Gerrard: I thank the minister for his report. I want to thank all the emergency personnel and

people who are working all over the province to try and address this situation.

I also want to reach out to those who are affected in communities and wish that these major problems which we're facing can be addressed satisfactorily without loss of life.

I also hear from the MLA in Kewatinook, who has talked very recently to people in Little Grand Rapids, that there have already been three homes destroyed in that community. There is, with a map of the fire at Little Grand Rapids, it is extraordinarily close to the community.

The community is in potentially very desperate situation because there is very heavy smoke, and my understanding of the latest information is that the planes weren't able to get in and out and things are looking very desperate for people there.

I hope the minister can give us more of an update on the evacuation status. I think it has started there but it is halted at the moment, maybe.

Pauingassi is clearly important and we don't want to wait for the last minute as maybe has happened in Little Grand Rapids. It is good that people were evacuated safely from Sapotaweyak, that the situation in Kinonjeoshtegon and Jackhead appears to be improving.

The concerns still clearly continue in Pelican Rapids, in Grahamdale, in Mulvihill, and it's good to hear that there may be some improvement just around Ashern.

It is a very difficult situation, I think, from everything we know, and it needs full attention from everyone in this Legislature as we hope for good results and know that there is need for urgent action.

Thank you.

MEMBERS' STATEMENTS

Marian Jaworski

Hon. Ron Schuler (Minister of Infrastructure): Madam Speaker, it gives me great pleasure to recognize Marian Jaworski for his vision and efforts in promoting and strengthening the Polish culture in Manitoba.

Marian was born in Poland in 1957. He immigrated to Canada with his family in 1984. They settled in Winnipeg and Marian found ways to stay in touch with his heritage through the Polish Gymnastic Association Sokol Winnipeg.

Over the years, Marian has served not only as a volunteer and member but also as president of our local Polish Gymnastic Association of Sokol Winnipeg, vice-president of our Manitoba branch of the Canadian Polish Congress and finally, vice-president of our national Canadian Polish Congress for central Canada.

Marian has never forgotten Poland. He has planned and organized fundraisers for numerous international concerts in both Canada and Poland as well as international aid for a severe flood in Poland.

It is clear Marian has not forgotten Poland and its wonderful culture, and Poland has not forgotten Marian. In 2010, Marian Jaworski received Poland's silver Cross of Merit, and this year, on national Polish flag day ceremony on May 2nd, Marian travelled back to Poland to receive the order of the Republic of Poland from none other than the president of Poland, the honourable Andrzej Duda.

The order of the Republic of Poland is the highest recognition Poland can bestow on an individual. This order was presented to Marian Jaworski in front of the Presidential Palace in Warsaw, the capital of Poland, by the president of Poland. When Marian Jaworski was presented with his order, the Canadian anthem was played across the assembled 80,000 people in attendance.

Congratulations, Marian Jaworski. You make both Poland and Canada proud to call you one of our own. Madam Speaker, if the Assembly would please join me and honour one of our own: Mr. Marian Jaworski.

Polish spoken. Translation unavailable.

Gerald Clark and Donald Peake

Mr. Tom Lindsey (Flin Flon): Today, I would like to recognize the work of Gerald Clark and Donald Peake, who last week were awarded the Lieutenant Governor's Historical Preservation and Promotional Award.

Gerry and Don were two of five Manitobans who were celebrated for their prolonged, meritorious service in the preservation and promotion of the province's rich history and heritage. Through their efforts, they have assisted in keeping Flin Flon's history safe for future generations and allowed the story of Flin Flon's history to be passed on to our children.

Don Peake was nominated by the Flin Flon Heritage Project for his dedicated work in

assembling, restoring and categorizing the written and pictorial history of Flin Flon, which has been threatened since there was flooding in Flin Flon's public library several years ago. Seeing that there was no archive for Flin Flon's remarkable history, Don embarked on his mission to save the valuable resources of his community with the help of the city librarian and the Flin Flon Heritage Project.

Gerry Clarke was nominated by the mayor and council with the support of the Arts Council and the School Division for his work as the city's unofficial historian. Clarke was a founding member of the Flin Flon Historical Society and has helped write the book *Flin Flon: A History*. He is known for his presentations on history and has even developed tours of Flin Flon where he retells notable historical moments. He has also chaired a committee to recognize the role of indigenous trapper, David Collins, in the discovery of the Flin Flon ore body.

Both of these individuals have dedicated a significant amount of time and energy and effort. They have passionately pursued the preservation of their community's history.

Through their actions, they have ensured that the stories of the past will not be forgotten, but will be kept for future Manitobans to discover and learn from.

I would like to recognize their efforts and achievements.

Thank you.

Provincial Government's Achievements

Mr. Andrew Micklefield (Rossmere): I'd just like to take a moment to highlight some of our government's achievements over these past two years.

Manitobans are benefitting from a health budget—*[interjection]*

Madam Speaker: Order.

Mr. Micklefield: —with a half—*[interjection]*

Madam Speaker: Order.

Mr. Micklefield: Thank you, Madam Speaker. I'll go back to the beginning of the sentence.

Manitobans are benefitting from a health budget with a half-billion dollar increase over the last two years; they are benefitting from record numbers of doctors working in our province, from 60 more paramedics, from a new pediatric heart unit, from a

new children's epilepsy unit, from ambulance fees 30 per cent less than two years ago and from emergency room wait times down 18 per cent from last year.

The NDP left Manitoba with annual deficits approaching \$1 billion as they spent millions more every day than they bought—they brought in. We are fixing the finances and have reduced the annual deficit by nearly half. For the first time in a long time, every government department is managing within its budget.

Meanwhile, we are building seven schools; we are building five RAAM—Rapid Access to Addictions Medication—clinics, and we are increasing university scholarships fivefold, from four to \$20 million dollars. We are repairing the services. For example, we have eliminated a four-year backlog for the Provincial Nominee Program, now averaging a six-month turnaround time.

Changes to personal—*[interjection]*

Madam Speaker: Order.

Mr. Micklefield: —income tax rules let Manitobans keep more of their money before paying taxes, resulting in an additional 31,000 people paying no tax at all.

Manitoba's private investment in property is the second highest among all provinces; housing starts are second highest among provinces, and Statistics Canada predicts private sector capital spending growth in Manitoba to be the highest in Canada this year. Last year saw the largest agricultural sales in Manitoba history, the largest—

Madam Speaker: The member's time has expired.

Some Honourable Members: Leave.

Some Honourable Members: No.

* (13:50)

Madam Speaker: I hear that leave is being denied. Order.

Need for Repairs of Rail Line to Churchill

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, I went to Churchill earlier this year to meet with the people there, to listen to their stories and to hear for myself about the devastation that the community has experienced since the rail line connecting Churchill to the rest of the province was washed out.

Now, I was left with an appreciation of their resilience. You have to be tough to grow up in a place like Churchill, but even tougher and have a great ability to bounce back in order to weather what that town has experienced this past year.

Today is the one-year anniversary of the sudden closure of the rail line to Churchill. As such, today is also the one-year anniversary of the failure of this government to reconnect the people of Churchill by rail with the rest of the province.

Now, when I was in Churchill I was left with a sense of the people's disappointment and frustration at just how slow the progress has been and how little action this government has taken to help them. They're also very upset at what they feel is a lack of representation.

Now a year later, and they're still facing the same unanswered questions and the same unclear timelines. They are now wondering if it'll be another year or more.

There are many concerns people have, when I was talking to them on the streets: lost jobs, the price of food and the price of gas. But, really, all of those issues lead back to the need to repair the rail line.

I want to acknowledge the generosity of all the Manitobans who have donated or who have collected donations—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —on behalf of the people of Churchill. It shows Manitoba's giving spirit.

But the people of Churchill want a sustainable, long-term solution where they can continue their tradition of being a self-sufficient gem in northern Manitoba.

We owe more to the people of Churchill than this government has given them. The railroad is a lifeline, as necessary to Churchill as food and water and hope. The rail line can be fixed, and it must be fixed, Madam Speaker.

Madam Speaker: Further member statements?

Introduction of Guests

Madam Speaker: Prior to oral questions, we have some guests in the gallery.

Seated in the public gallery from École Howden we have 50 grade 4 students under the direction of Scott Bodner, and this group is located in the

constituency of the honourable member for Radisson (Mr. Teitsma).

On behalf of all members here, we welcome you to the Manitoba Legislature.

And also in the loge to my right, we have with us Joy Smith, the former MLA for Fort Garry.

And we welcome you back to the Manitoba Legislature.

ORAL QUESTIONS

Repair of Rail Line to Churchill National Effort Needed

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, I want to acknowledge the tragic death of a—yesterday of a worker at a City facility. Details are still coming up. We know that one workplace death is too many. So I know the thoughts and prayers of all members of the House are with this worker's friends and families, and I know that we'll all rededicate ourselves to ensuring that everybody who goes to work in the morning can come home safely at night.

As I said in the member's statement, it's a sad anniversary for our province and our nation. It has been a year since the rail line was washed out that connected Gillam to Churchill. Since that time the people of Churchill have 'demended'—demonstrated tremendous resilience, but the government has fallen far short on the necessary action. They even refused to declare a state of emergency which could've helped the community.

We know that the Premier (Mr. Pallister) is meeting with other premiers in a relatively short order. He has the opportunity to bring together a united front to create a national focus on this issue of Churchill.

I would ask this government: Will the Premier raise the issue with his fellow premiers, and, if not, has he done so already, and if he hasn't, will he do so immediately to ensure that there is a national focus rededicated to getting Churchill connected to the rest of the province?

Hon. Ron Schuler (Minister of Infrastructure): Well, Madam Speaker, before I begin answering the question, I do also want to acknowledge Joy Smith who is here in the Chamber today and the work that she does for human trafficking. We know she's just done a book release and has been a very, very strong advocate for those who need an advocate in the worst

ways, and those are people being trafficked. Thank you, Joy Smith.

To the Leader of the Opposition, we have been onside with the federal government and encouraging them to do the right thing, and that is to seek a proper buyer for the Churchill rail line. We would ask the NDP to join us on that.

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

Rail Line to Churchill Transportation Agency Filing

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the minister's response is all too typical of the evasive answers this government has given on the topic of Churchill for the past year. We know that for many months they claimed that there was nothing that the provincial entity could do to get the rail line repaired; however, they could have launched a complaint with the Canadian Transportation Agency.

Where the Province sat on their hands, we took action. Our colleagues sprung into action. We launched a complaint with the CTA to hold OmniTRAX to account. That would make clear that that's not just the Hudson Bay Railway company, but it is OmniTRAX as well.

Now, this complaint has the potential to force the company to repair the line or to pay into a hardship fund which could be accessed by the communities negatively impacted by the rail line being washed out.

Never too late to do the right thing, will the minister join—and his government—join our filing with the Canadian Transportation Agency?

Hon. Ron Schuler (Minister of Infrastructure): Well, Madam Speaker, when the Churchill rail line was sold to OmniTRAX, basically to a vulture fund, the Leader of the NDP, the Leader of the Opposition, said nothing. And every time our government gets involved in a court case to defend Manitobans, the NDP criticizes it.

The NDP can't have it both ways. One, they stood silent when it was sold to OmniTRAX, and now they want us to fight them.

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

Mr. Kinew: So here's what we criticize with this government's action on the legal front: they

have spent more money standing up for an unconstitutional law in Nova Scotia than they have standing up for the people of Churchill—
[interjection]

Madam Speaker: Order.

Mr. Kinew: —who live right here in Manitoba.

So, again, this government is off in Nova Scotia standing up against teachers in that province for their right to collectively bargain, but when it comes to having an opportunity to stand up for the people of Churchill, to join a filing before the Canadian Transportation Agency, the national regulator for railways, they are completely silent.

So, again, it's a simple question. It's not too late.

Will the government join our filing with the Canadian Transportation Agency and finally take real, concrete action to get the rail line fixed?

Mr. Schuler: Well, Madam Speaker, when the federal Liberal government sold the railway to OmniTRAX, this NDP party across the way—Leader of the Opposition, his party, didn't give \$20 million to Churchill. They gave \$20 million to a vulture fund. They gave \$20 million to OmniTRAX. That is the NDP way of trying to take care of Churchill.

Our government has stood by Churchill. We've ensured that they've had enough fuel supply, that they've had enough heating supply. We have stood with them all the step—every step of the way. And, Madam Speaker, we have stood with the federal government in their approach in taking OmniTRAX to court. *[interjection]*

Madam Speaker: Order.

The honourable Leader of the Official Opposition, on a new question.

Pine Grove Rest Station Closure Inquiry

Mr. Wab Kinew (Leader of the Official Opposition): One of Manitoba's top industries in generating wealth is the tourism industry here in Manitoba. Each year, thousands of people travel throughout Manitoba's highways to visit and enjoy our parks. One of the most popular destinations is the Whiteshell Provincial Park just east of Winnipeg on the border.

Madam Speaker, how can the only public rest stop east of Winnipeg potentially be out of order at this time of year? *[interjection]*

Madam Speaker: Order.

* (14:00)

Hon. Ron Schuler (Minister of Infrastructure): Manitobans and, in fact, tourists from across Canada and the world love to visit this wonderful province and the sites that Manitoba has to offer. We want to ensure that all those who travel our highways, first of all, do so safely. Thus, please remember to wear your seat belt; don't drink, drugs or distracted drive.

