

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

Official Report
(Hansard)

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The Honourable Daryl Reid
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon	Kirkfield Park	NDP
BRAUN, Erna	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
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EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
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WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 31, 2012

The House met at 1:30 p.m.

Mr. Speaker: Good afternoon, everyone. Please be seated.

ROUTINE PROCEEDINGS

PETITIONS

Mr. Speaker: Petitions? Oh, sorry, the honourable member for Brandon East. I didn't see you in the clothes.

Mr. Drew Caldwell (Brandon East): I'm surprised you didn't see me, Mr. Speaker. It's a nice summer afternoon.

Brandon YMCA Incorporation Act Amendment

Mr. Caldwell: Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

There are reasons for this petition:

The Young Men's Christian Association of Brandon is a charitable organization and is incorporated as a special act corporation. The organization was incorporated in 1905. The original act of incorporation limited the organization from holding real estate to a value greater than \$100,000 and from borrowing funds in excess of \$75,000.

The young men—the Young Men's Christian Association of Brandon is currently constructing a new building in Brandon. In order to complete the construction, the organization will be borrowing money in excess of \$75,000 and the building will be of an value in excess of \$100,000. The board of directors has passed a resolution to amend the act of incorporation to remove the limitations related to the value of real estate it can hold as well as the amount of money it can borrow.

By resolution, the board of directors of the Young Men's Christian Association of Manitoba has resolved to amend paragraphs 2 and 3 of The Young Men's Christian Association of Brandon Incorporation Act.

We petition the Legislative Assembly of Manitoba as follows:

That paragraph 2 of The Young Men's Christian Association of Brandon Incorporation Act be deleted and replaced with the following:

Corporate powers with respect to real estate: The corporation shall have a common seal, with power to alter or change the said seal bylaw to that effect, and shall be able and capable to purchase, acquire or hold, possess and exchange and to have, take and receive, by gift or devise, to it and its successors, to and for the actual use of or occupation of the said corporation, any real and personal estate; and the same to sell, alienate, lease, exchange and otherwise dispose of whensoever the said corporation may deem it expedient to do so.

That paragraph 3 of The Young Men's Christian Association of Brandon Incorporation Act be deleted and replaced with the following:

Borrowing powers: The corporation may from time to time borrow money for such purposes and upon such terms as it shall think proper and expedient and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments for securing the repayment of any money borrowed, under the seal of the corporation, which shall operate as a mortgage and charge against the real and personal estate, or both, of the corporation; and, subject to the said limitation, may borrow money upon the promissory note or notes or evidences of debt of the corporation from any person or corporations.

Signed in Brandon by B.J. Filyk, T.B. Sholdice and T. Porlow. Thank you, Mr. Speaker.

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

**Personal Care Homes and Long-Term
Care—Steinbach**

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

And these are the reasons for this petition.

The city of Steinbach is one of the fastest growing communities in Manitoba and one of the largest cities in the province.

This growth has resulted in pressure on a number of important services, including personal care homes and long-term care space in the city.

Many long-time residents of the city of Steinbach have been forced to live out their final years outside of Steinbach because of the shortage of personal care homes and long-term care facilities.

Individuals who have lived in, worked in, and contributed to the city of Steinbach their entire lives should not be forced to spend their final years in a place far from friends and family.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health ensure additional personal care homes and long-term care spaces are made available in the city of Steinbach on a priority basis.

Mr. Speaker, this is signed by D. Thiessen, E. Unger Thiessen, M. Blatz and thousands of other Manitobans.

Mr. Speaker: Committee reports. Seeing no committee reports—

TABLING OF REPORTS

Hon. Stan Struthers (Minister of Finance): I rise today to table the Supplementary Information for Legislative Review 2012-2013 Revenue Estimates.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us this afternoon M. François Ouimet, MNA, Québec second vice-president; and M. Richard Daignault, the interparliamentary and international relations of the Québec National Assembly.

On behalf of honourable members, we welcome you here today.

And also, I believe, in the public gallery we will have with us today Trudy Gaudry, Hilde Ilmer and Marlene Mori, who are the guests of the honourable Minister of Health (Ms. Oswald), the honourable Minister of Education (Ms. Allan) and the honourable Minister of Advanced Education and Literacy (Ms. Selby).

And also, I believe, here with us today we have members from the Manitoba Child Care Association, who are the guests of the honourable member for St. James (Ms. Crothers).

On behalf of honourable members, we welcome you here today.

And also in the gallery we have guests Mr. Brent Goldhawk, CFIB intern; Ben Kolisnyk, policy analyst, prairie region; and Janine Carmichael, Manitoba director. They are the guests of the honourable member for Kirkfield Park (Ms. Blady).

And also, I believe, in the gallery we have, or will have with us, from the Friendship Force of Winnipeg 35 visitors under the direction of Nancy Clendenan. And this group is located in the constituency of the honourable member for St. Norbert (Mr. Gaudreau).

On behalf of honourable members, we welcome all of you here this afternoon.

ORAL QUESTIONS

Flooding

Government Record on Compensation Claims

Mr. Hugh McFadyen (Leader of the Official Opposition): It was just under a year ago that the Premier went on province-wide television to assure Manitobans who were being impacted by the devastating flood that they would—his government would provide full and speedy compensation and action to restore people back to their place where they were prior to the flooding.

Mr. Speaker, that was the pre-election Premier. The post-election Premier has dragged his feet and left many hundreds and thousands of Manitobans without compensation and with packages that have been described in this morning's media as programs with, quote, unfair restrictions and needless delays.

I want to ask the Premier: Why such a contrast between the pre-election Premier and the Premier of today?

Hon. Greg Selinger (Premier): I did want to note that we have former MLA Rosann Wowchuk in the gallery as well, so you might want to recognize her.

And since the very inception of this natural disaster in Manitoba, Mr. Speaker, the worst flood we've seen in our lifetime, certainly, in this province, we have spent \$650 million on compensation programs on an event that will go over a billion dollars by the time it's finished. So we have steadily and consistently provided compensation to people all across the province, and we have done it, in many cases, with 100 per cent programs.

And I just wanted to put on the record today some of the things that the Province is doing which are not being cost shared with any other level of

government: the flood assistance for cottages, 100 per cent provincial commitment, not shared by any other level of government; the Lake Dauphin Emergency Flood Protection Program, 100 per cent provided by the Province of Manitoba, not supported by any level—other level of government; the Lake Manitoba pasture flooding assistance program, again, 100 per cent supported by the Province of Manitoba and not entered into by any other level of government; the Greenfeed Assistance Program, 100 per cent Province of Manitoba, not supported by—

Mr. Speaker: Order, please.

Mr. McFadyen: And the Premier has gone from a pre-election mode of direct promises to the people of Manitoba. He said, we're all in this together, and yet here we are 12 months later and what he's doing instead is playing the blame game, trying to blame other levels of government for his failure to deliver compensation that was promised to the people of Manitoba.

I want to ask the Premier. He said before the election, we're all in this together, and yet here we are 12 months later, hundreds of Manitobans still frustrated and let down by a government that has failed to deliver on their pre-election commitments. At the same time, on October the 5th, the day after the election, they rushed to compensate former NDP MLAs.

Why the contrast, Mr. Speaker, between rewarding their friends and leaving other Manitobans out in the cold?

* (13:40)

Mr. Selinger: Mr. Speaker, both—before the flood, we started work on it when the member said it was an expense that was not necessary. During the flood, we made unprecedented investments in prevention and mitigation programs and developed new programs to respond to people. And after the flood, and after the election, we have continuously made modifications as necessary to move resources to people that need it. And there are many people, we acknowledge, that have suffered, and not all of them are back home.

We have done things like build the channel on an emergency basis—unprecedented investment in an emergency channel—for which we have not yet received recognition as an emergency public works in this province.

And I will say again, Mr. Speaker, in addition to the programs that I've mentioned in my first question, which are 100 per cent funded by the Province, there is the 2011 spring blizzard livestock mortalities program, 100 per cent provided for by the Province of Manitoba. There's also the Shoal lakes agriculture flooding assistance program. And I have others which I'll explain.

Yes, we're in it all together, but when it comes to special programs to meet the unique needs of Manitoba, this government's in a hundred per cent.

Mr. McFadyen: We know that this government is good at photo ops and news releases, Mr. Speaker, and the Premier's regurgitating photo ops and news releases.

Before the election, he was on television assuring Manitobans that they would get full and speedy compensation for their losses. Today, this morning, in the media, those people who were negatively impacted by the flooding are saying, and I quote: They're dealing with programs that contain unfair restrictions and needless delays.

Mr. Speaker, the contrast between what's happening on the ground for these Manitobans in need and the rhetoric of the Premier could not be more striking, and neither could the contrast between the way he treats former NDP MLAs who, on October the 5th, are handed \$200,000 a year for a budget at the same time as other Manitobans who have been flooded out are being handed nothing.

Why the contrast, Mr. Speaker? Will he acknowledge that after 12 years, he's more concerned with taking care of his friends than he is with following through on his commitments?

Mr. Selinger: Mr. Speaker, we consider all the people affected by the flood as our friends, unlike the members opposite. And the difference is this: When we say we're going to do something, we actually put the resources—

Some Honourable Members: Oh, oh.

Mr. Selinger: —we put the resources—I know it's hard; it's a bitter pill for them to swallow, Mr. Speaker, because they did not support these programs in the budget. They did not support it with any positive votes.

But we put 100 per cent programs in place. We wished for participation by other levels of government, but we did not wait for their

participation. We went ahead and implemented these programs.

We built the channel. We brought the lake down three feet lower than it would otherwise be at this time of the year without the channel that would have been built.

We put in place a number of programs that we have paid 100 per cent for, including the excess moisture stimulus program, 100 per cent covered by the Province of Manitoba and the taxpayers of Manitoba; the Dauphin River flood assistance program for fishers, 100 per cent paid for by the Province of Manitoba.

We have actually followed through. If we're all in this together, I would like to see the members opposite—

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

Bill 217 Government Support

Mr. Ralph Eichler (Lakeside): It's been one year since the devastating flooding hit Lake Manitoba. Hundreds of people around are still feeling the effects of this man-made flooding. These people deserve fair treatment, and there should be a mechanism to help victims of artificial flooding.

In 2004, this government brought forward the Red River flood act to compensate Manitobans for artificial flooding when the Red River exceeds its natural level due to operation of the floodway.

In 2008, they brought legislation forward to compensate Manitobans who suffered damage, economic loss caused by the operation of the Shellmouth Dam and other water control works.

Mr. Speaker, I ask the Premier: Will similar consideration be given to victims around Lake Manitoba who were impacted by the Portage Diversion?

Hon. Steve Ashton (Minister responsible for Emergency Measures): Well, Mr. Speaker, I want to remind the member, and I'm sure he knows this, that we are still in a flood situation in many areas of the province. And to put it in perspective, we've got 141 out of 197 municipalities that were impacted by flooding—last year, this year—and many of them, and including in and around Lake Manitoba and Lake St. Martin and including the First Nations, are still in flood stage.

So we're continuing to deal with a real situation right now of flood where there's 2,400 Manitobans evacuated. We've also put in place two arm's-length task forces, one of which will look at the regulation of Lake Manitoba and Lake St. Martin; the second will look at issues related to flood mitigation, and it will look at the long-term issues.

But I want to stress, we're working on the flood as we speak. There are many Manitobans still flood-impacted. We're also working on the recovery, Mr. Speaker, and our goal is going to continue to be to work 24-7. We put in \$650 million worth of assistance. We're going to work to get Manitobans back—

Mr. Speaker: Order, please. Order.

Mr. Eichler: Again, Mr. Speaker, it's been one year since the devastating flood hit Lake Manitoba. The NDP government made flood management decisions that negatively affected people in communities around Lake Manitoba for years to come. These flood victims want assurances their government isn't going to make beggars out of them as a result of decisions which they had no choice or control on. They simply want fair compensation for their sacrifices.

I have drafted legislation similar to the Red River and Shellmouth compensation legislation that will deal with those impacted by this man-made flood of 2011.

Mr. Speaker, I ask the Premier again: Will this government stand up and be supportive of this legislation and finally give families clear direction when it comes to compensation?

Mr. Ashton: Well, Mr. Speaker, I want to remind the member that last year and this year we're dealing with the direct impacts in terms of the flood.

That's why we targeted last year the opening of an emergency outlet from Lake St. Martin, and I want to remind the member that we targeted November 1st and we opened it November 1st, on time and under budget. That made a significant difference, a significant reduction in the level of both Lake St. Martin and Lake Manitoba.

I want to remind the member as well that we put in place, as the Premier indicated, numerous stand-alone provincial programs. And I want to put on the record, by the way, that apart from the disaster financial assistance coverage and some of the agricultural coverage, much of the coverage in

around Lake Manitoba and around Lake St. Martin is 100 per cent provincial money.

So we're there in terms of the recovery, and I know that the member may want to talk about legislation. Our focus still continues to be—

Mr. Speaker: Order. Order, please.

Mr. Eichler: Mr. Speaker, what we're hearing clearly from the people affected by the flood of 2011 around Lake Manitoba, the plans are simply not working. They want a clear indication from this government. Each and every time somebody's impacted, they want to make sure they don't have to come and beg this government and have hollow promises time after time, forms that need to be filled out, delays that are put in place, simply are not working. We need legislation; we need clear legislation.

I call on this government to do the right thing. Let's support this legislation. Let's work together for once on this flood and get it done once and for all.

Mr. Ashton: Mr. Speaker, I would welcome the members opposite working together with us, with the municipalities, because there's been a—you know, last year, for a period of time during the flood, we saw that from members opposite, but I can tell you, over the last period of time, we've seen—and they can criticize members of the government—but I've seen a particular trend, and I want to put on the record some of the criticism of our staff and some of the people out on the front lines who have been there 24-7 going back a full year yet.

So when it comes to the talking the talk in terms of working together, we're actually walking the walk, and we're showing it by \$650 million worth of compensation, and we're not going to stop until we get everybody back to normal around Lake Manitoba and Lake St. Martin.

Flooding (Lake Manitoba) Financial Compensation for Cattle Industry

Mr. Stuart Briese (Agassiz): Mr. Speaker, ranchers in the Lake Manitoba inundation zone who lost their hay and pasture land were told by the former Minister of Agriculture that recovery programs would be multi-year programs. He said his government accepted responsibility for what is done on Lake Manitoba.

Mr. Speaker, will the former minister of Agriculture, now the Minister of Finance, admit today that he inadvertently misled those ranchers?

Will he commit to continuing the needed recovery programs?

Hon. Steve Ashton (Minister responsible for Emergency Measures): Well, Mr. Speaker, I want to remind the member opposite, and I know he probably knows this, and maybe not something that's in the draft of his question, but we're still dealing with flood situations in and around Lake Manitoba and Lake St. Martin. We've had significant reductions in the level of the lake, and we are anticipating it will be back within the regulatory range sometime later in this year. But there are still impacted areas, and I want to stress that we're dealing with the reality of a flood that has extended from 2011 to 2012.

And we have put in unprecedented assistance, including on the agriculture side and including assistance, again, that's 100 per cent provincial funded. And that's not an attack on the federal government; it's a statement of the fact. And I think the people of Manitoba, not the government, the people of Manitoba should get some credit for the kind of assistance we're putting in place, including for our agriculture communities.

We were there in 2011, we're there again in 2012, and that's—

Mr. Speaker: Order, please. Order.

Mr. Briese: Mr. Speaker, those Lake Manitoba ranchers were forced to locate pasture many miles from home to rent for the 2011 season. They were forced to transport their cattle to those pastures. They were forced to purchase the feed to replace what normally they would've grown themselves and transport it to wintering areas. They were forced to set up wintering—temporary wintering facilities.

* (13:50)

The former Agriculture minister said everyone would be treated fairly and swiftly. The ranchers were told their costs from the intentional flooding by this NDP government would be covered, and they believed what they were told.

Mr. Speaker, why has this government now refused to keep their promises to those Lake Manitoba ranchers?

Hon. Greg Selinger (Premier): Mr. Speaker, I just want to emphasize the programs we put in place to exactly address some of the concerns the member has raised: the Greenfeed Assistance Program, 100 per cent paid by the provincial government—we

would've liked to see participation in that, but we covered 100 per cent of it; the 2011 spring blizzard livestock mortalities program, 100 per cent paid by the Province of Manitoba, the taxpayers of Manitoba—we would've liked to have seen participation in that. We did not; the Shoal Lakes Agricultural Flooding Assistance Program, again, 100 per cent paid by the Province of Manitoba; and the excess moisture stimulus programs.

These are all resources we put in place to address the very specific needs of people impacted by this unprecedented flooding event. The people of Manitoba, through the government of Manitoba, have been there for the folks in the Interlake affected by this unprecedented flood.

Mr. Briese: Mr. Speaker, I'd just remind the First Minister that I don't live in the Interlake; I'm on the west side of the lake.

Mr. Speaker, the minister responsible for EMO stated that the Lake Manitoba flood goes on, and I concur. The Lake Manitoba ranchers are faced with many of the same flood issues of 2012 as they faced in 2011. The minister can rant and rave. He can shout and wave his finger. He can blow about the numbers of claims and the payouts, but his government's promises about swift help and fair treatment to flood victims aren't being met.

The NDP government made decisions to flood Lake Manitoba. They said the programs would be multi-year. They promised they would cover the extra costs going forward, and now they refuse to keep their word.

The question is simple: Why won't this NDP government keep their promises? Why are the Lake Manitoba flood victims being punished by this government?

Mr. Selinger: Mr. Speaker, I thank the member for once again giving me an opportunity to clarify the programs we put in place with 100 per cent provincial dollars paid for by the taxpayers, paid for by the citizens of Manitoba.

