

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

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

Vol. LXX No. 76A - 10 a.m., Tuesday, October 31, 2017

ISSN 0542-5492

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
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FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 31, 2017

The House met at 10 a.m.

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

Please be seated.

Good morning, everybody.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SECOND READINGS—PUBLIC BILLS

**Bill 213—The Gift of Life Act
(Human Tissue Gift Act Amended)**

Madam Speaker: As previously announced, the House will now consider second reading of Bill 213, The Gift of Life Act (Human Tissue Gift Act Amended).

Hon. Steven Fletcher (Assiniboia): Madam Speaker, The Gift of Life Act—[interjection] Oh. Yes.

Madam Speaker, I move that The Gift of Life Act, which is an amendment to the human tissue act, be read a second time and be referred to a committee of this House.

Motion presented.

Mr. Fletcher: I'm so used to starting things off with a matter of privilege. I don't know how I could have gone wrong there.

In regard to The Gift of Life Act, this—the purpose of introducing this act is to create awareness about organ donation. Awareness—that's it. If it passes, that is very good—passes the vote on Thursday because that will allow for greater discussion. It will allow organizations like the Heart and Stroke Foundation, Kidney Foundation or a lung foundation, the pancreas foundation, people who do eye and retinal transplants—the whole

gamut will be able to come and speak to MLAs about the issues related to the profound shortage that exists in organ donation.

My remarks today will be in part about presumed consent, which is the opposite of what we have now, where the system today is opting in; like, you have to sign a donor card. This bill suggests that everyone is assumed to be a donor unless they say no. The objective is to increase the organ donor rates.

Now, I don't know if this bill is the right way to go or not. But there is no downside to supporting this bill so that it goes to committee. And then we can have a thorough discussion at committee, amend the bill, defeat the bill, pass the bill. But there will be a huge increase in awareness about the issue.

Madam Speaker, thousands of people die on waiting lists. In Manitoba, the donation in absolute numbers, according to CIHI, Canadian Institute for Health Information, in 2014 there were 40 donations in all categories. Now, earlier this year, there was a press release saying that transplant—or donors were—the rate had doubled in Manitoba. It sounds good, except it's doubling from a very small number, infinitesimal number. We have to do better. Other provinces do better. Other countries do better.

Madam Speaker, I'm asking the government MLAs, as I believe the other MLAs will likely support going to second reading, but I ask to the government MLAs to look at this, not from a personal perspective, who's introducing the bill or what is happening in other places. The bill is meritorious. It's well written, it's well-researched, and there is no downside to allow it to go to committee.

Madam Speaker, I am—I would like to table a bunch of letters of support. I would like to highlight a few of them. One is from the Member of Parliament from Manning. He has introduced a bill in Ottawa on organ donation. It's a passion of his because his child needed an organ donation. This member happens to be from the Conservative Party.

I have another letter from the Member of Parliament from Calgary Confederation, which is a Conservative MP, and again, he has done amazing work in the area of organ donation.

Local examples include support from the Lung Association, other associations. The Canadian association of retired people, CARP, has done a specific poll on this issue.

* (10:10)

I have a letter from Dr. Frank Plummer. Many of you will know he is a world-renowned scientist out of Winnipeg, instrumental with the virology lab. He's got almost every—or has been the recipient of almost every award conceivable, except maybe the Nobel Prize, but he's of that calibre. He received an organ donation that saved his life several years ago, and he almost died because there were no organs available.

Madam Speaker, later on today, I'm going to table a bunch of academic, scholarly articles that give the experience in different countries in—with different results. Some are for presumed consent; some are against presumed consent. What I found interesting when I was reading the articles, it's not a binary choice. There are other methods as well.

And what an excellent opportunity to explore all—the need for organ donation. Thousands of people are dying. There's thousands of organs that are not used and should be used. I know, my own experience, if I had passed away in my car accident—I was 23, and I didn't sign my organ card. But if I had passed on, it would have been a real shame had my family, not knowing what my intentions were, decided to err on doing nothing. Because one body can save eight lives.

The other thing organ donation can do is improve lives. There are many people on dialysis who would be alive, perhaps, but their quality of life would be much improved. And by the way, it costs about \$250,000 for someone to be on dialysis. It's estimated that—well, that would be a savings for each donation, not that that's the primary reason, but it's an interesting fact. You can save or improve people's lives and it's a good investment.

Madam Speaker, there are people in this Chamber whose lives have been touched by organ donation. A member earlier this year made a very cogent point referring to somebody who was wealthy and was burying a car, a valuable car. And someone said, well, why are you doing that? And he responded he was doing it to demonstrate that we bury far more valuable things every day, and that is millions—or, thousands of organs—

Madam Speaker: The member's time has expired.

Questions

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

Mr. Andrew Swan (Minto): The member for Assiniboia referenced a poll that he says was done by the Canadian Association of Retired Persons. I wonder if the member could put on the record a summary of what that poll found.

Hon. Steven Fletcher (Assiniboia): I appreciate the question from the member for Minto.

The poll, which I will table later on today, indicated that 93 per cent of their members supported organ donation and between 60 and 70 per cent supported presumed consent and another significant percentage were unsure. So that was the results, as I recall, but I'll confirm that.

Mr. Swan: We know that no Canadian province nor American state has what's considered presumed consent. Can the member speak about the experience of some other countries in the world that have passed laws for presumed consent and what that has meant for organ donation in those countries?

Mr. Fletcher: That's an excellent question.

Presumed consent is new on the public policy agenda, or relatively new, as organ donation seems to be something that OECD countries are facing more than others—just the nature of our economy. It varies, to be frank, but France, Spain, Wales, other jurisdictions have had positive experiences, and United States, there've been negative experiences, but the point is everyone agrees there's a shortage of organ donation worldwide.

Madam Speaker: The member's time has expired.

Hon. Jon Gerrard (River Heights): I would ask the member for Assiniboia, given the experience elsewhere and the potential to shorten wait-lists, what would be the best estimate for the increase in organs that might be available and the best estimate for the potential for shortening waiting times for people?

Mr. Fletcher: Well, in theory, if everyone was an organ donor and everyone—or 90 per cent of the

population supports organ donation, it's not inconceivable in a perfect world that there would be no shortage of organs because the pool of organ donation—donators would have increased by such a margin. Now, that's in an ideal world. So the positive seems to be almost unlimited, whereas right now the status quo is nowhere near what is needed.

Madam Speaker: The member's time has expired.

Mr. Swan: Madam Speaker, this afternoon, if everything goes according to plan, we'll be debating Bill 34, which deals with conscience protection in a different medical context.

Is the member from Assiniboia aware of any religious group or any religious organization that would be presumed to have any difficulty with the kind of bill that he's proposing be sent to committee for discussion?

Mr. Fletcher: That's a very good question. The answer is no, I'm not aware. The Pope supports organ donation; that's Catholics. Protestant denominations, I'm not aware of any—well, there's Jehovah Witness, but the Hindi population, the Buddha population, Muslim—I am not—Jewish—I'm not aware of any significant component of those religions being—in fact, it's quite the opposite. They're—they've quite in favour. What greater gift to give a fellow human being than life?

Mr. Ted Marcelino (Tyndall Park): May I ask the honourable member from Assiniboia to give us any hint of safeguards that might be put in place in order to avoid abuse of organ harvesting?

* (10:20)

Mr. Fletcher: Well, that—yes, that—well, this is why it's so important that this goes to committee, because that is an important issue. There is an opt-out clause, very easy—for whatever reason, personal reasons or whatever—to not have your organs be used for transplant issues or plans, but I would point out that if there's a large organ pool and there isn't a demand like there is now, 'orgus'—organ harvesting, wouldn't it—that there would be no market for that because in an ideal world, the organs would be available. You know, in an ideal world, we would live forever too. We don't, so—

Madam Speaker: The member's time has expired.

Ms. Judy Klassen (Kewatinook): When I signed my donor card, I specifically wrote on there that I don't want any of my organs to be used for experiments and scientific research.

Is there anything in your bill that would help with—because I want specifically to save lives after I've passed. Is there anything in the bill that would make this the same?

Mr. Fletcher: First of all, I'd like to thank the member for seconding this bill when it first was introduced. It obviously will affect—or affects many of her constituents, so it's excellent that she's representing her constituents in this way.

The bill is only focused on organ donation for transplant. So for scientific purposes, it is—nothing changes. You would have to sign a card to do that.

So this is only for organ donation, for transplant, nothing else.