And, Madam Speaker, Pine Grove 'waveside' is open again for this season. *[interjection]*

Madam Speaker: Order. Order.

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

Mr. Kinew: Seems like there's a little bit of a flip-flop here on the part of the minister, and it's really no surprise.

The question that I just asked, my first question, was asked verbatim 13 years ago almost to the day in this Chamber by former PC MLA Jack Reimer. He asked the same question 13 years ago. It seems the PC government—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —has forgotten their position on this issue.

Now, we know the facility—we know a lot of people use this facility: families, cottagers, residents, people travelling to Ontario. This looks like just another cut from a provincial government that can't be bothered to consult with Manitobans before they discontinue another service.

Can the minister clarify for the House: Will the Pine Grove west station be open this year or not? *[interjection]*

Madam Speaker: Order.

Mr. Schuler: Well, Madam Speaker, I was there when Jack Reimer asked that question. What was interesting was the answer. The NDP then got up and declared it took four departments to figure out how to keep it open.

So, Madam Speaker, I want to be very clear. I want to be very clear. One department is declaring that—*[interjection]*

Madam Speaker: Order.

Mr. Schuler: —it is open, that rest stop is open for the season, for the rest of the season it is open on behalf of Manitoba Infrastructure.

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

Mr. Kinew: You know, it's pretty entertaining to watch the minister twist about. We know that this is likely another one of the messes of his own creation that the Premier (Mr. Pallister) is soon going to tell him that he has to clean up. Because, of course, it was open, then the rest station's going to be closed. Now, today in question period, it's open again.

I'll table for the minister the letter that his deputy minister sent to the owner of the food truck that operates at this rest stop. Again, it clearly says that the rest stop will be closed, the washroom facilities will be removed. The impact is that this person is being deprived of their income for this season. But, apparently, based on the minister's words today, it's being—he's being deprived of this income for no good reason.

So can the minister tell us, again, why is this person being deprived of the opportunity to operate their business simply because the minister cannot get his facts straight? *[interjection]*

Madam Speaker: Order.

Mr. Schuler: Well, Madam Speaker, the Leader of the Opposition should know the facts. So let's be very clear. In the last four years—in the last four years—10 rest stops have been closed and two were transferred over to local municipalities. Ten have been shut down and every one of the 10 was under an NDP government.

Education System Funding Concerns

Mr. Matt Wiebe (Concordia): Education funding is inadequate, and teachers are having to dip into their own pockets for classroom resources. That's what we heard today from teachers who are on the front lines in education. These are the effects felt by—from a government that is cutting the budgets of most school divisions in absolute terms while the rest aren't getting enough to keep up with enrolment growth, let alone the growth in inflation.

Public Accounts shows that this government actually underspent the education budget by \$40 million last year, and yet the minister refuses to acknowledge the impact his cuts are having in the classrooms.

At the very least, will the minister commit that every single dollar budgeted for education will be spent on education, or will he continue to shortchange our kids?

Hon. Ian Wishart (Minister of Education and Training): I thank the member for the question.

This government is committed to a good quality education for Manitoba students across the province, accessible in every part of the province. And we are working constructively with the school divisions to make sure that they are—have the flexibility to make the best use of the dollars that they have to work with, and this year our government spent a record \$1.323 billion on education for the K-to-12 system in Manitoba.

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

Mr. Wiebe: Madam Speaker, I would ask the minister to bring forward a school division, an expert, a teacher, a parent, anyone that would suggest that cutting the education budget will actually lead to 'bether'—better outcomes. And yet their record on these cuts is absolutely clear.

While they try and convince Manitobans that less is more, teachers know better and they disagree. *[interjection]*

Madam Speaker: Order.

Mr. Wiebe: They know that our education and investments in education, in our children, is the best investment that a government can make in our future, and yet this government continues to tell teachers to get used to less as they underspend education funding and cut capital support.

So I ask the minister: Will this minister invest in our schools, or will they continue to try and convince teachers that less is more? *[interjection]*

Madam Speaker: Order, please.

Mr. Wishart: When we came into government our government inherited a deficit in terms of maintenance on the schools of \$450 million. I had the pleasure of meeting yesterday with Winnipeg 1 school division, one of the larger school divisions with a good number of older schools. They alone have a \$260-million deficit that's left from the previous government.

We have a challenge ahead of us, but we are investing in safety and security and the facilities that

make sure students and teachers are both safe and well-educated.

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

Mr. Wiebe: The minister must have spent a lot of time in detention because it's pretty clear he never learned to listen to his teachers.

Norm Gould, the president of the Manitoba Teachers' Society, made it clear today that, quote, stable, consistent investment, Madam Speaker, permits teachers to support individual students in the classrooms of growing size and complexity. He also identified that there's a growing need for EAL investment and mental health supports in our schools.

Needs are growing, Madam Speaker, all the while this government continues to cut.

So I ask again: Will the minister start actually listening to our teachers in Manitoba and provide real investments for our children?

Mr. Wishart: I'm certain the members opposite seem to be going on this theme that more dollars means a better education, and, across Canada, if you look at the statistics, Manitoba spends the second highest amount of any province in Canada on K-to-12 education on a per-student basis.

I'd like to ask the member if he asked Norm Gould why we don't have the second best results. *[interjection]*

* (14:10)

Madam Speaker: Order.

Provincial Affordable Housing Units Expiration of Federal Housing Subsidies

Mr. Rob Altemeyer (Wolseley): This government's ongoing campaign to make life worse for Manitobans rather than better suffered a rare but important setback this week. Our two newest heroes are Jean Feliksiak and Margaret Topham.

Back in January, these 80-year-old seniors each received a notice slipped under their door that their rent subsidy was ending and they were going to have to pay \$169 more each and every month. Rather than stay silent, they spoke up.

Will this minister for housing agree with me that Jean and Margaret owe—is owed a huge debt of thanks from him and all of us and that they have done more to protect affordable housing in Manitoba

than his entire government has in two years in office?

Hon. Scott Fielding (Minister of Families): It is a—we know the facts of what the NDP did when they were in office in terms of government. We know that they left over \$500 million in deferred maintenance on our housing stock. So you could ask individuals in Manitoba Housing what they thought of this lack of investment by the NDP.

What clearly happened here is I had a meeting with the president, Dan Burton, on April 19th. We tried to find a way, a solution, where, in fact, all the residents would be whole, where they wouldn't have to pay any more for the rents. That is a solution which we came to.

If the NDP did more of that as opposed to political stunts that were there, we'd be better off in terms of their housing stock. *[interjection]*

Madam Speaker: Order.

I have asked numerous times today for order in the House, and I'm continuing to hear a fair bit of noise coming and I would ask for everybody's co-operation.

We have guests in the gallery, we have guests watching on television and on computers, and I would ask for everybody's co-operation, please, in the respect we owe each other for hearing each other out, if we could please make an effort to get to that point where there is more courtesy shown and civility shown in this House.

The honourable member for Wolseley, on a supplementary question.

Mr. Altemeyer: Thank you again, Madam Speaker, for that timely intervention.

What this minister should be very concerned about is that sitting down and talking to the housing provider wasn't even on his government's radar. Their government spokesperson back in January just said, quote: Lions Place will be in a strong financial position, and Manitoba Housing believes the group will then be capable of assuming the role of subsidizing tenant rents.

Not true. All they had to do was pick up the phone and ask.

Now, here's the thing that really scares me. There are over 1,000 units just like the ones at Lions Place where the federal subsidy is set to expire by October 1st of this year.

How many of those tenants are going to face rent increases like what this minister tried to pull on Margaret and Jean?

Mr. Fielding: It's pretty straightforward in terms of what the NDP did in terms of vulnerable Manitobans. We know what they did in terms of the child poverty rate where it spiked under the NDP administration. We know that food bank use spiked as well under the NDP administration. We know they left over \$500 million in deferred maintenance on there, plus the fact that they increased the PST that impacts low-income individuals the most.

This is a partnership agreement where we found a creative solution—I think that should be something that is celebrated—where individuals at that centre are able not to pay anything more. It's a creative solution with the government when we sat down with the stakeholders to find a solution.

I was a little bit surprised that the member is—was unaware of what was going on in his community, but I guess the old adage of a retirement—the best retirement is an early retirement, which the member demonstrates on an everyday basis.

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

Mr. Altemeyer: Well, Madam Speaker, that answer speaks volumes about the minister, and I'm not even going to go into that gutter.

Let's stay with the facts of the matter. *[interjection]*

Madam Speaker: Order.

Mr. Altemeyer: Madam Speaker, the seniors in question are not going to be impressed with that answer, and it's clear the minister needs some help from some of his colleagues. So I'll table a document from his own department.

It looks like the MLA for St. Vital might want to have a conversation with the minister because there are 26 units at risk at C.O.F. Haven Anavet Lodge. Their subsidy ends September 1st. In the Interlake, the MLA there might care to have a chat about the future of the Lundar Cooperative Senior Citizens Home. And in Riel, there's the Prairie Housing Co-op Ltd., which will also lose its subsidy.

Are any of these conversations happening over there, or are they determined to make life worse for Manitobans rather than better each and every day?

Mr. Fielding: Listen, from this side of the House, we try and find solutions to housing needs. In this one case, which is a perfect example of how we can find solutions, we sat down, we moved the program that we have from a rent-geared-to-income to a rent subsidy program, the Rent Assist program. And what the administration, what the board said at the Lions is, we'll meet you halfway. Within—in terms of the money that they will not have to spend on a mortgage, they ensured, on a two-year agreement, to ensure that rents aren't there.

Are we willing to meet with other organizations that are looking for creative solutions to ensure that affordability with rents is there? Absolutely, Madam Speaker.

South Winnipeg Recreational Complex Request for New Facility

Ms. Flor Marcelino (Logan): Yesterday, I urged the minister to make investments in recreation centres in south Winnipeg. The Minister of Infrastructure (Mr. Schuler) did a disservice to this Chamber and he was disrespectful to the role of the official opposition in a vibrant democratic society by completely ignoring these important questions and making a response that is grossly irrelevant to the issues at hand. It's disrespectful to this place, disrespectful to the concerns of community groups across south Winnipeg.

I ask the minister again: Will he listen to the residents of south Winnipeg? Will he commit to investing in new recreational complexes in south Winnipeg?

Hon. Jeff Wharton (Minister of Municipal Relations): As I mentioned in the House yesterday during question period, this government is very committed to consulting with Manitobans throughout Manitoba, Madam Speaker, and we started that process two years ago. We will continue that process.

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

Ms. Marcelino: Last year when finance chair Scott Gillingham was pressed to explain why recreation facilities in south Winnipeg were removed from the City's funding forecast, he explained this was because of changes in provincial-municipal funding agreements. In other words, Madam Speaker, the Province has backed away from this project.

Will the minister listen to the concerns of south Winnipeg residents and commit to help fund recreation facilities for south Winnipeg?

Mr. Wharton: Just for members of the House and member opposite, we have created not only a basket funding, Madam Speaker, throughout Manitoba municipalities and the City of Winnipeg. They enjoy the most unconditional operating baskets anywhere in Canada. They can choose where to make the investment in their community. We've seen evidence of this already. It is working.

Where they failed, we'll get it right.

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

Ms. Marcelino: The City has identified the need for a recreation centre in south Winnipeg, and residents calculate that a ward as big as south—as Winnipeg south should have five more recreational and community centres.

When the Pallister government cancelled the Province's infrastructure commitments, they made it much harder for communities to build these important facilities.

Will the government reverse course and commit to investing in a new recreational complex for south Winnipeg?

Hon. Cameron Friesen (Minister of Finance): Well, Madam Speaker, it's the same old theme from the spendDP, the idea that somehow capital can grow and grow and grow. That member over there knows very well that the record of her government was to crank up capital spending at a rate of four times the rate of the GDP of Manitoba, an unsustainable place that has left us with almost \$170 million more each year just to service the Province's debt. Imagine how many community centres, imagine how many legacy investments we could make if all that money wasn't tied up going to Toronto moneylenders.

* (14:20)

But that member also knows that she stood in front with her party, time and time again, for communities in Manitoba, promised and then did not deliver.

Our government is delivering for all Manitobans.

Wildfire in Little Grand Rapids Evacuation Difficulties

Hon. Jon Gerrard (River Heights): Madam Speaker, wildfires are raging across our province right now. One of these, a fire which is twice the size of the city of Winnipeg, is threatening the communities of Little Grand Rapids and Pauingassi. Indeed, it is now, as I understand it, very close to and indeed moving into the community of Little Grand Rapids, and I hear from the MLA for Kewatinook that the fire has already destroyed three homes. I understand there is a difficulty in landing planes, and that because of very dense smoke, many are still not yet evacuated from Little Grand Rapids.

I ask: What is the provincial plan to evacuate people under conditions of dense smoke when planes are not able to land?

Hon. Ron Schuler (Minister of Infrastructure): I thank the member from the Liberal Party for this very serious question. We know we've got a lot of challenges currently with wildfires.

I do want to convey to the House that I just recently as 45 minutes ago had a very good conversation with Minister Ralph Godale, Minister of Public Safety and Emergency Preparedness. The federal government is prepared to help us where they need to. In fact, last night a call went out at approximately midnight for some help from the Canadian Armed Forces to airlift individuals out.