The Lake Manitoba pasture flooding assistance program was available to people around Lake Manitoba. The Greenfeed Assistance Program was available to the people around Lake Manitoba, and the Lake Dauphin Emergency Flood Protection Program was also available. The member knows that these programs were made available. The member knows they were 100 per cent paid for by the Province of Manitoba.

No other level of government offered anything comparable in terms of assistance. The member knows that. I state it again for the record.

Flooding (Lake Manitoba) Cleanup and Restoration Timeline

Mr. Ian Wishart (Portage la Prairie): Mr. Speaker, one year ago today a major windstorm hit Lake Manitoba. The lake was swollen by flood waters from many sources, including the Portage Diversion. Water was driven many kilometres inland, further even than the 1950 flood levels on the lake. The two-metre high waves destroyed homes and cottages, seeded crops were lost, farmyards were inundated and livestock had to flee to higher ground.

A year later, cleanup has barely begun. Farmers are removing debris, wondering how to replant. Debris needs to be removed so people can rebuild. Municipalities do what they can but wonder what to do about Crown-owned areas.

Mr. Speaker, when will this government finally outline a concrete cleanup plan and restoration plan? Flood victims and local governments deserve answers.

Hon. Steve Ashton (Minister responsible for Emergency Measures): I do appreciate the member reminding us all of the severity of what happened last year. And I want to stress again that we weren't alone in this in Manitoba. In Saskatchewan there was historic flooding; just ask the people of Estevan. In North Dakota there was historic flooding last year; just ask the people of Minot.

And last year we saw a situation where we had a month of May with 230 per cent of normal rainfall. Rivers like the Waterhen which are normally not much more than a stream significantly over historic levels, and we saw historic flooding. And I do want to put on the record, Mr. Speaker, that no one should ever underestimate the damage, the impact, that caused.

And I want to stress again, we're still fighting that flood. We're still not back to normal. But our goal, again, is to get back by working with people in and around the lakes—

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

Mr. Wishart: Mr. Speaker, concerns are repeatedly being raised about debris left behind by the man-made flood on Lake Manitoba.

The Association of Lake Manitoba Stakeholders wrote to the Premier about this on Monday. They cited the challenges created by thousands of downed trees and the materials from destroyed buildings that had been strewn around the lake and in the marshes. They noted the difficulties that individuals and municipalities are facing in trying to clean up this mess, then there is the grey sludge that makes some areas look more like a moonscape than the green and healthy environment it should be.

Mr. Speaker, I ask the minister again: When will we expect to see a concrete plan for the cleanup and restoration of Lake Manitoba?

Mr. Ashton: Well, Mr. Speaker, many municipalities have been cleaning up in around the lake; many are moving to that.

I would remind the member that one of the key issues when you're dealing with cleanup is, obviously, when you're at flood stage—and we saw very significant lake levels; they have been decreasing—that, again, you fight the flood first. The recovery comes when the flood is over, and it's still not over for many people, and including in and around the lake.

I do want to stress, as well, that cleanup costs are recoverable under disaster financial assistance. This is the one area we will get some recovery from the federal government with.

And I do want to put on the record that many of the municipalities around the affected areas of the 141 municipalities have made significant strides in terms of doing that. Others are moving in that direction now because they can actually get in to access that. There are some areas that are inaccessible to this point of time, so it will take somewhat longer, but this is a priority and cleanup is under way, Mr. Speaker.

Mr. Wishart: Mr. Speaker, part of Lake Manitoba is in my constituency. A year later, we continue to see the devastating impacts of this man-made flood. People want to rebuild their homes and cottages, they want to restore their farm and ranch land. They're also concerned about the environmental impact.

As the Association of Lake Manitoba Stakeholders has stated, the long-term environmental damage to these very sensitive and important ecosystems may last for generations. The damage to the Delta Marsh, which is an internationally designated heritage marsh, may be irreversible.

Mr. Speaker, I ask again: When can we expect a meaningful commitment from this government toward the cleanup and recovery process around Lake Manitoba?

Hon. Greg Selinger (Premier): Mr. Speaker, I know the member responsible for—the Minister responsible for Emergency Measures has answered this question on more than one occasion, including twice today.

We have kept in touch and wanted to know what was needed to be done in terms of cleaning up out there. And we were informed that municipalities will be contracting for the work to be done in their areas, as appropriate, and that these expenses will be DFA recoverable under the disaster financial assistance program. So we were informed that that was the best method to proceed and we're very supportive of that because municipalities have, from the very inception, been the front lines in both fighting, preventing and recovering from this flood. So we're supportive of that. We look forward to see if it gets DFA recovery and we know very well that there is going to be a lot of work to recover out there. And many people have put hundreds of volunteer hours into recovering out there.

And I can tell you again that the 100 per cent programs we've put in place, these programs will make a difference. We've funded them. We've acted on them. We put in place these programs while waiting for others to participate, and we have not to date seen any other participation.

Employment and Income Assistance Program Caseload Increase

Mr. Dennis Smook (La Verendrye): The members opposite look through the—look at the world through rose-coloured glasses. They refuse to acknowledge that the Province is headed in the wrong direction.

One area that we're backsliding in is that the number of people collecting social assistance in Manitoba is on the rise.

Mr. Speaker, is the minister satisfied that Manitoba Employment and Income Assistance caseload has grown by 9.2 per cent in the last three years?

Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade): Well, Mr. Speaker, it's really fascinating to hear the member suggest we're going in opposite direction when day after day we have the member from Steinbach talking about the

fastest growing community in Manitoba that needs more public investment in infrastructure, sitting in Estimates and hearing members from other parts of the province talk about their communities and how they're growing.

Now, when it comes to what we're doing with Employment and Income Assistance, Mr. Speaker, as a percentage of the population it is 5.1 per cent compared to when they were in office and it was 5.9 per cent as a percentage of the population. Yes, there are a few more cases, but as a percentage of the population, the fact that we've grown by 100,000 in ten years, it's all relative.

But we are also the government that's putting money into training to assist people looking at employment options—

Mr. Speaker: Order, please. Order.

* (14:00)

Mr. Smook: The minister can talk all he wants about his government's plan to get people off welfare and into work. That doesn't change the fact that his government continues to spend more every year on welfare on getting people into the workforce. *[interjection]* Yes.

Mr. Speaker: Is the minister going to argue with the fact that his government's budget for Employment and Income Assistance is up by 14.5 per cent, or more than \$26 million, in the last five years?

Mr. Bjornson: There's been a 31 cent drop since the Tory high in 1993-94. There's been general assistance caseload down of 46 per cent since 1999. There's been an increase of 48 per cent for caseloads for persons with disabilities since 1999, though, Mr. Speaker, but there's been a reduction of 1,130 individuals and families receiving income assistance benefits since 1999.

And what we're doing by combining EIA with Entrepreneurship, Training and Trade is looking at work expectations and providing meaningful training opportunities for individuals to get a leg-up and to get back into the workforce. And we also have one of the lowest unemployment rates in the country, Mr. Speaker.

So we are work—moving in the right direction. We're the only party that has stood up time and time again and said that we're investing more in training to provide more meaningful opportunities—

Mr. Speaker: Order.

Mr. Smook: Next door in Saskatchewan, the number of people collecting social assistance has been steadily shrinking since the recession. Here at home, the number of people collecting social assistance has been steadily increasing. What's wrong with this picture?

Mr. Speaker, can the minister explain his welfare-to-work initiatives aren't working and why the number of people on welfare keeps going up? It's certainly not a sign of a healthy economy.

Mr. Bjornson: Well, I tell you, Mr. Speaker, there are a lot of signs of a healthy economy here in Manitoba, and one of them is having among the lowest unemployment rates in the country; a lot of signs you've got a healthy economy when the population has grown by 100,000 over the last 10 years; there's a lot of signs of a healthy economy when we have over a 106,000 businesses now operating in Manitoba, many of them growing in rural areas as well.

So, Mr. Speaker, I'll put our record up any time against the record of members opposite, and I believe it was members opposite who—one of the big things that they did with social assistance was establishing a snitch line.

Provincial Sales Tax Government Support for Proposed Increase

Mrs. Heather Stefanson (Tuxedo): I know the—that members opposite are gearing up for a fun-filled adventure at the NDP convention coming up this weekend, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. We're wasting precious time in question period. Please allow the member for Tuxedo to pose her question.

Mrs. Stefanson: I'm sure the NDP are gearing up for a fun-filled adventure this weekend.

Mr. Speaker, we know that Manitoba families are concerned about some of the results that may come out of that convention, and we know that the Manitoba Federation of Labour is intending on bringing forward a resolution on the floor of that convention to deal with an increase in the PST, a 1 per cent increase in the PST.

And I'd like to ask the Minister of Finance today if it is his intention to support that resolution.

Hon. Stan Struthers (Minister of Finance): Mr. Speaker, there have been people that have hinted for an invite to our convention before, but never on the floor of the Legislature have I seen such a brazen attempt to crash our party. The member from Steinbach and anybody else from Steinbach is more than welcome to attend, I'm sure.

Mr. Speaker, this side of the House has been very clear in terms of our position, in terms of support for Manitoba's infrastructure. We were very clear last year when we said that we would set aside a 1 per cent equivalency, and we have done that. We have invested—and you can look up in the budget—\$589 million worth of support for infrastructure. We're always willing to work with the MFL or the AMM or other municipalities in terms of supporting infrastructure, because we do think it's worth investing in, unlike members opposite who would not make those kind of investments—

Mr. Speaker: Order, please.

Mrs. Stefanson: Mr. Speaker, I'm pretty sure that the member for Steinbach (Mr. Goertzen) will find many other things to do this weekend, and he's got a full agenda and, I'm sorry, it probably is not one of those things for him to be at the convention this weekend.

But, Mr. Speaker, this is a very simple question. It's about a resolution that's coming forward at the NDP AGM this weekend. It's going to be brought forward by the Manitoba Federation of Labour, and I think it's incumbent upon the Minister of Finance to answer that question today.

Is it his intention to support the Manitoba Federation of later—Labour and an increase, a 1 per cent increase, in the PST, or is it his intention to support Manitoba families who are dead set against that, Mr. Speaker?

Mr. Struthers: Well, I mean, having said that, Mr. Speaker, the member for Steinbach, if he did—if he would attend our convention, would learn that it's open. It's—there's media there. There's, you know, there's—we have election for positions in our party. And you know what else we have? We have associations across the province who bring forward real resolutions for real debate, and I look forward to participating in those debates. Not only would the member for Steinbach learn a little bit about infrastructure, he'd learn a little bit about democracy at one of our conventions.

And let's be clear, Mr. Speaker. This side of the House supports in infrastructure investments. This side of the House has done that for 12 years. We did it in Budget 2012—

Mr. Speaker: Order, please. Order. Minister's time's expired.

Mrs. Stefanson: Mr. Speaker, this is a real resolution that will be coming to the floor at the NDP convention this weekend.

Some Honourable Members: Oh, oh.

Mrs. Stefanson: That's right. That's right.

I'm not sure, Mr. Speaker, I'm not sure how much more simple I can make this question.

Is it the Minister of Finance's intention to support a resolution to increase the PST by 1 per cent, yes or no?

Mr. Struthers: And my answer, very clearly, Mr. Speaker, is that this government, through Budget 2012, has very clearly set aside a 1 per cent equivalent dedicated directly—dedicated to the infrastructure in this province, dedicated to rebuilding roads, dedicated to rebuilding bridges, dedicated to giving that kind of support to our provincial economy that we think is very important.

Mr. Speaker, that's the kind of support Manitobans can—know they can count on from this side of the House. That's our commitment. We're coming through with that.

Flooding

Government Record on Compensation Claims

Hon. Jon Gerrard (River Heights): Mr. Speaker, May the 31st, today, is the one-year anniversary of one of the largest single flood events in the history of our province for the thousands of Manitobans that the Premier sacrificed in the artificial flood last year. They trusted the Premier to fully compensate them and to reconstruct their communities. And now the Premier and his government no longer acknowledge the artificial nature of the flooding but deny it. And because of delays in provincial help, many are considering a class action suit because they feel so wronged by this NDP government.

I ask the Premier: Why is he reneging on these promises of timely, fair compensation to those he sacrificed in the artificial flood?

Hon. Greg Selinger (Premier): Mr. Speaker, we are actually increasing the number of appraisers and

people available to settle the claims. There is over 30,000 claims that have been made during this flood, which is three times more than the 1997 flood, which was the flood of record until this spring. So three times more claims, many more issues that have to be addressed.

*(14:10)

And we have dedicated more resources to addressing this flood than at any other time in history of this province in terms of the kinds of things that need to be done; \$650 million of support has flowed from this government. There has been a \$50-million recovery from the federal government up to now. We expect them to increase that shortly, but of the \$650 million put out there, \$600 million has come from the Province of Manitoba. And we have done a number, as I've said earlier, unique programs.

We will continue to work with people affected by that flood until they're safely back home. We will continue to ensure that the lake goes down as predicted when we built the additional channel, and that will provide long-term stability to the people on Lake Manitoba and Lake St. Martin.

Mr. Gerrard: Mr. Speaker, the hyperbole of this government in relation to the flood is sad. You know, almost every day, the government gets up to say the real problem is that there are 30,000 claims, as if the problem were too big to solve. First of all, when I asked in Estimates, the Manitoba Agricultural Services Corporation indicated that they estimate less than 2,000. You know, I suspect the real reason the minister says and the Premier says there's so many is because the government broke its promise to have one program and broke it up among several departments and among programs A, B, C, D, and on and on.

I ask the Premier—[interjection] And people have many claims.

I ask the Premier: When will the NDP government come clean and provide timely, fair compensation to those whose lives were so profoundly damaged by this artificial flood last year?

Mr. Selinger: The answer to his—the answer to the member's question is, every single day claims are being processed, and \$650 million of compensation has flowed in Manitoba up to now. And every single day there are more claims being processed.

And if anybody feels that their claim has not been adequately addressed by the payments they've

received, we've put in place an independent appeal commissioner in the person of Ron Bell, a person widely regarded for his experience in municipal government and a rural person, farmer. So we've put in place an independent person to deal with any concerns about the compensation that people have received, and we've put in place additional staff, including appraisers, to process claims as rapidly as possible.

Mr. Gerrard: Mr. Speaker, every day the government is processing claims which should have been sorted out last August, September, October, and they're still dealing with them because they failed to put in the resources initially. The anniversary date of May the 31st could have been very, very different if the Premier had handled the flood aftermath differently.

The Premier and his government promised a single program for all, but 'stead provided a confusing array of programs with too many gaps. They promised 100 per cent compensation to many but have provided it to so few.

I ask the Premier: Why has he failed to compensate those who were sacrificed in the flood of 2011 in a timely, fair and honourable way?

Mr. Selinger: Mr. Speaker, I thank the member for the question, and he knows full well that the programs we've put in place, 100 per cent funded by the province of Manitoba. We did not wait—we did not wait in the prevention of the flood when we built additional dikes to protect communities. We did not wait for the federal government to agree to cost-share them. We did not wait when we put the additional programs in place to compensate people and to recover their land. If we would have waited, nothing would have been done.

The reality is, Mr. Speaker, we have flowed over \$650 million of resources without waiting for other levels of government to participate. That's quite different than when the member opposite was at the federal government and it was up to two years after the '97 flood before his federal government decided to come in and provide support.

We've moved much more rapidly. We've moved expeditiously and we have moved with programs never seen before in the province of Manitoba. And where there is dissatisfaction with those programs, we've put in place an independent appeals commissioner, Mr. Speaker.

Mr. Gerrard: Mr. Speaker, on a point of order.

Point of Order

Mr. Speaker: Honourable member for River Heights, on a point of order.

Mr. Gerrard: There are times when the Premier is so outrageous as to be unbelievable. In 1997, within two months, there was a JERI program there to support businesses and they started to recover.

Mr. Speaker: Order, please. I want to caution the honourable member. Please, when you're rising on a point of order, please indicate for the House, and for the Speaker, the rule that may have been breached so that I might be able to make a ruling.

Mr. Gerrard: Mr. Speaker, this deals with facts being misrepresented, and this time by the Premier. This year there is still no JERI program, and businesses are closing because they were never supported. Thank you.

Mr. Speaker: The honourable First Minister, on the same point of order.

Mr. Selinger: I know this is a—this may be seen by you as a dispute on the facts, but the member should know there was a business loss compensation program made available by our government.

Mr. Speaker: On the point of order raised by the honourable member for River Heights, it's clearly a dispute over the facts, and I must rule that there is no point of order.

* * *

Mr. Speaker: Now, the next question.

Makoonsag Intergenerational Children's Centre

Mr. Matt Wiebe (Concordia): Can the Minister of Housing and Community Development update the House about an exciting project that will revitalize the North End and build community by promoting intergenerational links?

Hon. Kerri Irvin-Ross (Minister of Housing and Community Development): Today there was another celebration on Selkirk Avenue. Today families, service providers, the three levels of government and elders gathered to see the vision of Elder McKay, Elder Thomas Callahan and Elder Blackbird come to a reality where an intergenerational child-care centre was opened, Makoonsag.

This is a phenomenal opportunity for the families of the North End. It is in partnership with

Urban Circle, and what it is going to provide to the families is a safe place for children to grow and to learn and to be supported by their families. It will include 52 child-care spaces, 40 which are for preschoolers and 12 which are for infant space. This is important as we move forward with the revitalization of Selkirk Avenue.

Highway 59 and PR 202 Traffic Concerns

Mr. Ron Schuler (St. Paul): On May 23rd, Lawrence Morris, the mayor of East St. Paul, wrote a letter to the Minister of Infrastructure and Transportation regarding Highway 59 and PR 202.