I'd also point out that when we die—

Madam Speaker: The member's time has expired.

Mr. Swan: In response to the question from the member for River Heights (Mr. Gerrard), the member for Assiniboia (Mr. Fletcher) did acknowledge there has been a negative reaction in some US states. Can the member elaborate a little bit on what negative reaction has existed where the discussion of a presumed consent bill has come up?

Mr. Fletcher: Well, we've—like, most religions don't have an issue. The pushback seems to be along the philosophy that it's my body, I will decide what I can do with my body, you know, while I'm alive and when I'm dead. But the fact is, Madam Speaker, when you—when you die, the government already tells you what you could do with your body. You can have it buried in a graveyard or you can have it burned, cremated; like, that's it. There are no other choices, unless you want to—your ashes sent into space. But that's it: burned or buried.

Madam Speaker: The member's time has expired.

Ms. Cindy Lamoureux (Burrows): I was hoping that the member from Assiniboia could share with us the current wait times for people receiving transplants on kidneys, hearts and lungs.

Mr. Fletcher: Well, that's a great question, and the answer can be quite sad because the wait times are longer than lifetimes in too many cases. People die on the wait-lists. So, to say, what are the wait times, well, they're too long because thousands of people are dying on the wait-lists. It's really sad.

Mr. Marcelino: I have opted for cremation because nobody would accept my fatty liver.

Would the member for Assiniboia (Mr. Fletcher) encourage a free vote on the—on your bill?

Mr. Fletcher: Well, I would hope that it would be a free vote in all the caucuses. It's an issue of conscience, but more than that, this is going to second reading. This is a vote on Thursday to take it to committee. That's it, and then we can discuss it, discuss whatever you want, raise whatever concerns you wish, but it'll create awareness. There will be public interest, media, donors, recipients, family. There's no reason to say no, and every reason to say yes on Thursday evening.

Madam Speaker: The time for questions has expired.

Debate

Madam Speaker: Debate is open.

Mr. Andrew Swan (Minto): Yes, Madam Speaker, this morning we're debating Bill 213, which is the bill brought forward by the member for Assiniboia, which would, if passed, dramatically change the way that presumptions exist for the donation of organs after someone passes away. At the present time in our system, someone must opt in to agree to have their organs used for transplant purposes after they pass away. The proposal by the member for Assiniboia would change that and would provide for, effectively, an opt-out clause, meaning there'd be a presumption that someone would consent to having their organs used for transplant after death, subject, of course, to a family member being 'able'—able to override that at the person's death.

This bill comes, I believe, from a good place, and the purpose of this bill is to try to deal with a real problem, and I know that we didn't have any questions from the government members. I don't know if we'll have any speeches from the government members, but even the members of the Progressive Conservative government must acknowledge that there is an issue and the issue is a very simple one. The demand for transplanted organs is much greater than the supply. It is that—the case in Manitoba. It is the case in every other Canadian province; it is the case in every American state and it is the case in virtually every other country around the world.

In Manitoba, as in many other jurisdictions, there have been efforts made to increase the number of citizens who are prepared to donate their organs upon their death, if, of course, medically suitable and if the opportunity arises. There has been education,

there has been an effort. Signupforlife.ca is a place where any Manitoban can go to make an online registration of their wishes, which I then expect is accessible to medical professionals at the end of their life.

The simple fact is that those efforts have not been successful enough to prevent substantial wait-lists for people who require an organ transplant, and it is the fact that people are dying because there aren't enough organs available, and it is a very, very—I don't want to say interesting because it's more than interesting, because it is a matter of life and death for so many people, but as the member for Assiniboia referenced in his—in an answer to a question, every poll that I've seen, every survey that I've seen in Manitoba, in Canada, in the United States, suggests that the great majority of people are in support of the idea of organ transplants. And, in fact, I think you could go so far as to say it's the rare person who actually has an objection to the idea of transplanting an organ from one human being into another to prolong that person's life, to save that person's life. For reasons that maybe are difficult to understand, that has not translated into an—a supply of organs which are sufficient to meet the need, and I don't know why that is, Madam Speaker.

As many people in this Chamber know, I practiced as a lawyer for 14 years and it was easy, as a lawyer, to say everybody should have a will. Everybody should have a power of attorney, hey, everyone who can afford it should have life insurance, doesn't mean that people go ahead and do it, maybe because registering at signupforlife.ca or signing a card forces people to confront their own mortality. I don't actually know what the answer is, but what I do know is what the problem is, and the problem is that there are not enough organs and people are dying waiting.

So the member for Assiniboia has come forward with this bill as a genuine effort, I believe, to spark the conversation. A genuine effort to have the discussion and perhaps figure out ways to improve the way that this works. The member for Assiniboia has been actually very candid this morning, saying he doesn't know if this bill is the right bill or if it's the perfect bill. I appreciate his candour on that.

* (10:30)

I do want to put forward that I do have some concerns in simply presuming consent, even with some opt-out opportunities which are contained in the bill. First, I think it needs to be put on the record

that people who would be expected to opt out of organ donation would be expected to be those who are already the most empowered, those for whom obtaining information is easier, those who may have access to the Internet for an easy way to opt out, those for whom English is their first language and don't struggle to understand, those who have the advantages that most of us in this House enjoy. So I do have some concerns that, who would not opt out: well, it would be people who genuinely wish to have their organs donated. I'm also concerned that it may be more: people who are not empowered, who may not know or who may not have the ability to truly consider this and make their own choices.

Is that enough to prevent the bill from going to committee for a discussion? In my personal view, I don't think so. I think those are things that maybe could be addressed, could maybe be dealt with.

I do know that this has been discussed in many other jurisdictions. And, interestingly enough, this very issue came up for debate in Saskatchewan just last year, and I believe that their committee structure is a little different and perhaps a little more robust than the case in Manitoba, because the government's Standing Committee on Human Services, which includes members from all parties in Saskatchewan, actually reviewed and released its report into trying to improve organ donation rates in Saskatchewan. Saskatchewan, similar to Manitoba, again, efforts made to increase the number of people prepared to donate their organs, but, like Manitoba, evidence of a true shortage. And that committee in Saskatchewan reported back and they actually urged the government to continue using the existing system.

And they raised concerns. First of all, it hasn't been implemented anywhere else in Canada, which, in and of itself, is not a reason not to do it. It raised some challenges constitutionally. It suggested instead investing in education for the public and schoolchildren, but it also recommended training health professionals who could identify potential donors and approach families to gain consent—which, actually, from the reading I've done, Madam Speaker, is the hallmark of success in countries such as Spain that do have the very kind of legislation that the member for Assiniboia (Mr. Fletcher) has put forward this morning.

So Premier Brad Wall last year said that he still wanted to work towards a presumed opt-out system, and, oddly enough, it was the NDP in Saskatchewan

that took a different view, who said, no, we think that education is the way to go.

What is not so important is the conclusion that committee came to. What I believe is important, Madam Speaker, is that Saskatchewan had the discussion and they did have a committee of members of the Legislature to study the issue, to seek out evidence from experts, to seek out evidence from people who have a personal stake in this issue, and the committee did that work.

And our committee system is different, and as we've seen over the past week or two, it's not always the cleanest and most effective way to get people's views on the record, but it is incredibly democratic and provides the government and opposition members with good food for thought.

So, when I hear the member for Assiniboia acknowledge that maybe this isn't the best way to deal with this, I appreciate his candour and I think I agree, but at the same time I don't believe that any member of this House can deny that there is a serious issue that's being—that is intended to be addressed by this bill, and I personally believe that a discussion at committee, perhaps by agreement going beyond the usual committee process and perhaps inviting some experts to come and present their view—perhaps hearing from Dr. Frank Plummer would be useful. Personally, I think it would be helpful to hear from Transplant Manitoba, which is an umbrella organization of a number of different organizations with a vested interest in this: the Kidney Foundation, the Heart and Stroke Foundation.

I think we do want to improve the way that we do things so that people don't have to wait, so that people who need an organ transplant don't die waiting for someone who's opted in to a website here in Manitoba to be able to share the gift of life with them.

So, again, I'm not so sure exactly what's being proposed is the best or the right way, but I do believe that having that discussion is a useful thing, Madam Speaker.

I thank you for the opportunity to speak to the member for Assiniboia's bill.

Ms. Judy Klassen (Kewatinook): We are gathered here today to bring forth good legislation for the benefit of our Manitobans. Every day we gather here in this House we open with a prayer. Does anyone know how hard it is to pray for a kidney so that your family member can live? It's hard because it comes

from the death of another. There's guilt there, and with—for me there's guilt to this day that someone had to pass away in order for my relations to live. There's been many prayers and many tears shed.