Where there's a need, Madam Speaker, whether it's Ontario and Quebec, the federal government or others—at these times we're all Canadians and we're all prepared to help out.

Madam Speaker: The honourable member for River Heights, on a supplementary question.

Use of Fire Boats for Protection

Mr. Gerrard: Madam Speaker, I hope the minister will table today the fire plan for Little Grand Rapids so we can understand why there's been a delay in evacuating people, what the plan has been for the community and whether firebreaks were set up to protect the community.

You know, the community of Little Grand Rapids is located on the shore of Family Lake. It would, for example, have been an ideal situation to have dropped a fire boat in to protect homes along the shore. In the last two years, the government has rejected the possibility of using fire boats.

Will the government revisit the potential of help from fire boats under a situation like this where they could be very effective as part of the effort to protect the community of Little Grand Rapids?

Mr. Schuler: Well, again, Madam Speaker, I thank the member for the question. This is a very serious time for our province.

I would like to suggest to all members of this Legislature that there are fire plans in place, and if the member would like to have access to those, perhaps not today or tomorrow, but we can get those for him.

We'd also like to point out that there are professionals through Emergency Measures Organization, there are professionals through INAC who are involved with this. The Red Cross has been brought in by Indigenous and Northern Affairs. They're the ones that are running that process.

We are all working together on this, Madam Speaker. In fact, even the federal government's prepared to lend their support and help where it's necessary. I would suggest that we would at this point in time support the front-line workers and not throw aspirations against anybody.

Madam Speaker: The honourable member for River Heights, on a final supplementary.

Community Evacuations Prevention of Meth Epidemic

Hon. Jon Gerrard (River Heights): Madam Speaker, we are about protecting a community which is in a pretty desperate situation right now.

Large numbers of people have been and are being evacuated from Sopotaweyak, from Little Grand Rapids, from Pelican Rapids and from Kinonjeoshtegon, and potentially from other communities like Pauingassi.

Last year, when people were evacuated, it triggered the meth epidemic which we are still dealing with in these communities because evacuees were preyed upon by drug dealers.

I ask the Minister of Health: What measures are being taken today to prevent meth epidemics in communities being evacuated this year?

Hon. Ron Schuler (Minister of Infrastructure): Well, again, Madam Speaker, the minister raises another very important and serious issue.

When we do bring individuals into the city of Winnipeg, they are often vulnerable to individuals in the city and the kind of product that they want to push upon them.

We have met extensively with the Red Cross. We've met with the federal government through INAC and Emergency Measures, and they do have a plan in place. However, Madam Speaker, I don't think it would be worthwhile to lay out that plan and allow everybody who might want to have access to these individuals know what our plan is.

I want to assure members and I want to assure all Manitobans we do have a plan in place to protect these individuals when they come to the city of Winnipeg.

Wildfire Management Prevention Initiatives

Mr. Derek Johnson (Interlake): Madam Speaker, 2018 is proving to have a very hot, dry spring so far. This has led to an increased risk of wildfires not only in my constituency, but across Manitoba.

Can the minister responsible for emergency management please update the House as to the role of our government and how it's playing in the wildfire management?

Hon. Ron Schuler (Minister of Infrastructure): I'd like to thank the member for the Interlake for that question.

We know that his community is particularly affected. We know that the community of Ashern has now been spared because of the wind direction.

Madam Speaker, 2018 is proving to be a very hot and dry year, and we had very low rainfall. In fact, we had very low snowfall. And thus we have a lot of conditions that are taking place that are now providing these dry conditions.

I want to assure the member and his community that our government, through the Emergency Measures Organization, working along with our partners in the federal government when it comes to communities up North—in fact, Ontario and Quebec, who have sent us a lot of equipment and a lot of support. We want Manitobans to know that through the committee that we have established nationally as a country we have access to a lot of resources and we are making ourselves available of that.

Federal Family Law Reform Request for Provincial Legislation

Ms. Nahanni Fontaine (St. Johns): Last year the Manitoba Court of Appeal described our family law system as an adversarial system, one where one family member is pitted against another, where co-operation is weakened by the inherent—inherently combative and lengthy nature of the process, Madam Speaker. *[interjection]*

Madam Speaker: Order.

Ms. Fontaine: Last October, Madam Speaker, the Minister of Justice committed to producing legislation to resolve these issues by this spring. This session is nearly over, and Manitoba families will have to wait until at least the fall. Families are waiting too long as it is.

Will the minister present a bill for this House to consider this sitting?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I'm pleased to get a question from the member opposite on family law reform.

Of course, we know the dying days of the previous NDP government that there was a bill on the Order Paper that fell off the Order Paper. At the end of the day, the NDP didn't see fit to move forward with family law reform at that time. It was not a priority for them at that time.

It is a priority for our government, Madam Speaker.

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

Ms. Fontaine: Well, actually, last spring, the government, the Minister for Justice, voted down several family law bills our caucus put forward in order to make needed improvements to this area of law. The government said that they were working on new legislation; that was the reason that they couldn't endorse our bills.

Many stakeholders that—they supported the bills that we had brought forward. Certainly, time is running out in this session to present a law, Madam Speaker.

Now that the federal government has acted, will the minister table any family law legislation before this House rises for the summer?

Mrs. Stefanson: The member opposite knows that, clearly, it wasn't a priority—family law reform—for

their government. They had 17 years and there was no family law reform at that time, Madam Speaker.

We are making it a priority. That's why I—we commissioned Allan Fineblit, who has developed a report which we are reviewing now. And we will be releasing that report very shortly.

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

Ms. Fontaine: Reviews have been done. Stakeholders have been engaged, Madam Speaker. Legislation was put before this very House, before this very minister. We have seen that the federal government is able to act.

*(14:30)

Now is the time for this minister and this government to make this issue a priority. The minister review finished in early 2018, Madam Speaker, and she promised legislation this spring. Families are waiting.

If the minister won't accept our proposals to improve family law, when will this minister bring forward legislation to this House?

Mrs. Stefanson: We know it wasn't—family law reform was not a priority for the previous NDP government. It is a priority for us. That's why we asked Allan Fineblit to commission a report, which I already mentioned we will be releasing shortly.

Something that members opposite didn't ever do, really, is release reports. And we have a transparent government. We will be releasing that report very shortly. That report will indicate to Manitobans—I have already stated that we want a less adversarial system that is better for children, better for families, better for Manitobans. That's exactly what we will deliver in the way of family law reform in Manitoba.

Public Services Sustainability Act Request to Repeal Legislation

Mr. Tom Lindsey (Flin Flon): Last year, the Pallister government passed, but did not proclaim, its unconstitutional bill 28. Once again, this Premier (Mr. Pallister) is holding a threat over working people and their right to freely bargain.

On Monday, workers will be in court to defend an injunction against the government's bill 28.

Will this Premier do the right thing, repeal bill 28, get back to the bargaining table and actually negotiate in good faith with front-line workers?

Hon. Cameron Friesen (Minister of Finance): Well, that member knows very well that when our government took power just over two years ago we inherited a mess in respect of a billion-dollar deficit in terms of a trajectory for overspending that was out of control, and we worked hard as a Province and took these issues seriously and we have shown some correction in that course.

But we've been very clear. This is up to all of us. It takes all hands on deck to make our system financially more sustainable, not just so we can pay for services today, but pay for the services long into the future.

The member asks if labour should be exempt from these conditions. We say they cannot be.

Madam Speaker: The honourable member for Flin Flon, on a supplementary question.

Request to Invoke the Notwithstanding Clause

Mr. Lindsey: The Pallister government made a mess in negotiations at the University of Manitoba, exposing that institution to millions of dollars in damages. But now the stakes are much higher.

We believe that any fair-minded person will see that bill 28 is, in fact, a clear violation of workers' rights to freely negotiate their contracts.

Will the Pallister government invoke the notwithstanding clause to maintain their unconstitutional attack on working people?

Mr. Friesen: The member should take some consolation in the fact that the bargaining process in Manitoba continues. It's robust. And nothing in bill 28 creates a condition in which negotiation doesn't take place. Remember that the bill itself prescribes a four-year period in which government ability to pay must be taken into account.

But I assure that member that bargaining continues and government does its work of delivering mandates, and then employers and employees engage on a variety of issues, including compensation and remuneration.

So we have faith in this process, we continue to say. We would like this work to be focused at the bargain—or at the—in the board room tables and not in a courtroom, and we'll continue on that path engaging with labour, listening and continuing in conversation.

Madam Speaker: The time for oral questions has expired.

PETITIONS

Tina Fontaine—Public Inquiry

Ms. Nahanni Fontaine (St. Johns): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

(1) Tina Fontaine was murdered at the age of 15 years, and her body was found in the Red River on August 17th, 2014.

(2) Tina Fontaine was robbed of her loving family and the Anishinabe community of Sagkeeng First Nation.

(3) Tina Fontaine was failed by multiple systems which did not protect her as they intervened in her life.

(4) Tina Fontaine was further failed by systems meant to seek and pursue justice for her murder.

(5) Tina Fontaine's murder galvanized Canada on the issue of missing and murdered indigenous women and girls, MMIWG, as she quickly became our collective daughter and the symbol of MMIWG across Canada.

(6) Manitoba has failed to fully implement the recommendations of numerous reports and recommendations meant to improve and protect the lives of indigenous people and children, including the Manitoba Aboriginal Justice Inquiry, Royal Commission on Aboriginal Peoples and the Phoenix Sinclair inquiry.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the Premier of Manitoba and the Minister of Justice to immediately call a public inquiry into the systems that had a role in the life and death of Tina Fontaine, as well as the function of the administration of justice after her death.

(2) To urge that the terms of reference of a public inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them.

Signed by many Manitobans.

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

Further petitions?

Vimy Arena

Hon. Steven Fletcher (Assiniboia): Sure. Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The residents of St. James and other areas of Manitoba are concerned with the intention expressed by the provincial government to use the Vimy Arena site as a Manitoba Housing project.

(2) The Vimy Arena site is in the middle of a residential area near many schools, churches, community clubs and senior homes, and neither the provincial government nor the City of Winnipeg considered better suited locations in rural, semi-rural or industrial locations such as the St. Boniface industrial park, the 200,000–20,000 acres at CentrePort or existing properties such as the Shriners Hospital or the Children's Hospital on Wellington Crescent.

(3) The provincial government is exempt from any zoning requirements that would have existed if the land was owned by the City of Winnipeg. This exemption bypasses community input and due diligence and ignores uses for the land that would be consistent with a residential area.

(4) There are no standards that one would expect for a treatment centre. The Minister of Health, Seniors and Active Living has stated that the Health—the Department of Health had no role to play in the land acquisition for this Manitoba Housing project for use as a drug addiction facility.

(5) The Manitoba Housing project initiated by the provincial government changes the fundamental nature of the community. Including park and recreational uses, concerns of the residents of St. James and others regarding public safety, property values and their way of life are not being properly addressed.

(6) The concerns of the residents of St. James are being ignored while obvious other locations in wealthier parts—in other, wealthier neighbourhoods, such as Tuxedo and River Heights, have not been considered for this Manitoba Housing project, even though there are hundreds of acres of land available for development at Kapyong Barracks or parks like Heubach Park that share the same zoning as the Vimy Arena site.

(7) The Manitoba Housing project and the operation of a drug treatment centre fall outside the statutory mandate of the Manitoba Housing renewal corporation.

(8) The provincial government does not have a co-ordinated plan for addiction treatment in Manitoba as it currently underfunds treatment centres which are running far under capacity and potential.

* (14:40)

(9) The community has been misled regarding the true intention of the Manitoba Housing as the land is being transferred for a 50-bed facility even though the project is clearly outside of Manitoba Housing responsibility.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the government to take necessary steps to ensure that the Vimy Arena site is not used for addiction treatment facility.

(2) To urge the provincial government to take the necessary steps to ensure the preservation of public land along Sturgeon Creek for the purposes of parkland and recreational activities for public use, including being an important component of the Sturgeon Creek Greenway Trail and the Sturgeon Creek ecosystem under the current designation, PR2, for the 255 Hamilton Ave. location at the Vimy Arena site, and to maintain the land to continue to be designated for park and recreation, active neighbourhoods and communities.

This has been signed by Robert Joseph, Cheryl McQuain, [phonetic] Linda Nair [phonetic] and many others.

Medical Laboratory Services

Hon. Jon Gerrard (River Heights): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provision of laboratory services to medical clinics and physicians' offices has been historically and continues to be a private sector service.

It is vitally important that there be competition in laboratory services to allow medical clinics to seek solutions from more than one provider to control costs and to improve service for health professionals and patients.

Under the present provincial government, Dynacare, an Ontario-based subsidiary of a U.S. company, has acquired Unicity labs, resulting in a monopoly situation for the provision of laboratory services in medical clinics and physicians' offices.

The creation of this monopoly has resulted in the closure of many laboratories by Dynacare in and around the city of Winnipeg. Since the acquisition of Unicity labs, Dynacare has engaged in anti-competitive activities where it has changed the collection schedules of patients' specimens and charged some medical offices for collection services.

These closures have created a situation where a great number of patients are less well served, having to travel significant distances in some cases, waiting considerable periods of time and sometimes being denied or having to have—having to leave without obtaining lab services. This situation is particularly critical for patients requiring fasting blood draws as they may experience complications that could be life-threatening based on their individual health situations.