He asked, and I quote: Due to the heavy traffic during the weekend, the congestion resulted in traffic pandemonium which was dangerous to vehicles and passengers.

Has the minister responsible addressed the mayor's issues?

Hon. Steve Ashton (Minister of Infrastructure and Transportation): I certainly welcome the member raising the question on behalf of his constituent. I often meet with the mayor, Mayor Morris, whether it's on flood-related issues or other related issues. And one thing we're very proud of in our department is the excellent working relationship we have with many people throughout the province, particularly municipalities.

I take seriously any and all concerns that are expressed, whether it's by this municipal leader or others, and we have responded. We will continue to respond to these type of concerns. We work in co-operation with Manitobans.

And I do want to put on the record, once again, that we often have a lot of good news because we are improving our highway system. We, indeed, have tripled the amount of spending on highways; we've quadrupled it since we came into government, Mr. Speaker, something the member opposite, unfortunately always votes against.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Community Volunteer Income Tax Preparation Program

Hon. Nancy Allan (Minister of Education): There are a lot of things in this world that would not get done if it weren't for kind and caring volunteers. Today I would like to recognize three women who

have been volunteering in south Winnipeg for many years. Trudy Gaudry, Hilde Ilmer and Marlene Mori are all members of the Community Volunteer Income Tax Preparation Program.

I'm sure all of us can agree that filing our taxes can be a daunting and complicated task. Many Canadians cannot afford to hire professional accountants to help them. That is why the federal government introduced the Community Volunteer Income Tax Preparation Program. Volunteers receive training from the Canadian Revenue Agency and help low-income people, seniors, students and newcomers file their taxes accurately and on time.

Trudy Gaudry first heard about this program in 1984, and she has been volunteering ever since, although she took two years off to get her accounting degree. Like many of Manitoba's volunteers, she is very involved in her community, particularly the local golf and curling clubs.

Hilde Ilmer has been volunteering for this program since 1995. As a volunteer, she works right up until April 30th and files an astounding average of 1,000 returns every year.

Marlene Mori learned about the program more recently, has been volunteering since 2005. She also dedicates her time and energy to CurlManitoba and the Manitoba Japanese Cultural Centre.

* (14:20)

Every year I am happy to help community members connect with these incredible women. I've heard from numerous people who were struggling with their taxes alone, and were relieved to find these friendly, accomplished volunteers ready and willing to help.

I ask all members of the House to join me in thanking all tax preparation volunteers for their selfless donations of time and energy in a world where both are at a premium.

Thank you.

Doug Edmondson

Mr. Ian Wishart (Portage la Prairie): I would like to say a few words about Mr. Doug Edmondson, a cherished member of the Portage la Prairie community who recently passed away at the age of 79 years. Doug served the community in many ways, most notably as mayor of Portage la Prairie from 1988 to 1992.

Early in life, Doug lived in many areas of rural Manitoba and eventually settled on Portage la Prairie with his wife Charlene and their five children.

As a resourceful, entrepreneurial man, Doug worked many jobs but found a passion for selling cars and eventually opened his own car dealership, Edmonton Chev-Edmondson Chev Olds. This Portage la Prairie business ran successfully from 1978 to 1992 and was a cornerstone of the community. It was during that time that Doug dived into community life. He was a member of the Masonic Lodge and spared no opportunity to take his miniature Yellowhead Roadster to parades and to the Shrine Circus.

He was a great supporter of Portage la Prairie—the Portage Terriers hockey team. He could also be found at all of his grandchildren's sports games.

Doug could always be counted on. He was a tremendous—was tremendously generous with his time and a man of honour. Many community members considered him a great friend. As a former mayor and a business person and as a devoted community member, Doug had a generous and honest nature about him. He bettered the community of Portage la Prairie in so many ways and will be deeply missed.

Mr. Speaker, as a fellow member of the Portage community, I am honoured to inform the House about the great contributions that Doug has made to the community I represent.

ALS Awareness Month

Mr. Bidhu Jha (Radisson): ALS, more commonly known as Lou Gehrig's disease, is a rapid, fatal disease that affects the brain and leads to eventual paralysis and death. Those affected suffer a reduced quality of life and may require constant care.

The month of June makes ALS Awareness Month in Canada. This is a time to reflect on the impacts of ALS on our society and raise awareness of those living with the disease. As part of ALS Awareness Month, I would like to recognize the amazing achievements of two Manitobans in raising awareness about this 'debilitating' and often fatal disease.

Kathleen Kirk and Diana Rasmussen are both active with Manitoba ALS association and were recently awarded Diamond Jubilee medals of the ALS Society of Canada 2012 annual award dinner in Toronto.

Kathleen Kirk has long been an advocate of—for the people living with ALS. She was awarded her medal for her ongoing contribution and support to the ALS Society of Manitoba and a—and as a former board member, fundraiser and client advocate, all while living with ALS herself. She has previously received an honorary life-member award from the society of—ALS Society of Canada that recognized her extraordinary volunteer contributions to the ALS community of Canada. Kirk is also a well-known public speaker, and her ability to connect and willingness to share have gone a long way toward promoting the cause of people living with this disease.

Diana Rasmussen received her Diamond Jubilee medal for her more than 30 years of continued and passionate care and support of and advocacy of individuals living with ALS in Manitoba. Diana is past-president of ALS Canada and educative director of ALS Manitoba. She was instrumental in the development of opening up the Brummit-Feasby House in Winnipeg, the first and the only palliative care facility of its kind in North America for those living with the disease. For her efforts, she received the Marcel Bertrand—

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

Some Honourable Members: Leave.

Mr. Speaker: Is there leave? *[Agreed]*

Honourable member for Radisson to complete.

Mr. Jha: I thank the House for giving me the privilege.

Her passion for energy and raising awareness and supporting others living with ALS demonstrates exactly the kind of service that would be rewarded.

Mr. Speaker, there are currently over 250 people in Manitoba living with this disease. The commitment of women like Kathleen Kirk and Diana Rasmussen to raising awareness about ALS is inspiring, and they both strongly deserve the recognition they have received. I encourage everyone to reflect on the work of these women and the ALS Society and to help raise awareness and show their support during the ALS Awareness Month of June.

Thank you very much, Mr. Speaker.

Westdale Community Food Bank

Mrs. Myrna Driedger (Charleswood): I rise today to congratulate the community partners on the first

year of the Westdale Community Food Bank in Charleswood. A great deal of planning and preparation went into making this arrangement, beginning in 2009 and coming to fruition in 2011. It took a whole community to make this happen: Westdale Community Centre, Grace Community Church, Assiniboia-Charleswood Community Church, Westgrove Family Resource Centre, and Eastwood truck and toy centre, and my constituency office.

There are currently 20 to 25 families who receive food from the food bank every two weeks and the demand is rising. As the numbers expand, the steering committee will be looking at ways to include even more community leaders and volunteers to help out. Volunteers from the two churches provide the volunteers to make this happen. Eastwood truck and toy centre has provided a van to pick up the food from Winnipeg Harvest. This year West Perimeter Auto Centre has agreed to provide this function.

In addition to distributing the food from Winnipeg Harvest, the group also provides additional items donated by the members of their churches to the families such as ham and Christmas oranges at Christmas. They are currently planning for other such extras as a personal items package with toothbrushes, deodorant, toothpaste, et cetera. Westgrove in Bloom is also in the planning stage and they hope to be able to provide families with soil and plants to have a garden. This is community development at its best. One of the recipients at the Westdale Community Food Bank put it best, and I quote: It's nice to know that we're thought of. End quote.

The idea of Winnipeg Harvest came into fruition after founder, Lee Newton, a Winnipeg graphic designer, saw a TV feature on New York's only food bank at the time, City Harvest. She didn't want to open a place where people came to line up for handouts. Instead, she decided to open Winnipeg Harvest as a food distribution centre. Food would be donated to the Winnipeg Harvest warehouse where it would be redistributed to the social agencies in Winnipeg and Manitoba. At present, they service over 320 agencies in Manitoba per month including food banks, soup kitchens, youth programs and drop-in centres. Last year they distributed almost 11 million pounds of food. More than 55,000 people in Manitoba use food banks each month, and over half are children.

I have always said that the community best strengthens itself from within. I have found that people in Charleswood have always been very willing to work with other community leaders to make something like this happen.

This is one of the reasons that I am so proud to make Charleswood my home and to represent Charleswood in the Manitoba Legislature. They are such a caring community, and I want to thank all of the people who work so hard to look after our constituents.

Thank you, Mr. Speaker.

Manitoba Child Care Association

Ms. Deanne Crothers (St. James): Mr. Speaker, from May 24th to 26th the Manitoba Child Care Association, or MCCA, hosted their 35th Annual Early Childhood Education Conference. Men and women from across the province gathered at the Victoria Inn for the opportunity to participate in workshops, build partnerships and celebrate work in the field of child care.

Child care is very important to Manitobans, and it is easy to understand why. It can be difficult to entrust your children to someone else, but we are lucky to have incredible child-care centres in this province. In April we celebrated the fourth annual Week of the Early Childhood Educator.

Over the last 12 years the provincial government has shown that they recognize the value and importance of quality child care and made improvements to child-care workers' wages, including the introduction of a pension plan that will enable people to continue working in the field that they love.

Everyone at MCCA's conference had the opportunity to hear from three keynote speakers: Ellen Galinsky, Lilian Katz, and Jody Urquhart, who shared different perspectives on child care based on years of experience. Attendees also took part in a wide variety of workshops.

On the evening of the 24th, MCCA held their annual general meeting and presented their annual awards to leaders in early childhood education. They recognized an Exceptional Early Childhood Educator and Leader of the Year, among others, and celebrated child-care workers who have reached career milestones of 10 years or more. Friends,

family members and colleagues congratulated those who have chosen to commit their lives to this challenging and rewarding work.

* (14:30)

I ask all members to join me in thanking Karen Gander and the 2012 conference committee for coordinating this important event. The Manitoba Child Care Association has always supported local families and, as a parent and an MLA, I appreciate everything they do.

Mr. Speaker, I ask leave for the names of the MCCA award recipients to be included in *Hansard*.

Mr. Speaker: Is there leave of the House to include the names in the *Hansard* proceedings today? *[Agreed]*

Leader of the year—Lisa Hrechkosy (Stanley Knowles Children's Centre); Exceptional Early Childhood Educator—Tracy McDowell (Day Nursery Centre); Exceptional Caregiver—Connie Yeryk (Little People's Place); Exceptional Family Child Care—Jennifer Martin; Volunteer of the year—Penny Daigle (Garden Grove Child Care Program); Graduate Research Bursary—Ruth Lindsey-Armstrong (RRC Instructor); Gretta Brown Scholarship Université de Saint-Boniface—Fanta Diane; Gretta Brown Scholarship Award Red River College—Crystal Dueck

Ms. Crothers: Thank you, Mr. Speaker.

Mr. Speaker: The honourable member for Fort Garry-Riverview, rising on a grievance?

An Honourable Member: No.

Mr. Speaker: All right then, we'll proceed to orders of the day.

ORDERS OF THE DAY

(Continued)

GOVERNMENT BUSINESS

Mr. Speaker: Honourable Government House Leader.

Hon. Jennifer Howard (Government House Leader): Yes, thank goodness, Mr. Speaker.

We would like to do second readings of bills this afternoon in the following order: Bill 12, 16, 17, 26, 28, 14, 30, 13 and 9.

An Honourable Member: That's all?

Ms. Howard: No, there'll be more after.

Mr. Speaker: So, then, we'll be debating second readings of bills, and I'll recite them back for the House: Bill 12, 16, 17, 26, 28, 14, 30, 13, 9.

DEBATE ON SECOND READINGS

Bill 12—The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs)

Mr. Speaker: So we'll start with Bill 12, The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs).

So Bill 12, The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs), standing in name of the honourable member for Morris (Mrs. Taillieu). Is there leave for the bill to remain standing?

An Honourable Member: No.

Mr. Speaker: Leave has been denied. The House—the honourable member for La Verendrye.

Mr. Dennis Smook (La Verendrye): I would like to put some words on the record for Bill 12, The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs). This bill amends The Consumer Protection Act, add a new part dealing with motor vehicle work and repairs.

The new parts are: No. 1, requires an estimate to be provided and limits the circumstances in which a fee may be charged for an estimate; No. 2, cap how much more than the estimate amount a consumer may be charged; No. 3, requires work and repairs to be authorized by the consumer; No. 4, requires parts to be kept separate and returned to the consumer in certain circumstances; No. 5, requires invoices to be provided, signs to be posted and records to be kept by the person who performs the work or repair; requires a warranty to be provided on new or reconditioned parts and labour; No. 7, includes provisions for administration and enforcement and the power to make regulations.

These are all very reasonable expectations, and I do believe that most shops are already following most of these rules. This bill is for consumer protection. But if the regulations are not written properly, this bill could also hurt consumers as much as help them. As they say, the devil is in the details.

This bill paints all repair shops with the same brush. But we all know that it's—it only takes one bad apple to spoil the whole box. I would urge the minister, when writing the regulations for this legislation, he consult experts from all parts of the

trade. Service shops in the province go from one-man shops to shops with more than 50-plus employees. Most of the large shops already have systems in place and are already following most of the guidelines that this bill brings in. Most large shops need systems in place to protect themselves to make sure customer service is being kept at a level that is acceptable to customers. Costs are being tracked to make sure their rates stay competitive. Mr. Speaker, the concern I have is with the small shops; the one-man shops.

All shops rely on revenue streams. And the mechanics are these revenue streams in the shops. All other people in the shops are part of the expense side—the service writers, the shop foreman. Whenever there is an increase on the expense side, it can affect how the shop hourly rate is calculated. This legislation will not—no doubt increase the shops expenses. In the larger shops it may not be a lot, but in the small shops it could be quite significant.

Mr. Speaker, the big difference here is that the big shops with several mechanics can divide up this extra expense by the number of mechanics. So if you have a—20 mechanics, and there's an extra cost of \$20 per hour, 20 divided by 20 is only \$1. So if you add \$1 to a rate of \$100 an hour, it really isn't a lot. But when you have a small shop and only one mechanic, you need to divide that extra expense by one.

So the labour rate would have to increase by whatever those extra expenses are. In the rural areas, there are a lot of these small one-man shops. In these one-man shops, that person is the service writer, the shop foreman, the mechanic, the customer satisfaction person, the clerk that collects the bills, and is the owner of that business. If this shop owner has to spend an extra hour a day writing estimates, or following any extra procedures, his labour rate will have to go up. If he loses one hour out of an eight-hour day, his rate will have to go up by more than 10 per cent.

The reason I am concerned about how the regulations are written is because in talking with several people about this bill, I had a comment from one—from someone that should have all the—have the interests of all the shops at heart, but the comment was, maybe the small shops should get with the times, get a computer, and hire more staff. This is what I am afraid of: The small shops will not get a fair representation in the writing of the regulations.

Mr. Tom Nevakshonoff, Deputy Speaker, in the Chair

Most of these small shop owners are part of the community: their children are part of the community; they go to the same churches; they volunteer in the communities. They are part of the community. So if they run their businesses poorly, the community will self-police this and their business will suffer. If they are dishonest in how they run their shops, those shops won't be open for very long. I've seen both of this. I've seen this, as well, where shops open and close in a year, and shops that are still opened after 20 and 30 and 40 years in business.

Mr. Deputy Speaker, any of the small shops that are open for a number of years do not need policing. They do not need legislation to create extra costs for them and the consumer. I urge the minister to make sure the legislation and regulations have clear language and an easy way for the consumer to waive his rights to an estimate from these small shops. This is one place where we don't need to fix something that is not broke. The communities have a hard time staying alive today. Don't make it any more difficult for these communities to stay in existence by creating more rules and regulations for small business.

I'm looking forward to seeing this bill in committee and to see what the public has to say about it. This will be very interesting for me. Thank you, Mr. Deputy Speaker.

* (14:40)

Mr. Deputy Speaker: Sorry about that. I'll just repeat all that since my microphone was off if I beg the House—House's indulgence in that regard.

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is second reading of Bill 12, The Consumer Protection Amendment Act.

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

Bill 16—The Consumer Protection Amendment Act (Improved Enforcement and Administration)

Mr. Deputy Speaker: We now move on to Bill 16, The Consumer Protection Amendment Act. It has been—standing in the name of the member for Morris (Mrs. Taillieu).

Is it the will of the House to allow the bill to remain standing in the name of the member of—member for Morris?

Some Honourable Members: No.

Mr. Deputy Speaker: No? Leave has been denied.

Recognize the honourable member for La Verendrye.

Mr. Smook: Bill 16, this bill amends The Consumer Protection Act.

Improved Enforcement and Administration: No. 1, to provide a person from asking or making a consumer waive or limit his or her consumer protection rights unless the waiver or limitation is statutorily permitted; No. 2, to expand the grounds on which the director may refuse to issue or renew a payday lending licence; to permit the director to communicate information to the public when it's—in the public's interest; No. 4, to clarify when reports about a compliance order relating to payday lenders may be issued to the public.

This bill mostly refers to the payday lenders.

Mr. Deputy Speaker, Bill 16 tightens up The Consumer Protection Act in a number of ways. I agree with the minister that a healthy economy requires strong consumer confidence in the companies that they are doing business with. I think that far—by far, most business owners in Manitoba operate to the letter of the law and take pride in offering Manitobans the best services or products they can.

I understand that this bill is not targeted at the many, many, good, upstanding businesses in this province who work hard day in and day out, contributing to the very fabric of our province, who treat consumers fairly and honestly.