If you could save one life, would you? How about saving eight lives while benefiting 75 more? According to the Canadian Transplant Society one donor can benefit more than 75 people and save eight lives. All it takes is to be an organ donor. Ever since I got my licence, I sign my donor card and I keep it on my person in case I'm ever in an accident.

However, while 95 per–90 per cent of Canadians support organ donations, less than 25 of us have actually signed up to be donors. This is reflected in Canada's donation record of having one the worst organ donation records amongst Western countries. We wish to change that.

Madam Speaker, I am honoured today to speak to Bill 213, The Gift of Life Act (Human Tissue Gift Act Amended). This bill has been designed to save the lives of many Manitobans. It is our hope that this bipartisan bill is accepted by the House and becomes a groundbreaking moment in Canadian–Canada's history. This bill aims to bring out an opt-out system to Manitoba's organ and tissue donation system.

It is said that over 1,600 Canadians are added to the organ wait-lists every year. Without help, many of these people continue to suffer or, worse, die, without being able to receive a much-needed organ transplant. One of the young men on my campaign team would not be with us today hadn't it been for a kidney transplant when he was just six years old. His mother was one of my best friends and it's so nice that he was able to be with me on my campaign trail, and I always appreciate him and I'm so glad for his life.

In 2015, there were 25–2,570 organs transplanted in Canada. That's over two and half thousand people saved thanks to the kind thoughts and consideration from everyday Canadians willing to donate their organs. Despite this, 4,585 Canadians were still on the wait-list at the end of the year; 372 of which are Manitobans. Excuse me. Living on the organ wait-list can be harsh and difficult; ongoing medical treatments can have severe impacts on the well-being of patients and their loved ones.

In trying to reduce organ wait-list times and improve organ and tissue donation rates, there are initiatives like this bill. We must acknowledge that in delaying this bill will result in preventable deaths.

Tragically, 242 Canadians died while waiting for an organ transplant. That's almost one person daily. Bill 213 can help us reduce that figure here in Manitoba.

We discuss this bill not to play party politics, but to save lives. The presumed consent of organ donations after death is far from a new–being a new idea. Opt-out laws exist in many countries such as Austria, Italy, Norway, Sweden, Spain and most recently France. All these countries enacted these laws for the purpose of increasing the pool of potential donors in hopes of saving lives.

The current system is an opt-in system, where the deceased individual must have explicitly consented to donating their organs. If the potential donor has provided consent, then current law states that consent can be given by a next of kin, spouse or legal proxy. Currently, no province allows for organs to be donated if there is reason to believe the individual would not have consented in life.

* (10:40)

An opt-out system would create a system of presumed consent for organ donation. This means that unless deceased—the deceased has expressed an interest in life not to be an organ donor, then consent to be a donor is presumed. Bill 213 will also take into consideration the concerns of family or parents who do not wish for their loved ones to be donors. There is evidence to suggest that an opt-out system will increase the rates of organ and tissue donation that can save lives.

In 2014, Spain had the highest rate of organ donors, with 36 donors per million. In our country, there are only 18 donors per million people. As Canadians, we have a reputation of being kind and caring people, yet our country donates at a rate less than half of other countries. I believe that to prove our reputation of caring we must act as such.

This bill will hopefully create a province where organ donation becomes less of an issue for the thousands of Canadians added to the organ wait-list each year and for the hundreds that we are slow to help. We must allow for this bill to go to committee to get the public's opinion on the issue. Our Manitobans have a right to have their voice heard on this matter.

Miigwech, Madam Speaker.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, a few comments on this bill.

I speak as an MLA, I speak as a physician. And I think it's very clear that we have a significant shortage of people who are donors. We have wait-lists for—which are significant for individuals needing kidney transplants and other organ transplants and there is—as my colleague the MLA for Kewatinook has already said, there is a—substantial evidence that we can increase the numbers of organs being donated in term—in this—through this measure.

So this bill clearly, based on the evidence that we have today, will save lives. It will save lives because we have people who are currently waiting too long. That is, they are dying on the wait-lists, and we have people whose lives can be saved. It is extraordinary what a difference an effective kidney transplant can have on somebody who needs a kidney, who has chronic renal failure and is near the end of their life without a organ transplantation. There are—not only the ability to save lives but the cost of organ transplantation for a kidney, for example, compared to keeping somebody on dialysis long term is significant and, you know, we would be—have a system which not only saves lives but can save health-care dollars, because it would be cheaper to move people quickly who need it to have a kidney transplantation instead of having them wait for a prolonged period of time on dialysis.

We know that, for example, in many parts of this province, indeed in all of Manitoba, we have a crisis in that we have an epidemic of diabetes. The number of people with diabetes has gone in the last 20 years from about 50,000 to well over 100,000 people, and one of the major complications of diabetes is renal disease, kidney disease, and one of the major needs and potential life savers for people with end-stage kidney disease is in fact having a kidney transplantation.

And so this is something that needs to be considered very, very seriously by all members, and all members, when this comes to a vote should look very carefully at the evidence for and against this bill.

Now, one of the things which I think we also need to discuss is if we have an opt-out process instead of an opt-in process, that that process needs to be well communicated; it needs to be easy for people to opt out if that's what they choose. It needs to be a process that is fail-safe. That is to say, if somebody puts their name on an opt-out list, that they will—that opt-out list has to be checked

immediately by people who are involved in caring for somebody who has died in, for example, a car crash, and that you need immediately to make sure that you have accurate information and accurate answers. We can't have a circumstance where people who have authentically put their names on an opt-out list accidentally get their organs used for transplantation. It has to be a simple system. It has to be a fail-safe system. It has to be a system that everybody is well aware of.

Now, Madam Speaker, I think that with today's world that we can make sure that such a system is in place, and I think that that system put in place can be reassuring for those who have concerns about this bill, you know, imposing one option on people when, in fact, their option of choice is to not have their organs given for transplant.

So I think that this is important that, you know, if we move forward to committee, as I hope, if we move forward on this in terms of a vote that there be a period of time, hopefully not too long, to make sure that all these measures are very clearly in place so that we have a fail-safe option for people to indicate that they don't want their organs donated. We have a fail-safe option that is very clearly communicated to people all over Manitoba so that they are in a position of making their choice rather than having a choice imposed upon them.

I think that we can do this, and I would hope that if this is passed that the government will undertake to do this and to do this really, really well. I think only if we have this sort of assurance will—all MLAs—be comfortable with supporting this bill and with this bill being more widely supported and broadly supported.

So let us look carefully at this bill. Let us have it discussed at committee stage so that these issues can be aired clearly and simply and discussed, and that we can develop from experts the options that would be as simple and fail-safe for people to opt out, at the same time moving forward on this process so that it will be also simple and straightforward if somebody dies, that that organ can or can't be used for organ transplantation, that decision can be made quickly. And I believe that if we do this that we will, indeed, shorten the wait-lists. We will help not one life; we will help probably hundreds or thousands of lives over a number of years in Manitoba and save hundreds or thousands of lives over a period of time in Manitoba.

Let us be forward thinking. Let us be progressive in how we approach this legislation. I think it is a positive step which we are not the first jurisdiction to take. We have examples where it is working and we should build on those examples where it was working.

* (10:50)

So I would ask everybody here to consider carefully this bill, to move it forward to the committee stage so that we can have that larger discussion.

And hopefully with that larger discussion and people feeling assured that an opt-out process can be simple and failsafe, then I think that we could gather the support to pass this bill and implement it given time to make sure that this message is well communicated to all people in Manitoba so that they know what the process would be moving forward.

Thank you, Madam Speaker. Merci.

Madam Speaker: Are there any further speakers on this debate?

I would point out that this bill had been selected for a vote today before the end of the hour. Seeing as there are no further speakers we will proceed to the vote.

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Madam Speaker: All those in favour of the motion, please say aye.

Some Honourable Members: Aye.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Nays have it.

I declare the motion defeated.

Recorded Vote

Hon. Steven Fletcher (Assiniboia): I'd like to call for a division, a recorded vote.

Madam Speaker: Does the member have support of three other members?

A recorded vote having been requested, in accordance with our rule 23(5), the division will be deferred until 11:55 a.m. on Thursday, November 2nd.