Furthermore, Dynacare has instructed that all STAT's patients, patients with suspicious internal infections, be directed to its King Edward location. This creates unnecessary obstacles for the patients who are required to travel to that lab, rather than simply completing the test in their doctor's office. This new directive by Dynacare presents a direct risk to patients' health in the interest of higher profits. This has further resulted in patients opting to visit emergency rooms rather than travelling twice, which increases costs to health—to the health-care system.

Medical clinics and physicians' offices service thousands of patients in their communities and have structured their offices to provide a one-stop service, acting as a health-care front line that takes off some of the load from emergency rooms. The creation of this monopoly has been problematic to many medical clinics and physicians, hampering their ability to provide high quality and complete service to their patients due to closures of so many laboratories.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to request Dynacare to reopen the closed laboratories or allow Diagnostic Services of Manitoba to freely open labs in clinics which formerly housed labs that have been shut down by Dynacare.

(2) To urge the provincial government to ensure high-quality lab services for patients and a level playing field and competition in the provision of laboratory services to medical offices.

(3) To urge the provincial government to address this matter immediately in the interest of better patient-focused care and improved support for health professionals.

Signed by David Imrie, Cindy Fleet, Bud Ewanchuk and many others.

Madam Speaker: Grievances?

ORDERS OF THE DAY GOVERNMENT BUSINESS

Speaker's Statement

Madam Speaker: I have a statement.

I am advising the House that I have received a letter from the official opposition deputy House leader regarding their second selected bill.

As a reminder to the House, rule 24 permits each recognized party to select up to three private members' bills per session to proceed to a second reading vote. Rule 24 also requires written notice to be provided to the Speaker regarding the date and time of the vote. This notice must be provided no later than two weeks prior to the scheduled end of the fall sittings, which would be today.

Accordingly, I will be putting the question on Bill 226, The Vital Statistics Amendment Act, tomorrow, May 24th, 2018 at 10:55 a.m.

House Business

Ms. Nahanni Fontaine (Official Opposition House Leader): Madam Speaker, on House business.

I wish to table copies of the official opposition list of government ministers to be called tomorrow for concurrence—for the concurrence debate in the Committee of Supply. The list is as follows.

Pursuant to rule 78(4), this is the list of ministers to be called for questioning in the debate on concurrence motion in the Committee of Supply beginning on May 24th, 2018: (1) the Premier (Mr. Pallister), (2) the Minister of Justice (Mrs. Stefanson), (3) the Minister of Sustainable Development (Ms. Squires) and (4) the Minister for Municipal Relations.

These ministers will be questioned concurrently. Miigwech.

Madam Speaker: A clarification for the House related to the statement just read on selected bills. I would indicate the—a small correction, that the notice must be provided no later than two weeks scheduled to the—I'm going to start again.

This notice must be provided no later than two weeks prior to the scheduled end of the fall sittings, period. There should have been no further wording after that.

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

Point of Order

Madam Speaker: The honourable member for Assiniboia, on a point of order.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I counted four ministers listed, and that they would be in Supply concurrently.

I've experienced three ministers done at the same time, but not four, and I wonder if that was my misunderstanding.

Madam Speaker: In response to the member, he does not have a point of order. There is no limit to the number of ministers that can be questioned concurrently. So there is no point of order.

* * *

Madam Speaker: Orders of the day, government business.

Hon. Cliff Cullen (Government House Leader): Would you call concurrence and third reading for the following bills: Bill 7, 23, 15, 18, 5 and 6.

Madam Speaker: It has been announced that the House will consider concurrence and third reading of bills 7, 23, 15, 18, 5, 6 this afternoon.

DEBATE ON CONCURRENCE AND THIRD READINGS—AMENDED BILLS

Bill 7—The Sustainable Watersheds Act (Various Acts Amended)

Madam Speaker: Therefore, we will move to the first one, which is concur—debate on concurrence and third reading of Bill 7, The Sustainable Watersheds Act (Various Acts Amended), standing in the name of the honourable member for Assiniboia, who has five minutes remaining.

Hon. Steven Fletcher (Assiniboia): I am pleased to have the opportunity to continue on this very important bill.

We left off yesterday by pointing out that there are many watersheds, the boundaries aren't clearly defined in many cases and the necessary data and maps need to be updated, hopefully using remote sensing such as satellite imagery.

* (14:50)

We also discussed how this is all going to be paid for. It presumably will come out of the Consolidated Fund. The Consolidated Fund is receiving a injection of about 260 to 300 million dollars a year due to the gas carbon tax, the made-in-Manitoba carbon tax, and it is another illustration that the government can 'prioritize' important initiatives without a carbon tax.

If this is a priority and is, in fact, a streamlining, that's great. Use those resources to deal with the reallocation in—of resources, HR and otherwise, and any administrative changes or burdens, but don't—please, Madam Speaker, let's not implement a carbon tax in Manitoba on Manitobans from the Manitoba Legislature.

In regard to watersheds, we haven't heard anything, as far as I'm aware, that deals with aquifers. Where do they fall in any watershed? Now, this is important because aquifers can transcend more than one watershed. You take a look at Oakbank or the Springhill or Birds Hill park and the Moose Nose esker. It's not clear if they are connected or not, so how would that watershed be defined?

And how are watersheds defined? You could encompass a lot of Manitoba if you say the Nelson River watershed. I don't think that's the intent, but that would include most of Manitoba, well, and Saskatchewan and Alberta, the Red River, the Assiniboine River, so maybe it's the Assiniboine River would be considered a watershed.

But then what about Sturgeon Creek? Is that not a watershed? It is. There's the Sturgeon Creek watershed. It's part of the Assiniboine River watershed, which is part of the Red River watershed, which is part of the Nelson River watershed. So how deep are these definitions going to go?

Madam Speaker, we do have a opportunity to protect valuable and priceless fresh water like we find on the Seal River. We also have to make allowances to allow Manitobans to exploit and benefit from our natural resources, including mining.

The government must say no to the national park in the Interlake and say yes to mining exploration

and development in the Interlake. In this way, we'll have the resources to protect all our watersheds and our environment. Why doesn't the government say no?

Madam Speaker: Is there any further debate on this bill? Is the House ready for the question?

Some Honourable Members: Question.

Madam Speaker: The question before the House is concurrence and third reading of Bill 7, The Sustainable Watersheds Act (Various Acts Amended).

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

I declare the motion carried.

We will now move to Bill 23—oh, the honourable Government House Leader.

Hon. Cliff Cullen (Government House Leader): On a point of order, Madam Speaker.

Point of Order

Madam Speaker: On a point of order.

Mr. Cullen: Madam Speaker, I actually just want to acknowledge your work today in terms of the appreciation afternoon you hosted. I think it's time well spent that we actually thank the people that work within the building. And, certainly, as legislators it certainly makes our job that much easier, and we do appreciate the good work that so many people do here within the building day in and day out, and hats off to you for recognizing the great work they do.

Thank you.

Madam Speaker: I always hate to say there's no point of order, but there is no point of order. But I do thank you, and I do thank all three parties that represented themselves today at the long-service awards luncheon for the Legislative Assembly.

We do have a lot of people that work behind the scenes to make this place work, and they do a very hard job, and most of the time we don't see very many of them because they're all behind the scenes. But we did have a very nice lunch today, and they very much appreciated the representation from all the parties that came and did acknowledge their good work because they all do try very hard. And we did

have members that received five, 10, 15, 20 and 30 years of service.

And it's too bad, and I'm going to mention it anyway, our Clerk did celebrate 30 years of service to this Chamber, and—

Some Honourable Members: Oh, oh.

Madam Speaker: —I'm sure she's listening in her office. And as a token of our support, we did give her a Jets jersey. And for all of you that have been in her office, you know she's a major Jets fan and her wall is full of all the Jets mementos. And her favourite hero was Blake Wheeler, who is a great leader amongst the team, and she did end up with a Blake Wheeler jersey.

So I'm glad you're acknowledging it, and I appreciate the comments being made by the Government House Leader and other members that came and spoke today. It is very important to acknowledge the good work that goes on in this place.

CONCURRENCE AND THIRD READINGS— AMENDED BILLS

Bill 23—The Commodity Futures Amendment and Securities Amendment Act

Madam Speaker: So now moving to concurrence and third reading of Bill 23, The Commodity Futures Amendment and Securities Amendment Act.

Hon. Cameron Friesen (Minister of Finance): Madam Speaker, I move, seconded by the Minister for Sustainable Development, that Bill 23, The Commodity Futures Amendment and Securities Amendment Act, as amended and reported from the Standing Committee on Human Resources, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Friesen: I'm pleased to put a few words on the record in respect of the—of these amendments, which I believe should meet with the approval of all members of the House.

Madam Speaker, I was pleased to hear from groups at the committee stage, and we were pleased to have that input, and also that buy-in, that endorsement, from various groups, including IIROC, the industry association, when it comes to the measures that we're putting forward that would, of course, strengthen securities regulation in the Province of Manitoba. Here we know that we have a

number of duties that we must uphold, the duty to create the environment in which investors are protected and also in which we can have a good and robust system.

So, Madam Speaker, we know that essentially what we're doing is bringing three amendments, the first being giving IIROC the ability to file decision documents from an IIROC panel with the courts in order to enforce payment of fines. This is important for all the reasons that we discussed in this second reading and at the committee stage. We know that without these provisions, what happens is that members leave the profession and decline to pay the fines that were considered and then awarded against them.

Where we clearly have bad actors who are not appropriately engaging with their clients, where there is that complaint made, whether it is an investigation, whether it is that deliberation and then determination of a penalty, it is too easy for an individual to simply say, I won't seek to keep my accreditation; I will walk away. And, in that case, IIROC would have no recourse to be able to gain that amount back.

* (15:00)

So what is essentially done is to enforce that payment of fines by allowing them to file decision documents with the courts. That has worked in Alberta and in other jurisdictions. And, of course, we know that these provisions don't stand on their own but they align well with the practices and with the emerging practices in other jurisdictions.

The second condition, of course, gives civil immunity to IIROC staff members when they are performing functions in their role. And, of course, we need to ensure that they have immunity from vexatious claims that can be made against them. Clearly, when they are acting within their role, they need that appropriate level of protection. We would all want to have that confidence. Board members have this confidence. Agency members, commission members have these confidences that they know they will be protected.

And we also know, of course, that with this comes the caveat, the condition, of course, that says if you are not acting professionally or if you are not acting appropriately, then someone would have a definite or a potential claim against you.

So this cleans up that understanding and formalizes it. And, of course, this also—these provisions and these amendments are—as well would

give IIROC the explicit right to appeal a decision by an IIROC hearing panel to the Manitoba Securities Commission. We understand that, we believe that that right is probably implicit, but at the request of this entity, we would grant it and it would formalize that.

I do want to note, in case others speak to it, there was interest by other parties and, indeed, by opposition members at the committee stage, to bring a further amendment that would have allowed IIROC the right to compel evidence during an IIROC investigation and a hearing process. We believe and continue to believe that that would be an extraordinary level of authority to be assigned to this type of agency.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

Let us remember that these are self-regulatory organizations. They are membership based. We know that even police services do not have this kind of right to compel evidence. But I would also say, Madam Speaker, that neither is it necessary to provide this condition because if this kind of evidence is sought by IIROC, we know it can be obtained through communication and the request being made through the Manitoba Securities Commission. So we know that it's not closing a door. If IIROC decides they need this provision, it can be obtained in this way.

One thing I would note as well is I would thank IIROC for their contribution to strengthening our legislation. We understood that when it came to an agency like IIROC, they said that there was a better way to contain the—a protection on a recognition order. And so there was a helpful amendment that they were able to point to that would help us to actually achieve what we were trying to achieve.

There are two methods under both The Securities Act and The Commodity Futures Act for the Manitoba Securities Commission to transfer authority to an agency, an entity like IIROC. They're either through an assignment or a recognition. And under a recognition is—basically, we were able to change the wording at the recommendation of IIROC to be able to better contain that provision for them to have that protection.

So we thank them for making that amendment. We passed that amendment at the committee stage. And I hope that all members will see—and, indeed, IIROC spoke at that committee hearing as well to

indicate why it was they were seeking that protection or that clarification and why it is that that change would help us to actually adopt the change we were intending to adopt.

So thank you, Mr. Deputy Speaker, and I hope that these amendments will have the support of all members of the House.

Mr. Matt Wiebe (Concordia): It's once again a pleasure to put a few words on the record with regards to Bill 23 and really just follow up on some of the meetings and the conversations that we've had, including those in committee, with folks who are interested and concerned with securities regulation and making sure that investors are protected here in Manitoba.

I can say that it's been a very interesting process. It's been a learning process for myself, for members of this Chamber, I believe, in understanding exactly the work that the Investment Industry Regulatory Organization of Canada, or IIROC, exactly does. And I know that members of our caucus took the time to sit down with representatives from IIROC to understand a little bit more about the work that they have done and to certainly understand some more of the work that they hope to do in the future in protecting investors in Manitoba.

We do believe that IIROC provides important oversight and regulation on investment dealers here in Manitoba and certainly across the country. When these dealers misuse or abuse their investors' funds, it is often IIROC that steps in to take action and to put pressure on those dealers. Infractions can include misappropriating funds from clients, falsely endorsing clients' signatures or making unsuitable recommendations to investors.