We know that small and medium businesses contribute immensely to Manitoba's economy. Most Manitobans work for small and medium-sized businesses. The sector is Manitoba's main employer. We know that this bill does not expressly target these honest, hard-working Manitobans. Small and medium businesses are responsible for the majority of Manitoba's exports. We know that this bill does not expressly target these honest, hard-working Manitobans. The minister is not targeting honest, hard-working businesses with this legislation, and I appreciate that. Small and medium businesses tell us that their red tape burden is growing. Based on my review of the—of this bill, it does not like this bill in particular will contribute further to Manitoba's heavy red tape burden. I particularly like the minister's description of this bill as the protection-from-bandit's

bill. I hope he won't mind me putting his words from our briefing on record.

I appreciate that this bill is meant to protect consumers from unscrupulous businesses, especially transient businesses that set up here for a short time and then move on before getting caught or prosecuted.

While it does not say so expressly in the act, the minister is targetting bandits in one specific industry, that of payday lenders who—let it be clear—are not all to be lumped together under the heading of bandits. But, unfortunately, some bad eggs have tarnished the reputation of that sector.

I also appreciate that this bill gives the director of Consumer Protection the ability to warn consumers about problem businesses with repeat offenders that come to her attention. Given that the time between a lender being charged and that individual receiving a conviction, at times, can be very lengthy in Manitoba, it makes sense to allow the director to issue public alerts in the case of repeat offenders.

The bill lays out clearly when the director can warn consumers—and I know it's a responsibility that she'll take very seriously and ensure all information she needs before she issues an alert to consumers about specific businesses that have committed repeat violations. The current provisions regarding the disclosure of information that would protect consumers are quite narrow. The changes in the act will allow the director of the Consumer Protection Office to issue alerts when it is in the public's best interest to do so to protect the consumers.

In addition to giving the director of Consumer Affairs greater power to warn consumers when a possible problem business comes to her attention, it also gives her the ability to cancel, suspend or refuse to renew a licence in certain situations. The bill clarifies that failing to comply with the compliance order can be used as a reason to refuse or to renew, cancel or suspend the payday lender's licence. It also allows the director to take into account information about a business compliance history in other jurisdiction when deciding to issue or renew a lender's licence.

The bill also prohibits a business from asking a consumer to waive their consumer protection rights. I understand that the minister is trying again to strengthen consumer protection in Manitoba, but I would like clarifications on the scope of this

provision. There are many times when people are asked to sign waivers for a variety of reasons, and not all of those waivers may fall under the jurisdiction of The Consumer Protection Act, but I would like to know that the rights are not being—the rights are not permitted to be waived.

What first got me thinking about this is the amendments to The Consumer Protection Act that the minister has introduced with Bill 12, which we have previously discussed. That bill enables a consumer to waive their rights to an estimate for vehicle repairs. I have tried to get a list of what parts of the consumers protection act are affected, but I have not been able to. In order to get that a person has to read the whole act and find somebody to find all those different parts to it, which is not an easy task. The minister assures me that Bill 16 does not trump this provision in Bill 12. Having a more conscientious interpretation of what consumer rights this section applies to would be beneficial to all consumers—plain language for the consumer.

I look forward to hearing more from the minister about this bill when it goes before committee.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: Question before the House is second reading of Bill 16, the consumer protection and amendment act.

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

Move on to—oops.

Just to repeat, that was Bill 16, The Consumer Protection Amendment Act (Improved Enforcement and Administration).

* (14:50)

Bill 17—The Non-Smokers Health Protection Amendment Act

Mr. Deputy Speaker: We now move on, to resume adjourned debate of the proposed motion of the honourable Minister of Healthy Living, Seniors and Consumer Affairs (Mr. Rondeau), second reading of Bill 17, The Non-Smokers Health Protection Amendment Act, standing in the name of the honourable member for Morris (Mrs. Taillieu).

Is it—there unanimous consent for the bill to remain standing in the name of the honourable member for Morris?

Some Honourable Members: No.

Mr. Deputy Speaker: No? Recognize the honourable member for Charleswood.

Mrs. Myrna Driedger (Charleswood): I'm pleased to stand and just put a few comments on the record on Bill 17 and to speak in support of it. Certainly, we know that smoking and second-hand smoke have dangerous effects on everyone in society, and I think we do need to move forward in supporting more efforts to try and curb smoking in Manitoba.

In 2010, it should be noted that Manitoba had the third highest smoking prevalence in the country at 20.5 per cent, and that's a great deal higher than the 16.7 per cent national average. So it's troubling that the number of smokers in Manitoba has not gone down since 2002; meaning that no progress has been made in this province for nine years, so there's obviously something more that needs to be done. But there needs to also be more evaluation of why we're not seeing the success we are seeing in Manitoba as compared to other provinces.

So, obviously, increased regulation on tobacco is necessary to prevent health problems from continuing to rise. Greater restrictions on the sale of tobacco will help to curb the prevalence of smoking in the province, and will reduce health problems across the board. Eliminating tobacco products from locations that offer health services does make great sense, and it allows for health services to be dispensed away from a primary health concern.

Manitoba only invests about 65 cents per capita on tobacco cessation programs, while I would note that Ontario invests closer to \$3, according to the Canadian Cancer Society, and the Ontario smoking prevalence rate is 5 per cent lower than Manitobans. I would note that the government has indicated in this legislation that they're committing to invest 2 per cent of tobacco revenue to reduce tobacco use in Manitoba—and that was a government news release, May 1st of this year—but I think, besides doing that, they also need to set a target. And I think if a government were to set a target, which would aim towards a certain number, then I think we might see better success in Manitoba. Just to indicate, you know, that you're putting money to doing something doesn't really say, well, how much do you want to be successful? What do you want that number to look

like? And then how would we know that we really are achieving success? So I think this government needs to go a step further in order to ensure more success.

We've certainly seen chronic diseases arising, and the expense that results because of it. So I certainly would support and urge the government to start looking at setting specific targets that they would like to achieve, and allow us then to determine whether or not we are reaching better successes in this province. And it would give more people something to aim towards.

Certainly, regarding health concerns, we know that reductions in smoking rates is only going to benefit Manitobans, because we do know what smoking leads to and the terrible, terrible toll it takes on people and their families. And we would also say that goes for second-hand smoke as well. We know that a thousand Canadians die every year from second-hand smoke despite never smoking a day in their life. And so, we would support efforts that would help improve the health of people in Manitoba. Smoking is the cause of 30 per cent of cancer deaths, and 85 per cent of lung cancer cases, according to the Canadian Cancer Society. And smokers are 10 to 20 times more likely to develop lung cancer than non-smokers. And according to the Heart and Stroke Foundation, we know that 47,000 Canadians die every year from smoking.

One area of particular concern is around youth and tobacco. We know that the youth smoking rate in Manitoba is 5 per cent above the national average; though, at the same time, the government reduced the tobacco control budget by 4 per cent. Youth smoking numbers have remained the same for years now and the government has really done nothing to change that. And there have been no real changes by this government to combat the youth smoking rate. Manitoba still has the third highest rate of tobacco use by youth in the country, only behind Québec and Saskatchewan. So teenagers aged 15 to 19 have a smoking rate of 15 per cent, which is three per cent higher than the national average. And I hope that with, you know, reducing access to cigarettes as this legislation does, that we might particularly be able to encourage teenagers to stop smoking and, hopefully, that this, by limiting access, will help young people to make that decision, but also for other adults that choose to smoke as well.

And on a last note, Mr. Deputy Speaker, I would note that it was a Progressive Conservative private

members' bill that pushed for change and led the way by first proposing that smoking in public places be prohibited. And we do have to acknowledge the work of Denis Rocan in that, because that was taking a leadership stand when it was not that easy to do.

And it was something that he felt very passionately about, and I recall the day he stood in this House and spoke to it and was very emotional about it, and how difficult a time he had in speaking to it because his own health problems were caused by smoking. And so, he certainly had a first-hand knowledge of the devastating effects that smoking can have on an individual. Unfortunately, he came to his conclusions after many, many years of smoking. So we really do owe him a great deal of debt in this province for having the courage to bring forward a private members' bill and then having the government support that in moving it forward so that smoking in public places was prohibited.

So, I congratulate everybody that did get behind that, and today we need to continue to push for more of a reduction in smoking prevalence, and it certainly makes great sense from a health perspective, that we continue to fight for that reduction.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: The question before the House is second reading of Bill 17, The Non-Smokers Health Protection Amendment Act.

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

Bill 26—The International Interests in Mobile Equipment Act (Aircraft Equipment)

Mr. Deputy Speaker: We now resume adjourned debate on the proposed motion of the honourable Minister of Healthy Living, Seniors and Consumer Affairs (Mr. Rondeau), second reading of Bill 26, The International Interests in Mobile Equipment Act (Aircraft Equipment), standing in the name of the honourable member for Morris (Mrs. Taillieu).

Is there unanimous consent to allow the bill to remain standing in the honourable name—or the name of the honourable member for Morris?

Some Honourable Members: No.

Mr. Deputy Speaker: No? Leave had been denied.

* (15:00)

Mr. Smook: It's an honour to be up here this much this afternoon. Bill 26, The International Interests in Mobile Equipment Act (Aircraft Equipment). The convention on international interest in mobile equipment establishes a legal framework for international security, interests in mobile equipment, and creates an international registry for the protection of those interests.

The protocol in the convention on international interests in mobile equipment on matters specific to aircraft equipment, is necessary to implement the convention as it relates to aircraft equipment.

This bill facilitates the application of the convention and the aircraft protocol in Manitoba upon their ratification by Canada.

This bill is one of the final steps in Canada's ratification of the Cape Town Convention on International Interests in Mobile Equipment. The convention's main objective is the effective financing of all three categories in high value mobile equipment: aircraft, railway rolling stock, space assets. The convention itself came into force on April 1st, 2004, and the aircraft protocol came into force on March 1st, 2006. Although Canada signed the agreement in 2004, the act to implement the convention legally in Canada did not pass until 2005 and, currently, not all provisions are in force.

Due to the fact that security regulations of aircraft have been traditionally governed by the provincial personal property legislation, it is necessary for each province to pass compliant legislation before the agreement can be fully ratified by Canada. Manitoba is the last province to pass provincial implementation legislation. This legislation has been called for in past years, but was never brought into effect. Even the Northwest Territories have passed legislation to implement the convention.

The minister of consumer and corporate affairs stated that Manitoba's foot dragging is because there is no urgency to passing this bill. Once the bill is passed there is no revenue needed to implement the bill, nor will there be any action necessary to implement it.

The bill is necessary because it allows the aircraft protocol of the convention to be implemented in Manitoba. The convention also establishes a legal framework for international security interest in mobile equipment and creates an international

registry to protect those interests. The convention addresses four key areas: creation of an international interest, priority rules, default remedies, conflicts of law. It seeks to give protection and lessen the risk for predators and manufacturers.

I'm glad that the minister has decided to bring this bill forward, as it has been—you know, people have been looking for it for a while. I'm looking forward to working with it in committee, and I thank the Deputy Speaker.

Mr. Deputy Speaker: Thank you.

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is second reading of Bill 26, The International Interests in Mobile Equipment Act (Aircraft Equipment).

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

Bill 28—The Residential Tenancies Amendment Act

Mr. Deputy Speaker: We now move on to resume adjourned debate on the proposed motion of the honourable Minister of Healthy Living, Seniors and Consumer Affairs (Mr. Rondeau), second reading of Bill 28, standing in the name of the honourable member for Morris—is it the—is there unanimous consent to allow the bill to remain standing in the name of the honourable member for Morris (Mrs. Taillieu)?

Some Honourable Members: No.

Mr. Deputy Speaker: No. Leave has been denied.

Mr. Smook: The Residential Tenancies Amendment Act—I have to agree with the member from St. Norbert. I do need new glasses. That's why I have to hold everything up close.

The bill makes several amendments to the residential tenancy act. The following are the key changes: landlords are required to use prescribed forms when terminating tenancies to ensure that tenants receive important information about their rights. Authority is given to make regulations allowing the director of Residential Tenancies and the Residential Tenancies Commission to waive filing fees in certain situations. Authority is also given to make regulations setting out circumstances when late payment fees cannot be charged. Tenants

who wish to object to a rent increase that is at or below the guideline increases are required to identify a reason why the increase is not justified. Provisions are added regarding increases or decreases in tenant services charges when there is a change in the number of people occupying a rental unit. A related provision allows for an increase in tenant security deposit when a tenant's services charge is increased because of additional occupant. Landlords who plan to do extensive renovations or a rehabilitation must provide tenants with an estimate of the rent that will be charged following the renovations or rehabilitation. The landlord may be required to compensate the tenant for moving, the other expenses if estimated rent is unreasonable and causes the tenant to move or discourages the tenant from exercising a right of first refusal.

This legislation puts requirements on both tenants and landlords, appears to be attempting to bring balance and fairness to the landlord-tenant relationship, which can become tenuous. This legislation seeks to ensure that the unfamiliarity of tenants with rental agreements and regulations cannot be taken advantage of, while at the same time protecting the rights of the landlords.

Before I can comment directly on the bill, I think it's important to acknowledge that in Manitoba, we have a very low vacancy rate. A lot of people looking for apartments don't have a lot of choice, and there's really nothing in this bill that addresses Manitoba's low vacancy rate. These changes here do anything to—don't do anything to encourage the private sector to build rentals. That will be a key factor in cracking Manitoba's low vacancy rate, creating an environment that will—while protecting tenants, also encourages the private sector to build rental properties. Imagine being a newcomer to Manitoba and discovering that you cannot afford to buy a house, your options for accommodations are very limited; that's something this government has overlooked in this bill.

The majority of landlords in the province of Manitoba are of the highest quality of individuals and professionals, just as the majority of tenants are honest, fair-minded people, happy to have a rental agreement for the place they call home. I know this bill isn't targeting directly at either of these groups. In fact, some individuals I have spoken to, who are representative landlords, have not found fault with this new—the new provisions this bill introduces for them or for tenants.

I look forward to hearing more from both landlords, tenants, when this bill goes before committee. Under Bill 28, landlords are now required to use prescribed forms when terminating tenancies to ensure the tenant receives important information about their rights and responsibilities. The new forms are written in plain language and are standardized for all landlords and tenants, which will hopefully limit confusion about tenants' rights and responsibilities.

This legislation gives authority to make regulations, allowing the director of residential tenancies and the Residential Tenancies Commission to waive filing fees—\$20 in certain situations—and services to move financial barriers from lower income individuals seeking the service of the residential tenancy commission. Under Bill 28, tenants who wish to object to a rent increase that is at or below the guideline increase are required to identify a reason why the increase is not justified. A reasonable objection could be that the landlord is not actually properly maintaining the facility or doing renovations, even if the landlord reports that renovations are being made. This provision seeks to eliminate frivolous objections. I believe landlords will appreciate the provisions in that bill that are added regarding increase or decreases in tenant service.

Charges when there is a change in the number of people occupying a rental unit—the bills—bill also, as a provision, that allows for an increase in a tenant's service security deposit when a tenant service charge is increased because of an additional occupant.

Landlords who plan to do extensive renovations or rehabilitation must provide tenants with an estimate of the rent that will be charged following the renovations or rehabilitation. This provides a tenant with adequate time to decide whether to continue to live in the facility or make alternate plans. As the critic's responsibility for Consumer Affairs, I can attest to learning from tenants in one apartment block in Winnipeg earlier this year, who would have been benefited from this provision.

Under the changes in Bill 28, landlords may be required to compensate tenants for moving or for other expenses if the estimated rent is unreasonable and causes the tenant to move or discourages the tenant from exercising a right of first refusal. This is to prevent landlords from increasing rent to an extent that would force a tenant to leave only because the

landlord does not want the tenant to live in their building.

Again, I have heard, as critic, from tenants who would have benefited from this provision. To my knowledge, it is not a frequent occurrence, but there are some bad apples who precipitate the need for this sort of tenant protection.

Bill 28 also clarifies the rights and obligations of tenants and landlords in situations when landlords terminate tenancies during a school year when a tenant has a school-aged child. This bill would allow landlords to terminate a lease during the school year, whereas, previously, it was not allowed.

Another provision of Bill 28 is that tenant damage deposits can only go back to the tenant or landlord if the landlord has a claim for it. No third party can claim a tenant's damage deposit under any circumstances.

I think this bill tries to strike a better balance between landlords and tenants who, we know, based on the extensive work of the Residential Tenancies Branch do not always see eye to eye. Consider that in 2010, the most recent year for which information is available from the department, the Residential Tenancies Branch staffs handled over 67,000 calls during the year and responded to almost 46,000 emails—requests for information.

The 2010 Residential Tenancies Branch opened 404,751 cases. That demonstrates the extent of the challenges that can occur in the landlord-tenant relationship. Many of these disputes are resolved through informal mediation and, in some cases, they're resolved through formal mediation.

In 2010 landlords and tenants filed 1,244 claims for compensation with the branch. Landlords' claims against tenants most often related to outstanding rent, the cost of repairing damage and the extraordinary cost to clean units after tenants have moved out. Tenants' claims usually deal with damage to personal belongings and compensation for loss of the use of a rental unit.

These are further examples of the challenges that can underpin some tenant-landlord relationships. Hopefully, providing more clarity to the information that both landlords and tenants must supply, as well as rules that they both must follow, will allow for better relationships going forward.

Whether the changes in the bill will see the work of the Residential Tenancies Branch reduced remains

to be seen. In total, in 2010, the branch held 1,432 hearings to resolve disputes between landlords and tenants on claims for compensation, orders of possession and to determine questions under the residential tenancy act. The hearings deal with repairs, utilities and other obligations of both tenants and landlords. For example, in 2010 the number of cases open regarding landlord obligation to repair and maintain rental units increased significantly from 680 cases in 2009, to 759 cases in 2010. The branch resolved 691 of these cases in 2010 and also resolved 161 cases related to landlord nonpayment of utilities.