Mr. Andrew Micklefield (Acting Government House Leader): I'm wondering if in the time remaining in this hour we could move to consideration of Bill 215, The Civil Service Amendment Act. I'm wondering if you could canvass the House to see if there's leave to pursue that course of action.

Madam Speaker: Is there leave of the House to move to debate on concurrence and third reading of Bill 215, The Civil Service Amendment Act (Employment Preference for Reservists with Active Service)?

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Speaker: Oh, leave has been denied.

Mr. Micklefield: I'm wondering if you could canvass the House to see if we could call it 11 o'clock.

Madam Speaker: Is there leave to call it 11 o'clock?

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

I will then ask if there is leave to consider any of these bills that are on the Order Paper: Concurrence and third reading of Bill 218?

An Honourable Member: Agreed.

An Honourable Member: No.

Madam Speaker: Is there leave to consider Bill 202, The Insurance Amendment Act?

An Honourable Member: No.

Some Honourable Members: Yes.

Madam Speaker: Is there leave to consider Bill 203, The Electoral Divisions Amendment Act?

An Honourable Member: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to consider Bill 205, The Brookside Cemetery Recognition Act?

An Honourable Member: Agreed.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 206, The Legal Profession Amendment Act (Queen's Counsel Appointments)?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 209, The Mental Health Amendment and Personal Health Information Amendment Act?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 210, The Children's Advocate Act?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 211, The Settlement of International Investment Disputes Act?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 212, The Conflict of Interest Act?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 225, The Manitoba Public Insurance Corporation Amendment Act?

An Honourable Member: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 227, The Provincial Court Amendment Act (Mandatory Training and Continuing Education)?

Some Honourable Members: No.

Some Honourable Members: Yes.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 228, The Life Leases Amendment Act?

An Honourable Member: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 232, The Health Services Insurance Amendment Act?

An Honourable Member: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 217, The Labour Relations Amendment Act (Right to Collective Bargaining)?

An Honourable Member: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 216, The Financial Administration Amendment Act (Economic Indicators)?

An Honourable Member: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 220, The Environmental Rights Act?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there approval to move to Bill 219, The Surface Water Management Act (Amendments to Various Acts to Protect Lakes and Wetlands)?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Speaker: The—leave has been denied.

Is their leave to move to Bill 224, The Family Law Reform Act (Putting Children First)?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 231, The Education Administration Amendment Act (First Nations, Metis and Inuit Education Policy Framework)?

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Is there leave to move to Bill 200, The Human Rights Code Amendment Act?

An Honourable Member: Agreed.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Mr. Micklefield: Seeing as the previous request to call it 11 o'clock happened at an earlier time, before the business that came after that request had occurred, I would like to now see if you could canvass the House at this time to see if there is leave to call it 11 o'clock.

Madam Speaker: Is there leave of the House to call it 11 o'clock and proceed to resolutions?

An Honourable Member: Agreed.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

Point of Order

Hon. Jon Gerrard (River Heights): Madam Speaker, just on a point of order, it seems to me that there's been a little bit of an impasse reached. I want to make it clear that the Liberal MLAs were not turning down any of the debates on any of the bills, but we had lots of noes from the Conservative and from the NDP sides, and clearly there were people in this Chamber—

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Gerrard: —who didn't want to spend their time debating bills, but had I'm not sure what other ideas in mind.

But I would say, Madam Speaker, that, you know, this sort of thing should really be resolved by House leaders in advance so that there could be a procedure agreed to together with independent members so that, instead of wasting the time of the Chamber with members of the MLAs saying, no, we don't want to debate bills, we could, in fact, move on

and use the time productively to discuss important bills that are before this Chamber now, because we had a whole list of them, and we had all of these bills—

Madam Speaker: Order, please.

Mr. Gerrard: —turned down.

* (11:00)

Madam Speaker: Order, please.

I thank the member for River Heights for his comments.

Speaking to a point of order, I would have to say, though, the member does not have a point of order.

RESOLUTIONS

Res. 26—Recognition of Manitoba First Nation Leadership as Governors in their Own Rights

Madam Speaker: The hour now being 11 a.m. and time for private member's resolution, the resolution before us this morning is the resolution on Recognition of Manitoba First Nation Leadership as Governors in their Own Rights.

Ms. Judy Klassen (Kewatinook): I move,

WHEREAS leadership in Manitoba First Nations are Chief and Councils, currently voted into position democratically by their respective band membership; and

WHEREAS each community is a Nation in its own right; and

WHEREAS each Nation has its own traditional and ancestral territories; and

WHEREAS each community possesses autonomy; and

WHEREAS each autonomous Nation has consultation guidelines and the imposed western definition of consultation does not apply; and

WHEREAS First Nation leadership should be recognized as Governors in their own rights and thereby owed respect whether they lead a First Nation, Cree Nation, Dakota Nation or Dene Nation; and

WHEREAS the path to reconciliation in Manitoba must ensure that reconciliation is founded on respect for Indigenous Nations and Indigenous peoples.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognize and demonstrate respect to each of the Manitoba First Nation leadership.

Motion presented.

Ms. Klassen: Our First Nation people had traditional systems of government, governance and laws that date back thousands of years. Traditional leaders were head men, women, clan leaders, heads of villages, groups of people. Negotiations and inter-tribal relationships had long and storied histories that dictated many aspects of our lives in the past, from economic trade to agreements on hunting and gathering rights when we're on our trap lines to this day.

I know in my family's trap line to the north we know that—we know the location where Norway House's families' trap line borders ours. To the east we know where the family from Gods Lake borders ours and so forth for the other directions.

Our communities had the autonomy to control how they operated and interacted with other communities in the areas they lived in. The leaders of our communities met one another with honour and respect, recognizing that each only wanted what was best for their people and their community. We respected the autonomy of other communities. The agreements made between leaders were binding and in many cases intergenerational. Historically, these agreements worked towards positive relationships with other tribes for the benefit of all.

Our traditional leaders held a solemn duty that their word determined the well-being and future of their people, and leaders respected one another for the burdens they carried as a result and saw one another as equals. The ability to govern ourselves has always been and should be. Our people have never left this right behind.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

When the Indian Act brought elections into the communities, it was an attempt to further erode age-old traditions and cultures by neutralizing the role of the traditional leader. Chief and councils are another imposed system, and today only about one third of the 663 First Nations in Canada have adopted this model. In Manitoba most First Nations have adopted this model. When we look to the leaderships, we find that they're willing to work within this imposed system, but the trick is they need the respect shown to them by other governing bodies

such as this House, perhaps from a nearby municipality.

Recognizing our communities' abilities to govern themselves places them on the same level of respect as other forms of government in our country. This would reinforce the idea that the governments of our communities are deserving of an equal spot at the table in the issues that affect their communities. It would send a clear message to our people that our voices matter. When they vote for their chief and council, they know their vote carries weight. They know that their chief and council are equal in respect and measure to other political leaders in this country.

Our people have had such a strong and beautiful history, and self governance is one way—is only one part of the many proud traditions we want to hold on to. In recognizing our First Nation communities as—leaders as governors, we give ourselves—we give our leaders the respect and recognition they deserve. However, for our words to truly become reality we must have the courage to act upon them and make them so.

Reconciliation requires action. It requires a show of commitment from all levels of government. We must show our communities that we are truly working on ways to right the wrongs and injustices of the past. Doing so will allow us to move forward in a positive manner that demonstrates our willingness to work with Manitoba First Nation communities and their leaders. In showing that we treat our communities as equal, we can empower our leaders to achieve more and reach for greater objectives. When we show that we are truly willing to work together and that everyone has an equal sitting at the table, we encourage strong leadership in our communities.

The old ways of communicating and working with First Nation communities have failed. Sadly, when we look at the governments that have had control over my people, we see that they were largely under NDP management: a total of 32 years in Churchill-Keewatinook Aski, the federal riding, since we received the unencumbered right to vote. The PCs ruled over us for 13 years, and the Liberals held the seat for about 10 years.

Provincially, I am the first Liberal that my riding has ever had. What did that amount to for my people? Sadly, we face neglect. It is rare that I come across the leadership in one of my communities that knows of the processes that go on in this House on

behalf of them. It is rare that my constituents in certain communities know that they come—that they can come to me and get the help they need. They have been trained under years under the ideologies of the former government: handouts rather than our Liberal stance of offering a hand up.

I'm glad to say that I've gone to many leaderships and told them that we must work together to get them to where they need to be. I like the saying of, I'd rather teach them to fish than give them fish.