And, in fact, Mr. Speaker, it's just very recently here in Manitoba that we've seen some of this play out in the sense of some of these breaches come to light. And, in fact, there was an investor just recently who was fined over \$480,000 for misappropriating money here in the province. And, you know, when you get into the details of the story, it's quite stark to understand just how an individual investor, in this case, taking advantage of his family, or his spouse, in this case, can really run amok in terms of an individual's investment portfolio.

And this, of course, is maybe just one of the more sensational examples, but we know that this happens time and time again throughout our province, across our country. And this is the point

from which we, as a caucus, come to this issue. We understand that people work their whole lives to build a retirement fund or build some sort of savings for their family, and when an individual or an investment broker comes along that dupes them, that takes advantage of them and forces them or causes them to lose those savings, it can be absolutely devastating.

And we know that, in many cases, those investors and those clients are often seniors. They're often the most vulnerable among us. And it's those investors, those seniors, who are the ones that often bear the brunt of these scammers and these individuals who are trying to mislead them and take advantage of them. And so it's seniors and those who are most vulnerable who, again, our caucus seeks to protect and to defend with regards to their investments.

We know that seniors make up the largest number of complaints to IIROC. Many have lost their entire life savings. They come forward, oftentimes reluctantly. Oftentimes, they don't want to—they are embarrassed or they feel shame for having been duped. But they come forward, many times, to IIROC; they come forward to say that they've lost their entire life savings to these rule-breakers who are often acting, you know, independently of their organizations. But they abuse their positions of financial knowledge to take advantage of those who are—or, are most vulnerable.

So we feel very strongly that no one should be taken advantage of in this way; especially not seniors, especially not the most vulnerable, who have invested so much into our society and, again, depend on these savings, these life savings that they've sunk so much into. It is those who need to be protected first and foremost.

*(15:10)

We know that this bill will give IIROC protection against malicious lawsuits while acting in good faith to protect investors in Manitoba, and we do support that decision to do that. We need to ensure that those who investigate and prosecute white-collar crimes are protected, and that's certainly what IIROC has done.

You know, white-collar crime, Mr. Speaker, is not something that is talked about very often in the context of Manitoba, but we do know that it does happen and, in fact, you know, when you look at it across the country, regulators have fined wrongdoers

millions in the past. And it's very rarely that they're able to collect, able to get some of that money back into the hands of those who have done the saving, except in the most egregious cases. The Globe and Mail determined that the amount of unpaid securities fines in Canada, in fact, may be over \$1.1 billion.

So we know that white-collar criminals and fraudsters simply cannot be allowed to ignore the sanctions against them. So we need to enhance the investor protection. We need to enhance the confidence that individuals have and we need to ensure that further action is taken to protect investors in Manitoba. We think that strengthening IIROC's ability to collect fines assessed for wrongdoing will enhance the confidence have—that investors have that those who break the rules will be held accountable. And we want to support giving IIROC additional tools to more effectively protect Manitobans to benefit all of us.

Now, we heard IIROC come to committee. As I said, we met with them as a caucus. I met with them individually to understand more about their specific asks with regards to amendments to this bill. And we believed at the time when we spoke to them, when we spoke to other stakeholders, that they were on a solid path. In fact, they were looking to enhance this bill. They were looking to push the government further. They were asking the minister to take a bold step forward, to be a leader in the country, to join with other provinces who have taken a strong step and will—and ask the minister to push this legislation to the next step.

And, in fact, there was an article in CBC just recently with regards to this bill, Mr. Speaker, where IIROC's Ms. Renzella said: In Manitoba we only have the ability to obtain evidence from firms and individuals who are registered with us. We have no ability to obtain evidence from third parties not under our jurisdiction.

And to them, what they identified to us is that this was an essential part of the process. This allowed—or would allow IIROC to be the ones to go out to properly investigate, to properly compel evidence, and in this way build a case against some of these individuals who have misappropriated funds. It's an important element, I think, to this overall regulatory picture, and I think it really would be something that would be, again, a leader in Canada. It would be something that here in Manitoba we could stand behind and we could push the investment

industry to be fully accountable to IIROC, and thus to investors. *[interjection]*

I hear the minister raising concerns with this, saying these are unprecedented powers that IIROC would have. But I would remind him as I did in committee, as the members of IIROC did, that they remain under the purview of the Manitoba Securities Commission, that any actions taken would still be regulated by the Manitoba Securities Commission and there would be proper oversight in that way.

The reason why this is important, I believe, Mr. Speaker, is that this information that's gathered can then be used by the individual who's trying to get restitution, and this is what individuals are trying to get. We want to see better protection. We want to see IIROC strengthened, but we ultimately want consumers protected.

We as a caucus focus on the consumer. We focus on those hard-working Manitobans and that's the position where we come from. We will defend those hard-working Manitobans and, if an industry regulator like IIROC is willing to be an advocate in that way, we certainly stand behind them.

We think this legislation could be strengthened. We're disappointed the minister didn't take this further. There, I think, will be opportunities in the future to strengthen this legislation, ultimately with the goal of making investments here in Manitoba more safe, more accessible to all individuals and protecting that wealth and that value that Manitobans work so very hard for. That is where we come to this issue from, Mr. Speaker, as a caucus, and we will continue to fight for Manitobans in that regard.

Thank you very much.

Hon. Jon Gerrard (River Heights): Mr. Speaker, just—I want to put a few comments on the record on this bill.

Having worked hard to support individuals in the past who were affected by situations in which they lost significant amounts of money from money that had been invested as a result of people, advisors, others providing poor advice, I believe that this bill is badly needed. It is an important bill, and in the Liberal Party, we are strong supporters of these measures.

I think it is noteworthy that, in addition to the measures which are here, that we believe that there should have been some measures which would have provided to IIROC the ability, the legal authority, to

compel evidence so that they are able to conduct full and fair investigations and hearings.

The Investment Industry Regulatory Organization of Canada has done a good job, but they have been restricted in what they can do in the past. Other provinces are moving ahead to make sure that they are better supported and this bill will provide that better support except for in the area of providing IIROC the legal authority to compel evidence.

Currently, IIROC can only compel IIROC registrants to co-operate with the disciplinary investigations and prosecutions. There's no ability to compel co-operation of individuals or entities who are not related by IIROC, for example, former registrants, stock issuers, banks, during investigation or to testify at a hearing, even when they have relevant evidence.

As a result of this, investigations may be closed at an early stage due to lack of information. Prosecutions may proceed without the best evidence possible or may not proceed due to insufficient evidence even when there are grounds to believe that serious misconduct has taken place. Seeking the ability to compel evidence which is—consistent with powers granted to the Manitoba Securities Commission under the Securities Act and therefore would be consistent as well as being valuable, so it would have been nice to have an amendment to provide the ability to compel evidence.

In spite of the fact that this is a shortfall with the current bill, we're certainly ready to support the bill as it is because it will be a significant step forward.

Thank you, Mr. Speaker.

Hon. Steven Fletcher (Assiniboia): And this is obviously a very important issue which one could speak for hours. There's only 30 minutes. I will say the following: The bill does seem to be a step forward, but what cautions I would—I just would observe are the power that self-regulatory organizations have been provided, including the section that gives them the power of the court. That would need to be carefully monitored as time goes on to see how effective it is.

Self-regulatory organizations are often very good, but sometimes they go afoul. And in a—in certain types of business cultures, it is possible, plausible and probably does happen where few people gain control of a regulatory body, and that may not be in the interests of the members of the

regulatory body or Manitobans. This is particularly more important because of the expanded powers.

* (15:20)

Mr. Chair, the issue of Manitoba Securities Commission and the work they do is very important. It brushes on my previous comments in the House just last Thursday about conflict of interests and the fact that the conflict of interest guidelines or law in this place is abysmal, the worst in the country. Everyone agrees. And only after introducing that legislation, even though it's been on the Order Paper forever, did the government announce the next day that they were going to try and do something about it. But why didn't they do it at the beginning?

The reason why this is relevant to this is one of the most obvious places for conflict of interest deals with issues around securities. We have a lot of different kind of investment vehicles these days. We have registered savings plans, TFSAs, RDSPs, RRSPs and a lot of different investment vehicles.

Now, the Manitoba Securities Commission—a few years ago, my colleague and my dear friend, Jim Flaherty, who was the minister of Finance, contemplated bringing the security commissions together under an umbrella so to increase the efficiencies of capital throughout Canada. There's pros and cons, as I think Minister Flaherty certainly heard a lot of feedback. But it is difficult in a global market where capital just flies like the wind at supersonic speeds. The fact that Canada has 13 jurisdictions for security regulation I hope is something that the Premier (Mr. Pallister) and others are reflecting on so that Canada becomes a magnet for capital. And I hope that by passing this legislation, we are not making it more difficult in the future if we so choose to become part of a larger security jurisdiction. *[interjection]* As long as we keep the jobs in Manitoba.

But with—*[interjection]*—the—and I think that can be done. With automation technology, we don't need to give up autonomy, we can just make the cake bigger, bigger slice of the pie for all of us and get rid of a lot of red tape and et cetera, et cetera.

And there's a lot of these organizations that are self-regulatory and a national scope.

Mr. Speaker, for the next 25 minute—no, I'm kidding. I'm done. Thank you.

Mr. Deputy Speaker: Is there any other speakers?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before the House is the concurrence and third reading of Bill 23, The Commodity Futures Amendment and Securities Amendment Act.

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

CONCURRENCE AND THIRD READINGS

Bill 15—The Film and Video Classification and Distribution Act

Mr. Deputy Speaker: So now we'll go on to Bill 15, The Film and Video Classification and Distribution Act.

Hon. Cathy Cox (Minister of Sport, Culture and Heritage): I move, seconded by the Minister of Education and Training (Mr. Wishart), that Bill 15, The Film and Video Classification and Distribution Act, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mrs. Cox: I would like to just put a few words on record with regard to this bill and indicate that Bill 15 is really all about modernizing, streamlining, reducing red tape and our government footprint.

This legislation will reduce the duplication of classification services for films and video games, as well as allowing the Province to enter into an agreement with the consumer protection department of British Columbia, same as the Saskatchewan department of—the province of Saskatchewan now has that same agreement with the CPBC.

And that is really also consistent with our position to the New West Partnership and how our government is prioritizing ways in which services can be shared so that we reduce duplication for sectors of the economy.

And, with the passage of this bill, again, I would like to say that Manitoba will enter into the same agreement with Consumer Protection BC that the Saskatchewan government has had the same agreement since 2007.

And we would, Mr. Speaker, ensure that we maintain the authority to inspect and ensure proper classification of all film and video games in the province of Manitoba, and we have had discussion with distributors, with the chair of the Film

Classification Board, and she is in total agreement with this. She said it's long overdue to move in this direction.

And she was an individual that was appointed the chair from the former NDP government opposite back in, maybe it was 2015 or '14? I'm not exactly sure of the date, but she is fully supportive of this move.

So, as I said earlier, the industry, the broadcasting—or, the industry supports this move, and the Film Classification Board supports the move, and we've had other discussions with the former director, and he, in fact, has said that this is also long overdue.

So I look forward to moving in this direction and having Consumer Protection BC do the classifications for us here in Manitoba, same as Saskatchewan does. And thank you for this opportunity to put a few words on record with regards to this Bill 15.

Thank you.

Ms. Flor Marcelino (Logan): The film and video classification board was created in 1972 and has since served the Province very well. Manitoba has a proud history of quality films and entertainment. The Manitoba Film Classification Board has done a great job of regulating and classifying film and video.

* (15:30)

It is now 2018. For some years now, the Internet and cable subscribers have access to games, films and documentaries 24/7 in the comfort and privacy of their homes or in social halls, and anywhere there are smart phones, tablets, projectors, TV and Internet connection. Netflix and other similar providers like Amazon Prime and HBO have practically made the board's function of classifying and rating films and video inefficient and less relevant.

In light of these circumstances, we on this side of the House appreciate the changes being introduced by Bill 15 and the ways to streamline how movies and video games are classified, which will lead to outsourcing the job of rating Manitoba films and video games to create efficiency. Bill 15 establishes a new regulatory framework for the classification and distribution of films and other forms of pre-recorded moving visual images such as rental videos and video games.

Bill 15 dissolves the board and the directors appointed, who will classify theatrically released

films and adult films sold, rented or otherwise made available to the public other than by the Internet or cable television. Distributors of such films must be licensed. For the above reasons and changes in circumstances pertaining to film and video distribution in Manitoba, on this side of the House, we support Bill 15.

Ms. Cindy Lamoureux (Burrows): Our caucus is a big supporter of the arts for its crucial role here in Manitoba. It provides us a rich sense of heritage—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Lamoureux: —and culture through its human experience. Undeniably, the arts have a huge significance when it comes to enriching our lives.

Unfortunately, there was no debate on this bill, and the bill was clumped in with a whole bunch of other bills. Because of this, members have had insufficient time to reach out and consult with others. In what time we've had to consult, we've discovered significant implications with the bill.

The dissolution of the Manitoba Film Classification Board means that a lot of tasks are being off-loaded to the consumer protection of British Columbia. Why is another province regulating the arts we produce here in Manitoba?