If there is a dispute over a notice to terminate a tenancy, either a landlord or tenant can ask the branch for assistance. In 2010 the branch formally resolved nine of these cases.

The branch also dealt with other cases where a landlord or a tenant did not meet their obligation under the residential tenancy act. These cases include disputes over locks and doors, privacy, seizure of tenant's property, withholding of services, unauthorized charges or fees, tenancy agreements, assignment and subletting, mobile home rentals, abandonment of personal property, entitlement to collect rent. In 2010 the branch formally opened 56 and closed 55 of these cases.

I put this information on the record to demonstrate that the work the Residential Tenancies Branch does to assist both tenants and landlords, but also to illustrate the types of challenges that can occur between tenants and landlords which they cannot always resolve on their own.

Thank you, Mr. Deputy Speaker, I appreciate being able to put a few words on the record about Bill 28, and I will achieve—I hope this will achieve—it will achieve for both tenants and landlords. Thank you.

* (15:10)

Mr. Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before the House is second reading of Bill 28, The Residential Tenancies Amendment Act.

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

Bill 14—The Protection for Persons in Care Amendment Act

Mr. Deputy Speaker: We now move on to resumed debate—resume adjourned debate on the proposed motion of the honourable Minister of Health (Ms. Oswald), second reading of Bill 14, standing in the name of the honourable member for Midland (Mr. Pedersen).

Is there unanimous consent for the bill to remain standing in the honourable name—honourable member for Midland?

An Honourable Member: No.

Mr. Deputy Speaker: Leave has been denied.

* (15:20)

Mrs. Driedger: Certainly, members on this side of the House firmly support the protection and the safety of patients, and we're going to support this bill. I would add that having an adult abuse registry is a good step in ensuring that those who compromise the safety and security of patients in Manitoba health-care facilities will be brought to justice.

This bill amendment will include protection for all patients and not only individuals with intellectual disabilities as the original bill intended. It is critical to acknowledge the vulnerability of patients when receiving health-care services. To protect these individuals, a mechanism that would prevent the hiring of individuals who have committed patient abuse must be employed.

And, Mr. Deputy Speaker, when we talk about patient abuse, patient abuse in any form is simply unacceptable. Individuals needing the help of medical profession should feel secure under the care of another person, and for the sake of eradicating incidents of patient abuse, any individual who has committed an act of abuse should be placed on the Adult Abuse Registry.

But in cases where an individual has been placed on the adult abuse registry and works with patients, it is appropriate that this bill would allow the minister to contact the individual's employer to let them know about this record. It is also appropriate to impose changes on health-care facilities to prevent further instances of abuse from occurring. And to prevent further abuse, systematic changes could be necessary to ensure the security of all patients.

One of the issues that I am very concerned about right now—and I'm not sure that the government is acting in the best interests of patients—is what has been reported at Deer Lodge hospital in terms of a number of instances of patient abuse and patient neglect. And then when I look at this legislation and I look at what the government is saying, I'm not sure all of that is coming together as it should for this government. But that is something that I am going to be looking further into, and I'm sure I'm going to have more questions for the minister on that area, because it seems to me that what is happening there is not followed along and handled in the way that the legislation here is indicating it should be.

So part of this bill gives authority to punish individuals found to commit patient neglect in Manitoba health facilities. And neglect is a different area than abuse, and it does not have to be a direct action; it can be omission of adequate patient care. And every patient in Manitoba deserves to have the best health-care possible and, therefore, patient neglect is unacceptable, as well.

And I think this is going to be important. I would wonder where the issue of Brian Sinclair fell into, whether or not that would have been seen as neglect, where a patient sat for 34 hours in an emergency room—waiting room, waiting for care. Certainly, some would have indicated that that was neglect of the highest form because he eventually died because he wasn't looked after.

While under the care of a third party, Mr. Deputy Speaker, patients are vulnerable to abuse or neglect of care, and patients can incur further health issues and trauma as a result of the action or inaction of a health-care worker. Therefore, health-care staff must always ensure that they are providing adequate and appropriate care to patients.

And I'm concerned, again, that there have been instances of abuse and neglect raised at the Deer Lodge hospital, and it appears that nobody was listening to all of the complaints for the last number of years, and I don't know why. And I would hope that legislation like this, then, is going to make some changes in that area, so people cannot turn their backs on family members or patients or other staff that come forward complaining of abuse or neglect.

I would note, too, that there is an appeal process, and I think that also is very, very important, because while it is important to ensure that those who have committed abuse or neglect of patients are given appropriate retribution, it is equally vital to prevent

any names from being placed on the registry erroneously, as this could severely impede the career of an innocent health professional.

So it is important to note, also, that the majority of health-care professionals work extremely hard. They take their jobs very seriously. They give the best care they possibly can to patients and many go above and beyond their call of duty.

But, as much as we as elected officials focus on being problem solvers with regard to the health-care system, it is also important to be reminded about all of those wonderful aspects of our health-care system. But it would also be very naive of us and irresponsible of us to think that absolutely every single health-care professional will always act in the best intention and, therefore, we have to ensure that we have the appropriate legislation in place to deal with these situations.

So, with the appeal process, if somebody was accused of abuse, but wrongfully so, we need to ensure, too, that this appeal process is very effective and can deal with handling this in the appropriate way. Because there is also having somebody abuse—or of being accused of abuse or neglect is serious and, if they are innocent, there has to be a mechanism in place where they are also protected.

I would also just like to make a few comments on wait times for abuse checks. I have heard from a number of my constituents, for example, over the past year that they're waiting an inordinately long time for child abuse registry checks. So if we are moving in the direction of setting up an adult abuse registry, we have to ensure that in those areas, too, that wait time does not delay any student or a certified medical professional from working who has a clear record. So, you know, there's going to be—have to be a stronger mechanism in place for the government to ensure that these kind of delays and wait times for abuse checks are not dragged on and on like they currently are.

Also, I do have to make some comments about my concerns as we are looking at the protection of persons in care office, because that was set up as an arm's-length organization a number of years ago. What this government then did is they removed the independence of that office several years ago and, coincidentally, at the same time that they did that, the number of founded claims of abuse dropped dramatically, like, significantly, and at the same time that happened with the legislation the government watered down the definition of abuse. So while they

watered down the definition of abuse, and we're seeing in this legislation the government including neglect now as a component of what we will be looking at in investigations, I hope that we're not going to see the kind of problems the government created when they watered down the definition of abuse. Because the numbers of founded cases dropped off in a startling way, and I remain very, very skeptical about what is happening in that office and I have brought this up year after year.

In fact, when the government first brought in the protection of persons in care office and legislation, we were very supportive of that because we were very concerned about the protection of vulnerable patients from abuse and neglect. And then, for a number of years, the—I mean they were reporting physical abuse, emotional, sexual, financial neglect and a combination of all those. The number of cases was climbing dramatically. I think at the end of the '08-09 fiscal year, there were about 8,100 cases of abuse reported, and that's certainly disconcerting because, you know, I mean you don't expect, for instance, sexual abuse to be going on in hospitals and personal care homes, and that was happening.

The numbers the government held back, actually, from the public for a number of years until we kept bringing it up here in the House and, finally, after about, I think it was four or five years, the government who had promised to make this public finally did put out those reports publicly. But then the public were quite alarmed at seeing all of these numbers and these cases of abuse in personal care homes and hospitals.

The government then went and intervened and the corporate office of the Minister of Health now investigates all of the abuse allegations that come forward. So it's not an independent arm's-length body; it is actually investigated through the office of the Minister of Health.

Knowing what we know about how this Minister of Health (Ms. Oswald) does business and how the NDP do business—where they break election laws; where they do everything in their power to try to make things look better than they are; whether they go missing in action when they should be accountable to the public—we don't see a lot of transparency and accountability from the government. So I have to say, that I'm still very, very leery about what is happening within that office.

And I would note that a front-line worker did come forward, we brought it up in the Legislature at

the time and brought forward a number of serious, serious issues about that office and indicated that it was a time bomb waiting to explode. And that was in 2009.

His allegations were so serious I did forward them to the Ombudsman, and the Ombudsman did look at the report of what this person had to say. And some of the allegations were absolutely startling; they were very disconcerting. I would note that the person in charge of that unit since left. But I don't know how it got as far as it did, where the manager of that program said it was their job for the Protection for Persons in Care Office to protect the minister. Well, that is not what their job is; it's to protect the patient.

So I'm going to remain extremely sceptical about how this government is managing this office. I'm—I still remain very concerned about the numbers of founded reports, because the numbers of allegations that come forward every year keep going up, but the numbers of founded reports have basically dropped off in a very startling way, so I'm not comfortable with what is happening.

But, certainly, as we move forward with this legislation, we will support the legislation because it is, hopefully, something that might move in the direction of protecting patients. But we thought the other legislation would do that too, and instead we actually saw some very inappropriate things going on within that office where a front-line worker felt so compelled to come forward to say it was time bomb waiting to explode.

So we will, you know, have an opportunity to ask the government more questions at committee and we will certainly do that. And we will certainly keep a very strong eye on what is going on in the protection of persons in care office and what is happening to the number of allegations that come forward of patient abuse and neglect. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Deputy Speaker: The question before the House is second reading of Bill 14, The Protection for Persons in Care Amendment Act.

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

**Bill 30—The Regulated Health Professions
Amendment and Personal Health Information
Amendment Act**

Mr. Deputy Speaker: Now move on to resume adjourned debate on the proposed motion of the honourable Minister for Health, second reading of Bill 30, standing in the name of the honourable member for Agassiz (Mr. Briese).

Is there unanimous consent of the House to allow the bill to remain standing in the name of the honourable member for Agassiz?

An Honourable Member: No.

Mr. Deputy Speaker: No. Leave has been denied.

* (15:30)

Mrs. Driedger: We look forward to having this bill moved through to committee where we'll have more of an opportunity to ask some questions. But, certainly, as it appears before us, we're supportive of the legislation and Bill 30.

I would note that the government is bringing forward an amendment to some legislation that has not been fully proclaimed. But the parts that they were bringing forward, I think, right now, with these amendments certainly address some problems that the minister has come across, or her department has come across, in the last number of years.

A new part is added to The Regulated Health Professions Act to safeguard health-care records and lab specimens that have been abandoned or at risk of being abandoned. And it's startling to hear that we might find a health-care professional out there who has—could perhaps have been a doctor, that would have abandoned laboratory tests or medical records, but, indeed, these things can happen and what this legislation will do is find an opportunity to address situations where health-care records and lab specimens have been abandoned. And, it will also apply to all health-care professionals that keep charts on patients.

It will impose a fine of \$50,000 on a person who is found guilty of failing to comply with the requirement, to ensure that records and specimens are not abandoned or at risk of being abandoned. So, hopefully, maybe, with the threat of that kind of amount, we would hope then that health-care professionals will not end up leaving their office, leaving the country, and also, you know, bear some responsibility for what happens with their lab records or their patient charts.

I would also note that we need to ensure there's an mechanism in place that if, for some reason, say a doctor or a nurse practitioner was away on a holiday and something untoward happened, and they ended up being unable to come back, that there not be any, you know, quick action. And, there needs to be some process in place that nobody can swoop in and take over control of their property here. So, we just have to ensure that, indeed, that when somebody comes in to take control of abandoned records, that they are, indeed, abandoned.

And The Regulated Health Professions Act is also amended to enable information about foreign criminal convictions to be included in practitioner profiles, available to the public under this act. And, I think, again, moving to protect patients, this is, certainly, I think, something that warrants being in there, and I believe that we have seen situations where, perhaps, that didn't happen.

I just want to also indicate that Bill 18, which this act is amending, was introduced in 2009, and received royal assent in 2009. And, the purpose of that bill was to create consistent regulation for all health professionals in Manitoba, to support quality patient care, and to promote safe patient care. And, I would note that currently there are 22 health professions in Manitoba that are governed by 21 separate pieces of legislation. And, what this regulated health professions act would do is replace the previous 21 statutes, and create an umbrella act that would govern all of the health professions.

We would urge the government to, you know, continue to move forward on seeing some success with having this act fully proclaimed. We know that only parts of it have been proclaimed. And, I think, because of the significance of what self-regulation means to some professions out there, and because it is an issue of promoting patient safety, I don't think the government needs to be dragging its heels three, four years down the road, of not moving in the direction of having that act proclaimed.

As somebody has indicated to me, the government's been looking at this for about seven years and indicated to me that we're in the same ditch as we were seven years ago. So, certainly would urge the government to, you know, continue to move this forward and work as hard as they can to proclaim the rest of that legislation.

I would note that as of May 2012, both the paramedics and the massage therapists have submitted their applications to become a regulated

body, and I look forward to that happening. I think it is very critical that we see professions like that become part of this, and to become regulated bodies because, certainly, when we are looking at a group becoming self-regulated, it is all about public protection. And, when you have a regulatory body, their main goal is to act in the public interest and not in the interest of the profession they regulate.

So, to ensure public safety, the profession's regulatory body is expected to develop, implement and enforce regulations. These rules are designed to protect the public by ensuring that services from members of the profession are performed in a competent and ethical manner. Regulatory bodies have the legal authority to establish and enforce the criteria for entry to the profession, standards of practice, codes of ethic and continuing competence, and the regulatory body must also develop a complaints and discipline system that allows the public to raise concerns about members of the profession. This system must include a process to investigate and, if required, discipline any member who practices below the benchmark that is established in the set of standards and/or code of ethics.

So, when we look at having these applications by the paramedics and the massage therapists to become a self-regulating body, I think that is going to be good for patients in Manitoba. It certainly is, you know, built around the premise that patient safety is important and quality patient care is important.

So I look forward, actually, to the recommendation of acceptance by the government for paramedicine and massage therapy to be included as a regulatory body. And we look forward to some further opportunity to discuss Bill 30 and the act about amending The Regulated Health Professions Act and look forward to moving this to committee, Mr. Deputy Speaker.

Mr. Deputy Speaker: The House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Question before the House is second reading of Bill 30, The Regulated Health Professions Amendment and Personal Health Information Amendment Act.

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

Bill 13—The Renewable Energy Jobs Act

Mr. Deputy Speaker: Now move on to resume adjourn debate on the proposed motion of the honourable Minister of Innovation, Energy and Mines (Mr. Chomiak), second reading of Bill 13, The Renewable Energy Jobs Act, standing in the name of the honourable member for Morden-Winkler (Mr. Friesen).

Is there unanimous consent of the House to allow the bill to remain standing in the name of the honourable member for Morden-Winkler?

Some Honourable Members: No.

Mr. Deputy Speaker: Leave has been denied.

* (15:40)

Mr. Cliff Cullen (Spruce Woods): Thank you for the opportunity to speak about Bill 13, the renewable energy jobs funding act.

My mother always said if somebody did something good and commendable that you should recognize that. So today I'm going to recognize the government for their title on this particular piece of legislation. You know, as with a lot of legislation we've seen in the last couple of years, we've seen a lot of political bills come forward and clearly a lot of bills with political names to them, and I think this is a classic example of politics, politics 101 on behalf of the NDP government.

Mr. Deputy Speaker, this particular legislation really allows the government of the day to make a statement, and I'm sure the government will be making a statement once this particular legislation passes. There's—basically what this legislation will do will set up another MIOP-type of a loan program identical to the Manitoba Industrial Opportunities Program. But it's specifically designed for businesses involved in renewable energy.

And they talk about, in fact, in the legislation, the manufacturing component of companies involved in the distribution of renewable energy, and not only distribution, Mr. Deputy Speaker, but those that might be involved in the production, generation, transmission of renewable energy, including hydroelectricity. So there certainly could be quite a number of companies that may have a serious look at this particular legislation to see if a loan might be favourable for their particular operation.

And we certainly hope that there will be some companies that may want to do business in Manitoba

on the renewable energy side. I know the minister will tell the public and the business community that, you know, we have this brand new legislation in place and we're hoping to do business here in Manitoba. Well, in my mind, Mr. Deputy Speaker, this will just be one tool. In fact, this tool could have been just used under the existing MIOP program as well. There probably was no real reason to clone the MIOP program for renewable energy. I'm sure a lot of those companies that have potential to do business in the renewable energy side could've just applied for a MIOP loan. Nevertheless, it'll give the opportunity for the government to say that they're open for business.

The point I do want to make about that is that is just one area of the ability to do business here in the province of Manitoba. I think what we've seen by this government over the last few years is a less than friendly business attitude. You know, we're becoming less and less competitive when we compare ourselves to other jurisdictions. Certainly, with the regulation, the red tape and the taxation that's involved in business—running and operating businesses here in the province, it's getting a little more and more cumbersome and tougher for businesses to operate here in Manitoba, and I hope the government will have a look at those issues as well. I know they will, with great fanfare, say that once this legislation is passed, but I think they have to look at the big picture in terms of attracting business to the province of Manitoba. We certainly know that as individuals, taxpayers, were probably the highest taxed in Canada, and a lot of the business community is taxed fairly substantially as well.

Mr. Speaker—Deputy Speaker, we're certainly hopeful this particular legislation will be positive. As I did say it's similar to the MIOP program, and the—I guess, the administration will be carried out by Manitoba developmental corporation. Again that's the same group, same corporation that manages the MIOP program. Clearly, any of these programs that are made available under this particular program will be authorized, approved by the Cabinet, so obviously these things will be approved by Cabinet and move forward. So once these loans are made available, certainly, we will get notification of that.