But I don't mean to throw mistakes of governments past into people's faces today. I'm just pointing out the facts. And the fact is I pray to have faith and hope for the PC government under the member for Fort Whyte (Mr. Pallister) as equally as I do for the NDP under the member for Fort Rouge (Mr. Kinew).

We can all admit that our predecessors, both federally and provincially, have left a legacy that challenges us to this day. It is important to learn and to know that Western ways of consultation have not always worked well for our people. Historically, in fact, many times it was heavily detrimental to the well-being of our people.

Communities must be viewed as being unique. What works for one may not work for another, and it is important to treat the consultation process with each community in respect of that community's leadership and stance. Doing so will greatly improve the relationships between different levels of government and our First Nation communities.

We are so tired of being a hot potato. Can anyone put themselves in our moccasins? We faced that recent forest fire; we kept hitting brick walls for trying to get answers and we had no clue as to why no one was stepping up when certain things were deemed under—not under the purview of the of the Red Cross—the Canadian Red Cross. My evacuees were literally that hot potato being thrown from department to department, no one giving answers or no one returning phone calls to the leaderships to give a specific answer.

To right the wrongs of the past, and to show our communities that we are committed to the paths of reconciliation laid out before us, we must believe that we must show them the respect they deserve as leaders and representatives of their communities. Reconciliation may be a difficult path to walk, but it is one that we must undertake for the future and

well-being of all. We have this amazing opportunity to send a clear signal to these leaderships that we respect the positions that they have been elected to and that we really do truly want to work together to improve this province.

Thank you, Madam Speaker.

* (11:10)

Questions

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

Ms. Nahanni Fontaine (St. Johns): I just want to say miigwech to the member for Kewatinook for bringing forward her motion.

I would ask though—it's a language that I have actually never heard of in respect of what she means by First Nation leadership should be recognized as governors in their own right and thereby owed respect, whether they're First Nation, Cree Nation, Dakota Nation, or Dene Nation.

Ms. Judy Klassen (Kewatinook): I thank the member for that question.

So I'm not clear which definition you need clarification on.

Some Honourable Members: Governors.

Ms. Klassen: Oh, okay.

So governors, meaning that they are the governing bodies in those communities and that they can be, you know, given the ability to set their own laws, their own resolutions in their own communities, and be taught what that process looks like. I'm speaking specifically of the Little Grand Rapids community. They didn't know that they could enact BCRs to legislate within their communities and so just that knowledge—

Mr. Deputy Speaker: Honourable member's time is up.

Mr. Alan Lagimodiere (Selkirk): In the member opposite's resolution, she states that each autonomous nation has consultation guidelines and

the imposed western definitions of consultation does not apply.

Would she be able to explain to the House the difference between the consultation definitions that she has alluded to, and why each autonomous nation should have their own consultation guidelines?

Ms. Klassen: Okay, so far what we've seen—what I've seen in the communities is that the consultation definition is something that's been imposed upon the First Nation, as opposed to both parties agreeing to what exactly that definition means. And so that's where we get this big disconnect where people don't know what to expect in the communities.

And so I think under this new government, that definition needs to be worked out between the communities. We have the Western idea of consultation and then we have a different idea of what consultation means in the communities.

And so, by making sure that we get that sussed out, we'll be able to—

Mr. Deputy Speaker: The honourable member's time is up.

Ms. Cindy Lamoureux (Burrows): I'd like to applaud the member from Kewatinook for bringing forward this resolution. And my question for her is: What motivated you to bring this resolution forward?

Ms. Klassen: I thank the member for the question.

To be honest, I was crushed when our first 'miniger'—of whom the majority of Manitobans put their faith in—responded to my peoples' cry for help in a tweet. Where is the respect for that leadership? That didn't signal respect to my chief and council, those young men with whom I walked with from the Leila building to this building, and you know, they were trying to bring change to their communities. That's why they were brave enough to put their names on that ballot.

And being shown that great disrespect was hurtful to the people that live in that First Nation.

Ms. Fontaine: What is the proper—what does the member think is the proper process of meaningful consultations with First Nation leadership and communities?

Ms. Klassen: The communities would really like to see members of the government—the PC government—in their communities, coming to their tables rather than them trying to struggle—to come out here only to have meetings cancelled and being

sent back to their communities, it's a great cost for them to do so.

And there are certain communities that there are relationships there, but there's not a lot of them. The majority of the First Nations in Manitoba don't have ready access to any of the members of the government. And so coming together, and face-to-face dialogue, getting those—

Mr. Deputy Speaker: The honourable member's time is up.

Mrs. Colleen Mayer (St. Vital): Can the member please explain why she only included specific indigenous groups in this resolution? Clarifying: why did she not include Metis, Inuit or the Ojibwe nation?

Ms. Klassen: Yes, this is specifically targeted for the First Nation communities. There have been great strides made in—within the other indigenous groups; there's four groups that fall under the indigenous definition, and they have made great strides in coming together. And I was assured that, within those Metis communities, that there was dialogue happening there, that they were specifically working with the government.

But, when I go to the First Nation communities specifically, there is not that dialogue, there is not that process in place. There is, you know, barely a phone number for the communities to call.

Ms. Fontaine: Does the member believe that this PC government has adhered to its responsibility to facilitate meaningful consultations with Manitoba's First Nation leadership?

Ms. Klassen: No, unfortunately. And that's where I still have hope, you know, that that framework can be initiated, that can be tabled shortly. We've been waiting for some sort of consultation framework for a very long time and we just want to start moving forward so that our issues can be resolved. You know, it's always a process of, okay, we have this great plan that we want to put forth, build up our communities, job—do job creation endeavours, and then we hear back from the government: oh, no, you don't have access to this belt of land or you're not allowed to do this or you're limited by—

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Kelly Bindle (Thompson): Can the member clearly indicate how the proposed resolution would

serve to improve upon the act as expressed in The Path to Reconciliation Act?

Ms. Klassen: Yes. There's many calls to actions in the TRC, and this would be—fall under one of those where we start having meaningful dialogues to make sure that our voices are heard and that we are respected.

That's one of the primary—sorry, I'm blanking on the word here—one of the primary reasons why I want this bill to go—this resolution to be passed is because there haven't—hasn't been. And it's taken a number of commissions. You know, first it was the Aboriginal Justice Inquiry—there's been so many reports and studies saying the same—

Mr. Deputy Speaker: The honourable member's time is up.

Ms. Fontaine: I'd like to ask the member how she feels that provincial—the provincial PC government can partner with Manitoba First Nation leadership and chief and councils in respect of policy development here for Manitoba.

Ms. Klassen: It's a great question.

We need to start making sure that the—our people are at those tables and working together. That way we don't have all these roadblocks happening. You know, there's this great community recently that was not consulted in any way, and then they ended up doing a big news press release. And they were attempting to—the next step was going to be a blockade because they hadn't been consulted. And, you know, we don't want that. We appreciate what the majority of Manitobans are doing in the province. We just want to be at those tables so that way we know and perhaps we can provide input into—

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Lagimodiere: Did the member consult with any Manitoba indigenous communities on this resolution? And if so, whom did she consult with and what was their response?

Ms. Klassen: They were—yes, I definitely had to go to my communities and my elders. And that's part of my consultation process.

You know, I visited all the elders in the communities and then I went to the leaderships before—I had to get permission from my elders in my communities and then—and that's how I know that there are different processes in every community.

We're not all the same, and that's why—you know, once we bring together all these different things—we know that majority rule. And so once we all have those processes cemented, we can start breaking down those silos and coming together for the benefit of all Manitobans.

* (11:20)

Ms. Fontaine: Could the member tell us what she believes First Nation leadership would think if her private member's resolution was passed today in the House?

Ms. Klassen: I think they'd be astounded. But, you know, they—I think a lot of people are going to come together and, you know, really believe that finally this province is looking to them, that, you know, all these stories we've shared of our Indian residential schools and why we are so meek and, you know, why we're so scared of the processes, I think that it would open that door to sharing. It would open those doors to the potential of this great province.

Mr. Deputy Speaker: Time for question period has expired.

Debate

Mr. Deputy Speaker: The debate is open for any speakers.

Mr. Alan Lagimodiere (Selkirk): I would like to begin by acknowledging that the land on which we gather is a traditional territory of the Anishinabe, the Cree, the Oji-Cree, the Dakota, the Dene people and the homeland of the Metis nation.

Mr. Deputy Speaker, I'm not sure where the member from Kewatinook is going with this resolution, or trying to go, but I would like to draw the attention of the House to what our government has been doing. Our government has begun the hard work required to repair the damage, correct the course and move toward balance in a sustainable way.