Mr. Deputy Speaker, also, some of the individuals in the film industry that we were able to reach have raised concerns about this bill. One of them is the lack of consultations done by this government. What is ultimately alarming in this bill is that this government is pushing for immediate legislation amendments without proper consultations and without exercising proper foresight on the implications. In light of this, our caucus will not be supporting Bill 15. If the bill were to come back, there should be time given to properly debate the bill, and time should be allotted for a proper consultation.

Thank you.

Hon. Steven Fletcher (Assiniboia): I would make the following observations. The—I'm sure the intent of the bill is positive, but in order to really improve the film industry in Manitoba, we need to get a direct flight from Winnipeg to Los Angeles and from Winnipeg to New York and then maybe some other major centres. But Los Angeles and New York are critical. That is beyond the scope of this discussion because it's not dealing with the bill unless you

accept the bill is dealing with how to improve our film industry.

I understand that there's a new film coming out about the strike, 1919, the great Winnipeg strike. And—I heard a hear, hear. We'll see what—how the movie is first.

The fact is, regardless of this bill or not, I just want to say, Mr. Speaker, to all those people in Hollywood and New York and London watching us right now here today, there's no better place to film your film than Winnipeg and the province of Manitoba.

I recall there was a grand film, 49th Parallel, with—black and white. It's with a cast of famous actors, and it's—it deals with—has Laurence Olivier playing a Québécois, and there's a bunch of politically incorrect things in this film. However, the opening scene is of The Forks and the railways. And the large part of the film, this blockbuster, Hollywood film, 49th Parallel, takes place in Manitoba. And it—this—and the bad guys, the Germans, meet the Hutterites, and the Hutterites speak German. The Germans think the Hutterites are on their side, but of course they're not.

Anyway, it's a lot of drama, very entertaining, and it's based in Manitoba, like every other film should be.

Thank you, Mr. Chair.

Mr. Deputy Speaker: Any other speakers?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before us is the concurrence and third reading of Bill 15, The Film and Video Classification and Distribution Act.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed to the motion, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Yeas have it.

I declare the motion carried.

* * *

Hon. Cliff Cullen (Government House Leader): Mr. Acting Speaker, I just wondered if—I know we'd initially called Bill 15 next—Bill 18 next. I wondered if we could divert that to Bill 5. [*interjection*]

Mr. Deputy Speaker: Oh, I see—okay.

Mr. Cullen: Okay. We'll call Bill 18 then.

Bill 18—The Child and Family Services Amendment Act (Taking Care of Our Children)

Mr. Deputy Speaker: Okay. So we're going to call on Bill 18, The Child and Family Services Amendment Act.

Hon. Scott Fielding (Minister of Families): I move, seconded by Minister of Growth, Enterprise and Trade (Mr. Pedersen), that Bill 18, The Child and Family Services Amendment Act (Taking Care of Our Children), reported from committee be concurred in and now be read for a third time and passed.

Motion presented.

Mr. Fielding: Bill 18, The Child and Family Services Amendment Act (Taking Care of Our Children) will make significant changes in how indigenous children and family are supported by Manitoba's child-welfare system. Indigenous leadership and communities have long called for changes on how CF agencies care for the children and support families.

I'd like to thank the many people who have advocated tirelessly for great indigenous community involvement in care planning for children within the CFS system then and for their continued support as we introduce these amendments.

I also look forward to ongoing discussions as we move forward with future changes to the overarching legislative framework for Child and Family Services as we speak.

Madam Speaker, I'm honoured—and honourable members, this bill is a historical step towards supporting the customary involvement of indigenous communities in the caring for their children. We

share the belief that indigenous children must have every opportunity to sustain their cultural identity—think it's so important—and connections to their indigenous communities.

* (15:40)

This legislation opens the door for First Nations and Metis community to work with CFS agencies to provide care for children in a way that recognizes and reflects their unique community customs. Recognizing the many First Nations and Metis communities in our province, this approach will establish expectations for CFS agencies to work with their respective indigenous communities to develop culturally specific models of customary care. With the support of indigenous communities, customary-care agreements will be able to be entered into for the purposes of caring for First Nations, Metis and Inuit children. Individual customary-care agreements articulate how children will be kept safe, the supports and services that we provided and how issues that arise under the agreement will be resolved. For children who cannot retain and cannot be—remain in care of their birth parents, the community and family will now share in the responsibilities of identifying caregivers.

With this bill, we are emphasizing the rights of indigenous children to maintain their cultural identity and community connections. We are also clearly signalling the importance of the community or the customary involvement in indigenous communities in their care planning for children.

Department staff engaged with indigenous communities and CFS agencies over the last year to seek guidance on strengthening customary-care legislation that was introduced but failed to pass law under the former NDP government.

Stakeholder input has been clear that customary care must be—continue—community-driven, Mr. Deputy Chair—Deputy Speaker, and the legislation must reflect the rights of indigenous children to be cared for in a way that maintains cultural connections and community ties.

Our government listened and we have made important changes that strengthen the rights of children and the role of indigenous communities in leading the development of their own unique models of customary care.

As the minister responsible for Child and Family Services, I believe the bill is a very important first

step, important step, towards greater transformation of our child and family services system.

Honourable members, I hope that we can work together to support customary care within these communities. We're excited for the first phase of this. We're seeing some good supports as we go forward in Child and Family Services.

And, with that, Madam Speaker—Mr. Deputy Speaker, I want to thank the House.

Mr. Deputy Speaker: The honourable—

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: The honourable member for St. Johns.

An Honourable Member: Point of order.

Point of Order

Mr. Deputy Speaker: Oh, the honourable member for Assiniboia, on a point of order.

Hon. Steven Fletcher (Assiniboia): Mr. Chair, the clock is not ticking.

Mr. Deputy Speaker: Well, when it comes to the—it's actually not a point of order. The—when a minister actually speaks on a bill, he has unlimited time. So, when it gets to the critic, then the clock will be running or when this minister moves that—on a bill that the clock doesn't count down; it actually—he has unlimited time. Okay? It's been the rules for many years.

* * *

Ms. Nahanni Fontaine (St. Johns): So I'm pleased to put a little bit of words on the record in respect of Bill 18, The Child and Family Services Amendment Act. I am speaking to the bill. Our critic, both the critic for Child and Family Services and myself were at a funeral today, and she had to stay to help a little bit—

Mr. Deputy Speaker: Oh.

Ms. Fontaine: Ah. Blah, blah, blah.

Mr. Deputy Speaker: Yes, just a reminder to the member that to not to discuss—

Ms. Fontaine: So I am going to put on a couple of words in respect to Bill 18.

Miigwech for that gentle reminder.

Certainly, I think that it's fair to say that Bill 18 is a step, a step in trying to address what is an

unacceptable amount of children in care throughout our province and, certainly, the vast majority of those children in care are indigenous. And so I think that we could probably all agree in the House that Bill 18 is a step towards rectifying the number of children that we have in care.

Does it go far enough? No, certainly not. But it is a step, and I do want to put some things on the record in respect of this bill.

Certainly, we know that—and, again, I would suspect that everybody in this House can agree that we know too many indigenous families and children have been torn apart by CFS, and I've shared in here many times that many of us growing up, and still to this very day, CFS is a huge piece of our life as indigenous people. And indigenous people, still to this very second, it is this—almost like the bogeyman in many respects, that you always know that your children are—at any moment, could be taken away. And we know that the vast majority and I would suggest that the vast majority of issues in which children are predicated upon have to do with, you know, intergenerational trauma, entrenched poverty and the consequences of colonialism.

So, you know, I think it's important to put on the record once again—and I don't think we can put it on the record enough, actually, in that context—it's important that we reflect on the Truth and Reconciliation Commission of Canada's calls for meaningful change in the child-welfare system. Certainly, the TRC, who—which did, like, phenomenal, groundbreaking, sacred work for all of us in Manitoba and all of us across Canada and provided us a way to move forward in a good way, not only in child and family services but certainly in every aspect of relations in this country with indigenous peoples, more specifically for child welfare, they presented five calls to action for federal and provincial governments to improve the child-welfare system.

And I would suggest—and, again, I try to always have faith in members opposite that I would suspect that members opposite also see the benefit of having the TRC recommendations as the founding principles of any change that we do in respect of child welfare here in Manitoba.

So I do want to point out that one of the main focuses is—that the TRC established that the placement of indigenous children into culturally appropriate care, that whether it is temporary or permanent, it must be appropriate. And so I want to

just reiterate again that the TRC understood that in order to heal and rectify and find resolution in respect of the damage of residential schools and the '60s scoop and colonization and all of that, that a fundamental principle in that healing process is keeping indigenous children in their communities and with their families and not tearing them apart from their communities or their families like has so often been done with indigenous children from—for the last 150 years, 200 years. And I think that that is something that we need to entrench in every piece of legislation and policy moving forward in respect of child welfare here in Manitoba and, certainly, across Canada.

And so we know that the TRC affirmed that indigenous governments actually have the right to establish and maintain their own child-welfare agencies, and I think that that's a principle that we can—we could, we must and we should get behind. You know, I want to reflect on Cora Morgan. She is the family advocate for the Assembly of Manitoba Chiefs, who, as the Minister for Families knows, does not support Bill 18. And I just want to reflect on some of her comments at standing committee which were very powerful. And it is a sentiment that when you work in the communities, you hear, more often than not, and that is that, you know, our children are our responsibilities and that we have the ultimate, more familiar responsibility for the care of our children. And far too often, the state has assumed ownership or authority over our children. And so there has been a move, certainly in the last 10 years, as—that I've seen, to give back or take or command or reclaim that space of care over our children.

And I think that that—Cora Morgan, you know, reflected in her comments to the standing committee that this bill doesn't go far enough in respect of First Nation communities assuming care and control over their children. So I do want to reflect on that, you know, that this bill could have been strengthened, certainly, and then—and I imagine that even the minister would agree that this bill could be strengthened. And—which is why I predicated my comments or I started my comments by saying it's just one step in many steps that we all have to take.

* (15:50)

So we are certainly, on this side of the House, supportive of ensuring that indigenous communities create the care plans for their children that recognize and reflect indigenous peoples' unique customs and teachings and cultural heritage. I think it's important

that—as we move forward here—to reflect that not all indigenous people are the same. We're not a homogenous group—certainly in Manitoba and certainly not across Canada. And each community has different ways, even, you know, sometimes subtle or sometimes not so subtle in their cultural understanding of how to raise children and how to—the role and space of children within indigenous ways of being and indigenous ways of understanding our relationship in this world. And so it is important that we entrench a system whereby indigenous peoples have that ultimate control and authority to create those care plans that recognize each of their indigenous—unique indigenous perspectives and ways of understanding.

And then—you know, I think that once we—when we do that, we—when we entrench that understanding, it certainly allows a shift to occur, you know, allowing extended family members and community members to have a stake in the upbringing of their children or the children of the community. Actually, if you go back pre-contact, that was—and for many, many generations until the onslaught of residential schools. If you go back pre-contact, that was always the way that indigenous children were reared in the community. It was a collective endeavour. It was a collective responsibility. And it certainly was seen as a sacred responsibility where the children belonged to the community and, you know, would sit with the elders and in the—with the adults. That's the way our children learned. You would take them out into the bush or you would take them, you know, learning how to do all the things that are done in the community. So it's always been seen as a collective, sacred responsibility.

And, in that way, when we move towards that and when we entrench that, it certainly does contribute fundamentally to the cultural preservation of indigenous peoples' traditions and languages and understandings and ways of being.

So I know that the Minister for Families has spoken several times in the House about how this bill is supported by MKO and SCO and MMF. And that's fine. I think that we can do more. As I said, we know that the Assembly of Manitoba Chiefs does not support the bill. And so, you know, moving forward I think it is incumbent on the minister and the government to ensure that the Assembly of Manitoba Chiefs is a part of any further steps or is a part of this piece in a way that is wholesome and true and that is reflective of the very real concerns that Cora Morgan

and the Assembly of Manitoba Chiefs have been bringing forward.

So, you know, we also support the move, Deputy Chairperson—or, Deputy Speaker. We also support the move to clearly identify that the Manitoba Metis Federation are able to participate in customary care. I think that that's really important, as well. And we certainly need the Minister of Families (Mr. Fielding) to listen and to make those necessary changes as we move forward with this legislation.

So, as I said, there are certainly some concerns with the legislation. And it appears in the legislation that children in customary care will be counted and tracked in a very distinct way since the province is not apprehending any more, or seeking a court order. So we're concerned in the way that children are going to be counted now, and it's important to know how many of them—how many children there are, actually, in order to make sure that we get, and communities get the necessary resources and supports that they need.

If children are not properly counted, children might be missed and they might miss the services and agencies actually might not even know their needs. And so, you know, our children moving forward from Bill 18, are they going to be counted in a separate stream?

I think another huge issue in respect of this bill is block funding. So I know that we're moving towards block funding, and block funding is actually using numbers from 2016, and so, as we move forward, that block funding, which is calculated, is actually not accurate, and I had somebody from Sagkeeng Child and Family Services tell me, probably last month, that some of the concerns are—and this just happened—that, let's say you get your block funding and you're allowed to do what you want with your block funding to support the, you know, prevention and intervention and the needs of the children, but that's it; that's all you get.