I think one of the components in this legislation that is important is the annual reporting. So it is incumbent upon the government to provide an annual report in terms of the operations of this particular fund, and we certainly look forward into the future to see how successful this particular fund will be. At

this particular time the minister has indicated that it will be about a \$30-million fund. Again, that's very similar to the cap on the current MIOP program. So, again, it's, in essence, just setting up an additional MIOP program.

Mr. Deputy Speaker, we—I had an opportunity to be in Estimates yesterday with the minister responsible for Energy, Innovation and Mines and we talked about a few different things in terms of energy here in the province of Manitoba, and I certainly believe that there's lots of opportunity for Manitoba to be a leader in generating electricity and in generating energy. Again, there has to be the will of the government to be onside to commit to those types of projects and, in fact, to have a framework in place that companies are willing to come and work here and make some developments in that particular industry.

Currently, we've seen—in terms of Manitoba Hydro at least—we've certainly seen the provincial government meddle in the affairs of Manitoba Hydro and actually directing Manitoba Hydro in many aspects of their job. And probably the biggest thing that we've seen is the tremendous capital investment that's going to go into Bipole III over the next several years, and we've seen the direct—direction on behalf of this particular government on that decision. And, clearly, the government's decision is not the same decision that has been taken previously at Manitoba Hydro. So, clearly, this government has been changing the course of history and making direction to the board of directors at Manitoba Hydro and going against a lot of the advice from past Hydro employees and a lot of present Hydro employees, and certainly that extra billion-dollar cost that will be associated with that particular line will have a major impact on all Manitobans, not just now but for many years down the road, Mr. Deputy Speaker.

Clearly, we've had some development in terms of the wind energy program here in Manitoba. We have two separate facilities up and running here in the province. Having a discussion with the minister yesterday, he didn't speak too favourably about expanding wind energy here in Manitoba in the next—in the near term, at least, and I think part of the problem that we've seen here is how the government has handled previous programs dealing with wind energy in Manitoba. They did have a request for a proposal process over the last couple of projects. Unfortunately, they—government didn't handle that particular program very well, and, as a result, a lot of the companies that were looking to do business here

in Manitoba actually decided to pick up and move outside of Manitoba to do business—a lot of the companies. In fact, a Manitoba-based company couldn't find work in Manitoba, but they were very successful in finding work just south of the border in North Dakota.

So the irony is the government bringing forward some legislation to try to assist businesses in Manitoba, but, if you look at their track record, they've actually driven Manitoba businesses out of the province to look for work. So that's the irony in the government coming up with this feel-good piece of legislation that I know the minister will take to the business community and trumpet this new fund that they've put forward. And, unfortunately, the reality is much different. And, again, I think it speaks to the politics of some of this legislation, Mr. Deputy Speaker.

Obviously, there's opportunities, I think, in the wind energy down the road, obviously the dynamics of change in that particular industry, but I think there are still opportunities there. And, clearly, as we had in a discussion yesterday with the minister, there's options for solar energy production in Manitoba. We also had quite an extensive chat about methane capture here in the province of Manitoba as well. And, again, I think if there's the political will to facilitate development on some of these industries, it will go a long way to attracting businesses here to the province. And we're obviously—we're hopeful that this might be one tool that might attract business, but, again, as I said earlier, it's just one component of a framework that we need in Manitoba so that businesses are actually attracted to Manitoba and will want to stay and do business here in the province, Mr. Deputy Speaker.

We are interested, of course, in details on legislation. This particular bill allows for regulations to be developed, and, as we know, Mr. Deputy Speaker, certainly the devil can be in the detail in terms of regulations. So we look forward to see what the regulations may look like in terms of this legislation, and the regulations are laid out in section 4(2) and section 5 when they talk about different sources of funding. And not only that, but they talk about other types of support. So it would be very interesting to see what those details look like in regulation and, of course, that's always the important part, Mr. Deputy Speaker.

We look forward to seeing what those are some time down the road, and again we're certainly

interested in reports that come out of this particular legislation as well, Mr. Deputy Speaker. We do look forward to moving this legislation to committee. We're always interested in hearing what the great people of Manitoba and the business community have to say about new and changing legislation.

So, with that, Mr. Deputy Speaker, I just want to thank you for your indulgence, and look forward to hearing what the great people of Manitoba have to say on Bill 13, The Renewable Energy Jobs Act. Thank you.

Mr. Deputy Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: The question before the House is second reading of Bill 13, The Renewable Energy Jobs Act.

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

* (15:50)

Bill 9—The Public Schools Amendment Act (Community Use of Schools)

Mr. Deputy Speaker: I'll move on to resume adjourned debate on the proposed motion of the honourable Minister of Education (Ms. Allan), second reading of Bill 9, standing in the name of the honourable member for Spruce Woods (Mr. Cullen).

Is there unanimous consent of the House to allow the bill to remain standing in the name of the honourable member for Spruce Woods?

Some Honourable Members: No.

Mr. Deputy Speaker: Leave has been denied.

Mr. Cameron Friesen (Morden-Winkler): Mr. Deputy Speaker, it's my pleasure this afternoon to rise in the House and puts some words on the record with respect to Bill 9, The Public Schools Amendment Act (Community Use of Schools).

And we agree with the intent of Bill 9, and that is that individuals and community groups should have equal access to school facilities throughout the province. And I believe that we're all agreed that school facilities are paid for by the taxpayer, and they should be available to the community. And it comes to a question of the—our intent and the extent to which we are good stewards of our resources. And, in fact, I would make mention of the fact that it was actually on election night of 1999, that the

former premier, Gary Doer, promised that he was going to turn the lights on in school gymnasiums after hours. And it's nice to see that 12 years later here we are with Bill 9, turning the lights on in schools after hours.

But, actually, Mr. Deputy Speaker, it's not quite the case, because I think we would all acknowledge that from our own experience and knowing school divisions in the communities where we live, a lot of this is taking place already. The fact of the matter is there are school divisions in their communities all across this province, in urban areas and in rural areas, who are partnering well, who are taking a look at the resources that are available to them and saying: How can we use this better? How can we use this to the fullest extent? And so I think that we need to examine not only what this legislation would bring into effect; we need to examine common and current practice and take a look at what is happening already in this area of sharing resources between schools and between communities.

Community access to school facilities is a good thing for Manitobans throughout the province. And, when schools aren't in use by students and teachers, then absolutely community groups should have access to those facilities. As a matter of fact, that was the strong recommendation of the 2005 report of the Healthy Living Task Force. And we know, as I stated, that successful examples abound of communities and school divisions and groups that are working together and maximizing the use of school facilities in a co-operative manner.

There are school divisions, many of whom have formal policies governing the use of their buildings and their classrooms and their gymnasiums and their multi-purpose rooms. There are many others with informal arrangements that have successfully allowed for the full usage of those facilities. I have only to look to my own community, Garden Valley School Division and Western School Division, to see that there are very successful partnerships in those communities between the school division and between the city and the town.

I'm thinking about the Access Event Centre in Morden and Western School Division's extensive use of that facility for all kinds of school functions, including concerts and events and the like. And, indeed, right across Manitoba school gyms are a host to a variety of recreational activities, things like mom and tot programs, shake, rattle and roll for parents and preschoolers.

There are indoor soccer clinics. There are cadet programs that meet in gymnasiums. There are yoga classes, taekwondo groups, and the list goes on and on. It's not just the gymnasiums that are in use after school hours. But, of course, there's call for a use of the school grounds and the soccer pitches, the tracks, and, of course, not just in the gymnasiums, but also in regular classrooms. There are groups like 4-H. There are adult learning opportunities that take place in schools after hours, and the schools become a great place to facilitate those events and activities. Also, in gymnasiums, I should add that, of course, you have all kinds of adult floor hockey and gymnastics classes. There are dance—and square dancing classes that take place as well.

And under Bill 9 there is going to be some requirement for school divisions to meet administration requirements such as assigning one person to be responsible for and track all community use requests, and creation of a usage calendar on the school division's website. And these are things that I would like to pay some attention to and make some remarks about.

Because these conditions will involve some costs, and they are costs that undoubtedly school divisions will be asked to absorb. And time will tell what the full expense will be to divisions and whether the Minister of Education (Ms. Allan) is willing to assist with covering any or all of these costs, and whether, as well, these costs will be ultimately passed on to those user groups. Among these costs, we need to keep in mind that whenever the building is open after regular hours, there will be a need to have a custodian in the building or a key holder to provide access to these groups.

Mr. Speaker in the Chair

And, of course, because of that, there will be overtime pay on weekends and on evenings, and there will be subsequent cleaning duties that arise for custodians after the building has been in use. So, in essence, we have custodial crews who go through a building and they clean it, but then we will have groups coming in after hours and they'll use it and there will be a need to clean it. And none of that is insurmountable, and neither would I want to suggest that those challenges can't be overcome but, of course, we also have to remember there is the opportunity for vandalism and theft and those things, unfortunately, do occur in some schools when we're opening them up. All of this, of course—it demands that schools are vigilant and they keep staff on after

hours, custodians to watch the areas that are being used and to maintain locked doors for those areas that aren't being used.

And, I think, in addition to some of these logistical considerations, we need to also unpack this idea a little further. We need to be concerned about how we would use or how this legislation would require that more technical areas of our schools be used, and whether they would also be open to rental and usage by the community. I'm thinking, in specific, about some of our vocational and technical programming that goes on. I'm thinking about industrial arts spaces and home economics spaces and cosmetology spaces, band rooms and how the technical equipment, in these rooms, could be exposed to vandalism or theft, and that could be a great cost to school divisions.

So I think more thought definitely needs to be given to exactly what spaces would be made available through this legislation and, perhaps, whether it would be reasonable to prevent some spaces from being rented just because of the threat that could be posed to the technical equipment that is housed in those rooms.

And, also, of course, even though this bill indicates that fees would not be charged so as to be an additional source of revenue to a school division, even so, I think we'd have to keep in mind that there could be some considerable fees—or considerable costs incurred by school divisions. And those have to be—those costs have to be recouped by the school division.

Inasmuch as the legislation states that this cannot be a source of revenue, we also have to be certain that all of these procedures wouldn't place schools divisions at a disadvantage and cause them to lose money. And further to that, seeing greater access to school facilities throughout the province over school holidays, it would be a welcome enhancement to some existing school-use policies, and I understand that, but we do have to also acknowledge that schools have the obligation to upkeep their maintenance schedule. And that means that the facilities aren't always available to usage agreements.

There is waxing of floors that's done; there's painting; there's reparations that are made; gymnasium floors need to be refinished; and, certainly, groups might want to have access to these spaces. But I think it needs to be articulated here, somewhere, that schools have an obligation to the upkeep of their facilities, and those obligations

supersede rental arrangements or any kind of a usage agreement, otherwise, we're going to see a situation, whereby, if the necessary repairs can't be made, if the necessary upkeep can't be done, we're not going to like the condition of these facilities.

* (16:00)

And also I think it needs to be considered that access to school divisions has to be fair, and it's important to have a level playing field. And so, certainly, we'll be play-paying close attention to the regulations that are developed to accompany this bill to make sure that the requirements for school divisions are reasonable, and not onerous.

And, Mr. Speaker, I would also make the comment that, as soon as I read the title of Bill 9 and read the explanatory note, I have to confess that I was not immediately convinced that what has been formalized here, through legislation, could not otherwise have been accomplished through co-operation with the direction from this minister. And I remain unconvinced that a different approach could not have been taken.

In fact, the minister has indicated that in March of last year she directed school divisions to review and develop and implement policies that would establish procedures and joint use agreements for the use of public schools facilities to maximize the use of the school and community facilities. And I have to ask: To what extent is this legislation now actually short-circuiting the process that she herself put in place?

And the minister has indicated that she has an excellent working relationship with school divisions, and that's great and very encouraging for us to hear. But, if that working relationship is so solid, I wonder why we couldn't have entertained the notion at coming at the same intent, but without formal legislation, and instead doing so co-operatively.

And, on that subject, I would make the additional claim that best practice is out there. We know when you talk to school divisions, when you talk to trustees and school board chairs—we know that the vast majority of them can speak with authority on this issue, and they speak about the great relationships they have with their communities. And they speak about the usage agreements that they have in place, and so I wonder if it's a—wouldn't have been easier to approach this from a different angle, if it wouldn't have been more efficient to do so.

And now we have a law, of course, to make sure that it happens, or a proposed law to make sure it happens, and I just suggest that it shows a certain low regard for school divisions and superintendents to implement this policy that they were asked to review and update or develop.

And I would suggest that there hasn't been adequate time for those school divisions to actually develop that policy and to demonstrate compliance. But that has been the way that this government has often approached problems; in a very—in a way that favours legislation over policy.

While the goals of Bill 9 are important, even so, I think it's the case that school divisions haven't been reluctant to open their doors after hours. And I imagine there are a few groups that have had trouble, and I'm speculating that that's where this bill came from, is it's directed at a few groups that have had trouble working out a suitable agreement. And I would suggest that the answers are out there and they are in use.

And simply because I think there's a few problems that need to yet be figured out with respect to this bill, certainly, I think there's a need to limit the use of facilities to gymnasiums and multi-purpose rooms and general classrooms. And there has not yet been a differentiation made between the types of rooms that would be available to rental. That's one problem.

I'm concerned as well about the willingness, or the ability, of school divisions to honour current agreements that are in place with existing renters of those spaces and respect those existing rental and usage agreements, and I have to ask: Will those agreements be given precedence?

Also, we have to respect school division obligations to maintenance, and we have to respect that there will be blackout periods for rentals.

And I believe that there should be a mechanism so that school divisions can demonstrate existing compliance, that they can say: Yes, we have a system in place. We're very proud of it.

It meets the same goals that this legislation would, and I wonder if there shouldn't be a mechanism there put in place to allow the school divisions to opt out and simply say: It works, and why reinvent the wheel? Why try to fix something that isn't broken?

And, finally, I would just want to put this on the record, and that is that the legislation indicates that

we're to have compliance by January the 1st, 2013, and of course, the question remains: What happens if there isn't compliance by January the 1st, 2013? What happens in that event? And there hasn't been a remedy spelled out here as to what would happen in that case.

And my last thought on the matter would be with respect to a—to dispute resolutions. What would happen when the mechanism that has been put in place to resolve disputes fails? Then what? Who is the final arbiter of decisions in these matters?

So, Mr. Speaker, that's—those are some of the comments that I want to be—wanted to have on the record with respect to this bill. It's a great idea in principle. I believe that there are some complicating matters that do need to be addressed, and I look forward to the process of continuing to have a role in helping to address some of those shortcomings. Thank you.

Mr. Speaker: Any further speakers to Bill 9?

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: Question before the House is Bill 9, The Public Schools Amendment Act (Community Use of Schools).

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

House Business

Hon. Andrew Swan (Acting Government House Leader): Could we now move to debate on second readings on bills 4, 11, 15 and 19?

Mr. Speaker: So the next series of bills to be called will be Bill 4, followed by Bill 11, 15 and 19.

Bill 4—The Missing Persons Act

Mr. Speaker: And on the—we'll resume debate on the adjourned motion of Bill 4, The Missing Persons Act, standing in the name of the honourable member for River Heights (Mr. Gerrard), who has 18 minutes remaining.

Is there leave for this bill to remain standing in the honourable member for River Heights' name?

Some Honourable Members: No.

Mr. Speaker: Leave has been denied.

Mr. Kelvin Goertzen (Steinbach): It's a pleasure to be able to put a few words on the record regarding Bill 4, The Missing Persons Act, Mr. Speaker, and

this certainly is, I think, an important piece of legislation, another tool, that we often use that phrase when it comes to a piece of legislation regarding justice.

And the issue of missing persons, I think, emotes different emotions for many individuals, and you could—everybody probably has a different vision in mind when they think of a missing person. I'm sure that many Manitobans, when you would talk to them about missing persons, they would think of a young person—a child who might go missing. And, of course, those of us who have children at any stage in their life, that, of course, is a person's—a parent's worst nightmare. None of us can think of a more scary situation than to not know where our children is, and, of course, and I think everybody who is a parent has probably had a time where in a grocery store or a crowded mall for a second or even longer they weren't able to find their child, and all the worst fears come to your mind. And I think that that's a very natural thing that parents have happen, and in the vast, vast, vast majority of the time, of course, the child is either quickly found or found a short time later. No harm has been done, and it all ends well.

But we do know, tragically, in our society, whether it's in Manitoba or other provinces or other parts of the world, that there are things that can happen to children and to adults and to individuals who might be in high-risk occupations, lifestyles, Mr. Speaker—to other individuals who might be in a domestic situation, for example, where, in fact, they do go missing without their willingness to go missing.

We know also, that there are some people who go missing; they don't want to be found, and I refer to the issue of the domestic violence situation. There are people who will try to be absent and away from situations, and that certainly is understandable and then often the state and others will facilitate that.

But there are situations where missing women, missing children, individuals can't be found, and it's important that police have the opportunity very early on, when an individual is declared to be missing, to have the tools to try to find that individuals. It's common sort of parlance within police discussions and talk that they say the first 24 hours of any kind of investigation are the most critical time periods. In fact, I think there's actually a TV show called the first 24 hours, and they track police—

* (16:10)

Mr. Speaker: *The First 48.*

Mr. Goertzen: *The First 48* hours. The Speaker corrects me, and I appreciate your admonition, Mr. Speaker—*The First 48* hours—about how important those first hours are in a police investigation. That is certainly true and it couldn't be more true when it comes to a missing person.

And there's been a change over the years in terms of how reports of missing people are dealt with. I remember reading the story about Candace Derksen, a very well-known case here in Manitoba, and her mother has spoken very eloquently about the situation that happened to her daughter, and there's great, great, great lessons of forgiveness and other things in the story of the Derksen family.