We have committed to working with our indigenous partners positively and respectfully. Mr. Deputy Speaker, our government is proud of the measures we are taking towards reconciliation and engagement with indigenous peoples. Reconciliation means more than words and gestures. It starts with listening, learning, understanding and relationship building. But it also means taking real concrete action moving forward in the spirit of reconciliation and true partnership, and that's exactly what

our government is doing. We are engaged with indigenous communities on the development of our renewed, strengthened, duty-to-consult framework. This will ensure that Aboriginal treaty rights are protected, accommodated when necessary, and to ensure greater inclusion of Indigenous communities in development projects.

We recognize the strong interest indigenous peoples have in participating in resource development projects and want to remove barriers to having our indigenous communities participate in resource projects. Barriers are being removed through improved relationships, through earlier and more frequent communications with government and industry representatives, through a clearer understanding of the benefits that will accrue to their communities and a more formalized role in the development of these projects.

I would like to tell the House of a few initiatives our government is undertaking towards inclusion and consultation.

Mr. Deputy Speaker, we are launching a new mineral development protocol that will ensure indigenous communities are involved in all aspects of mineral development. Communities share in the benefits resulting from projects while ensuring that Aboriginal and treaty rights are protected.

Our government is committed to developing new frameworks for positive and productive consultations with indigenous communities. We have created a new protocol which defines how consultations will occur during the phases of mineral development including grassroots exploration, mechanized disturbance, advance exploration and mine development.

A mutually agreed to mineral development protocol is a significant initiative for fostering greater economic development opportunities across Manitoba's North, inclusive of generating jobs and wealth for First Nations communities.

Mr. Deputy Speaker, this summer I had the privilege of attending Treaty Days in Norway House Cree Nation with Chief Ron Evans and his council as our host. Chief Evans has been made co-chair of the mining development task force. When acknowledging his appointment, Chief Evans had the following to say, and I quote: We must work together with governments to develop a protocol that meets the needs of our communities. We need to be involved as nations, employees, managers, and as

companies providing services and supplies. I look forward to working on this initiative.

Mr. Deputy Speaker, the mineral development protocol will advance reconciliation by fostering a mutually respectful relationship between the Crown and indigenous peoples. It will also form the completion of a new strengthened and renewed government-wide duty-to-consult framework that our government is developing.

The mineral development protocol will provide a stable and predictable consultation process that will ensure Manitoba is informed of and addresses potential adverse effects to Aboriginal and treaty rights.

Mr. Deputy Speaker, when I go fishing in Shoal Lake I have the opportunity to visit the community of Shoal Lake and watch their ferry in action. While at the community I observed both people and vehicles waiting on both sides of the water to be ferried across. The entire process seems to take what appears to be forever for someone waiting, although I assume it has become the norm for Shoal Lake community members.

When there I talked to the people about the period during freeze-up, when the ferry is out of commission, when transportation in and out of the community is almost impossible, Shoal Lake First Nations residents are very excited about the new road and the new transportation freedoms this new road will bring them.

Mr. Deputy Speaker, our government—it is our government that secured a pivotal funding agreement for Shoal Lake road, which the NDP government had years to do. Because of our government, shovels are in the ground, construction is underway, and the community will benefit from short-term job opportunities and lasting economic benefits.

The Manitoba government is pleased to participate and invest \$10 million in the Shoal Lake road project. Once completed, this 24-kilometre road will connect the Shoal Lake First Nation community in Ontario with the Trans-Canada Highway west of Falcon Lake in Manitoba and our commitment to this project is one of the ways Manitoba continues to meet its obligations to promote economic development opportunities of Shoal Lake First Nation 40. This project has been and remains a priority for our government.

Mr. Deputy Speaker, another example of our government's recognizing and demonstrating respect

for Manitoba's First Nations leadership is through the settlement of historic land claims, and in just one year we have transferred a total of 53,000 acres for the creation of new reserve land under the Treaty Land Entitlement and land claim processes.

Mr. Deputy Speaker, these areas are just some of the initiatives our government is undertaking to recognize and demonstrate respect to each of the Manitoba First Nation leadership.

Madam Speaker—or Mr. Deputy Speaker, 200 years ago a harmonious relationship existed between settlers and the indigenous peoples in our region. On July 18th, 1817, Thomas Douglas, Lord of Selkirk, and representatives of the Chipewyan and Sauteaux nations entered into a treaty commonly referred to as Treaty I of the Chief Peguis Treaty.

In 1817, indigenous leaders were seen as the legal representatives of their peoples and nations and were able to enter into treaties that would be timeless.

Many treaties followed the signing of this first treaty. The intent of the treaties were for settlers and First Nations to live in harmony, respecting each other's cultures, diversities and ways of life.

Mr. Deputy Speaker, this summer I was honoured to be asked to partake in the visit of the current Lord Selkirk to discuss and acknowledge the meaning and original intent of the treaties, this being a harmonious relationship between settlers and the indigenous peoples in the region.

Today in the Legislature, October 2017, over 200 years since the signing of the first treaty, we have a resolution before us asking us to recognize and demonstrate respect to each of the Manitoba First Nation leadership.

It is obvious to all Manitobans that our government is recognizing and demonstrating respect to each of Manitoba First Nations' leadership through our developing new frameworks for positive and productive consultations on mineral development protocols, by participating and investing in the Shoal Lake project, through prioritizing the Treaty Land Entitlement processing, working jointly with the federal government and our indigenous partners on strategies to expedite the land transfer process.

It should be obvious to all Manitobans that our government is recognizing and demonstrating respect to all Manitoba First Nations leadership. Our

government is consulting and engaging our First Nations leaders.

* (11:30)

Mr. Deputy Speaker, I find this resolution loosely worded and is not totally inclusive, having missed the Metis nation, the Ojibwe nation and the Inuit. A resolution being brought forward to ask the Legislative Assembly of Manitoba to recognize and demonstrate respect to each of the Manitoba First Nation leadership should be all-inclusive.

I'm not sure why the member opposite has not included these nations, whether it is a simple oversight or was a calculated exclusion. I hope it was just an oversight since a deliberate exclusion of these nations could only be seen as the Liberal Party's attempt to pit nation against nation and Manitoban against Manitoban. Mr. Deputy Speaker, this would have no long-term benefit for any Manitoban.

Mr. Deputy Speaker, in this resolution, not a single clause includes the Metis, Inuit or Ojibwe nation. Our government believes in inclusion of all indigenous people.

Thank you. Miigwech.

Ms. Nahanni Fontaine (St. Johns): So, first, let me begin by just acknowledging, again, my sister colleague for bringing forward her private member's resolution which seeks to give recognition to our First Nation leadership. And I appreciate the effort that was made in respect of the private member's resolution to have this discussion and to bring this discussion to the House today.

So, you know, I'm proud to say that I'm a status Indian from Sagkeeng First Nation, and, you know, super proud to be part of a signatory to Treaty 1 territory, August 3rd, 1871. It's something that our community takes very, very seriously and is very, very proud of, and something that Fontaines in particular for many years now have been ensuring that our community and all communities are well represented in respect of our rights and our inherent rights, our intrinsic rights and, certainly, our treaty rights. So I'm very proud to be able to stand up in this House and say that, and I'm very proud to be the first member of Sagkeeng here.

So, you know, when we look also at Treaty 1 territory—or Treaty 1—I think it's important to recognize, as well, that there were other communities that benefited from the negotiations and the signing of Treaty 1, and just to name just a couple of them:

Winnipeg, obviously; Brandon; Portage la Prairie; Selkirk; Steinbach; Lunda; Grand Beach; Emerson; Winkler.

Those are just a few, and I think it's really important to recognize that Treaty 1, those negotiations and that signing of that treaty was the marrying of two communities coming together, two nations coming together in respect of living on—in this territory collectively, equitably and having equal access to, you know, what these territories allow us to have, those minerals, those resources.

I'm very proud as well to be part of a former government and a party that is the first across the country to have a first legislative response in respect of the Truth and Reconciliation Commission's call to action. As everyone knows in this House, in March of 2016 we passed The Path to Reconciliation Act, something that I think that we—certainly we all can be proud of, and I'm proud to belong to a government that did that.

And I think that recognizing that in response to the Truth and Reconciliation Commission and the incredible and important work that it did, the historical work that it did as well in respect of residential schools and in honour of survivors, legislating this concept of an era of reconciliation, that we are all on this path to reconciliation, and what does that mean? Well, certainly, it means that we give respect and—to First Nation leadership.