And so some of the concerns are, and he shared with me that, when I had spoken to him the two weeks previous, there were five different families and each of those families had five children that came into care in literally the span of a week, so that was 25 new children that came into care, and they had come into care from other CFS agencies and then came into and were wrapped into Sagkeeng CFS.

And so, all of a sudden, if you look at block funding, if the numbers are based on, like, 2016, or even if the numbers, let's say, we know that they're based on 2016, but let's just say that the numbers were based on 2018, you haven't calculated those additional 25 children that you now have in your care. And what he shared with me is that those 25 children that came into Sagkeeng care, it actually represents about \$170,000 towards Sagkeeng CFS' overall budget.

So, if you have block funding, but now, all of a sudden, you have a situation where you have, you know, children that are coming in that haven't been calculated and there's no dollars that have been calculated, then what we've created is a system where CFS agencies are going to operate in a deficit because that wasn't calculated.

So, I, you know, I would hope that the Minister of Families (Mr. Fielding) is trying to work out a system whereby—and maybe that's an extreme case—you know, all of a sudden within one week, one CFS agency has 25 new kids—maybe it is; maybe it isn't, but I would suspect that it is the Minister of Families' responsibility to, when there are situations like that that arise, there's got to be a mechanism whereby a CFS agency is able to apply for those dollars so that it doesn't put the rest of the system and the rest of the children that they're trying to support at risk and at a disadvantage.

So I think that that's a huge issue that needs to be worked out and, you know, I hope that we're not going to see, in a couple of years from now, because this block funding model is using numbers that are outdated, that we're going to see CFS agencies that don't have the resources and don't have the adequate resources to be able to take care of the children adequately.

So, yes, and look, we know that—well, we believe that the Pallister government—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Fontaine: —is moving in the wrong direction in the matter of prevention. We know that the Manitoba government will be giving less money to low-income families through its Manitoba child benefit, and this, obviously, this benefit provides eligible low-income families with up to \$420 per child each year. Budget estimates show that the department expects to spend about \$2.4 million versus the \$4.15 million spent last year in 2017 and 2018.

* (16:00)

And so why is that relevant to Bill 18? Certainly, it's relevant, because I spoke earlier in my comments that the vast majority of issues that families face is one of, you know, entrenched poverty that makes the conditions not the most conducive and that children are apprehended. And so, when we're putting low-income families more at risk by taking more dollars, we—it is just this vicious cycle where we are creating children—or the circumstances in which children are at risk for apprehension.

And, certainly, I think that, you know—and I would imagine that all of us in this House want to see a substantial shift from focusing on apprehension to prevention. We—and certainly this bill or any legislation needs to be moving upstream instead of downstream so that children don't have to leave their homes.

So we know it's important to keep indigenous children within culturally appropriate homes, as I said earlier, so that they can keep their connection to language. And, you know, the minister has to be very cognizant of this moving forward. And, you know, what is interesting—and it is a real concern, and it is a tangible concern, when we know that, you know, indigenous people only make up 17 per cent of Manitoba's population; however, almost 90 per cent of the almost 11,000 children in care are indigenous. And so, simply, that's not acceptable.

And, you know, we know that indigenous Manitobans are, as I said earlier, already distrusting that child-welfare system, so certainly we—all of us, the Minister of Families and all of us have greater responsibilities and more work to do in creating a system that is fair and equitable and just for indigenous children.

And again, I—you know, I hope that the minister will take the opportunity to meet with Cora again and see, you know, about those meaningful consultations in respect of any bills moving forward or even the enacting of this bill and how we can do better work.

So I think that I will leave my comments there for today in respect of Bill 18. And, again, I hope that the Minister of Families—I have to have faith and trust that the Minister of Families is going to do the best for indigenous children. And, again, I just have to reiterate that Bill 18 is just one step in a lot of steps that we have to do not only in child welfare but in housing, which is also his role, in the development of a poverty strategy, which we haven't seen from this government. Like, you can't talk

about child-welfare reform and not talk about, you know, tackling poverty on a very real level.

And, certainly, you know, when we talk about health care of indigenous peoples, ensuring that health—that indigenous peoples have equitable access to health care and to justice and education, all of those, we can't see this issue as divorced from one another. It is intersectionality at its quintessential example. And so, if we don't look at that, I fear that we will continue to have more children apprehended. And I know—and I suspect that that's not what any of us want.

And so I thank you for the time to have my few comments. Miigwech.

Hon. Jon Gerrard (River Heights): Children are our future. They are one of the primary reasons where many of us are here where we are as elected members of the Legislature. The child and family services system in Manitoba has been problematic for quite a number of years. As chief—Grand Chief Jerry Daniels with the Southern Chiefs' Organization said at committee on May the 9th, the current child-welfare system is failing First Nations children and their families. We have a system that incentivizes the apprehension of children, which translates to increased funding dollars. The high rate of children in care is also symptomatic of years of failed provincial and federal child welfare policies. This has caused harm—lasting harm and trauma to our families and to our communities.

Liberals recognize that this legislation does not do everything that needs to be done. We recognize that it came—contains within it some of its own problems. But at the same time, we also see it is a step forward from where we are right now, and we hope that when it is passed and implemented it will be a significant step forward to help children throughout Manitoba.

But we're going to be watching—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Gerrard: —very carefully what the outcomes are. We want to see if the number of children in care actually decreases. We want to see if there are more children who can be raised safely by their own parents and their own families. As the MLA for Kewatinook said at second reading, we need our children home. We hope that this is a step toward achieving that, and will—we—watching very carefully and monitoring the results.

Clearly, as part of this effort, the bill cannot stand alone. It needs to have much better support for families. We need, as an example, to recognize and incorporate models like that at the Nisichawayasihk Cree Nation, where better supports are being provided for families, and far fewer children are being apprehended and taken into care. The NCN model, in fact, provides under one roof, one executive director, one budget, support for child and family services, for public health, for counselling, for healthy child initiative, for early learning and child care, for fetal alcohol spectrum disorders, et cetera. And quite a number of others. And so that, when a child or family is drawn to the attention, then they have a whole variety of supports that can be provided so that apprehension is used only as a very last resort in the most egregious of circumstances, when family members cannot be supported.

We need to have better ways to address issues of poverty, which are one of the basic reasons for many of the children being put into care. We had a discussion earlier this legislative session, and in that discussion it came out that perhaps as many as 87 per cent of the children in care would not need to be there if we could address fundamental issues like poverty so that families would have the supports they need to raise their children well. We need to ensure there's adequate supports for education from primary and secondary through post-secondary for First Nations children, as part of this effort.

There is clearly much to be done, and we cannot sit back and say just because this bill was passed, we have achieved what's needed. That is certainly not what the case is. I will quote concerns raised by Cora Morgan, the First Nations family advocate with the Assembly of Manitoba Chiefs. And she raises some considerable concerns. But I'm going to start by quoting this piece, which says the following about the relationship of children and family: First Nations understandings of the best interests of the child do not separate the best interests of children from the best interests of the family. The child can only be understood within the context of the child's family, First Nation lands, languages and identity.

* (16:10)

The Province's limited interpretation of the best interests of the child that focuses solely on the child is self-evident with the ever-increasing numbers of First Nations children who are coming into the care of the CFS and placed away from their families and communities. The focus on the child does not

consider the rights and needs of the family. We need to consider that the family is the home for the child and that the best interests of the child need us to consider the family as well as the child.

Cora Morgan raises a variety of other concerns, and we hope that these will be addressed in due course. But certainly for the moment, this, I believe, is a step forward from where we are now.

And, in her remarks, the MLA for Kewatinook, when she stood up and talked at second reading on this bill, made a number of important points which are very relevant to how we consider this bill and how we need to move forward. She has covered in her remarks a variety of areas which are very relevant and need to be considered. I stand here today talking on behalf of the Liberal Party to make sure that our views are known and include as part of our views the words that have already been expressed by the MLA for Kewatinook.

I believe that the committee presentations also highlighted in a number of them the lack of the ability of the current government to work with, co-operate and partner with and allow the empowerment of and the leadership of the First Nations and Metis community, the Inuit community, to flourish and that we are able to build in Manitoba a society which has far fewer children in care, a society which families are much, much better supported, particularly those families which don't have as many resources within the family.

But certainly there is a lot that needs to be done. One of the things that I will mention—I believe it was Kevin Campbell who visited not long ago in Opaskwayak Cree Nation and talked with people in the child-welfare system there. And one of the things that Kevin has been at the forefront of is helping to find family members who can be involved and can be part of the raising of children. And this approach, Family Finding, I think is a very important part of what needs to be happening as we move forward. Traditionally, some child-welfare agencies have said, oh, it takes too long to find family members who can be involved and can be helpful as part of the larger family in raising the children. And what he was able to show and demonstrate, as he has in many other communities, in other jurisdictions, is that it doesn't take a huge effort or take a lot of time to be able to find other family members if you go about this systematically. And when I talked with him, he had made the point that within half an hour, an hour or at most two hours, in each case, in families for children

where it has been hard to find families, they were able to find not just one, not just two but 20 or 30 or 40 extended family members who would be there and ready to be involved.

So there are aspects here of supporting families, finding families, which we need to be able to make sure that we are doing as a society much better than we are at the moment, and we need to be helping those in the First Nations community to be empowered to be successful. We need to be helping and working throughout our society to address the issues that were raised in the Truth and Reconciliation Commission, many of which dealt with child welfare and which we have only started in Manitoba to really address.

This is one step along that journey. We hope that it will be a positive step. We will be watching very closely and making sure that there is ongoing discussion and feedback to the minister and to others in government so that if there needs to be changes in addition, which, I'm sure, there will be, these can be proceeded with and we can move on to a situation which is far better than what we have had in recent years.

Thank you, Mr. Speaker, miigwech.

Mr. Fletcher: This is obviously an important piece of legislation. It affects the most valued members of our society, our children, and, in many cases, the most vulnerable of children. That's why it's important that we are confident about what is being proposed today. My confidence has been questioned simply because the federal government introduced legislation just a few days ago to amend the Divorce Act and the federal child support guidelines. I don't think the Province could have anticipated that this announcement would have been made two days before the vote.

So the concern is, does this legislation parallel what the federal legislation says? I hear some people saying yes. But I bet dollars to doughnuts that nobody has read either piece of the legislation and made that comparison. There just hasn't been time. It's no one's fault; no one's to blame; it's just timing. And why is this important? It's important because there needs to be consistency, at least in the thrust of the legislation federally and provincially. Interesting factoid about Canada, and that is divorce, i.e., married people getting a divorce, fall under federal statutes. People who are unmarried or separated and have not been married can fall into provincial statutes. So, the federal government, and I think,

probably, in the interests of updating the law—like, I don't think anyone has ill intent—updated and made suggestions to the legislation just two days ago—two days ago. This legislation here has been on the books for months.

* (16:20)

The federal legislation is different than the provincial legislation on key factors. I will name four. The—first of all, the federal law hasn't been updated in 20 years, so long overdue. But the proposed legislation, federally, is designed to meet four key objectives: promote the best interests of the child, address family violence, to help reduce child poverty, make Canada's justice system more accessible and efficient. And the emphasis is on the child: what is in the best interests of the child. And that is the governing principle. That is the top of the decision-making process.

So I was at the site. They look at a variety of criteria, and these factors include the situation, the child's physical, emotional and psychological safety and well-being, and this includes the nature and strength of the child's relationship with parents, grandparents and other important people in their life.

Madam Speaker in the Chair

It includes children's linguistic, cultural, spiritual heritage and upbringing, including indigenous heritage, and the children's views and preferences.

These reforms seem to recognize that each family's different and no size fits all. And, interestingly, and different from the legislation, the courts will be required to ensure a maximum amount of parenting time that is in the best interests of the child. And that would be tailored per child. That doesn't seem consistent with what the provincial legislation has proposed, but maybe it is. But we need time to think about it and discuss it and get assurances from the minister or the federal minister, whatever. But doesn't have to be done immediately. But these are questions that any responsible legislative body would ask. And, again, this is a unexpected, and, sure, development on this very important issue.

The definition under the Divorce Act would include issues of parenting or child relocation following a divorce. There would have to be notice of a move and information provided about a potential move. Court would be able to modify in the best interests of the child. The Divorce Act, at present, does not deal with family violence. Obviously,

family violence has a major impact on the child's well-being. The claim by the federal government is the new divorce act would fill that gap for things such as violence, threatening, coercive or controlling behaviour, causing a family member to fear for their safety, or directly or indirectly exposing child—children to such conduct. This would go to the courts.

Another important factor which I don't see in the bill is reducing poverty. Federal bill includes that, says—it's publicly available, but I'll quote it: after a divorce or separation, spouses and their children are at much greater risk of living in poverty if they do not get the financial support that they are owed.

So the new federal legislation includes tools to establish and enforce child support, and even go as far as allowing an enforcement program through the Family Orders and Agreements Enforcement Assistance Act, that would make it possible to find out what the actual earnings of any one person, one parent, would be.

Now, the other observation, and it's so true, and that is, going to court costs big bucks. So this bill is—federally—is designed to minimize that. The other part of this bill is that—I'm going to contrast this with the current bill—is the streamlining of administrative activities.

Some are left to the courts, but there are ways to have automatic re-calculations for child support, so, obviously, it changes. You can do a provincial re-calculation of services; re-calculate the child support at any time instead of the current fixed schedule.