But in reading one of the books that was written by Mike McIntyre, a crime reporter here in Manitoba, they talked about the fact that very early on when Candace was reported missing, the police didn't take it as though it was necessarily critical, because there was—and this certainly is no reflection on the police, for many years, there was a feeling that police wouldn't act very quickly on missing persons' reports, particularly of young people, because they were almost presumed to be runaways, Mr. Speaker, or just simply didn't want to come home quickly.

Some of that has changed over the last number of years, and I think the protocol that the police use and how they respond to some of those are more variable now, and there isn't that presumption anymore that an individual has simply run away from home, that there might be something more nefarious at play.

And so this bill allows police to more quickly find out information by allowing them to do certain things without a warrant or to quickly obtain the judicial right to go and look for information on an individual who's been declared missing. Recognizing a couple of things, Mr. Speaker, one, is that how missing persons are treated after they've been first reported to be missing is different than it was going over the last number of decades, and, secondly, that those first 24 or 48 hours are critical. They are important. Those are the most important hours in terms of gathering information, following up on leads with individuals who may have seen somebody and, then, hopefully, preventing a tragedy, if, in fact, that person has found themselves in harm's way.

So this bill, I think, is good legislation. I—like with any piece of legislation that we debate here in Manitoba, there are often unintended consequences

from legislation, and we can certainly have those discussions in committee whether or not there might be some of those unintended consequences or whether we learn about them later on when the law is in effect.

Manitobans, I'm sure, will—those who have an interest in these sort of things will come to the committee. Often there's a balance that's played, and I spoke to the minister a bit about this during the briefing of the bill about civil libertarians will—they play a role in ensuring that our rights aren't necessarily trampled upon by the states, that there's a balance, that the balance of trying to ensure that the police are able to do what we expect them to do as a society to protect us, to ensure that they are out there protecting individuals who might be at risk or in danger, that they have the tools to do that, and on the other side of those scales are those civil liberties that we all hold important, that we want to ensure that we don't have our own rights, sort of, trampled upon.

So this bill, hopefully, strikes that right balance, and I think we'll have those discussions as it moves through the legislative process. But I think the goal, I think we can all agree upon, all of us would want as parents or any of our loved ones, if they were found to be missing, if they've gone missing, and we believe that there was something, perhaps, sinister that's happened, we would want the police to be able to act quickly, to have those tools.

We would be frustrated if, in fact, the police said to us that we can't do this particular procedure because we don't have the legislative requirements. We might want to find this evidence quickly, but, you know, we're going to have to first get a judicial warrant and that's going to take time and that's going to slow everything down. We would be frustrated, as loved ones, and rightfully so, Mr. Speaker, and we would question whether or not the system was working effectively and appropriately.

So I think this bill is a good bill in terms of addressing those issues to ensure that where there are situations like this, that the police have the appropriate power.

There's a broader discussion, Mr. Speaker, that needs to happen when individuals have been missing for a long time. And I know that there's been a committee struck, a joint task force, for murdered and missing women task force. And there are legitimate questions about how robust that is, about where that is going, that is sort of tangential to this bill.

It's not completely separate in terms of the topic of discussion. Obviously, individuals are missing or they've already been deemed to have been the victim of a murder, Mr. Speaker, but it's important to talk about that, in the context of this bill, that we haven't forgotten that, that it's important that the task force—that we have regular updates and an understanding about what has happened to those individuals who are—have been murdered or gone missing, because the loved ones for those individuals need answers. They need to know what has happened to the people that they hold dear.

And, in many cases, I know in talking to individuals, to family members, they're frustrated. They've been frustrated that they don't get any sort of answers. There was great hope, I think, when the task force was originally formed, but some of that hope has dissipated, Mr. Speaker, as they haven't gotten updates, or they don't feel that they've been part of that process.

And we have seen different task forces like those struck in Alberta, for example, in Edmonton, where they had more, either positive results, or, at least, the feelings of those families who were impacted were more positive.

So I wouldn't want to let this opportunity go by, as I speak about this bill on missing persons and allowing police to have more tools to act more quickly in an appropriate fashion, without mentioning that committee, and the need for the government to assure the families, and to assure Manitobans, that, in fact, there is—there's good progress being made there. That was really the hope—I think that was the promise, indirectly, by the government, that there would be advancements made on some of those cases.

We sometimes refer to them, in common vernacular, it's cold cases or cases that—where there is no ready lead. And the police have to try to find leads that have gone cold; the trail has gone cold. But that maybe isn't the nicest way to describe those cases because, behind each of those cases, are individual loved ones who are waiting for answers. And, for them, it hasn't gone cold; for them, it's very real.

And for them—I think, in fact, when you speak to those who are in that situation, those loved ones, they would often use the phrase that it's as though it happened yesterday. I can still—I still feel what I felt then, when I thought—or found out that my loved one had gone missing, or was nowhere to be found. So,

for them, it isn't a cold case; it's a very—it's a very real, it's a very warm, it's a very personal thing.

So I hope that the committee that was struck by the government a few years ago now, and the joint task force, is having a success behind the scenes, and it will hear more about that.

I would encourage the Attorney General (Mr. Swan) to ensure that's a transparent process, not just for the families, although that is the primary concern that I would raise, but for the public in general. The public would have confidence that these cases are having a robust look and that there might be some advancement in terms of those, because individuals need to know that, in fact, there are things that are being done, and being seen to be done, and to have that information come forward in a public way.

So, Mr. Speaker, I look forward to this committee—or to this bill going to committee, hearing the advice of members of the public who might want to come forward, hearing the advice of other members of this Legislature, who will be sitting on that committee, who might have comment on the bill, and, looking forward to the bill then moving through the legislative process here in Manitoba. Thank you.

Mr. Speaker: Are there any further speakers to Bill 4?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 4, The Missing Persons Act.

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

The motion is accordingly carried.

House Business

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

I'd like to announce that the Standing Committee on Social and Economic Development will meet on Monday, June 4th, 2012, at 6 p.m., to consider the following bills: Bill 12, The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs); Bill 16, The Consumer Protection Amendment Act (Improved Enforcement in Administration); Bill 17, The Non-Smokers Health Protection Amendment Act; Bill 26, The International Interests in Mobile Equipment Act (Aircraft Equipment); and Bill 28, The Residential Tenancies Amendment Act.

* (16:20)

Mr. Speaker: It has been announced that the Standing Committee on Social and Economic Development will meet on Monday, June 4, 2012, at 6 p.m. to consider the following bills: Bill 12, The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs); Bill 16, The Consumer Protection Amendment Act (Improved Enforcement and Administration); Bill 17, The Non-Smokers Health Protection Amendment Act; Bill 26, The International Interests in Mobile Equipment Act (Aircraft Equipment); and Bill 28, The Residential Tenancies Amendment Act.

Bill 11—The Criminal Property Forfeiture Amendment Act (Administrative Forfeiture and Miscellaneous Amendments)

Mr. Speaker: We'll now proceed with Bill 11—on the adjourned debate on Bill 11, standing in the name of the honourable member for Steinbach.

Mr. Goertzen: Also a pleasure to speak this afternoon in the Assembly on Bill 11, The Criminal Property Forfeiture Amendment Act (Administrative Forfeiture and Miscellaneous Amendments), and I have a little bit of history with this piece of legislation, Mr. Speaker, having introduced in this House similar pieces of legislation over the last two sessions. I know the Attorney General, the member for Minto (Mr. Swan) likes to sometimes refer to the research that is done as a googling, in terms of the research done by members opposite here, but then the Attorney General turns around and doesn't even bother to do a Google. He just does a cut and paste of legislation by government member—or by opposition members, but I'm not critical of that. I might make light of it, but I'm not critical of that. I'm glad that ideas that come forward by the opposition are stolen by the government. You know, sometimes I might say that it's a little bit less than gracious that the government doesn't give the appropriate recognition to opposition members who bring forward legislation. Not that opposition members or any members are seeking recognition, but I think that it would reflect well on the government if they did appropriately give the—give credit, where, as the old saying says, give credit where credit is due.

On this particular bill, Mr. Speaker, the issue of administrative forfeiture is one that I thought was important to bring forward, and it goes a little bit to what I was speaking about on the last bill about trying to find that appropriate balance. And that's often difficult in bills relating to justice because on

the one hand, you have individuals who might be impacted by the bill and feel that their liberties are somehow being trodden upon, but on the other side, you have the need for public safety and to protect the public.

This case of this particular piece of legislation is perhaps a little bit different than that. The motivation for bringing it forward, Mr. Speaker, was to alleviate some of the pressure on our courts around the process of forfeiture in the province of Manitoba. Often, right now when the government believes that property is either the result of crime or an instrument of crime, they, of course, have to go through a process to seize that property and have it become property of the government essentially, and then to be sold off and have those funds go either to victims or into other funds.

But quite often, nobody's putting a claim in on that property, and you could understand why that would be, Mr. Speaker, if—I'll use the example of a drug house, for example. If a drug house has been acted upon and there is a stack of cash of \$40,000 or \$50,000 and it's clear that those funds were the result of the sale of drugs, in a drug house, it's very unlikely that any individual who was involved in that drug house would come forward and say, well, that's my money because they would be implicating themselves in a whole host of other crimes and would—getting themselves into a whole host of other trouble. So quite often, they simply abandon the property, whether it's a vehicle or whether it's money or any host of other properties that you could think of. They just leave them because why would they bring themselves forward and identify themselves as being part of the criminal activity of those happening in that property. Even criminals sometimes do common sense things, and it would be common sense not to identify yourself and put a claim in on that property. But the government still has to go through the administrative process of seizing that property, which ties up the courts and others who are involved in that.

So what this bill would do and what my bill did, my private members' bill, is it allows the government to essentially say: All right; we have found this—these funds; for example, in this house we believe that the money is the result of crime, either an instrument of crime or the proceeds of crime. If anybody has a claim in the money, come and make that claim. But, if nobody does, then it reverts to the government without having to go through all of the other procedures.

So I think it strikes the right balance in that there's fair warning, Mr. Speaker. It's advertised; it's acknowledged that this property has been found, and that if anybody has a just and rightful claim to the property, they simply come forward and say, that's my property. I don't believe that it was gained in an unlawful way.

If they can make that argument, the regular procedure, then, goes forward in terms of forfeiture of property. But, if nobody comes forward, if nobody wants to say that that property was gained in a lawful way, then the government gets it. They sell it, or they distribute it to victims or to other organizations that are fighting crime.

So, once again, this is a way to strike a balance, to try to find that appropriate measure between fighting crime and, on the other side, ensuring that individual rights are not subject to being taken away. So I think that that's one of the reasons I brought forward the bill. I'm always looking for ways to try to improve different pieces of legislation or bring new pieces of legislation forward. I'm glad, ultimately, that the government has decided to take the legislation and act upon it. Regardless of the fact that they were negative about it when I first introduced it a year ago, regardless of the fact the Attorney General spoke ill of it and had all sorts of, you know, nasty things to say about how the bill came to the floor of the Legislature, I'm willing to forget that, Mr. Speaker, and sort of put that aside and recognize that the greater good is to have this bill move forward and to have it put in place for the betterment of Manitoba.

I think that it behooves all of us sometimes to ensure that we're acting in a bipartisan way, in a way that shows that we can act together. And I hope that my example will be an example for the Attorney General down the road as we look at other pieces of legislation, that he'll see that I've reached across, metaphorically across the aisle, and want to work with him on a piece of legislation, and we'll see if that results in other bills being passed by government or opposition bills being passed in this House.

I wouldn't want to conclude my comments without giving a bit of a historical perspective about The Criminal Property Forfeiture Act. It took a long time for this act to do what most of us in Manitoba expected it to do. In fact it was a number of years that nothing was seized in terms of criminal property, that there was no goods that were taken, even though we would—we'd look at our neighbours to the west in

British Columbia and they were seizing millions and millions of dollars of vehicles and homes and other high-priced items from organized crime, and yet in Manitoba this bill, which passed many years ago, just gathered rust and dust, Mr. Speaker, and there was nothing that was seized from it. I had discussions with the former attorney general, the member for Kildonan (Mr. Chomiak), and the former attorney general, the member for St. Johns (Mr. Mackintosh), about the fact that the legislation wasn't working and wasn't having the effect that it was supposed to, and I had my own ideas and had those discussions. And finally we got to the place, many years after, where now I think that there are some benefits being reaped in the legislation.

So I think that's an example of how the government doesn't necessarily have to dismiss ideas that come from the opposition, that they don't have to be ashamed that they're taking ideas from the opposition. They don't have to be ashamed that they weren't the first ones to come forward with an idea, Mr. Speaker. There's no need for them to be ashamed. They should be willing to work with us as all members to try to get good pieces of legislation that are good for the province passed.

* (16:30)

So I look forward to this bill also going out to committee. Maybe we'll have the opportunity to discuss it on the same night as the previous bill that was passed, and then Manitobans can come and avail themselves of our very unique process here in Manitoba where they can come and speak to legislation, a good process, I think, Mr. Speaker, one that has often found itself to have good amendments—have come forward from the public.

I don't know that this will garner mass public appeal in terms of the number of people who want to come forward and speak to the bill, but certainly the opportunity is there, and I, as I always do, look forward to hearing from Manitobans to hear what they might think in terms of how the bill can be improved or how it can be strengthened.

So with those few words, we're also willing to see this bill move forward in the legislative process.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to speak briefly on Bill 11, The Criminal Property Forfeiture Act. And just, first of all, let me start by congratulating the MLA for Steinbach for his enthusiasm and his continuing pushing in this area. I want to, you know, give credit, as well, for the

government for taking this forward and the MLA for Minto, for, you know, recognizing the importance of this.

My understanding, Mr. Speaker, on this, and I think I've got it right, this bill allows the director to seize property with appropriate court approaches, property that is the proceeds of unlawful activity as in section 3(1) or an instrument of unlawful activity, and that it is appropriate, then, that such property be seized when it is an instrument of unlawful activity.

And I think it's interesting that the MLA for Steinbach has found an interesting application. It was not long ago that some unlawful activity was detected and, indeed, the MLA for St. Vital and the MLA for Seine River were found to have broken the law, the elections law, which deals with what's allowable in the period up to the 90 days before the writ. And the minister—this is the Minister of Health (Ms. Oswald) and the Minister of Education (Ms. Allan) were clearly found to have broken the law in this instance. And so it's interesting to take this perspective and have a look at what property might have been instruments of this breaking of the law that happened by the MLA for St. Vital and the MLA for Seine River.

And it seems, in setting up this illegal activity, that the two MLAs probably used a phone and that the phone should clearly be seized, that the MLA probably had a computer which sent emails to set up this organized activity, this illegal activity.

I think, you know, it's important that all of us understand the application of this law, that, clearly, not just the computer, that the desk and the office that were used; it might have been an election office, it might have been some other office. Probably there was a car that was used to take—in fact, there may have been two cars, one for each of the MLAs to go to the scene where the law was broken, and that under this act, it would be quite easy and apparently appropriate for this act to have these various instruments which were used in the unlawful activity, to be seized, and it looks like the property would be forfeited to the government to be used or delivered in some other way.

One hopes that in this case it wasn't government property to start with but, whatever the case may be, it shows an example, Mr. Speaker, of how this law could be applied and, if it were to be applied equitably, it could be applied to ministers of the Crown just like anybody else who has broken the law.

And so I put this forward. So far as I can tell, you know, the defences here, or the judgment here deals with the balance of probabilities and under the circumstances I think it would be fair to conclude, and under the balance of probabilities, that the phone and the desk and the office and the car were all used in this unlawful activity. And given that the bill has, you know, some issues in terms of property rights, it doesn't appear that there's any defence in terms of property rights, and so it would appear under this legislation. I want to make the point that it would be appropriate to seize these various instruments which were used in this unlawful activity when the MLA for St. Vital and the MLA for Seine River broke the elections law.

I think it's important to point out the broad application of this law and it's important that MLAs are aware of that as we move it forward and look at it at committee stage and at third reading stage.

And those are my comments, Mr. Speaker. Thank you.

Mr. Speaker: Any further speakers to Bill 11?

Seeing none, is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 11, The Criminal Property Forfeiture Amendment Act (Administrative Forfeiture and Miscellaneous Amendments).

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

House Business

Ms. Howard: Yes, Mr. Speaker, on House business.

I'd like to announce that the Standing Committee on Human Resources will meet on Monday, June 4, 2012, at 6 p.m., to consider the following bills: Bill 4, The Missing Persons Act; Bill 9, The Public Schools Amendment Act (Community Use of Schools); Bill 11, The Criminal Property Forfeiture Amendment Act (Administrative Forfeiture and Miscellaneous Amendments); Bill 13, The Renewable Energy Jobs Act; Bill 14, The Protection for Persons in Care Amendment Act; and Bill 30, The Regulated Health Professions Amendment and Personal Health Information Amendment Act.

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following bills: Bill 4, The Missing Persons Act; Bill 9, The Public Schools Amendment Act (Community Use of Schools); Bill 11, The Criminal Property Forfeiture Amendment Act (Administrative Forfeiture and Miscellaneous Amendments); Bill 13, The Renewable Energy Jobs Act; Bill 14, The Protection for Persons in Care Amendment Act; and Bill 30, The Regulated Health Professions Amendment and Personal Health Information Amendment Act.

Bill 15—The Fortified Buildings Amendment Act

Mr. Speaker: We'll now proceed to Bill 15, The Fortified Buildings Amendment Act, standing in the name of the honourable member for Steinbach (Mr. Goertzen).

Mr. Goertzen: Yes, thank you very much, Mr. Speaker. I'll be brief in my comments on this bill. This is a bill that we will support, similar to the previous bill that I was speaking on. It's a bill that for some time didn't get the appropriate use and get the kind of use that we would have liked to have seen.