And I will just make my comments in respect of First Nation leadership today, and I certainly don't discount some of the comments that have been made in respect of the Metis and Inuit. However, this resolution was specifically just about First Nation leadership. So I will just limit my comments in respect of First Nation leadership.

I've also had the honour—the absolute honour and privilege of actually working for our First Nation communities since 1997, when I got my first degree. My first degree is from the University of Winnipeg in environmental studies and international development. And, as soon as I graduated with my first degree, I was hired by my First Nation community as an environmental researcher. And certainly there's a lot to be said that when you work in the communities, and you get to see firsthand, actually, all of the myriad of issues, and critical and urgent issues that First Nations are dealing with—and one of the responsibilities that I had was to map out and test a lot of the mold that we have in our houses.

And I can tell you that there were certainly very, very few houses that I went to in my home community that there was not mold. And I think that, you know, that's obviously an indication in respect of First Nation housing stock. And I think the cuts—the very strategic cuts that were made in that housing stock, and in the construction of First Nation housing—so that we look, you know, all across the country—there are significant issues in housing stocks and the way that the houses were constructed. So—by that I mean, like, the flow of air through the houses. And it was a means of cutting costs so that you could, you know, maybe build more or maybe not. As most people in the House today would know, that—there are some communities that have upwards of 20 people living in a two-bedroom house.

So, when you see that first-hand, and I specifically remember this one family, this one house that I went to, and there was mould everywhere. But they had the bed pushed up against the wall. And it didn't matter where they positioned the bed—and it was the mom and the dad and a couple of kids and a baby that slept in that bed, because again, it was so overcrowded—it didn't matter where you positioned that bed. There was mould everywhere. And so that baby was getting sick. And it certainly as a mom—and I remember that my oldest son was only a couple of years old—it does break your heart to know that, you know, many First Nation families in this country, in Canada, are forced to live in overcrowded, unsafe, unhealthy houses.

So you know, I feel very, very privileged. And that was just one of the issues that we were working on. And later on I went to go work at Southern Chiefs' Organization. And in that capacity, as—I think I started out as their communications co-ordinator and then their director of justice—I really had the opportunity, and again, the privilege of working directly with First Nation leadership—with chief and council—on a variety of different issues.

And I remember actually in 2002 to 2003, with an interprovincial technical—technicians group across the country, working with chief and council, actually against a Liberal bill. It was the First Nations Governance Act. And so the Liberals were in power at that time, and if you recall the FNGA, it was a suite of legislation that—at the time, the minister was Minister Robert Nault. And the Liberals at the time were trying to jam through this, you know, suite of legislation that would have severely impacted and altered the way that we—First Nations have to report,

and actually would have made it even more stringent and more 'onious'—onus on—that's not the right word—on First Nations in respect of reporting, but also the—in respect of the way that they got their dollars from INAC.

And, actually, I remember that we—that was a technical group from across the country. And we would sit on parliament at standing committee meetings when the First Nations Governance Act would come—was to the—at the standing committee meetings. And I remember watching some Liberal members—and I won't name them—but I remember watching them that while this debate was going on in respect of the First Nations Governance Act, they were doing their Christmas cards. So they weren't even listening to the debate. They didn't even have those—some of those particular members didn't even have enough time—

* (11:40)

An Honourable Member: That was the NDP.

Ms. Fontaine: Well, actually, in fact, it was Pat Martin who was the NDP MP who actually was doing the filibuster because he was so incensed that there was this suite of legislation that the Liberal government was jamming down the throats without any consultations with First Nations across the country.

And I remember we were at Parliament at standing—in the standing committee room, it was about 4 o'clock in the morning, and I remember that here was Pat Martin, he had been talking for hours and hours and hours, trying to get some engagement from the Liberal members to see reason, or to even just look at the rule of law that you can't impose this huge suite of legislation upon First Nations without any consultations, and that was what was going on.

And so Pat Martin has a very special place in my heart because he did, I think he spoke at that time for maybe it was like 10 or 12 hours, and he was pretty exhausted and it was pretty apparent by some of the Liberal members at that time that they kind of didn't show any respect or any concern about what First Nation leadership were saying at that time about this particular legislation.

Miigwech.

Mrs. Colleen Mayer (St. Vital): I rise today to speak to Resolution 26, Recognition of Manitoba First Nation Leadership as Governors in their Own Rights. And I'd like to thank the member for

Kewatinook (Ms. Klassen) for bringing this forward, and I sincerely listened to the member for St. Johns (Ms. Fontaine). Her comments, I find, any time we are discussing indigenous issues or indigenous rights, I listen intently because every day you can learn something from others in this House. And from time to time we will not agree, or maybe more from time to time, but there is one thing that I have found with the colleagues in this room, that we can be respectful of each other and we can listen and we can learn. So thank you very much for those words that were spoken. And thank you for the member for Kewatinook for the work she does in her community, because I know for her and many others it's very important.

I'd also like acknowledge that we're gathered on Treaty 1 land, the traditional territory of the Anishinabek, the Cree, the Oji-Cree, Dakota and Dene people, and on the homeland of the Metis nation, Mr. Deputy Speaker. As an individual of Metis descent, it is great honour to stand in this Legislature today and pay my respect to Manitoba's indigenous peoples.

I have to admit however, Mr. Deputy Speaker, that although I have heard today justification of why certain individuals were not included, I was taken aback when I read the resolution at first and noted that the exclusion of Metis and Inuit people was prevalent. And for many years, Metis and Inuit have fought for their rights to be recognized alongside First Nations brothers and sisters, and to exclude us when we are talking about leadership and governance simply isn't right.

As you've heard from my colleagues before who have spoken with regards to respect and working positively with our indigenous partners, it's our commitment as a government to continue to do so and to continue to move forward. And I'm happy that today we are talking about that.

The Manitoba government is pleased to participate and invest \$10 million in the Freedom Road project. Once built, this road will connect the Shoal Lake First Nation 40 community with the Trans-Canada Highway west of Falcon Lake. Our government's commitment to this project further demonstrates how we continue to promote economic development opportunities, not only for the community of the Shoal Lake First Nation, but for our Manitoba indigenous peoples. We recognize the strong interest indigenous peoples have in participating in resource development projects and

want to remove barriers to having our indigenous communities be part of them.

As you've heard, Mr. Deputy Speaker, the current government is launching a new mineral development protocol. I had the honour of being in Norway House this summer when this announcement was made, and I wish to thank the Norway House Cree Nation chief and council, and as well as the municipal community council of elected officials for their hospitality. This new protocol will ensure that indigenous communities are involved in all aspects of mineral development and that communities share in the benefits resulting from these projects to ensure that Aboriginal and treaty rights are protected.

A mutually agreed to mineral development protocol is a significant initiative for fostering greater economic development opportunities across Manitoba's North, inclusive of generating jobs and wealth for First Nation communities.

I am happy to say that this process will advance reconciliation by fostering a respectful relationship between the Crown and indigenous peoples.

Mr. Deputy Speaker, we are committed to developing new frameworks for positive and productive consultation with our indigenous partners. Our government settled a historical land claim for the forced location of the Sayisi Dene and transferred 13,000 acres of the creation of new land. We are prioritizing the Treaty Land Entitlement process by working jointly with the federal government and our indigenous partners. This is in hopes to expedite the land transfer process. In just one year, the government transferred a total of 53,000 acres for the creation of this new reserve land under the TLE and the land claim process. And this is in comparison to the total of zero acres under the TLC process by the NDP during their last years in office. We take our obligations seriously and are making progress on TLE.

I've spent the last several years talking to individuals in our community about my heritage, as mentioned early, about learning more. There are individuals that—from—that I've crossed paths with and met with, one is the indigenous co-ordinator in Louis Riel School Division, and I also have talked to Mr. Ted Fontaine when we passed Orange Shirt Day. I have to just say that when Mr. Fontaine sees me, he always greets me with a hug, and this is a gentleman that I've met once. But when I did meet him and I shared my story about my grandfather, I cried because many of us, it's emotional, and they have

said to me, you are reclaiming what was lost to you. Now, I pushed back and said, I certainly—what does that mean, reclaiming? I don't feel like I personally have lost anything.

But as they've explained to me, because my grandfather was never allowed to talk, like many Metis people, never allowed to share their stories, talk about their families or declare that they were Metis, and so I vowed that if I ever got the opportunity to stand in this Chamber, which I have now, that I would speak as often as I could about my Metis heritage.