The process of support for parties living in different provinces would be streamlined. Family law professionals would be required to encourage other ways of litigation to resolve disputes, other than paying lawyers. And some of the amendments just make the law clearer.

It's interesting to note that Canada cannot ratify and become a part to the conventions of the '96 Hague Convention on the Protection of Children or the 2007 Hague Child Support Convention. Canada can't sign these conventions until changes are made in the federal legislation.

* (16:30)

The conventions provide easier methods to resolve family law issues or when there are disputes between different countries or jurisdictions. Now,

why is this important? It's important because the provincial legislation does not speak about any of those items. So you're going to have kids who are—who have divorced parents going down a track defined by the federal government, and then you have children as a result of unmarried or separated parents who will be going down another track. A double—a two-tier system. And it's—again, not two-tiered out of intent, but it seems out of the oddities of timing it in the political Canadian culture.

But to move forth and ignore what the federal government has introduced to deal with many of the issues that Bill 18 is designed to deal with, without taking a moment to collaborate or even synchronize the definitions of what 'constodial' care is—what does that actually mean? There—it—in this case, the federal legislation seems to be silent on that, and it's well defined in the provincial legislation. But what if there are issues cross boundary? I have many indigenous acquaintances and friends who are from northwestern Ontario and their partner is in Manitoba. How do we deal with that? It's not clear.

That's why the national legislation is so important. It often deals with where the child has the strongest connection, and those—the laws of those jurisdictions would apply. But the whole system is about to change. The legislation may be contradictory to the federal legislation. So why would we introduce legislation such as this?

Now, I'll note that federally it is the Minister of Justice that has brought forward the legislation. That's probably the appropriate venue or minister in Manitoba to bring this forward because it's a statutory framework to deal with the difficult situation that many—too many—children find themselves in. And it would be up to the ministers of families to ensure that the mechanisms are carried through. Certainly, that's the way they did in Ottawa. But the problem when there's an inconsistency of this type through interprovincial 'relations' is the Justice people federally are in contact with the Justice people provincially, and intergovernmental minister—which, in our case, is the Premier (Mr. Pallister)—they are supposed to synchronize. But the Justice—federal Justice Department would not probably contemplate synchronizing or even informing the minister responsible for housing on these types of issues because we're talking about criminal justice and family law.

Madam Speaker, what is one to do? Are we all going to stand up and vote for a piece of legislation

that hasn't been cross-referenced with the federal legislation that's just been introduced on the very same issues? Are we going to have a two-tier, maybe three- or four-tier model because we were in a hurry to pass this bill on a Wednesday evening? It would seem very appropriate to even wait a day—just a day—to get the answers to some of these questions. That's the responsible action.

These changes that we're talking about happen once in a generation. It's important we get it right. It's important that we are satisfied there is connection between the provincial legislation and the federal legislation. This is—you know, without the due diligence and the cross-reference, all the good intentions in the world can end up making a terrible, horrific situation worse. For the sake of a day.

Madam Speaker, the intentions of the bill, Bill 18, are laudable. They have a declaration of principles. But they're not the same as what the federal government is suggesting. Words matter. Definitions matter. And we have two pieces of legislation that cross over. One is federal; one is provincial. And, quite frankly, the federal legislation always trumps the provincial legislation. So why not just get it right provincially?

There are also terms that are not found in the federal legislations that are found in Bill 18, like customary care, customary-care agreement, customary-care home, customary-care caregiver. And even the definition of indigenous may not be consistent, or the definition of Metis. I think we need to check. Madam Speaker, the—words matter.

The federal bill proposes more child-friendly language, which means replacing terms like custody with access. Terms that have fostered conflict between parents. They take parenting orders and parenting time instead of shared custody. Shared custody is a legal speak for divorce, and that kind of terminology isn't helpful to the child, so says the federal Justice minister, presumably based on consultation.

* (16:40)

Now, if you look at the provincial legislation, the word custody, or custodial, synonyms to those now-taboo terms are throughout this legislation—almost every paragraph. We hear from the federal government that these types of terms are harmful for children.

Why would we continue with these terms in new legislation when the federal government has already said they're harmful for children?

Many people in this place have been blessed with children, and I think that's the most important. Parenting, being a parent, is the most important role that any human being can have, be it through family or adoption or just through action. But what is clear is that terms that utilize custody words rather than access, shared custody rather than parenting orders or parenting time, seem appropriate. So why not make the vocabulary changes at a minimum?

Customary-care agreement—8.28(2)—customary care—8.28, all the way through the whole bill deals with that term, which may be, in practice, a good term but certainly not as a—at a minimum, politically correct, but also, according to the federal government, causes conflict between couples and is detrimental to children.

The federal government definitely is correct when it says children must be placed first in any legislation—the interests of the child. The child must be physically, emotionally, psychologically safe. The well-being of the kids are important. The relationship with the parents and other family members, as well as cultural and spiritual heritage, and—including indigenous heritage. But it's what's in the best interests of the child. It doesn't say that one type of background is better than the other. It says that the child's interests must come first.

And that's the final problem with Bill 18. It may appear that due to its framework and definitions that other issues are being brought forward other than the best interests of the child. So, until we have clarification on the differences between the federal and provincial legislation and so on, Madam Speaker, I will be abstaining from the vote on this piece of legislation, and I hope people will consider my comments.

Thank you, Madam Speaker.

Madam Speaker: Is there any further debate on this bill?

Is the House ready for the question?

Some Honourable Members: Question.

Madam Speaker: The question before the House is concurrence and third reading of Bill 18, The Child and Family Services Amendment Act (Taking Care of Our Children).

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

I declare the motion carried.

Bill 5—The Public Interest Disclosure (Whistleblower Protection) Amendment Act

Madam Speaker: We will now move on to concurrence and third reading of Bill 5, The Public Interest Disclosure (Whistleblower Protection) Amendment Act.

Hon. Cliff Cullen (Minister of Crown Services): I move, seconded by the Minister of Families (Mr. Fielding), that Bill 5, The Public Interest Disclosure (Whistleblower Protection) Amendment Act, reported from the Standing Committee on Human Resources, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Cullen: I'm pleased to present amendments to The Public Interest Disclosure (Whistleblower Protection) Act, PIDA for short. PIDA facilitates the disclosure and investigation of significant and serious wrongdoing in or relating to most public bodies and protects persons who make disclosures from reprisal. Manitoba was the first province to introduce stand-alone whistle-blower protection legislation. It continues to be cited as a model for other jurisdictions.

The amendments under consideration is based on recommendations of the Auditor General, the Ombudsman and independent review. Bill 5 also contributes to our commitment to an open government. I am pleased to advise that Bill 5 will extend the protections under PIDA to include school divisions and school districts and their employees. This aligns with whistle-blower legislation in Alberta, New Brunswick, Nova Scotia and Newfoundland and Labrador. The government, by regulation, may identify new municipalities, including the city of Winnipeg and local government districts to be covered by the act. Manitoba will be the first jurisdiction to expand the scope of whistle-blower legislation to include municipalities and local government districts.

Under the current legislation, the only avenue for whistle-blowers to address acts of reprisal is by filling—filing a written complaint with the Manitoba Labour Board. Bill 5 authorizes the Ombudsman to receive and investigate reprisal complaints and to make recommendations to address acts or threats of

reprisal. The amendments require that any complaints regarding reprisal be filed with the Ombudsman. This is a positive change for whistle-blowers that will expedite the process by which reprisal complaints are addressed. This change is consistent with Saskatchewan and Alberta.

* (16:50)

It is important to note that the Labour Board still has a role to play. The employee or former employee may file a further complaint about the alleged reprisal with the Labour Board if he or she is not satisfied with the outcome of the Ombudsman's process. The Labour Board must treat further complaints as new and not a review of the investigation decision or recommendation of the Ombudsman or the Auditor General. The Labour Board has the power to issue an order under The Labour Relations Act.

Bill 5 further strengthens protection for whistle-blowers by prohibiting the disclosure of the whistle-blower's identity in a civil court proceeding or a proceeding of an administrative tribunal. The bill also specifies an investigator must take steps to protect the identity and procedural rights of all people involved in an investigation, including the whistle-blower, a witness and a person alleged to have committed a wrongdoing.

Bill 5 also introduces amendments which clarify and strengthen the roles and investigatory powers of designated officers of the Ombudsman. Amendments empower a designated officer to compel an employee to produce documents and be interviewed for the purpose of an investigation. A designated officer is a senior official within a public body that handles disclosures. Amendments simplify that a designated officer may consult with the Ombudsman, the chief executive of the public body, or any other persons as necessary for the conduct of an investigation.

Bill 5 specifies the circumstances in which a designated officer or the Ombudsman may decide not to investigate a disclosure. It allows the designated officer or Ombudsman to determine the manner in which the whistle-blower is to be informed of the results of the investigation.

Bill 5 also contains an amendment that will authorize the Ombudsman to request, review, and provide recommendations regarding the disclosure procedures of a public body.

Finally, Bill 5 requires information about PIDA to be communicated to employees on an annual

basis, and the minister responsible for the act will be required to review the legislation every five years.

In conclusion, Bill 5 will foster an open and accountable government by strengthening Manitoba's whistle-blower legislation.

Thank you very much, Madam Speaker.

Mr. Matt Wiebe (Concordia): Thank you very much to my colleagues for that warm introduction.

I was very pleased to hear the minister once again put on the record that it was this province and, in fact, the—an NDP government that was the first in Canada to have a stand-alone whistle-blower legislation that was brought before this House and passed, and it was this strong legislation that is really—has been a leader in this country and, I think, is the basis for the work that's being done here.

We understand, certainly, as a caucus that changes need to be made to protect whistle-blowers and victims of improper workplace behaviour. We know too often that whistle-blowers fear that doing the right thing will lead to a hostile workplace or worse, Madam Speaker, to hampered career opportunities.

We need to have legislation that supports and protects victims, and this is especially true in this era of #MeToo where this movement has heightened the awareness of individuals and workplaces around the world to listen to individuals who have been affected by harassment. And, you know, I'm very proud that our caucus has taken those issues head on, has addressed those head on and certainly understands the need for enhanced legislation to protect those individuals who come forward with issues of sexual abuse or mistreatment. And we certainly appreciate that work continuing.

If we want to create those healthier, more accountable work environments, we feel that employees need to be able to raise those legitimate concerns in—without any fear of reproach or negative repercussions, and we note that workplace—improper workplace conduct is just unacceptable in today's day and age, as it always has been, but certainly as we are more heightened towards these issues.

You know, Madam Speaker, we are disappointed, I will put on the record once again, that the Premier (Mr. Pallister) chose not to go further to protect municipal government workers or those who work for local government districts. We know this is something that municipalities have been asking for.

We know that the mayor and the City of Winnipeg, several councillors and administrative staff, have been very clear this is something that they wish to have more protection around, and this would be something that we would feel very strongly would enhance this bill. You know, he had that opportunity, the Premier (Mr. Pallister) did, to expand the act to cover those municipalities, but he ignored this opportunity, and that is unfortunate, Madam Speaker.

But we do appreciate any opportunity to enhance transparency, to enhance accountability—something that we feel this government has fallen short on in so many ways. But this is one step that can be taken to enhance protection. As I said, that was first in Canada, introduced here in Manitoba, as a stand-alone piece of legislation under an NDP government. We certainly always appreciate protecting whistle-blowers at every opportunity.

Thank you, Madam Speaker.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, I want to make a few comments. The support—the inclusion, as this bill does, of school 'districts' and school divisions and their employees and—feel that there needs, with municipalities, to be some assurance that things will move forward so that municipalities are all covered. This may, in the rules here, leave some concern that only some municipalities will come in on this bill and others will not, and probably the difficulty will be that those, where there's most problems, will be the ones which don't come—decide not to come into the legislation. So I have some concerns in that respect.

I also have a couple of concerns in an era where governments of all sorts are doing some contracting out—*[interjection]*

Madam Speaker: Order, please.

Mr. Gerrard: —or subcontracting, that it seems to me that it would be logical to include in some fashion the employees of the contractors and subcontractors, because they may have important information to come forward which deals with the project that the government is working on and with

the function of the government and the supervision of the government of that project or Crown corporation or supervision by a school board, that this is an area which I believe could—would be worthwhile looking at and, in fact, providing some coverage to the employees of contractors or subcontractors so that they can, where they have information, provide information which can be helpful.

The second area which I believe needs some attention is that this protects against reprisals, but it doesn't speak at all to a circumstance where an employee is given money not to speak up or is essentially bribed. That may be covered in other ways, under laws, but I think it would be important to make sure that that circumstance is covered so that whistle-blowers are not being—you know, I don't know whether you call—giving a bribe, it's not really a threat, in a sense, but it is a problem, and one that we need to make sure, you know, is not happening and that there should be some protection, as we've seen in recent times where there have been issues which could be brought forward, but people are being given incentives not to bring them forward. And I don't think that's a good idea that we're not dealing with that.

So, with those comments, I think we still have some way to go. But this we'll accept, and support, as a step forward.

Hon. Steven Fletcher (Assiniboia): I appreciate the opportunity to speak to this bill.

Madam Speaker, it's important that we have different types of checks and balances throughout government, including the public service. And the previous comments are quite correct. If someone is observing—

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have 29 minutes remaining.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 23, 2018

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are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>