We understand this amendment will allow, and it's been asked for by law enforcement, allow the individuals who act on something that they believe is a trap on property. And I spoke to the minister about what the nature of some of those traps might be, and I won't get into any sort of detail, but suffice it to say, individuals who are intent on avoiding the law sometimes can be creative in setting up traps that can harm not only police but first responders or others who might be attending on location.

So, to the extent that this bill provides safety for those individuals who are going onto the scene of a place where there is seen to be unlawful activity happening, we certainly support that.

* (16:40)

Mr. Gerrard: Yes, Mr. Speaker, I certainly don't approve of deliberately set traps on property which could be a problem for people who are police officers or others who are entering such a property. What I think we need to ask and be aware of is the extent to which this is a major problem right now. And I would have hoped that the minister would have laid out the details of how much experience there has been with traps, and what kind of traps and where they have been set, and, you know, why this is a major problem at the moment.

I think that the potential problem is the ability to distinguish between what has been deliberately set

and what is an accidental endangerment of people. You know, if a—somebody has to have their sewer line repaired and a construction company comes in, and they should obviously make sure that everything is looked after very well. But suppose they have dug a hole and somebody comes running in and falls down the hole, and, you know, is this the appropriate legislation to be using if this was an accident? Obviously, one should never have such a situation where there is a hole that somebody can fall down.

But I think that it is important in looking at this legislation, that one is able in administering it to make sure that there's a clear distinction between what is deliberate and what is accidental endangerment. And I also think that, if there is somebody who's got safety problems on a construction site, that they should be dealt with under legislation which deals with safety issues and not necessarily under trap issues.

So it certainly would have been helpful to have more details from the minister when he presented this. And I would hope that he would be able to provide that or others will be able to provide that at committee stage.

And, with those few comments, I'll sit down. Thank you.

Mr. Speaker: Any further speakers to Bill 15?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 15, The Fortified Buildings Amendment Act.

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

Bill 19—The Use of Animals to Shield Unlawful Activities Act

Mr. Speaker: Now proceed to Bill 19, The Use of Animals to Shield Unlawful Activities Act, standing in the name of the honourable member for Steinbach (Mr. Goertzen).

Mr. Goertzen: Mr. Speaker, on this particular bill, I'm not sure how many instances there are of individuals using animals to shield 'illit'—'illicit'—illegal activity. I'm sure *Hansard* will have a difficult time determining what my words were before that. But there are some, and we certainly know and have heard of situations where individuals will use dogs, particularly dogs that are trained or bred to be violent, to try to protect a facility that has

'illit'—illegal activity happening in it. It's a good thing we're close to the end of the week, I think.

And I'm not sure that there aren't other mechanisms within the Criminal Code or other pieces of legislation to deal with this kind of offence. This will certainly set up a new stand-alone offence under the provincial legislation, and so there is nothing concerning about that.

I hope that it's not a piece of legislation that's not going to have a lot of application; that I guess in some ways you hope that it won't have a lot of application. But I wonder if, in fact, Mr. Speaker, it's a piece of legislation that can be dealt with in other pieces of the Criminal Code or otherwise.

But, having said that, it's not a bad thing to have the bill there. We know that there are some individuals who are going to use animals to try to protect their illegal activities. And we don't want that to happen, and we don't want that to be a motivation. We certainly don't want our police and other individuals who are attending a scene to be put at risk because of these animals. So, if it has any impact at all, Mr. Speaker, I suppose it would be a positive impact, and we look forward to it going to committee.

Mr. Gerrard: The legislation here, as in the last one, it would have been in my view smart for the Minister of Justice (Mr. Swan) to have laid out the extent to which this is a problem. The examples, the illustrative examples, on which one could build the strong case for having this legislation, hopefully, this kind of information would be provided at the committee stage by presenters.

Certainly, when we're putting in a law like this, there is a need to make sure that it is going to be effective, that it can be implemented well and that it can be implemented in a way that is going to decrease unlawful activity.

But also to make sure that it is not used in areas where, you know, what—we've got animals here, and, of course, there's no definition of what animals might be. Certainly there are certain animals, you know, having a tiger, for example, would perhaps be an illustration which would be totally inappropriate. But certain dogs are much more—greater potential, Rottweilers, for example, to be attacking people and other dogs, or not. There's nothing here which would put in place any requirement to indicate that the animal really poses a danger.

And that the activities here, as with the bill, which we were talking about earlier on, which was The Criminal Property Forfeiture Act, you know, this act could very easily apply to, you know, to the premises on which the minister for Health and Education were planning their activities, which ended up breaking the law, the election law in last August. And if they had a dog on the premises, you know, they could perhaps be, you know, taken to task and prosecuted under this law.

I'm not necessarily saying that, you know, that's not a bad thing, that there might be some consequences, since the government is actually not censuring them for such unlawful activity, but I do think that one has to be a little bit careful in balancing the needs for this legislation with balancing the ramifications of having this legislation, in terms of what circumstances it might be used.

So I look forward to more discussion on this legislation at the committee stage and the minister providing some more information, and to this legislation moving forward to the next stage. Thank you.

Mr. Speaker: Any further speakers to Bill 19? Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 19, The Use of Animals to Shield Unlawful Activities Act.

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

I declare the motion carried.

House Business

Ms. Howard: On House business. In addition to the bills already referred to the Standing Committee on Human Resources, meeting on Monday, June 4th at 6 p.m., the following bills will also be referred: Bill 15, The Fortified Buildings Amendment Act; and, Bill 19, The Use of Animals to Shield Unlawful Activities Act.

Mr. Speaker: It has been announced that in addition to the bills already referred to the Standing Committee on Human Resources, meeting on Monday, June the 4th, 2012, at 6 p.m., the following bills will also be referred: Bill 15, The Fortified Buildings Amendment Act; and, Bill 19, The Use of Animals to Shield Unlawful Activities Act.

Ms. Howard: Would you please call second readings on bills 22, 36 and 37?

Mr. Speaker: We'll now call second reading of bill 22, 36 and 37, and we'll start with Bill 22, The Highway Traffic Amendment Act (Extension of Ignition-Interlock Program).

* (16:50)

SECOND READINGS

Bill 22—The Highway Traffic Amendment Act (Extension of Ignition-Interlock Program)

Hon. Andrew Swan (Minister of Justice and Attorney General): I move, seconded by the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson), that Bill 22, The Highway Traffic Amendment Act (Extension of Ignition-Interlock Program); Loi modifiant le Code de la route (extension du programme de verrouillage du système de démarrage), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Swan: I'm pleased to have an opportunity to speak to Bill 22 today. Impaired driving continues to be an issue of concern in Manitoba, compromising the safety of our citizens. One of the tools that we have at our disposal to address this concern is the ignition-interlock device, which can be installed in motor vehicles to prevent people from driving the vehicle if they've consumed alcohol.

Participation in the ignition-interlock program is already mandatory for repeat impaired drivers and first-time convicted impaired drivers who cause bodily harm or death or who committed their offence with a child as a passenger.

Bill 22 would extend the ignition-interlock requirement to all first-time convicted impaired drivers. This means that all convicted impaired drivers in Manitoba would have to obtain a restricted driver's licence and face a period of mandatory participation in the ignition-interlock program if they wish to drive a motor vehicle in the period of time following the driver's licence suspension or disqualification for their conviction.

Repeat offenders face longer periods of time during which drivers are only permitted to drive motor vehicles equipped with the ignition-interlock device. Currently, under The Highway Traffic Act, people who do not apply for a restricted driver's licence during their mandatory ignition-interlock

period but drive a motor vehicle during this time can be charged with The Highway Traffic Act offence of driving without a licence. This offence currently falls under the lower range of severity under The Highway Traffic Act. Bill 22 provides that these drivers will now be deemed to be driving while disqualified, which is a more serious offence under The Highway Traffic Act and which carries more significant sanctions.

I want to take this opportunity, Mr. Speaker, to thank MADD Canada for their advice on this act. Andrew Murie, national executive director of MADD Canada, articulated very clearly the various reasons why MADD Canada supports expanding ignition-interlock programs, and what I think was interesting was MADD Canada's position that requiring ignition-interlocks really creates the separation of drinking and driving as a valuable tool to truly change drivers' behaviour.

And, Mr. Speaker, I can say that we agree with this view. As I've indicated, we'll be able to discuss this bill in more detail at the committee stage, so I'll conclude my remarks at this point. Thank you.

Mr. Kelvin Goertzen (Steinbach): Just a few comments on this bill. I think there's a willingness to see this move to committee. Certainly, we're interested to hear and perhaps will hear at committee what sort of evidence the minister has that the extension of this program will, in fact, reduce drinking and driving. I know he's had discussions with MADD, and certainly we support MADD and the work that they do, and I'm sure that the minister has been given different statistics that will indicate that this will be one way to reduce drinking and driving. Certainly, we would like to see other things that would be more preventative, that would prevent people from drinking and driving at all before they ever have a charge as opposed to post-charge measures. That, obviously, would be the best way to save lives, to stop somebody from ever getting behind the wheel drunk, initially. This is one measure, obviously, post-conviction.

So I hope to have that discussion with the minister at committee. I'm sure he can provide some good evidence and some good background from MADD, and I suspect, then, we could get unanimity of the House, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I'm certainly ready to support this legislation, Bill 22, which deals with an extension of the ignition-interlock program. There's just one area where I

would like the minister, or suggest the minister, have a look at. The way this is written, it would appear that somebody who has a second conviction would be under the—required to use an ignition-interlock device when driving a motor vehicle for the rest of their life, and that may be the intent of the minister or it may be that the minister intends that, at some point, this can be reviewed. There doesn't seem to be any place where it would be reviewed or any process for reviewing it to make a change if an individual has shown, for a very substantial period of time, that they are either not using alcohol or much better aware that this is an absolute no-no.

I think that, you know, we're all very cognizant of the concerns and the dangers of drinking and driving, and that this is a reasonable measure. But I think, as well, you know, for a young person who has—you know, age 20 or something like this, is this person going to have to use this for their rest of their life, which might be 60, 70, 80 years? Is that the intent or is there a procedure for, at some point, making a decision that the use of this device by that individual is no longer necessary? Thank you.

Mr. Speaker: Any further speakers to Bill 22? Seeing none—

An Honourable Member: Question.

Mr. Speaker: Question for the House.

Pleasure of the House to adopt the motion?
[Agreed]

House Business

Hon. Jennifer Howard (Government House Leader): Yes, Mr. Speaker, I wonder if I could ask leave that we not see the clock until we've completed debate—second reading debate on Bill 36 and I've had the opportunity to refer it and Bill 22 to committee.

Mr. Speaker: Is there leave of the House to not see the clock until we've completed Bill 36 and had the opportunity to refer to the various committees?
[Agreed]

Bill 36—The Human Rights Code Amendment Act

Mr. Speaker: We'll now call Bill 36, The Human Rights Code Amendment Act.

Mr. Swan: I move, seconded by the Minister of Family Services and Labour (Ms. Howard), that Bill 36, The Human Rights Code Amendment Act; Loi modifiant le Code des droits de la personne, be

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

Motion presented.

Mr. Swan: Manitoba has a long tradition as a leader in human rights. Starting with The Human Rights Act in 1970 and continuing with its replacement by the Human Rights Code in 1987, Manitobans have long enjoyed protection for their fundamental right to be free from discrimination in the key activities of daily life.

When Manitoba introduced the Human Rights Code, it was a progressive and comprehensive human rights law. It remains so today, 25 years later, with many considering it a model to follow. This bill keeps Manitoba's code at the forefront. It does so by stating unequivocally that Manitobans are protected from discrimination based on the emerging grounds of gender identity and social disadvantage. It also streamlines the handling of complaints to better serve the public.

I'm very pleased to recognize the important role that our consultation with the Manitoba Human Rights Commission has played in shaping this bill. As the arm-length agency responsible for implementing the code, the commission's contribution has been invaluable.

I would like to highlight, right now, some of the key elements of this legislation. The new ground of social disadvantage will protect people who have a lower status in society due to homelessness or inadequate housing, low levels of education, chronic low income or chronic unemployment or underemployment. Adding social disadvantage at the ground makes it clearer that the code has a role in addressing prejudice on this basis.

The bill makes it clear, as well, that nothing prevents governments, employers and others from putting in place special programs such as training programs designed to lessen the social disadvantage.

Three jurisdictions in Canada have some type of protection on such a ground, and in most remaining jurisdictions, their human rights bodies have recommended that one be added.

* (17:00)

The amendments make it clear that discrimination on the basis of social disadvantage must involve a negative bias or stereotype relating to social disadvantage in order to be covered by the code. This is to avoid unnecessary complaints about

the many distinctions relating to social and economic factors, particularly common in government programs, that do not, of themselves, give rise to human rights concerns.

New under gender identity recognizes that individuals are diverse in their sense of self and particular in their sense of being male or female. Of particular importance is that gender identity may not confirm-conform to a person's birth sex and this is often a basis for discrimination. Manitoba may be the first province to include gender identity as a protected characteristic in its Human Rights Code, although Ontario is also moving a bill through its legislature at this time. The Northwest Territories is the only other Canadian jurisdiction to do so.

While it is arguable that complaints on this basis could be dealt with under the grounds of sex and disability, the strong and clear message from the community, and most important transgendered and two-spirited communities, is a provision which is much stronger and much more appropriate.

The Human Rights Commission carries a strong educative function, and including gender identity in the code will enable the commission to carry out its work to expand Manitobans' tolerance and understanding of this issue.

In addition to these new grounds, there are a number of amendments to streamline the handling of complaints to better serve the public. Some examples include allowing the Board of Commissioners to sit in smaller panels to make decisions, designating a chief adjudicator to perform administrative functions relating to adjudications, and extending the time limit for filing a complaint or starting a prosecution from six months to one year.

Many have said that when it was first adopted 25 years ago, the Human Rights Code was ahead of its time. This bill will continue Manitoba's rich tradition of honouring the diversity in our society and being a leader in human rights.

I'm pleased to commend Bill 36 to the Legislature today, Mr. Speaker.

Mr. Goertzen: Mr. Speaker, I'll put a few words on the record regarding the bill. I know we're into overtime, so I won't extend the overtime any longer than need be.

I do have a few questions that I'll have for the minister at committee related to the economic perspectives of this bill. I have looked at the

legislation on the east coast, and I have some questions in terms of how we will ensure that individuals who might be renters, for example, aren't getting themselves caught—so they are the landlords trying to rent out a space—that they're not getting themselves caught into a situation that they don't intend to be caught into.

So, for example, if the question is an individual's ability to pay, and there isn't a cash flow, then the person who's the landlord, and I've seen this in other pieces of legislation, then have to—or other human rights codes, then have to look at other factors such as credit history or assets that an individual might have, even though they might not have cash flow, and then make a determination whether or not that individual would use those assets to pay the rent.

And I know that the minister isn't trying to set up a scheme that will get law-abiding and well-intended landlords into a situation caught into the Human Rights Code when they're just simply trying to determine a person's ability or willingness to pay so that they don't have difficulties down the road with that tenant.

Also, questions about whether or not there isn't another mechanism to try to achieve the same objective. The objective, I think, is a legitimate one, Mr. Speaker. I don't know if, in fact, the landlord, for example, in this situation, if there'll be a long hearing at the Human Rights Commission, and then, in fact, the individual who is trying to rent out the home or the apartment is still displaced for months at a time, if there's not a quicker mechanism to try to achieve the same goals.

So those are the sort of technical and procedural questions that we'll have for the minister at committee. I think the legitimate questions are questions that have been asked in other provinces when this kind of legislation has come forward, and I look forward to that discussion.

Mr. Gerrard: Just a few brief words on this. I'm certainly ready to embrace the direction this is going, to provide human rights expansion to cover social disadvantage and gender identity. I want to recognize that Izzy Asper was at the forefront of the movement to get a bill of rights in Manitoba in the '70s-'60s.

I also want to make it clear, given the comments of the minister, with regard to government programs, and, you know, his statement which seemed to assume that government programs are always

perfect. Clearly, government programs should not be exempt from being under the Human Rights Code.

Indeed, I think if you look at section, and I would ask the minister, in looking at section 9(3) Interrelated actions, policies and procedures of persons that don't have a discriminatory effect when considered individually can constitute discrimination under this code if the combined operation of these actions, policies or procedures results in discrimination with the meaning of subsection (1).

When we're talking about policies and procedures, we're really talking much more about organizations of some form, whether they're commercial or non-commercial or government organizations.

And, Mr. Speaker, it would seem to me that it might be smart to put in after "of a person" the phrase "or an organization" when we're looking at making sure that policies and procedures are appropriate under this legislation. And I would just make that recommendation to the minister, and thank you.

Mr. Speaker: Any further speakers to Bill 36?

Seeing none, is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is Bill 36, The Human Rights Code Amendment Act.

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

I declare the motion carried.

House Business

Ms. Howard: Mr. Speaker, on House business, I'd like to announce that in addition to the bills previously announced for the Standing Committee on Human Resources meeting on Monday, June 4th, 2012, at 6 p.m., the following bills will also be considered at that meeting: Bill 22, The Highway Traffic Amendment Act (Extension of Ignition-Interlock Program); and Bill 36, The Human Rights Code Amendment Act.

Mr. Speaker: It has been announced that in addition to the bills previously announced for the Standing Committee on Human Resources meeting on Monday, June the 4th, 2012, at 6 p.m., the following bills will also be considered at that meeting: Bill 22,

The Highway Traffic Amendment Act (Extension of Ignition-Interlock Program); and Bill 36, The Human Rights Code Amendment Act.

Mr. Speaker: The hour being past 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 31, 2012

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