I wear my sash this way, Mr. Deputy Speaker, because when I checked my genealogy and I looked, I have to admit I was no surprise to a lot of people, but when I go back to my roots, my ancestry was identified as an Ojibwe Chippewa Indian woman. And I was angry because she didn't have a name, and that's very common for a lot of people, but I was angry because, you know, for the first time, it affected me personally, and I was very upset.

So I stand here and I embrace that, and when I stand here with my sash around my neck and sometimes I'm outside and I feel the breeze, that is her speaking to me and giving me strength. These are her arms around me giving me the strength to stand in this House and reclaim what I have lost, what my children have lost. It's important to me to listen, to learn and to grow. So I want to thank you very much for giving me that opportunity to do so.

Mr. Deputy Speaker, reconciliation means more than just words and gestures to me. It begins with listening, learning, understanding and relationship building. It's something I do every day in my own caucus or within the outside world of these chambers. It means taking real concrete action and moving forward in the spirit of reconciliation and true partnership.

I'd like to thank the minister of indigenous and northern affairs and her department for the respectful and collaborative strides they have made over the past 17 months, and I continue to reach out to her, to learn and grow. I truly believe that meaningful with all of our partners at the table will help to remove the barriers that we are once—that were once before our indigenous 'commutinees.'

Thank you, Mr. Deputy Speaker, miigwech, merci.

* (11:50)

Mr. Deputy Speaker: Any other speakers?

Mr. Bob Lagassé (Dawson Trail): Mr. Deputy Speaker, I'm proud to rise today and speak on this resolution.

As mentioned by the member for—sorry, I've already forgotten where you're from.

An Honourable Member: St. Vital.

Mr. Lagassé: No, no, not—Selkirk, sorry. I do know that. I just forgot completely. *[interjection]* Yes, it is. *[interjection]* Yes, it's hard to keep track.

Our government is committed to working with indigenous nations respectfully and in the spirit of reconciliation. Our commitment to meaningful reconciliation is evident by steps we have already taken after only a year in government.

We have already taken steps to ensuring sustainable, economic prosperity for indigenous peoples here in Manitoba. We are in the process of developing a new mining protocol to ensure that indigenous communities are involved in all aspects of mineral development.

Committees—communities, sorry, should share in benefits resulting from projects while ensuring that Aboriginal treaty rights are protected. This represents a tremendous opportunity for the North. By creating a framework for mutual respect at all stages of mineral exploration from grassroots exploration to mine development, we are confident in its ability to facilitate future jobs and economic opportunities for indigenous communities.

Mr. Deputy Speaker, our government has taken the steps to remedy the wrongs of the past. Only last month we signed a historic agreement with the Sayisi Dene people. *[interjection]* Sayisi—sorry—thank you. We transferred 1,300 acres of their 'ancestral' land back to the community in reparation for the 1956 relocation of the governments of Manitoba and Canada.

Indeed, Mr. Deputy Speaker, since we came to office our Cabinet has approved the transfer of interest in 42 parcels of land selected by First Nations for a total of 53,000 acres.

This compares to no land interest transfers made in the last three years of the NDP government.

We are also proud to be contributing \$10 million in the Shoal Lake Freedom Road construction which is already underway, only a 24-kilometre road between the Shoal Lake First Nation and 40 communities in Ontario with the Trans-Canada Highway west of Falcon Lake in Manitoba.

This will provide a vital lifeline to the community who will no longer have to rely on boats to reach their homes.

Monsieur, j'ai grandi dans une maison métisse. Je suis très fière de ma culture.

Ainsi, je veux demander à la députée de 'Kenuwatook'—Kewatinook (Ms. Klassen) pourquoi que dis—qu'elle a décidé de ne pas mentionner la nation métisse dans cette résolution.

Dans 2016 loi sur la réconciliation, les Métis sont reconnus comme un des peuples autochtones de Manitoba. Donc, il faut s'assurer que les Métis sont aussi inclus avec des actions qui redressent la réconciliation au Manitoba.

Translation

Sir, I grew up in a Metis household. I am very proud of my culture.

So I would like to ask the member for Kewatinook (Ms. Klassen) why she decided not to mention the Metis nation in this resolution.

In The Path to Reconciliation Act of 2016, the Metis were recognized as one of the Indigenous peoples of Manitoba. Therefore, we must ensure that the Metis are also included in actions that address reconciliation in Manitoba.

Miigwech, merci.

English

As demonstrated by our actions not mere platitudes, our government is committed to real action to improve in the lives and future of Manitoba's first peoples.

The former NDP government focused on symbolism without actions. Symbolism is, at best, meaningless and, at worst, a form of disrespect.

I think back to when I was younger, Mr. Deputy Speaker, and the family gatherings that we used to have on my grandfather's farm.

And I think how we used to all be speaking in *franglais*, as it was back then, and we would often be speaking words that we thought were French and at times we'd discover later that they were actually Metis words, words that, you know, I would later go on to speak to other people in the French community, and they'd actually stop and take a small glance at me as to exactly what I was talking about. Because—*[interjection]* Yes, thank you.

So I can remember these gathering very vividly and how we actually didn't mention a lot about the fact that we were Metis back then, because we grew up more on the European, French, Catholic end of things. So a lot of these gatherings, like I said, it just wasn't celebrated. Now that I'm getting older, and I find the value, and I've done more research into my heritage and where I've come from, Mr. Deputy Speaker, I'm excited, and I'm happy to be part of this great Metis nation.

I've recently undertook the opportunity to go and discover our family history in applying for my Metis status card and the Metis status card for my children. And the children have a rich heritage and a rich history. And as I was learning more and more about my history and heritage, I've taken a few courses through the other job that I have with Metis child and family as a specialized foster parent, and I learnt how even the Metis people were created, Mr. Deputy Speaker, and even the word Metis, and what it means.

And in those travels, I was quite surprised to find out that we just kind of didn't belong with the indigenous people. We kind of didn't belong with the French or the British. We just kind of were there, hence the word Metis, their own people. So Mr. Deputy Speaker, it's been great learning about my culture and heritage.

So, as we move forward, some of the—on this resolution, some of the quotes that others have brought forward on this particular—on things that are going on, are our organization has vision of building community capacity through the wilderness safety and intensive prospects of training programs. It will help to boost creativity to find the next big mine with our 'ancestral' lands. And that quote comes from Chief Jim Tobacco—can I ask for your help—'mosikian'?

An Honourable Member: Mosakahiken.

Mr. Lagassé: Mosakahiken Cree nation, and president—First Nations mining economic and development.

Another quote is we must work together with government to develop a protocol to meet the needs of our communities. We need to be involved as a—as nations, employees, managers, and companies, providing services and supplies. I look forward to working on this initiative. Chief Ron Evans of Norway House Cree Nation on the mineral development protocol.

And another quote is we have heard from many northerners, and this roadmap has been designed based on the dreams and aspirations of the people of northern Manitoba. I'm pleased to share this strategy that shows when indigenous peoples are engaged as partners, everyone benefits and succeeds. Successes will be shared with all Manitobans of Canada. And this quote came from Onekanew—Chief Christian Sinclair.

So, as mentioned, our government is launching a new mineral development protocol, and this protocol will ensure that indigenous communities are involved in all aspects of mineral development. Communities will share in the benefits resulting from projects while ensuring that Aboriginal treaty rights are protected. We will secure a pivotal funding agreement for Shoal Lake, as mentioned earlier.

In just one year—oh, I mentioned that. Sorry. Lost my spot a little bit.

We are prioritizing the treaty land entitlement process, working jointly with the federal—

An Honourable Member: Start from the top, Bob.

Mr. Lagassé: Start right from the top, as my colleague from Morris is saying.

We are prioritizing the treaty land entitlement process, working jointly with the federal government and our indigenous partners on strategies to 'expediate' the land transfer process. Since we came to office, as mentioned earlier, we have transferred over 42 parcels of land. Our government is taking our obligations seriously and making our progress on treaty land entitlements.

We mentioned a bit about the mineral protocol. In this protocol, we'll develop a stable and predictable consultation process that will ensure Manitoba is informed and addressed on—Manitoba is

informed and/or addressed—potential adverse effects to Aboriginal and treaty rights.

The Manitoba government is pleased to be—

* (12:00)

Mr. Deputy Speaker: Order.

When the matter is before this House, the honourable member for Dawson Trail (Mr. Lagassé) will have approximately one minute remaining.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 31, 2017

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